BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation into U S WEST Communications, Inc.'s Compliance with § 271 of those Telecommunications Act of 1996	Docket No. UT-003022
In the Matter of U S WEST Communications, Inc.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996	Docket No. UT-003040 QWEST'S POST-HEARING BRIEF RE: QWEST'S COMMERCIAL PERFORMANCE DATA AND DATA RECONCILIATION

Over the past few years, Qwest has presented evidence to the Washington Utilities and Transportation Commission ("Commission") to establish that it satisfies each aspect of Section 271 of the Telecommunications Act of 1996. Qwest has presented its form interconnection agreement or SGAT, its processes for making items on the checklist available to CLECs, its metrics for tracking performance data, and, during the April 22-23 hearing, its performance data establishing that Qwest is making each item on the 14-point checklist available to CLECs in Washington such that CLECs have a "meaningful opportunity to compete." Qwest respectfully requests that the Commission find Qwest in compliance with each aspect of the checklist contingent upon passage of the Regional Oversight Committee ("ROC") OSS test. Such a finding is appropriate based upon the overwhelming evidence presented by the Liberty

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

Consulting Group and Qwest. Even AT&T acknowledged that it had no evidence to establish that Qwest failed any aspect of the checklist. There is simply no reason to withhold judgment.

I. INTRODUCTION

Section 271 requires Qwest to open its markets to competition before the FCC can approve a Bell Operating Company's application for interLATA relief. Congress identified 14 different elements that BOC's such as Qwest must make available to CLECs before the markets would be considered open.[1] To establish that it is adequately providing each of the 14 items on the checklist, Qwest must demonstrate that:

> It has a concrete and specific legal obligation to further the [checklist] item upon request . . . and that it is currently furnishing or is ready to furnish the checklist item in the quantities that competitors may reasonably demand and at an acceptable level of quality.[2]

Qwest spent many months in workshops and before this Commission negotiating, amending and finalizing its Statement of Generally Available Terms (SGAT) to establish the first aspect of the FCC's test – the legal requirement. To establish the second requirement – providing each item on the checklist at an acceptable level of quality – Qwest presents both its commercial performance data and the ROC OSS test. However, the FCC "has always held" that a BOC's "performance towards competing carriers in an actual commercial environment is the best evidence of nondiscriminatory access to OSS and other network elements."[3]

Thus, performance data from the state of Washington is the most important evidence that Qwest is providing each aspect of the checklist to CLECs at an acceptable level of quality. When

[1] 47 U.S.C. § 271(c)(2)(B).
[2] *Bell South Louisiana Order* at ¶ 54.
[3] *Verizon Pennsylvania Order* at Appendix C, ¶ 13.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

commercial volumes are low in Washington, the Commission may look to either regional performance results, the ROC OSS test, or both to determine whether the checklist item is satisfied.

During the April 22-23 hearing Qwest demonstrated through both Washington and regional performance data that Qwest is providing interconnection, UNEs, resale and other services on the checklist to CLECs at an exceptionally high level of quality. The Commission should formally find that Qwest meets each aspect of the checklist subject to successful passage of the ROC OSS test.

II. THE COMMISSION SHOULD EVALUATE QWEST'S COMMERCIAL PERFORMANCE UTILIZING THE FCC'S ESTABLISHED LEGAL FRAMEWORK.

Over the past several years, the FCC has created a well defined body of law on how it evaluates performance data in Section 271 applications. The FCC places tremendous emphasis on PIDs negotiated through an open process, such as occurred in the ROC. The FCC concluded that when "[performance] standards are developed through open proceedings with input from both the incumbent and competing carriers, these standards can represent informed and reliable attempts to objectively approximate whether competing carriers are being served by the incumbent in substantially the same time or manner or in a way that provides them a meaningful opportunity to compete."[4] The FCC held:

> Thus, to the extent there is no statistically significant difference between a BOC's provision of service to competing carriers and its own retail customers, the Commission generally need not look any further. Likewise, if a BOC's provision of service to competing carriers satisfies the performance benchmark, the analysis is usually done.[5]

The FCC, however, has no expectation that BOC's like Qwest meet the performance objective for each and every measure. Such an expectation would be impossible. Even when statistically significant

[4] *Verizon Massachusetts Order* at ¶ 13.
[5] *Verizon Connecticut Order* at Appendix D-5, ¶ 8 (October 20, 2001).

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

differences in performance exist, the Commission may "conclude that such differences have little or no competitive significance in the marketplace."[6] Similarly, a steady improvement in performance over time indicates that problems are being resolved.[7] In such cases, "the Commission may conclude that the differences are not meaningful in terms of statutory compliance."[8] Accordingly, "a disparity in performance for one measure, by itself, may not provide a basis for finding noncompliance with the checklist."[9] Moreover, when "there are multiple performance measures associated with a particular checklist item, the Commission considers the performance demonstrated by all the measurements as a whole." Even where a BOC consistently misses the performance objective for an entire product category, the Commission may still conclude that Qwest satisfies the checklist item as a whole.[10]

Thus, the ultimate issue before this Commission is whether Qwest's overall performance on a checklist item by checklist item basis is adequate. The Commission's role is to assess all of the PIDs for each checklist item in totality and decide whether Qwest's performance is adequate. To make this determination, the FCC has always studied the four most recent months of performance data.[11] Therefore, during these hearing Qwest presented its November 2001 to February 2002 performance data, which clearly demonstrates that its overall performance meets the FCC's Section 271 standards. Unlike other BOC's that have had 271 applications granted with substantial failures in certain areas of performance, Qwest's performance data consistently shows that Qwest meets the performance standards

---

[6] *Id.*

[7] *Verizon New York Order* at ¶ 59.

[8] *Verizon Connecticut Order* at Appendix D-5, ¶ 8.

[9] *Verizon Connecticut Order* at Appendix D-5, ¶ 9.

[10] *Verizon Pennsylvania Order* at ¶ 90. Verizon consistently missed its performance objectives for high capacity loops.

[11] *See, e.g., In the Matter of Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region InterLATA Service in the State of New York,* Memorandum, Opinion and Order, CC Docket No. 99-295 ("Bell Atlantic New York Order") at ¶¶ 69, 156, 219, 221, 223, 224, 284, 300, 301 and 323 (Dec. 1999).

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

for each aspect of the competitive checklist, each product measured for each checklist item, and virtually every measure for each product on the checklist. At this point, even AT&T concedes that Qwest's reported performance data supports a finding that Qwest meets each aspect of the checklist. [12]

III. QWEST'S PERFORMANCE DATA IS "ACCURATE AND RELIABLE."

A. Liberty Consulting Audited and Reconciled Qwest's Performance Data and Found it "Accurate and Reliable."

Liberty Consulting, the independent third-party hired by the ROC to audit and reconcile Qwest's performance data, has twice concluded that Qwest's performance data is "accurate and reliable." Before reaching this conclusion, Liberty spent almost two years auditing Qwest's performance data,[13] and the last eight months reconciling various aspects of Qwest's data with that of interested CLECs.[14] Before reaching this conclusion, Liberty audited each of Qwest's performance measures.[15] As to each performance measure (PID), Liberty analyzed Qwest's process for collecting data, analyzed sample data sets, and performed independent calculations.[16] Before reaching this conclusion, Liberty reconciled over 10,000 orders, and evaluated hundreds of thousands of pages of documents.[17] Before reaching this conclusion, Liberty interviewed scores of Qwest and CLEC employees, considered numerous allegations of CLECs, in various circumstances demanded that Qwest conduct additional training, and used its professional judgment.[18] Liberty's professional judgment is based, in part, on approximately 20-25

[12] April 23, 2002, Transcript at 7110. Mr. Finnegan of AT&T testified that there are "not many cases" where "there are measures . . . standing alone . . . actually show that Qwest should fail a checklist item." In fact, AT&T did not even attempt to present any evidence that Qwest failed a checklist item. To the contrary, Mr. Finnegan also testified that "we're not saying they [Qwest] failed a or they don't demonstrate checklist compliance. *Id*. at 7110.

[13] April 22, 2002, Transcript at p. 6714.

[14] April 22, 2002, Transcript at p. 6807.

[15] Exhibit 1376.

[16] Exhibit 1376 at p. 1; April 22, 2002, Transcript at p. 6800.

[17] April 22, 2002, Transcript at pp. 6816-6819.

[18] April 22, 2002, Transcript at pp. 6816-6823.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

performance measurement audits.[19] Given the substantial breadth of Liberty's work, its conclusion that Qwest's data is "accurate and reliable" should carry great weight with the Commission.

Despite all of this work, the intervenors' biggest complaint is that Liberty should have done more. The CLECs' expectations are unrealistic. Neither AT&T, WorldCom, nor Covad presented any evidence that other BOC's have done more. To the contrary, in other BOC's applications the FCC's decisions show that AT&T had "data wars" with the applicant such as Verizon and SBC. In prior applications, AT&T argued that the BOC's performance data was inaccurate and unreliable.[20] Here, AT&T acknowledges that it has no intention of presenting its own performance data.[21] In fact, AT&T's only argument was that Liberty could have done more to verify the accuracy of Qwest's performance results. Given all of the work that Liberty described, this is hardly a basis to withhold judgment on Qwest's commercial data.

It is instructive, however, to evaluate all that Liberty did to verify that Qwest's performance data is accurate and reliable. Initially, Liberty audited each Qwest performance measure in PID version 3.0, as described in its 156 page audit report.[22] Liberty has since audited each PID added or modified to create PID version 4.0.[23] After all of this work, Liberty concluded that Qwest's data is accurate and reliable.[24]

Liberty, however, also managed the data reconciliation project. Data reconciliation started in September 2001 based upon the PIDs, products and states identified by CLECs. The CLECs, not

---

[19] Exhibit 1377 at p. 4.
[20] *Verizon New York Order* at ¶¶ 300-310.
[21] April 23, 2002 Transcript at p. 7050.
[22] Exhibit 1376.
[23] April 22, 2002, Transcript at p. 6806.
[24] April 22, 2002,Transcript at p. 6801.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

Qwest, identified those areas where it had even a scintilla of evidence that Qwest's data was inaccurate. All CLECs involved in the section 271 proceeding in Washington and throughout the region were notified of this data reconciliation opportunity. [25] Three CLECs – AT&T, WorldCom and Covad – participated in this effort.

While reviewing over 10,000 orders, Liberty identified, coincidentally, 14 issues with Qwest's performance data. As Mr. Stright of Liberty described, seven of these issues were "process oriented" and the other seven involved "human error."[26]

B. Qwest's Performance Data is now Free of the Seven Programming Errors Uncovered by Liberty in the Reconciliation.

The seven process errors, memorialized in Exception 1046 and Observations 1026, 1027, 1029, 1030, 1035 and 1038, were all rectified with programming changes.[27] In each instance, Mr. Stright testified that Liberty evaluated the code change, and evaluated data after the fact to ensure that the code change rectified the situation. Mr. Stright testified that in each instance, Qwest's performance data from November 2001 forward was free of these concerns.[28] Covad testified that it no longer had concerns about these Observations if Liberty verified the accuracy of Qwest's results, as Mr. Stright plainly said occurred.[29] Liberty even acknowledged that in several instances Qwest had already discovered and rectified the concern before Liberty found the issue.[30] Thus, these seven Observations are a vestige of the

[25] April 22, 2002, Transcript at p. 6808.
[26] April 22, 2002, Transcript at pp. 6819-6820.
[27] Exhibit 1372.
[28] April 22, 2002 Transcript at pp. 6823-6838.
[29] While Ms. Doberneck of Covad testified that Covad's concerns would be allayed if Liberty clarified that it performed such work in Records Requisition No. 7, Mr. Stright so testified upon cross-examination by Qwest. April 22, 2002 Transcript at pp. 6823-6838. Mr. Stright clarified that for Observations 1026, 1027, and 1029, he performed the requisite verification through evaluation of actual orders as requested by Covad. See Liberty's Response to Records Request No. 7, dated May 1, 2002.
[30] *See, e.g.*, Exhibit 1380 & April 22, 2002, Transcript at p. 6838.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

past as the data before the Commission is free of these issues.

C. Qwest Has Rectified, and Liberty has Closed the Seven Observations Involving Small Percentages of Human Error.

The other seven Observations identified by Liberty in the reconciliation process concern slight incidences of human error. It is with respect to these Observations that the CLECs complain Liberty should have done more to validate the efficacy of Qwest's corrective action. Liberty testified that the CLECs concerns were misguided.[31] A brief review of the issues raised in the Observations also makes this plain.

1. Liberty Validated Two Human Error Observations with an Evaluation of Data after Qwest Took Corrective Action.

Initially, two of the Observations concerning human error received the same post-remedy analysis as the programming changes. Observations 1034 and 1037 both involved historical errors that were short lived. Observation 1034 concerned an error when Qwest submitted FOCs. This error was only found in May 2001 because Qwest was transitioning to a new FOC time for xDSL loops.[32] Similarly, Observation 1037 concerned an error in May 2001 when Qwest was transitioning to a new center (the QCCC) responsible for managing coordinated cutovers throughout the region.[33] In both instances, Liberty had data in its possession to establish that Qwest corrected the concerns many months ago.

2. Liberty Closed the Remaining Five Human Error Observations Based on Liberty's Judgment that Qwest's Corrective Action would Cure the Slight Errors.

It is Observations 1028, 1031, 1032, 1033, and 1036 about which the CLECs truly complain.

[31] April 22, 2002, Transcript at p. 6814.
[32] Exhibit 1375 at p. 6.
[33] Exhibit 1375 at p. 10.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

In each of these cases, Liberty closed the Observation upon a review of training materials, interviews with Qwest employees, and upon using its own professional judgment that Qwest's corrective action would cure the issue. These training materials were substantial as Exhibits 1381C through 1386C show. In at least two instances – Observations 1028 and 1031 – Liberty found Qwest's initial corrective action inadequate, and required Qwest to do more.[34]

As Liberty testified, it identified every performance concern it found in the reconciliation no matter how small.[35] The purpose of Qwest's reporting its performance data is to provide the Commission with substantial evidence of how it is performing in the marketplace. There will always be some amount of human error. This is expected and understood. At the same time, Qwest should do what is reasonable to limit the amount of error to that expected. Liberty found that Qwest has done just that.

Observation 1028 concerns the time Qwest reported for the mean time to restore unbundled analog loops. Liberty found that Qwest had recorded a time incorrectly in 6.5% of the approximately 100 trouble tickets it evaluated. In some instances, as Mr. Stright testified, the error made Qwest's data look worse and in some instances, it tended to make Qwest's data look better.[36] The process for recording times requires a technician to record the time as he/she is performing the repair work. A "scrubber" then evaluates all of the technicians recorded times, adds them together, subtracts the "no access" time (the time the technician did not have access to the equipment needing repair), corrects any recording errors made by the technician, and then comes up with the overall "time to restore" the unbundled loop. Qwest retrained both the technicians and the scrubbers to ensure they understood how

[34] April 22, 2002, Transcript at pp. 6887-6889.
[35] April 22, 2002, Transcript at p. 6716.
[36] April 22, 2002, Transcript at 6846.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

and when to record times. In addition, Qwest instituted a new audit procedure to ensure Qwest management reviewed a certain percentage of the trouble tickets.[37] Liberty found this retraining effort and additional audit procedure sufficient to cure this issue that had only a slight impact on Qwest's reported data.

Observation 1031 was discussed at great length at the workshop and concerns interconnection trunk provisioning. This Observation concerned situations when Qwest excluded an interconnection trunk from its performance data because it determined that the customer caused the missed due date. In reality, however, Liberty verified that the order was originally held for facility reasons by Qwest and, therefore, should have been identified in the data as a missed commitment.[38] AT&T argued that this Observation gave it the most concern. AT&T also argued that Liberty should have done more before closing this Observation because 8% of "orders" were affected. The facts show otherwise. AT&T did not present any evidence that this percentage applied to all orders by CLECs. The evidence makes plain that this Observation concerns interconnection trunks only, AT&T interconnection trunks disproportionately, and less than 0.5% of orders overall. Mr. Stright testified to as much.[39] Exhibit 1374 makes this plain:

> Although Qwest's retraining efforts were completed in mid-February 2002, Qwest's historical results are accurate and reliable. This is true for several reasons. First, the concerns set forth in the Observation affected wholesale and retail results alike. Second, Qwest has performed an analysis of orders from December 2001 and January 2002 and found [the] impact to be *de minimus* for interconnection trunks, unbundled analog loops, and unbundled 2-wire non-loaded loops, the three design services involved in the data reconciliation. Third, the impact of this issue upon AT&T is disproportionately large and not representative of CLEC community as a whole. This is due to AT&T's internal process of waiting beyond the original due date to complete final test and turn up of interconnection trunks. This issue was analyzed in detail by Liberty Consulting in its Arizona report. Thus, a disproportionate percentage of AT&T's interconnection trunk orders are properly identified at some point in the history of the order as containing a Customer Caused Miss. As stated above, this Observation resulted from two facts

[37] Exhibit 1375 at p. 1.

[38] Exhibit 1372 at p. 14 & April 22, 2002, Transcript at pp. 6854-6857.

[39] April 22, 2002, Transcript at p. 6753.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

> occurring simultaneously: (1) a Qwest caused facility delay; and (2) a customer caused miss at some point in the history of the order. Thus, to the extent that a disproportionate percentage of AT&T's orders were coded as "customer caused misses," it increased the likelihood that this issue would impact AT&T interconnection trunk orders.
>
> Qwest has analyzed orders from January 2001 and found that AT&T was 1.41 times more likely than other CLECs to have a customer caused jeopardy code identified in the history of an interconnection trunk order Qwest. Similarly, in January 2002, AT&T was 1.89 times more likely than other CLECs to have a customer caused jeopardy code identified in the history of an interconnection trunk order Qwest. Thus, AT&T is almost twice as likely to experience a 1031 issue as the CLEC community at large. This data is also borne out by the fact that Qwest analyzed all . . . of WorldCom's interconnection trunk orders from the state of Colorado and did not find a single 1031 issue.
>
> Qwest has analyzed all interconnection trunk, analog loop, and 2-wire non-loaded loop orders throughout the region from the months of December 2001 and January 2002. Qwest specifically analyzed all orders excluded from performance reporting for customer caused reasons. Qwest also analyzed Feature Group D orders, the specific service the ROC determined was the retail comparative to interconnection trunks.[40] Qwest found the following: (1) this issue effected 1 of the 44,155 (0.002%) analog loops that CLECs ordered in those two months; (2) this issue effected 5 of 2,805 (0.18%) of the 2-wire non-loaded loops that CLECs ordered in those two months; and (3) this issue effected 0 of the 574 interconnection trunks (0.00%) that CLECs ordered in those two months. As stated above, Qwest also analyzed Feature Group D trunks (the retail comparative to interconnection trunks) and found this issue effected 1 of the 1,176 (.01%) Feature Group D orders in those to months. These percentages are virtually identical to the 0.3% impact found when analyzing AT&T's unbundled loop orders, the service not impacted by the AT&T provisioning concern mentioned above.[41]

This data shows that in the months of December 2001 and January 2002, this issue did not impact the reliability or accuracy of Qwest's performance data for CLEC interconnection trunk, analog loop, and 2-wire non-loaded orders anywhere in Qwest's region. Similarly, this issue did not impact the reliability or accuracy of performance data for the comparable Feature Group D orders (the retail comparable to interconnection trunk orders). This data is well within the zone of reasonableness identified by Liberty Consulting on several occasions throughout the reconciliation process. This shows why Liberty was comfortable closing Observation 1031 based on Qwest's retraining efforts and after validating that the Observation only affected orders that had a prior facility miss.

[40] Unbundled analog and 2-wire non-loaded loops do not have retail comparables.

[41] Exhibit 1375 at p. 36. This is Qwest's supplemental response to Observation 1031 provided to the Commission on

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

Observation 1032 concerns Qwest's failure, on occasion, to exclude unbundled loop orders from the average installation metric (OP-4) where the CLEC requested a longer than standard interval.[42] In the ROC, the parties allowed Qwest to exclude "[o]rders with customer requested due dates greater than the current standard interval" because this allows the Commission to evaluate how well Qwest is providing service when the standard interval is requested. Liberty found that Qwest did not exclude such orders all of the time.[43] This oversight by Qwest, however, made Qwest's OP-4 data look worse.[44] Qwest retrained its affected employees, and Liberty closed the Observation. From a pragmatic stand-point, this Observation means that Qwest's OP-4 data for unbundled loops currently before the Commission is a conservative assessment of how Qwest is providing service to CLECs in Washington today. Even with this conservatism, however, Qwest consistently meets its OP-4 objectives as Exhibit 1342 at page 11 shows.

Observation 1033 concerns instances when Qwest incorrectly recorded the "application date."[45] The application date for interconnection trunks and unbundled loops is dependant upon when the order is received. An interconnection trunk order must be received before 3:00pm or it is counted as applied for on the next business day. Unbundled loops must be received before 7:00pm or it is counted as applied for on the next business day.[46] There were times that Qwest inappropriately recorded the "application date" as the day it began working the order, even if it was received after 3:00pm or 7:00pm respectively. Although this technically violates Qwest's process, this tends to benefit the CLEC because the order is

---

April 22, 2002. The page numbers are added to the end of existing Exhibit 1375.

[42] Exhibit 1373 at p. 11.

[43] Exhibit 1359 at p. 32.

[44] April 22, 2002, Transcript at p. 6847.

[45] Exhibit 1373 at p. 12.

[46] April 22, 2002, Transcript at pp. 6848-6849.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

counted as received one day earlier.[47] Liberty closed this Observation by evaluating Qwest's training materials. This should not cause the Commission concern because this is a relatively easy mistake to fix and the error, again, tends to help the CLEC.

Finally, Observation 1036 concerns "retermination" of interconnection trunks within the central office.[48] A retermination is disconnecting an existing trunk from one trunk port in the central office and reterminating it on a different trunk port in the same central office. Historically, Qwest did not have a consistent method of tracking such orders.[49] Qwest determined and AT&T agreed that such orders should be excluded from the data as it is not provisioning a new trunk.[50] AT&T still complains about the impact of Qwest's inconsistent treatment on historical data. The unrefuted evidence in the record shows that:

> This inconsistent treatment occurred on both the wholesale side and on comparative Feature Group D Orders. Qwest has performed an analysis and concluded that in calendar year 2001, Qwest improperly included 56 CLEC re-terminations of interconnection trunks in its reported data. This was from a total of 2,820 reported interconnection trunks. The reported data throughout the region showed that Qwest met 2,537 of 2,820 (89.96%) interconnection trunk orders and the data should have showed 2,481 of 2,764 (89.76%) interconnection trunk orders. On the retail side the impact was virtually identical. The reported data showed that Qwest met 4,134 of 4,447 (92.96%) interconnection trunk orders and the data should have showed 3,935 of 4,248 (92.63%) interconnection trunk orders. The delta impact is 0.2% for CLEC data and 0.33% for comparative retail data. A copy of Qwest's analysis by state and regionally will be sent through a Data Request associated with Observation 1036. Thus, the impact on historical performance data is negligible and affects retail and wholesale data alike.

Thus, retermination orders constitute a small fraction of the total volume of trunk orders received and have no impact on Qwest's data at all. Nonetheless, to ensure that this issue is rectified, Qwest implemented a code change that was effective in mid-March, and run retroactive to recalculate December

[47] April 22, 2002, Transcript at pp. 6849.
[48] Exhibit 1372 at pp. 17-18.
[49] Exhibit 1374 at pp. 25-26.
[50] April 22, 2002, Transcript at pp. 6850.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

2001 performance data forward."[51] Thus, December 2001 data forward no longer contains this error. Liberty found that Qwest's efforts were adequate to cure this slight error.

In sum, Qwest's performance data has undergone incredible scrutiny over the last two years. Liberty has audited all aspects of Qwest's performance data and reconciled data where CLECs questioned its accuracy. In both circumstances, after the processes were complete Liberty found Qwest's performance data to be "accurate and reliable." The Commission should rely upon this conclusion, and evaluate Qwest's data now.

D. There is No Need to Withhold Judgment on Qwest's Performance Data until KPMG Exception 3120 is Closed Because the Commission will have an Opportunity to Consider it in its June 5-7 Hearing.

AT&T argues that the Commission should withhold judgment on Qwest's performance data because KPMG has issued Exception 3120, which concerns one aspect of Qwest's performance data. In its direct examination, AT&T suggested that this Observation concerned "data."[52] During cross-examination, however, it became apparent that this Observation concerns one measure (OP-4), the average installation interval, for three products, UNE-P-POTS, residential resale without a dispatch and business resale, when no technician dispatch is necessary.[53] Thus, when Qwest's Blue Charts are analyzed, it only affects 3 of the hundreds of boxes on the chart.

Most importantly, the Commission already has a hearing scheduled to address OSS issues from June 5-7. AT&T acknowledged that it will have an opportunity to address this issue during that hearing.[54] Thus, a Commission finding that Qwest's commercial data complies with the requirements of Section 271

[51] Exhibit 1374 at p. 26.
[52] April 23, 2002, Transcript at pp. 7050-7051.
[53] April 23, 2002, Transcript at pp. 7072-7073.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

will not preclude any discussion or future findings by this Commission on any aspect of Exception 3120. There is simply no reason to withhold judgment on Qwest's performance data.

IV. QWEST'S COMMERCIAL PERFORMANCE DATA SATISFIES THE REQUIREMENTS OF SECTION 271.

The second issue addressed in the April 22-23 hearing is the "adequacy" of Qwest's performance. Mr. Mike Williams presented Qwest's performance data, principally through Qwest's "Blue Charts."[55] As stated above, the FCC follows a three step test when evaluating performance data in 271 filings: (1) if Qwest meets the negotiated performance objective, the inquiry is over and the Commission need not perform any analysis; (2) if Qwest misses the negotiated performance objective, the performance miss must be competitively significant; and (3) even if the performance miss is competitively significantly, the FCC evaluates the checklist item as a whole to determine whether the miss(es) constitutes an overall miss of the checklist item. Qwest recommends that the Commission utilize this standard.[56] No CLEC advocated any different standard.

Qwest's performance to CLECs in Washington over the last several months has been outstanding. This outstanding performance has carried over to all checklist items with reported data. Specifically:

1a. Checklist Item 1 (Interconnection)

Interconnection trunks allow the mutual exchange of traffic between Qwest and CLECs. Qwest has met the ROC's performance standards for provisioning, maintaining, and repairing interconnection

---

[54] April 23, 2002, Transcript at pp. 7098-7099.
[55] Exhibits 1342-1343.
[56] Supplemental Direct Testimony of Michael G. Williams dated April 5, 2002 at pp. 13-15.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

trunks thereby keeping interconnection trunk blockage low. Qwest's November 2001 through February 2002 data shows:

- *Trunk Blockage*. Trunk blockage on CLEC interconnection trunks has been virtually non-existent, 0.08% or less, far below the ROC's 1% benchmark.[57]
- *Trunk Installation Measurements*: In Zone 1 (high density areas), Qwest met an average of 98% or more of its interconnection trunk installation commitments to CLECs, with an average interval between 12 and 17 days.[58] In Zone 2 (low density areas), Qwest met an average of 92% of its installation commitments to CLECs, with an average interval of 21.5 days.[59] When delays installing interconnection trunks occurred, the delays were short.[60] All of these installation measures have been at parity in each of the last four months. Overall, trunk installation quality has been excellent as well. Over 97.5% of the newly installed trunks did not experience any trouble within 30 days.[61]
- *Trunk Maintenance and Repair Measurements*: Qwest achieved similar success in maintaining and repairing interconnection trunks. The trouble rate for interconnection trunks has been extremely low – 0.02% (2 in 10,000 trunks) or less each month.[62] In Zone 1, Qwest cleared an average of 97% of CLEC trouble reports within four hours, an average of 89.5% of CLEC trouble reports in Zone 2.[63] In both zones, the mean time to restore interconnection service for CLECs has been at parity, and well below the 4-hour

[57] Exhibit 1338 at p. 34, NI-1A.
[58] *Id*. at 25, OP-3D, OP-4D.
[59] *Id*. at 26, OP-3E, OP-4E.
[60] *Id*. at 25-26, OP-6A-4, OP-6A-5.
[61] *Id*. at 26-27, OP-5, OP-5*.
[62] *Id*. at 31, MR-8.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

objective.[64] These results demonstrate that Qwest is repairing interconnection trunks for CLECs on a nondiscriminatory basis.

- *Qwest's Blue Chart:* The Washington Blue Chart contains 17 metrics concerning interconnection.[65] Of those, 16 were at parity in at least three of the last four months. This clearly supports checklist satisfaction. The sole remaining measure – trouble rate (MR-8) – met the ROC standard in two of the last four months, and, as described above, was less than 0.02% in each month. This is not competitively significant to CLECs in any way and no CLEC so alleged. The data unequivocally supports a finding that Qwest meets this aspect checklist item 1.

1b. Checklist Item 1 (Collocation)

Collocation allows CLECs to place equipment in Qwest central offices or other structures such as remote terminals.[66] The ROC set collocation installation intervals of 90 days when the collocation is forecasted, and 120-150 days when no forecast is provided (depending on whether major infrastructure modifications are necessary). The PIDs also set a 10-day benchmark for feasibility studies. Qwest has consistently met the ROC benchmarks as the following data shows:

- *Collocation Provisioning*: Between November 2001 and February 2002, Qwest met 100% of its collocation commitments throughout the region.[67]
- *Qwest's Blue Charts*: The Washington Blue Chart contains 8 metrics concerning

[63] *Id*. at 29-30, MR-5.
[64] *Id*., MR-6.
[65] Exhibit 1342 at p. 2.
[66] The ROC's collocation PIDs focus on central office collocations.
[67] Exhibit 1339 at pp. 33-34.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

collocation.[68] Of those, all with data meet the ROC benchmarks. The same is true of regional data.[69] The data unequivocally supports a finding that Qwest meets this aspect of checklist item 1.

2a. Checklist Item 2 (Pre-Order Information)

Pre-Order information allows the CLEC to interface with its potential end-user customers, and then to track the orders through to the provisioning process.[70] Qwest has consistently provided each of these pre-order functions to CLECs in conformance with the ROC standards. Washington performance data between November 2001 and February 2002 shows:

- *Gateway Availability/Change Management/Pre-Order Response Times/Timeouts/Firm Order Confirmations*: For all of these performance measures, Qwest consistently met either the ROC's parity or benchmark standard in each of the last four months.[71] This performance is outstanding and no-one is complaining about Qwest's performance in this area. This data shows that Qwest is providing CLECs with non-discriminatory access to its systems.
- *Qwest's Blue Charts*: The Washington Blue Chart contains 57 metrics concerning pre-order information.[72] Of those, 56 metrics were at parity in at least three of the last four months. This clearly supports checklist satisfaction. The sole measure that did not meet the standard – jeopardy notification timeliness for interconnection trunks (PO-8) – only provided two opportunities for Qwest to provide CLECs with a notification in the last four months.[73] This is

[68] Exhibit 1342 at p. 3.
[69] Exhibit 1343 at p. 3.
[70] Supplemental Direct Testimony of Michael G. Williams dated April 5, 2002 at pp. 22-30.
[71] *Id*.
[72] Exhibit 1342 at pp. 4-6.
[73] Exhibit 1338 at p. 69, PO-8.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

because, as stated above, Qwest consistently provided well over 90% of interconnection trunks to CLECs on time. Therefore, this is not competitively significant to CLECs, and no CLEC so alleged. The data unequivocally supports a finding that Qwest meets this aspect of checklist item 2.

2b. Checklist Item 2 (Flow-Through)

The flow-through PIDs measure the percentage of time that CLEC Local Service Requests (LSRs) are converted into service orders and submitted to Qwest's back-end systems without manual intervention. The flow-through PIDs measure the overall percentage of orders that flow-through for all orders (PO-2A) and for orders designed to flow through (PO-2B). AT&T complains about Qwest's overall flow-through rate.[74]

Flow-Through Performance: Qwest's overall flow-through rate continues to be diagnostic, or for informational purposes only, primarily because the FCC does not consider flow-through to be a "conclusive measure of nondiscriminatory access to ordering functions." Instead, the FCC considers it to be "one indicium among many" of Qwest's OSS.[75] The FCC recognizes that CLECs impact heavily the flow-through rates that a BOC can achieve. Efficient CLECs achieve high flow-though rates while other, less efficient CLECs have lower flow-through rates.[76] Exhibit 1354-C makes it absolutely plain that flow through rates are highly CLEC dependent with rates often varying between CLECs one-hundred fold. For these reasons, the FCC has focused less on actual flow-through rates than on whether the BOC's

[74] AT&T comments dated March 22, 2002 at pp. 6-7.
[75] *Verizon Massachusetts Order* at ¶77.
[76] *Id*. at ¶¶78, 80.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

OSS are capable of flowing orders through.[77] As a result, the ROC collaborative established benchmarks for PO-2B – LSRs eligible for flow-through – effective January 2002.[78] Qwest's performance demonstrates that its systems allow CLECs to flow through orders at rates better than the ROC standards.

- *Qwest's Blue Charts*: The Washington Blue Chart contains 12 metrics concerning flow-through.[79] Of those, 10 were above the ROC determined benchmark. The remaining two metrics contained comparatively low-volumes. However, when the regional data, which capture much higher volumes, is assessed, Qwest consistently meets and exceeds the ROC benchmarks across all categories.[80] The data unequivocally supports a finding that Qwest meets this aspect of checklist item 2.

2c. Checklist Item 2 (Billing)

Qwest tracks how timely and completely it bills for services it provides to CLECs. Qwest usually provided bills to CLECs in conformance with the ROC standards. When Qwest missed the standard, it usually meant that Qwest was making a correction to improve its wholesale bills. Qwest's Washington performance data between November 2001 and February 2002 shows:

- Qwest provided CLECs with timely access to usage records; such records were provided to CLECs in less than 3.26 days, substantially faster than the retail average of

[77] *Id*. at ¶¶77, 80.

[78] In establishing the PO-2B benchmarks, the ROC Steering Committee chose to adopt benchmarks that were about six months accelerated over Qwest's proposed schedule of phased benchmark increases. Because Qwest's propose schedule accommodated a planned phase-out of non-fatal LSR rejections, Qwest had not been excluding such LSRs from PO-2 as the PID permits. However, with the accelerated schedule, Qwest has sought and obtained agreement from ROC parties to begin excluding non-fatal LSR rejections from PO-2. Overall, this will result in higher flow through percentages.

[79] Exhibit 1342 at p. 7.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

more than fourteen days.[81] Qwest also provided switched access usage records to CLECs in a timely manner, over 97.5% of the time, above the 95% benchmark.[82] Qwest also delivered nearly all bills – over 99.93% – to CLECs within the requisite 10-day period for three of four months.[83]

- Qwest did, however, complete three substantial projects affecting billing in late 2001 or early 2002.[84] Once those corrections were made, BI-3A (billing accuracy), BI-4A (billing completeness), and PO-7 (billing completion notifications) have been at or near parity in at least three of the last four months.[85] Thus, the billing issues identified by AT&T have been rectified.

2d. Checklist Item 2 (UNE Combinations)

The FCC in its *UNE Remand Order* required BOCs such as Qwest to provision UNE-Combinations to CLECs in substantially the same time and manner as it provides equivalent service to its retail customers. Qwest has met the ROC's performance standards for provisioning, maintaining, and repairing UNE-P (both UNE-P-POTS AND UNE-P-Centrex) and EELs to CLECs in Washington. Qwest's November 2001 through February 2002 data shows:

- *Installation of UNE-P:* Qwest installed 85% of all its UNE-P orders in Washington without a technician dispatch. For UNE-P orders in that category, Qwest timely provisioned over 99% of its UNE-P-POTS orders and 97% of UNE-P-Centrex orders in

---

[80] Exhibit 1343 at p. 7.
[81] Exhibit 1338 at p. 76, BI-1A.
[82] *Id*. at 76, BI-1B.
[83] *Id*. at 77, BI-2.
[84] Supplemental Direct Testimony of Michael G. Williams dated March 8, 2002 at pp. 130-132.
[85] Exhibit 1355 at pp. 66, 78, and 79, BI-3A, BI-4A and PO-7.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

average intervals of about 2.8 days and 4.2 days respectively.[86] In the rare circumstance when delays in installations occurred, the delays were brief, and consistently at parity with retail performance.[87] Qwest installation performance was equally strong when a technician dispatch was required.

- *Repair of UNE-P*: Qwest's repair of UNE-P lines has been equally impressive. The overall trouble rate for UNE-P-POTS and UNE-P-Centrex lines has always been less than 1%.[88] When troubles occurred, Qwest resolved them efficiently. When no technician dispatch was required to clear the trouble, Qwest cleared an average of 98% of UNE-P-POTS out of service reports within 24-hours and 91.5% of such UNE-P-Centrex troubles within 24 hours.[89] The mean time to restore both types of UNE-P service was less than 6 hours when no dispatch was required.[90]
- *Qwest's Blue Chart*: AT&T attempts to make much of Qwest's performance in this area. A close inspection of the data, however, shows that Qwest's performance is strong. The Washington Blue Chart contains 60 metrics concerning UNE- Combinations.[91] Of those, 43 were at parity in at least three of the last four months and 9 had no activity at all. Of the 8 measures not dark blue, 4 were at parity in virtually every month [OP-4, MR-4, MR-7 and MR-9], one would have been dark blue if the "no trouble found" tickets had been excluded [MR-7 (no dispatch)], and one was UNE-P-Centrex trouble rate where, like

[86] Exhibit 1338 at pp. 82 and 93, OP-3C, OP-4C.
[87] *Id*., OP-6A-3.
[88] *Id*. at 89 & 100, MR-8, MR-8*.
[89] *Id*. at 88 & 99, MR-3C.
[90] *Id*., MR-6C.
[91] Exhibit 1342 at p. 10.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

interconnection trunks, the trouble rate (MR-8) is so low it could not have a competitive impact upon the CLECs. That leaves the two measures concerning EELs where volumes are so low that Qwest would have to achieve perfect performance to meet the ROC's 90% benchmark. No CLEC has complained about performance surrounding EELs. Moreover, AT&T admitted that the performance misses concerning the high volume UNE-P-POTS were slight.[92] The data supports a finding that Qwest meets this aspect of checklist item 2.

3. Checklist Item 3 (Poles, Ducts, Conduits, Rights of Way)

There are no performance measures associated with Checklist Item 3. The Commission has already found Qwest in compliance with this aspect of the checklist.

4. Checklist Item 4 (Unbundled Loops)

An unbundled loop is the physical facility that runs from Qwest's central office to the end-user's premises. Qwest tracks both installation and repair performance data for unbundled loops for eight different types of loops: (1) analog (voice) loops; (2) 2-wire non-loaded (DSL) loops; (3) ISDN Capable loops; (4) ADSL-Compatible loops; (5) 4-wire non-loaded loops; (6) DS1 Capable loops; (7) DS3 Capable loops; and (8) line shared loops. Qwest has consistently met the ROC's performance standards for provisioning, maintaining, and repairing unbundled loops. Qwest's November 2001 through February 2002 data shows:

- *Unbundled Loop Provisioning*: Qwest has consistently met a high percentage of its unbundled loop commitments to CLECs in Washington. Over the last four months, Qwest met: over 97% of analog loops in an average of 5.5 days; over 90% of 2-wire-

[92] April 23, 2002 Transcript at pp. 7080-7087.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

non-loaded loops in an average of 5 days; 100% of 4-wire non-loaded loops in an average of 9 days; 60% of DS-1 capable loops in an average of 10 days; 85% of ISDN Capable loops in an average of 7 days; 100% of ADSL Compatible loops in an average of 6-days; and over 99% of line shared loops in an average of 3.1 days.[93] Similarly, in the rare circumstances when installations were late, the delays were always at parity with equivalent retail delays. Qwest also met over 99% of coordinated cuts for analog loops and 95% or more of coordinated cuts for all other loops.[94]

- *Unbundled Loop Repair*: Unbundled loop repair has been equally impressive. Trouble rates have been low. Qwest has cleared a high percentage of troubles on time, and, as AT&T's Blue Chart shows, the need for repairs have been infrequent.
- *Qwest's Blue Chart*: The Washington Blue Chart contains 139 metrics concerning unbundled bops.[95] Of those, 66 concern loop provisioning, 67 concern loop repair, 2 concern coordinated cuts, and 4 concern loop conditioning. Of the 139 metrics, 108 met the ROC determined performance objective in at least three of the last four months, 23 had no activity at all, and only 8 had performance that caused a lighter blue on the chart.[96] This clearly supports checklist satisfaction. The Blue Chart outlines the basis for the few performance misses. The only issue debated by the CLECs in the hearing concerns line sharing repair. Mr. Williams testified that line sharing repair usually has a lower priority in the repair queue because line sharing troubles are usually only service affecting, rather

[93] Exhibit 1338 at pp. 110-111, 119-120, 127-128, 134-135, 141-142, 149-150 and 168, PO-3, OP-4.
[94] *Id*. at 163, OP-13A.
[95] Exhibit 1342 at pp. 11-13.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

than an out of service situation.[97] While this drove two months of disparity for the mean time to restore, the average restoration interval is still under 10 hours.[98] Moreover, Mr. Williams testified that Qwest has issued a process change to treat all line sharing troubles with a high priority in the repair queue to eliminate this perceived problem.[99] The data unequivocally supports a finding that Qwest meets checklist item 4.

5. Checklist Item 5 (Unbundled Dedicated Interoffice Transport)

Unbundled dedicated interoffice transport (UDIT) is the transport of calls between two central offices. Qwest tracks both installation and repair performance data for both DS1 and above DS-1 UDITs. Qwest has consistently met the ROC's performance standards for provisioning, maintaining, and repairing dedicated transport. Qwest's November 2001 through February 2002 data shows:

- *UDIT Installation*. For both DS1 and DS3 UDITs in both Zone 1 and Zone 2, Qwest met 100% of its CLEC installation commitments, with an average interval of about nine days.[100]
- *UDIT Repairs*. The overall trouble rate for UDIT facilities were low – less than 1.5%.[101] When troubles did occur, Qwest almost always cleared the trouble within the 4-hour objective.[102]
- *Qwest's Blue Chart*: The Washington Blue Chart contains 32 metrics concerning

[96] Exhibit 1342 at page 12 looks as though it has two additional metrics with concern. However, MR-7 for line sharing remains a diagnostic measure by consensus of the ROC.
[97] April 23, 2002 at pp. 6967-6968.
[98] Exhibit 1338 at p. 176, MR-6C.
[99] April 23, 2002 Transcript at p. 6968.
[100] Exhibit 1338 at pp. 181-182 and 188-189, OP-3, OP-4.
[101] *Id*. at 187 & 194, MR-8*.
[102] *Id.* at 185-86 & 192-93, MR-5.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

dedicated transport.[103] Of those, 30 met the ROC's parity objectrive in at least three of the last four months, and one other was noted in medium blue out of an abundance of caution. The only performance miss was trouble rate for UDITs above DS1 where the average trouble rate was always 2% or less. Just as with interconnection trunks, this is outstanding performance that does not harm the CLEC in the least. No CLEC has alleged harm either. The data unequivocally supports a finding that Qwest meets checklist item 5.

6. Checklist Item 6 (Unbundled Switching)

Unbundled switching is provided and measured as part of UNE-P. It is not ordered on a stand-alone basis. Thus, there are no performance measures specific to Checklist Item 6.

7. Checklist Item 7 (911, Directory Assistance, Operator Services)

Checklist Item 7 concerns three different subjects: (1) 911/E911, (2) Directory Assistance, and (3) Operator Services. Most of the measures associated with this checklist item are database updates, and therefore are parity by design. This means that CLECs obtain non-discriminatory access by definition. Qwest has consistently met the ROC's performance objectives for this checklist item. Qwest's November 2001 through February 2002 data shows:

- *911/E911*: 911 performance is measured in two ways. First, Qwest measures the amount of time to update the 911 database. This measure is "parity by design."[104] Second, Qwest installs and repairs 911 trunks. There was only one 911 trunk ordered in the last four months in Washington. Regionally, however, Qwest's performance has been consistently

[103] Exhibit 1342 at p. 14.
[104] Exhibit 1338 at p. 198, DB-1A.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

strong with 100% commitments met in virtually every month.[105] On the repair side, throughout the region, Qwest virtually every trouble on a 911 trunk within the 40-hour objective.[106]

- *DA/OS*: As to operator services and directory assistance, Qwest measures the "speed of answer," which measures the average time required for Qwest's operator and directory assistance personnel to answer calls. These PIDs are also "parity by design."[107]
- *Qwest's Blue Chart*: The Regional Blue Chart contains 16 metrics concerning checklist item 7.[108] Of those, 15 were at parity in at least three of the last four months. In addition, there are 3 party-by-design measures. The only performance miss was trouble rate for 911, where the average trouble rate was always 0.6% or less. Just as with interconnection trunks, this is outstanding performance that does not cause competitive harm to CLECs. No CLEC has alleged harm either. The data unequivocally supports a finding that Qwest meets checklist item 7.

8. Checklist Item 8 (White Page Listings)

The only PIDs for white pages directory listings are "parity by design" because Qwest processes CLEC end user listings with the same or similar systems, databases, methods, procedures, and personnel used by Qwest for its own retail end user listings. Between November 2001 and February 2002, Qwest completed electronically processed updates to the directory listings database in an average of 0.08

[105] Exhibit 1339 at pp. 207-208, OP-3.
[106] *Id*. at 211-12, MR-5.
[107] Exhibit 1338 at p 206, DA-1, OS-1.
[108] Exhibit 1343 at p. 15.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

seconds or less, with an accuracy rate of over 95.5%.[109] No CLEC has challenged this data. The data unequivocally supports a finding that Qwest meets checklist item 8.

9. Checklist Item 9 (Number Administration)

Qwest provides nondiscriminatory access to telephone numbers for assignment by CLECs to their customers. Between November 2001 and February 2002, Qwest loaded and tested 100% of CLEC NXX codes prior to the LERG effective date. This was true both in Washington and Regionally.[110] No CLEC has challenged this data. The data unequivocally supports a finding that Qwest meets checklist item 9.

10. Checklist Item 10 (Unbundled Signaling)

Qwest offers all CLECs access to, and routing over its call-related databases and associated signaling in the same manner that Qwest accesses those services itself. Qwest uses a queuing and routing system that treats all carriers alike. The sole performance measurement for this checklist item evaluates the time to update the line identification database ("LIDB"). This is also a "parity by design" measurement. No CLEC has challenged this data. The data unequivocally supports a finding that Qwest meets checklist item 10.

11. Checklist Item 11 (Number Portability)

Number portability allows customers to change carriers without changing telephone numbers. To provision number portability, Qwest must pre-set triggers for CLECs on a timely basis. Qwest has consistently met the ROC's performance standards for number portability in Washington. Qwest's November 2001 through February 2002 data shows:

[109] Exhibit 1338 at p. 207, DB-1C-1, DB-2C-1.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

- *Number Porting Data:* Qwest set over 98% of LNP triggers prior to the scheduled start time for coordinated loop cutovers, exceeding the ROC's 95% benchmark. During the same period, Qwest set over 96% of LSA triggers prior to the scheduled start time for orders not requiring loop coordination. This again exceeded the ROC's 95% benchmark.[111]

- *Washington Blue Chart:* The Washington Blue Chart contains 5 metrics concerning number portability.[112] Of those, all 5 met the ROC determined performance objective in at least three of the last four months. In addition, Qwest pre-set triggers – the most important LNP measures – in each of the last four months. The data unequivocally supports a finding that Qwest meets checklist item 11.

12. Checklist Item 12 (Dialing Parity)

There are no performance measures associated with Checklist Item 12. The Commission has already found Qwest in compliance with this aspect of the checklist.

13. Checklist Item 13 (Reciprocal Compensation)

Reciprocal compensation is made between carriers for terminating local calls on behalf of the other. Qwest has usually met the ROC's performance standards for number portability in Washington. Qwest's November 2001 through February 2002 data shows:

- *Reciprocal Compensation*: Qwest's bills for reciprocal compensation were 100%

[110] Exhibit 1338 at p. 209, NP-1A; Exhibit 1339 at p. 217, NP-1A.
[111] Exhibit 1338 at p. 211, OP-8B and OP-8C.
[112] Exhibit 1343 at p. 17.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

complete in each of the last four months.[113] Over the last two months, the bills have generally been 100% accurate as well.[114] Prior to January, however, the bills were found inaccurate because Qwest was in the process of correcting historical payment issues. In some instances, this required Qwest to pay CLECs money, and in others it required Qwest to bill the CLEC requesting additional money. It is important to restate that Qwest completed this work late last year and the metric again showed 100% accuracy in January and 99.8% accuracy in February 2002.

- *March Performance Report*: Exhibit 1355 at page 212, Qwest's March performance report, shows that reciprocal compensation bills were again 100% accurate in March. This verifies that Qwest's corrective action has cured the issue. The data unequivocally supports a finding that Qwest meets checklist item 13.

14. Checklist Item 14 (Resale)

Qwest provides resold services to CLECs in a nondiscriminatory manner. The PIDs for resale measure performance for twelve products: (1) residential lines, (2) business lines, (3) Centrex, (4) Centrex 21, (5) PBX, (6) Basic ISDN, (7) Qwest DSL, (8) Primary ISDN, (9) DS0, (10) DS1, (11) DS3 and higher, and (12) Frame Relay. The standard for resale performance is parity with retail service. Qwest is consistently achieving parity in the vast percentage of resale performance measurements in Washington. Given the small volumes for many of these services, Qwest will focus its discussion on residential POTS, business POTS, Centrex and DSL services.[115] Qwest's November 2001 through

[113] Exhibit 1338 at p. 213, BI-4B.
[114] *Id*. at 213, BI-3B.
[115] Qwest received no orders for Centrex 21, ISDN (Basic or Primary service), DS0, DS3 or Frame Relay service between

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

February 2002 data shows:

- *Resale Provisioning*: Qwest provisions a vast percentage of all resold orders without requiring a technician dispatch. For residential POTS, Qwest met an average of 99.86% of its CLEC installation commitments in an overall average installation interval of 2.03 days.[116] For business POTS, Qwest met 100% of its CLEC installation commitments in an average installation interval of 2.2 days or less.[117] For Centrex, Qwest met 100% of its CLEC installation commitments in an average interval of less than 4 days.[118] For DSL, Qwest met 100% of its CLEC installation commitments in an average of 8.3 days.[119] When provisioning of these resold services required a technician dispatch, Qwest also performed well.
- *Resale Repair*. The trouble rate (MR-8) for each of these four has been extremely -- always less than 1.3% -- small once "no trouble found" reports are excluded. For resold residential POTS service, Qwest cleared an average of 88% of all out-of-service situations in 24-hours, and 99% of all troubles within 48 hours.[120] For resold business POTS service in October, Qwest cleared an average of 96% of all out-of-service

---

November 2001 and February 2002, in Washington. 3,373 (89%) of the total resold orders received over these same four months were for residence POTS, 139 (3.7%) were for business POTS, 123 (3.2%) were for Centrex and 122 (3.2%) were for DSL. Twelve (0.3%) PBX orders and ten (0.26%) DS1 orders were received for these same four months.

[116] Exhibit 1338 at p. 216, OP-3C, OP-4C.

[117] *Id*. at 227, OP-3C, OP-4C.

[118] *Id*. at 238, OP-3C, OP-4C.

[119] *Id*. at 285-286, OP-3C, OP-4C.

[120] *Id*. at 219-222, MR-3 & MR-4.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

situations in 24-hours, and 98% of all troubles within 48-hours.[121] For resold Centrex service, Qwest cleared an average of 96.26% of all out-of-service situations in 24 hours, and 98% of all troubles were cleared in 48-hours.[122] Finally, Qwest had only one trouble report for resold DSL service between November 2001 and February 2002, which was cleared in two minutes.[123]

- *Qwest's Blue Chart*: The Washington Blue Chart contains 261 metrics concerning resale.[124] Of the 261 metrics, 148 met the ROC performance standard in at least three of the last four months, 99 had no activity at all, and only 14 had performance that caused a lighter blue on the chart. This clearly supports checklist satisfaction. The Blue Chart (Exhibit 1342) outlines the basis for the few performance misses. The CLECs did not complain about Qwest's performance in this area. The data unequivocally supports a finding that Qwest meets checklist item 14.

V. CONCLUSION

Liberty Consulting has repeatedly found Qwest's performance data to be "accurate and reliable." The Commission can therefore rely upon the performance data Qwest presented at the April 22-23 hearing. The data shows consistent strong performance across all aspects of the 14-point checklist. Qwest respectfully requests that the Commission find Qwest in compliance with all aspects of the 271 checklist contingent upon passage of the ROC OSS test.

---

[121] *Id*. at 230-233, MR-3 & MR-4.

[122] *Id*. at 241-244, MR-3 & MR-4.

[123] *Id*. at 290, MR-3D, MR-6D.

[124] Exhibit 1342 at pp. 19-22.

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040

RESPECTFULLY SUBMITTED this 6th day of May, 2002.

By: ___*/Charles W. Steese/*_____
Charles W. Steese, Esq.
STEESE AND ASSOCIATES, P.C.
6400 South Fiddlers Green Circle, Suite 1710
Denver, CO 80111
Phone: (720) 200-0677
Fax: (720) 200-0679

Lisa Anderl, WSBA # 13236
Qwest
1600 7th Avenue, Room 3206
Seattle, WA 98191
Phone: (206) 398-2500

Qwest
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 398-2500
Facsimile: (206) 343-4040