

**BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation into
U S WEST Communications, Inc.'s
Compliance with § 271 of the
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

**AT&T'S RESPONSE TO QWEST'S SUMMARY OF CLOSED/UNRESOLVED
OBSERVATIONS AND EXCEPTIONS IN THE ROC OSS TEST**

Introduction

These comments are in response to Qwest's Summary of Closed/Unresolved Observations and Exceptions in the ROC OSS Test.¹ As an initial matter, Qwest misrepresented under what conditions an Observation or Exception would be closed in an "unresolved" status. Qwest states that the parties to the Regional Oversight Committee ("ROC") test of Qwest's Operational Support Systems ("OSS") "agreed that Qwest would be permitted to request that any Observation or Exception be closed in an "unresolved" status when Qwest determined that further modification and testing would not be productive."² The parties to the ROC test did not give Qwest the authority to deem further modification and testing as non-productive and thus, close the Observation

¹ Before the Washington Utilities and Transportation Commission, In the Matter of the Investigation into U S WEST Communications, Inc.'s Compliance with §271 of the Telecommunications Act of 1996, Docket No. UT-003022 and 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 Summary of Closed/Unresolved Observations and Exceptions in the ROC OSS Test ("Qwest Summary") April 30, 2002.

² Qwest Summary, p. 2.

or Exception as unresolved. The exact language on having an Observation or Exception closed with an unresolved status is as follows:

Because of the potential extended time involved in retesting activities, it may not always be possible or practical to retest all activities within the scope of this test. At the conclusion of the test, there may be some Observations that remain unresolved. These Observations will be closed by the issuing vendor, given a status of Closed – Unresolved by the TA, and will become subject to standard regulatory dispute resolution procedures, independent of the test.

During discussion of the Disposition Report on the O&E call, Qwest, the ROC or the TAG may question or dispute the reason for closure. If agreement on any changes can be made on the call then the Disposition Report will be rewritten and re-released, and the TA will assign the Exception a status of Closed – Resolved. If an impasse is reached then the TA will assign a status of Closed – Unresolved, and the Exception will become subject to standard regulatory dispute resolution procedures at the end of the test.³

Qwest inappropriately implies that the ROC OSS test process agrees that productivity is a criterion for deciding if an Observation or Exception should be closed/unresolved and that Qwest makes that judgment. In fact, the ROC OSS process for Observations and Exceptions provides Qwest with no special ability to have an Observation or Exception assigned a closed unresolved state. Any party can request that an Observation or Exception be assigned a status of closed/unresolved. The ROC Observation and Exception process also identifies the criteria for closing an Observation or Exception as closed/unresolved as the length of retesting activities, whether or not retest is possible and the practicality. Whether or not retesting or modifications would be productive is not one of the identified criteria.

³ Qwest OSS Evaluation, Observation and Exception Process Version 3.0, p. 4.

The status of Observations and Exceptions greatly influence KPMG Consulting's findings with respect to the OSS test evaluation criteria and whether or not KPMG Consulting finds Qwest's meets those evaluation criteria. In its summary, Qwest attempts to mitigate the impact of the Observations and Exceptions in a closed/unresolved status by stating that "KPMG evaluated a total of 545 test points with defined success criteria. Qwest successfully satisfied the vast majority of these test points and KPMG found that (sic) only nine not satisfied at the test's conclusion."⁴ KPMG Consulting described the counting of satisfied and not satisfied evaluation criteria as dangerous and encouraged the parties not to do it. Specifically, KPMG Consulting stated:

I'll give my normal speech that I always give. Not all evaluation criteria are weighted equally. Playing the numbers game of counting up [satisfied evaluation criteria] and [not satisfied evaluation criteria] and all that stuff is a very dangerous thing to do and I would encourage you not to do that. We could find ourselves in a situation at the end of this test where we have one not satisfied in the entire report and could kill competition. We could have the situation in this report where we had 25 [not satisfied] and everything is just fine.⁵

The Commission should look at the closed/unresolved Observations and Exceptions individually and it should not be influenced by the total number of evaluation criteria that KPMG Consulting found had been satisfied.

⁴ Qwest Summary, p. 4. (Footnote omitted.)

⁵ Weeks, Transcript, Qwest OSS Vendor Technical Conference, March 4, 2002, p. 15, ls. 1 – 11.

Closed/Unresolved Observations and Exceptions – Test 12 Pre-Order, Ordering Functionality and Performance.

Exception 3061

In this exception KPMG Consulting found that Qwest was not meeting the benchmark for the provision of non-flow-through FOCs for resale PBX services. The PID requirement for the provision of non-flow-through FOCs for resale PBX trunks is 90% within 48 hours.⁶ KPMG Consulting found that Qwest failed to meet the benchmark standard on both the initial test and the retest.

There is very little resale PBX activity in the state of Washington. Over the last four months, there have been only five resale PBX orders installed in Washington.⁷ These five orders would include both flow-through and non-flow-through orders. In contrast, during the ROC OSS test, there were 52 non-flow-through resale PBX service orders submitted. Because of the much higher volumes, the results from the ROC OSS test provide a better indication of Qwest's ability to process resale PBX orders than does the Washington commercial data.

In responding to the initial findings of KPMG Consulting Qwest admitted that the resale PBX orders “were initially routed to the incorrect work group for processing.”⁸ In its response to the failed retest, Qwest stated “the SDC did not understand that a cancellation notice was required in addition to processing the cancellation request.”⁹ The KPMG Consulting findings and Qwest's response to them indicate that the Qwest representatives that process resale PBX orders do not know how to properly complete the

⁶ Service Performance Indicator Definitions (PID), ROC 271 Working PID Version 4.0, October 22, 2001, p. 16.

⁷ Qwest Performance Results, Checklist Format, Washington, May 2001 – April 2002, May 16, 2002, OP-3A, OP-3B and OP-3C pp. 256 – 257.

⁸ Exception 3061, Qwest Initial Response, October 16, 2001.

⁹ Exception 3061, Qwest Supplemental Response, December 6, 2001.

required tasks. The Commission should find that in the absence of significant volume of commercial resale PBX activity in Washington, ROC OSS test results demonstrate that Qwest does not have the capability to provide CLECs with resale PBX services in a manner that provides a CLEC a meaningful opportunity to compete.

Qwest's comments in agreeing to a status of closed/unresolved for this exception attempt to change the focus from its failings in processing resale PBX orders by arguing that when the very low volume resale PBX results are mixed in with hundreds or thousands of other resale orders that Qwest meets the benchmark. In its summary, Qwest makes the same arguments that the Commission should ignore its failure on the low volume PBX orders and focus on its performance on the thousands of other resale FOCs.¹⁰ In its summary, Qwest also identifies that it failed both the initial test and the retest for PBX orders. Qwest's mathematical manipulations of the data do not hide the fact that an independent third party found Qwest's processing of resale PBX orders inadequate. AT&T recommends that this Commission come to the same conclusion.

Exception 3086

In this exception KPMG Consulting found that Qwest was provisioning UNE-P services where the installation did not require a dispatch across all regions and business resale services in the eastern region, in a discriminatory manner. Qwest will install the large majority of UNE-P orders without the need for a dispatch. For CLECs, the UNE-P service is a competitively significant service. For Qwest to take a statistically significantly longer time to install CLEC UNE-P orders than the analogous retail orders can harm competition. Customers that value the speed of installation will tend to chose Qwest over the CLEC's competitive offer.

KPMG Consulting's test finding confirms that discriminatory practices will produce discriminatory results. The discriminatory practice that creates the discriminatory result is that Qwest's standard interval for virtually all UNE-P POTS orders is three business days.¹¹ In contrast, many retail POTS orders where the installation does not require a dispatch can have a standard interval of the next business day.

Not surprisingly, KPMG Consulting found in the test that Qwest was installing UNE-P services in about three days and Qwest was installing the equivalent retail service in about two days. Qwest asserted in its request to close this exception as closed/unresolved that, "commercial results for OP-4C beginning with March 2002 data will validate that the average installation interval for non-dispatch wholesale orders is in parity with Qwest's retail comparative."¹² In fact, Qwest's commercial results once more confirm Qwest's discriminatory provisioning of UNE-P orders that do not require a dispatch. Qwest's latest Washington results show inferior treatment in the time to provision UNE-P services in the three of the last four months of reported data and statistically significant differences in three of the last five months.¹³ Qwest's failure of the ROC test and Qwest's poor performance as demonstrated by the most recent commercial results should permit the Commission to comfortably conclude that Qwest has failed to demonstrate compliance with checklist item 2.

¹⁰ Qwest Summary, p. 5 – 7.

¹¹ Qwest Communications, Service Interval Guide for Resale and Interconnection Services, April 18, 2002, pp. 10 – 11.

¹² Qwest Response to Exception 3086, April 19, 2002.

¹³ Qwest Performance Results, Checklist Format, Washington, May 2001 – April 2002, May 16, 2002, p. 81, OP-4C.

Test 16 – CEMR Functional and Performance Evaluation
Exception 3107

In its comments on this Exception, Qwest attempts to divert attention away from its failure to meet the benchmark standard for non-design edit transactions response by focusing on the repair transactions for which it met the benchmark standard. Qwest also attempts to mitigate the KPMG Consulting findings of failure to meet the benchmark standard with its own “home grown” test results. Qwest’s attempts to divert attention away from the failure and to substitute independent, third-party test results with its own results do not hide the fact that Qwest failed to meet the agreed upon benchmark for the non-design edit transaction.

Qwest agreed to the testing of the non-design edit transaction and agreed to the 24 second benchmark. For Qwest to now take the “sour grapes” approach and assert that there are few non-design edit transactions is disingenuous. The non-design edit transaction was significant enough that Qwest included that functionality in CEMR. The non-design edit transaction was significant enough that Qwest agreed that it should be included in Test 16. Only now when Qwest has failed to meet the benchmark standard for non-design edit transactions does it call into question the significance of the functionality. If Qwest had concerns about the significance of the non-design edit transaction, the proper time to raise those concerns would have been when the test was being designed; not after Qwest has failed the test.

As to Qwest’s attempts to substitute its “home grown” non-design edit transaction data for KPMG Consulting’s ROC OSS test data, AT&T urges the Commission to dismiss that data for the same reasons as KPMG Consulting did. When presented with Qwest’s internally developed non-design edit transaction data, it stated:

The approach taken by Qwest to conduct three internally administered tests is inconsistent with the methodology set forth and agreed upon by the ROC TAG. As defined in the document *ROC M&R Volume Recommendation*, version 4.7, October 9, 2001, the ROC TAG agreed to a third party test conducted by KPMG Consulting. Furthermore, there are no provisions in the *Master Test Plan* for consideration of Qwest-administered tests. KPMG Consulting concluded that the difference of three seconds between the benchmark and Qwest's performance is statistically significant and constitutes an unsatisfactory result.¹⁴

If Qwest truly believed that the initial test was an “anomaly” and that a retest would improve its non-design edit transaction results, then Qwest should have had KPMG Consulting perform the retest.¹⁵ Time was certainly not an issue. Qwest requested the Exception be closed as unresolved on February 21, 2002. At that point in the test, it was known that the OSS testing would not be completed until mid-March at the earliest. That provided sufficient time to complete a retest. Qwest also had the time to conduct three of its own internal retests. Rather than take the time, effort and expense to perform three internal retests, it would have been more appropriate for KPMG Consulting to have performed one independent retest. The Commission should be suspicious of Qwest's internally produced data given that Qwest had the opportunity for KPMG Consulting to conduct an independent retest.

Exception 3055

This exception calls into question the accuracy of Qwest's reported maintenance and repair results. It concerns KPMG Consulting's findings that Qwest personnel were inaccurately assigning disposition and cause (“D/C”) codes to CLEC trouble reports. D/C codes are necessary to determine who caused the trouble to occur (i.e. the CLEC, the

¹⁴ Exception 3107 Disposition Report, February 26, 2002.

¹⁵ Qwest Summary, p. 10.

customer, Qwest or some other party) and what was the cause of the trouble. KPMG Consulting concluded that “[i]ncorrect closeout codes could distort performance results that are reported to regulatory agencies and others.”¹⁶

KPMG Consulting found in its initial test that Qwest personnel were improperly assigning D/C codes over 38% of the time. After Qwest claimed it had instituted corrective actions and KPMG Consulting conducted a retest, Qwest personnel were found to be incorrectly applying D/C codes on over 11% of the trouble reports. In its final statement concerning this exception KPMG Consulting stated that, “KPMG Consulting reaffirms its response of 01/17/2002 and believes that the results of the retest still constitute an unsatisfactory result.”¹⁷

It should be noted that in observation 1028 Liberty Consulting found similar problems with Qwest personnel inaccurately applying D/C codes to trouble reports. In observation 1028, Liberty Consulting concluded, “[w]hile Liberty expects that the renewed focus on methods and procedures should work to reduce the error rate in MTTR, it cannot substantiate those effects at this time.”¹⁸

Two separate auditors found problems with how Qwest was assigning D/C codes to trouble tickets and neither auditor was able to conclude that the frequency with which Qwest was making D/C code errors had reached acceptably low levels. The two separate findings of problems with the accuracy of Qwest’s maintenance and repair results and Qwest’s choice to not take any corrective actions suggests that Qwest’s reported maintenance and repair results are unreliable and not to be trusted.

¹⁶ Exception 3055 Disposition Report, February 7, 2002, p. 2.

¹⁷ Exception 3055 Disposition Report, February 7, 2002, p. 2.

¹⁸ Observation 1028 Disposition Report, March 1, 2002, p. 1.

Testing Environment Deficiencies

Exception 3077

KPMG Consulting found some very serious deficiencies with Qwest's EDI testing environment. The FCC described the requirement for a testing environment as follows:

Competing carriers need access to a **stable testing environment** to certify that their OSS will be capable of interacting smoothly and effectively with Bell Atlantic's OSS, as modified. In addition, prior to issuing a new software release or upgrade, the BOC must provide a **testing environment that mirrors the production environment** in order for competing carriers to test the new release. If competing carriers are not given the opportunity to test new releases in a stable environment prior to implementation, they may be unable to process orders accurately and unable to provision new customer services without delays.¹⁹ (emphasis added)

In summary, the FCC requires that the BOC provide CLECs with a stable testing environment that mirrors the production environment. KPMG Consulting found that the, "IMA EDI SATE [Stand Alone Test Environment] does not provide sufficient testing capabilities for CLECs prior to connecting to Qwest's production systems."²⁰ KPMG Consulting also found:

Certain limitations in the IMA EDI SATE were identified, including the following:

- **SATE does not generate post-order responses in the same manner as they are created in the production environment.**
- **Flow-through orders are not supported in SATE, even though these types of orders will be processed in the production environment.**
- **The volume of order responses supported in SATE is restricted due to manual response handling.**
- **The data contained within the order responses is not consistent, and may not mirror the data that would be found in production responses.**

¹⁹ *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*, CC Docket No. 99-295, Memorandum Opinion and Order, FCC 99-404, released December 22, 1999, ("BANY Order"), ¶ 109.

²⁰ Exception 3077, Disposition Report, April 15, 2002.

“A limited or insufficient testing environment could delay the timely implementation of a CLEC’s IMA EDI release. Also, problems could arise in the production environment that may have otherwise been avoided if SATE more closely mirrored the production environment. These factors could increase a CLEC’s operating expenses as a result of additional time required to ensure the functionality of the systems, and could inhibit revenues if testing delays hinder a CLEC’s ability to service its customers.”²¹

Simply stated, KPMG Consulting found that Qwest’s test environment was not stable and it did not mirror its production environment. Qwest provided responses to the four main limitations that KPMG Consulting identified. In those responses, Qwest indicated that it would be making improvements in an attempt to remedy the deficiencies. One of the limitations was that SATE did not generate post-order responses in the same manner as they are created in the production environment. Qwest created Virtual Interconnect Center Knowledge Initiator (“VICKI”), a new system addition to Qwest’s SATE, to address to address this deficiency. KPMG Consulting’s assessment of VICKI is as follows:

One of the identified issues was that VICKI does not support “real world scenario testing.” Without this capability, KPMG Consulting does not believe that VICKI provides CLECs an understanding of how different types of transactions will react in the production environment. Although VICKI helps CLECs to understand the EDI mapping structure and to determine if their systems can accept certain types of responses for the orders submitted, by design, it does not support complete interface testing capabilities. KPMG Consulting considers the real world scenario testing an essential element to a complete EDI testing environment.²²

²¹ Exception 3077, Disposition Report, April 15, 2002 (emphasis added).

²² Exception 3077, Disposition Report, April 15, 2002.

KPMG Consulting found Qwest's remedial efforts insufficient. Therefore, the failure of Qwest to generate post-order responses that mirror the production environment still exists.

The second limitation was that flow-through orders were not supported in SATE. While Qwest promised to add the ability to process flow-through orders to SATE, because Qwest chose to accept this exception as closed/unresolved, KPMG Consulting reached the following conclusion:

However, until the proposed enhancements are fully implemented, KPMG Consulting does not believe that the current test environment provides a CLEC with an accurate representation of the production environment's flow through capabilities. Based on its review and the timeline for implementation, KPMG Consulting was unable to assess this proposed SATE enhancement.²³

Since Qwest has not fully implemented the ability to process flow-through orders in SATE and KPMG Consulting has not evaluated the enhancement, the Commission should consider this limitation current.

The third limitation is that "[t]he data contained within the order responses is not consistent, and may not mirror the data that would be found in production responses."²⁴

While Qwest claimed to have addressed that limitation, KPMG Consulting found:

KPMG Consulting was only able to observe limited commercial activity for SATE and only prior to the implementation of the VICKI and flow through enhancements. KPMG Consulting was unable to determine whether or not SATE produced consistent post order responses that accurately reflected the behavior and content expected for the same transactions in the production environment.²⁵

²³ Exception 3077, Disposition Report, April 15, 2002.

²⁴ Exception 3077, Disposition Report, April 15, 2002.

²⁵ Exception 3077, Disposition Report, April 15, 2002.

This exception is somewhat different from the ones discussed above. In those observations and exceptions the closed/unresolved status was assigned because Qwest and KPMG Consulting had a difference of opinion on the meaning and significance of KPMG Consulting's findings. In this exception, it appears Qwest chose to have it with a closed/unresolved status so it would not have to undergo scrutiny of its purported fixes by KPMG Consulting. As previously discussed, this exception covers a very significant deficiency. It should greatly concern the Commission that in one breath Qwest proclaims it has fixed all the SATE problems and in the next breath requests that KPMG Consulting "lay down its tools" and not evaluate the effectiveness of the purported fixes.

AT&T recommends that the Commission make a finding either of non-compliance with checklist item 2, or of compliance with checklist item 2 conditional upon KPMG Consulting finishing its evaluation of Qwest's purported SATE fixes and KPMG Consulting concluding that all of the identified deficiencies have been corrected.

Exception 3095

In this exception, KPMG Consulting identifies Qwest's failure to have all products supported by its EDI test environment. KPMG Consulting stated, "Qwest's Interconnect Mediated Access (IMA) Electronic Data Interchange (EDI) Stand Alone Test Environment (SATE) does not offer CLECs testing capabilities for all Qwest products offered in production."²⁶ In responding to the identified deficiencies, Qwest's fundamental arguments were: 1) CLECs could request additional products be added to the SATE capabilities through the CMP process and 2) the interoperability process would be an acceptable substitute for testing products that were not included in SATE. KPMG

²⁶ Exception 3095, December 11, 2001.

Consulting rejected both arguments. KPMG Consulting found, “the process for adding new functionality to SATE is onerous and untimely for a CLEC expecting to test unsupported functionality during its EDI implementation.”²⁷ In response to Qwest’s opinion that the interoperability environment was an acceptable substitute for SATE, KPMG Consulting expressed its disagreement with that opinion as follows:

KPMG Consulting stated that the use of the Interoperability environment for testing products not currently supported in SATE did not sufficiently address the issues raised in this Exception. Several limitations had been identified regarding the Interoperability environment in Exception 3029. Additionally, Qwest had stated that it would only invest resources to further develop SATE, and that SATE would overcome the deficiencies of Interop as a testing environment. Based on these facts, KPMG Consulting did not believe that Interop provided CLECs with a suitable alternative for testing products not supported in SATE.²⁸

This exception was assigned a status of closed/unresolved at the request of Qwest. The “closed/unresolved” status of Exceptions 3077 and 3095 resulted in KPMG Consulting reaching a conclusion of “Not Satisfied” for the evaluation criteria of “A functional test environment is made available to customers for all supported interfaces.”²⁹ As with Exception 3077, AT&T recommends that the Commission make a finding of non-compliance with checklist item 2, or compliance conditional upon KPMG Consulting finishing its evaluation of Qwest’s purported SATE fixes and KPMG Consulting concluding that all of the identified deficiencies have been corrected.

²⁷ Exception 3095, Disposition Report, April 11, 2002.

²⁸ Exception 3095, Disposition Report, April 11, 2002.

²⁹ Qwest Communications, OSS Evaluation, Draft Final Report (“Draft Final Report”), Version 1.0, April 19, 2002, p. 587.

Exception 3109

This exception concerns the deficiencies of Qwest testing environment for the maintenance and repair interface. KPMG Consulting described the deficiency as, “Qwest’s Mediated Access Electronic Bonding and Trouble Administration (MEDIACC-EBTA) End-to-End testing lacks a complete testing environment.”³⁰ In the testing of the EBTA maintenance and repair interface a CLEC must have its transactions processed through Qwest’s production systems. KPMG Consulting identified two problems with Qwest’s approach. The first is that, “By using the LMOS production mainframe for CLEC testing purposes, Qwest does not provide CLECs with a test environment that is completely separate from the production environment.”³¹ The second problem of using production systems in a test environment is that it, “limits certain test scenarios, as there are particular circumstances in which Qwest is not able to prevent services from being dispatched.”³² Because of these problems, KPMG Consulting concluded, “the Qwest EBTA testing environment does not provide CLECs with a true representation of how transactions will function and respond in Qwest’s EBTA production environment.” Consequently, Qwest’s testing environment for EBTA would fail the FCC’s requirement that Qwest provide CLECs with a stable testing environment that mirrors the production environment.³³

KPMG Consulting rejected Qwest’s attempts to mitigate the impact of the problems that KPMG Consulting identified. As a result of the continuing deficiencies in Qwest’s EBTA testing environment, KPMG Consulting found that Qwest had “Not

³⁰ Exception 3107, January 22, 2002.

³¹ Exception 3107, Disposition Report, March 19, 2002.

³² Exception 3107, Disposition Report, March 19, 2002.

³³ BANY Order, ¶ 109.

Satisfied” the evaluation criteria that, “[c]arrier-to-carrier test environments are available and segregated from Qwest production and development environments.”³⁴ AT&T recommends that the Commission either find non-compliance with checklist item 2 or withhold any finding of compliance with checklist item 2 until KPMG Consulting has found that Qwest has developed an adequate test environment for the EBTA maintenance and repair interface.

CONCLUSION

KPMG, as well as other vendors, have identified some very serious deficiencies that still exist within Qwest’s OSS. Unlike exceptions and observations that identified problems that were solved during the testing process, allowing the vendors to close the observations and exceptions with a “resolved” status, Qwest has chosen to close as unresolved those observations and exceptions discussed herein. Although Qwest may have done so because it believes that the FCC will deem the problems identified in those observations and exceptions as insignificant, AT&T disagrees with that belief and believes that Qwest has taken this approach simply to avoid further testing and further delay in making its Section 271 applications. AT&T requests that the Commission take these unresolved observations and exceptions very seriously, and to carefully analyze whether it agrees with the ROC professional vendors that the problems identified and not yet fixed may have a significant impact on the emerging competitive marketplace.

³⁴ Draft Final Report, p. 604.

Respectfully submitted this 20th day of May, 2002.

**AT&T COMMUNICATIONS OF THE
PACIFIC NORTHWEST, INC.,
TCG SEATTLE AND TCG OREGON**

Mary B. Tribby
1875 Lawrence Street, Suite 1575
Denver, Colorado 80202
Telephone: (303) 298-6508