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 QWEST CORPORATION'S PERFORMANCE DATA FOR WASHINGTON [May 2001 - April 2002]

Qwest Corporation ("Qwest") hereby provides the Washington Utilities and Transportation Commission ("the Commission") with a summary of its commercial performance in the state of Washington from May 2001 through April 2002. The FCC has made clear that "the most probative evidence of nondiscriminatory access to interconnection and UNEs is actual commercial usage."[1] Qwest focuses primarily on the latest four months of commercial performance data in this document and its companion demonstrative exhibit because the FCC considers four months of data when assessing a 271 application. This will allow the Commission to evaluate Qwest's performance in the exact same manner

[1] Verizon Mass. 271 Order at ¶12 (April 16, 2001).

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as the FCC. The data shows that Qwest continues to provide interconnection, unbundled network elements (UNEs), and resale to CLECs in a nondiscriminatory manner throughout the state of Washington.

I. EXECUTIVE SUMMARY

A. Overview

Parties to the ROC workshops negotiated performance measurements (PIDs) and, in virtually every circumstance, the expected level of performance that would provide CLECs with a meaningful opportunity to compete in the marketplace. Under the ROC performance measurements, adequate performance is determined in one of two ways: (1) parity with retail; or, (2) where no retail analog exists, by meeting a performance objective or "benchmark." When a retail analogue exists, the FCC requires that Qwest serve CLECs in "substantially the same time and manner" as Qwest provides the analogous service to retail customers. In ROC workshops, parties agreed upon statistical methods to determine when performance is substantially similar.[2] Thus, if Qwest's retail performance is better than wholesale performance, the Commission must look at the statistical result to determine whether the disparity is statistically significant. If it is not statistically significant, there is no concern. When the PID has an associated performance benchmark, there is no concern when Qwest achieves the benchmark.

A detailed review of the data makes it very clear that Qwest continues to provide every element of the competitive checklist to CLECs at a high level of quality. Actual performance data from May 2001 through April 2002 in Washington is attached as *Exhibit 1* on a checklist basis. Moreover, to establish that Qwest can provision/repair checklist items that have had small or no volume in Washington, Qwest's also attaches its regional actual performance data from May 2001 through April 2002 as *Exhibit 2*. The regional data provides powerful additional support that Qwest provides each aspect of the checklist at an

[2] Under the statistical standards the ROC adopted, if the Z score is higher than +1.645, retail performance is better than wholesale performance by a statistically significant margin. The same is true if the parity score is a positive number. The two statistical methods generally work together meaning that when the Z score is higher than 1.645, the parity score usually will be a positive number, indicating that retail performance exceeds wholesale performance by a statistically significant margin. The parity score (rather than the Z score) should be used for evaluating parity when there is a smaller sample size. (See Exhibit 7, at pages 4-5 appended to the "Qwest November 2000-October 2001" performance data filing.)

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acceptable level of quality. Attached as *Exhibit 3* is a table correlating the pages of the checklist-item-formatted Washington data reports (*Exhibit 1*) on a PID-by-PID basis, as previously requested by the Commission. Attached as *Exhibit 4* is the "Summary of Notes" on the Qwest Regional Performance Results corresponding to Qwest's January 2002- April 2002 data report. The summary is compiled by Qwest and disclosed on a public web site to document for Commissions, CLECs, and any other interested party, the actions taken by the ROC or internally by Qwest with regard to particular PIDs. Attached as *Exhibit 5* is the ROC's 271 Working PID Version 4.1 (dated April 25, 2002)[3], which explains each element that is measured, the purpose of the measurement, the measurement standard and formula, and report exclusions.

B. Qwest's Actual Performance Meets 271 Objectives

The attached performance results show that Qwest is providing interconnection, collocation, access to UNEs, emerging services, number portability, resale, and the remaining checklist items in a manner that is either "substantially the same as" Qwest provides to its retail operations, or in a manner that provides "efficient CLECs with a meaningful opportunity to compete."[4] In particular:

- **Interconnection:** Between January 2002 and April 2002, Qwest met an average of 97.4% of its installation commitments to CLECs for interconnection trunks, at parity with retail performance for Qwest's Feature Group D trunks (the agreed upon retail analogue). The average installation interval over these same four months was 18 days, also at parity with retail performance for three of the last four months. The overall trouble rate remained extremely small – 0.02% or less. When troubles did occur, Qwest cleared an average of 96.1% of those few trouble reports within four hours over the last four months, again at parity with retail performance. As always, blockage on CLEC trunks was well below the benchmark of 1%, at 0.04% or less each month for the last four months.
- **Collocation:** Between January 2002 and April 2002, Qwest met 100% of its installation

[3] PID Version 3.0 (dated May 31, 2001) was attached as Exhibit 3 to Qwest's Performance Data for Washington [July 2000-June 2001] filed September 7, 2001 (the Qwest July-June Filing"). PID Version 4.0 (dated October 22, 2001) was attached as Exhibit 6 to Qwest's Performance Data for Washington [November 2000-October 2001] filed on December 28, 2001 (the "Qwest November-October Filing").

[4] These are the verbatim standards set by the FCC. Where retail parity exists, Qwest must provide service to CLECs "in substantially the same time and manner." This is managed in the PIDs through use of statistical methodology. Where no retail analog exists, Qwest must provide an "efficient competitor a meaningful opportunity to compete." The ROC has set benchmarks in those situations that the ROC collectively determined would give CLECs a meaningful opportunity to compete.

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commitments for collocation in Washington, irrespective of whether the collocation had an associated 90-day, 120-day, or 150-day interval. Qwest also completed 100% of its feasibility studies on a timely basis and in an average of 9.1 days, easily meeting both ROC benchmarks.

- **UNE-P:** Between January 2002 and April 2002, Qwest provisioned both reported categories of UNE-P -- UNE-P-POTS and UNE-P-Centrex – at an extremely high level of quality. For UNE-P-POTS, Qwest provisioned an average of 99.3% of the orders on time irrespective of whether the orders required a technician dispatch. For non-dispatched orders, the largest percentage of orders, Qwest met an average of 99.7% of its installation commitments to CLECs in an average installation interval of 3.4 days. Of the UNE-P-POTS circuits in service, less than 1% experienced trouble each month. When trouble did occur, Qwest resolved CLEC out of service troubles on average 94.63% of the time within 24 hours, at parity with restoration of equivalent Qwest retail service. The mean time to restore service was also at parity with restoration of equivalent Qwest retail service. For UNE-P-Centrex, over these same months Qwest provisioned on average 90.9% of the circuits on time, irrespective of whether the orders required a technician dispatch. For dispatched orders, the largest percentage of orders, Qwest met an average of 88.9% of its installation commitments to CLEC, at parity with equivalent Qwest retail service. Of the UNE-P-Centrex circuits in service, less than 0.8% experienced trouble each month. When trouble did occur, Qwest always resolved 100% of CLEC out of service troubles within 24 hours when no technician dispatch was required and an average of 93.8% of such troubles when a dispatch was required. The mean time to restore troubles on UNE-P-Centrex lines was also consistently at parity with restoration of equivalent Qwest retail service.
- **Loops**: Between January 2002 and April 2002, Qwest's performance was outstanding in provisioning all types of unbundled loops; however, because analog loops (voice loops) and 2-wire non-loaded loops (DSL loops) account for more than 87.9% of all CLEC loops in service, Qwest will discuss those here. Between January 2002 and April 2002, Qwest provisioned an average of 99% of analog loops on time and an average of 98.4% of 2-wire non-loaded loops on time, both besting the ROC 90% benchmarks in an average interval well below the ROC's 6-day benchmark. For both types of loops, Qwest's installations were always trouble-free more than 97.9% of the time. For all coordinated cutovers, whether they were analog loops or some other type of loop, Qwest always provisioned in excess of 99% of the cutovers on time, exceeding the ROC benchmark and far exceeding that deemed acceptable by the FCC in New York. Unbundled loop repair was equally impressive as Qwest always cleared more than 99.5% of out of service troubles experienced on analog and 2-wire non-loaded loops within the 24-hour objective.
- **Number Portability**: Between January 2002 and April 2002, Qwest completed its work in provisioning number portability in excess of 98.6% of the time irrespective of whether a Qwest loop or CLEC loop was the underlying facility involved. This performance

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exceeds the 95% benchmark set in the ROC. Moreover, an average of 99.98% of the 39,077 numbers ported in Washington over the last four months were disconnected on a timely basis.

- **Resale:** Between January 2002 and April 2002, an extremely high percentage of resale orders were provisioned without a technician dispatch. In such circumstances, Qwest met an average of over 99.4% of its CLEC installation commitments for resold residential and business customers, 98.4% for Centrex customers and 100% for Centrex 21, PBX and DSL customers. For all six types of resold service, CLECs always experienced a trouble rate less than 1.5% each month for the last three months. With respect to maintenance and repair, for each class of service discussed, whether dispatches were required or not, Qwest cleared an average of 93.3% of residence out of service troubles within 24 hours and over 94% of business, Centrex, PBX or DSL out of service troubles within 24 hours, usually at parity with equivalent Qwest retail service.

C. Liberty's DATA Reconciliation Provides Ongoing Further Validation of Qwest's Performance Data

In September 2001, the Liberty Consulting Group concluded its audit of Qwest's performance measurements and concluded that Qwest's performance data "accurately and reliably report actual Qwest performance." The Commission may therefore confidently rely on the performance results in assessing the quality of interconnection, resale and access to UNEs. Nonetheless, to provide the Commission with even greater confidence in Qwest's performance data, the ROC retained Liberty Consulting to reconcile performance data for all interested CLECs. Three CLECs – AT&T, WorldCom and Covad – asked Liberty to reconcile data on a few of Qwest's performance measurements. These CLECs focused exclusively on unbundled loop, line-sharing, and interconnection trunk performance. Given that Liberty had already audited Qwest's performance measurements and found them accurate and reliable, to participate in the reconciliation the ROC required CLECs to come forward with evidence showing that Qwest's performance data was inaccurate.

The reconciliation process began in September 2001 and concluded in April 2002. During the process, Liberty issued seven Data Reconciliation Reports, each based on a detailed order-by-order review of various records. In total, Liberty has analyzed well over 10,000 orders. These reports describe Liberty's detailed review of performance data from the states of Arizona, Colorado, Nebraska,

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Oregon, Utah, Minnesota and Washington.[5] Liberty has concluded that the reconciliation process is an on-going project. During its review, Liberty issued one Exception and thirteen Observations to Qwest's performance data, all of which have since been closed. In its final report, Liberty concluded that "on the basis of its audit and data reconciliation work that has spanned nearly two years, and on the resolution and corrections of the matters addressed in the eighty-four Observation and Exception reports that it has issued, Liberty believes that Qwest's performance reporting accurately and reliably report Qwest's actual performance." Moreover, in a February hearing in Colorado, Liberty testified that Qwest's performance data "is much more accurate and reliable than would be any of the CLECs to evaluate."[6] Liberty Consulting also testified in the state of Washington, which allowed the Commission to hear first hand the views of an independent party with respect to the accuracy of Qwest's performance data. Liberty testified that Qwest's performance measures "accurately and reliably report on their actual performance."[7]

Qwest's audited and reconciled performance results demonstrate that the Commission can confidently rely on Qwest's performance data to evaluate whether Qwest satisfies section 271 of the Act. This data shows that Qwest is providing interconnection, UNEs, and services to competing carriers in substantially the same time and manner as Qwest provides to itself, and in a manner that allows an efficient CLEC a meaningful opportunity to compete as required by Section 271. A copy of Liberty's final Data Reconciliation Report, which includes a detailed review of performance data from the states of Utah and Minnesota, is attached as *Exhibit 6*.

D. Evidentiary Standards

The FCC places tremendous emphasis on PIDs negotiated through an open process, such as

[5] Liberty issued two Data Reconciliation Reports from the state of Colorado. The CLECs, not Qwest, determined the states, products and PIDs to be reconciled. The Washington, Arizona, Nebraska and Colorado reports were filed on March 8, 2002 as Exhibits 7, 8, 9, 10 and 11 to the testimony of Michael Williams. The Oregon report was filed on April 5, 2002 as Exhibit 7 to the testimony of Michael Williams. The Utah and Minnesota report, the final Liberty Data Reconciliation Report, is attached as Exhibit 6.

[6] Colorado Data Reconciliation Transcript at page 120 (Jan. 29, 2002) (testimony of Mr. Bob Stright of Liberty Consulting).

[7] Washington State Transcript in Docket No. UT-003022/UT-003049, Vol. XLVII, 4/22/02 at pages 6858-6859, lines 25 and 1.

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occurred at 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."[8] 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.[9]

Even when statistically significant differences in performance exist, the Commission may "conclude that such differences have little or no competitive significance in the marketplace."[10] A steady improvement in performance over time indicates that problems are being resolved.[11] In such cases, "the Commission may conclude that the differences are not meaningful in terms of statutory compliance."[12] Moreover, when "there are multiple performance measurements associated with a particular checklist item, the Commission considers the performance demonstrated by all the measurements as a whole. Accordingly, a disparity in performance for one measurement, by itself, does not usually provide a basis for finding noncompliance with the checklist."[13]

Thus, the ultimate issue before this Commission is whether Qwest's overall performance on a checklist-item-by-checklist-item basis is adequate. The FCC has made clear that when performance metrics are negotiated, ILECs such as Qwest need not meet the negotiated standards 100% of the time to satisfy Section 271. This would be a virtual impossibility. The Commission's role is to assess all of the PIDs for each checklist item in totality and decide whether the performance is adequate. Moreover,

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[8] *Verizon Massachusetts Order* at ¶13.

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

[10] *Id.*

[11] *Verizon New York Order* at ¶59.

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

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

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when evaluating a 271 application, the FCC has always studied the four most recent months of performance data.[14] Qwest, therefore, describes its January 2002 to April 2002 performance data, which demonstrates that its overall performance meets the FCC standard for Section 271. Moreover, given the voluminous nature of Qwest's performance data (*see Exhibits 1 and 2*), Qwest has created a demonstrative exhibit that mirrors the FCC's standard for evaluating performance data. This exhibit, which has become known as Qwest's "Blue Chart," allows the Commission to quickly evaluate Qwest's performance on a checklist-item-by-checklist-item basis consistent with the FCC's approach. In addition, the Blue Chart identifies the specific performance measurements where Qwest has missed its performance objective in more than one of the most recent four months. Qwest's Blue Chart for Washington is attached as *Exhibit 7* and the regional Blue Chart is attached as *Exhibit 8*.

Exhibits 9 through 13 are attached in response to paragraphs 16 and 17 of the Commission's Twenty-seventh Supplemental Order. These exhibits identify "each instance where Qwest failed to meet the parity or benchmark standard". *Exhibit 9* identifies each specific PID where the performance objective was missed in more than one of the last four months in Washington, based on the May 2001 - April 2002 data report. *Exhibit 10* identifies each specific PID where the performance objective was missed only in January 2002. *Exhibit 11* identifies each specific PID where the performance objective was missed only in February 2002. *Exhibit 12* identifies each specific PID where the performance objective was missed only in March 2002. And *Exhibit 13* identifies each specific PID where the performance objective was missed only in April 2002. Qwest includes a narrative as to why the company failed to meet the specific measure and identifies the steps taken to ensure future compliance as part of its detailed discussion of checklist performance data below.

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[14] *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).

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II. DETAILED DISCUSSION OF CHECKLIST PERFORMANCE DATA

A. Checklist Item No. 1: Interconnection/Trunk Blockage/Collocation

1. Interconnection

Interconnection trunks allow the mutual exchange of traffic between Qwest and CLECs. Qwest has continued to meet the ROC's performance standards for provisioning, maintaining, and repairing interconnection trunks thereby keeping interconnection trunk blockage low.

Trunk Blockage. Between January 2002 and April 2002, trunk blockage on CLEC interconnection trunks to Qwest tandem offices has been virtually non-existent, 0.03% or less, far below the ROC's 1% benchmark. Exhibit 1 at 34, NI-1A. Trunk blockage on CLEC interconnection trunks to Qwest end offices was equally insignificant, 0.04% or less, far below the ROC's 1% benchmark. *Id.*, NI-1B.

Trunk Installation Measurements. In Zone 1 (high-density areas), Qwest met an average of 98.2% or more of its interconnection trunk installation commitments to CLECs between January 2002 and April 2002, with an average installation interval of approximately 17 days. Both of these measurements were at parity with retail results between January 2002 and April 2002. *Id.* at 25, OP-3D, OP-4D. In Zone 2 (low-density areas), Qwest met an average of 95.1% of its installation commitments to CLECs between January 2002 and April 2002 with an average installation interval of 20.9 days, both performance measurements were at parity with retail results for three of the last four months. *Id.* at 26, OP-3E, OP-4E. Delays incurred installing interconnection trunks between January 2002 and April 2002 continued to be rare; however, when they did occur in either zone, Qwest's performance was at parity with comparable delays for retail customers. *Id.* at 25-26, OP-6A-4, OP-6A-5. None of the newly installed trunks in March and April 2002 experienced any repair trouble within 30 days. *Id.* at 26-27, OP-5, OP-5*.

Trunk Maintenance and Repair Measurements. Between January 2002 and April 2002, Qwest continued to achieve 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

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month. *Id.* at 31, MR-8, MR-8*. In Zone 1, Qwest cleared an average of 97.6% of CLEC trouble reports within four hours between January 2002 and April 2002. *Id.* at 29, MR-5A. In Zone 2, Qwest cleared an average of 89.5% of CLEC trouble reports between January 2002 and April 2002. *Id.* at 30, MR-5B. In each instance for both zones, these wholesale results were at parity with Qwest's retail performance. *Id.* at 29-30, MR-5A, MR-5B. In both zones, the mean time to restore interconnection service to CLECs has been at parity with retail performance between January 2002 and April 2002 and was less than the 4-hour objective for three out of four months. *Id.*, MR-6D, MR-6E. These results demonstrate that Qwest is providing interconnection trunking to competitors on a nondiscriminatory basis.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Qwest missed the performance objective for one metric in February - the trouble rate on interconnection trunks (MR-8) and one metric in March - the average installation interval in Zone 2 (OP-4E).

Qwest missed the performance objective for the trouble rate on interconnection trunks in February. *Id.* at 31, MR-8, MR-8*. MR-8 measures the percentage of troubles that all of the interconnection trunks in service in the entire state of Washington experience in a given month. Qwest compares this measurement for CLECs against data for Feature Group D trunks. This is the retail comparable set by the ROC for this measurement. Thus, Qwest is meeting its performance standard if CLECs and retail customers alike experience a "substantially similar" percentage of troubles.

This "retail parity" standard is evaluated using statistical analysis in order to determine whether observed differences are significant or merely explained by the normal variability inherent in the performance. To analyze the statistics, Qwest utilizes two forms of statistical tests, both of which are accepted by the ROC and consistent with those used in 271 applications approved by the FCC. Specifically, these are the modified Z test and the permutation/proportion tests. The modified Z test considers performance at parity if it generates a score equal to critical value, typically 1.645, or less. For convenience, the parity score indicates performance is at parity if it is less than 0.0. Conversely, if the parity score is 0.0 or greater, the observed difference is considered to be statistically significant. Where sample sizes are relatively small, such as 100 orders or less per month, a permutation test (for

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measurements reported as intervals) or proportions test (for measurements reported as percentages) more accurately represents the variability of the performance in determining statistical significance. As with the modified Z test, the parity score compares the observed difference with the adjusted critical value and, again, indicates that performance is at parity when the parity score is less than 0.0.

The overall trouble rate on interconnection trunks for CLECs in February was 0.02%. *Id.* That means that two of 10,000 trunks in service experienced trouble. The retail result for feature group D trunks was 0.01%. *Id*. For every reported month, the CLEC trouble report rate has been 0.03% or less, which clearly constitutes excellent performance. This is a case where the Commission should determine that a CLEC can easily compete with a 0.02% trouble rate; therefore, this miss for a single month does not pose any problems. Qwest met the parity standard between January 2002 and April 2002 for all remaining six repair PIDs for interconnection trunks. *Id.* at 29-31, MR-5A, MR-6D, MR-7D, MR-5B, MR-6E, MR-7E.

The average installation interval for CLECs in Zone 2 was 24.36 days in March. *Id.* at 26, OP-4E. The comparable installation interval for retail Feature Group D trunks was 17.92 days. *Id*. This was the only month over the last seven months, when this metric was not at parity with retail performance. *Id*. Because Qwest met 100% of its installation commitments to CLECs in Zone 2 in March, Qwest views this miss as anomalous. *Id*., OP-4E.

In summary, none of the sixteen individual PIDs relating to interconnection trunk installation, repair and blocking failed to meet the parity standard for more than one month between January 2002 and April 2002. *Id.* at 25-31 and 34, OP-3D, OP-4D, OP-6A-4, OP-3E, OP-4E, OP-6A-5, OP-5, MR-5A, MR-6D, MR-7D, MR-5B, MR-6E, MR-7E, MR-8, NI-1A, NI-1B.

2. Collocation

Collocation allows CLECs to place equipment in Qwest central offices or other structures such as remote terminals.[15] In response to two collocation decisions from the FCC, the ROC significantly revised the collocation PIDs it originally developed. The revised PIDs set installation intervals of 90 days when

[15] The ROC's collocation PIDs focus on central office collocations.

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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.

Between January 2002 and April 2002, Qwest's collocation performance has been perfect. In Washington, Qwest has met the 90-, 120-, and 150-day installation benchmarks, with average intervals substantially shorter than the ROC set benchmark. *Id.* at 32, CP-1A, CP-1B, CP-1C. In every instance, Qwest also completed 100% of its installation commitments on time. *Id.* at 32-33, CP-2B, CP-2C.

Collocation has two measurable components: installations and feasibility studies. Feasibility studies are completed in the first 10 days of the installation interval and require Qwest to inform CLECs whether the requisite central office contains adequate space and power to meet the CLECs request. Between January 2002 and April 2002, Qwest reported that it met the collocation feasibility obligations 100% of the time in Washington. *Id.* at 33, CP-4. This performance far exceeds the ROC's 90% benchmark. Qwest also provided these feasibility studies in ten or less days each month, besting the ROC's 10-day performance benchmark in three out of the last four months. *Id.*, CP-3.

In summary, Qwest met its performance objective for all 23 checklist one performance metrics associated with interconnection and collocation for three out of the last four months between January 2002 and April 2002. *Id.* at 25-34, OP-3D, OP-4D, OP-6A, OP-3E, OP-4E, OP-6A-5, OP-5, MR-5A, MR-6D, MR-7D, MR-5B, MR-6E, MR-7E, MR-8, CP-1A, CP-1B, CP-1C, CP-2B, CP-2C, CP-3, CP-4, NI-1A, NI-1B. As set forth above, the isolated interconnection trunk performance misses in February and March are aberrations. The Commission should find that Qwest has satisfied checklist one performance requirements.

B. Checklist Item No. 2: Access to Unbundled Network Elements

In its prior orders on section 271 applications, the FCC has discussed access to OSS and UNE Combinations under checklist item two. The FCC has also demanded that, in the absence of significant commercial volumes, BOCs must subject their OSS to third party testing – and successfully pass such

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tests – prior to obtaining section 271 approval. Hewlett-Packard, the Pseudo-CLEC, tested Qwest's OSS, with KPMG Consulting serving as Test Administrator. A hearing to discuss the OSS Test is currently set for June 5-7, 2002.

1. OSS

Qwest's OSS is a combination of the systems, databases, personnel and documentation that are integral to pre-ordering, ordering, provisioning, maintenance and repair, and billing of facilities and services to CLECs. In its first performance data filing, Qwest described each of these aspects of OSS in detail.[16] Here, Qwest will simply describe its last four months of actual performance results.

Gateway Availability. The gateway availability PIDs measure the percentage of time the systems for interfacing with Qwest's computer network are available to CLECs. The ROC benchmark for all interfaces requires availability 99.25% of the time. Between January 2002 and April 2002, Qwest consistently exceeded the 99.25% benchmark for all seven gateway systems: IMA-GUI, IMA-GUI Fetch-n-Staff; IMA-GUI Data Arbiter; IMA-EDI; EB-TA; EXACT; and GUI Repair interfaces. *Id.* at 36-37, GA-1A, GA-1B, GA-1C, GA-2, GA-3, GA-4, GA-6.

Pre-Order Response Times. The ROC PIDs require Qwest to measure the time it takes its computer network to respond to various CLEC requests for information. For the IMA-GUI and EDI interfaces, the PIDs assess the time it takes CLECs to schedule appointments, inquire about service availability times, conduct facility checks, validate addresses, get CSRs, make telephone number ("TN") reservations, and provide loop qualification information. The PIDs separately track the time it takes CLECs to receive the requested screen and the time it takes Qwest to respond after the CLEC submits the request.[17] The PIDs then aggregate those times and apply benchmarks ranging from 10 to 25 seconds.

Between January 2002 and April 2002, Qwest's pre-order response performance has been

[16] See Qwest July-June Performance Data Filing at pages 20-22.

[17] In addition, through March 2001 results, there was an "accept" screen for some transactions (Appointment Scheduling and Telephone Number Reservation), for which Qwest also reported the time to produce the screen indicating that Qwest's systems have successfully received the CLEC's request.

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outstanding. Qwest uniformly met every aggregate pre-order response time benchmark each month. *Id.* at 39-50, PO-1A-1 Total, PO-1A-2 Total, PO-1A-3 Total, PO-1A-4 Total, PO-1A-5 Total, PO-1A-6 Total, PO-1A-7(b), PO-1A-8(b), PO-1C-1, PO-1B-1, PO-1B-2, PO-1B-3, PO-1B-4, PO-1B-5, PO-1B-6 Total, PO-1B-7, PO-1B-8, PO-1C-2. This excellent performance helps to ensure that CLECs can provide customers with a high quality, initial customer experience.

Electronic Flow-Through. The flow-through PIDs measure the percentage of time that CLEC Local Service Requests (LSRs) are converted into service orders recognized by Qwest's systems and "flowed-through" to Qwest's back-end systems without manual intervention. More specifically, the flow-through PIDs measure the overall flow-through rates for all orders (PO-2A) and the flow-through rates for orders that are designed to flow through (PO-2B).

In the past, all of Qwest's flow-through PIDs were diagnostic, primarily because the FCC does not consider flow-through to be a "conclusive measure of nondiscriminatory access to ordering functions, but as one indicium among many of the performance measures" of Qwest's OSS.[18] The FCC recognizes, and Qwest's data shows, 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.[19] For these reasons, the FCC has focused less on actual flow-through rates than on whether the BOC's OSS are capable of flowing orders through.[20] In January 2002, however, in recognition that Qwest must be capable of flowing orders through, the ROC collaborative established benchmarks for flow-through eligible orders.

Qwest's performance results demonstrate that Qwest met the four new ROC benchmarks for electronic flow through rates for eligible LSRs sent through the IMA-GUI for POTs Resale, Unbundled Loops, Local Number Portability ("LNP") and UNE-P POTS orders each month between January 2002 and April 2002. *Id.* at 51-54, PO-2B-1. Qwest's flow-through rates for eligible LSRs sent through the

[18] *Verizon Massachusetts Order* at ¶77.

[19] *Id.* at ¶¶78, 80.

[20] *Id.* at ¶¶77, 80.

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IMA-GUI were over 90% for POTs Resale each month (*Id.* at 51, PO-2B-1), besting the ROC's 90% benchmark; over 71% each month for Unbundled Loops (*Id.* at 52, PO-2B-1), besting the ROC's 70% benchmark; over 96% each month for LNP (*Id.* at 53, PO-2B-1), besting the ROC's 90% benchmark; and over 75% each month for UNE-P-POTS (*Id.* at 54, PO-2B-1), besting the ROC's 75% benchmark.

Qwest also met the new ROC benchmarks for electronic flow-through rates for all eligible LSRs received via IMA-EDI for Unbundled Loops and Local Number Portability ("LNP") orders each month between January 2002 and April 2002. *Id.* at 52-53, PO-2B-2. Qwest's flow-through rates for eligible LSRs sent through the IMA-EDI were over 73% each month for Unbundled Loops (*Id.* at 52, PO-2B-2), besting the ROC's 70% benchmark; and over 96% each month for LNP (*Id.* at 53, PO-2B-2), besting the ROC's 90% benchmark.

The electronic flow-through rates for all eligible LSRs received via IMA-EDI for POTS Resale was 100% in March besting the ROC's 90% benchmark and 75% in April due to one missed order. *Id*. at 51, PO-2B-2. Less than 0.5% of all eligible LSRs received between January and April 2002 for POTS Resale were received via IMA-EDI. *Id.* at 54, PO-2B-1, PO-2B-2. The electronic flow-through rates for all eligible LSRs received via IMA-EDI for UNE-P POTS exceeded the ROC's 75% benchmark in March and was 69.39% in April. *Id.* at 54, PO-2B-2. 26.3% of all eligible LSRs received in April for UNE-P POTS were received via IMA-EDI. *Id.* at 54, PO-2B-1, PO-2B-2.

***LSR Rejections*.** There are times when CLECs do not adequately complete LSRs, generating an "LSR Rejection." For the IMA-GUI and EDI interfaces, the ROC PIDs require Qwest to track the length of time it takes Qwest to submit LSR rejection notices to CLECs. The PIDs set benchmarks in hours for manual rejections and in seconds for electronic rejections.

For the IMA-GUI and EDI interfaces, Qwest met the 12-hour (manual) and 18-second (electronic) benchmarks for LSR rejections each month between January 2002 and April 2002. *Id.* at 55, PO-3A-1, PO-3A-2, PO-3B-1, PO-3B-2. Qwest also uniformly met the 24-hour LSR rejection benchmark for manual and IIS each month between January 2002 and April 2002. *Id.* at 56, PO-3C.

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Thus, in each instance Qwest uniformly surpassed the ROC's benchmarks for LSR rejections.

Firm Order Confirmations. Qwest submits and measures the percentage of Firm Order Confirmations (FOCs) Qwest sends to CLECs on time for various products and services. FOCs identify the due date by which CLECs should expect to receive the requested service. Between January 2002 and April 2002, Qwest submitted over 99% of FOCs on time each month for POTS Resale orders processed electronically through both the IMA-GUI and EDI interfaces, easily surpassing the 95% benchmark. *Id.* at 58, PO-5A-1(a), PO-5A-2(a). The same is true for orders processed manually, in whole or in part. In every circumstance, Qwest submitted over 96% of these FOCs on time, besting the 90% benchmark. *Id.* at 58-59, PO-5B-1(a), PO-5B-2(a) & PO-5C-(a).

Qwest's performance with respect to orders for unbundled loops was also outstanding. For orders submitted electronically through either interface, for those processed in part manually, and for orders submitted completely on a manual basis, Qwest always returned over 98% of these orders on time. Thus, Qwest far surpassed the ROC's 90% and 95% benchmarks. *Id.* at 60-61, PO-5A-1(b), PO-5A-2(b), PO-5B-1(b), PO-5B-2(b) & PO-5C-(b).

In each month between January 2002 and April 2002, Qwest also met the 90% or 95% ROC benchmarks for FOCs on time for local number portability (LNP). Qwest always processed in excess of 98% of these orders on a timely basis, irrespective of whether the LSRs were processed electronically, in part manually, or on a complete manual basis. *Id.* at 62-63, PO-5A-1(c), PO-5A-2(c), PO-5B-1(c), PO-5B-2(c) & PO-5C–(c).

Finally, between January 2002 and April 2002, Qwest timely processed over 88% of all FOCs for interconnection trunks each month, besting the 85% benchmark. *Id.* at 64, PO-5D. Thus, in each instance Qwest uniformly surpassed the ROC's benchmarks in processing FOCs for CLECs.

Jeopardy Notifications. When it becomes evident that Qwest might not meet an expected due date for the provision of a product or service, Qwest submits a jeopardy notification.

For non-designed services, unbundled loops and UNE-P-POTS, between January 2002 and April 2002, Qwest submitted jeopardy notices to CLECs in a manner at parity with retail performance

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each month. *Id.* at 66-67, 69, PO-8A, PO-8B, PO-8D. The percentage of timely jeopardy notices to CLECs for non-designed services, unbundled loops and UNE-P-POTS has also been at parity with retail performance each month between January 2002 and April 2002. *Id.*, PO-9A, PO-9B, PO-9D. Finally, for interconnection trunks there is very little data in Washington. Only eight notices have been issued between January 2002 and April 2002. *Id.* at 68, PO-8C, PO-9C. Regionally, Qwest submitted jeopardy notices to CLECs at parity with Qwest retail performance between January 2002 and April 2002. *Exhibit 2* at 69, PO-8C. The percentage of timely jeopardy notices provided to CLECs has consistently been at parity with retail performance. *Id.*, PO-9C.

Access to Centers. Qwest measures the access that both CLEC and Qwest customers have to Qwest centers. PID OP-2 measures the percentage of calls to Qwest's provisioning center that were answered within 20 seconds. Between January 2002 and April 2002, over 95% of all CLEC calls were answered within 20 seconds. *Exhibit 1* at 74, OP-2.

Similarly, PID MR-2 measures the percentage of calls to Qwest's repair center that were answered within 20 seconds. Over 84.4% of the wholesale calls were answered within 20 seconds. *Id.*, MR-2. The results for both of these measurements were at parity with retail performance. *Id.*, OP-2, MR-2.

Billing. Qwest tracks how timely and completely it bills for services it provides to CLECs. Between January 2002 and April 2002, Qwest provided CLECs with timely access to usage records each month. Such records were provided to CLECs in less than 2.75 days, substantially faster than the retail result. *Id.* at 75, BI-1A. Qwest also provided switched access usage records to CLECs in a timely manner, over 97.5% of the time each month between January 2002 and April 2002, besting the 95% benchmark. *Id.* at 75, BI-1B. Qwest also delivered nearly all bills – over 99.9% – to CLECs within the requisite 10-day period for three of four months, between January 2002 and April 2002. *Id.* at 76, BI-2. All of this billing data is extremely positive.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Of the 71 PIDs in Washington relating to various access to OSS performance objectives, Qwest missed the ROC

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determined performance objective on two PIDs in more than one month between January 2002 and April 2002: (1) electronic flow-through for eligible LSRs received via the IMA-EDI interface for POTS resale (PO-2B); and (2) electronic flow-through for eligible LSRs received via the IMA-EDI interface for UNE-P POTS (PO-2B). Qwest met the ROC determined performance objective for every other access to OSS performance measurement in at least three out of four months between January 2002 and April 2002.

The flow-through PIDs are somewhat unique in that there were no performance objectives associated with them until January 2002. Moreover, the overall flow through rate (PO-2A) remains diagnostic. Only the flow-through eligible PIDs (PO-2B) now have associated performance benchmarks. Thus, of the eight flow-through PID measurements that have an associated performance objective, Qwest consistently met the performance objective between January and April 2002 on all but two: 1) eligible LSRs received via the IMA-EDI interface for POTS resale and 2) eligible LSRs received via the IMA-EDI interface for UNE-P POTS. *Id*. at 51, 54, PO-2B-2. These misses were largely attributable to a low volume of orders. Less than 0.5% of all eligible LSRs received between January 2002 and April 2002 for POTS resale were received via IMA-EDI. *Id*. at 54, PO-2B-1, PO-2B-2. For resale orders submitted via IMA-EDI, Qwest flowed-through three of ten (30%) LSRs in January, one of two (50%) LSRs in February and three of four (75%) LSRs in March. *Id*. at 51, PO-2B-2. This fell short of the ROC's 90% benchmark.[21]

Qwest's flow-through rates for eligible LSRs sent through the IMA-EDI interface for UNE-P POTS fell short of the ROC's 75% benchmark in three of four months between January 2002 and April 2002. For UNE-P POTS orders submitted via IMA-EDI, Qwest flowed-through 242 of 353 (68.56%) LSRs in January, 207 of 290 (71.38%) LSRs in February and 263 of 379 (69.39%) LSRs in April. *Id*.

[21] 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 proposed 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.

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at 54, PO-2B-2. This fell short of the ROC's 75% benchmark. 26.3% of all eligible LSRs received in January, February and April for UNE-P POTS were received via IMA-EDI. *Id*. at 54, PO-2B-1, PO-2B-2. The FCC recognizes, and Qwest's data shows, 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.[22] Exhibit 17 of the Supplemental Direct Testimony of Michael Williams, filed April 5, 2002, clearly demonstrates this behavior. In addition, when higher volumes are measured, such as what occurs on a regional basis, Qwest met this performance metric each month between January 2002 and April 2002. *Exhibit 2* at 55, PO-2B-2.

The timely release notification performance metric measures the percent of notifications for changes to specified OSS interfaces sent by Qwest to CLECs within the intervals specified within the change management plan found on Qwest's Change Management Process ("CMP") website. Release notifications sent on or before the date required by the CMP are considered timely. Qwest missed the ROC benchmark in January 2002 for this performance metric by only one notice. This is the only month Qwest missed this performance metric. Qwest met the benchmark in February 2002 and March 2002 and exceeded the benchmark in April 2002 when it performed at 100%. *Exhibit 1* at 72, PO-16.

In summary, Qwest has met 69 of the 71 OSS performance metrics in at least three of four months between January 2002 and April 2002. *Id*. at 36-79, GA-1A, GA-1B, GA-1C, GA-2, GA-3, GA-4, GA-6, PO-1A-1 Total, PO-1A-2 Total, PO-1A-3 Total, PO-1A-4 Total, PO-1A-5 Total, PO-1A-6 Total, PO-1A-7(b), PO-1A-8(b), PO-1C-1, PO-1B-1 Total, PO-1B-2, PO-1B-3, PO-1B-4, PO-1B-5, PO-1B-6 Total, PO-1B-7, PO-1B-8, PO-1C-2, PO-2B-1, PO-2B-2, PO-2B-1, PO-2B-2, PO-3A-1, PO-3A-2, PO-3B-1, PO-3B-2, PO-3C, PO-5A-1(a), PO-5A-2(a), PO-5B-1(a), PO-5B-2(a), PO-5C-(a), PO-5A-1(b), PO-5A-2(b), PO-5B-1(b), PO-5B-2(b), PO-5C-(b), PO-5A-1(C), PO-5A-2(c), PO-5B-1(c), PO-5B-2(c), PO-5C-(c), PO-5D, PO-7A,C, PO-7B,C, PO-8A, PO-9A, PO-8B, PO-9B, PO-9C, PO-8D, PO-9D, PO-16, PO-19, OP-2, MR-2, BI-1A, BI-1B, BI-3A, BI-4A. The Commission should find Qwest has satisfied checklist item two OSS performance

[22] *Verizon Massachusetts Order*. at ¶¶78, 80.

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requirements once it completes its review of the OSS test results.

2. Unbundled Network Element Combinations

Checklist Item No. 2 also requires Qwest to provide CLECs with UNE Combinations, specifically UNE-P (both UNE-P-POTS and UNE-P-Centrex) and Enhanced Extended Loops ("EELs"). Qwest is successfully meeting increasing demand for these products by promptly installing and repairing them for CLECs.

Installation of UNE-P-POTS. Between January 2002 and April 2002, Qwest installed 86.05% of all UNE-P-POTS lines in Washington without a technician dispatch. *Id.* at 79-81, OP-3A, OP-3B, OP-3C. For UNE-P orders in that category, Qwest timely provisioned an average of 99.7% of its installation commitments between January 2002 and April 2002, in an average installation interval of 3.4 days. *Id.* at 82, OP-3C, OP-4C. The percentage of installation commitments met was at parity with equivalent retail performance each month. *Id.*, OP-3C. In the rare circumstance when delays in installations occurred, the delays were brief, and consistently at parity with retail performance. *Id.*, OP-6A-3.

When the provision of UNE-P-POTS required the dispatch of a technician, Qwest also performed well between January 2002 and April 2002. For dispatches within MSAs, Qwest met an average of 96.52% of its CLEC installation commitments between January 2002 and April 2002. *Id.* at 79, OP-3A. The average installation interval was 5.1 days for this same period of time. *Id.*, OP-4A. For dispatches outside MSAs, Qwest met an average of 97.06% of its installation commitments to CLECs between January 2002 and April 2002, with an average installation interval of 6.3 days. *Id.* at 80, OP-3B, OP-4B. Irrespective of the type of technician dispatch, all of these results were at parity with retail performance for three of four months between January 2002 and April 2002. *Id.* at 79-80, OP-3A, OP-4A, OP-6A-1, OP-6B-1, OP-3B, OP-4B, OP-6A-2.

New installation quality has also been at parity with retail performance between January 2002 and April 2002. *Id.* at 82, OP-5, OP-5*. Once the "no trouble found" reports were excluded, Qwest completed over 95% of all UNE-P-POTS installations (dispatched and non-dispatched) without a CLEC

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filing a trouble report between January 2002 and April 2002. *Id.*

Repair of UNE-P-POTS. Between January 2002 and April 2002, Qwest's repair of UNE-P-POTS circuits has been equally impressive. The overall trouble rate for UNE-P-POTS lines has always been less than 1%, lower than the trouble rate for comparable retail installations. *Id.* at 88, MR-8, MR-8*.

When troubles occurred, Qwest resolved them efficiently. When no technician dispatch was required to clear the trouble, Qwest cleared an average of 99.12% of CLEC out of service reports within 24-hours and 99.75% of all CLEC trouble reports within 48-hours between January 2002 and April 2002, at parity with retail performance. *Id.* at 87, MR-3C, MR-4C. The mean time to restore UNE-P service was four hours and twenty minutes or less when no dispatch was required, also at parity with equivalent retail repairs. *Id.*, MR-6C.

Qwest provided similar outstanding service when repair of UNE-P-POTS lines required a technician dispatch. Whether repairs required a dispatch within an MSA or outside an MSA, Qwest cleared an average of 93.26% of the out of service troubles within 24 hours between January 2002 and April 2002. *Id.* at 84-85, MR-3A, MR-3B. The mean time to restore such lines was always fourteen hours and twenty-three minutes or less, and always at parity with equivalent retail service. *Id.* at 84 and 86, MR-6A, MR-6B.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Of the 27 PIDs relating to UNE-P POTS, Qwest failed to meet the retail parity standard on two measurements for more than one month between January 2002 and April 2002: (1) the average installation interval when no technician dispatch was required (OP-4C); and (2) the repeat trouble rate when no technician dispatch was required (MR-7C).

The April data report indicates that CLECs experienced a longer installation interval in January and February, when no dispatch was required for UNE-P POTS. The CLEC interval in January was 3.57 days and was 3.47 days in February. The comparable retail interval was 3.04 days in January and 3.08 days in February. *Id*. at 81, OP-4C. Thus, the difference between CLEC and retail intervals was

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always 0.53 days or less. In the rare instances when delays in installations occurred, the delays were brief, and consistently at parity with retail performance. *Id*., OP 6A-3. Furthermore, Qwest timely provisioned 99.7% or more of CLEC installation commitments when no technician dispatch was required, at parity with retail performance. *Id*., OP-3C.

The April data report also shows that CLECs experienced a higher percentage of repeat troubles for UNE-P-POTS when no technician dispatch was required. CLECs experienced a 18.84% rate in January and an 16.95% rate in February after the "no trouble found" reports were excluded. Qwest's comparable retail customers experienced a 13.94% rate in January 2002, and a 12.17% rate in February 2002, after the "no trouble found" reports were excluded. *Id*. at 87-88, MR-7, MR-7C*. March and April results were at parity with retail performance. *Id.* In January 2002 and February 2002, the performance metric comes into parity when the "no trouble found" reports are excluded. *Id.* at 88, MR-7C*.

In addition, in January 2002 Qwest missed the average installation interval when a technician dispatch was required outside of MSAs; this was the only month in the last four months that Qwest missed this performance measure. *Id.* at 80, OP-4B. The average CLEC installation interval for 32 orders was 8.88 days and the average retail installation interval for 2,207 orders was 4.87 days. *Id.* The miss was caused by two CLEC orders delayed due to non-facility reasons, which delays were at parity with retail performance. *Id.*, OP-3B, OP-6A-2. This is the only month in the last twelve months the average installation interval was not at parity with retail performance. *Id*., OP-4B. Qwest considers this an aberration since all other installation measurements have been at parity with retail performance between January 2002 and April 2002, when a dispatch was required. *Id*. at 79-80, OP-3A, OP-4A, OP-6A-1, OP-6B-1, OP-3B, OP-4B, OP-6A-2.

In February 2002, Qwest missed the ROC determined performance objective on three measures: (1) all troubles cleared within 48 hours when a technician dispatch was required outside of MSAs (MR-4B); (2) the repair repeat trouble rate when a technician dispatch was required outside of MSAs (MR-7B); and (3) repair appointments met when no technician dispatch was required (MR-9C). This was the

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only month in the last four months that Qwest missed these three performance measures. On the first measure, Qwest cleared 29 of 32 (90.63%) CLEC trouble reports within 48 hours in February. *Id*. at 85, MR-4B. This is the only month in the last twelve months this metric was not at parity with retail performance. *Id.* CLECs experienced a 24.24% repair repeat trouble rate in February 2002. *Id.* at 86, MR-7B. This performance metric has been at parity with retail performance for six of the last seven months, between October 2001 and April 2002. *Id*. Qwest met 105 of 111 (94.59%) CLEC repair appointments in February that did not require a technician dispatch. In March and April this measure was at parity with retail performance as it has been for ten of the last twelve months. *Id*. at 88, MR-9C. Thus, in each instance, these performance misses appear to be anomalous.

In summary, 25 of the 27 UNE-P POTS installation and repair performance metrics have been at parity with retail performance in at least three of four months between January 2002 and April 2002. *Id*. at 79-88, OP-3A, OP-4A, OP-6A-1, OP-6B-1, OP-3B, OP-4B, OP-6A-2, OP-3C, OP-4C, OP-6A-3, OP-5, MR-3A, MR-4A, MR-6A, MR-7A, MR-9A, MR-3B, MR-4B, MR-6B, MR-7B, MR-9B, MR-3C, MR-4C, MR-6C, MR-7C, MR-9C, MR-8. As set forth above, the isolated performance misses are minor and/or an aberration. The Commission should find that Qwest meets the requirements of Checklist Item 2, as it relates to UNE-P-POTS.

Installation of UNE-P-Centrex. Qwest met 20 of 22 (90.9%) UNE-P-Centrex installation commitments between January 2002 and April 2002, at parity with retail performance. *Id.* at 90, 92, OP-3A, OP-3C. The average installation interval was 6.3 days. *Id*., OP-4A, OP-4C. In the rare circumstance when delays in installations occurred, the delays were generally brief and at parity with retail performance. *Id.*, OP-6A-1. The quality of new installations was at parity with retail performance. *Id.*, OP-5.

Repair of UNE-P-Centrex. Between January 2002 and April 2002, Qwest's repair of UNE-P-Centrex lines has been very good. When troubles occur, Qwest resolves them efficiently and at parity with equivalent retail service. Irrespective of whether a technician dispatch is required to clear the trouble, Qwest cleared an average of 94.74% of CLEC out of service reports within 24-hours and

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99.18% of all CLEC trouble reports within 48 hours, between January 2002 and April 2002, at parity with retail performance. *Id.* at 95, 98, MR-3A, MR-3C, MR-4A, MR-4C. The mean time to restore UNE-P-Centrex service was always less than 13 hours between January 2002 and April 2002, at parity with retail performance. *Id.*, MR-6A, MR-6C.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Qwest failed to meet two UNE-P-Centrex performance metrics in more than one month between January 2002 and April 2002: (1) the average installation interval when a dispatch within an MSA was required (OP-4A); and (2) the overall UNE-P Centrex trouble rate (MR-8). The average installation interval for CLECs when a technician dispatch was required within MSAs was 5.12 days in January and 31.5 days in March. *Id*. at 90, OP-4A. The comparable installation interval for retail lines was 3.14 in January and 3.36 days in March. *Id*. The lack of parity with retail results was caused by one CLEC order in January 2002, which was delayed by one day and one CLEC order in March 2002 which was delayed 54 days. *Id*., OP-6A-1, OP-6B-1. The CLEC order in March 2002, was delayed due to the need for placement of conduit by the customer. This order should have been excluded from the performance results since it was held due to customer reasons. However, the technician miscoded the order as held due to facility reasons. The order was for an additional line and was subsequently cancelled by the customer in March 2002.

The overall trouble rate for UNE-P-Centrex is consistently higher than the retail rate. The CLEC trouble rate after "no trouble found" reports were excluded was 0.43% in January, 0.35% in February, and 0.52% in March. The comparable retail trouble rate was 0.29% in January, 0.25% in February and 0.26% in March. *Id*. at 99, MR-8*. The CLEC trouble rate was 0.67% in April while the retail trouble rate was 0.35%. *Id.*, MR-8. However, just as with interconnection trunks, the overall trouble rate that CLECs experience in Washington is still extremely small. Since June 2001, the trouble rate has never exceeded 1.0%. The Commission should view this performance miss in totality and recognize that this very small trouble rate does not impair a CLEC's ability to compete in the marketplace.

CLECs experienced a higher percentage of repeat troubles for UNE-P-Centrex when no

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technician dispatch is required in March 2002. CLECs experienced a 50% repeat trouble rate (2 of 4 repairs had repeat troubles reported) once the no trouble found reports were excluded. *Id*. at 99, MR-7C*. Qwest's comparable retail customers experienced a 6.45% (6 of 93 repairs had repeat troubles reported) repeat trouble rate in March. *Id*. While the CLEC percentage is relatively high, it is important to note that volumes this low tend to drive strange results. With the exception of March, this metric has been at parity for seven of the last nine months when "no trouble found" reports are excluded. *Id.* Thus, this does not appear to be a systemic problem.

In summary, 17 of the 19 UNE-P Centrex installation and repair performance metrics were at parity with retail performance for at least three of four months between January 2002 and April 2002. *Id*. at 90-99, OP-3A, OP-4A, OP-6A-1, OP-6B-1, OP-3C, OP-4C, OP-6A-3, OP-5, MR-3A, MR-4A, MR-6A, MR-7A, MR-9A, MR-3C, MR-4C, MR-6C, MR-7C, MR-9C, MR-8. As set forth above, the isolated performance misses were minor and/or an aberration. The Commission should find that Qwest meets the requirements of Checklist Item 2, as it relates to UNE-P-CENTREX.

Installation of EELs. Enhanced Extended Loops (EELs) are a combination of dedicated transport and an unbundled loop. In the past this measure has been diagnostic due to low volumes. While volumes remain very small, the ROC set a performance objective for one EEL measure - commitments met (OP-3). That objective requires Qwest to provision 90% of its EEL commitments on time. Given the low volumes, this objective is very difficult to attain. In January, and February, Qwest missed this objective in Zone 1. In January, Qwest met 2 of 3 (66.67%) installation commitments and in February, Qwest met 4 of 5 (80%) installation commitments in Zone 1. *Id.* at 101, OP-3D.

Qwest also missed this objective in February in Zone 2 when it missed one installation commitment. *Id.* at 101, OP-3E. Given the low volumes, the only way that Qwest could have achieved the 90% ROC benchmark would be by providing perfect - 100% - performance. In March and April 2002, Qwest exceeded the ROC benchmark of 90% in Zone 1 and Zone 2. *Id*. This was largely due to an increase in volume over the prior two months of 387%. This trend shows a clear indication that Qwest's systems are starting to work well in the provision of EELs.

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In summary, Qwest has met 42 of the 46 UNE-P (27 related to UNE-P POTS and 19 related to UNE-P Centrex) performance metrics in three of four months between January 2002 and April 2002. *Id*. at 79-99, OP-3A, OP-4A, OP-6A-1, OP-6B-1, OP-3B, OP-4B, OP-6A-2, OP-3C, OP-4C, OP-6A-3, OP-5, MR-3A, MR-4A, MR-6A, MR-7A, MR-9A, MR-3B, MR-4B, MR-6B, MR-7B, MR-9B, MR-3C, MR-4C, MR-6C, MR-7C, MR-9C, MR-8. Qwest missed the single EEL performance metric for more than one month between January 2002 and April 2002 by a single order, each month. *Id*. at 101, OP-3D. The Commission should find Qwest has satisfied checklist item two UNE-P and EEL performance requirements.

3. Access to Poles, Ducts, Conduits and Rights of Way

The ROC has not adopted any performance measurements for this checklist item.

4. Unbundled Loops

Qwest has met its performance objectives in at least three of four months between January 2002 and April 2002 for the installation, repair, cut-over and conditioning of unbundled loops on 98 of the 105 unbundled loop performance metrics. Following are the performance data results for January 2002 through April 2002, for each type of unbundled loop.

a) Analog Voice Loops

Installation of Unbundled Analog Loops. Analog loops account for 76% of all unbundled loops installed in Washington between January 2002 and April 2002. *Id*. at 116, 124, 132, 139, 146, 153, MR-8. Between January 2002 and April 2002, Qwest's installation record for unbundled analog loops has been excellent. In Zone 1, Qwest met an average of 99.15% of its commitments between January 2002 and April 2002, far exceeding the ROC's 90% benchmark. *Id*. at 109, OP-3D. The results were virtually identical in Zone 2, where Qwest met an average of 98.39% of its installation commitments over the same period of time. *Id.* at 110, OP-3E.

Qwest has also maintained the average installation interval for CLEC loops below the ROC's 6-day benchmark. Between January 2002 and April 2002, the average interval to install analog loops in both zones has been less than six days. *Id.* at 109-110, OP-4D, OP-4E.

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Qwest's installation quality of CLEC analog loops has also been at parity with retail performance in each month. *Id.* at 111, OP-5, OP-5*. Between January 2002 and April 2002, Qwest installed over 97.8% of new loops without a CLEC filing a trouble report.

***Repair of Unbundled Analog Loops*.** Qwest's repair record between January 2002 and April 2002 shows it provides quick and reliable repairs for CLECs. At the outset, it is important to note that repairs are rarely needed. The trouble rate for analog loops was well below 1% in each of the last four months. In each instance, the trouble rate for CLEC loops was at parity with retail performance. *Id*. at 116, MR-8.

Moreover, when repairs are needed, they are performed quickly. In both Zone 1 and Zone 2, Qwest always cleared over 98.3% of out of service troubles within 24 hours. *Id.* at 114-115, MR-3D, MR-3E. Qwest cleared over 99.5% of all CLEC trouble reports within 48 hours. *Id.*, MR-4D, MR-4E. This performance was always at parity with Qwest's retail service. *Id*. Similarly, the mean time to restore service to CLECs was always less than 3.25 hours in both zones. *Id*. MR-6D, MR-6E. In fact, Qwest provided parity repair service to CLECs for all nine performance metrics addressing unbundled analog loops in each month between January 2002 and April 2002. *Id*. at 114-116, MR-3D, MR-4D, MR-6D, MR-7D, MR-7D*, MR-3E, MR-4E, MR-6E, MR-7E, MR-7E*, MR-8, MR-8*.

***Instances Where Qwest Failed to Meet the Parity or Benchmark Standard*.** Of the 17 PIDs in Washington relating to analog unbundled loop installation or repair, Qwest missed the ROC determined performance objective on one for more than one month between January 2002 and April 2002: the average delayed days for non-facility reasons for unbundled analog loops in Zone 1 (OP-6A-4). The average delayed days for non-facility reasons for CLEC unbundled analog loops in Zone 1 was 6.53 days in February and 6.23 days in April. *Id.* at 110, OP-6A-4E. The average delayed days for non-facility reasons for comparable retail services was 3.6 days in February and 3.99 days in April. *Id*. These are the only two months of the last twelve months these results were not at parity with retail performance. *Id.* Qwest met 16 of the 17 installation and repair performance metrics for unbundled analog loops each month between January 2002 and April 2002. *Id.* at 109-116, OP-3D, OP-4D, OP-

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6A-4, OP-3E, OP-4E, OP6A-5, OP-5, OP-5*, MR-3D, MR-4D, MR-6D, MR-7D, MR-7D*, MR-3E, MR-4E, MR-6E, MR-7E, MR-7E*, MR-8, MR-8*.[23]

b) Coordinated cutovers

Another key component of loop provisioning is how well Qwest performs coordinated cutovers, what some in the industry call "hot cuts." Qwest opened a center in Omaha in late March 2001 to manage all coordinated cutovers (the largest percentage of loops ordered). The Omaha Center also made a number of process improvements. Since its opening, performance results have been outstanding. Between January 2002 and April 2002, Qwest's has timely provisioned coordinated cuts for analog loops over 99.2% of the time, consistently above the ROC's 95% benchmark. *Id*. at 162, OP-13A. For all other loops, Qwest's on time performance between January 2002 and April 2002 is equally impressive with Qwest installing over 96.9% of such loops on time, again surpassing the 95% benchmark. *Id*.

Qwest's coordinated cutover intervals are correspondingly short. For analog loops, the coordinated cut interval – the time the CLEC customer is out of service – is consistently three minutes between January 2002 and April 2002. *Id.* at 162, OP-7. For other loops, the interval is ten minutes or less. *Id.* Qwest has also improved its coordination with CLECs. Each month, Qwest has initiated less than 0.26% of all coordinated loop cutovers without CLEC approval. *Id*. at 163, OP-13B. In summary, Qwest consistently meets and exceeds the FCC's accepted test for provisioning hot cuts.[24] Qwest met the two PIDs in Washington relating to unbundled loop coordinated cutovers for all four months between January 2002 and April 2002. *Id.* at 162, OP-13A.

[23] Three unbundled analog loop measures that were reported as not meeting the parity standard in February 2002, relate to the same unbundled loop order. One CLEC experienced an apparent long delay in trying to obtain one analog loop within an MSA in February; this loop had a delay of 23 days for non-facility reasons. *Id*. at 107, OP-6A-1. When the details of this order are analyzed, it is apparent that Qwest miscoded the order. This order was delayed by the CLEC and therefore would have been excluded from OP-3 and the delay attributable to the CLEC excluded from OP-4. Liberty Consulting has testified that a few instances of human error like this are to be expected. Moreover, Qwest still met over 99.1% of the installation commitments for 1,915 unbundled analog loops in February 2002 and installed all services in less than the six day benchmark, at parity with retail results. *Id*. at 109-110, OP-3D, OP-4D, OP-3E, OP-4E.

[24] *Verizon New York Order* at ¶309.

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c) Non-Loaded (2-Wire) Loops

Installation of non-loaded (2-wire) loops. These loops account for 11.9% of all unbundled loops installed in Washington. *Id*. at 116, 124, 132, 139, 146, 153, MR-8. Qwest has a strong record of installing non-loaded (2-wire) loops in a timely manner. Between January 2002 and April 2002, Qwest installed an average of 98.44% of such loops on time in Zone 1 and 98.39% in Zone 2. *Id*. at 118-119, OP-3D, OP-3E. This easily surpasses the ROC's 90% benchmark. Qwest also provisioned these loops in shorter intervals than the 6-day benchmark in each month in both zones. The average interval was 4.74 days or less in Zone 1 and 4.9 days or less in Zone 2. *Id.*, OP-4D, OP-4E.

In December 2001, Qwest also began reporting how well it conditioned loops. Loop conditioning is sometimes necessary to create non-loaded (2-wire) loops. In Zone 1, Qwest conditioned an average of 96.01% of its loops as committed at an average interval of 5.32 days or less in each month between January 2002 and April 2002. *Id*. at 164, OP-3D, OP-4D. In Zone 2, Qwest met 90.91% or more of its installation commitments for conditioned loops between February 2002 and April 2002 in an average interval of less than 10 days. *Id*., OP-3E, OP-4E. In both Zones, this performance is consistently better than the 90% and 16.5-day benchmarks. *Id*., OP-3D, OP-4D, OP-3E, OP-4E.

On the rare occasions when Qwest is late with a CLEC installation, the delays between January 2002 and April 2002 were short and always at parity with equivalent retail delays. This was true regardless of whether the delays were caused by facility or non-facility reasons. *Id*. at 118-119, OP-6A-4, OP-6B-4, OP-6A-5, OP-6B-5. Qwest also provisioned non-loaded (2-wire) loops at a level of quality at parity with retail performance for three of the last four months. *Id*. at 120, OP-5.

Repair of non-loaded (2-wire) loops. Between January 2002 and April 2002, the trouble rate for non-loaded (2-wire) CLEC loops was 0.52% or less, at parity with that experienced by Qwest's retail customers. *Id*. at 124, MR-8. When repairs are needed, Qwest performs them promptly. Qwest consistently cleared 100% of CLEC of out-of-service reports within 24 hours in both zones. *Id.* at 122-123, MR-3D, MR-3E. Similarly, Qwest always cleared 100% of all trouble reports within 48 hours in both zones. *Id*., MR-4D, MR-4E. In fact, all nine of Qwest's repair metrics for non-loaded (2-wire)

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loops were at parity with Qwest's retail performance in at least three of the last four months between January 2002 and April 2002. *Id*. at 122-124, MR-3D, MR-3E, MR-6D, MR-7D, MR-4D, MR-4E, MR-6E, MR-7E, MR-8.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Qwest met all 21 PIDs in Washington relating to non-loaded (2-wire) unbundled loop installation, repair and conditioning for three of four months between January 2002 and April 2002. Furthermore, only three non-loaded (2-wire) unbundled loop PIDs were missed for a single month during this time: (1) new service installation quality (OP-5, OP-5*); (2) the mean time to restore non-loaded (2-wire) unbundled loops in Zone 1 (MR-6D); and (3) the mean time to restore non-loaded (2-wire) unbundled loops in Zone 2 (MR-6E).

The new service installation quality for CLEC non-loaded (2-wire) unbundled loops in April was 95.45%. Twelve of 264 CLEC installations reported trouble in the first thirty days. *Id*. at 120, OP-5. All CLEC reported troubles were cleared within the 24 and 48-hour objectives. *Id*. at 122-123, MR-3D, MR-4D, MR-3E, MR-4E. This is the only month since July 2001 this performance metric has not been at parity with retail results. *Id.* at 120, OP-5. The "no trouble found" report information is not yet available for April 2002 results. There were no CLEC reported troubles for new installations in February or March 2002. *Id*.

The mean time to restore ten CLEC non-loaded (2-wire) loops in Zone 1 was four hours and forty minutes compared to the retail result of one hour and fifty-seven minutes in January 2002. *Id.* at 122, MR-6D. The mean time to restore service on non-loaded (2-wire) loops in Zone 2 was not at parity with retail results in February 2002. Nine CLEC repairs took an average of four hours and seven minutes to restore as compared to the one hour and fifty-eight minutes for seventeen such retail troubles. *Id.* at 123, MR-6E. This is the only time these metrics have not been at parity with retail performance since May 2001. *Id.* Moreover, Qwest cleared 100% of troubles reported by CLECs in both zones within the objective time frames of 24 and 48 hours between October 2001 and April 2002. *Id*. at 122, MR-3D, MR-4D, MR-3E, MR-4E. Thus, this result appears anomalous.

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In addition, the installation commitments met, for conditioned unbundled loops in Zone 2 was 85.71% in January 2002. *Id.* at 164, OP-3E. February 2002 through April 2002 results exceeded the 90% ROC benchmark each month. *Id.* Therefore Qwest views this single month result as anomalous.

d) Non-Loaded (4-Wire) Loops

Installation of Non-Loaded (4-Wire) Unbundled Loops. Although CLECs have not requested a high number of non-loaded (4-wire) loops since September 2001, Qwest always provisioned 100% of such loops on time in both Zone 1 and Zone 2. *Id.* at 126-127, OP-3D, OP-3E. Intervals for these loops averaged between five and nine days and were always provided at parity with retail performance. *Id*., OP-4D, OP-4E. Installation quality has been virtually perfect. *Id.* at 128, OP-5. All installation performance metrics were provided to CLECs at parity with retail performance in each of the last twelve months. *Id*. at 126-128, OP-3D, OP-4D, OP6A-4, OP-6B-4, OP-3E, OP-4E, OP-6A-5, OP-5.

***Repair of Non-Loaded (4-Wire) Unbundled Loops*.** Between January 2002 and April 2002, there were no non-loaded (4-wire) loop installations in Washington and only two trouble reports. *Id.* at 126-127and 132, OP-3D, OP-3E, MR-8, MR-8*. The trouble rate for 4-wire loops provisioned to CLECs was 0.35% or less each month, and always at parity with that experienced by retail customers. *Id*. at 132, MR-8, MR-8*. There have been no reported troubles in Zone 2 in any of the last four months. *Id.* at 131, MR-5B, MR-6E. When trouble did occur in Zone 1, Qwest repaired CLEC service in a manner at parity with Qwest retail performance each month for the last twelve months. *Id.* at 130, MR-5A, MR-6D, MR-7D. Qwest met all of the ROC installation and repair performance objectives for non-loaded (4-wire) loops between January 2002 and April 2002. *Id*. at 130-131, MR-5A, MR-6D, MR-7D, MR-8, MR-8*.

e) DS-1 Capable Loops

Installation of DS-1 Capable Loops. These loops account for 4.6% of all unbundled loops installed in Washington. *Id*. at 116, 124, 132, 139, 146, 153, MR-8. Between January 2002 and April 2002, Qwest has continued to provide CLECs with effective installations of DS-1 loops. Qwest has

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steadily improved its performance over the last four months to where it met 93.81% of such installation commitments in April in Zone 1. *Id*. at 133, OP-3D. In both zones, CLECs experienced a shorter average installation interval for DS-1 loops than did Qwest retail customers. *Id.* at 133-134, OP-4D, OP-4E. Similarly, when delays in provisioning occurred, in both zones the average delay CLECs experienced was consistently at parity with that experienced by retail customers. *Id*., OP-6A-4, OP-6B-4, OP-6A-5, OP-6B-5. Over the past year, Qwest's installations for CLECs have been of a quality at parity with retail performance for three of four months between January 2002 and April 2002. *Id.* at 135, OP-5.

***Repair of DS-1 Capable Loops*.** The CLEC trouble rate for DS-1 loops was 2.59% or less in each month between January 2002 and April 2002. *Id*. at 139, MR-8, MR-8*. An average of 71.5% of CLEC DS-1 repair reports were restored within four hours in Zone 1 and 90.5% in Zone 2 during this same period of time. *Id.* at 137-138, MR-5A, MR-5B. Between January 2002 and April 2002 in Zone 2, the mean time to restore service has always been less than the four-hour restoration objective. *Id.* at *138*, MR-6E. In Zone 1, the mean time to restore service was five hours and nine minutes or less between January 2002 and April 2002. *Id.*, MR-6D. The repair repeat report rate was at parity with retail service for three of the last four months for DS-1 capable loops in Zone 1 and all four months in Zone 2. *Id.* at 137-138, MR-7D, MR-7E.

***Instances Where Qwest Failed to Meet the Parity or Benchmark Standard*.** Of the 16 PIDs in Washington relating to DS-1 capable unbundled loop installations and repair, Qwest missed the ROC determined performance objective on three for more than one month between January 2002 and April 2002: (1) all troubles cleared within four hours for DS-1 capable unbundled loops in Zone 1 (MR-5A); (2) the mean time to restore DS-1 capable unbundled loops in Zone 1 (MR-6D); and (3) the trouble rate for DS-1 capable unbundled loops (MR-8). DS-1 Capable loops constitute a mere 4.6% of the loops in service in Washington.[25] In January 2002, 34 of 50 (68%) CLEC troubles were cleared

[25] See FCC's Penn. 271 decision at para. 89-91, which states that multiple performance misses by Verizon for high-capacity loops which constituted a small percentage of the overall loop total did not give cause to deny checklist approval.

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within four hours for DS-1 capable unbundled loops in Zone 1. In February 2002, 14 of 20 (70%) CLEC troubles were cleared within four hours for DS-1 capable unbundled loops in Zone 1. *Id.* at 137, MR-5A. However, the mean time to restore DS-1 capable unbundled loops in Zone 1 in January was three hours and eighteen minutes, in February it was four hours and twenty-three minutes and in March it was five hours and nine minutes. *Id.*, MR-6D. The MR-5A and MR-6D performance metrics measure the repair interval. While Qwest did not restore service at parity with comparable retail performance, for these two metrics in Zone 1 for more than one month, the mean time to restore service was within one hour and nine minutes or less of the four-hour objective. *Id.* April results were at parity with retail performance. *Id.* at 137, MR-5A< MR-6D.

The overall trouble rate for DS-1 capable unbundled loops was higher than the comparable retail DS-1 trouble rate in January 2002 and March 2002. The CLEC trouble rate after "no trouble found" reports were excluded was 2.15% in January and 1.65% in March. *Id*. at 139, MR-8*. The comparable retail trouble rate was 0.9% in January and 0.95% in March. *Id*., MR-8, MR-8*. The CLEC trouble rate in April was 1.53%, at parity with retail performance. *Id*., MR-8. However, just as with interconnection trunks, the overall trouble rate that CLECs experience in Washington is still extremely small. Since August 2001, the trouble rate has never exceeded 2.93% once the "no trouble found" reports are excluded. The difference between wholesale and retail performance is generally different by less than 1%. *Id*. The Commission should view this performance miss in totality and recognize that this very small trouble rate does not impair a CLECs ability to compete in the marketplace.

Qwest met five of ten (50%) installation commitments for DS-1 capable unbundled loops in Zone 2 in January 2002. *Id*. at 134, OP-3E. In stark contrast, the average CLEC installation interval was 10.67 days in January 2002, substantially shorter than comparable retail results. *Id*., OP-4E. When orders were delayed for facility or non-facility reasons, the number of days delayed was at parity with retail results. *Id*., OP-6A-5, OP-6B-5. The installation commitments met performance metric has been at parity with retail performance for four of the last five months; therefore Qwest views this result as anomalous. *Id*. at 134, OP-3E

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In addition, the January 2002 data shows CLECs received 120 DS-1 capable unbundled loops and ten loops experienced trouble. Thus, 91.67% were installed without trouble. Once the no trouble found reports were excluded, 94.17% were installed without trouble. *Id*. at 135, OP-5, OP-5*. Qwest cleared troubles on DS-1 capable loops in an average well under four hours in January 2002. *Id.* at 137-138, MR-6D, MR-6E. February 2002 through April 2002, CLEC new service installation quality performance results have been at parity with retail performance. *Id*., OP-5.

CLECs reported that they experienced repeat troubles on 22 of the 50 CLEC repair tickets received in Zone 1 in January 2002 for DS-1 capable unbundled loops in Washington. *Id.* at 137, MR-7D. While this result is higher than Qwest wants to see, this is the only month since May 2001 that this metric was outside of parity with retail performance. *Id.* Thus, this result appears anomalous.

f) ISDN Capable Loops

Installation of ISDN Capable Loops. These loops account for 5.8% of all unbundled loops installed in Washington. *Id*. at 116, 124, 132, 139, 146, 153, MR-8. Between January 2002 and April 2002, Qwest met an average of 95.3% of its installation commitments in Zone 1, and 97.4% of its commitments in Zone 2. *Id.* at 140-141, OP-3D, OP-3E. This was always at parity with comparable Qwest retail performance. *Id*. In both zones, the average installation interval for CLEC loops continued to be shorter for CLECs than for retail customers. *Id.*, OP-4D, OP-4E. When installation was delayed past the due date, CLEC customers received ISDN loops at parity with that provided to retail customers, regardless of whether the delay was due to facility or non-facility reasons. *Id*., OP-6A-4, OP-6B-4, OP-6A-5, OP-6B-5. Qwest's installation quality for CLECs has also been at parity with retail performance for two of the last four months. *Id.* at 142, OP-5 & OP-5*.

***Repair of ISDN Capable Loops*.** Qwest has performed quick and reliable repairs of ISDN Capable Loops for CLECs in the rare instances when repairs were needed. The trouble rate for ISDN loops provisioned to CLECs was 0.9% or less in each of the last four months once the no trouble found, test okay reports were removed. This trouble rate was at parity with retail performance for three of the last four months. *Id.* at 146, MR-8. Moreover, Qwest has consistently cleared a high percentage of

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troubles on CLEC loops on time. In each of the last four months, Qwest cleared over 100% of out-of-service troubles within 24-hours in both zones. *Id.* at 144-145, MR-3D, MR-3E. Qwest also cleared 100% of all CLEC trouble reports within 48-hours every month in both zones. *Id.*, MR-4D, MR-4E. The mean time to restore CLEC service was four hours and four minutes or less in each month in both zones. *Id*., MR-6D, MR-6E.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Of the 17 PIDs in Washington relating to ISDN capable unbundled loop installations and repair, Qwest missed the ROC determined performance objective on two for more than one month between January 2002 and April 2002: (1) the new service installation quality (OP-5, OP-5*) and (2) the mean time to restore service in Zone 1 (MR-6D). The new service installation quality for CLEC ISDN capable unbundled loops was 88.5% in March, once the no trouble found reports were excluded and 93.46% in April. *Id.* at 142, OP-5, OP-5*. The comparable retail result was 98.64% in March and 98% in April. *Id.* When trouble did occur, all troubles were cleared within the appropriate 24-hour or 48-hour interval objective. *Id.* at 144-145, MR-3D, MR-4D, MR-3E, MR-4E. These are the only two months in the last eleven months when this metric was not at parity with retail performance. *Id*. at 142, OP-5, OP-5*.

The mean time to restore service for ISDN capable unbundled loops in Zone 1 was four hours and four minutes in January and three hours and twenty-seven minutes in April. *Id.* at 144, MR-6DE. The comparable retail result was one hour and fifty-seven minutes in January and in April. *Id.* These are the only two months in the last seven months where performance was not at parity with retail results. *Id.* Again, Qwest cleared 100% of CLEC reported troubles within the 24- and 48-hour objectives. *Id*. at 144-145, MR-3D, MR-4D, MR-3E, MR-4E. Thus, Qwest views this performance miss as anomalous.

The repeat report rate for ISDN capable unbundled loops in Zone 1 was 29.17% in March 2002. *Id*. at 145, MR-7D*. This is the only month in the last twelve months when this performance metric was not at parity with retail results. *Id*. The overall trouble rate for ISDN capable unbundled loops was 0.9% in March 2002, once the no trouble found reports were excluded. *Id*. at 146, MR-8*. This is the only month since October 2001 that this performance metric has not been at parity with retail

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results. *Id.*

g) ADSL Qualified Loops

Installation of Unbundled ADSL Qualified Loops. Between January 2002 and April 2002, Qwest's overall installation record for ADSL qualified loops has been excellent. In Zone 1, Qwest met 100% of its CLEC installation commitments every month. *Id.* at 148, OP-3D. In Zone 2, Qwest met 100% of its CLEC installation commitments every month between January 2002 and March 2002. *Id*. at 149, OP-3E. In April 2002, Qwest met 17 of 19 (89.47%) of its CLEC installation commitments, at parity with retail performance. *Id.* Qwest also consistently met the 6-day installation interval benchmark in Zone 1, where most of the installation activity occurred. *Id*. at 148, OP-4D. In Zone 2, Qwest met the six-day benchmark for three of the last four months. *Id.* at 149, OP-4E. Moreover, in the rare circumstance when delays occur, Qwest cleared them promptly and at parity with equivalent retail service. *Id.* at 148-149, OP-6A-4, OP-6B-4, OP-6A-5. An average of 95.74% of all ADSL loop installations were installed without trouble over the last four months. *Id.* at 150, OP-5.

***Repair of Unbundled ADSL Qualified Loops*.** Between January 2002 and April 2002, the trouble rate for unbundled ADSL qualified CLEC loops was 0.82% or less once the no trouble found reports were removed, which was always at parity with retail performance. *Id*. at 153, MR-8. Qwest also cleared these CLEC troubles expeditiously. In both Zone 1 and Zone 2, Qwest cleared 100% of all CLEC troubles on time. *Id.* at 151-152, MR-3D, MR-4D, MR-3E, MR-4E. The mean time to restore service continued to be lower for CLECs, and was three hours and fifty-eight minutes or less in Zone 1. *Id.*, MR-6D. All nine repair measurements were at parity with retail performance in each of the last four months. *Id.* at 151-153, MR-3D, MR-4D, MR-3E, MR-4E, MR-6D, MR-6E, MR-7D, MR-7E, MR-8.

***Instances Where Qwest Failed to Meet the Parity or Benchmark Standard*.** Of the seventeen performance measurements involving ADSL compatible unbundled loops, Qwest failed to meet the ROC determined standard for one for more than one month between January 2002 and April 2002: the new service installation quality (OP-5, OP-5*). CLECs experienced a higher percentage of new

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installation troubles than did comparable Qwest retail customers. *Id.* at 150, OP-5. The new service installation quality for CLEC ADSL qualified unbundled loops was 92% in February and 96.97% in March, once the no trouble found reports were excluded. *Id.* at 150, OP-5, OP-5*. The comparable retail result was 99.39% in February and 98.57% in March. *Id.* When trouble did occur, all troubles were cleared within the appropriate 24-hour or 48-hour interval objective. *Id.* at 151-152, MR-3D, MR-4D, MR-3E, MR-4E. These are the only two months in the last six months when this metric was not at parity with retail performance. *Id*. at 150, OP-5, OP-5*. Moreover, the FCC has stated that installing 95% of loops without trouble is an acceptable level of performance.[26] With the exception of February when volumes were low, Qwest has met or exceeded this 95% threshold each month since September 2001 once the no trouble found reports are excluded. *Id.*

In summary, Qwest has met 98 of the 105 performance metrics associated with unbundled loops in at least three of four months between January 2002 and April 2002. *Id.* at 107-166, OP-3A, OP-4A, OP-6A-1, OP-3D, OP-4D, OP-6A-4, OP-6B-4, OP-3E, OP-4E, OP-6A-5, OP-6B-5, OP-5, MR-3D, MR-4D, MR-6D, MR-7D, MR-7D*, MR-3E, MR-4E, MR-6E, MR-7E, MR-7E*, MR-8, MR-8*, MR-5A, OP-13A. As set forth above, the isolated performance misses are minor and/or an aberration. The Commission should find Qwest has satisfied checklist four unbundled loop performance requirements.

h) Line-Sharing

Qwest reports twenty-eight monthly data points for the installation and repair of line-sharing. However, unlike other products where Qwest has several years of experience provisioning the product, line-sharing is a comparatively new service. As such, the ROC set performance objectives on only 17 of the 28 measurements. *Id*. at 165-177, OP-3A, OP-4A, OP-3B, OP-4B, OP-3C, OP-4C, OP-5, MR-3A, MR-4A, MR-6A, MR-3B, MR-4B, MR-6B, MR-3C, MR-4C, MR-6C, MR-8. The remaining 11 measurements are diagnostic, or for informational purposes only.

Installation of Line Shared Loops. Between January 2002 and April 2002, Qwest's record

[26] New York 271 at ¶309.

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for installing line shared loops has been strong. Qwest met an average of 99.74% of its line-sharing installations for CLECs in Washington on time. *Id.* at 167, OP-3C. This performance was well above the ROC 95% benchmark. The same is true for the installation interval, which ranged from 3.01 to 3.08 days, below the ROC's 3.3-day benchmark. *Id.* OP-4C. The new installation quality of line shared loops is also excellent with over 97.99% of such lines installed without trouble, at parity with comparable retail performance. *Id*. at 168, OP-5.

***Repair of Line Shared Loops*.** Between January 2002 and April 2002, there have been very few line-sharing repairs reported. The overall trouble rate has been less than 1% since August 2001 once the no trouble found reports were excluded and has been at parity with equivalent retail service between January 2002 and April 2002. *Id*. at 177, MR-8, MR-8*. When troubles do occur, 100% of non-dispatched out-of-service troubles are cleared within 24 hours, and 100% of all troubles are cleared within 48 hours over the last three months. *Id*. at 175, MR-3C, MR-4C. The mean time to restore these services is also consistently less than twelve hours and thirty minutes. *Id*., MR-6C.

***Instances Where Qwest Failed to Meet the Parity or Benchmark Standard*.** Of the seventeen measurements with performance objectives, during January 2002 to April 2002, Qwest failed to meet the ROC determined performance objective in more than one month for one measurement: the mean time to restore reported troubles for repairs that do not require a technician dispatch (MR-6C). Qwest failed to meet this objective in January and February. *Id*. at 175, MR-4C, MR-6C.

Line-sharing is a unique service, as both voice and data are on the same circuit. As such, it is commonplace and expected to receive a higher percentage of trouble reports than for POTS alone, and many of these troubles are for ***other than*** an out-of-service situation. That is exactly what the data bears out. In January 2002, Qwest received 45 CLEC trouble reports for line-shared loops that did not require a technician dispatch. *Id*. at 175, MR-4C. Of those forty-five reports, only ten (22%) were for an out-of-service situation. In February 2002, Qwest received 13 CLEC trouble reports for line-shared loops that did not require a technician dispatch. *Id*. None of those 13 reports were for an out-of-service situation. For the retail comparable, however, (which is an aggregate of residential and business POTS)

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44% of the troubles reported in January 2002 and February 2002 were out-of-service situations. *Id*. Out-of-service trouble reports have a higher priority in the repair queue than a non-out-of-service trouble report. Thus, from the outset a much higher percentage of retail orders have a higher priority. It is not surprising, therefore, that the mean time to restore service is shorter for retail customers than it is for wholesale customers.

Similarly, line-shared loop repairs are more complex. For retail POTS, Qwest knows the troubles are its responsibility to fix. For line-sharing loops, however, the CLEC is responsible to make data repairs and Qwest makes voice repairs. Thus, it is more complex to identify and clear troubles on line-shared loops. Qwest cleared 43 of 45 (95.56%) CLEC trouble reports within 48 hours when there was no dispatch required in January 2002. *Id*. at 175, MR-4C. Two CLEC reports that did not require a technician dispatch were not cleared within 48 hours. However, these reports were not related to an out-of-service trouble condition. *Id*. at 176, MR-3C, MR-4C. The mean time to restore CLEC service was twelve hours and twenty-seven minutes in January and eleven hours and nineteen minutes in February, better than the 24-hour objective to clear out-of-service troubles. *Id*., MR-6C. In January 2002, Qwest's cleared 7,279 of 7,326 (99.36%) retail reports within 48 hours when no dispatch was required. *Id*., MR-4C. The mean time to restore retail service was six hours and three minutes in January and five hours and fifty minutes in February. *Id*., MR-6C.

In addition, when a dispatch was required within an MSA, two of eight CLEC trouble reports were not cleared within 48 hours in April 2002. *Id*. at 171, MR-4A. The mean time to restore CLEC service was thirty hours and forty-one minutes. *Id*., MR-6A. This is the only month these two metrics were not at parity with retail results. *Id*.

Finally, the CLEC trouble rate for line-sharing circuits was 1.76% compared to the retail rate of 1.34% in January 2002. *Id.* at 177, MR-8. The trouble rate is 0.79% once the "no trouble found" reports are excluded, at parity with retail performance as it has been since August 2001. *Id.*

In summary, Qwest has met eleven of the twelve performance metrics associated with line-sharing in Washington in at least three of the last four months between January 2002 and April 2002. *Id*. at 167-

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177, OP-3C, OP-4C, OP-5, MR-3A, MR-4A, MR-6A, MR-3B, MR-4B, MR-6B, MR-3C, MR-4C, MR-6C, MR-8. As set forth above, the isolated performance misses are understandable given the circumstances. The Commission should find Qwest has satisfied line-sharing (checklist two and four) performance requirements.

C. Checklist No. 5: Unbundled Transport

DS-1 UDIT Installation. Between January 2002 and April 2002, Qwest provided unbundled transport to CLECs at a high level of quality. In both Zone 1 and Zone 2, Qwest met 100% of its CLEC installation commitments, with an average interval of less than nine days between January 2002 and April 2002. *Id.* at 180-181, OP-3D, OP-3E, OP-4D, OP-4E. In the few circumstances when delays occurred, they were always at parity with retail performance. *Id.*, OP-6A-4, OP-6A-5. Installation quality for DS-1 UDIT is also outstanding. In every month between January 2002 and April 2002, Qwest installed all UDIT facilities without CLECs filing a trouble report. *Id.* at 182, OP-5.

DS-1 UDIT Repairs. The overall trouble rate for DS-1 UDIT facilities continued to be low – 0.57% or less once the no trouble found reports were excluded between January 2002 and April 2002. These results were at parity with retail performance. *Id.* at 186, MR-8*. In both zones, all trouble reports were cleared within four hours between January 2002 and April 2002. *Id.* at 184-185, MR-5A, MR-5B. All four reports between January 2002 and April 2002 were cleared in less than two hours and forty minutes. *Id.*, MR-6D, MR-6E. All CLEC DS-1 UDIT troubles were cleared in a manner at parity with retail performance. *Id.* at 184-85, MR-5A, MR-6D, MR-7D, MR-5B, MR-6E, MR-7E.

Above DS-1 Level UDIT Installation. Qwest achieved similar success installing UDITs above DS-1 levels between January 2002 and April 2002. As to these facilities, Qwest met 100% of its commitments for three of four months in both Zone 1 and Zone 2 between January 2002 and April 2002, at parity with retail performance. *Id.* at 187-188, OP-3D, OP-3E. In February, Qwest missed one installation commitment, however, performance was still at parity with retail results. *Id.* at 187, OP-3D. These facilities were installed in average intervals that were also at parity with retail performance each month. *Id.* at 187-188, OP-4D, OP-4E. The quality of new installations was at parity with retail results

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for three of four months between January 2002 and April 2002, once the "no trouble found" reports were excluded. *Id*. at 189, OP-5*. One of five CLEC installations incurred trouble within the first thirty days in March 2002. *Id*. However, all troubles were cleared within the four-hour objective. *Id*. at 191-192, MR-5A, MR-5B.

Above DS-1 Level UDIT Repairs. The CLEC trouble rate for UDITs above DS-1 levels was 2.3% or less between January 2002 and April 2002, once the "no trouble found" reports were excluded. *Id.* at 193, MR-8*. Between January 2002 and April 2002, Qwest had thirteen total trouble reports in both zones and cleared all of the thirteen reports within four hours. *Id.* at 191-192, MR-5A, MR-5B. The mean time to restore service was always less than two hours and twenty minutes and was always at parity with retail performance. *Id.*, MR-6D, MR-6E. The repeat trouble rate was also at parity with retail performance between January 2002 and April 2002. *Id*., MR-7D, MR-7E.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Of the thirteen PIDs relating to the provision and repair of unbundled dedicated interoffice transport (UDIT) in Washington, Qwest missed the ROC determined performance objective on one metric in more than one month: the overall trouble rate for UDITs above DS-1 levels (MR-8). In February, the CLEC trouble rate for UDITs above DS-1 levels was 1.25% and in March it was 2.3%. As previously stated, when trouble did occur, 100% of the CLEC troubles have been cleared within four hours between January 2002 and April 2002. *Id*. at 191-192, MR-5A, MR-5B. All but one of the seven repair performance metrics for UDITs above DS-1 levels were at parity with retail performance between January 2002 and April 2002. *Id*., MR-5A, MR-6D, MR-7D, MR-5B, MR-6E, MR-7E. Especially given the small volumes of UDITs above DS-1 levels in service, this is clearly a case where the Commission should view this performance miss in totality and recognize that this very small trouble rate does not impair a CLEC's ability to compete in the marketplace.

In summary, Qwest has met 26 of the 27 performance metrics associated with UDIT products in at least three of four months between January 2002 and April 2002. *Id*. at 181-194, OP-3D, OP-4D, OP-6A-4, OP-3E, OP-4E, OP-5, OP-6A-5, MR-5A, MR-6D, MR-7D, MR-5B, MR-6E, MR-7E,

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MR-8. As set forth above, the isolated performance miss is minor. The Commission should find Qwest has satisfied the checklist item five performance requirements.

D. Checklist No. 6: Unbundled Switching

To date, CLECs have submitted virtually no requests to Qwest for unbundled local switching on a stand-alone basis. The ROC concluded that no performance measurements were needed for stand-alone unbundled switching because there is virtually no demand for it. CLECs obtain access to unbundled switching as part of UNE-P facilities. Qwest's UNE-P performance establishes that Qwest can provide unbundled switching to CLECs upon request.

E. Checklist No. 7: 911/E911/Directory Assistance/Operator Services

1. 911/E911

E911 Database Updates. Qwest measures the amount of "Time to Update Databases;" however, this measurement has a "parity by design" standard because Qwest's E911 database does not distinguish between updates for Qwest or CLECs. *Id*. at 197, DB-1A. In each of the last four months, Qwest's E911 database was updated in six hours and ten minutes or less. *Id.*

911/E911 Trunk Installation. Between January 2002 and April 2002 Qwest installed one E911 trunk. *Id*. at 198, OP-3E. The trunk took seventeen days to install. *Id*. at 199, OP-4E. Qwest's data showed that there was a seven-day delay in provisioning this 911 trunk. *Id*., OP-6A5. Upon investigation, Qwest again found that it miscoded this order. The delay was attributable to the CLEC. This order should have been excluded from OP-3E, a 10-day interval should have been reported for OP-4E, and no time should have been reported for OP-6A-5. Qwest's performance on this one trunk was as required.

Throughout the region in Zone 1 and Zone 2, Qwest only provisioned a few 911 trunks. *Exhibit 2* at 206, OP-3. Qwest provided these circuits at parity with Qwest retail performance. Installation quality on E911 circuits was excellent. In each of the last four months, the quality of newly installed 911 circuits in the region was identical to retail installation quality. *Id.* at 207-208, OP-5, OP-5*.

911/E911 Trunk Repair. The trouble rate on CLEC E911 trunks in Washington was always

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1.61% or less, once "no trouble found" reports are excluded, at parity with retail performance. *Exhibit 1* at 204, MR-8*. Only twelve total repair reports have been filed between January 2002 and April 2002. *Id.* at 202-203, MR-5A, MR-5B. Six repeat troubles were filed in March 2002. *Id*., MR-7D, MR-7E. Qwest cleared all CLEC troubles within four hours. *Id*., MR-5A, MR-5B.

In summary, Qwest met all eight performance metrics associated with E911 over the last four months. *Id*. at 198-204, OP-3E, OP-4E, OP-6A-5, OP-5, Op-5*, MR-5A, MR-6D, MR-7D, MR-7D*, MR-5B, MR-6E, MR-7E, MR-7E*, MR-8. The Commission should find Qwest has satisfied this portion of the checklist item seven, E911 performance requirements.

a) Directory Assistance and Operator Services

The "Speed of Answer" PIDs for directory assistance and operator services, DA-1 and OS-1, measure the average time required for Qwest's operator and directory assistance personnel to answer calls. These PIDs are also "parity by design" measurements because Qwest's directory assistance and operator services systems do not distinguish between Qwest or CLEC calls and handle all calls on a first come, first served basis. Between January 2002 and April 2002, the speed of answer for directory assistance and operator service calls was, on average, between 4.86 and 9.45 seconds. *Id.* at 205, DA-1, OS-1. The Commission should find Qwest has satisfied this aspect of checklist item seven.

F. Checklist No. 8: White Pages Directory 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 January 2002 and April 2002, Qwest completed electronically processed updates to the directory listings database in an average of 0.11 seconds or less, with an accuracy rate of 94.35% or more. *Id*. at 206, DB-1C-1, DB-2C-1. The Commission should find Qwest has satisfied the checklist item eight performance requirements.

G. Checklist No. 9: Number Administration

Qwest provides nondiscriminatory access to telephone numbers for assignment by CLECs to their customers. Between January 2002 and April 2002, Qwest loaded and tested 100% of CLEC

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NXX codes prior to the LERG effective date. *Id.* at 207, NP-1A. There were no CLEC NXX code activations delayed for facility reasons. *Id.*, NP-1B. Therefore the Commission should find Qwest has satisfied the checklist item nine number administration performance requirements.

H. Checklist No. 10: Call-Related Databases and Associated 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. Qwest uses a queuing and routing system that treats all carriers alike. The sole performance measurement for this checklist item is DB-1B, which evaluates the time to update the line identification database ("LIDB"). This is also a "parity by design" measurement. The aggregate Qwest and CLEC result under that measurement has consistently been 7.47 seconds or less. *Id.* at 208, DB-1B. The Commission should find Qwest has satisfied the checklist item ten number call-related databases and associated signaling performance requirements.

I. Checklist No. 11: Number Portability

Number portability allows customers to change carriers without changing telephone numbers. To provision number portability, Qwest must pre-set "triggers" on a timely basis. Between January 2002 and April 2002, Qwest set over 98.6% 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 96.5% of LSA triggers prior to the scheduled start time for LNP orders not requiring loop coordination, again exceeding the 95% benchmark. *Id.* at 209, OP-8B, OP-8C. Beginning with the October data, Qwest also began reporting the percentage of ported numbers that are disconnected before the CLEC completes its side of the number porting. The ROC requires that Qwest provide at least 98.25% of all ported numbers, without an associated disconnect. The data shows that between January 2002 and April 2002, 99.93% or more of all numbers were ported without an associated disconnect. *Id.*, OP-17. The Commission should find Qwest has satisfied the checklist item eleven number local number portability performance requirements.

J. Checklist No. 12: Local Dialing Parity

Qwest provides dialing parity to competitors in its region. There are no performance metrics

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associated with this checklist item. This Commission has already found that Qwest is in full compliance with this checklist item.[27]

K. Checklist No. 13: Reciprocal Compensation

Reciprocal compensation is made between carriers for terminating local calls on behalf of the other. Qwest's bills were 100% accurate in January, March and April and 99.8% accurate in February. *Id*. at 211, BI-3B. They have also been 100% complete for seven of the last eight months since September 2001 in Washington. *Id*., BI-4B.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Of the two PIDs relating to reciprocal compensation, Qwest failed to meet the 95% billing completeness benchmark in April 2002. *Id*., BI-4B. Since September 2001, over 95% of Qwest's reciprocal compensation bills have been complete, besting the 95% benchmark. In April, 92.52% of the bills were complete. *Id*. This result occurred due to an SS7 problem affecting long-duration calls caused by a software problem of an outside vendor. This issue has been rectified and this dip in performance should be a one-month glitch. These results prove that Qwest is providing reciprocal compensation to CLECs in accordance with the Act. The Commission should find Qwest has satisfied the checklist item thirteen reciprocal compensation performance requirements.

L. Checklist No. 14: Resale

Between January 2002 and April 2002, Qwest provided resold services to CLECs in a nondiscriminatory manner. The PIDs for resale measure performance for twelve products: residential lines, business lines, Centrex, Centrex 21, PBX, Basic ISDN, Qwest DSL, Primary ISDN, DS0, DS-1, DS-3 and higher, and Frame Relay. The standard for resale performance is parity with retail service, and Qwest is achieving parity in the vast majority of resale performance measurements in Washington. Of 151 PIDs relating to the installation and repair of resold services in Washington between January 2002 and April 2002, Qwest met the parity standard on all but seven metrics in at least three of four months.

[27] See Commission Order in Docket Nos. UT-003022 and UT-003040 Addressing Workshop One Issues: Checklist Item Nos. 7, 9, 10, 12, 13 (June 11, 2001), ¶80 (10).

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1. Resold Residential POTS Service

Installation of Resold Residence Service. Between January 2002 and April 2002, 82.6% of the total resold orders received from CLECs were for residence POTS service. *Id*. at 212-214, 223-225, 234-236, 245-247, 256-258, 269-271, 282-284, 292-294, 301-303, 311-312, 318-319, 325-326, OP-3A, OP-3B, OP-3C. Qwest provisions a vast percentage of all resold orders without requiring a technician dispatch, just like UNE-P and line-sharing. Between January 2002 and April 2002, 81.6% of all residence POTS orders for resold service did not require a technician dispatch. *Id*. at 212-214, OP-3A, OP-3B, OP-3C. Qwest met an average of 99.81% of its CLEC installation commitments for resold residential POTS service when a technician dispatch was not required, between January 2002 and April 2002, in an overall average installation interval of 2.86 days. These results were at parity with retail performance. *Id*. at 214, OP-3C, OP-4C. For residential POTS installations that required a dispatch within MSAs, Qwest met an average of 97.58% of its CLEC installation commitments between January 2002 and April 2002, in an average of 3.6 days, also at parity with retail performance. *Id*. at 212, OP-3A, OP-4A. As to installations that required dispatches outside of MSAs, this level of performance continues with Qwest consistently meeting 100% of its commitments for resold residential POTS service between January 2002 and April 2002. *Id*. at 213, OP-3B. In each of the last four months, the average installation interval was also at parity with retail performance when dispatches outside of MSAs were required. *Id.,* OP-4B.

Maintenance and Repair. In three of the last four months, the overall trouble rate for resold CLEC lines has been extremely small once "no trouble found" reports are excluded: 1.12% or less for residential POTS service between January 2002 and March 2002, at parity with retail results. The April result was 1.27%; the no trouble found information is not yet available. *Id*. at 221, MR-8, MR-8*. For resold residential POTS service, Qwest cleared an average of 93.3% of all out-of-service situations in 24-hours between January 2002 and April 2002, also at parity with retail service. *Id*. at 217, 218, 220, MR-3A, MR-3B, MR-3C. An average of 99.54% of all troubles, were cleared within 48-hours between January 2002 and April 2002, also at parity with retail performance. *Id*., MR-4A, MR-4B,

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MR-4C.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Of the 26 PIDs in Washington relating to resold residential POTS service installation or repair, Qwest missed the ROC determined performance objective on only one performance measure for a single month: the average days delayed for non-facility reasons when a dispatch within an MSA was required in March 2002. Id. at 212, OP-6A-1. Two CLEC orders were delayed a total of forty-four days due to non-facility reasons. This is the only time in the last twelve months that Qwest has not provided service at parity with retail results. *Id*. Thus, this miss is clearly is an aberration.

2. Resold Business Service

Installation of Resold Business Service. Between January 2002 and April 2002, 14.3% of the total resold orders received from CLECs were for business POTS service. *Id*. at 212-214, 223-225, 234-236, 245-247, 256-258, 269-271, 282-284, 292-294, 301-303, 311-312, 318-319, 325-326, OP-3A, OP-3B, OP-3C. During this same time, 91.8% of all business POTS orders for resold service did not require a technician dispatch. *Id*. at 223-225, OP-3A, OP-3B, OP-3C. Qwest met 100% of its CLEC installation commitments for resold business service each month when a technician dispatch was not required between January 2002 and April 2002, in an average installation interval of 2.45 days or less, at parity with retail performance. *Id*. at 225, OP-3C, OP-4C. For business installations that required a dispatch within MSAs, Qwest met an average of 94.59% of its CLEC installation commitments between January 2002 and April 2002, in an average of 5.8 days, at parity with retail performance. *Id*. at 223, OP-3A, OP-4A. As to dispatches outside of MSAs, this level of performance continues with Qwest consistently meeting 100% of its commitments for resold business service between January 2002 and April 2002. *Id*. at 224, OP-3B. In each of the last four months, the average installation interval was also at parity with retail performance when dispatches outside of MSAs were required. *Id.*, OP-4B.

Maintenance and Repair. In three of the last four months, the overall trouble rate for resold CLEC lines has been extremely small once "no trouble found" reports are excluded: 0.91% or less for

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business POTS. The April result was 0.79%; the no trouble found information is not yet available. *Id.* at 232, MR-8, MR-8*. For resold business POTS service, Qwest cleared an average of 94.93% of all out-of-service situations in 24-hours between January 2002 and April 2002, generally at parity with retail service. *Id*. at 228, 229, 231, MR-3A, MR-3B, MR-3C. An average of 98.11% of all troubles, were cleared within 48-hours between January 2002 and April 2002, generally at parity with retail performance. *Id*., MR-4A, MR-4B, MR-4C.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Of the 25 installation and repair measurements surrounding business resale, Qwest met the parity standard on all but three metrics for three of the last four months between January 2002 and April 2002: (1) new service installation quality (OP-5, OP5*); (2) the repeat repair report rate when no dispatch was required for resold business services, (MR-7C); and (3) the business trouble rate (MR-8, MR-8*). In January 2002, 77.36% of new installations were installed without trouble and in February 2002, 76.83% of new installations were installed without trouble once the no trouble found reports were excluded. *Id*. at 226, OP-5*. Upon investigation, this issue appears to be caused by DMS10 switches, which are more prevalent in Washington. Qwest will complete its installation of a programming fix in these switches as of April 6, 2002; Qwest expects this fix will cure this issue going forward.

In February 2002, 8 of 39 (20.51% of CLEC trouble reports were repeat reports when no technician dispatch was required. In March 2002, 16 of 47 CLEC trouble reports were repeat reports and in April, 11 of 44 CLEC trouble reports were repeat reports. *Id*. at 232, MR-7C*. Once the no trouble found reports were excluded the February results were at parity with retail performance. *Id.* When trouble occurred in March and April 2002, all trouble was cleared at parity with retail performance. *Id*. at 228, 229, 231, MR-3A, MR-4A, MR-3B, MR-4B, MR-3C, MR-4C.

The resold business trouble rate was 0.63% in January, 0.75% in February, and 0.91% in March, once the no trouble found reports were excluded and 0.79% in April. *Id*. at 232, MR-8, MR-8*. A trouble rate of less than 1% is outstanding in every circumstance.

Three additional performance metrics were not at parity with retail performance in January 2002:

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(1) delayed days for non-facility reasons when a technician dispatch was required within an MSA; (2) all troubles cleared within 48 hours when a technician dispatch was required within an MSA (MR-4A); and (3) out-of-service troubles cleared within 24 hours when no technician dispatch was required (MR-3C). These performance metrics were at parity with retail performance between February 2002 and April 2002.

In January, one CLEC order was delayed twenty-seven days due to non-facility reasons. *Id.* at 225, OP-6A1. This one delay caused the disparity. This measure has had either no delays (the best possible performance) or delays at parity with retail performance in every other month since June 2001. Thus, this one delay is anomalous.

Qwest cleared eight of ten trouble reports within the 48-hour objective when a technician dispatch was required within MSAs. *Id.* at 230, MR-4A. Moreover, the mean time to restore these troubles was 15 hours and 38 minutes, at parity with retail. *Id*., MR-6A. This is the only time in twelve months that Qwest has not been at parity on this measure. *Id.*, MR-4A. Thus, this miss is clearly an aberration.

Qwest cleared thirteen of fifteen out-of-service trouble reports within the 24-hour objective when a technician dispatch was not required. *Id.* at 233, MR-3C. The two missed commitments were cleared within 48-hours and the mean time to restore all troubles was three hours and thirty-two minutes, at parity with retail. *Id*., MR-4C, MR-6C. This is the only time in twelve months that Qwest has not been at parity on this measure. *Id.*, MR-3C. Thus, this miss is clearly an aberration.

In addition, the repeat report rate when a dispatch was required within an MSA was 28.57% in March once the no trouble found reports were excluded. *Id*. at 229, MR-7A*. Prior to the exclusion of these reports this performance metric was at parity with retail performance. *Id*. at 228, MR-7A. Six repeat reports were received in March 2002; however the mean time to restore service for all CLEC trouble reported within an MSA in March was ten hours and twenty-five minutes. *Id*., MR-6A. This is the only month this performance metric was not at parity with retail performance for the last twelve months. Thus, this miss is clearly an aberration. *Id*. at 229, MR-7A*.

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3. Resold Centrex Service

Installation of Resold Centrex Service. Between January 2002 and April 2002, 1.6% of the total resold orders received from CLECs were for Centrex service. *Id*. at 212-214, 223-225, 234-236, 245-247, 256-258, 269-271, 282-284, 292-294, 301-303, 311-312, 318-319, 325-326, OP-3A, OP-3B, OP-3C. During this same time, 37.7% of all Centrex orders for resold service did not require a technician dispatch. *Id*. at 234-236, OP-3A, OP-3B, OP-3C. Qwest met 100% of its CLEC installation commitments for resold Centrex service that did not require a technician dispatch, each month between January 2002 and April 2002. *Id*. at 236, OP-3C. The overall average installation interval for resold Centrex that did not require a technician dispatch, was five days or less, at parity with retail performance for three of four months between January 2002 and April 2002. *Id*., OP-4C. For Centrex installations that required a dispatch within MSAs, Qwest met an average of 97.14% or more of its CLEC installation commitments between January 2002 and April 2002, at parity with retail performance. *Id*., OP-3A. The overall average installation interval for Centrex that required a dispatch within MSAs was 5.4 days. *Id*., OP-4A. As to dispatches outside of MSAs, this level of performance continues with Qwest consistently meeting 100% of its commitments for resold Centrex service between January 2002 and April 2002. *Id*. at 235, OP-3B. In each of the last four months, the average installation interval was also at parity with retail performance when dispatches outside of MSAs were required. *Id.*, OP-4B.

Maintenance and Repair. In three of the last four months, the overall trouble rate for resold CLEC lines has been extremely small once "no trouble found" reports are excluded: 0.48% or less for Centrex. The April result was 0.64%; the no trouble found information is not yet available. *Id*. at 243, MR-8, MR-8*. For resold Centrex service, Qwest cleared an average of 95.08% of all out-of-service situations in 24 hours between January 2002 and April 2002, at parity with retail service. *Id*. at 239, 240, 242, MR-3A, MR-3B, MR-3C. An average of 98.21% of all troubles, were cleared within 48-hours between January 2002 and April 2002, also at parity with retail performance. *Id*., MR-4A, MR-4B, MR-4C.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Of the 24

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installation and repair measurements surrounding Centrex resale, Qwest met the parity standard for at least three of the last four months on all but two metrics: (1) the repair repeat report rate when troubles required a technician dispatch within an MSA (MR-7A); and (2) the trouble rate (MR-8).

In January, February and March 2002, the repeat trouble rate when a technician dispatch was required within an MSA was not at parity with retail performance. *Id.* at 239-240, MR-7A, MR-7A*. In January, once the "no trouble found" reports were excluded, five CLEC repeat troubles were filed. In February, once the "no trouble found" reports were excluded, three CLEC repeat troubles were filed. In March, once the "no trouble found" reports were excluded, five CLEC repeat troubles were filed. While this performance is outside of parity, the number of repeat reports each month once the "no trouble found" reports were excluded is fairly small compared to the number of CLEC resold Centex lines in service (3145). *Id*. at 243, MR-8. The Commission should view this performance miss in totality and recognize that this very small trouble rate does not impair a CLECs ability to compete in the marketplace.

In January the CLEC Centrex trouble rate was 0.39% and in March it was 0.48%, once "no trouble reports" were excluded. *Id*. at 243, MR-8*. Each month, the retail trouble rate was smaller. *Id*., MR-8, MR-8*. A trouble rate of less than 1% is extremely small, and constitutes outstanding performance. Furthermore, the Centrex resale trouble rate has never exceeded 0.6% once "no trouble found" reports are excluded. *Id*. The Commission should view this performance miss in totality and recognize that this very small trouble rate does not impair a CLECs ability to compete in the marketplace.

Two additional performance metrics, were not at parity with retail performance in January 2002: (1) the average installation interval when a technician dispatch was required within an MSA (OP-4A); and (2) the average installation interval when no technician dispatch was required (OP-4C). In January, CLECs obtained resold Centrex service for orders that required a technician dispatch within a MSA in an average of 4.79 days, while comparable Qwest retail residential customers received the service in an average of 3.14 days. *Id*. at 234, OP-4A. When a technician dispatch is required to provision a circuit, a standard interval is not used. Instead “Appointment Scheduler” sets appointment times and dates on a nondiscriminatory basis. Although the CLEC interval was longer in January, Qwest provisioned 100% of

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Centrex resale orders on time when a technician dispatch was required within an MSA. *Id*., OP-3A. In addition, this performance metric was at parity with retail performance between February 2002 and April 2002. *Id*., OP-4A. The Commission should view this performance miss in totality and recognize that this performance did not impair a CLECs ability to compete since 100% of the installation commitments to the CLECs were met.

4. Resold Centrex 21 Service

Installation of Resold Centrex 21 Service. Between January 2002 and April 2002, two orders were received from CLECs for Centrex 21 service. *Id*. at 245-247, OP-3A, OP-3B, OP-3C. Qwest met 100% of its CLEC installation commitments for resold Centrex 21 service, each month between January 2002 and April 2002. *Id*. at 247, OP-3C. The overall average installation interval for resold Centrex 21 service was 3.5 days, at parity with retail performance between January 2002 and April 2002. *Id*., OP-4C.

Maintenance and Repair. No trouble reports were received for resold Centrex 21 service between January 2002 and April 2002. *Id*. at 254, MR-8, MR-8*.

All four Centrex 21 performance measures in Washington were at parity with retail performance between January 2002 and April 2002. *Id*. at 247, 248, 254, OP-3C, OP-4C, OP-5, OP-5*, MR-8, MR-8*.

5. Resold PBX Service

Installation of Resold PBX Service. Between January 2002 and April 2002, five orders were received from CLECs for PBX service. *Id*. at 256-258, OP-3A, OP-3B, OP-3C. Qwest met 100% of its CLEC installation commitments for resold PBX service that did not require a technician dispatch between January 2002 and April 2002, in an average interval of 1 day or less, at parity with retail performance. *Id.* at 258, OP-3C, OP-4C. For PBX installations that required a dispatch within MSAs, Qwest met two (100%) CLEC installation commitments between January 2002 and April 2002, in three days or less, at parity with retail performance. *Id*. at 256, OP-3A, OP-4A. As to dispatches outside of MSAs, this level of performance continues with Qwest consistently meeting 100% of its commitments for

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resold PBX service between January 2002 and April 2002. *Id*. at 257, OP-3B. In each of the last four months, the average installation interval was also at parity with retail performance when dispatches outside of MSAs were required. *Id.*, OP-4B.

Maintenance and Repair. In three of the last four months, the overall trouble rate for resold CLEC lines has been extremely small once "no trouble found" reports are excluded: 0.06% or less for PBX. The April result was 0.43%; the no trouble found information is not yet available. *Id*. at 267, MR-8, MR-8*. For resold PBX service, Qwest cleared an average of 94.1% of all out-of-service situations in 24 hours between January 2002 and April 2002, generally at parity with retail service. *Id*. at 263, 264, 266, MR-3A, MR-3B, MR-3C. 100% of all troubles were cleared within 48-hours between January 2002 and April 2002, at parity with retail performance. *Id*., MR-4A, MR-4B, MR-4C.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Of the 27 installation and repair measurements surrounding PBX resale, Qwest missed the ROC determined performance objective on only two performance measures for a single month between January 2002 and April 2002: (1) the out of service cleared within 24 hours when no dispatch was required (MR-3C) and (2) the PBX trouble rate (MR-8). In March 2002, one of three CLEC reports was not cleared within 24 hours when a technician dispatch was not required. *Id*. at 266, MR-3C. However, the average mean time to restore service was twelve hours and fifty-one minutes for all three reports. *Id*., MR-6C. This is the only month over the last twelve months were 100% of CLEC out-of-service trouble reports were not cleared within 24-hours. *Id*., MR-3C.

The PBX trouble rate was 0.43% in April 2002. Only eight of 1,856 CLEC PBX lines experienced trouble. In three of the last four months, the overall trouble rate for resold CLEC lines has been extremely small once "no trouble found" reports are excluded: 0.06% or less for resold PBX service. The no trouble found information for April is not yet available. *Id*. at 267, MR-8, MR-8*. This performance metric has been at parity with retail performance each month since July 2001. *Id*.

6. Resold Basic ISDN Service

No orders were received for Basic ISDN service between January 2002 and April 2002 in

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Washington. *Id*. at 269-271, OP-3A, OP-3B, OP-3C. Nor were any trouble reports received for resold Basic ISDN service between January 2002 and April 2002. *Id*. at 280, MR-8, MR-8*.

7. Resold DSL Service

Installation of Resold DSL Service. Between January 2002 and April 2002, 1% of the total resold orders received from CLECs were for DSL service. *Id*. at 212-214, 223-225, 234-236, 245-247, 256-258, 269-271, 282-284, 292-294, 301-303, 311-312, 318-319, 325-326, OP-3A, OP-3B, OP-3C. During this same time, 97.1% of all DSL orders for resold service did not require a technician dispatch. *Id*. at 282-284, OP-3A, OP-3B, OP-3C. Qwest met 100% of its CLEC installation commitments for resold DSL service that did not require a technician dispatch between January 2002 and April 2002, in an average interval of 9.31 days or less, at parity with retail performance. *Id.* at 283-284, OP-3C, OP-4C. For DSL installations that required a dispatch within MSAs, Qwest met two (100%) CLEC installation commitments between January 2002 and April 2002, in ten days or less, at parity with retail performance. *Id*. at 282, OP-3A, OP-4A. As to dispatches outside of MSAs, this level of performance continues with Qwest consistently meeting 100% of its commitments for resold DSL service between January 2002 and April 2002. *Id*. at 257, OP-3B. In each of the last four months, the average installation interval was also at parity with retail performance when dispatches outside of MSAs were required. *Id.*, OP-4B.

Maintenance and Repair. Qwest had only one trouble report for resold DSL service between January 2002 and April 2002, which was cleared in two minutes, at parity with retail service. *Id*. at 288, MR-3D, MR-6D. Once the "no trouble found reports" were removed, there were no trouble reports for CLEC DSL service, between January 2002 and April 2002. *Id*. at 290-291, MR-8, MR-8*. All six repair performance metrics in Washington were at parity with retail results between January 2002 and April 2002. *Id*. at 288-290, MR-3D, MR-4D, MR-6D, MR-7D, MR-8, MR-10.

8. Resold Primary ISDN Service

No Primary ISDN orders were received in Washington between January 2002 and April 2002. *Id.* at 294-295, OP-4D, OP-3E. Of the seven installation and repair measurements surrounding Primary

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ISDN resale, two metrics were not at parity with retail performance for a single month: (1) new service installation quality (OP-5); and (2) trouble rate (MR-8). In January, one CLEC experienced trouble, which was cleared within four hours. *Id.* at 296, 298, OP-5, MR-5A. In addition, no trouble was found when Qwest investigated this report, bringing the OP-5 metric into parity with retail performance. *Id*. at 296, OP-5*. This same report also caused Qwest to miss the trouble report metric, which now shows parity when the "no trouble found" report is removed. *Id*. at 300, MR-8*.

9. Resold DSO Service

Installation of Resold DSO Service. Three orders were received for DSO service between January 2002 and April 2002. *Id*. at 303-304, OP-3D, OP-3E. All orders were installed as committed, in an average installation interval of three days or less, at parity with retail results. *Id*. at 303-305, OP-3D, OP-3E, OP-4D, OP-4E. New service installation quality was also at parity with retail results. *Id*. at 305, OP-5. Nor were any trouble reports received for resold Basic ISDN service between January 2002 and April 2002. *Id*. at 280, MR-8, MR-8*.

Maintenance and Repair. Qwest had ten trouble reports for resold DSO service between January 2002 and April 2002, which were cleared in a mean time of six hours and forty-two minutes or less, at parity with retail service. *Id*. at 308-310, MR-6D, MR-6E, MR-8. The trouble rate was 0.60% or less between January 2002 and April 2002. *Id*. at 310, MR-8, MR-8*. All seven repair performance metrics in Washington were at parity with retail results between January 2002 and April 2002. *Id*. at 308-310, MR-5A, MR-6D, MR-7D, MR-5B, MR-6E, MR-7E, MR-8.

10. Resold DS-1 Service

Installation of Resold DS-1 Service. Between January 2002 and April 2002, seven CLEC orders (0.3% of the total resold orders) were received for DS-1 service between January 2002 and April 2002. *Id*. at 311-312, OP-3D, OP-3E. All seven orders were installed as committed, in an average interval of six days or less, at parity with comparable retail performance. *Id*. at 312, OP-3E, OP-4E.

Maintenance and Repair. Qwest had 39 trouble reports for resold DS-1 service between January 2002 and April 2002, which were cleared in a mean time of one hour and fifty-seven minutes or

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less, at parity with retail service. *Id*. at 315-317, MR-6D, MR-6E, MR-8. The repeat report rate was also at parity with retail performance between January 2002 and April 2002. *Id*. at 315-316, MR-7D, MR-7E.

Instances Where Qwest Failed to Meet the Parity or Benchmark Standard. Of the 11 installation and repair measurements surrounding resale of DS-1 circuits, Qwest provided service at parity with retail performance for at least three of the last four months on all but two metrics: (1) new service installation quality (OP-5); and, (2) the trouble rate (MR-8). Between January 2002 and April 2002, there were five trouble tickets filed within thirty days of new service installation. *Id*. at 313, OP-5*. The OP-5 measurement has known limitations. This limitation is heightened with a DS-1 circuit, which constitutes 24 DS0 channels, each of which is a candidate for new service trouble. This has an additional multiplying effect on trouble reports in the numerator, in comparison to orders in the denominator (which, for DS-1, not only may have multiple lines per order, but each DS-1 line has 24 circuits). To illustrate, in October, the trouble experienced on the DS-1 line was on one of the 24 DS0 circuits that "ride" on the DS-1, which trouble was promptly fixed. Thus, when installing circuits of this type, it is not surprising that the numerator for OP-5 reported for DS-1 to be inflated, as multiplied by both the number of lines per order in the denominator, but also the 24 circuits per DS-1 line. Moreover, when troubles did occur between January 2002 and April 2002, all but one report was cleared within four hours, at parity with comparable retail performance. *Id.* at 315-316, MR-5A, MR-5B. The mean time to restore service was also at parity with retail performance. *Id*., MR-6D, MR-6E.

The CLEC DS-1 trouble rate was 5.26% in January, 0.82% in February and 4.17% in March once the "no trouble found" reports were excluded. *Id*. at 317, MR-8* Six reports were filed in January, one in February and five in March, all of which were cleared in less than four hours. *Id.* at 315-316, MR-5A, MR-5B. The trouble rate was 6.38% in April 2002; the no trouble found information is not yet available. *Id*. at 317, MR-8. Nine reports were filed in April, eight of which were cleared in less than two hours. *Id.* at 315-316, MR-5A, MR-5B.

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11. Resold DS-3 and Higher Service

No orders were received for DS-3 and higher service between January 2002 and April 2002. *Id*. at 318-319, OP-3D, OP-3E. Nor were any trouble reports received for resold DS-3 and higher service between January 2002 and April 2002. *Id*. at 324, MR-8.

12. Resold Frame Relay Service

No orders were received for Frame Relay service between January 2002 and April 2002. *Id*. at 325-326, OP-3D, OP-3E. Nor were any trouble reports received for resold Frame Relay service between January 2002 and April 2002. *Id*. at 331, MR-8.

In summary, Qwest has met 144 of the 151 performance metrics associated with resold CLEC services in at least three of four months between January 2002 and April 2002 in Washington. *Id.* at 212-331, OP-3A, OP-4A, OP-6A-1, OP-6B-1, OP-3B, OP-4B, OP-6A-2, OP-6B-2, OP-3C, OP-4C, OP-6A-3, OP-6B-3, OP-5, MR-3A, MR-4A, MR-6A, MR-7A, MR-9A, MR-3B, MR-4B, MR-6B, MR-7B, MR-9B, MR-3C, MR-4C, MR-6C, MR-7C, MR-9C, MR-8, OP-6A-4, OP-6B-4, OP-3E, OP-4E, OP-6A-5, MR-5A, MR-6D, MR-7D, MR-5B, MR-6E, MR-7E, OP-3D, OP-4D, OP-6B-5. The Commission should find Qwest has satisfied its checklist item fourteen performance requirements.

III. CONCLUSION

Qwest missed only a few performance standards in Washington for more than one month between January 2002 and April 2002. Based on the data depicted in the May 2001 – April 2002 data report (the "April data report"), Qwest missed the standards for only twenty-three individual metrics, which equates to 3.5% of the approximately 656 individual performance sub-measurements tracked in total each month.[28] Attached hereto as Exhibit 9 and incorporated herein by this reference is a matrix isolating those twenty-three misses.

[28] Qwest actually tracks data on 786 separate measurements (not 656) each month and, for 109 of those, it offers two views of the data (bringing the total number of tracking graphs to 895). However, 130 of the 786 sub-measurements relate to measures which are either simply diagnostic (i.e., neither evaluated under a parity or benchmark standard and for informational purposes only) or offer merely extraneous information (e.g. sub-measurements that offer only historical data relating to outdated methods of tracking data). For the sake of a fair comparison of the "total" number of sub-measurements showing parity/benchmark problems, the 130 non-benchmark metrics are excluded from the total number of submeasurements tracked as a whole (bringing the total down to 656).

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At the outset and in summary, the twenty-three multiple month PID misses detailed at Exhibit 9 can be grouped into the following seven categories:

1. Electronic Flow Through: Of 71 total PIDs in Washington, Qwest failed to meet the ROC standard for two PIDs for more than one month: 1) electronic flow-through for all eligible LSRs received via IMA-EDI interfaces for POTS resale and 2) electronic flow-through for all eligible LSRs received via IMA-EDI interfaces for UNE-P POTS (PO-2B-2).

2. UNE-P: Of 46 total PIDs in Washington, Qwest failed to meet the ROC standard for four PIDs for more than one month:

   - the average installation interval when no dispatch was required for UNE-P POTS (OP-4C),
   - the repeat trouble rate when no dispatch was required for UNE-P POTS (MR-7C),
   - the average installation interval when a dispatch was required within an MSA for UNE-P Centrex (OP-4A) and
   - the UNE-P Centrex trouble rate (MR-8).
   - One of the four PID misses (MR-7C) is compliant once the "no trouble found" trouble reports are removed

3. EELs: Qwest failed to meet the ROC standard for the only PID: installation commitments met (OP-3D). Qwest missed this objective by one order in January 2002 and one order in February 2002.

4. Unbundled Loops: Of 105 total PIDs in Washington, Qwest failed to meet the ROC standard for seven PIDs for more than one month:

   - the average delayed days for non-facility reasons for unbundled analog loops in Zone 1 (OP-6A-4),
   - all troubles cleared within fours hours for DS-1 capable unbundled loops in Zone 1 (MR-5A),
   - the mean time to restore DS-1 capable unbundled loops in Zone 1 (MR-6D),
   - the DS-1 capable unbundled loops trouble rate (MR-8),
   - the new service installation quality for ISDN capable unbundled loops (OP-5),
   - the mean time to restore ISDN capable unbundled loops in Zone 1 (MR-6D), and
   - the new service installation quality for ADSL compatible unbundled loops (OP-5),

5. Line-Sharing: Of 12 total PIDs in Washington, Qwest failed to meet the ROC standard for one PID: the mean time to restore line-sharing troubles when a technician dispatch was not required (MR-6C).

6. UDIT: Of 27 total PIDs in Washington, Qwest failed to meet the ROC standard on one PID: the above DS-1 capable transport trouble rate (MR-8).

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7. Resale: Of 151 total PIDs in Washington, Qwest failed to meet the ROC standard on seven PIDS:

- new service installation quality for resold business POTS (OP-5),
- the repeat trouble rate when no dispatch was required for resold business POTS (MR-7C),
- the resold business POTS trouble rate (MR-8),
- the repeat trouble rate when a technician dispatch was required within an MSA for resold Centrex (MR-7A),
- the resold Centrex trouble rate (MR-8),
- new service installation quality for resold DS-1 service (OP-5),
- the resold DS-1 trouble rate (MR-8).

In addition, in each month between January 2002 and April 2002, Qwest missed other ROC determined benchmark or parity standards in **only** one month. In other words, these same metrics were met in three of the last four months. Based on the data depicted in the April data report, Qwest missed fifteen additional metrics in January 2002, three of which were found to be in compliance once the "no trouble found" reports were excluded. See *Exhibit 10*. Ten additional metrics were missed in February 2002. See *Exhibit 11*. Eight additional metrics were missed in March 2002. See *Exhibit 12*. Finally, six additional metrics were missed in April 2002; however, since the “no trouble found” metric is populated one month in arrears, this total number may to drop once the May 2002 performance data is available. See *Exhibit 12*. I discussed each of these metrics within their appropriate checklist item section above.

Two paragraphs from the FCC’s Pennsylvania Order, succinctly set forth the legal standard for evaluating a BOC’s performance data. In that order, the FCC makes clear that perfect performance is not necessary and that a BOC’s miss on one measurement, by itself, does not necessarily provide a basis for finding noncompliance with the corresponding checklist item. For the ease of Commission review, those paragraphs are inserted below.

> 8. The Commission has explained in prior orders that parity and benchmark standards established by state commissions do not represent absolute maximum or minimum levels of performance necessary to satisfy the competitive checklist. Rather, where these 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 and manner, or in a

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> way that provides them a meaningful opportunity to compete. 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. Otherwise, the Commission will examine the evidence further to make a determination whether the statutory nondiscrimination requirements are met. Thus, the Commission will examine the explanations that a BOC and others provide about whether these data accurately depict the quality of the BOC's performance. The Commission also may examine how many months a variation in performance has existed and what the recent trend has been. The Commission may find that statistically significant differences exist, but conclude that such differences have little or no competitive significance in the marketplace. In such cases, the Commission may conclude that the differences are not meaningful in terms of statutory compliance. Ultimately, the determination of whether a BOC's performance meets the statutory requirements necessarily is a contextual decision based on the totality of the circumstances and information before the Commission.
>
> 9. Where there are multiple performance measures associated with a particular checklist item, the Commission would consider the performance demonstrated by all the measurements as a whole. Accordingly, a disparity in performance for one measure, by itself, may not provide a basis for finding noncompliance with the checklist. The Commission may also find that the reported performance data is affected by factors beyond a BOC's control, a finding that would make it less likely to hold the BOC wholly accountable for the disparity. This is not to say, however, that performance discrepancies on a single performance metric are unimportant. Indeed, under certain circumstances, disparity with respect to one performance measurement may support a finding of statutory noncompliance, particularly if the disparity is substantial or has endured for a long time, or if it is accompanied by other evidence of discriminatory conduct or evidence that competing carriers have been denied a meaningful opportunity to compete.[29]

It is important to note that a miss for one month out of the last four month period of performance data is not viewed by the FCC as a basis for finding noncompliance with the checklist. As previously stated, the FCC's has found that when "there are multiple performance measurements associated with a particular checklist item, the Commission considers the performance demonstrated by all the measurements as a whole. Accordingly, a disparity in performance for one measurement, by itself, may

[29] *In the Matter of Application of Verizon Pennsylvania Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization To Provide In-Region, InterLATA Services in Pennsylvania*, CC Docket No. 01-138 App. C, ¶¶8-9 (Sept. 19, 2001) (footnotes omitted).

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not provide a basis for finding noncompliance with the checklist."[30]

Thus, the ultimate issue before this Commission is whether Qwest's overall performance on a checklist item by checklist item basis is adequate. The FCC has made clear that when performance metrics are negotiated, ILECs such as Qwest need not meet the negotiated standards 100% of the time to satisfy 271. This would be a virtual impossibility. The Commission's role is to assess all of the PIDs for each checklist item in totality and decide whether the performance is adequate. Moreover, when evaluating a 271 application, the FCC has always studied the four most recent months of performance data.[31]

The attached performance data shows that over the last four months, Qwest has consistently provided CLECs with outstanding performance across all checklist items. Qwest is offering CLECs a meaningful opportunity to compete in the marketplace in Washington today. In the very near term, Qwest expects to ask the Commission to formally recommend 271 approval to the FCC.

DATED this ___th day of June, 2002.

QWEST

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

[31] *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).