BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of Qwest Corporation for Arbitration with Eschelon Telecom, Inc. Pursuant to 47 U.S.C. Section 252 of the Federal Telecommunications Act of 1996	**Docket No. UT-063061**

EXHIBIT BJJ-27

TO

REBUTTAL TESTIMONY OF

BONNIE J. JOHNSON

ON BEHALF OF ESCHELON TELECOM, INC.

DECEMBER 4, 2006

From: Peterson Lussenhop, Joan [email redacted]
Sent: Tuesday, October 12, 2004 9:54 AM
To: Clauson, Karen L.
Cc: Johnson, Bonnie J.; Susan Peirce; Ed Fagerlund; Novak, Jean; Montez, Evelyn; Munn, John; Hsiao, Doug
Subject: RE: Delivery Levels on Some New T1 Orders

Karen:

Contrary to your assertions, the reason my e-mail reached you after close of business is because I was on the phone with Ed Fagerland from the DOC. I had just spent 2 hours with Qwest personnel on a conference call after they had spent a number of days gathering information. During my conference call, I saw Ed's phone number on my Caller ID about 4 times and felt that I needed to call him immediately. We spent 30 to 45 minutes on the phone. It did not "take a call from DOC" to get me to respond. I was responding and the call from DOC delayed the response.

I will now address the setting of the db at -7.5. As you know, the ANSI range is -16.5 as the lowest setting and "0" as the highest setting for db levels. When the db is set at "0", the signal is very "hot".

We have received increasing numbers of complaints from end-users on our network that their equipment could not perform properly when the db was set at "0". Thus, a number of years ago (approximately four), as Qwest ordered new equipment, we ordered equipment that defaulted to -7.5 (the middle of the range) rather than at either extreme end. In addition, techs were instructed to reset the db at -7.5 whenever they did a repair. This was first given as an instruction four years ago and has been repeated over time. Thus, in order to allow for proper performance of end-user equipment, Qwest has been moving the network over time to a default setting of -7.5. We have looked but cannot find the "memo" you reference. If you have a copy of whatever document you are referring to, that would help.

Qwest is delivering the DS1's within ANSI standards as required by our interconnection agreement. Even though Qwest is fully within the requirements of our interconnection agreement, we have been exploring the situation to see whether we could find a solution that does not create other problems. I will get back to you at the end of the day today.

Joan C. Peterson
Senior Attorney
Qwest
[phone number redacted]

-----Original Message-----
From: Clauson, Karen L. [email redacted]
Sent: Friday, October 08, 2004 6:57 PM
To: Peterson Lussenhop, Joan
Cc: Johnson, Bonnie J.; Susan Peirce; Ed Fagerlund
Subject: RE: Delivery Levels on Some New T1 Orders

Joan:

After waiting for a substantive response from Qwest, Eschelon is disappointed with the email below. It doesn't seem that it should take almost a week to come back with such a response. If Qwest had a question about the distance, Qwest certainly could have asked it earlier, so we could address that issue. Instead, you have waited until after COB on Friday, so you will not get a response until Monday. We will also respond to Qwest's other statements below

next week. It is unfortunate that it takes a call from the DOC to get even this kind of a response from you. We'll provide that information about the outstanding circuits on Monday - the next business day. (We would like to see a similar turnaround time from Qwest in response to Eschelon's questions.) Qwest has not previously suggested that distance is an issue, even though we have spent weeks dealing with this issue, but we will check into it. In any event, that does not explain the timing. Eschelon still needs to know about the Qwest memo and whether and when Qwest said to start setting the dB levels at -7.5 dB.

Regarding your statement that I "stated that Qwest has not provided" me with an answer, you are incorrect. My email below was specific to you, Joan, and not Qwest generally. I said that I had not heard an answer from you at all since Ken Beck said you were the person who would communicate a response, and that is a true statement. As I said in my email below, "As you are the point of contact now, you need to be sending regular status updates so we have current information on this important, and apparently growing, problem." Far from getting regular status updates, I haven't received so much as an estimate of when we would receive a response from you or even an "I'm working on it." A simple status email would just be common courtesy, but no courtesy has been extended to Eschelon. Given the dearth of any kind of status or other communication from you, Joan, your reference to "responsiveness to our customers" rings hollow. As previously indicated, Eschelon disagrees with your statements about the ICA requirements and believes Qwest does have this requirement. We will send that information on Monday.

-----Original Message-----
From: Peterson Lussenhop, Joan [email redacted]
Sent: Friday, October 08, 2004 5:14 PM
To: Clauson, Karen L.
Cc: Johnson, Bonnie J.; Susan Peirce; Ed Fagerlund
Subject: RE: Delivery Levels on Some New T1 Orders

Karen:

This is in reply to the e-mails you have sent me this week. In one you stated that Qwest has not provided you with an answer. Qwest has given you an answer that it is providing the T1's within the ANSI standards as required. You have asked for further review. Although Qwest is not required by its interconnection agreement with you to provide db levels at 0, we are currently exploring how your issues might be resolved. We certainly want to be responsive to our customers.

In exploring this issue, we are puzzled by the fact that this problem only appears to be occurring in Minnesota and only with Eschelon. One hing that is unique in Minnesota is that it has an MPOP requirement. This means that the end-user equipment tends to be further away from the point of demarcation. Can you tell me how far from the MPOP your end-user equipment is on these lines where you have experienced problems?

Joan C. Peterson
Senior Attorney
Qwest
[phone number redacted]

-----Original Message-----
From: Clauson, Karen L. [email redacted]
Sent: Friday, October 08, 2004 9:08 AM
To: Peterson Lussenhop, Joan
Cc: Johnson, Bonnie J.; 'Susan Peirce'
Subject: RE: Delivery Levels on Some New T1 Orders

Joan:

The two additional PONs (both Minnesota) are MN 424414 and MN435006. In both of these cases, Qwest delivered T1s of poor quality that needed an immediate repair. Obviously, when Eschelon pays Qwest for T1s, Eschelon expects a product that does not need a repair before we can use the product as intended. In both of these situations, Eschelon submitted repair tickets. In both cases, as Eschelon has contended, an adjustment to the dB levels and voltage (dB levels and voltage being related) corrected the problem. The dB and voltage levels to which the T1s were set to correct the problem are within the range in the tech pub and ANSI standard. The ICA requires Qwest to provide service consistent with those documents. As indicated below, the tech pub also requires the loop to be free of errors, which it was not until the levels were adjusted.

If Qwest had set the levels at zero dB and 6 volts peak-to-peak which is consistent with Qwest tech pub and ANSI standard) when it installed the loops or adjusted the levels at the time of acceptance (the latter being Qwest's process in every other state even now), these repairs would have been unnecessary. The repair process creates additional work for both parties. This is inefficient. In addition, the Qwest CEMR notes for MN424414 indicate that Qwest plans to bill for 1 hour for this repair. We don't believe such a charge is approved in MN. Even if it were, it would be inappropriate to charge Eschelon for work that Qwest should have done to deliver a quality T1 that does not need repair.

Please let me know what steps Qwest is taking to work on this issue and when Qwest will respond.

Thank you,
Karen

-----Original Message-----
From: Clauson, Karen L.
Sent: Thursday, October 07, 2004 4:48 PM
To: 'Peterson Lussenhop, Joan'
Cc: Johnson, Bonnie J.; 'Susan Peirce'
Subject: RE: Delivery Levels on Some New T1 Orders

Joan:

We have two more of these, also both in MN. I will forward you the PONs when I receive them. Ken's email on Tuesday said: "All Future corespondence will come through Joan Perterson from here on with this issue." I haven't heard from you at all. As you are the point of contact now, you need to be sending regular status updates so we have current information on this important, and apparently growing, problem. We have been working the issue on some of these circuits on our end through vendor meets (which have confirmed that the problem is the one we described relating to adjusting levels), but that does not prevent the problem from occurring in the first place (as shown by the two new ones). We are also concerned that Qwest will try to tack on additional charges, such as for vendor meets that should not have had to occur if Qwest simply followed the process that, until this issue arose, it had been following.

What is the status at Qwest, and when will Qwest respond to our questions?

Karen L. Clauson
Senior Director of Interconnection
Eschelon Telecom, Inc.
730 2nd Ave. South, Suite 900
Minneapolis, MN 55402

Phone: [redacted]
Fax: [redacted]

-----Original Message-----
From: Clauson, Karen L.
Sent: Wednesday, October 06, 2004 4:20 PM
To: 'Peterson Lussenhop, Joan'
Cc: Johnson, Bonnie J.; 'Susan Peirce'
Subject: RE: Delivery Levels on Some New T1 Orders

Joan:
The problem seems to be spreading. We have two new PONs, also both in MN, to add to your list:

PON MN 433239T1FAC
PON MN 434638TIFAC

Joan: Can you identify some difference in Qwest's processes or personnel specific to MN which would explain why all of these (now 4 customers/6 circuits -- are in MN)?

The fact that the number is increasing is obviously of concern and we need a solution ASAP.

----Original Message-----
From: Clauson, Karen L.
Sent: Tuesday, October 05, 2004 4:28 PM
To: 'Peterson Lussenhop, Joan'
Cc: Ahlers, Dennis D.
Subject: RE: Delivery Levels on Some New T1 Orders

PON MN435908T1FAC

-----Original Message-----
From: Peterson Lussenhop, Joan
Sent: Tuesday, October 05, 2004 4:19 PM
To: Clauson, Karen L.
Cc: Ahlers, Dennis D.
Subject: RE: Delivery Levels on Some New T1 Orders

Karen:
Can you provide the PON on the last order?

Joan C. Peterson
Senior Attorney
Qwest
[phone number redacted]

>-----Original Message-----
From: Clauson, Karen L. [email redacted]
Sent: Tuesday, October 05, 2004 3:01 PM
To: Peterson Lussenhop, Joan
Cc: Ahlers, Dennis D.
Subject: FW: Delivery Levels on Some New T1 Orders

Joan:
Dennis said you had called about this issue. I have been working on it, so please call me to discuss. Below is some background nformation for you. Also, Cindy Buckmaster at Qwest said, when such problems arise or we disagree about

the quality of the loop, CLECs should accept the loop and request repair. My understanding, however, is that we did try repair and Qwest did not get the circuits working.

We may try repair again. We need both to get the specific circuits in issue working and to obtain answers to the broader questions regarding Qwest's policy (see, e.g., the third point in Laurie's email below) so we know what to expect going forward. Any assistance that you can provide would be appreciated. This is a time sensitive issue that has been going on for weeks now.

Thanks,

Karen L. Clauson
Senior Director of Interconnection
Eschelon Telecom, Inc.
730 2nd Ave. South, Suite 900
Minneapolis, MN 55402
Phone: [redacted]
Fax: [redacted]
> >
PON MN426481T1FAC (PRI)
Qwest Ckt ID - 3.HCFU.101108..NW
Qwest Order # - N86235709
Date Order Submitted - 8/23/04
> >
> >
PON MN426476T1FAC (IP)
Qwest Ckt ID - 3.HCFU.101109..NW
Qwest Order # - N86501597
Date Order Submitted - 8/23/04
> >
> >
PON MN433193T1FAC (IP)
Qwest Ckt ID - 3.HCFU.101247..NW
Qwest Order # - N90315361
Date Order Submitted - 9/13/04
> >
> >
Qwest Ckt ID 3.HCFU.101315.NW
Qwest Order # N91252361
> > FOC date was 9-29-04
> >
> >
-----Original Message-----
From: Clauson, Karen L.
Sent: Monday, October 04, 2004 11:37 AM
To: 'Ken.Beck@qwest.com'
Cc: 'Novak, Jean'; Spohn, Wayne; Larson, Laurie A.; Boeke, Gerald A.; Johnson, Bonnie J.
Subject: Delivery Levels on Some New T1 Orders

Ken:
I understand that Wayne is out of the office this week, so Eschelon is addressing this to you. In Wayne's absence, Eschelon may also escalate to his supervisor as needed. In Eschelon's list of questions below, the third one stated:

“Third, as indicated in Kim's earlier email, a Qwest field technician and tester communicated that Qwest has an internal memo indicating they are now setting NIU's at -7.5dB instead of 0dB.

Despite Jean's email, this is a change in process. Please confirm whether Qwest has, in an internal memo or otherwise, decided or provided direction to

set NIU's at -7.5dB instead of 0dB. Also, please indicate whether this decision/direction applies to Qwest retail customers as well." Qwest did not directly respond to this request. Eschelon received this information from a Qwest field technician and a tester. Is Qwest denying the existence of any such communication?

Qwest's enclosed response states that "the Technical Publication is a technical reference guide and is not a contract." In this case, however, the Minnesota Qwest-Eschelon ICA specifically states that Qwest "will deliver the DS-1 service to the End User's network interface consistent with Technical Publication 77375." (MN Amendment No. 4, paragraph 2.3.2.) Qwest's statements about the ICA are wrong. It would be helpful if someone at Qwest familiar with the ICA actually reviewed it before Qwest makes incorrect representations to our business folks.

As Eschelon indicated in the email below: "Technical Publication 77375 requires, however, that the signal be "free of crosstalk, amplified noise and distortion." (See Section 2.1 of that tech pub.) When Eschelon requests 0dB and Qwest instead provides a circuit at a different level, there is noise and distortion. Because the circuit is NOT "free of crosstalk, amplified noise and distortion," the circuit is inconsistent with Technical Publication 77375." In the enclosed response, Qwest suggests that a provision is not enforceable because it is a "declarative statement." Please have your attorneys provide me with the legal basis for that proposition. I am also happy to deal with your attorneys directly if you prefer. If so, please let me know who that is or have the attorney(s) contact me directly.

In the enclosed response, Qwest also discuses digital fiber. Qwest's statements in its letter about digital fiber are inapplicable here. Here, Qwest delivers a 4-wire copper circuit handed off at the NIU. Distortion problems are introduced and, in the past, adjusting the dB loss has cured the problems. Under the process used by Qwest until recently, the adjusted dB level was within in the tech pub's range AND it met the other requirements of the tech pub. Now, Qwest is refusing to do this.

We need to know the basis for the change in process (which was not done through CMP). Qwest appears to be saying in its response that, so long as it always provides a circuit at the bottom end of the range in the Tech Pub, it is meeting the Tech Pub. If that were true, there would be no need for the Tech Pub to contain a range. The Tech Pub would simply say that the carrier must provide a dB of no less than X (-7.5dB in this case). The Tech Pub does not do that. It contains a range. To meet the Tech Pub, the service has to be within that range (including the top of the range = 0 in this case) and actually work for the intended purpose/customer. Meeting the Tech Pub is required by the ICA. (MN Amendment No. 4, paragraph 2.3.2.)

Qwest's enclosed letter is unclear but appears to suggest that the issue with these circuits could be something other than adjusting the dB level. If so, please cooperate with Eschelon, your customer, in adjusting the dB levels on these 4 MN circuits so that, at least as a diagnostic matter, we can confirm this is the issue. In the past, a simple dB level adjustment has worked.

Given the importance of this issue and the delay that has already occurred, we need to proceed to get this issue addressed promptly.

Karen L. Clauson
Senior Director of Interconnection
Eschelon Telecom, Inc.
730 2nd Ave. South, Suite 900
Minneapolis, MN 55402
Phone: [redacted]
Fax: [redacted]

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-----Original Message-----

From: Spohn, Wayne [email redacted]
Sent: Wednesday, September 29, 2004 4:26 PM
To: Larson, Laurie A.
Cc: Beck, Ken; Novak, Jean; Spohn, Wayne
Subject: RE: Delivery Levels on Some New T1 Order

Hi Laurie,
Please see the attached response to your questions.

Thank you,
Wayne

<<Escelon092904.doc>>

-----Original Message-----
From: Larson, Laurie A.
Sent: Monday, September 27, 2004 5:19 PM
To: Spohn, Wayne
Cc: Larson, Laurie A.; Clauson, Karen L.; Boeke, Gerald A.; Beck, Ken; Tietz, Jeff; Johnson, Bonnie J.; 'Novak, Jean'
Subject: RE: Delivery Levels on Some New T1 Order

Wayne,
Eschelon has escalated this issue to you, and we have additional questions for you.

First, with respect to Technical Publication 77375, Qwest appears to be reading one provision in isolation to arrive at an incorrect conclusion. Jean's email indicated that Qwest is delivering the DS1 circuits within the ANSI standard. Technical Publication 77375 requires, however, that the signal be "free of crosstalk, amplified noise and distortion." (See Section 2.1 of that tech pub.) When Eschelon requests 0dB and Qwest instead provides a circuit at a different level, there is noise and distortion. Because the circuit is NOT "free of crosstalk, amplified noise and distortion," the circuit is inconsistent with Technical Publication 77375. Have you reveiwed Section 2.1 of this Tech Publication? If so, please explain if/and how Qwest claims it is meeting Section 2.1 of Technical Publication 77375 in these circumstances.

Second, Qwest has asked Eschelon to use an NCI code containing the letters "DS" (04DS9) to obtain 0dB. According to table 4-2 on page 4-5 of the same tech pub (77375), however, "DS" indicates a carrier's premises. These circuits go to the end user customer premises. According to the same table in the same tech pub (77375), the letters "DU" are needed for the end user customers premises. Given this, why is Qwest suggesting use of an NCI code with the letters DS to order this local service at?

Third, as indicated in Kim's earlier email, a Qwest field technician and a tester communicated that Qwest has an internal memo indicating they are now setting NIU's at -7.5dB instead of 0dB. Despite Jean's email, this is a change in process. Please confirm whether Qwest has, in an internal memo or otherwise, decided or provided direction to set NIU's at -7.5dB instead of 0dB. Also, please indicate whether this decision/direction applies to Qwest retail customers as well.

Finally, as a matter of customer service, Qwest should provide the dB level requested by the customer to serve the customer's needs. Will Qwest reverse it recent process change and work with CLECs to adjust the levels to those desired by the customer to ensure that signals are free of crosstalk, amplified noise and distortion? Resolution of this issue has already taken too long. We have waited approx. 15 days for Jean's response, and as you can tell from the questions above, Jean did not provide the information we need. Please provide

responses to these questions promptly so we can analyze the information and decide where to go from here.

Regards,
Laurie Larson
Sr. Director, Service Delivery
Eschelon Telecom
[email redacted]
[phone number redacted]
[cell number redacted]
[fax number redacted]

Wayne Spohn, VP Wholesale Markets
Qwest Communications
1801 California, Suite 2400
Denver, CO 80202

September 29, 2004

Ms. Laurie Larson, Sr. Director, Service Delivery
Eschelon
730- Second Avenue South, Suite 900
Minneapolis, MN 55402

Dear Laurie;

As a threshold matter, Eschelon has stated to Qwest on numerous occasions that the Technical Publication is a technical reference guide and is not a contract. I would refer Eschelon to the interconnection agreements; nowhere in them does it state that DS1 loops will be provisioned to a CLEC at 0 db loss. It does state, however, that Qwest will provide loops and DS1 loops in accordance with ANSI standards, specifically ANSI T1.403. See e.g., Minnesota ICA Attachment 3, §4.2.4.6.

With respect to Technical Publications, Qwest is required to document the specifications for products offered by Qwest. The specifications for the DS1 type service is documented in Technical Publication 77375. Qwest disagrees with Eschelon's interpretation of the DS1 specifications. The statement referred to by Eschelon in the Technical Publication 77375, Section 2.1, paragraph 2, last sentence, is a declarative statement that simply states a fact that digital circuits, in comparison to analog circuits are not subject to interference (crosstalk, amplified noise and distortion). A digital circuit on its own will not induce interference on itself no matter what the db loss is on the circuit. Interference is a factor of multiple circuits within a copper cable—a factor that clearly does not apply to a digital fiber.

Eschelon alleges if Qwest does not set the db at zero (0) the circuit would not be free of crosstalk, amplified noise and distortion (interference). To the contrary, a digital circuit on its own will not induce interference on itself no matter what the db loss is on the circuit. Based on the example provided by Kim Isaacs in an email dated, September 10, 2004, the circuit delivered met all requirements and the documented tests performed by Qwest indicate that the circuit is within the parameters set forth in the interconnection agreement, the ANSI standards and the Technical Publication. All of them consistently set the standard to ensure a circuit turns up at between 0 and -16.5db.

The information provided in an email on September 16 from Jean Novak indicated that nci code (04ds9) delivered service at 0db. Eschelon is correct, however, that this nci code applies to customers with private networks connecting to Qwest and not services terminating at an end users location. This suggested solution would not work, and Qwest apologizes for the inconvenience this may have caused Eschelon.

There was no change in process. Qwest has consistently indicated that Qwest provisions services as specified in the Qwest Technical Publication and following ANSI standards. Qwest process has not changed with regard to db range of 0db to -16.5 db loss as within the accepted parameters. Network channel codes are the same for retail as wholesale. Please refer to technical publication 77375.

Qwest has indicated that Qwest provisions services as specified in the Qwest Technical Publications and following ANSI standards. It is Qwest's responsibility to manage the network and meet the requirements which ensure parity for all customers utilizing Qwest's services whether retail or wholesale.

The information provided in an email on September 16, 2004, from Jean Novak indicating that for the nc/nci code order by Eschelon 0db to -16.5 db was in the normal range. Eschelon elected not to accept the answer; therefore, service management on behalf of Eschelon requested further review at Qwest.

Sincerely,

Wayne Spohn
VP Wholesale Markets

Cc: Ken Beck
Jean Novak