

UT-990261
Carrier to Carrier Service Quality
July 16, 1999
9:00 a.m. - 12:00 p.m.

Attendees:

Glen Harris, Sprint
Perry Hooks, US West Communications
Andy VanSlyke, Sprint
Linda Covey, MetroNet
Karlene Anderson, Nextlink
Gary Yaquinto, GST Telecom
Christine Mailloux, Northpoint
Terry Berman, Miller Nash/Metronet
Clay Deanhardt, Coved
David Wye, AT&T Wireless
Jane Delahany, GST
Rodney Langley, GTE
Eric Heath, Sprint
Janis Stys, MCI WorldCom
Rick Finnigan, WITA

Jeff Hubbard, U S West
Ron Gayman, AT&T
Mary Tee, ELI
Lesley Wood, SBC
Greg Kopta, Nextlink,
Perry Hooks, U S West
Sue Henson, U S West
Lisa Anderl, U S West
Art Butler, Ater Wynne
Rex Knowles, Nextlink
Mary Tribby, AT&T Communications
Joan Gage, GTE
Joe Gentry, ACT-Rhythms
Mark Porter, GTE

John, Felz, Sprint

WUTC Attendees:

Rebecca Beaton
David Griffith
Larry Berg
Glenn Blackmon
Roger Kouchi
Shannon Smith

RB: Introductions, Welcome and Overview of Agenda

LB: Overview of rulemaking process and ground rules

PH: Perry Hooks Jr., Director Legal and Regulatory Affairs for Wholesale Interconnections, U S West Communication - Service Quality Measures

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Should wholesale services quality rules be adopted? If so what should be the extent of their detail? If performance measures are included, what principles should be applied in their adoption?

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US West's position is they don't think it's necessary to adopt Wholesale Quality Service Rules at this time. We feel that way primarily because there is quite a bit of competition that taking place in the state. We only have one state to date that has service quality rules and that's in Utah. Since the time that those rules were adopted, back in January, we've had no new entrants come in. So it doesn't necessarily put more parties to the table. Rules are costly to implement and those costs are passed on. We do believe that over time what will happen as there is more experience, especially as we go into these second round of contract negotiations, it will become clearer what needs to happen and we think that will take place through the negotiations and rules themselves will be somewhat behind actually, because the contracts will reflect the individual business needs of the parties.

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To the extent that there are rules, what we do believe is that the rules should deal with what should be the basis of engagement between the parties. Rules should not be unitized to effectively determine the outcome of negotiations. What can happen is if you have too detailed rules then the parties, one way or the other, can sit back and say, say if you're US West, you could say we don't

have to do this because the Commission didn't order us to do it or include it in the rules or conversely, the CLECs will say you have to do this and the reason is because it's in the rules. So, you take away from the engagement process of negotiations. Rules should be utilized to determine, at a higher level, how parties would engage, but not the details of the relationship. That's what should be handled in the contract negotiations themselves.

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If performance measures are included in the wholesale service quality rules, what principles should be applied in their adoption?

Actually, it was February of last year. I was here in Washington in a meeting of a lot of the Commissions' staff. We talked about, at that time, a relatively new proposal that was brought out by a group called Local Carrier Users Group (LCUG). At that time I said that there was a lot consistency between the principles that US West has adopted and those that were reflected, in part, in the LCUG document. While we agreed with the principles there was some disagreement as to details and the parties since that time have certainly worked toward reaching agreement and US West, in fact, does offer a fairly robust list of performance indicators. A list that I will talk about some today and, in fact, will be expanded here as we go into our next version of the contract which we call our phase two agreement at this point.

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Those five principals that we have utilized and that we would certainly want to make sure that everyone is aware of, not only the Commission staff, starts with the very first principle and that is the rules and measurements should be focused on the goal of determining whether a provider has provided services without unlawful discrimination. I think for those of us that have been doing this for a while we kind of moved to this stage ultimately. We came here as a result of primarily arbitration activity. It's very clear that over the scale of that we're talking about, the various companies, you are always not going to have the exact same results.

That is OK, but what you do have to focus on, and what we focus on, is identifying whether we have unlawful differences. We determine the unlawfulness based upon the statistical tests that are applied and if there is a significant difference that it appears that could cause us a problem from a lawfulness perspective, then our objective is to get those corrected. Again it is not idea of parity. Defining parity as equality we find is not really as practical, but we clearly want to focus on making sure, at least from a statistical perspective, you do not have a major difference that would suggest that we would need to look at something. Again, if it does, focus on correction as opposed to punishment.

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The second principle is the differences in the measured results assist in determining whether unlawful discrimination has occurred. The differences in the measured results are by themselves insufficient to conclude that unlawful discrimination has occurred. This frankly is an area of difference between US West and many of the CLECs. Many would like to have it as a pass fail test. If you hit a certain level great, if not, then fine them, give them, I think Sprints language is, "swift and severe penalties." But essentially you take a look at the statistics and say, if you cross whatever the threshold is then beat up on the incumbent. Our position is if you failed that threshold then lets find out why. Based upon that we would then determine whether further action is necessary. Whether it be a punitive action, most likely it will require some sort of correction, assuming that it is something goes over a period of time. You may a situation where it could happen in one month and not happen again or not happen for several months. The basic idea we look at toward is, don't let the statistical threshold be an automatic penalty that goes with it, but instead let that be the trigger for further investigation. Certainly US West is not opposed too rapidly looking at it, doing that in a cooperative basis. For example, we just recently had a situation where out of service numbers looked higher than a particular customer wanted, but it turned out that over 50% of the dispatches that were involved, it turned out that it was the CLECs problem. When you knock those situations out it dropped the numbers down pretty considerably. Whereas, if you're in a situation where there's automatic fines, US West would have been hit and we would have been fighting mightily to get the money back at that point. We do believe in statistics but that in itself is not unlawful if in fact the numbers come out further out than they should be from our perspective.

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Third principle. Performance measurement's requirements and rules should be applied in a competitively neutral manner. We base that upon the statute itself which talks about competitive neutrality. But from a more practical perspective the US West view is because these measurements will ultimately affect the end user customers, the measurements and rules should be set forth in a manner that keeps that focus in mind. In fact, to the extent you look at rules and look at measurements and look as perhaps predetermined desired outcomes, they should be applied to all providers. It's very much likely that US West will be looking to some of the CLECs to utilize some of their services and we would not want to have a situation where it was applied only to an ILEC and not applied to the CLECs as well. Moreover, it's very likely that CLECs will be doing business amongst themselves and in that situation also. In order to be competitively neutral the Commission should look at the rules as something that will be applied across the board, as opposed to only applying it to the incumbent.

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Our fourth principle is that the measured provider's performance measures should be utilized to provide information sought or similar to the information sought by others. The basis of that is quite often the measured provider, in this case we'll say US West, has performance measurements that provide information or information similar to the information sought by others. What you can end up in is a situation where, lets say everyone wants to know what their commitments met are as an example, but a definition of commitments met might be different from one party to the next party to the third party. So, what we argue is that it's important to keep in mind the goal. Look at the reasonableness of what is already existing. If you start requiring companies to create more and more, then of course those are costs which are driven down to the Washington consumers, which is not necessarily a good thing. We do provide performance measurements. The performance measurements that we offer reflect answers or the ability to answer many of the questions that our own management would want to know and certainly what CLEC management would want to know. So, for example, we do give information concerning commitments met. We do give information regarding the intervals for installation or for repair or how we're doing against the standard that we have set for out of service trouble, say on POTs of 24 hours or 48 hours for all trouble. We give that kind of information. We have had to develop additional capability to take it from a retail perspective to a wholesale perspective. The additional capability, which is not insignificant in terms of development, was that we did have to make it product specific, use not to be broken down to the levels that it is from a product perspective. We also had to develop the capability to measure it on a CLEC by CLEC basis. Those kinds of expenses, while at times, even something you think is minor as changing of the name of a measurement, or for example changing one from commitments missed to commitments met. In theory it's very simple from a programming and expense perspective it's actually very costly and the information is essentially there. Look at the information that is provided already. We've made adjustments to reflect them on CLEC specific basis. We're developing the capability, in fact we've started in the last two months to not only move from some of statewide numbers on the non designed services to where we're now for the last two months been providing it on a MSA, non-MSA basis for our dispatch services and as we've worked some of these through we will push those out the door. If you end up with very esoteric types of measures, measures that might be relatively unique, it does become more problematic, particularly if there's not automated systems in place to deal with it. The other issue that also comes up is if you're asked to develop measurements that do not reflect the actual processes. If the processes are not in place in the same manner that you're asking for the measurements that becomes very problematic as well, because it requires in some instances, changes in process as well as development of measurement opportunities or measurement points in order to reflect the desired measurement.

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Fifth principal, and I apologize, it's mistitled as principle four here, is that service levels should only be prescribed for service offered for end users. Services provided to CLECs should be provided without unlawful discrimination. The reason we took that position and still hold to that is that, first of all in many instances the products are new and we talked about that yesterday in the sense of collocation where we're adopting new means of collocation. We will not necessarily have the measurement in place at the time we adopt the service. So, if you put a rule in place and say that's a requirement prior to us actually offering the product that will be somewhat problematic because it will slow down where we need to go to meet our customer demands. Also, even after the fact, what we'll be trying to do is base it upon consensus opinion ourselves, which can be, of course reflected in a rulemaking, but probably because we were in much more active discussions with our CLECs, we'll have a much more current perspective on what might be occurring at that time. We'll try to stay current with it as we've gone along. US West has, in fact, changed a lot since I've been involved in this. When I first got involved, we only had maybe four to seven measures, and that was back in 1996. Now we offer, I've never actually counted, but more than a handful, I'm going to say several dozen, performance measurements that reflect, in significant part, the discussions we've had with the CLECs. They reflect what has come out of discussions with commissions. Reflect what we have seen in other jurisdictions and one of the things that we're clearly focused on, at US West at least, is we do want to do something that is necessary for us to meet the 271 checklist. That really has not been an issue that has come up in the last couple of days, but we are highly motivated to do that which is required to meet the checklist. We do pay attention to what the FCC is doing and make sure we try to drive in that direction as well. All of that makes a difference. We want to make sure that we are working with our customers is in fact an objective that's met. To the extent you bring in new customers, as they come along, you do find that you will have to alter some of the things you do. We certainly do acknowledge that, but also relationships change. The way one company, offering similar services does business, it still does business different from another CLEC and so we do try to keep our performance measurements reflective of that. Therefore, what we say is, make sure we are providing service on a nondiscriminatory level, to the extent that there is a desired outcome for end user customers, make sure that's something applicable to everyone and then we can drive toward delivering service to meet that objective. It's very possible to set levels at a level for the CLECs that, in fact, may not be reflected at all for end user customers. We would very much recommend that, in order to stay consistent with our statutory obligations, that we very much keep it on a nondiscrimination basis.

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For those of you following the presentation I'm on about page 12. I won't go through these in any detail, but we do have in our current contract a number of performance measurements. They reflect how we do with our systems. On

page 12 the two key ones that we are generally asked are if your systems available? If they are available exactly what are you doing as far as responsiveness around the different types of transactions that are available? That's a standard in our contracts now. As I did mention we are going to be expanding this list as we go forward here in the next round which is currently scheduled to come out next month.

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On the next page, page 13 for ordering and provisioning. We provide this type of information to those who are offering services. We let folks know how we're doing on the speed of answer. In fact OP1 and OP2, really are not reflective of an issue that has been significant in our discussions, but never the less we are providing that kind of information. But more important, when you look at something like OP3 and OP4, did you provide the service when you said you would provide the service? OP5 and 6, what length of time did it take you to provide the service. OP7, when you put it in the first time, did it work correctly or did we have to call you up about it? OP8, to the extent that you were late, to what extent were you delayed? We're focusing on the question and our perspective is the Commission, if you decide you want to proceed with a rulemaking, focus first on what are the questions to be answered and have us tell you whether we, in fact, have some measurements or can readily develop some measurements that will allow you to get there as opposed to getting into the morass of trying to go through every nick and nack of a performance measurement battle because when you go into that level of detail it can get long and drawn out and the world will keep on rolling.

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We answer many of the same types of question. How long does it take you to answer the phone? What percentage of the time did you get it answered within 20 seconds? For those things that you'd planned for, out of service, where you planned on doing it within 24 hours, did we do that, what percentage of the time? For all troubles, did we get it cleared in 48 hours, which is what our region wide standard is. What about all troubles cleared within four hours for design services? We provide that kind of information. Average time to restore, to the extent you have repeats. We give that information. The trouble rate that has a note there "non co-provider specific" what that reflects is we're able to give it to you on the basis of all CLECs was the percentage of troubles you have for your services but we're not able to split that up by company. But there is at least some information, therefore, the Commission, or for the CLECs to determine, how do we compare for retail compared to the wholesale side of the house?

Billing. BI1, BI2, those are billing types of measurements, measuring our timeliness of getting there. Things like operator services and directory assistance. Right now, those are things that we are providing across the board,

we don't have any contracts yet that require us to do something specialized. So, it's not so much a comparative, but if the general information is there for the CLECs to measure for the Commission staff, then as we move on it would hit across several different services and then, yesterday one that was talked about quite a bit was collocation provisions. We do measure collocation provisioning and provide that type of information out there. A final point on this, we will be providing some additional information soon. It's not that we have sat on our hands a little over the last three years. We do intend to keep this as robust effort. Rulemaking will have an effect of locking some things in place. At that point, I think there is great that folks will say "no." Or, alternatively, there will be some things that will come out that will be state specific that we will be seeking to recover it specifically from that state, as opposed to things that we can use across the 14 states. That is an issue.

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With respect to services, on page eighteen you can see the types of service categories we offer the services in. Be it POTs, ISDN, Centrex, unbundled loops, switch and transport. Currently, for example, in unbundled loops, the information we have is combined analogue and digital loops. We have the development under way to split up between analogue and digital so that companies, such as ACI Rhythms or COVAD, who are much more dependent upon digital loops, will have that information to look at and determine our performance on that basis. We are not taking a just say no position. It's a matter of getting there in terms of the performance measurements, and that's where we are.

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So, in conclusion with respect to measurements, what we have is a dynamic situation which reflects many months of process development as well as measurement development. It reflects many months of negotiations. We believe the Commission should avoid adopting detailed requirements and instead, if they're going to look at it, look at it at a fairly high level to address what are the issues and let the parties work out the details or least see what we have that we can offer rather than impose something that will drive up costs unnecessarily. Be calm with respect to the idea of doing Washington specific measurements and when I say that, we do provide measurements on a state specific basis in terms of the results. So you take, for example, this list of performance indicators and give the results on a Washington specific basis or to the extent that it is developed for MSA non-MSA in Washington, we are planning on implementing later this year for design services a split between high density and low density, so as those things come about you will have it. But don't come up with things that are pretty bazaar.like measures of how long it takes to drop something underneath Puget Sound. That would be something that would be so Washington specific that it will just drive folks nuts to develop it and it will be

expenses that we will not be sharing across 14 states. In that way I think what you'll find is that the information provided will allow for you as a Commission, for the CLEC's as providers, to determine how are we doing with respect to both the quality of the service we are offering and more importantly how we're doing with respect to the discrimination test in order for competition to in effect thrive here in the state of Washington and elsewhere.

That concludes my remarks. There's obviously more detail on the overheads. If you have specific questions, I'd be happy to respond.

MT: The measures that you have included in your document, are all of those currently fully developed and is data being recorded under all of those at this point in time?

PH: With the exception of the two billing measures on page fifteen, the answer is yes. The billing measure's information is something we pull together manually, but the rest of it is automated and it is provided.

MT: A follow up to that because I wasn't sure, I know you said you were still in the development of some and wasn't sure what that related to.

PH: For example I mentioned high density and low density for design services. Those would not be reflected on this list because they are not out the door at this point.

MT: On page 18 where you list various services that you're reporting for. Are the data for the measures for, currently disaggregated into all of these service types? Or this aggregated data for all of these service types together?

PH: It is disaggregated by service types, the exception to this list is trunks, I'd want to look at that one because I don't think we have, necessarily, everything relating to list trunks is reflected here. Actually on the list trunk side, yes it would be. What I was thinking about was in terms of interoffice piece from the US West side. We don't necessarily have a match with the list trunk piece. For the unbundled network elements, of course, we have it for the unbundled pieces and as you are well aware we have a different position with respect to what is the comparable to the extent that, for example, for an unbundled loop one believes it is a DS1 as a thinner service that is provided. You'd look at the resold DS1 results.

MT: So your installation commitments met in those various measures are broken out by ISCN, Centrex, PBX?

PH: Yes

GK: To follow up a little bit on what Mary was asking, I'd like to kind of know what kind of format you are providing this information. Do you have a standard report

that reports data for all CLEC's and then for and individual CLEC that's provided to that CLEC?

PH: Yes. It is a standard format. It's a report that comes out about 30 days after the close of the preceding month. On the left-hand column it lists the different services and performance indicators. Now that we have that capability, the first two columns deal with, is it state wide or is it broken up by MSA or non-MSA. Second column deals with whether it's dispatched or non-dispatched. Then we provide it for the CLEC's specific results and what we do is we provide the numerator and denominator for that particular service. Then the result itself for the CLEC we follow that with how we're doing with respect to all CLECs in the state that offer that service and finally how's US West retail doing on the same performance measure for the same service. If the CLEC is getting that service, if the CLEC isn't your, lets say your client is not doing POTs, but they're only doing design stuff, you wouldn't get it for the POT services but you would get it for the design services, as an example.

GK: Is that specific to CLEC's or are you also doing that for CMRS providers?

PH: I'd need to check that.

JG: Talk a little bit more about unbundled loops. You kind of eluded to that on page 16. Some of that was the type of reporting.....You were just describing the format of how came across. What would you compare an unbundled loop to on a retail service basis and.....

PH: We don't do a comparison. What we do with our loops is we give you the unbundled loop's information. There is information, assuming you are in this area of service, with respect to how we're doing with 1FRs and 1FBs, design service, DSO, DS1 and DS3 and one can...

JG: Unbundled loops, are you going show it as a two wire and compare it to a two-wire service? You said you compare it to your retail service that's comparable.

PH: Yes. Certainly that was definitely the plan. I don't have a report here with me to look at it directly. The last I remember looking at it, it really reflected unbundled loops and because we hadn't broken down the line class codes yet, I don't think we had the two and four wire classification split. As part of the development plane in terms of line class code, but to date it only reflects unbundled loops and is aggregated both in terms of two wire and four wire and is also aggregated with respect to analogue and digital. As we develop the line class breakdown capability it will at least split up into analogue and digital and I need to check with the factory, if you will, to determine if there are going to break that down into two wire and to four wire.

JG: Go a little bit more into if you consider unbundled loops designed or POT

services.

PH: If you're looking at it from provisioning services unbundled loop is looked at as designed. What that reflects is the process we utilize to put it in.

JG: So you're going to compare it to an IST and/or a DS1 or 3.

PH: No, you're going to do the comparison to whatever you want.

JG: You said the very last column was compared to retail.....

PH: That is not case with respect to unbundled loops. Nor is it the case with respect to list trunks.

JG:comparison to your own services?

PH: No. There's other information that's available assuming a company's providing a wide range of services, but we are not putting them side by side. There's differences in process. One person unbundled loop is in fact used for analogue service or of the D type applications, another one is using it for high cap. I don't want to say a loop is a loop is a loop, but we don't know what the appropriate comparison might be because people are using it to substitute for service differing services. So one would need to look to see what they're comparing it to.

CD: I have two questions. One of the issues we raise in our comments is the US West Policy of having individual case basis intervals for conditioned loops and also loops where there are facilities....What I'm wondering is first how you do a performance measurement for individual case basis commitments. My second question is, has US West agreed to performance penalties in a negotiated interconnection agreement either in the state of Washington or any of it's other 13 states?

PH: The answer to latter question is no in either Washington or anywhere else in the 14 states. With regard to the ICB piece, we are currently going through another iteration of the service interval guide which is a guide that is put on the web site for companies to take a look at and in there when you get to higher volumes, and it varies depending upon the service, when you get to higher volumes of services, instead of saying, let's say 1 to 10 is five days, 10 to 15 is seven days, etc. Let's say you get over 25, it will say ICB, what we're looking at is trying to get that more to a standard that will look like, if you add in increments of 20 or more, for each 20 you add, add on an additional two days or add on an additional four days. (Turned tape over).... We do however measure our commitment as far as meeting whatever that negotiated date was.

JG: I think I knew where Clay was going and I'm not sure that that addressed it. Let

me say it a different way. In my conversations with Dennis Pappas and some of his counterparts this week we were talking about conditioning charges. The example would be I requested a two wire unbundled loop, it turns out it has load coils on it. Dennis and his compatriot told me that we would be looking 45 business days minimum, we're talking about six weeks kind of time frame, before they thought they could set a due date to take those load coils off. I believe that's the kind of ICB that we're inquiring. How is that measured in your performance when it's acknowledged there will be a significant quantity of you loops that will need some kind of de-conditioning to make them usable?

PH: Currently it is ICB and the reason for that is the condition of a particular line is going to vary. Some may have one of two load coils. One might have quite a few of them plus have some bridge tapping. Because it varies so much from application to application that has been the reason we have said ICB. I'll have to check with Dennis to see if he is going to be changing that. Even if we were to put a date certain on there, I don't think one should assume that it will necessarily be a fast time frame. I think they'll play to what they think is the risk of having multiple, kind of more of an average, if, in fact, a lot of the applications are finding we have four or five different bridge coils on there, they'll play to the average as opposed to trying to work toward something shorter if they're going put in a lock in date. The ICB will vary.

JG: It's not the quantity of days that I'm kind of asking you about, that's kind of a network issue. How are you going to reflect it in your performance measurement ICB numbers? I don't care if it's 10 days or 45 days. Is that going to be reflected in you report?

PH: We do not reflect it in our intervals. We reflect it only in our commitments met.

GK: You mentioned in your presentation that it's US West preference to deal with this on an interconnection contract basis. Being familiar with the existing contracts that US West has in Washington, this is an issue that's really not dealt with much, if at all, in those contracts. I was just wondering what level of detail and what kind of contract provisioning are you envisioning at least on the next generation of contracts that would deal with this? Does it get this specific? Or is it something more general. And, how much of a negotiation process is there and are there differences between the measures that you have for some carriers and for other carriers?

PH: With regard to the first question, this level of detail is reflected in the phase two contracts today. As you undergo the next round of negotiations you will see that in the proposal that US West will make. With regard to the second question about variation, yes there is some variation because of what the give and take that has taken place in the contract. I'm trying to reflect is at least our base offer. That is reflected both in terms of the types of performance indicators as well as the service categories that are reflected, as well.

GK: I know that in general companies like to have one standard or one type of way of reporting and measuring. I'm assuming US West has that preference as well. So, I was just curious as to the extent of flexibility of US West to do different things for different carriers at least on a measurement and reporting basis if not on a commitment met due date or standard.

PH: You are correct that our preference is obviously to just do one set. To the extent that something is going to be unique we will definitely want to be talking about cost recovery and in terms of time line to get there will probably have to be a lower priority compared to the things we are trying to do across the board. We are not going to say that we won't consider it, but we definitely want to take a look at it and how it fits into the general scheme of things.

JS: Where can I get a hold of the formulas of methodologies used?

PH: The most current place would be in the pids?? That we file in the 271 cases. That would be probably the most current one. We passed it out when we were actively engaged in the negotiation with the CLECs, but it's been a while since we've actually had one of those sessions, so we haven't given it as part of the multiparty negotiations.

JS: Are there any plans to add any volumes to those reports?based on a volume....

PH: The volumes for the CLECs itself are in there. Let's say it's MCI WorldCom. The MCI WorldCom volume is in there. What we don't give you is the volume for the CLECs as a whole and for US West as a whole. We are planning to, although this is not coming up right away, we are planning on putting the standard deviation information in there. I don't see us going beyond the volume for the individual CLEC at this point.

JS: ????

KM: Do you do reporting for affiliate data and is that specifically available?

PH: It's our intention to but US West long distance, for example, doesn't do business in the 14 states so we haven't really gotten to that point. That's the one that we have been most focused on. We do have other affiliates, let's say like Business Resources, Inc., which is our purchasing subsidiary. We have not planned on doing something with those but only for any of our subsidiaries that are offering telecommunications services within the 14 states is what our target is as far as including those.

KM: Target for?

PH: Target when they're doing business.

RB: Thank you. Introduction of Janis Stys, Carrier Management Specialist, MCI WorldCom - The Interface Experience.

JS: Janis Stys, Carrier Management Specialist - The Interface Experience.

Refer to Handout

I'd like to start the presentation with a couple of caveats first. I am not the OSS expert for the MCI WorldCom group. That is Carol Bopray and unfortunately she was unable to be here today. I'll do the best I can, but if there are any specific OSS related type of questions I do have cards and I'll be glad to give to you and let Carol answer them.

This presentation is very broad, 50,000 foot overview. Again of our interface development experiences with various ILECs and third party and collaborative testing with the various ILECs.

In pursuing the ILEC interface development there are a number principles that MCI believes are necessary to be in effect as a CLEC. The telecom industry which does include all of the ILECs and the CLECs have established national standards designating the interfaces that should be adopted. Adherence to these standards, meaning the used of the OBF or the ordering and billing form business rules and just as a side note the OBF is comprised of industry groups including the ILECs and the CLECs that help to establish, again, business rules, forms that should be used, the Local Service Ordering Guides (LSOGs), and the LSRs, also, the use of Electronic Data Interchange (EDI) which is the technical specification for the interfaces themselves. I'd just like to mention that MCI is developing their interfaces built around these EDI standards.

The third piece of this is electronic bonding which is the real time interface used for maintenance and repair. Real time is obvious when it comes to maintenance and repair.

The other is computer to computer interface and this applies to US West to the MCI interface and the flow through of orders which is the flow through from pre-ordering to billing without human intervention if you're talking electronic flow through and performance measurements of which we were talking about today. It's the development of the performance measurements to determine parity and to determine the nondiscriminatory service.

The next two or three slides are pretty self explanatory. I'll just give you a little overview. These are the interfaces that MCI currently has in production with the various LECs. As a side note MCI is currently meeting on a regular basis with US West to develop the business rules and the EDI specs for unbundled loop, local number portability and directory listing. Currently ordering interfaces are in production for unbundled loop with number portability in Ameritech, Bell Atlantic

North, Bell Atlantic South, Bell South and Southwestern Bell. And for unbundled network element platform, which is a combined UNIs with two of the ILECs; Bell Atlantic North and we are currently in testing with Southwestern Bell.

On the pre-ordering side we are in development or we are in production with Bell Atlantic North and are currently reviewing the specifications for Southwestern Bell. We are in production with six of the seven ILECs for maintenance and repair or the electronic bonding.

MCI believes in, and again this is another slide that is pretty well self explanatory on what MCI believes to be the critical factors in the success of any interface development and comprehensive documentation. That's a recurring theme that you'll see throughout almost anything that we do with the ILECs, is the comprehensive documentation. How easy is it to read in the ILECs handbook or in ILECs ordering guide? Compliance with both the OBF and the EDI guidelines and cooperative testing by the ILEC. Without one the other can't be successful. And cooperative issues resolution. Again, without one the other can't be successful.

Most of the focus of this presentation is going to be on our experiences with collaborative and third party testing on the interfaces. To date MCI has participated in three different types of tests. These aren't types of tests that are out there. There are variations of and reiterations of testing. The first test we took part in was in the New York test with Bell Atlantic North. That was a third party vendor test. A third party was selected. The third party developed the interface. The third conducted the test. The third monitored it and they did the evaluation. It was conducted on what is called military style testing. Meaning orders were submitted. If an error came back or an order was rejected, it was taken back to the ILEC, the ILEC corrected it, the order was resubmitted and this kind of tossing around continued until the order flowed through the way it should have.

Over 3,000 orders were provisioned in the New York test. In Texas we participated in a third party monitoring test of a CLEC to ILEC. In this test, this was slightly different in that the CLEC submitted the orders themselves and the third party vendor just did monitoring. The monitoring and the evaluation of the test was based on what the CLEC gave them as a report and what the ILEC gave them as a report. And unfortunately, also in the Texas test the third party vendor happened to be a major customer of the ILEC and the ILEC was a major customer of the third party vendor.

They only did testing on unbundled loops for platform and unbundled loops themselves. The master test plan was not completed before the testing started in Texas, where it had been in New York. So, everything was laid out the way it should be, scope, methodology, performance evaluation, everything that was needed. In Texas, three weeks into the test, and the test plan was not

completed, therefore when problems occurred there were no processes in place for resolution of any of the issues. Also, in Texas, the total number of planned provisioning orders, and I say planned because the test was not completed at the time allotted this data was put together, they had planned on provisioning only 77 union loop orders and 525 union platform orders.

California is taking a different approach. California is using what I call a two party, third party testing. They are going to be using two separate third party vendors. The first vendor will be the test generator. They will be sending through the actual test, developing the test scenarios, and sending them through. Then there will be a separate vendor who will do the monitoring and the reporting of the results of the tests and that keeps it very objective.

The key components to a successful OSS interface test, again I can't stress this hard enough, the use of an independent third party to do the test. This third party would do the test, would help write the test plan, would conduct the test, would monitor the test, oversee it, do any corrections, or help with the corrections, doing the retesting and doing the actual reporting. This would have to be a test of all of the OSS functions, from pre-ordering straight through to billing and including all of the CLECs various product lines and local number portability, UNI orders, anything that the CLECs want to have tested that they would be using the OSS interfaces for. Electronic flow through... Regular meetings need to be held between the third party vendors, the staffs, the CLECs and the ILECs to ensure that tests are running smoothly. That they are running the way they want them to. Are there any changes to be made? Are there any problems that have surfaced that need to be addressed immediately? A capacity test needs to be held to test an anticipated commercial value of any of the orders. For example, MCI WorldCom may be doing a promotion on unbundled network elements, at the same time that Sprint is doing a promotion on local number portability or AT&T or any of the other various are doing promotions. It's important to know that the ILEC can handle as much volume as the CLECs can through at them.

The master test plan has to be clearly defined so everybody knows what their roles and responsibilities are and what is going to be expected out of this test. It needs to define the scope and methodology, the entry and the existing data and again as I just mentioned in the Texas situation, it does need to be completed before the test begins, otherwise you run into a lot of problems such as we have a problem, what are we going to do about it, how are we going to resolve it and it just takes up more time than you may have allowed for the test to be conducted.

Capacity Test. As I just mentioned, this test must show that the ILEC can handle a commercial order of volumes that maybe coming up in the future. It has to be developed as a collaboration between the staff, the ILECs and the CLECs, and it differs slightly from the rest of the test. Let me step back, when I was talking earlier I had mentioned that the test should encompass the full range of the OSS

functionalities, from the pre-ordering straight through into the billing. But the capacity test, you really don't want the orders to be provisioned, so this test really takes place and encompasses only the interface process through the firm order commitment. The orders are not provisioned, but they are tested for pre-order and ordering functions. An example is in New York during a short period of time, we're talking a couple of hours, maybe a day, they did a number of scenarios. They did a volume test where between 4,400 and 4,500 orders were pushed through on one day. Another day they did a peak volume test where 6,500 orders were pushed through and then they did a stress test, where 7,900 orders pushed through. The ILEC was unaware and should be unaware as to when these orders are going to be done to prevent any ramp up or getting extra people in just to be able to cover it. It should be as realistic as possible. Unfortunately, in Texas, the ILEC was very much involved in the volume order testing and made sure that it was conducted on a Sunday. No sure if that's a good idea or not. So, that's another reason why it should be as realistic as possible. An ILEC may or may not know that a specific CLEC is having a promotion that's going to cause a large volume of orders to be pushed through.

Under the master test plan, again, this is a collaborative between the vendor that you choose, the staff, the CLECs and the ILECs in order to make this work. The objectives in the scope of the test should include, what kind of a test is it going to be. Is it going to be similar to what New York did, or maybe a military style testing where the test orders keep on being pushed through and through and through until all the issues resolved and problem resolution procedures are established and processes known, that sort of thing.

The test time line. We don't advocate any particular time line or time frame. We would just need to allow for an adequate testing of all the functionalities and of all the products.

Criteria for Success. Definitely a CLEC input in testing whether or not US West or any other ILEC can handle that type of volume as needed. And a testing of a full range of all of the OSS functions. It should also determine the requirements and the assumptions that you expect to come out of the test. As well as the environment that the test should be conducted under. Should it be a test bed, should it be real customers, that sort of thing. It all really needs to be laid out in as much detail as possible. Also, the test scenarios should cover the full range of orders and should not be just limited to a certain of products. For example, in Texas as I mentioned earlier, they tested only UNI platforms and UNI loops. A test should cover every possible conceivable product that's out there that the CLECs have. It should be a realistic mix. Somebody shouldn't just say we should try it this way. If you know that you have a customer out there that will order their UNI loops this way or that way, that type of product should be tested. As well as testing of the DSL OSS capabilities of the ILEC. As an example, again and I'm not advocating any certain numbers for volume testing or any certain numbers for scenarios, just using as an example, in the New York test

they tested over 133 different scenarios. Again, input by the CLEC is very important in this piece of it.

Third party test evaluation, and this again should be done by the third party vendor. Preestablished performance measures should be established prior to the test so you know what you are looking at and what you are evaluating. The third party vendor would validate the performance measurements analyzing how did the ILEC generate these performance reports? What raw data went into it? What methodologies and assumptions were used for each of the measures. The interfaces and the functionalities and the procedures should be in parity as dictated by the telecommunications act. The documentation, the third party should test and review all the supporting documents for OSS and their processes and the business rules, the EDI specs, and the ILEC handout. A CLEC should be able to pick up any of the documentation and be able to work from that documentation without having to run to the ILEC or having to run to the state commissions and ask them to enforce or get better definition out of how the documentation should read or the interface should work. And a changed management process is also critical. The third party vendor should be able to review actual notices for changed management such as modifications to business rules if a new release is coming out by the ILEC, what are the rules telling the CLECs when it is coming out, what will it be doing, how much advanced notice should they have.

Finally, recommendations for a region wide test. These are the recommendations that MCI currently supports. The tests should be done as collaboratism workshops and develop a capacity plan and a master plan and a test oversight committee which I don't have listed here but I'll talk about in just a few seconds. It should encompass the whole 14 state US West regions including, what I have on here is the 14 state tests to include three regions. We're talking about the former BAC regions of Pacific Northwest Bell, Northwest Bell and Mountain Bell. It should require a single interface throughout the whole test region, but be able to accommodate the state specific coding. So, if the coding in Washington State is slightly different from Minnesota it should be able to accommodate that. Orders should be submitted for as many states as possible but at a minimum from one within those three former BAC operating areas such as Washington State, Colorado for Mountain Bell and Minnesota for Northwestern Bell. I'm not advocating that those are the states that you have to use it's just a suggestion as where the states are. MCI also advocates and supports the New York and the California third party test approach because as I had said earlier they're totally objective third party vendors and would be able to give a much clearer evaluation of how the test goes. And the test oversight committee, as I said a few seconds earlier, this is something that we believe should be comprised of a representative from each state and who would report back to their particular state on how the test was going. In conjunction with that the regional oversight committee, which is comprised of the 14 states or US West regions, has recently submitted to US West a proposal for doing a 14-state

test of which MCI has recently said that they agree, they support this 14-state testing versus an individual test in Washington State and an individual test in Arizona or an individual test in Idaho, wherever.

So, that basically concludes the presentation.

RB: Thank you Janis, are there questions?

GK: I know that the state of Colorado was looking into US West's OSS access and it was something that MCI was involved in. Do you know the extent to which Colorado was continuing to do anything like that?

JS: No. I unfortunately can't answer that. That's something that Carol could answer and I have a bunch of her cards I can pass out.

?? In reading the rock letter quickly I noticed that at least preliminarily they are looking..... evaluation master test plan. So, although MCI supports the 14 region wide concept I take it that they wouldn't be in support of looking to the developments for much guidance?

JS: Correct. That's my understanding in talking to Carol. As I said, we truly support something that is going to be run by a vendor who is going to be totally objective. And, as I said earlier, in Texas, the evaluations were based off of what Swibet??? provided and off of what the CLECs provided versus a development of the performance measurements as part of the master test plan and the third party doing the evaluation based on what they saw test.

RL: You mentioned that the master plan should reflect all the different scenarios. Would that include requirements from all the CLECs that would be operating in the area in terms of price and services that they offer, how they do business, how they interface and so forth?

JS: It is my understanding that this test would encompass, yes, that if GTE has a product that they want to test through the interface.

RL: Actually I'm referring to all the CLECs that are operating in a test area. Have different products and services that offer...have different methods of interfacing....Are you proposing that the master plan would include all of those?

JS: I couldn't address the methods piece of it. It is my understanding that it should include all of the CLECs, different various products, but as far as methods for the interface that I can't address.

RB: Thank you Janis, we appreciate your time. Before we break I'd like to give the podium to Mary Tribby of AT&T who wanted to talk a little bit about some issues relating to OSS.

MT: Since my subject matter expert couldn't be here today and since Janis touched on the CLECs perspective on OSS I wanted to give the CLECs perspective on service quality, or at least those CLECs who jointly commented with AT&T. I think I can speak on their behalf. And, sort of response in part to Perry's comments, none of which will come as a surprise to him, I'm sure. Perry started out today telling that US West's position is that rules don't need to be developed currently by the Washington Commission. This is the perfect Venus versus Mars distinction because the CLECs are diametrically opposed to that view. We believe that we do need the Commission's help in a number of areas with respect to service quality standards and those are what I'd like to address today. I think what you've seen here yesterday is a perfect example of why data is important and why having meaningful, useful data is important. Dennis stood up yesterday and discussed with us how well he believes collocation is going from US West's perspective and I think we got a taste yesterday of the fact that the CLECs are somewhat in disagreement. Having actual data that's meaningful that can be compared and that you can look at to compare the performance of how ILECs treat themselves versus how they treat CLECs is sort of a protection for all parties. It gives the Commission and all the parties something objective to look at to compare rather than just listening to sort of the anecdotal evidence that we all come in with to the Commission from time to time. There's five major areas of disagreement. As Perry said there's been a number of areas of agreement that have been reached between the parties. US West has certainly increased the number of things that it measures over the last three years and has a much larger number of measurements in place. Nevertheless there are five particular areas that I think we need the Commission's help with.

First of all, what needs to be measured? Perry suggested that the details should be left to negotiations. I will report from AT&T's perspective. We've been negotiating service quality standards for three and a half years with US West. While there is some agreement, there continues to be a fair amount of disagreement and because data and performance measures are so important to the 271 process, but also just to the competitive environment evolving we think that those measurements are critical.

With respect to what should be measured. There are many measures that the CLECs think are important that we think the FCC thinks are important that US West currently doesn't measure or is not reporting data under. In looking at some of the data that's been reported in 271 cases, we have a concern about the accuracy of that data that is being reported. As Perry indicated today there's a couple of areas, interconnection and access to unbundled network elements, where US West does not report data in terms of how it treats itself, because it takes the position that it doesn't provide interconnection or UNI's to itself. We think the comparative data, with respect to those two areas, is absolutely critical.

Flow through data, as you'll see in Perry's presentation, that's one thing electronic flow through that doesn't appear to yet be measured. We think that's

absolutely critical and we think that the FCC believes that is critical.

Simply the starting out position of what should be measured and how it should be measured is a critical area of disagreement that we could certainly use the Commission's assistance on.

The second area of disagreement is the amount of disaggregation that the data should fall under. A couple of examples are, should you disaggregate between rural and urban customers recognizing that there may be differences between installing time and various considerations. Should you disaggregate between services versus features? In other words, should you be measuring the time it takes to install a brand-new line and measuring the same data with respect to the time it takes just to add call waiting? Is it appropriate to measure those things together or does that make the data too gray and really unusable? We think that the level of disaggregation is another area that we could really use the Commission's help on.

The third area is the lack of statistical analysis. US West is starting to put forth some statistical analysis with respect to the data that it has put forward. But, as Perry said this morning, we still aren't seeing standard deviations. It's difficult to tell or we are unable to tell what the sample size was. There's not an indication of the statistical significance of the data that is being reported. We think that the data that's reported has to be meaningful and it has to allow for comparison between how ILECs are treated and CLECs are treated, the level and type of statistical analysis we also would like the Commission's help on.

The fourth area of major disagreement, as Perry indicated this morning are, once you find a significance difference, is that enough to show discrimination? And, should action be taken in reliance on that? The CLEC's believe that once there are significant differences that are indicated between how CLECs are being treated and how ILECs are being treated that that is per say discrimination and should be acted on accordingly. You don't need to go on and do additional weeks or months of analysis on that data, that's the point of the data is to show whether discrimination is occurring or not. That's a way that the standards can be self executing and can actually help to show what is trying to be measured. Perry indicated that you may have a problem because they report data and you may find out that a number of the missed installations were due to CLEC problems. US West, as I understand it, has several measures for CLEC caused misses. They have other data that reports ILEC caused misses. So, the data that you get, once you have determined what the reporting measures should be, should be clean enough, that's certainly the goal, that once you look at it within a couple of percentage points, you should be able to tell whether discrimination has been occurring. That's certainly what we would advocate.

And that leads right into the final area of disagreement and maybe one of the most contentious and that is, should there be penalties associated with what is

reflected in the data? That is kind of the fifth area of disagreement. The CLECs believe that you absolutely have to have, let's call them incentives or motivations, you have to have some kind of self-executing results of those performance measures. We tend to believe, unfortunately, that US West does need some incentive to comply with its requirements under the act and to provide the parity that is required. And although as Perry indicated, there are means to come to the Commission. This Commission, thankfully, has set up an expedited process for complaints under the interconnection agreements. You're still talking about, at best, a 75 to 90 day process. If we have to come in before the Commission every time the data shows that there are significant differences between the way CLECs and ILECs are being treated, that's a significant portion of time where we may be losing customers or customers may be believing that, because of our own fault, the CLECs fault, we are unable to offer them adequate and comparable service and we think that having some kind of self-executing enforcement mechanisms is critical.

So those are the major areas of disagreement. There are other lesser differences that fall within those categories, but that's kind of the CLECs perspective and the response to why we think it's critical have a rulemaking and to have specific rules with respect to service quality.

RB: Thank you Mary, we appreciate the time. Break

*****BREAK*****

RB: The staff members have a series of questions that we would like to pose to industry. I'll shoot out the questions, then sit down and leave it open for discussion.

Our first questions are, do industry and industry members have an opinion regarding the 13 state regional oversight letter to US West's Sol Trujillo on the third party OSS testing concept? Do the industry members support the concept? Do you have concerns? Do you have alternatives or other suggestions? We do know that MCI WorldCom has written a letter of support to the chair of the ROC, Allan Toms of Iowa.

The second question we have is, what is US West's position on the regional oversight committee letter? And when does US West plan to respond if so?

The third question is, is any state providing performance measures that the industry believes strongly that the UTC should follow in any rulemaking? Is New York preferable to Texas or is California preferable? I'd like to discuss that as well.

The fourth question is, is there a need for regional approach to OSS...(turned tape over)...that was an eighth district court decision that does not require

incumbent LECs to provide superior service to CLECs that which it provides to its own customers? And what is industry position regarding the offer of services that are superior as an option to for an added cost to which an ILEC provides to its own customers?

So, those are just some general questions staff would like to start to get the discussion going. The first one again is, does industry or industry members have an opinion regarding the 13 state regional oversight letter to US West' Sol Trujillo.

MT: AT&T is very supportive of the ROC collaborative idea. The only caveat being that we're supportive of it if it's done the correct way. We think that New York is a very good approach to start with. We realize that this region may want to pare that down somewhat. We think that there are some problems with the Texas collaborative, that that doesn't go far enough. So, we're very supportive of the idea of a region with collaborative, we just think it needs to be done in the appropriate way. In terms of support for it, we think that, as New York has found out, if you can get the states to agree on what the OSS requirements are for 271 will be, that ultimately that's a better result for US West and all of the parties rather than trying to fight that battle individually. That that gives US West some assurance once it has met the requirements that the states have collectively put together. Beyond that the extensive kind of testing that's necessary is an expensive and timely proposition to undertake, there's no question about that. Particularly in this region where we have some very rural states with very small staff and budgets, we think that the collaborative approach among the states is the best idea for both performance type standards and particularly OSS where such extensive testing is necessary.

RB: I'd like to pose a question to US West. It looks as though you are in the hot seat right now Perry. Do you know if US West has a position on the ROC letter?

PH: Yes. It's being looked at. I know there are calls that are taking place in meetings, kind of every week right now. I assume there has not been an official response to date. We are interested in doing something that would avoid having multiple different kind of test, like a California here and a New York test here and a Texas test here. Presumably, since the ROC is interested in the Texas test, that is the one we would be leaning more toward. I personally am not engaged in those discussions. I don't know any of the detail about it. I know they're planning on trying to get some sort of response out fairly soon and when I say fairly soon my expectation is probably August, the way things work in our company. There will be a response given and it will be in support of something of a 14-state nature. The fact that the ROC has come out with the Texas one that will be the one that they look at first and foremost as opposed to looking at the New York one or looking California one.

CM: As a smaller carrier who is operating and will be operating in multiple US West

states, we would also support a region wide testing activity, although I echo Mary's comments from AT&T that we would like to be very involved in how the test is developed and designed for concerns, particularly about product issues like DSL, be accounted for in the test adequately. We would express some reservations about the Texas process that MCI had expressed in their presentation as well. We also would like guard against the lowest common denominator phenomenon, whenever you get a bunch of states involved we would like to make sure the performance measures are and the expectations are kept as high as possible for service quality and be as high as possible. That would be our only hesitation about sort of a region wide.....and we hope that that doesn't happen.

CD: As a digital CLEC we certainly support the idea of having a regional look at addressing US West issues across the US West region. To the extent that this goes, the thing that we are pushing is that there are some different and new OSS issues that come up in the context of digital services that have not been addressed, as far as I'm aware, in New York, California or Texas specifically having a far greater.....kind of group makeup and network information that we discussed some yesterday in the collocation workshop and it's also addressed in COVAD's comments. To the extent there is a region wide approach this, we would like to see that added to the agenda as part of UOSS to be developed in the future to make sure we're competitive in the new digital....

JG: I would echo the Northpoint and COVAD portions. I think at this point what is most critical to us is just what Clay was relating to as far as the pre-order portion of it. I know for a fact that they were not included in those other processes. I was involved with the Texas one and when you think about 60 loops was all they tried to put to the systems in Texas and you're talking about a very, very large state. That certainly would only not stress any system but those were POT loops, those were strictly 1FR like loops and they had no DSL connotations to them. I think Perry already shared with us earlier that if they're going to make an assumption that DSL loops are design services that that would be akin to a DS1 or DS3 and so I would adamantly say that we need to have appropriate testing of a pre-order order and all the way through maintenance testing type of opportunities.

RB: I know that AT&T has stated preference and a couple other people, but is there any strong position over a state provided performance that the UTC should follow, Texas over California?

GB: Before we get off of OSS, one thing that I wanted to get some feedback on was.....This a rulemaking session here so one question I have is we've been talking about the US West OSS issues essentially in terms of 271. But, should we be thinking about that more in terms of a general obligation on incumbent local exchange companies under section 251 of the federal law? Should we have, in our rules if we do rules, a requirement for some sort of OSS testing and

performance that would not only apply to US West but to other incumbent local exchange companies?

- CM: We strongly support generic rules that would apply to local exchange carriers generally. Our good sense is to rely on....regardless of 271, regardless if they're in the long distance business. That's really not as much of an issue to us and a scalable, usable, efficient OSS that allow us to compete across the board.
- JF: Sprint supports generally the concept of a third party OSS test. However, we do have concerns as a small carrier in the state of Washington about the expense. Mary from AT&T identified that it is a very expensive proposition to do a third party test and we think that as a company, Sprint is willing to establish performance measurements and associated penalties. To us, with the extent of competition in our areas, at least at this point, not being that significant, that would be the more economically prudent way of ensuring that we are providing parity service as opposed to undertaking a fairly expensive third party test when there are no CLECs that are ready to use our systems, at least in the state of Washington.
- CD: I understand the issue with the smaller ILEC communities and the expensing you want to do in the OSS testing. It seems to me an alternative to that that the Commission could consider is using regulations to establish minimum OSS performance measures through regulatory function and then if and when it becomes an issue that that testing is required when there's smaller ILEC areas. Maybe even find some way to find a measurement to determine that point that OSS testing become more of an issue there. I think it certainly is an issue for at least the two major ILECs that we deal within the ROC community.
- MT: I would echo what Clay said. As well I would point out that it's a very point and it's an important consideration. Certainly the parity and nondiscrimination requirements that exist under the 251 and 252 general obligations that apply to all ILECs are the same kinds of obligations that are under 271. To the extent that you are looking at parity and nondiscrimination, the test doesn't differ. With respect to an extensive OSS testing, understandably the smaller carriers may not be willing to undertake that and I think the critical thing to remember with that kind of extensive OSS testing is that you really have to have the cooperation of the ILEC. Without their cooperation you can't go through the kinds of testing processes that most of these states have gone through. The obvious answer is that most of those other carriers who aren't trying to get into the long distance market are not likely to have the incentive to put the expense and time and money towards an extensive OSS testing procedure. Obviously, in this test 14 state region US West's reach is much greater than any of the other ILECs. So from our perspective, US West is the main priority at this point in time. But I would echo the hope that there will be minimum performance requirements that would be applicable to all ILECs.

FP: Two points. One on parity. Obviously AT&T's point about 251 applying as much as 271 to those obligations is true. We would make the note that parity has got to mean parity not with what the retail services offer by the wholesale service of the incumbent but the access to the databases and access to the services that the wholesale service has access exist that the retail service gets to pick from. That's the only way parity can mean anything, otherwise the ILEC is able to define what CLECs are able to offer. What innovation can be brought to the market by what the retail branch decides to do. That would be one sort of a big picture point.

The second is, when we talk about carrier to carrier relations and addressing them in terms of OSS that's sufficient as long as OSS refers to some basic carrier to carrier rules. OSS is a means for communicating. There's also got to be relationship rules like whether or not pre-ordering loop makeup data is available. OSS is just a means of transferring that to each other and a measurement of how fast that's done. There's also the fundamental question of whether or not it is required. We would argue that these rules should consider some of those basic relationship issues that may or may not be addressed by OSS. They're almost precatory to the OSS question because OSS is more the means not the underlying obligation.

PH: What he is suggesting is something different from what we've heard most of the day, although it is consistent with the ACI Rhythms comments. That is, going beyond looking at what the services are, but really talking about trying to make the service quality rules determine outcomes rather than rule of engagement. So specifically to say we should look at what is the potential that's out there and then mandate that isn't really regulating what the company does, it's really trying to mandate that the company do something, perhaps different from it has ever done before. You could say, for example, we want the company to do its loop conditioning a certain way. There's five different options, the company may already do it two different ways and they want us to do it three other different ways. All of this is going beyond where we are to date. What it's really going toward is, lets take a second crack at negotiating the contract. We've had an opportunity in the contracts to talk about this, we apparently missed it and I don't know the specifics on the contract negotiations but notwithstanding that now lets go another step and say since we missed it at that crack lets have the Commission get in and micro-manage it. I think the Commission should be hesitant to jump into that. Let the parties work it out. That has not been the overwhelming cry. The standard suggested by ACI Rhythms has been unique in this particular proceeding and I don't remember ever seeing that articulated elsewhere, either by Rhythms or by any other company in our 14 states. It's a new expansion and a novel expansion, but an expansion nevertheless. It will be a tested one if in fact that's the way it will go. We will not, necessarily, jump into the idea of having service quality rules be utilized just to create new services, which is basically what we are talking about in that instance. So, I'd be hesitant to go that route if you're trying to get something done on a relatively short order.

If in fact you want to go through some long extended rulemakings then that's a different issue. At least I was thinking that the target of this Commission was to really try to get something moved along at this point and if that's the case then the direction that is being suggested is not going to get there.

JG: Let me give some practical examples or some illustrations that perhaps the others that have not been as intimately involved in this. From an OSS point of view, let's kind of go back to where we were in a carrier to carrier relations. The types of things we are looking for, it would not matter if it was electronically available or if in the interim they have to go to a manual. It's the access to the data that's behind it. I don't want us to get caught up on that it's only electronic. So we're looking for access to specific data. We are looking for the underlying data. I don't want to have data that has been filtered or masked or if they deemed they only want to sort, let me give you an example that I know that is utilized today. When you order a loop, they go out and find only those loops, their first sort through their data base finds digital loop carrier. I would like to know the underlying makeup of the loops available, not to always be given. When I look at loop makeup data in a pre-order mode I'm looking for the opportunity of what is resident in that data base, be it LFLAX or one of the umpteen data bases. I don't want something that's filtered and then only allow me to have access to what they call a facility checker which only gives me one level of that data. I want access to the underlying data. So, I would say that it is not something novel. I will tell you quite truthfully I have spoken of this in multiple of the US West states. It is something that I have spoken about greatly, certainly in Oregon also in addition to other places in the United States, access to underlying data that is available in their data bases today in an unfiltered or unmasked manner. Not manipulated so that it's only the same data that they had deemed they wish for their mega bit service or whichever service they are creating it for, but the underlying raw data. That's the type of thing that I believe that OSS, the principle was to have access to the same underlying function that they have. I'm not asking for anything novel in asking for data that's resident today. We all know that there's data bases that certain portions of their company access to and if it's provisioning or if it's service rep, or whoever it is, I just want that same, on some kind of mediated, nonthreatening, I'm not going to manipulate it, kind of base. I do believe that that underlying discussion is part of an OSS, it really has only started coming out in the last year and a half in the industry because DSL providers have only been around for about the last two years. Having done POTS in my past life, you didn't care about load coils. You sure do darn care about them today. Those things are the evolution of the industry. So when we look at going forward it's essential to have the raw data available to the CLECs as they need it.

GK: Sort of to get back to your original question Glenn, I think one of the things that has emerged is that there's, not only do we have the split between OSS and service quality measures, but there's sort of split within OSS, which is what exactly is available through OSS. What can you get? What information can you

gather, as Jo was talking about, and then the testing to see how quickly you can get it, whether you can do everything that you need to do and what kind of response you are getting from the system, whether this system can handle all of the inquires. Regardless of whether we're dealing with 271 situation or not the act does require that you have OSS as an unbundled network element and you have access to it. It's been a big deal in 271 circumstances because that's how the FCC has dealt with it. In order after order, when denying the 271 applications of other carriers, it really focused on OSS. So, it's kind of become an ARBOC kind of issue. But I know GTE is developing OSS. At least, with at a minimum with US West and GTE both having a significant presence in Washington it seems to make sense at least as to the first part of OSS what is available, what can be done, what information can we gather. Then it would make sense to involve both US West and GTE together and not just focus on US West and say we going to have to then talk about GTE. As far as Sprint and some of the other smaller carriers, I think that's a more difficult issue. I know that each state in which it's been dealt with from Utah to Colorado to other states, they've kind of agreed to put that off to the side and not deal with it at this point because it isn't as much of a practical issue. But certainly with US West and GTE it is a practical as well as a legal issue and it makes sense to deal with both of them together.

?? Isn't it the case that the rule exemption has not been waived with any carrier in this state?

??: Right. That's correct.

??: So, at this point technically it only applies to US West and GTE.

CD: A very short response to your question you asked. Everybody's been talking about the parity and nondiscrimination requirement that's in 251(c)(3), it talks about nondiscriminatory acts as to network elements. If you look at the definition of network elements, the definition specifically includes data bases. As Frank was saying the OSS they define the functionality issue in terms of OSS. What we're really talking about is access to the network element, the database and then you view the OSS access, the systems access over the top of that.

MT: Let me just provide one follow-up to that and it's on the same topic that Jo raised. I just had a real live experience with that in negotiating a provision with US West. There's a simple way to think about it. The OSS functions that the FCC has said you need to have access to as we all know are pre-ordering, ordering, provisioning, maintenance, repair and billing. US West likes to focus on those five functions. Well certainly, CLECs need access so that they can provide all of those same functions. But there may be legacy systems in US West's computer systems. They don't tap into to do those functions, but there's information within one of those legacy systems like loop makeup that we want access to even if it doesn't technically and specifically do ordering and do

provisioning. So, there's sort of two pieces to it. There's the functionality piece and the access to the data behind it.

RB: Does industry have preferences, looking at the various models, New York, California, Texas, if there's a strong preference in the room for one model on carrier to carrier versus another? I know that in the Regional Oversight Committee have a reference to Texas. It would not state specifically that we would use that, but the outline of Texas would be a good model. Do participant here have a preference?

LH: Are you referring to OSS testing or are you referring to the actual performance standards developed in the....

RB: The performance standards developed. The ROC letter references the testing and the Texas model, but we're asking for the standards that are established in those states.

LH: As far as performance standards go Sprint has been involved in developing performance standards in Nevada which the company and the other ILECs, Nevada Bell and GTE have each reached stipulations with the CLEC community there and we have implemented the systems to measure performance on a disaggregated basis. To whatever extent those performance measures are similar to the ones in California, the proceedings in Nevada and proceedings in California were basically the same teams for Pacific and for Nevada Bell and for the CLECs as well. But I'm not very familiar with what actually happened in California so I guess to the extent that the California and Nevada performance standards are similar that Sprint would support the California.

GK: I think to follow up on that one of the things that my understanding was that in both Nevada and California that those were industry workshops that were long going and they really kind of hashed out these things and reached some consensus. I know they did in Nevada. There's been a lengthy partial settlement stipulation in California which we submitted as part of our comments. I think that when you can reach that kind of consensus and you can sit down and say here are the sorts of things that we can do and here's what we're willing to do, here's what we can accept, then I think when you're going off of that kind of a model, it's not something that a Commission has unilaterally imposed but it's something that the industry has worked on to develop jointly and I think that that would probably as good a starting place as any so that you have some sense of what can be done and what people are willing to do.

RB: Staff looked at these models and realized that many of the industry players here have already been participants in those states. So we looked at that as a first step.

Rex: I also participated in Nevada discussions and they are pretty much the same as

California's to my understanding as well. In Nevada there was agreement on everything except the issue of penalties and that's the part we're litigating. It was really quite a revolutionary kind of thing where everybody came and agreed and were able to work out the differences. It was a long process but it was effective. Another state that I was going to comment on was Utah. Utah as you know has implemented performance standard measures effective as of January. One of the problems is that I don't know how well those are working or not. Since January I think we've only received actual measures one month back in March. I don't know what the cause of that is but we've been working with our accountant trying to get more information but we haven't gotten anything except for one month and it's been difficult the effectiveness of those rules but those rules are also something that we participated in

MT: I just wanted to make clear what we're talking about. Because the Nevada and the California procedures that we're talking about were service quality, carrier to carrier service quality procedures. They did look at standards for OSS but the testing processes that are talked about in the ROC letter, that's OSS testing.

RB: The rock letter has the OSS third party testing and references the Texas model. I'm talking about the service quality measures that are a part of that.

PH: The important thing is that they are collaborative and while you noted that all these parties are involved, US West was not involved in California or Nevada nor Texas nor New York. So all these different models that are out there we were not participants in. One of the things that should be coupled in there is the impact of cost. To the extent that you don't already have it, one of the factors that will make a difference is cost recovery. It's one thing to impose it but realize that nothing comes without the cost. We will clearly, if this is the route this Commission decides to go, we'll be coming in saying this is what it will cost. I don't want anyone to go out thinking that we ought to adopt one, choose any state, without thinking that we won't be seeking costs. Second, we will want to determine to what extent do we have something similar because there may be some things that will be substitutable. And there may be things that are in some those that we already have and are willing to do and have been doing. To Rex's point about where we are in Utah, I know we've filed for some waivers and for extensions on some of it. I don't know why you would get it in March and then not get it in April or May, so I'll have to look into that specifically. Even in that case it was not a workshop per say, it was a contentious kind of a proceeding. Some things were imposed and some things therefore have to be developed. So, things aren't going to get kicked off quite as readily. A workshop format is a better format. A negotiation is a better format whether it's with the Commission or outside the Commission. In the meantime we will focus on what questions are the kinds that are generally asked and what do we have to match and that's what will definitely be offered.

RB: Staff understands that in Utah it initially started its collaborative and then moved

to a hearing and the initial product has been streamlined dramatically. The outcome from what the initial recommendations by staff, the outcome of those, the order is much narrower than has initially had been anticipated in the collaborative, when that was begun.

PH: From my perspective the collaborative one, we all got together in a small room. It did not get into what I would call highly detailed discussions, at least any of them that I participated in. So, How it ended up coming to the list that it did was as much magic as anything. I couldn't say it went down some predictable trend they way it came out of Utah from my perspective. I don't know if you have a different perspective on that or not.

RK: It was more of a workshop process. And it probably stayed pretty high level as Perry had mentioned. We didn't get into detail. In Nevada for instance they got into very specific detail on every little tiny issue. We did not do that in Utah. However, we came to an impasse fairly quickly I believe in Utah which is when the staff said the Division of Public Utilities took it back and tried to make rules and they went from there then went to the comment process when the parties said you can't do this and can't do this or that is it going extremely expensive and made modifications from that and that's how the rules were developed and put into place. Since then, as Perry alluded to, they've challenged several of those provisions as being they don't want to

PH: I think it was the same. We were sent out ahead of time, they imposed them anyway and now seeking waivers because they imposed them.

RB: What does US West think about a regional approach as opposed to state by state approach for performance measures not just OSS testing?

PH: We tried it and personally I preferred it. One difficulty is we got to a point in some instances where there were things CLEC's wanted that we didn't want to do for various reasons so you'd reach an impasse on that perspective. Then the second thing that happened is that you did have differences between the CLEC's. But as a general rule, I would have a preference for it because from an administrative perspective it's easier to develop systems and measurements that you can apply 14 state wide. It holds your costs down longer term. It makes comparison between states easier. There's a lot of advantages to doing it that way. Managerially it is just a lot easier to develop and implement it on that basis. The process itself of getting there is going to work fine for many things but we do run to points of impasse. So, what would be required would be as at the point when you reach the points then how do you break the impasse is really going to be the test question. Ideally, you would want to make sure that you don't go off in 14 different directions in terms of breaking the impasses. Not necessarily saying one size fits all but I would be concerned, especially if you're getting into nuisances of how a particular item is measured. Let's say it's something as simple as breaking a segmentation down. Somebody wants it in two hours, how

often did it take it within four hours, six hours, eight hours. You end up with 14 different variations of that theme. That really drives your cost up. To the extent you can drive to the more singular outcomes it's better. We fell apart in terms of certain impasses. As Mary already pointed out, we clearly were on a different page lets say with respect to performance penalties. That's one that....

RB: Each state has jurisdictions, as well, on that.

PH: Right. And we try to keep consistent across the board to ...some option of yours not to do it.

RK: Which forum is the best forum to take care of performance standards and penalties and those kinds of issues? Perry had mentioned that he thinks interconnection negotiations are the way to do it. But that doesn't work. The next question is whether a regional approach will do it. That one is difficult because you don't have someone break the impasse per say. That's very difficult to do. On the interconnection issue, if you're going into an interconnection negotiation, this performance standard stuff is not an easy thing to get your hands around and it's very expensive for one company to actually negotiate the entire breadth of issues that are dealt with here. And if you do go ahead and negotiate, try to do something different and try to make something it's different from what they've done for everyone else then US West state that you will have to pay for everything that's associated with that, that one company by yourself. So, it's very difficult to negotiate with things being different. So what ends up happening is from a company perspective, rather than having to litigate that in an arbitration and end up with that kind of an issue out there, we've taken it for the most part and said we need deal with this on an industry wide basis for a particular because you need to go with a state that has a Commission that has the ability to break the impasses on the issues. You have to go on industry wide because you don't want to end up dealing with all the costs yourself. You have to be able to spread that, whether it's over the industry within one state or multiple, but it needs to be looked at in the larger size group. So it's a difficult question on what size of a forum is appropriate for that but there are considerations for.....

RB: We seemed to have touched on the regional issue. The question five about the Iowa utilities board versus the FCC on the superior service to CLECs. ILEC does not have to provide superior service to CLEC over which it provides to itself internally. What is an industry opinion regarding that as well as an option potentially to offer services that are superior then that benchmark but at an added cost? Does the industry have an opinion on that?

CD: This is a very interesting issue for us I think in the digital CLEC community because it contains a lot of sub questions. When you talk about requiring ILECs to provide superior services to CLEC's over that which they provide to their own customers. One of the questions is how do you measure that? US West would

say that because it can condition loops on an individual basis that that's all that it has to do because it's not providing any better service to itself or to its retail side. The same issue regarding the facilities responses. US West would say we don't have to resolve to note any faster than these 60 sometimes 90 days that it takes us if at all because that's how we resolve them on our retail side. But when you talk about provisioning DSL or other digital services, US West does that over an existing loop. So, you're not comparing 90 days to 90 days for itself, you're comparing 90 days to basically flipping a switch installing a POT splitter and US West can provide it's own DSL service in five or ten days, whatever it is that they provide that service. So, the fundamental question of whether or not what the CLECs or a particular one where we have requested in our submission in this proceeding requires superior service is an interesting question. How you measure that. More specifically to the legal question on both of these issues, it seems to me that one of the fundamental premises of the telecommunications act of 1996 was to create a competitive environment that would result in better services for consumers across the board. That just doesn't mean that COVAD provides better services than US West or our other competitors, but that means making the ILECs themselves ultimately provide better services to the consumers but because that's what results in a competitive environment. If it is the case that all that the CLEC's can get from the ILECs in terms of performance is whatever the ILEC provides for its own retail service then you never get that competitive improvement of services to the consumer unless the ILEC decides to do it first and then bring the CLEC up behind them, which also always gives the ILEC the competitive advantage. A specific example of this is the removal of bridged taps in order to provide DSL service. Excessive bridged taps can slow down DSL service. It affects the rates depending on how much the speed of the service having bridged taps on the line. It is in our interconnection agreement....(turned tape over)....they do not or have not to date done that for their own DSL service. We have heard, and I have not had any independent confirmation of this, that US West if now either considering or is actually now going to provide, start removing bridged taps for it's own DSL service. That is as a result of the competitive pressure that we've put on them and then, under one interpretation, providing us better service than what they provided for themselves. But we paid for it as well. There are provisions in the agreement that deal with conditioning and paying for those conditioning also.

That also gets to the second part of your question which is, should there be a requirement that ILEC's provide superior service if the CLEC's are willing to pay for it. I think if you start looking at the question of TELRIC and whether it's included in the cost, those issues get very complicated. The bottom line is yes and why not. It's better for the consumer. If we are willing to pay for it and we're willing to pay our way and US West or whatever ILEC going to make its reasonable profit off of it the only benefits consumers as well as competition and competitors to require that they do that. And fundamentally the reason you have to require it is because the ILEC controls the network. If I could go out there and do the service or provide the service myself, I would. We use our own DSLAMs

we use our own ATM.... But, when you're talking about the actual network and the access to the network there is only one person that does that and if they only have to provide me with what they have to provide themselves we'd never get the benefit to the consumer that I think the telecom act was intended to produce.

MT: This is an interesting question and it's that's been litigated and will continue to be litigated extensively I suspect. An interesting piece of this and I think one that's important for the Commission to remember as they look to these rulemakings is that there is the superior service ruling from the eighth circuit. Put aside what we think of that, since that's not really relevant, that ruling is what it is, but you have to read that in connection with the obligations that are in the act itself. None of those have been changed. For example, for collocation, the incumbent has to provide whatever collocation is necessary for interconnection or access to network elements. So, you've got the necessary and impair standards that are in the telecommunications act that have been talked about in length by the Supreme Court. The Supreme Court has not said that those tests are wrong, or that those tests should be changed, just that the FCC has to make more clear what the methodology is for determining if that test is met. The reason I say that is there are going to be modifications to US West's network or changes to its services that it has to make to allow carriers to interconnect or have access to unbundled network elements. That may be superior to what US West is currently doing itself. But, because that is required under other obligations of the telecommunications act the eighth circuit opinion does not give US West an out of making those modifications or offering those services to CLECs. So, I think it's important to read all of the obligations and all of the sort of legal rulings that are out there together.

With respect to your second question, again the explanation I just gave goes to that in part. If you don't find that a particular modification or service is necessary or impairs the quality of CLECs, I'm not sure under the eighth circuit decision that there is an obligation for US West to provide a superior service. However, US West sort of wears two hats in this case. One is, obviously as an ILEC trying to offer its own services but the other is as a supplier and a provider. And we would prefer that US West view obligations in that way and that some of these superior kinds of things that CLECs may want to purchase from US West is a potential revenue stream for them as well and that's where US West needs to kind of where it's other hat in getting to that point I think.

RB: Opened up for general discussion.

LB: I don't have any question but I think part of the general discussion as well, if parties have questions they want to direct to other parties who have filed comments about their comments. This would be an appropriate time to do so.

GB: I have one I'd like to get some discussion on a point that Perry brought up about competitive neutrality in the rules. As I understood his argument, it's that for the

rules to be competitively neutral. The same sort of performance standards have to apply to CLECs when they're supplying services to other CLECs or to ILECs and I'd like to get some reaction to that suggestion.

PH: I agree

MT: From the CLEC perspective we disagree with that position. We think that US West at this point in time controls most of the network and most of the opportunity for CLECs to come in and offer services. We think mandating their performance with respect to those situations is absolutely critical. CLECs are not in that same position. US West has different obligations under the act than CLECs have. Once CLECs get into a position of offering the facilities and network that someone needs to serve their own customers then we would agree that some of the same obligations should apply. But at this point in time US West is the controlling entity of these network pieces that we need. The problem is that we go out now and try to service our customers and as Perry said today, he thinks that most of the service quality standards should deal with how the end user is treated. Not with how necessarily how the carriers are treated. We cannot meet the same kind of installation commitments to our customers when a big piece of our ability to install is waiting for US West to give us the network elements that we then need to do whatever we do with to offer service to our own customers. So we have two steps whereas US West has one step to serving their customers. It's simply impossible for us to meet the same kinds of standards in a reseller or even as a purchase of unbundled elements at this point in time.

CD: To follow-up a little bit on what Mary said. One issue you have to look at is discrimination. Because you have US West that has to provide to loop or whatever element, there is always more that the receiving CLEC has to provide the service in particular in the DSL contacts for example. Once we get a loop we have to go and install the equipment at the home, the customer premises that provides that DSL service. Because we have so much trouble getting loops that work we actually have built in now a week or more at various times, a time frame where we send our installers just so that we can do our testing and everything else that needs to be done to make sure that we have a working facility. And often we find that we don't and we have to put it off and escalate and have another round of whether or not there is loop and whether or not it works. To hold us to kind of the same carrier to carrier requirement, we certainly try to meet them and we do our best working with our provider, US West, to meet those carrier to carrier service and I actually work more extensively than Mr. Kountzky would probably would like to be in contact with me on many of these issues. But if I can't get the service from the ILEC I can't make the same commitment to the people that I'm providing service to. As long as we're dependent on them I don't disagree that there should be standards but I think that the standards need to take that into account.

PH: May I reply on a couple of instances? One is while Mary gives a good description of how she perceives the marketplace, my initial comment was addressed to the fact that if US West were to buy from a CLEC we would not want to be treated any differently by the CLEC than if that CLEC was selling to others. We would say that same thing should apply from CLEC A to CLEC B which would be purchasing from CLEC C. I don't think here comments necessarily address that. I believe her comments still went to leading one to the inevitable conclusion that the belief of the joint commentators in that instance is that it is OK for them, even if they are facilities based, lets say cable based, to provide a different level of service to US West than it would to someone else even though we would both be purchase from another facilities-based provider. If that's the case then we don't agree with that. We don't believe that the rules should only be applied to ILECs but in fact those kind of rules should be applied across the board to whoever the facilities-based provider is. I want to make sure I'm understanding that correctly. Is that what you're saying? .

MT: I don't disagree with your comment that if you're purchasing from us, purchasing facilities from us, that we should treat you as undiscriminatorily as we treat other CLECs. That would certainly be our opinion, as well.

GB: But do we need a rule to govern that sort of transaction?

MT: I don't know that there's any of those sorts of transactions currently occurring so at this point I would say no.

GB: I think that are examples, for instance where GTE buys service from AT&T local services formally TCG. But we've always treated that as a competitive market driven transaction one that wasn't done under any sort of legal requirement. It was just voluntarily entered into.

??then you don't need a regulatory fix. But in the case of CLECs trying to purchase from the ILECs there's still....

GK: I guess to follow up on that point is the whole reason you need regulation because there isn't a market power. There isn't an ability of the market to discipline how good the service quality you get is. From a CLEC perspective if they are out marketing something, by golly they're going to give the best service that they can or they'll get it from somebody else. When you turn the tables, in general the CLEC's don't have an alternative to get any of these things from US West. So the regulation substitutes for the market and that's why we're in a different situation.

PH: There is obviously going to be a regulatory lag. There are technological alternatives that have clearly emerged, certainly in route specific you'll see a lot of business park applications where there's multiple rings starting to go out there. I don't know that this Commission is ready at this point to apply market specific

kinds of rulings. But to the extent you are looking at a rulemaking it would make sense to think about the transition because what will happen is rules will get put in place and they'll get locked in there for some time period when in fact competition is going to emerge much more quickly. The technology is going to drive things much more quickly. For example I think that Jo had pointed out that a year and a half ago the idea of XDSL applications was really kind of a dream somewhere and it just now picking up. That type of an emergence is something that we are going to see a lot of. You might want to consider, for example, at least having some rules that if you do that will have some pretty quick sunsets or reviews to see if they still stay current. The concern that the US West would have would be a regulatory lag and getting locked into something that we wouldn't want to keep in place forever. That would be something that we would clearly like to have you to address if you were to adopt some rules.

RB: Any further discussion?

Just to give you a quick perspective from staff. We would like to take the information we got today and from the filed comments and review. I would expect that you would see another letter from us in the next two weeks asking for clarification and further information and I would expect that we would have another workshop as well. At this point staff does not have an official as far as going forward with rulemaking. We will take the information and discuss it among ourselves and then send a letter out to the industry under the Commission's signature.

We do appreciate those of you that came in from other places and spent our Friday morning together and thank you to the speakers.