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IN THE MATTER OF THE SIX-MONTH REVIEW OF
QWEST CORPORATION'S ASSURANCE PLAN

STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

ADDITIONAL COMMENTS OF COVAD COMMUNICATIONS COMPANY

Covad Communications Company ("Covad") hereby submits the following additional comments in the above-captioned docket in response to the request of the Washington State Utilities and Transportation Commission ("Commission") in an order dated October 10, 2003.

Covad responds as follows:

1. What Issues Are Currently Under Review By or Could Be Addressed By the Long Term PID Administration ("LTPA") Collaborative?

The issues listed in the comments Covad previously filed with the Commission in May 2003 could eventually be dealt with by the LPTA. While the LPTA is a useful tool for on-going modifications required for Performance Indicator Definitions ("PIDs"), Covad believes that the LPTA does not have the ability to work quickly enough to handle changes in the law and to address other law-type provisions and issues. For example, the LPTA has been in the process of redefining PO-20 and OP-5 since last December. Covad cannot wait ten months for certain changes to be made which as a result of the Triennial Review Order ("TRO") have become critical issues. While Covad is willing to use the LPTA to address a number of its previously filed comments with the Commission, the inclusion of Line Splitting and Loop Splitting in Qwest's Performance Assurance Plan ("QPAP") cannot wait for the actions of the LPTA. If Qwest is willing to include these items in the QPAP at this time, then Covad is willing to wait until the next six-month review period to address the other issues it has previously filed with the

Commission (e.g., Covad is willing to address the issue of extending Line Sharing, Line Splitting, and Loop Splitting to new PIDs such as PO-20 and the issue of changing the status of existing PIDs from diagnostic to payable through the LTPA).

2. What Issues Are Unique to Washington State?

While there are no issues specifically unique to Washington State, there are issues unique to the Regional Oversight Committee (“ROC”) states subscribing to the QPAP (a number of the Line Splitting changes Covad is requesting have already been included in the Colorado CPAP). However, given the fact that the LPTA administrator is not yet on board, the LTPA process has yet to be fully defined, and there is some uncertainty as to how well the LPTA will be able to process PID issues, it is imperative that the Commission and the commissions in other ROC states recognize the need to address a number of these issues more quickly. Competition must be promoted and there must be some assurance that Qwest’s performance in providing the elements required for competition be held to the standards Qwest has agreed to in its PIDs for Line Sharing.

3. What New Issues Should be Considered in the First Six-Month Review Period?

Given the Federal Communications Commission’s (“FCC”) recent TRO and its various related dockets, Covad recognizes that the Commission’s priorities have probably shifted due to the burden the TRO process has placed on the Commission. As such, Covad wishes to identify only the changes the Commission should address at this time. Specifically, Covad would like the Commission to address the issue that Line Splitting should be included in all cases where Line Sharing is currently included. The intent of the FCC appears to be to use Line Splitting in place of Line Sharing and in order to move forward in this direction it is essential that Qwest be held to the same performance standards for Line Splitting that it is held to for Line Sharing. Further,

there is a need to recognize Loop Splitting as well (combining a voice service provided by a CLEC-owned switch with the data service of another CLEC using the same UNE-L (“Unbundled Network Element Loop”)). One of the premises used by the FCC in its TRO was that as long as UNE-Ls were available there were opportunities for data providers to compete without the need for Line Sharing--to share a Loop with a voice provider. Because it appears that there will be some phase-out of UNE-P (“Unbundled Network Element Platform”) services which are used for Line Splitting, there will be more demand for Loop Splitting services. As a result, Qwest’s performance must be monitored just as closely for this type of service as it is for Line Sharing and hopefully Line Splitting.

As mentioned previously, Covad wishes the Commission to note that Qwest has already included Line Splitting in the Colorado Performance Assurance Plan (“CPAP”) measurements for most PIDs that apply to Line Sharing (specifically OP-3, -4, -5, & -6, and MR-3, -6, -7, & -8). (The Colorado Commission specifically excluded MR-4 from the CPAP, however, Covad requests that the Commission include Line Splitting as part of this PID as well.) Covad is willing to address the issue of extending Line Sharing, Line Splitting, and Loop Splitting to new PIDs such as PO-20 and the issue of changing the status of existing PIDs from diagnostic to payable through the LTPA. Therefore Qwest should not object to making these same changes in the QPAP. Please note that while Qwest has agreed to include many Line Splitting measurements in the CPAP, Qwest has yet to identify Line Splitting as an applicable service in the PIDs underlying the CPAP. If Qwest is willing to make the changes in the QPAP as it has done in the CPAP there should be no reason for the Commission to delay this issue for action with the LTPA.

Respectfully submitted this 16th day of October, 2003.

COVAD COMMUNICATIONS COMPANY

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