

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**In the Matter of the Petition of Qwest
Corporation for Arbitration with Eschelon
Telecom, Inc. Pursuant to 47 U.S.C. Section
252 of the Federal Telecommunications Act of
1996**

Docket No. UT-063061

EXHIBIT BJJ-52

TO THE

SURREBUTTAL TESTIMONY OF BONNIE J. JOHNSON

ON BEHALF OF ESCHELON TELECOM, INC.

APRIL 3, 2007

Archived System CR SCR102704-1RG Detail

Title: FCC Triennial Review Order CC 01-338 (TRO), U.S. Court of Appeals for the DC Circuit decision (USTA II) Decision No. 00-1012, and FCC Interim Rules Compliance: Certain Unbundled Network Elements (UNE) Product Discontinuance

CR Number	Current Status Date	Level of Effort	Interface/ Release No.	Area Impacted	Products Impacted
SCR102704-1RG	Closed 10/27/2004	-	/		See Description of Change for listing of products impacted

Originator: Whitt, Michael

Originator Company Name: Qwest Corporation

Owner: Whitt, Michael

Director: Campbell, Bill

CR PM: Harlan, Cindy

Description Of Change

Description of Change:

This CR will be implemented as a product/process CR as there are no CLEC facing system changes.

Product Availability

This CR details changes to availability of certain Unbundled Network Elements (UNE) products pursuant to the FCC Report, Order on Remand, and Further Notice of Proposed Rulemaking, referred to as the "Triennial Review Order" (TRO) CC Docket 01-338, the subsequent U.S. Court of Appeals for the DC Circuit decision 00-1012 ('USTA II') which vacated some of the FCC's unbundling rules, and the FCC's Interim Rules, which preserved some of the unbundling rules vacated in USTA II.

In accordance with these orders and findings, the following UNE products are no longer available to CLECs unless the most current, effective version of CLEC's Interconnection Agreement (ICA) or Amendment includes terms, conditions, and pricing for the products before 6/15/04:

? All Enterprise and Mass Market Unbundled Network Elements Switching (UBS) products, detailed in the following Product Catalog (PCAT):
<http://www.qwest.com/wholesale/pcat/unswitch.html>

? All Enterprise and Mass Market Unbundled Network Elements-Platform (UNE-P) products, detailed in the following PCAT:
<http://www.qwest.com/wholesale/pcat/unep.html>

? Line Sharing detailed in the following PCAT:
<http://www.qwest.com/wholesale/pcat/linesharing.html>

? DS1 Unbundled Loop detailed in the following PCAT:
<http://www.qwest.com/wholesale/pcat/unloopds1caploop.html>

? DS3 Unbundled Loop detailed in the following PCAT:
<http://www.qwest.com/wholesale/pcat/unloopds3caploop.html>

? OCN Unbundled Loop detailed in the following PCAT:
<http://www.qwest.com/wholesale/pcat/unloopocn.html>

? Unbundled Packet Switching detailed in the following PCAT:
<http://www.qwest.com/wholesale/pcat/ups.html>

? Shared Distribution Loop detailed in the following PCAT:
<http://www.qwest.com/wholesale/pcat/shareddistloop.html>

? Unbundled Feeder Loop detailed in the following PCAT:
<http://www.qwest.com/wholesale/pcat/subloop.html>

? Unbundled Dark Fiber (UDF), including E-UDF and Meet-Point UDF,
 detailed in the following PCAT:
<http://www.qwest.com/wholesale/pcat/darkfiber.html>

? DS1, DS3, and OCN Unbundled Dedicated Interoffice Transport (UDIT),
 including E-UDIT and M-UDIT, detailed in the following PCAT:
<http://www.qwest.com/wholesale/pcat/udit.html>

? DS1 and DS3 Enhanced Extended Loop (EEL) detailed in the following
 PCAT: <http://www.qwest.com/wholesale/pcat/eel.html>

? Unbundled Customer Controlled Rearrangement Element (UCCRE)
 detailed in the following PCAT:
<http://www.qwest.com/wholesale/pcat/uccre.html>

? DS1 and DS3 Loop Mux Combo detailed in the following PCAT:
<http://www.qwest.com/wholesale/pcat/lmc.html>

Product Transition, if applicable:

Not Applicable

PCAT Updates

All impacted UNE PCATs will be updated in the future to reflect this change
 in availability. These changes will be announced via the CMP notification
 process.

Expected Deliverables/Proposed Implementation Date (if applicable):
 Retroactive to 6/15/04 pursuant to FCC Interim Rules, subject to CMP
 Guidelines.

Status History

Date	Action	Description
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Project Meetings

QWEST Response

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Information Current as of 10/2/2006

Archived System CR SCR083005-01 Detail

Title: Implement Edits Related to TRRO (FCC 04-290)

CR Number	Current Status Date	Level of Effort	Interface/ Release No.	Area Impacted	Products Impacted
SCR083005-01	Withdrawn 3/15/2006	1500 - 2000	IMA Common/	Ordering	UBL, EEL, LMC, DS1 & DS3 Loop and/or Transport

Originator: Hooper, Sami

Originator Company Name: Qwest Corporation

Owner: Hooper, Sami

Director: Bliss, Susan

CR PM: Esquibel-Reed, Peggy

Description Of Change

This is a Regulatory Change Request.

The FCC's Triennial Review Remand Order (TRRO), FCC 04-290 (WC Docket No. 04-313 and CC Docket No. 01-338) released February 4, 2005, modified the rules under which Qwest is required to offer DS1 and DS3, loops and transport as Unbundled Network Elements (UNEs) pursuant to section 251(c)(3) of the Telecommunications Act of 1934, as amended. The FCC ordered impairment criteria impacts DS1 and DS3 loops and transport. Due to the volume of customers that have opted into the TRRO Amendment, Qwest needs to implement edits in those states, for those customer's, where a TRRO has been filed, in their states.

No new or conversion activity is allowed in non-impaired offices on Unbundled Loop, EEL, and Loop Mux Combination (LMC). DS1 and DS3 loops and/or transport will be identified by wire center where the requirements of full competition are met.

This CR will install an edit in IMA to reject requests for service in non-impaired offices on UBL, EEL, LMC, DS1 and DS3 loop and/or transport.

Additionally, on EEL and LMC the SPEC field on the LSR will be utilized to identify the request as EEL Loop, EEL Multiplexer, LMC Loop, or LMC Multiplexer. The product name in IMA for these products will be updated from EEL/UNE Combination to EEL/LMC to match the names in the product catalogs.

Expected Deliverable:

Requested Implementation is the IMA 19.0 Release, April 2006, due to the volume of customers that have opted into the TRRO Amendment, Qwest needs to implement edits in those states, for those customer's, where a TRRO has been filed, in their states.

Status History

Date	Action	Description

3/15/2006	Discussed at Monthly CMP Meeting	Discussed at the March Systems CMP Monthly Meeting; please see the March Systems CMP Distribution Package, Attachment G
8/30/2005	CR Submitted	
8/30/2005	CR Acknowledged	
8/31/2005	Communicator Issued	CMPR.08.31.05.F.03232.RegulatoryCRSubmitted
9/6/2005	Clarification Meeting Held	
9/21/2005	Discussed at Monthly CMP Meeting	Discussed at the September Systems CMP Monthly Meeting; please see the September Systems CMP Distribution Package, Attachment D

Project Meetings

March 15, 2006 Systems CMP Meeting Discussion: Jill Martain-Qwest stated that this CR had been out for awhile, is currently in deferred status, and stated that Qwest would now like to withdraw this CR. Jill stated that if Qwest determines, at a later date, that a system enhancement is needed, Qwest would issue another CR. This CR is in withdrawn status.

September 21, 2005 Systems CMP Meeting Discussion: Jill Martain/Qwest stated that based on other issues that are in progress, in and outside of CMP, Qwest will defer this CR and will remove the Regulatory (RG) classification. Jill stated that once the issues are resolved, the CR will be taken out of deferred status and we would have further discussions regarding this Change Request. Jill noted that there is no need for a vote to take place during the September Monthly CMP Meeting. There were no questions or comments. This CR is in Deferred Status.

-- September 8, 2005 Email Received from Covad: Covad objects to the "regulatory" classification of SCR083005-01. To preface, the CMP document clearly spells out the scope of regulatory CRs and the process for a regulatory designation and this change request does not meet those qualifications. In addition, Covad believes a regulatory designation is inappropriate due to the following:

(a) Currently, Qwest is obligated to provision all orders for services out of arguably unimpaired COs so edits attempting to prevent ordering out of COs Qwest has unilaterally designates as unimpaired is impermissible;

(b) the good faith, self-certification requirement imposed by the TRRO for ordering should accommodate any concerns Qwest may have regarding orders placed out of arguably unimpaired COs; and (c) since Qwest, to date, has made it impossible for any CLEC or state commission to validate whether a CO is unimpaired further reinforces that the only legitimate way to accommodate arguable changes of law resulting from the TRRO is the self-certification process.

Since Covad has not yet executed the TRRO amendment, and since Qwest has not articulated any legitimate reason for using system edits versus the self-certification process, Covad believes that Qwest may not permissibly use any system edits for orders placed by Covad. Thanks, Liz Balvin Covad Communications

September 6, 2005 Email Received from Eschelon: Eschelon objects to the classification of this CR as a Regulatory CR. Qwest's CR is response to freely negotiated amendments. These were negotiated without arbitration. Qwest was not ordered to limit its product availability and could do more. The FCC sets out a minimum. In addition, this change is contrary to the FCC's self certification process. Under that process, Qwest cannot reject an order when the CLEC self certifies. If Qwest and other CLEC's have agreed

to a different process that is voluntary and does not support a Regulatory CR. Eschelon understands that the changes apply only to certain customers that signed the TRO amendment., therefore, the edits/changes, in any event, will not apply to Eschelon or ATI. Bonnie J. Johnson Director Carrier Relations Eschelon Telecom, Inc.

September 1, 2005 Email Received from AT&T: AT&T objects to the treatment of the Qwest-originated change request SCR083005-01RG as a Regulatory Change pursuant to the Change Management Process. Section 4.1 defines a regulatory change: 4.1 Regulatory Change A Regulatory Change is mandated by regulatory or legal entities, such as the Federal Communications Commission (FCC), a state commission/authority, or state and federal courts. Regulatory changes are not voluntary but are requisite to comply with newly passed legislation, regulatory requirements, or court rulings. Either the CLEC or Qwest may originate the Change Request. The definition states that the "Regulatory changes are not voluntary but are requisite to comply with newly passed legislation, regulatory requirements, or court rulings." The FCC's Triennial Review Remand Order Qwest referenced in Qwest's CR simply relieved Qwest of certain obligations under federal law. That ruling did not mandate that Qwest no longer provide the products and services relating to those obligations. Qwest has voluntarily chosen to cease providing these services. As such, this Qwest CR does not qualify as a Regulatory Change under the CMP. If Qwest wishes to pursue these changes, Qwest's CR must be treated as any other systems CR. Sharon Van Meter AT&T Western Region GAM 303-699-6483 303-540-1637 (pager)

September 1, 2005 Clarification: Introduction of Attendees: Sami Hooper-Qwest, Jill Martain-Qwest, Peggy Esquibel Reed-Qwest

Review Requested (Description of) Change: Peggy Esquibel Reed-Qwest reviewed the CR and asked if there was additional information. Sami Hooper-Qwest stated that there is no additional information.

Confirmed Impacted Area(s): Peggy Esquibel Reed-Qwest confirmed that this request is for Ordering.

Confirmed Impacted Interfaces: Peggy Esquibel Reed-Qwest confirmed that this is an impact to IMA Common.

Confirmed Impacted Products: Peggy Esquibel Reed-Qwest confirmed the impacted products UBL, EEL, LMC, DS1 & DS3 Loop and/or Transport.

Establish Action Plan & Resolution Time Frame: Peggy Esquibel Reed-Qwest stated that Sami will present this CR at the September 21, 2005 Systems CMP Meeting. Peggy then noted that the Regulatory Notice was sent on 8/31 and that the deadline for objections, for the Regulatory classification, is 5:00 p.m. MT, September 8th.

- August 31, 2005 Regulatory Notification Sent:
CMPR.08.31.05.F.03232.RegulatoryCRSubmitted

QWEST Response

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Information Current as of 10/2/2006

CMP Oversight Committee Meeting Minutes

January 4, 2005

1-877-572-8687, Conference ID 3393947#

2:00 p.m. – 3:00 p.m. Mountain Time

PURPOSE

This was a meeting of the CMP Oversight Committee to review an issue submitted to the committee on 11/30/04 by Liz Balvin of Covad. The following is the write-up of the discussion.

List of Attendees:

Jen Arnold – TDS Metrocom/U S Link
Liz Balvin – Covad
Becky Quintana – Colorado PUC
Bonnie Johnson – Eschelon
Kim Isaacs - Eschelon
Sharon Van Meter – AT&T
Kathy Stichter – Eschelon
Doug Denny – Eschelon
Amanda Silva – VCI
Jeff Sonnier – Sprint
Susie Bliss - Qwest
Susan Lorence – Qwest
Cindy Buckmaster – Qwest
Bill Campbell – Qwest
Cindy Macy – Qwest
Jill Martain – Qwest
Linda Sanchez-Steinke – Qwest

MEETING MINUTES

The meeting began with Qwest making introductions.

Linda Sanchez-Steinke of Qwest reviewed the issue Covad submitted to Oversight on 11/30/04. Linda read from the Description of the Issue; Qwest inappropriate use of CMP to drive legal interpretation of the Law, and the desired resolution; the proposed changes (PC102704-1ES) be withdrawn until Qwest can properly follow the CMP governing document. Qwest responded on 12/10/04 requesting that Oversight meet to discuss how to move forward with the Change Request.

Liz Balvin reviewed the history of the issue and stated Covad's position that the biggest issue is Qwest is out of scope of CMP. She stated that the first problem is that the Systems CR SCR102704-1RG was identified as Regulatory and did not follow the process of referencing the page and paragraph and called into question the law or mandate. The second problem is that six CLECs objected to the regulatory classification of the CR and the objections should have been addressed. The CR was then converted to Product / Process, the regulatory classification removed, and Qwest did not follow the crossover guidelines. Qwest's binding response to the Covad escalation continued to assert that Product / Process is not the correct category and it is a regulatory CR. Qwest has been out of scope of CMP for this CR. [Comment received from Covad: Qwest's binding response to the Covad escalation continued to base decision on USTA II and FCC interim rules but not call regulatory. Qwest has been out of scope of CMP for this CR.]

Susie Bliss of Qwest stated Qwest's position was when objections to the regulatory classification were received, the regulatory definition in CMP did not fit. There was not unanimous agreement that the CR was regulatory. Section 5.1.1 states that if there is not unanimous agreement then the CR will be treated as non-regulatory. PCAT changes

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need to be made and when PCAT changes are made, Qwest is obligated to notify the CLECs by following 5.4.5 limiting the product availability. Qwest proceeded as a Product / Process Level 4 change.

Liz Balvin and Susie Bliss discussed the concern that CLECs were not given a chance to discuss the CR and whether Qwest was limiting or restricting availability of products. [Comment received from Covad: Liz Balvin stated that CLECs were not given the opportunity to iron out whether the CR should have been categorized as regulatory. Susie Bliss indicated that Qwest has the right to limit the availability of products based on the CMP document. Liz Balvin stated that Qwest is not limiting, but restricting products that other carriers continue to be able to purchase.]

Bonnie Johnson of Eschelon stated that Qwest can not make a decision as a company and not allow the customer to order the product any longer. It is required to provide the basis under which the product is removed.

Bill Campbell of Qwest, Liz Balvin, Bonnie Johnson and Susie Bliss discussed resolving the issue by providing the USTA II document and identifying for each product the page and paragraph reference.

Liz Balvin and Bonnie Johnson were concerned that CMP process has not been followed, and stated the CR is lacking the steps required. Susie Bliss asked if citing the paragraph would resolve. Liz recalled that the CMP document was written to address regulatory CRs and that Qwest tried to remove the regulatory classification and page and paragraph of law should be provided to move forward with the change.

Cindy Buckmaster of Qwest restated Liz's position; Covad does not want the Regulatory classification removed, but instead would like Qwest to add the page and paragraph. [Comment received from Covad: Cindy Buckmaster of Qwest asked to restate Liz's (Covad's) position; does Covad want the Regulatory classification removed or Qwest to cite add the page and paragraph. Liz's stated that Qwest continues to call into question the law but not want to cite page and paragraph, there is a difference.] Further discussion ensued between Liz Balvin and Cindy Buckmaster whether appropriate to revise the CR or leave the CR as is currently. Susan Lorence of Qwest added that when grandparenting products, the CRs remove the product availability.

Liz Balvin felt that Qwest has called into question the law and has jerry rigged the CMP process to meet Qwest's needs because there are system edits in place to restrict ordering the products. [Comment received from Covad: products and that the notifications, even level 4 notices carry the clause that IA supercede PCAT documents.]

Becky Quintana of the Colorado PUC asked if Liz's issue was there is not a way the CR can be categorized as a regulatory CR. Liz Balvin responded that Qwest has called into question the law and should follow the CMP guidelines and provide page and paragraph. Becky Quintana stated that if Qwest withdraws the CR and then re-submits the CR as regulatory it is not clear how the CLECs could object.

Sharon Van Meter of AT&T stated AT&T had objected to the regulatory classification and read the AT&T attorney position. Cindy Buckmaster interjected that this is the very objection that resulted in Qwest removing Regulatory classification from the CR. A number of CLECs objected on this basis and that is where Qwest took its action from. Liz indicated that may have been some CLEC prematurely showing part of their hand but she didn't see these remarks nor a response from Qwest on these remarks and therefore didn't know Qwest had this information.

Bonnie Johnson, Bill Campbell and Cindy Buckmaster discussed that a regulatory classification means Qwest can not (by law) provide the product and a non-regulatory classification means that Qwest does not have an obligation to and chooses not to provide the product. It was agreed this CR is non-regulatory. Becky Quintana added that it is now clear why this is not a regulatory CR.

Liz Balvin stated that Covad had objected to the Systems CR and then escalated the Product / Process CR. If Qwest had followed the process, the CLECs would have discussed the objections and Qwest's responses to the objections. Qwest is aware of all the other CLEC's positions. [Comment received from Covad: Liz Balvin stated it is easy for Qwest, now that it has all the information in hand, to take this new position. If Qwest had followed the process, the CLECs would have discussed the objections and Qwest's responses to the objections. Qwest is aware of all the other CLEC's positions and by not following the CMP guidelines has eliminated CLECs insight to all that Qwest has.]

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Cindy Buckmaster requested input on how the CR could be moved forward. Liz Balvin requested that Qwest respond to the objections. There was discussion between Linda Sanchez-Steinke, Liz Balvin and Susie Bliss concerning Section 5.1.1 related to any requirement that Qwest respond to objections.

There was further discussion between Liz Balvin, Susie Bliss, Cindy Macy and Susan Lorence regarding the CMP voting process, classification of the CR, following CMP guidelines for the CR and the precedent that has been set with change to disposition requests. Liz felt these were different situations. [Comment received from Covad: Liz stated these situations were different because no one has requested a change in disposition.]

Becky Quintana asked if the concern was that Qwest did not follow the process outlined in 5.1.1 or if the concern would be the same if 5.1.1 were followed.

Liz Balvin said she couldn't say for sure because Qwest has all the ammunition and we have none.

Bonnie Johnson and Becky Quintana discussed Qwest exercising their rights to limit product availability, basis for product limitation as it relates to PCAT comments, limiting of products prematurely, and appropriateness of legal discussion on Product / Process changes.

[Comment received from Eschelon: Bonnie Johnson and Becky Quintana discussed Qwest exercising their rights to limit product availability, basis for product limitation as it relates to PCAT comments, Bonnie said Qwest is limiting products prematurely and Becky agreed. Becky and Bonnie discussed the appropriateness of legal discussion on Product / Process changes.]

Susan Lorence and Liz Balvin discussed processing grandparenting change requests, the tariff reference being out of CMP scope and whether the products are currently ordered by CLECs. Liz felt this CR is different because Qwest is citing the law. [Comment received from Eschelon: and on grandparenting CRs no CLECs order the products.] [Comment received from Covad: Liz stated that whenever Qwest grandfather's a product, the first question from CLECs is whether anyone is ordering the products.]

Cindy Buckmaster responded that Qwest has the right to not have to offer products based on the law.

Kim Isaacs of Eschelon said that the title of the CR, USTA II, implies that the change is based on the law.

Cindy Buckmaster said that she was not involved when the CR was initiated or when it was decided it was a regulatory CR. The change is not a mandate and Qwest is obligated to notify CLECs of the change. There has been no effort to jerry rig CMP. Qwest is notifying CLECs the products will not be available on a going forward basis.

Liz Balvin and Becky Quintana discussed if notification should be through CMP and PCAT changes.

Bill Campbell said a note in the PCAT stating if the CLEC does not have these products in the current ICA then these products are not available. Bill Campbell, Liz Balvin and Cindy Buckmaster continued discussing options to process the CR, ability to vote down a regulatory CR and then move it to product / process. Re-issuing the CR and starting the clock over based on conversation and intent, changing the title and editing the CR, and posting of historical information to the CR.

Bonnie Johnson asked that the meeting minutes reflect all of the conversation that has taken place. [Comment received from Eschelon: Bonnie said Qwest often reflects their views but not CLECs.]

Liz Balvin, Sharon Van Meter, Susie Bliss and Becky Quintana presented options to process the CR; changing it to a regulatory CR because it is citing the law, submitting a new product / process non-regulatory CR stating intentions, changing the CR title, deferring, amending the current CR and maintaining the history. Susan Lorence suggested Oversight members take a poll on which would like to modify the existing CR, which would like a new CR.

Bill Campbell, Becky Quintana, Cindy Buckmaster, Bonnie Johnson and Liz Balvin discussed options related to the CR. The CR is currently accurate and may change soon. When the final rules are issued DS1 and DS3 loops may

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not be accurate. [Comment received from Eschelon: When the final rules are issued this will change because DS1 and DS3 loops may not be accurate.] Bill Campbell asked if the CR is moved to deferred status if the CLEC community is willing to waive the notification requirement.

Kim Isaacs and Bill Campbell discussed SGAT changes, PCAT changes and the ICA negotiations. [Comment received from Eschelon: Bill said that the current negotiation template reflects the correct information but the SGATs have not been updated. Bonnie asked if there was a particular CLEC that was challenging Qwest on this issue and if that is why Qwest needed to update PCATs.]

Cindy Buckmaster, Bonnie Johnson and Liz Balvin continued discussion related to processing the CR, Bonnie Johnson, Bill Campbell and Liz Balvin discussed how CLECs should be notified of the product change and the PCAT reflecting the SGAT, notification through change of law, how contracts override the PCATs, and product availability is negotiated through the ICA agreements. [Comment received from Eschelon: Bonnie said if Qwest will limit product availability in its existing ICA, Qwest would need to notify Eschelon through the change in law provision of its contract and not through a PCAT CMP notice. Bill agreed.]

Becky Quintana suggested that Qwest discuss the CR options internally. The Oversight committee agreed to meet again on 1/10/04 at 3:00 p.m. Mountain time.

The meeting was concluded.

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January 10, 2005, 1-877-572-8687, Conference ID 3393947#
3:00 p.m. – 4:00 p.m. Mountain Time

PURPOSE

This was the second meeting of the CMP Oversight Committee to review an issue submitted to the committee on 11/30/04 by Liz Balvin of Covad. The following is the write-up of the discussion.

List of Attendees:

Jen Arnold – TDS Metrocom/U S Link
Liz Balvin – Covad
Becky Quintana – Colorado PUC
Bonnie Johnson – Eschelon
Sharon Van Meter – AT&T
Amanda Silva – VCI
Susie Bliss - Qwest
Susan Lorence – Qwest
Bill Campbell – Qwest
Cindy Macy – Qwest
Peggy Esquibel-Reed – Qwest
Linda Sanchez-Steinke – Qwest

MEETING MINUTES

Linda Sanchez-Steinke of Qwest stated that on Friday Qwest sent an e-mail to Oversight members explaining that we would prefer to revise the CR PC102704-1ES. By revising the CR the historical information is preserved and the references to law would be removed and the title would be changed. Attached to the e-mail was a redlined CR with the proposed changes. The proposed deletions would become the revised title and the revised description of change keeping the original title and the original description of change within the CR. The Oversight members stated they had received and reviewed.

Liz Balvin of Covad stated she did not think this process would preserve the CR history and recalled from the last meeting the only recommendation was to defer the CR until the final rules were issued.

Susie Bliss of Qwest stated Qwest reviewed three options for the CR; defer until final rules, amend the CR or withdraw the CR and issue a new CR.

Liz Balvin asked if Qwest was going to consider deferring until the rules are permanent.

Susie Bliss said that the approach was considered and voiced concern that the products are currently not available and current contracts are expiring.

Bonnie Johnson of Eschelon stated there are products in the PCAT that cannot be ordered because they are not in the CLEC's contract. Bonnie said she was trying to understand why the CR is needed.

Bill Campbell of Qwest explained that the PCATs are based on the approved SGATs and the SGATs can be different from the ICA. We try to time the CMP update changes with the SGAT changes and Qwest did put together SGAT changes. However, the SGAT's have been pulled back with concurrence of the states due to the unsettled regulatory situation post USTA II, post interim order and pre final FCC order. Qwest has changed the ICA language template (insert comment) but the current SGAT's do not accurately reflect the products Qwest offers and Qwest (end comment) feels it is important to notify CLECs on the changes to the products.

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Liz Balvin countered that if the legal implications were removed, the situation is in flux, the permanent rules will be issued later this month and the CLECs are restricted from ordering existing products that are not included in their ICA.

Bill Campbell responded after 6/15/04 CLECs without the ICA including the products do not have the option of ordering the products. Qwest is choosing to move forward with the CR because the final FCC rules although scheduled to be finalized in January and effective in March, it would most likely be June before changes to the order are made.

Liz Balvin felt that the process was backward because if a CLEC wants these products they would work with the negotiation team and would not go through CMP (insert comment) because CMP specifically call out ICA's override (end comment).

Bill Campbell discussed that Qwest has an obligation to notice the change in the PCAT when the SGAT has not changed.

Bonnie Johnson said that product availability is based on the ICA and even though Qwest notices about product availability, CLEC's can't get the products without an agreement including the product.

Bill Campbell explained that new CLECs may go to the Qwest website to find which products are available and then would be given a contract that does not list all the products that were available on the website. Normally the SGAT change would force the change in the PCAT.

Liz Balvin stated that Qwest restricting products to CLECs who don't have them in their ICA is different than limiting the product availability. The intent of the CR was drawn from legal rules and the permanent rules could change the offering.

Bill Campbell responded that the CR would have to be changed. Bonnie Johnson asked if traditionally a new CLEC would go to the SGAT or PCAT to see what is available and they are not in sync.

Bill Campbell explained that the PCAT and SGAT are in sync but they are not in sync with Qwest policy. The states are not accepting SGAT changes at this time and the SGAT and PCAT are in sync but the ICA template is different.

Becky Quintana of the Colorado PUC asked if Qwest was considering filing the SGAT prior to the final rules or waiting and Bill Campbell stated that Qwest is waiting, although we did file prior to the USTA decision, but withdrew the filings when it was clear that the states did not believe the timing was right to make the proposed changes knowing full well any state proceedings would have to be revisited. Becky Quintana voiced concerned that the SGAT on file and the Wholesale tariff are not the current Qwest offering.

Liz Balvin and Bill Campbell agreed that the CR was issued as a result of law. Liz was concerned that Qwest would be restricting CLECs from gaining the product going forward but it is available for CLECs with an ICA.

Liz Balvin stated that she continues to see the only option is deferring to keep the history of the CR and that not all the history is maintained about the Escalation and Oversight review.

Susie Bliss said at the last meeting the committee was polled on the options.

Liz Balvin and Bill Campbell discussed whether the CR is limiting products (as called for in the CMP governing document), restricting new CLECs from getting these products and if a CLECs contract expires then they would be restricted from the product availability.

Liz Balvin stated that the CR should identify the interim rules as the basis for notifying the CLECs of 6/15 product changes and that Qwest is not going to file the SGAT until the permanent rules are available.

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Bill Campbell agreed that the CR is based on the USTA II rules and that Qwest has restricted the products and changes will have to be made to comply with the final rules.

Liz Balvin stated the basis is USTA II and Bill Campbell said he agreed that the basis is USTA II, and under the FCC guidance, are no longer required to provide unbundled elements.

Liz Balvin said Qwest's current position needs to be identified in the CR.

Bill Campbell said that AT&T and Eschelon have a different opinion.

Bonnie Johnson said AT&T and Eschelon agree this is not a Regulatory CR and restated Liz's concern if it was appropriate to issue the CR at all if the guidelines are not followed. We agreed the CR is not regulatory because Qwest was not ordered, Qwest made the choice not to offer the products.

Bill Campbell asked Liz if we include the language and make it a regulatory CR.

Liz Balvin said that the genesis of the change was the USTA II decision and now Qwest wants to remove that.

Bill Campbell stated that during the last meeting it was clear this was not a Regulatory CR. USTA II was a court opinion about what needed to be offered.

Bonnie Johnson said that is what takes it out of Regulatory CR classification.

Liz Balvin argued that the rules are "as is" until the permanent rules come out and since it is just an opinion and believes Qwest should follow the SGATs until the rules are permanent.

Bill Campbell stated that the DC court vacated the FCC rules and in a sense undermined them and took away the unbundled rules. The FCC said here is the interim rules and will freeze prior to 6/15 until we can put out the final rules. Qwest doesn't want to put the CR in deferred status.

Bonnie Johnson said Eschelon does not have an objection to Qwest updating the existing CR (insert comment) because Eschelon has updated CRs without the clock starting over.

Becky Quintana questioned whether the CLECs were arguing the merits of the CR rather than the process that Qwest used.

Liz Balvin said the CR could be updated and requested information relating to Oversight and Escalation be included. Linda Sanchez-Steinke stated that Qwest has not included Escalation response or Oversight minutes in other CRs as the Escalation and Oversight minutes are found in another location on the web site. There was agreement that the CR would provide the revised title, original title, revised description of change, original description of change and url links to the Escalation and Oversight web locations. CR PC120803-1 was provided as an example of a CR that has been revised.

Bonnie stated that the history is captured and that this CR is an anomaly because it had the regulatory issue and was not just a systems to process crossover, but does not agree with the CR and does understand what Qwest is trying to accomplish and Qwest feels the need to move forward.

Sharon Van Meter stated that AT&T does not think this is a regulatory CR and would like the CR to include the history of what has been discussed. Deferring the CR would be better and revising is acceptable if the history is included. Liz Balvin agreed deferring would be better and revising the CR sets a precedent that the CR is regulatory but not identifying in that way. There was recommendation from Covad, Eschelon, AT&T, TDS/MetroCom and MCI that the CR be deferred until permanent rules are issued. Becky Quintana stated that without making any statement on the merits of the CR, she believed that Qwest should go ahead with the CR because she agreed with Bill Campbell's estimated timeline for permanent rules. Qwest would like to move forward by revising the CR. The Oversight Recommendation will include the different recommendations from the Oversight members.

Qwest Wholesale Change Management Process (CMP) Meeting Minutes

Bonnie Johnson and Becky Quintana discussed the merit of language changes to the CMP process. Liz Balvin and Bonnie Johnson stated that the CR should not have defaulted to CMP as it was not the appropriate approach and the importance of keeping the CMP guidelines in tact.

The meeting was concluded.