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BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

AT&T BROADBAND PHONE OF	)Docket No. UT-020388
WASHINGTON, L.L.C.,	)Volume II
Complainant,	)Pages 24-108
	)
v.	)
QWEST CORPORATION,	)
Respondent.	)
_____	)

A hearing in the above matter was held on June 27, 2002, at 9:25 a.m., at 1300 Evergreen Park Drive, Southwest, Olympia, Washington, before Administrative Law Judge THEODORA MACE.

The parties were present as follows:

QWEST CORPORATION, by Lisa Anderl, Attorney at Law, 1600 Seventh Avenue, Room 3206, Seattle, Washington 98191.

AT&T BROADBAND PHONE OF WASHINGTON, LLC., by Gregory J. Kopta, Attorney at Law, Davis, Wright, Tremaine, 1501 Fourth Avenue, Suite 2600, Seattle, Washington 98101.

THE COMMISSION, by Shannon Smith, Assistant Attorney General, 1400 Evergreen Park Drive, S.W., P.O. Box 40128, Olympia, Washington 98504-0128.

Barbara L. Nelson, CCR  
Court Reporter

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1           JUDGE MACE:  Let's be on the record in the  
2 case of AT&T Broadband Phone of Washington, L.L.C.,  
3 the Complainant, against Qwest Corporation, the  
4 Respondent.  This is Docket Number UT-020388.  This  
5 is June 27th, 2002, and we are convening in Room 108  
6 at the offices of the Washington Utilities and  
7 Transportation Commission in Olympia, Washington.

8           My name is Theo Mace.  I'm the presiding  
9 officer at this hearing.  I'd like to take  
10 appearances of counsel now in the short form.  Let's  
11 begin with Qwest.

12           MS. ANDERL:  Thank you.  Lisa Anderl,  
13 representing Qwest.  Is it on?  I don't see a switch.

14           JUDGE MACE:  I don't see a switch, either.

15           MR. KOPTA:  This isn't on here, so I don't  
16 think this is.  Well --

17           MS. ANDERL:  Yeah, the lights aren't  
18 bouncing around.

19           JUDGE MACE:  Try now.

20           MS. ANDERL:  Yeah.  How's that?  I mean,  
21 it's not that people can't hear each other, but --

22           MR. KOPTA:  Just in case you mumble.

23           MS. ANDERL:  Lisa Anderl, on behalf of  
24 Qwest.

25           MR. KOPTA:  Gregory Kopta, of the law firm

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1 Davis, Wright, Tremaine, L.L.P., on behalf of AT&T  
2 Broadband Phone.

3 MS. SMITH: Shannon Smith, for Commission  
4 Staff.

5 JUDGE MACE: Thank you. Is there anything  
6 we need to address before we commence hearing from  
7 the first witness? If not, then, Mr. Kopta.

8 MR. KOPTA: Thank you, Your Honor. AT&T  
9 Broadband calls Jonathan Wolf.

10 JUDGE MACE: Mr. Wolf.

11 MR. WOLF: Yes.

12 JUDGE MACE: That's our witness chair,  
13 apparently. Would you stand and raise your right  
14 hand?

15 Whereupon,

16 JONATHAN WOLF,  
17 having been first duly sworn, was called as a witness  
18 herein and was examined and testified as follows:

19 JUDGE MACE: Thank you.

20

21 D I R E C T E X A M I N A T I O N

22 BY MR. KOPTA:

23 Q. Mr. Wolf, would you state your name and  
24 business address for the record, please?

25 A. Yes, Jonathan Wolf, J-o-n-a-t-h-a-n

0029

1 W-o-l-f. Business address is -- I have no idea what  
2 my business street is. Terman Road, Beaverton,  
3 Oregon.

4 Q. And do you have before you documents that  
5 have been marked for identification as Exhibits 1-T,  
6 2-T, 3, 4 and 5, which are the direct testimony of  
7 Jonathan Wolf, reply testimony of Jonathan Wolf, and  
8 Exhibits 3 and 4 to the reply testimony of Jonathan  
9 Wolf, as well as confidential materials that were  
10 submitted in support of expedited relief on April  
11 10th, 2002?

12 A. I believe I'm missing the confidential  
13 exhibits.

14 Q. I'll provide you with a copy.

15 A. Thank you.

16 Q. With respect to Exhibits 1-T and 2-T, were  
17 those exhibits prepared by you or under your  
18 direction and control?

19 A. Yes, they were.

20 Q. With respect to all of the exhibits that we  
21 have identified, are those true and correct, to the  
22 best of your knowledge?

23 A. Yes, they are.

24 MR. KOPTA: Your Honor, at this time, I  
25 would move for admission of Exhibits 1-T, 2-T, 3, 4

0030

1 and 5.

2 JUDGE MACE: Ms. Anderl.

3 MS. ANDERL: Qwest has no objection to  
4 Exhibits 1 through 4 inclusive; however, we do object  
5 to the admission of Exhibit Number 5. It was not  
6 presented as part of the prefiled testimony in this  
7 case, and it was our understanding, from AT&T's  
8 representations, that that material was presented in  
9 support of its application for expedited review at  
10 the emergency hearing that was convened on April  
11 12th.

12 AT&T withdrew their request for expedited  
13 handling or emergency relief, and it was therefore  
14 our belief and understanding that AT&T would not be  
15 relying on that material in the presentation of its  
16 direct case.

17 We do understand that, as documents filed  
18 with the Commission under this docket number, they  
19 are a part of the Commission's official record and  
20 file. However, we do object to them being admitted  
21 as exhibits in this case for the truth of the matter  
22 contained therein.

23 MR. KOPTA: Well, we filed this information  
24 in response to the Commission's direction to provide  
25 evidence in support of our complaint, which was also

0031

1 inclusive of a remedy asking for expedited relief.  
2 We did -- and/or emergency relief. We did withdraw  
3 our request for emergency relief; we did not withdraw  
4 our request for some form of expedited relief. In  
5 fact, we have proceeded on a schedule that is much  
6 quicker than the standard Commission schedule.

7           So our understanding is that the  
8 information that we provided was to be relied on by  
9 the Commission in support of our complaint. In fact,  
10 Mr. Wolf summarizes much of what's included in that  
11 exhibit in his direct testimony.

12           In data requests that we've propounded to  
13 Qwest, we've made reference to those. In fact,  
14 Exhibit 32, which is Qwest's response to AT&T  
15 Broadband Data Request Number 01-005, there is a  
16 specific reference to the information that was  
17 provided in these confidential materials.

18           So Qwest has had these materials since  
19 April 10th, AT&T specifically asked Qwest to conduct  
20 some additional discovery based on those materials,  
21 and our understanding all along was that they would  
22 be included as part of the evidentiary record in this  
23 case. So there's certainly no prejudice to Qwest,  
24 and if there was a misunderstanding, then we  
25 apologize, but that was certainly our understanding,



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1 was that this would be part of the case.

2 JUDGE MACE: Ms. Smith, do you have any --

3 MS. SMITH: Very briefly, Your Honor. The  
4 only comment that Staff has is that, from what I  
5 understand, Ms. Anderl's objection is is that this  
6 material was not included in the prefiled direct  
7 testimony of Mr. Wolf. However, as Mr. Kopta has  
8 stated, this information was filed at the Commission  
9 quite some time ago and it certainly was prefiled in  
10 the broad sense of the term, and Commission Staff  
11 sees no prejudice to Qwest to have this information  
12 included as an exhibit in the record.

13 JUDGE MACE: Thank you. Anything further,  
14 Ms. Anderl?

15 MS. ANDERL: Well, Your Honor, we don't  
16 object to the portions that are duplicated by, say,  
17 for example, Exhibit Number 32, but there's quite a  
18 lot more information in here than is -- was  
19 summarized by Mr. Wolf or was discussed in discovery,  
20 and so we do think that it's prejudicial and we do  
21 think that it was limited to support for the relief  
22 that was requested at the April 12th hearing, and we  
23 believe that it is not proper to admit it as an  
24 exhibit.

25 JUDGE MACE: I'll admit Exhibits 1 through

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1 4. I'm also going to admit Exhibit 5. If you need  
2 time to review it in order to conduct  
3 cross-examination, I would be willing to give you,  
4 you Qwest, an opportunity to look it over in more  
5 detail, just because there may have been some  
6 misunderstanding about whether or not it would be  
7 presented at this particular time, so that you can --  
8 you'll at least have a chance to spend a little bit  
9 more time with it if you need it.

10 MS. ANDERL: Thank you, Your Honor.

11 MR. KOPTA: Thank you, Your Honor. And  
12 with that, the witness is available for  
13 cross-examination.

14

15 C R O S S - E X A M I N A T I O N

16 BY MS. ANDERL:

17 Q. Good morning, Mr. Wolf.

18 A. Good morning.

19 Q. I'm Lisa Anderl, the attorney representing  
20 Qwest in this matter. I believe we may have spoken  
21 before, years ago, in Oregon.

22 A. I believe so.

23 Q. State for me again, please, your job title  
24 at AT&T Broadband?

25 A. I am the operations manager for the

0034

1 telephony and broadband Internet department. We work  
2 provisioning in the state of Oregon and in southwest  
3 Washington, specifically Vancouver and the  
4 surrounding areas.

5 Q. And give me a little bit more detail about  
6 your duties and responsibilities. I know you just  
7 said generally operations and provisioning, but kind  
8 of go down one more level.

9 A. Of course. I supervise a staff of 75  
10 engineers and customer service representatives whose  
11 responsibility is to take a service order post-sale  
12 through implementation of that order, delivery of the  
13 service to the end user residential customer. I also  
14 oversee a small group of engineers whose  
15 responsibility it is to repair and maintain those  
16 facilities once delivered to the customer.

17 For all intents and purposes, the sales  
18 department is about the only organization in the  
19 telephony group I don't oversee. Sales takes place,  
20 an order is entered, and that order then is processed  
21 through various steps for service delivery.

22 Q. So your group does not touch the order  
23 until AT&T has already solicited the customer and  
24 obtained the customer's consent or agreement to  
25 become an AT&T customer?

0035

1           A.    That's correct.  The sale takes place  
2 through one of three means, either direct sales,  
3 inbound call center, or outbound telemarketing.  My  
4 group does not see the order until that order has  
5 passed third party verification.

6           Q.    Now, turn, if you would, briefly, to page  
7 -- Exhibit Number 4, which is your JW-4.

8           A.    It appears to me I don't have a complete  
9 copy.  Thank you.  Page four, yes.

10          Q.    Exhibit 4, not page four, just the first  
11 page.

12          A.    Exhibit 4, page one, two, three, four.

13          Q.    No, just Exhibit 4.

14          A.    Ah, okay.

15          Q.    There are a number of employees, both Qwest  
16 and AT&T identified on this fairly lengthy document.  
17 I'd just like to explore with you which of the named  
18 AT&T employees, if any, report to you or work in your  
19 organization.

20          A.    Okay.

21          Q.    Donna Osborne-Miller?

22          A.    No, does not work for me.

23          Q.    Terry Bahner?

24          A.    Not directly.

25          Q.    Can you explain that, please?

0036

1           A.    Ms. Bahner is the AT&T representative which  
2    -- whose responsibilities are vendor management, and  
3    so she is our liaison between my organization and  
4    Qwest.

5           Q.    And Mr. Wolf, the testimony that you have  
6    before you as Exhibits 1 and 2, did you prepare that?

7           A.    Prepared individually and with support of  
8    counsel, yes.

9           Q.    Okay.  Was there anyone other than your  
10   attorney who helped you prepare that testimony?

11          A.    It was reviewed by both Lindel Watkis, who  
12   works for me, and --

13                JUDGE MACE:  I'm sorry, the name was,  
14   again?

15                THE WITNESS:  Lindel Watkis.

16                JUDGE MACE:  How do you spell that?

17                THE WITNESS:  W-a-t-k-i-s.  And by my boss,  
18   Mike Mason, M-a-s-o-n.

19          Q.    Now, in responses to Staff data requests,  
20   you have stated that AT&T does offer a local service  
21   freeze to its customers in Washington State; is that  
22   still correct?

23          A.    That is correct.

24          Q.    And does AT&T use a third party verifier to  
25   confirm a customer's desire to impose a local service

0037

1 freeze?

2 A. Yes, we do.

3 Q. Is that the same third party verifier that  
4 AT&T uses to confirm that a customer wants to sign up  
5 with AT&T as a customer?

6 A. Yes, it is.

7 Q. And your data request response -- and Your  
8 Honor, just so that it's clear, I'm referring to  
9 pages out of Exhibit 41, which are the AT&T --

10 JUDGE MACE: And which pages would those  
11 be?

12 MS. ANDERL: -- the AT&T responses to  
13 Staff's data request.

14 JUDGE MACE: Right, but can you identify  
15 them?

16 MS. ANDERL: I can. I don't know if they  
17 are numbered sequentially, but -- that they are, but  
18 I'm on the second page from the back right now.

19 JUDGE MACE: This is 40 or 41?

20 MS. ANDERL: Forty-one.

21 JUDGE MACE: Forty-one.

22 MR. KOPTA: Your Honor, if I might  
23 approach?

24 JUDGE MACE: This is Discovery Request  
25 Number Eight?

0038

1 MS. ANDERL: Yes, it is.

2 MR. KOPTA: Well, that's the same thing.

3 Q. And exhibit -- or Response and Request  
4 Number Eight was just basically the information that  
5 I had just asked you about, and I was simply asking  
6 you to confirm if that was still accurate?

7 A. Yes, it is.

8 Q. And on the last page, Data Request Number  
9 Nine, AT&T Broadband indicates there that AT&T  
10 Broadband does not use a contracted vendor for  
11 removal of local service freeze; is that correct?

12 A. That's also correct.

13 Q. So does that mean that AT&T Broadband  
14 employees remove the local service freezes themselves  
15 if a customer asks AT&T to do it?

16 A. That would be correct, subject to  
17 verification of a third party. It's a two-step  
18 process.

19 Q. Okay. So let me understand. This is on a  
20 removal of a freeze. You still obtain a third party  
21 verification for removal of a freeze or not, when  
22 it's an AT&T Broadband customer who has the freeze?

23 A. Give me a minute. I have to think through  
24 the process.

25 Q. Okay.

0039

1           A.    I would say no, it's not third party  
2   verified.

3           Q.    That's fine.  Going back to the Request  
4   Number Eight, are you familiar with how AT&T advises  
5   its customers of the availability of a local service  
6   freeze in Washington?

7           A.    Yes, I am.

8           Q.    Can you describe that?

9           A.    We provide the customer with written  
10  notification that their freeze is available, I  
11  believe it's imprinted on the first bill that they  
12  receive, and we have a process in place to renotify  
13  the customers that the freeze is available -- I think  
14  it comes on every bill insert, but we also have a  
15  process that notifies the customer once a year that  
16  the freeze is also available.

17          Q.    Do you know if you do that in Oregon, as  
18  well?

19          A.    I believe we do, yes.

20          Q.    Do you know if Oregon has a rule similar to  
21  Washington's that requires a local provider to offer  
22  a local service freeze?

23          A.    That I don't know.

24          Q.    Okay.  Now, you've indicated that when a  
25  customer freezes his or her local account with AT&T



0040

1 Broadband, you do do that through a third party  
2 verification?

3 A. That's correct.

4 Q. Do you know how long the third party  
5 verification is retained?

6 A. I believe the -- it just changed. I  
7 believe three years.

8 Q. And that's on a freeze?

9 A. It's on all account records.

10 Q. Okay. Turning back to Exhibit Number 4,  
11 which is your JW-4, can you describe for me what --  
12 your understanding of what that document is?

13 A. My understanding is Document Four is the  
14 request to change the process for removing the local  
15 freeze for residential accounts. And in the first  
16 significant number of pages is the history of events  
17 surrounding the request, and then the next batch of  
18 pages is the specifics of the request and its  
19 responses.

20 Q. And are you familiar at any level of detail  
21 with the change management process that Qwest and the  
22 CLEC community have created?

23 A. Yes.

24 Q. And can we use the acronym CMP, or CMP for  
25 that?

0041

1 A. Sure, that's fine.

2 Q. And is this document, Exhibit 4, a document  
3 that's generated as part of the CMP process?

4 A. It appears to be.

5 Q. Okay. And would you accept that, in the  
6 context of the CMP process, this is called a CR, or  
7 change request?

8 A. Yes.

9 Q. Have you ever attended a CMP meeting?

10 A. No.

11 Q. Do you know how often they're held?

12 A. No. I get invited by phone periodically  
13 every Friday, so I assume they're pretty regular.

14 Q. Okay, thank you. Let's look at your direct  
15 testimony, please.

16 A. Sure.

17 Q. Exhibit 1, page six.

18 A. Okay.

19 Q. Line 21.

20 A. Yep.

21 Q. And we can see if we all have the same  
22 pagination and line numbers. Do you see the sentence  
23 that says, "The vast majority of these customers?"

24 A. Yes.

25 Q. When you refer to the vast majority of

0042

1 these customers, are you talking generally about the  
2 144 customers who are identified in the confidential  
3 materials and also in the data request response  
4 that's Exhibit Number 32?

5 A. At the time the testimony was written, yes,  
6 the vast majority refers to the 144 customers, and  
7 since then, hundreds more.

8 Q. Have you ever spoken directly with any of  
9 the subscribers?

10 A. Yes.

11 Q. Did you provide their names in this  
12 testimony, any of the ones that you spoke with?

13 A. No.

14 Q. Turn to page nine, and until I tell you  
15 otherwise, we'll be in your direct testimony, Exhibit  
16 Number 1. Line 22. You indicate that, as of April  
17 25th, 2002, 234 customers have been affected in the  
18 Seattle and Vancouver areas. What do you mean by  
19 affected?

20 A. Two hundred and thirty-four customers who  
21 our request for local service porting were rejected  
22 because their accounts were frozen and the system  
23 thereby did not send a firm order commitment, but  
24 instead a rejection.

25 Q. Now, is that for the period of February

0043

1 18th through April 25th?

2 A. Yes.

3 Q. Okay. Now, are those -- the 144 customers  
4 that we've discussed earlier, are those a subset of  
5 the 234 that you describe there?

6 A. Yes, they are.

7 Q. And are the 90 customers who are not part  
8 of that subset identified anywhere in your testimony?

9 A. I don't believe they are, no.

10 Q. At the top of page ten, you state that 70  
11 percent of those customers have had to have their  
12 installation date rescheduled. Is that 70 percent of  
13 234?

14 A. Yes, it is.

15 Q. Okay. And you say that 25 percent were  
16 rescheduled multiple times?

17 A. That's correct. In fact, the reschedules  
18 are now up to about 39 -- multiple reschedules are  
19 now up to about 39 percent.

20 Q. At the time you gave that testimony, the 25  
21 percent being rescheduled multiple times, that was 25  
22 percent of the 70 percent of the customers who had to  
23 be rescheduled initially?

24 A. No, 25 percent of the 234.

25 Q. Okay. How many customers in Washington did

0044

1 AT&T obtain during the ten-week period from February  
2 18th through April 25th?

3 A. I don't know.

4 Q. Do you know how many customers AT&T  
5 solicited during that time?

6 A. No.

7 Q. Okay. Was it more than 234?

8 A. Yes.

9 Q. Do you know how many orders the people who  
10 work for you process on a weekly basis for --

11 A. Yes.

12 Q. Can you tell me that or is that a  
13 confidential number? Or can you give me an order of  
14 magnitude?

15 A. I was going to give you an order of  
16 magnitude, but I have to work it out.

17 Q. We can -- I have a lot of other questions,  
18 so I mean, we could maybe discuss how to handle that  
19 on a break if --

20 A. Okay.

21 Q. -- we're going to struggle with it. Line  
22 15, still on page ten, make a reference to doctor --  
23 an understanding that you had about Dr. Blackmon's  
24 account being frozen?

25 A. I'm sorry, which page?

0045

1 Q. Page ten.

2 A. Thank you.

3 Q. Around line 15.

4 A. Yes.

5 Q. Where did you obtain that understanding?

6 A. I believe the information came from our law  
7 and government affairs office.

8 Q. Who?

9 A. I don't recall.

10 Q. Okay. I think it's going to be appropriate  
11 to talk about freezes here, because the temperature  
12 is starting to drop.

13 JUDGE MACE: Let's take just a second.

14 (Recess taken.)

15 Q. Okay. Mr. Wolf, turn now, please, to your  
16 rebuttal testimony, Exhibit Number 2.

17 A. Okay.

18 Q. Page three.

19 A. Okay.

20 Q. You state, starting at line eight and a  
21 half, that you are not aware of any similar slamming  
22 activity for local service in Washington. Do you see  
23 that?

24 A. Yes.

25 Q. Did you undertake any investigation into

0046

1 whether local slamming was occurring in Washington?

2 A. No, I did not.

3 Q. So if there were Commission records that  
4 indicated that there were problems with certain  
5 carriers, I don't know if the word is performing,  
6 performing local slamming, you would not have -- you  
7 would not be aware of that?

8 A. Again, I'd be surprised if any were  
9 occurring. No, I wasn't aware.

10 Q. You didn't do any research to determine if  
11 any was occurring?

12 A. No.

13 Q. Turn to page five. Now, you state that  
14 AT&T has lost a substantial number of customers who  
15 were essentially, I guess in your words, too  
16 discouraged to persevere and get their local service  
17 freeze lifted. Is that a fair summary?

18 A. Yes.

19 Q. Do you quantify that substantial number  
20 anywhere in your testimony?

21 A. Roughly ten percent of those who are  
22 frozen. And no, it's not in my testimony, to the  
23 best of my knowledge.

24 Q. Turn, then, to page six, please, lines 23  
25 and 24. You say that the marketing materials that

0047

1 Qwest sends to its customers refer to the Commission,  
2 leaving the impression that the Commission, not just  
3 Qwest, fears that CLECs are not to be trusted. Do  
4 you see that testimony?

5 A. Yes.

6 Q. Turn to Exhibit JW-3, or just plain old  
7 Exhibit 3. Oh, you don't have it?

8 A. Well, I'm not as well marked as I should  
9 be.

10 Q. I see.

11 A. Thank you. Go ahead.

12 Q. Okay. Is that one example of the marketing  
13 materials that you're discussing in your testimony?

14 A. Yes, it is.

15 Q. Okay. And does that particular marketing  
16 piece mention the Commission, the Washington State  
17 Utilities and Transportation Commission anywhere?

18 A. Not that one, I believe, no.

19 Q. Is there a document in the record to which  
20 you were referring when you gave that testimony?

21 A. I believe there is. It's SAM-T3. Let me  
22 look. It was an exhibit of Mr. McIntyre's.

23 JUDGE MACE: It's now marked 23, I believe.  
24 It looks like this; is that correct?

25 THE WITNESS: Yes. Thank you very much.



0048

1 Q. So is that the document to which you were  
2 referring?

3 A. Yes.

4 Q. Is it -- are you, in your testimony,  
5 suggesting that this statement with regard to what  
6 the Commission has ordered is inaccurate in any way?

7 A. No.

8 Q. Let's continue talking about the 144  
9 customers, and you do that again on Exhibit 2, page  
10 seven. And Mr. Kopta has marked as an exhibit for  
11 cross-examination of Mr. McIntyre a document that I  
12 would like to discuss with you, as well, and it's  
13 Exhibit Number 32. It's part of Qwest's response to  
14 an AT&T Broadband data request response. Do you have  
15 that, 01-005?

16 A. Yes, I do.

17 Q. Now, in discussions with Mr. Kopta, he and  
18 I agreed to present the exhibit in this manner,  
19 without the Attachments Band C, but, Mr. Wolf, when  
20 you received this data request response from Qwest,  
21 is it correct that it also contained Attachments B  
22 and C, in addition to the Attachment A that you see?

23 A. That's my understanding.

24 Q. Did you review the full data request  
25 response when you received it?

0049

1           A.    Yes.

2           MR. KOPTA:  Excuse me.  Let me clarify the  
3 record.  Our -- the understanding that I had with  
4 Qwest was that Exhibit B was only to be provided to  
5 me and not to anyone else at AT&T.  Therefore, I  
6 complied with that request and have not shared that  
7 with any personnel at AT&T Broadband.

8           MS. ANDERL:  I'm not sure I remember that,  
9 but I think we did have concerns about making sure  
10 that anybody who reviewed it had signed the  
11 protective order and --

12          MR. KOPTA:  Well, I can provide you with  
13 the cover letter that reflected --

14          MS. ANDERL:  I was going to say, that may  
15 have been.  Okay.  That's fine.

16          THE WITNESS:  So I don't recall.

17          MS. ANDERL:  It was not a trick or a trap.  
18 It was just --

19          MR. KOPTA:  And I'm merely, again, being  
20 sensitive about confidential information.  And when I  
21 represent that I will do something, that I, in fact,  
22 do that.

23          MS. ANDERL:  No, that's fine.  And it was  
24 more foundational than necessary for the further  
25 questions.

0050

1 Q. Mr. Wolf, did you prepare the original list  
2 of customers and telephone numbers that was sent to  
3 Qwest?

4 A. It was prepared under my direction.

5 Q. Was that by Mr. Watkins?

6 A. Yes, it was. Watkis, with an S.

7 Q. Watkis, no N?

8 A. No N.

9 Q. And prior to taking the stand today, have  
10 you reviewed this confidential Attachment A?

11 A. This one, yes.

12 Q. Yes. And to the best of your understanding  
13 after that review, do the names and telephone numbers  
14 that Qwest has provided in this response match the  
15 144 customers that you originally sent to Qwest for  
16 review?

17 A. To the best of my knowledge.

18 Q. Are any of the customers who are listed  
19 here AT&T Broadband employees?

20 A. Not to my knowledge.

21 Q. Can you identify here today any of those  
22 customers on this Attachment A who claimed to AT&T  
23 that they had never requested or authorized a local  
24 service freeze?

25 A. Well, my understanding is all of them

0051

1 claimed not to have authorized a local service  
2 freeze.

3 Q. And you obtained that understanding by  
4 talking to Mr. Watkis?

5 A. I obtained that understanding from talking  
6 to Mr. Watkis, his staff, and directly to the  
7 customers.

8 Q. Which customers did you speak with?

9 A. I don't recall from this list.

10 Q. Mr. Wolf, in your testimony, you discuss  
11 the Washington Commission Rule 480-120-139 that  
12 requires carriers to offer local and long distance  
13 freezes. Do you recall discussing that rule in your  
14 testimony?

15 A. Yes.

16 Q. Okay. And are you familiar with that rule?

17 A. Yes.

18 Q. I do have just a couple of questions for  
19 you on it, and I do not want to go into any extensive  
20 questions about what the rule means or doesn't mean,  
21 because certainly Mr. Kopta and I can discuss that on  
22 brief, but there are a few things that I'd like to  
23 clarify with you, and so I'm going to give you a copy  
24 of the rule.

25 MS. ANDERL: Your Honor, may I approach?

0052

1 JUDGE MACE: Yes, you may.

2 THE WITNESS: Thank you.

3 MS. ANDERL: Do you want a copy?

4 MR. KOPTA: Sure.

5 Q. Are you -- how familiar with this rule are  
6 you?

7 A. Familiar enough.

8 Q. Okay. Now, with regard to the retention of  
9 records after a customer authorizes a local service  
10 freeze, is it your testimony that this rule requires  
11 that a third party verification for a local service  
12 freeze be retained for any particular period of time?

13 A. My understanding is that -- yes.

14 Q. Where is that? Or, well, first, let me ask  
15 you, did you gain that understanding from reading the  
16 rule and interpreting it yourself or from discussions  
17 with others?

18 A. No, I believe my interpretation.

19 Q. Okay. Then could you tell me on what you  
20 base that interpretation?

21 A. At 5-C, no local exchange carrier may  
22 implement a preferred carrier freeze unless a  
23 customer requests to impose a freeze.

24 JUDGE MACE: You need to remember that the  
25 reporter is taking down what you say --

0053

1 THE WITNESS: Most apologies.

2 JUDGE MACE: -- and when you read quickly,  
3 it's hard for her to do that.

4 THE WITNESS: 5-C refers, at the end of the  
5 paragraph, to -- or relies on Sections 1 and 2.

6 Q. And does Section 1 contain a requirement  
7 for retention of the documentation anywhere in it?

8 A. No, I don't believe it does.

9 Q. What about Section 2?

10 A. It does not appear to, either.

11 Q. Okay. The requirement for retention of  
12 documentation regarding a customer's authorization  
13 for preferred carrier change is contained in  
14 Subsection Three; isn't that right?

15 A. I agree.

16 Q. I didn't number my pages. Mr. Wolf, in  
17 your testimony, and I'm still going to refer to the  
18 rule, but in your testimony at page ten, you raised  
19 issues about Qwest making available Saturday hours or  
20 extended business hours before 5:00 a.m. or after  
21 7:00 p.m. for removal of local service freezes. Do  
22 you recall that testimony?

23 A. Yes, I do.

24 Q. Is it your testimony that the rule --  
25 Washington Commission rule establishes any

0054

1 requirements for Saturday hours?

2 A. No, it does not.

3 Q. Is it your testimony that the rule requires  
4 Qwest to have hours that start before 5:00 a.m.?

5 A. No.

6 Q. Or extend past 7:00 p.m.?

7 A. No.

8 Q. Just back to page nine on that rebuttal  
9 testimony, Exhibit 2, lines 14 and 15. You talk  
10 about the amount of time that customers had to stay  
11 on the line to remove a freeze for a customer during  
12 the month of April. Do you know how many customers  
13 AT&T was on the line with for that purpose during the  
14 month of April?

15 A. A hundred or so.

16 Q. Were you on the line with any of them?

17 A. Yes.

18 Q. And was that with another one of your  
19 employees or with you as the actual order processor?

20 A. I've done it both ways.

21 Q. And when you answer a hundred for the month  
22 of April, we're limiting this to the state of  
23 Washington?

24 A. That's correct.

25 Q. Okay, okay. Back to page ten, you discuss

0055

1 the change management process, or CMP process. You  
2 state that Qwest had not adequately resolved AT&T  
3 Broadband's concerns through the CMP process, and  
4 that's why AT&T Broadband filed the complaint; is  
5 that correct?

6 A. That's correct.

7 Q. How familiar are you with the time lines  
8 established by Qwest and the industry for the CMP  
9 process?

10 A. I don't recall the time lines.

11 Q. Is it your testimony that Qwest failed to  
12 meet any of the CMP time lines for processing the  
13 change request at issue with regard to local service  
14 freezes?

15 A. Not specifically the time line, no.

16 Q. Is it your understanding that the CMP  
17 process is a consensus process in general?

18 A. That is my understanding, yes.

19 Q. And is it also your understanding that the  
20 process changes that go through CMP affect all CLECs?

21 A. I concur.

22 Q. Are you aware that there was a meeting, a  
23 CMP meeting on Wednesday, June 19th?

24 A. No, I was not.

25 Q. Would you -- are you aware of what the



0056

1 current status of the change request that is Exhibit  
2 3 is?

3 A. I believe so.

4 Q. What is that?

5 A. The status is closed.

6 Q. And is that closed because AT&T asked that  
7 it be closed?

8 A. I believe there was concurrence within the  
9 process that all of the outstanding issues are  
10 closed, and therefore the change request in total is  
11 closed.

12 Q. Okay.

13 A. Save two. There are open issues, I  
14 believe, but the request is closed.

15 Q. But the change request is closed?

16 A. Yes.

17 Q. Has AT&T submitted additional customer  
18 names and telephone numbers to Qwest after April  
19 10th, 2002, claiming that those particular customers  
20 had a local service freeze and that those customers  
21 claimed not to have authorized such a freeze?

22 A. I believe we have.

23 Q. Okay. And are those anywhere in the  
24 record?

25 A. No, they're not.

0057

1 Q. Can you identify any customer names or  
2 telephone numbers for me here today that you  
3 submitted to Qwest?

4 A. No, not that we've submitted to Qwest.

5 Q. And if any such requests or problems were  
6 identified to Qwest, how would they have been  
7 communicated to Qwest and by whom and to whom?

8 A. They were communicated to Qwest through  
9 Terry Bahner, our vendor manager.

10 Q. And do you know to whom at Qwest?

11 A. No, no, I don't.

12 Q. Do you know how many?

13 A. No, I don't.

14 Q. Now, a little bit of a different question.  
15 That question addressed whether, since April 10th,  
16 AT&T had identified any customers who had a local  
17 service freeze where the customer claimed not to have  
18 authorized such a freeze.

19 This next question is, since April 10th,  
20 have you identified any customers who have a local  
21 service freeze that was imposed after April 10th,  
22 where that customer claims not to have authorized the  
23 freeze?

24 A. Not to my knowledge.

25 MS. ANDERL: That's all I have right now,

0058

1 Your Honor, save the issue that we're going to work  
2 out in terms of how we identify the number of  
3 customers or order of magnitude that AT&T has  
4 processed in terms of order processing during the ten  
5 weeks between February 18th and April 25th.

6 JUDGE MACE: Ms. Smith.

7 MS. SMITH: We have nothing. Thank you.

8 JUDGE MACE: We haven't dealt with these  
9 specifically on the record, I don't believe. Did you  
10 want to do that now?

11 MS. SMITH: Yes, Your Honor. It was my  
12 understanding that since those were stipulated to by  
13 the parties, that they have been marked and admitted  
14 onto the record. If that isn't correct, then I would  
15 offer Exhibits 40 and 41.

16 JUDGE MACE: Could you just describe them  
17 for the record? I'm not sure that that's on the  
18 record.

19 MS. SMITH: Yes, Your Honor. Exhibit 40  
20 are the data request responses of Qwest to the data  
21 requests of the Commission Staff, and Exhibit 41 are  
22 AT&T Broadband Phone of Washington's responses to  
23 Commission Staff's data requests.

24 JUDGE MACE: Thank you. Based on the  
25 representation that Staff Counsel has made, I'll

0059

1 admit those into the record at this time.

2 MS. SMITH: Thank you, Your Honor.

3 JUDGE MACE: I have some questions that I'd  
4 like to ask --

5 THE WITNESS: Yes, Your Honor.

6 JUDGE MACE: -- before we turn to Mr.  
7 Kopta.

8

9 E X A M I N A T I O N

10 BY JUDGE MACE:

11 Q. I'll ask the questions and then we'll take  
12 a break and see if you can address this situation. I  
13 think that would be the better way to do that.

14 On page seven of your Exhibit 1, your  
15 direct testimony, at line 14, you mention that it  
16 takes three to five days to update CSRs once a freeze  
17 is removed. Is this interval still correct?

18 A. I believe, based on business to business  
19 rule changes, that interval has been shortened.

20 Q. To what?

21 A. One to two business days.

22 Q. And what impact does that have on AT&T? I  
23 presume that's beneficial, but --

24 A. It is, but unfortunately our biggest  
25 difficulty is the need to recontact the customer once

0060

1 an account is frozen, and it's actually the process  
2 of contacting the customer that now remains our  
3 largest dilemma, customer education and the time it  
4 takes to then work with the local exchange company,  
5 Qwest, to then have it removed. So there are process  
6 improvements, but the front end piece still remains,  
7 from a customer service perspective, a problem for  
8 us.

9 Q. Page nine, line 12, indicates that you have  
10 experienced hold times of up to 30 minutes to reach a  
11 representative. Is that interval still occurring?

12 A. Again, the process has improved. On  
13 average, we've been running between four and 15  
14 minutes of hold time. I personally experienced two  
15 calls at about five minutes apiece within the last  
16 ten days.

17 Q. And what is the impact of even this wait on  
18 AT&T?

19 A. There is primarily just a high level of  
20 customer frustration with the need to be on the phone  
21 with our representatives for that period of time,  
22 plus the time it takes to answer the question and  
23 confirm the freeze would be lifted.

24 Q. Now, apparently, in your reply testimony,  
25 you talk about a 15-minute hold time. Does that

0061

1 reflect the improvement in the hold times that you  
2 just spoke of?

3 A. Yes, yes.

4 Q. Is it possible for a CLEC to engage in  
5 local service provider slamming?

6 A. For a facilities-based provider, such as  
7 AT&T Broadband, I would say the answer is no.

8 Q. What do you base that on?

9 A. My experience as manager of the  
10 provisioning group. In order to provide the customer  
11 service through AT&T's Broadband facilities, we  
12 actually must dispatch a technician on every single  
13 customer service order, and it takes between an hour  
14 and a half to two hours to install a customer's  
15 service. And at the point -- and they must be home.  
16 The person must be authorized to sign for the  
17 service. And when the service is completed and  
18 tested, the customer must sign that the delivery was  
19 as they requested, both the local service line and  
20 its features. So I don't happen to see any way that  
21 it would be possible.

22 Q. Okay. I'm going to ask you some questions,  
23 and they may actually reflect what you just told me,  
24 but I just want to go through them.

25 For AT&T Broadband, if there is no freeze

0062

1 in place, would AT&T Broadband first disconnect the  
2 customer's local loop at the network interface device  
3 at the customer's premises?

4 A. Would you repeat the question, please?

5 Q. If there is no freeze in place, would AT&T  
6 Broadband first disconnect the customer's local loop  
7 at the network interface device at the customer's  
8 premises?

9 A. That's actually the last part of the  
10 service delivery process for the technician in the  
11 field. We would do all of the network work first,  
12 we would do the customer premise work second, we  
13 would then effectuate the crossover between networks  
14 as the last step.

15 Q. And who's responsible for requesting LNP to  
16 the AT&T switch?

17 A. The local number portability process is a  
18 multi-step process which occurs first in terms of the  
19 setup during the provisioning process, so as one of  
20 the steps between sale and implementation, we issue a  
21 request to port. The port activation takes place  
22 when the technician then calls back in to our  
23 dispatch group and says, You have facilities hooked  
24 up, please activate the line. At the point the  
25 switch is activated, we also trigger the local number

0063

1 portability so that the customer then gets service --  
2 basically gets local dial tone, plus number  
3 portability concurrently.

4 Q. Okay. And who is responsible for  
5 requesting disconnection of the customer from the  
6 Qwest switch?

7 A. It would be the provisioning team under my  
8 direction.

9 Q. How would your answers to these questions  
10 be different for a CLEC that orders UNE loops from  
11 Qwest?

12 A. You know, I don't have operational  
13 experience. I can't answer the question.

14 Q. Okay. Has the Commission received any  
15 complaints from customers of Qwest that found they  
16 had unauthorized local service provider freezes?

17 A. I do not know.

18 JUDGE MACE: Okay. I'd like to take our  
19 recess now. I may come back with further questions  
20 afterwards, but in the meantime, perhaps you can  
21 address the problem that you alluded to earlier on  
22 the record. We'll recess for 15 minutes.

23 (Recess taken.)

24 JUDGE MACE: Let's be back on the record.

25 Mr. Kopta.



0064

1           MR. KOPTA: Thank you, Your Honor. During  
2 the break, Ms. Anderl and I discussed the best way to  
3 provide the information that she requested of Mr.  
4 Wolf in her cross-examination, specifically the  
5 approximate number of customers that signed up for  
6 AT&T Broadband local service during the period  
7 February 18th, 2002 through April 25th, 2002. And  
8 what we had determined was that Mr. Wolf would  
9 provide a figure that he believes the approximate  
10 number to Qwest today, that we will provide that as a  
11 late-filed confidential exhibit so that it can be  
12 made part of the record in this case, and that Mr.  
13 Wolf would also verify that the number that he's  
14 providing today is plus or minus ten percent of the  
15 actual number, based on his ability to check with the  
16 records of personnel at AT&T Broadband when he gets  
17 back to his office.

18           JUDGE MACE: We'll make that Exhibit Number  
19 6, then.

20           MR. KOPTA: Thank you.

21           MS. ANDERL: And actually, I guess Mr. Wolf  
22 and Mr. Kopta have already provided me with a number.  
23 Since there's going to be verification prior to  
24 submission of the exhibit, I don't think there's any  
25 need to go into it any further. I mean, I understand

0065

1 what they think the number is today, but I also  
2 understand that the response will be the actual  
3 written response that we get subsequent to this that  
4 will be Exhibit 6-C or -- 6-C.

5 JUDGE MACE: Six or 6-C or both. Well,  
6 both, I guess, because you'll provide -- well, I  
7 guess it will just be 6-C.

8 MR. KOPTA: It will just be 6-C.

9 JUDGE MACE: Before we continue, I want to  
10 find out from Ms. Smith whether or not -- well, I  
11 would like to make a bench request to obtain the  
12 number of complaints or whether there are complaints  
13 from customers regarding unauthorized freezes made by  
14 either Qwest or AT&T, and that will be Bench Request  
15 Number 1.

16 MS. SMITH: Your Honor, if I may clarify,  
17 are those complaints to the Commission?

18 JUDGE MACE: To the Commission.

19 MS. SMITH: Thank you. And again, number  
20 of complaints for unauthorized --

21 JUDGE MACE: Local service freezes.

22 MS. SMITH: -- local service freezes. And  
23 that would be from Qwest and AT&T Broadband both?

24 JUDGE MACE: Right.

25 MS. SMITH: Thank you.

0066

1 MS. ANDERL: But, Your Honor, it's your  
2 expectation that Staff will be the respondent on  
3 this?

4 JUDGE MACE: Correct.

5 MS. ANDERL: Okay.

6 JUDGE MACE: Because it's complaints to the  
7 Commission.

8 MS. ANDERL: Right. And if a complaint  
9 were made to the Commission, the Commission would  
10 contact us, and so at some level we probably have  
11 that information, as well. I'm just not volunteering  
12 to answer, but I'm just confirming whether you were  
13 expecting us to look into that, as well.

14 MS. SMITH: Your Honor, I would think that  
15 if the bench request response provided by Staff were  
16 somehow different than the information that Qwest  
17 would have, Qwest could ask to supplement that bench  
18 request response.

19 JUDGE MACE: That would be good. That  
20 would be good.

21 MS. ANDERL: Thank you. That sounds fine.

22 JUDGE MACE: And presumably the same for  
23 AT&T. So Mr. Kopta, redirect.

24 MR. KOPTA: Yes, thank you.

25

0067

1 R E D I R E C T E X A M I N A T I O N

2 BY MR. KOPTA:

3 Q. Mr. Wolf, Ms. Anderl asked you some  
4 questions, and one of them was whether there was  
5 anything in your prefiled testimony that addressed  
6 the number of customers that AT&T Broadband has lost  
7 because of local freeze problems. Do you recall that  
8 question?

9 A. I do recall the question.

10 Q. Would you look on Exhibit 1, which is your  
11 direct testimony, page 11, beginning with the  
12 sentence that starts on line ten?

13 A. Yes.

14 Q. Is that information responsive to that  
15 question that Ms. Anderl asked you?

16 A. Yes, it is.

17 Q. Ms. Anderl also asked you some questions  
18 about the change management process, or CMP, and your  
19 general understanding. I wanted to follow up on a  
20 couple of the questions that she asked you. What's  
21 your general understanding of the geographic scope of  
22 change requests through the CMP?

23 A. My understanding is that all change  
24 requests apply to Qwest's 14-state region.

25 Q. And was that true of the change request

0068

1 that AT&T or AT&T Broadband initiated with respect to  
2 local service freezes?

3 A. Yes.

4 Q. And Ms. Anderl also asked you about the  
5 status of that particular change request, that it was  
6 closed. Is it your testimony that that resolves the  
7 issues related to local service freezes that AT&T  
8 Broadband has raised in this complaint?

9 A. No, it really doesn't. As I indicated,  
10 there are some open issues. Clearly, as negotiated  
11 business to business processes, we talked about where  
12 there are multiple CLECs who participate. It is a  
13 negotiated process and, while we concurred with the  
14 closure, it certainly left open issues for us to  
15 ponder for either future resolution or, as the case  
16 may be, to litigate here in this proceeding, not the  
17 least of which is our concern that 95 percent of all  
18 of the customers whose accounts are labeled as frozen  
19 claim they were never authorized to be frozen, and it  
20 does create for us a substantial economic burden to  
21 have to assist the customer in unfreezing those  
22 accounts.

23 Q. And Ms. Anderl also asked you whether you  
24 had communicated some additional names and numbers of  
25 customers that made those complaints to you to Qwest.

0069

1 Do you recall that question?

2 A. Yes, I do recall the question.

3 Q. And do you know what Qwest's response was  
4 to the communications to Qwest with respect to those  
5 additional customer complaints?

6 MS. ANDERL: I object, Your Honor. I don't  
7 think there's any foundation for that. Mr. Wolf  
8 testified that he did not know to whom the complaints  
9 were directed at Qwest and did not personally make  
10 those complaints.

11 MR. KOPTA: I believe she asked who it was  
12 within AT&T Broadband that provided that information,  
13 so obviously Mr. Wolf is in contact with that person.  
14 If he knows from his contact with Terry Bahner at  
15 AT&T Broadband, I believe he can testify as to that.

16 JUDGE MACE: I'll allow the answer.

17 THE WITNESS: The response Ms. Bahner has  
18 given back to me from Qwest was that those customers  
19 who we provided names for were -- we were not going  
20 to get a response, because those issues were subject  
21 to discovery in this proceeding.

22 Q. And finally, Ms. Anderl asked you whether  
23 you were aware of any customers who had freezes put  
24 on their accounts after April 10th, having complaints  
25 with respect to unauthorized local freezes. Do you

0070

1 recall that question?

2 A. Yes, I do.

3 Q. Do you know whether any of the customers  
4 that have complaints had freezes that were  
5 implemented after April 10th, 2002?

6 A. No, I don't have access to the data, nor do  
7 I believe that my team would have access to the data  
8 about when the freeze was actually put in place.

9 MR. KOPTA: Thank you. Those are all my  
10 questions.

11

12 R E C R O S S - E X A M I N A T I O N

13 BY MS. ANDERL:

14 Q. Mr. Wolf, the question that I had asked you  
15 specifically that Mr. Kopta just followed up on was  
16 whether, after April 10th of 2002, AT&T had submitted  
17 additional customer names to Qwest claiming that  
18 those customers did not authorize a local service  
19 freeze. My recollection is that you indicated, in  
20 response to that question to me, that you had not  
21 submitted any after April 10th, 2002 to Qwest. Can  
22 you please clarify what your answer to that question  
23 is?

24 A. Your rereading of the question is different  
25 than I remember, so can you reread the question one

0071

1 more time?

2 Q. Sure. After April 10th of 2002, has AT&T  
3 Broadband submitted additional customer names to  
4 Qwest claiming that those customers did not authorize  
5 a local service freeze?

6 A. I believe we have, yes.

7 Q. Okay. And can you identify where in the  
8 record those customer names are, if they are here in  
9 your testimony or in any of your exhibits?

10 A. No, they would not be on the record.

11 Q. And do you know how many of them there  
12 were?

13 A. I don't recall.

14 Q. And do you know when they were submitted to  
15 Qwest?

16 A. I believe they were submitted to Qwest  
17 every Friday from the period April 10th through the  
18 closure of the CR for each -- not only for my  
19 jurisdiction, but for each jurisdiction.

20 Q. Okay. Now, you don't know how many there  
21 were?

22 A. No, I don't.

23 Q. And you don't know who there were, you  
24 don't know the names of the customers?

25 A. I know they are not on the record. I do



0072

1 have access to those names.

2 Q. Okay. Here today?

3 A. No.

4 Q. Okay. And how do you know that those names  
5 and/or telephone numbers of customers were  
6 communicated to Qwest?

7 A. I simply trust that Terry Bahner does as  
8 she's supposed to when we provide information and she  
9 sends it on to Qwest.

10 Q. And is it your testimony that those are  
11 customers different from or in addition to the 234  
12 that you originally identified?

13 A. Yes, they would be, in addition to the 234  
14 originally identified.

15 Q. Okay. And why did you not provide that  
16 information in your responsive testimony that was  
17 filed in May -- or rather in June of this year?  
18 Well, actually, let me strike that question and go  
19 back.

20 Is it your testimony that for each customer  
21 name that you claimed Ms. Bahner submitted to Qwest,  
22 Qwest refused to respond?

23 A. That's correct.

24 Q. Okay. And is there a reason, then, why you  
25 did not bring those issues up in your responsive

0073

1 testimony?

2 A. I think mostly it's an issue of timing.

3 Q. If, in fact, Qwest's response to AT&T was  
4 that the matter was in litigation and information  
5 would be provided through the discovery process, why  
6 did AT&T not ask Qwest for information on those  
7 customers through the discovery process?

8 A. I can't speak to that.

9 MS. ANDERL: Okay. Nothing further, Your  
10 Honor. Thank you.

11 JUDGE MACE: Thank you.

12 MR. KOPTA: One additional follow up, if I  
13 might.

14 JUDGE MACE: All right.

15 MR. KOPTA: Thank you, Your Honor.

16

17 R E D I R E C T E X A M I N A T I O N

18 BY MR. KOPTA:

19 Q. Mr. Wolf, do you have a copy of Exhibit 32,  
20 which is Qwest's response to AT&T Broadband Data  
21 Request Number 01-005?

22 A. Yes.

23 Q. And is it your understanding that this data  
24 request was directed to Qwest to provide verification  
25 of local freezes on specific customer accounts?

0074

1 A. That's my understanding.

2 Q. Did you have any reason to believe that  
3 Qwest's response to this question or to any other  
4 names and numbers that AT&T Broadband provided would  
5 be any different than Qwest's response to this data  
6 request?

7 A. No, I did not.

8 MR. KOPTA: Thank you. That's all I have.

9 JUDGE MACE: All right. Thank you. I  
10 believe there's nothing further of this witness.  
11 You're excused.

12 THE WITNESS: Thank you, Your Honor.

13 JUDGE MACE: Thank you. Go ahead.

14 MS. ANDERL: Thank you, Your Honor. Qwest  
15 calls Scott McIntyre.

16 Whereupon,

17 SCOTT A. McINTYRE,  
18 having been first duly sworn, was called as a witness  
19 herein and was examined and testified as follows.

20 JUDGE MACE: All right. Thank you.

21

22 D I R E C T E X A M I N A T I O N

23 BY MS. ANDERL:

24 Q. Good morning, Mr. McIntyre.

25 A. Good morning.

0075

1 Q. Could you please state your name and your  
2 business address for the record?

3 A. My name is Scott A. McIntyre,  
4 M-c-I-n-t-y-r-e. My business address is 1600 7th  
5 Avenue, Seattle, Washington, 98191.

6 Q. Mr. McIntyre, do you have before you the  
7 testimony and exhibits that were originally marked as  
8 SAM-T1 through 10, and that are now marked for the  
9 record as Exhibits 21 through 30?

10 A. Actually, I'm missing the last exhibit, but  
11 the others I have.

12 Q. All right. If you're called upon to answer  
13 questions about that, we can provide that to you.  
14 Let me give it to you now, so that we do this  
15 properly.

16 MS. ANDERL: Your Honor, may I?

17 JUDGE MACE: Yes.

18 Q. Do you now have them all?

19 A. Yes.

20 Q. Mr. McIntyre, did you prepare that  
21 testimony or was it prepared under your direction?

22 A. Yes.

23 Q. Okay. And is it true and correct, to the  
24 best of your knowledge?

25 A. Yes.

0076

1 Q. Do you have any changes or corrections to  
2 make to it at this time?

3 A. No.

4 MS. ANDERL: Your Honor, we would offer  
5 Exhibit 21-T and 22 through 30.

6 MR. KOPTA: No objection.

7 JUDGE MACE: I'll admit those exhibits.

8 MS. ANDERL: And the witness is available  
9 for cross.

10 JUDGE MACE: Mr. Kopta.

11 MR. KOPTA: Thank you, Your Honor.

12

13 C R O S S - E X A M I N A T I O N

14 BY MR. KOPTA:

15 Q. Good morning, Mr. McIntyre.

16 A. Good morning.

17 Q. I wanted to ask you first a few questions  
18 about your background. Have you ever worked in a  
19 Qwest customer service center?

20 A. Yes, a long time ago, and the service  
21 center was quite different at that point in time.

22 Q. Okay. What about in a telemarketing firm?  
23 Have you ever worked for a telemarketing firm?

24 A. No, no.

25 Q. How about a vendor that provides

0077

1 verification for freezes, whether they're local  
2 freezes or PIC freezes?

3 A. No, my whole career has been with Qwest.

4 Q. Okay. So your testimony, then, is based on  
5 conversations that you've had with subject matter  
6 experts within Qwest and documents that Qwest has  
7 filed?

8 A. Meetings that I've had going through the  
9 process and information provided to me by the people  
10 that are working on the process, yes.

11 Q. But you don't have any personal experience  
12 with dealing with customers in terms of local  
13 freezes?

14 A. Specifically local freezes, no.

15 Q. Would you turn in your Exhibit 21-T, your  
16 direct testimony, to page eight.

17 A. Yes, I have that.

18 Q. Okay. And beginning on this page, you are  
19 discussing the Commission's rule, WAC 480-120-139,  
20 and specifically beginning at the bottom of the page  
21 and carrying over, you discuss the requirements for  
22 confirming that a customer has authorized a freeze on  
23 his or her account; is that correct?

24 A. That's correct.

25 Q. Do you have before you what's been marked

0078

1 for identification as Exhibit 32, which is Qwest's  
2 response to AT&T Broadband's Request Number 01-005?

3 A. Yes, I have that.

4 Q. And perhaps we ought to say it's Exhibit  
5 32/32-C, since it does have a confidential attachment  
6 to it. I don't see your name listed on here. Were  
7 you involved in the compilation of this exhibit?

8 A. Not specifically. I was in contact with  
9 the people who were putting together the list.

10 Q. So to the best of your knowledge, this  
11 exhibit, the information in this exhibit is accurate?

12 A. I believe so, yes.

13 Q. Okay. And do you have what's been marked  
14 for identification as Exhibit 34, which is Qwest's  
15 response to AT&T Broadband Phone's Data Request  
16 01-012?

17 A. Yes, I have that.

18 Q. And again, are you familiar enough with  
19 this exhibit that you can indicate that this -- the  
20 information contained in this exhibit is accurate?

21 A. I believe so, yes.

22 Q. Now, I wanted to focus in a portion of the  
23 response, and actually, it's in both, but let's look  
24 at Exhibit 32. And it's the first paragraph of the  
25 response in Exhibit 32. And the question that I have

0079

1 -- if you would take a moment to read it?

2 A. The first paragraph in the response?

3 Q. Yes, the first paragraph in the response.

4 A. Is the objection?

5 Q. Yes.

6 A. Okay. Yes, I've read it.

7 Q. Is it Qwest's position that the processes  
8 and the results of the processes prior to April 2nd,  
9 2002, are not something that should be considered in  
10 this proceeding?

11 A. No, I wouldn't say that.

12 Q. Well, I was just trying to get at the basis  
13 of the objection. Let me ask you this. Do you have  
14 a copy of Exhibit 40, or no --

15 A. I don't recall numbering anything 40, so --

16 Q. No, that's actually the wrong one. I was  
17 referring to Exhibit 31, which is Qwest's response to  
18 AT&T Broadband Phone's Data Request 01-004.

19 A. Yes, I have that.

20 Q. And is the information contained in this  
21 exhibit accurate, to the best of your knowledge?

22 A. Yes, I believe so.

23 Q. So prior to April 2nd, 2002, there were at  
24 least 87,607 customers that have -- Qwest customers  
25 that have local provider freezes on their accounts;



0080

1 is that accurate?

2 A. Yes.

3 Q. And in response to the request that's in  
4 Exhibit 32, Qwest was able to provide only 25  
5 verifications out of the 144 accounts that AT&T  
6 Broadband Phone provided to Qwest to search and  
7 verification; is that correct?

8 A. No, I wouldn't characterize it that way.

9 Q. How would you characterize it?

10 A. I would characterize it that we provided  
11 information that verified that all of these customers  
12 requested a local service freeze. We could only  
13 produce taped copies of 25 of the third party  
14 verifications, because that vendor that we were using  
15 at the time was improperly recording those  
16 verifications. As a result, when we examined their  
17 records, we could only produce 25. They were taping  
18 over their previous recorded -- previously recorded  
19 verifications, so some of those previous  
20 verifications had been taped over.

21 So we could only produce 25 of the tapes.  
22 We also produced notes on the customer service  
23 records that indicated that the customer had asked  
24 for a freeze. So that's two different forms of  
25 verification.

0081

1 Q. Well, I -- let's take a look at the rule,  
2 then. Do you have a copy of the rule?

3 A. I don't think so.

4 MS. ANDERL: Your Honor, may I?

5 THE WITNESS: Yes, I have that.

6 Q. Okay. Well, keep a hold of that, and let's  
7 work off of your testimony, then, back on Exhibit  
8 21-T, page eight, beginning on line 19. You're  
9 talking about the specific ways in which a freeze can  
10 be added to a customer's account. The first one you  
11 mentioned is written authorization by the customer?

12 A. Yes.

13 Q. You didn't provide any of those in Exhibit  
14 32, did you, you being Qwest?

15 A. No, although I believe these are all  
16 residential accounts, and residences typically don't  
17 use that form of authorization.

18 Q. Okay. What about the second one, which is  
19 on page nine, beginning on line one, use of an  
20 automated electronic telephone menu system from the  
21 telephone number for which the freeze is requested.  
22 Any documentation of that in Exhibit 32?

23 A. No, we don't use that method.

24 Q. Okay. And then the third one, beginning on  
25 line two, is through the use of an independent third

0082

1 party verifier?

2 A. Yes.

3 Q. And with respect to those, you've produced  
4 only 25; isn't that accurate?

5 A. We have produced 25 taped verifications;  
6 that's correct.

7 Q. Right. And so is it your testimony, then,  
8 that notes from whomever on customer accounts are  
9 equivalent to one of these three methods?

10 A. No, my testimony is that we have a third  
11 party verifier that does third party verifications  
12 when we put freezes on, and we follow the rule on  
13 that. Unfortunately, because the vendor we were  
14 using was not living up to our expectations, they --  
15 when we went to provide third party verified tapes of  
16 all 144, they could not produce them. That doesn't  
17 mean they didn't happen; it just means they couldn't  
18 produce them.

19 Subsequently, we fired that vendor and  
20 hired a new vendor, and we're quite confident that  
21 the new vendor can provide them. In fact, you can do  
22 it automated. We could do it from this office and  
23 check on the freeze verification for any of the  
24 customers that sign up for a freeze.

25 JUDGE MACE: Now, Mr. McIntyre, the thing

0083

1 I'm concerned about with your answer is that I'm not  
2 sure you answered Counsel's question. And I'd like  
3 to have you, if you would, Mr. Kopta, repeat the  
4 question, and I'd like you to focus on answering the  
5 question that he has asked.

6 MR. KOPTA: Thank you, Your Honor.

7 Q. Qwest has produced documentation of only 25  
8 accounts that were frozen in response to the request  
9 to verify 144 accounts that AT&T Broadband submitted  
10 to Qwest; isn't that correct?

11 A. I don't think so. We've produced 25 taped  
12 verifications. The other verifications are not oral  
13 on tape; they are notes on customer records.

14 JUDGE MACE: Okay. Do they -- do those  
15 verifications consist of either a written  
16 authorization from the customer, an automated  
17 electronic telephone menu system from the telephone  
18 number for which the freeze is requested, or the use  
19 of an independent third party verifier that's beyond  
20 the 25?

21 THE WITNESS: Oh, no.

22 JUDGE MACE: Thank you.

23 Q. Now, was the same vendor the vendor that  
24 supposedly verified the freezes for the number of  
25 customers in Exhibit 31, the 800 -- I mean the 87,607

0084

1 accounts?

2 A. They were the vendor that was doing third  
3 party freezes up until April 2nd, when we switched  
4 vendors.

5 Q. Okay. So then, the answer to my question  
6 would be yes, since all of these numbers predate  
7 April 2nd, 2002?

8 A. That would be the case, yes.

9 Q. So do you have any reason to believe that  
10 the same -- that there would be a significant number  
11 of customers for which you do not have documentation  
12 in the form of a tape of the conversation for these  
13 accounts?

14 A. That is likely, yes.

15 Q. Do you have a copy of Qwest's answer to the  
16 complaint?

17 A. Yes.

18 Q. Would you turn, please, to page seven,  
19 specifically paragraph 17. It ends on line --

20 A. Excuse me, I've got to -- I'm sorry, I said  
21 that, but I -- wait a minute.

22 Q. That's all right. I can provide you with a  
23 copy.

24 A. Ah, wait. Oh, I'm sorry.

25 MR. KOPTA: That's all right. If I might

0085

1 approach?

2 THE WITNESS: Thank you.

3 Q. And to restate the reference, it's on page  
4 seven, specifically paragraph 17, and the sentence  
5 that begins on line eight, Qwest admits that the  
6 vendor who was performing the required TPVs did not  
7 always retain a recording of the customer  
8 authorization, but does not believe that that  
9 constitutes a violation of the rule. Did I read that  
10 accurately?

11 A. Yes.

12 Q. Is it your understanding of the rule that  
13 local exchange providers are not required to retain  
14 any of their records of authorization for local  
15 service freezes?

16 A. I don't recall there being a retention time  
17 specified.

18 Q. So in the event that a customer should  
19 approach Qwest or any other local exchange carrier  
20 with the knowledge that there's a freeze on their  
21 account and dispute that they authorized the account,  
22 what is Qwest's position in terms of how that dispute  
23 would be handled?

24 A. Well, I don't know exactly how the dispute  
25 would be handled. It would be -- I mean, it's good

0086

1 business practice to retain the records, and we do  
2 now retain the records for three years, so we can  
3 access tape verification on third party or on --  
4 yeah, on third party verifications for three years.

5           When we found out the previous vendor was  
6 not retaining the records, we fired them and we hired  
7 a new vendor that would. I don't believe the rule  
8 states that we have to retain those records. It is  
9 certainly good business practice to retain those  
10 records, and that's why we made the change. I can't  
11 argue the legal aspects of it. I can only tell you,  
12 from a business perspective, it makes common sense to  
13 be able to dispute those and verify that customers  
14 asked for what they got.

15           Q. Well, let me put it in a business sense,  
16 then. If a customer called Qwest saying, I  
17 understand that I have a local freeze on my account  
18 and I never authorized that, and Qwest checked its  
19 records and said, Well, gee, it's here in the  
20 records, what would be the appropriate business  
21 response of that customer's concern?

22           A. Well, I guess I don't know. It depends on  
23 the circumstances. If the customer was merely upset,  
24 we would try to explain to them that our records  
25 showed that they had authorized a freeze, and if they

0087

1 maintained that they didn't, we would probably  
2 apologize. And if there was some ramification to  
3 that, to their service or some complaint about their  
4 service, we'd attempt to deal with that.

5 Q. So you wouldn't remove the freeze, though?

6 A. Oh, sure. If that was the crux of what  
7 they wanted, was removal of the freeze, certainly, we  
8 would.

9 Q. And would they need to go through the  
10 process of -- the same process that someone who did  
11 authorize the freeze needs to go through to remove a  
12 freeze from their account?

13 A. All that's required to remove the freeze is  
14 for the customer to tell us to remove the freeze and  
15 we remove it. There's no process. We issue a  
16 service order to take it off their account, but  
17 that's all that's necessary.

18 Q. Well, I thought that you -- well, never  
19 mind. I'll take that back. Back to your direct  
20 testimony, which is Exhibit 21-T, specifically the  
21 testimony that begins on page 14, where you are at  
22 that point discussing the notification that Qwest  
23 provides to customers of the availability of a local  
24 service freeze.

25 JUDGE MACE: Where are you, Counsel, on



0088

1 that page?

2 MR. KOPTA: Beginning on line 11, the  
3 answer.

4 Q. Is that an accurate characterization of  
5 your testimony at this point, that you're reciting or  
6 explaining the notifications that Qwest has provided  
7 to customers?

8 A. Yes.

9 Q. Do the exhibits to your testimony include  
10 all of the notifications that Qwest has provided to  
11 customers?

12 A. I don't know that for sure.

13 Q. Okay. So do you know the number of  
14 customer mailings that have been sent by Qwest since  
15 March of 2001, when Qwest says that it has  
16 implemented the local service freeze option?

17 A. That was the question I asked. This is the  
18 response I got. I can't guarantee that there were  
19 not some in addition. That's what I expected to have  
20 here was all, but I'm not -- I can't be sure that  
21 that's correct. There may be some that I didn't  
22 provide here.

23 Q. And in fact, Exhibit 3 to Mr. Wolf's  
24 testimony includes a mailing that was not included in  
25 the ones that you --

0089

1 A. That's possible.

2 Q. And I understand, from a response to a  
3 Staff data request, that Qwest also uses  
4 telemarketers to inform customers about the local  
5 service freeze option; is that correct?

6 A. Yes.

7 Q. So is it my -- is my understanding correct  
8 that these telemarketers do nothing other than  
9 contact customers and say, Hey, there's this option  
10 for a freeze, are you interested?

11 A. I don't recall that being their specific  
12 function. We have telemarketers that offer services  
13 to customers, and in the process of doing that, they  
14 offer long distance freezes, local long distance  
15 freezes and local service freezes, as well. I don't  
16 believe -- I'm not aware of any telemarketers  
17 specifically addressing freezes of any kind.

18 Q. So you don't know at this point that there  
19 are any telemarketers that are doing nothing but  
20 offering a freeze option?

21 A. I don't believe so.

22 Q. When they are marketing services, the  
23 telemarketers, when the telemarketers are marketing a  
24 service in which a local service freeze is an option,  
25 what is the process that that telemarketer goes

0090

1 through if the customer says, Yeah, gee, I'm  
2 interested in this service and I'd also like a local  
3 service freeze?

4 A. You would get a third party verification  
5 that that customer is requesting the local service  
6 freeze or a long distance freeze, and submit -- and  
7 the service order would be submitted -- actually, at  
8 the current process, the service order is submitted  
9 by the third party verifying company.

10 Q. But does that happen on the call with the  
11 telemarketer?

12 A. Not -- the telemarketer transfers the call  
13 to the third party verifier. The third party  
14 verifier handles that information with the customer.

15 Q. So that happens as part of the process of  
16 the telemarketing call?

17 A. Well, it's adjunct to the process of the  
18 telemarketing call.

19 Q. Well, that's a fair characterization. And  
20 are there limitations on the hours that telemarketers  
21 can provide or can contact potential customers to  
22 offer these types of services, other than those that  
23 are the general guidelines that apply to all  
24 telemarketing calls?

25 A. Not that I'm aware of.

0091

1 Q. Okay. And are those telemarketers  
2 restricted to the business hours that Qwest has  
3 identified here of 5:00 a.m. to 7:00 p.m. Monday  
4 through Friday?

5 A. I don't know that.

6 Q. Okay. So if a telemarketer were to call on  
7 a Saturday, assuming that there are no restrictions  
8 that Qwest has put on above and beyond those that are  
9 mandated by federal or state law and offered a  
10 service that had a local service freeze, and the  
11 customer said, Gee, I'm interested in a local service  
12 freeze, would that customer then need to be prevented  
13 from implementing that request for a local service  
14 freeze at that time until the Qwest service center  
15 was open?

16 A. I don't know specifically. Obviously, the  
17 third party verifier is not open 24 hours a day,  
18 seven days a week, so the customer would likely be  
19 instructed to call the business office and ask for  
20 that.

21 Q. So if -- are you aware of the general  
22 restrictions on when telemarketers can contact  
23 people?

24 A. No, I'm not.

25 Q. Okay. So you don't know whether they could

0092

1 contact someone at 8:00 at night?

2 A. Well, they contact me at 8:00 at night. It  
3 doesn't seem unreasonable.

4 Q. Okay. So is it your testimony that if a  
5 telemarketer contacts a customer at 8:00 at night  
6 offering a service along with a local service freeze  
7 and the customer says, Yeah, I'd like that service  
8 and the local service freeze, that the customer --  
9 that telemarketer would say, Well, I'm sorry, I can't  
10 give you the local freeze right now because the  
11 business hours aren't open; you'll have to call back  
12 at another time?

13 A. To be honest, I don't know. I've not been  
14 asked that question before. I don't know exactly  
15 what the process would be in that. I'm assuming that  
16 the customer would have to contact our business  
17 office, but I don't know.

18 Q. On page 17 of your direct testimony,  
19 Exhibit 21-T, beginning on line 15, you're discussing  
20 the process that Qwest has for removing local service  
21 freezes; is that accurate?

22 A. Yes.

23 Q. Do you have before you what's been marked  
24 for identification as Exhibit 33, which is Qwest's  
25 response to AT&T Broadband's request, Data Request

0093

1 01-011?

2 A. Yes, I have that.

3 Q. Okay. And again, is the information  
4 contained in this exhibit accurate, to the best of  
5 your knowledge?

6 A. Yes, I believe so.

7 Q. So am I correct that, at least with respect  
8 to the measures that AT&T Broadband requested, that  
9 the only service quality measure that Qwest has data  
10 on is average speed of answer or hold time, that  
11 Qwest doesn't track the number of freezes -- I mean,  
12 doesn't track the number of times the customer or  
13 their representatives escalate issues, et cetera?

14 A. We have more detailed information than this  
15 now. In fact, I just received yesterday an update to  
16 that, which included average talk time and time  
17 customers were on hold as access time. It doesn't  
18 have number of escalations. It does have number of  
19 calls that were dropped for one reason or another.

20 JUDGE MACE: Do you have that with you in  
21 the hearing room?

22 THE WITNESS: Yes.

23 JUDGE MACE: I think we should have a copy  
24 of that for the record. Ms. Anderl, you'll make sure  
25 that that's provided? Let's make it Bench Request

0094

1 Number 2.

2 MS. ANDERL: Okay. And so Bench Request  
3 Number 2 will be a supplemental response to Exhibit  
4 Number 33, with more recent and more detailed  
5 information.

6 JUDGE MACE: Thank you.

7 Q. Now, does that data include, on a  
8 customer-specific basis, the number of times any  
9 particular customer contacts Qwest to, or the vendor,  
10 for that matter, to remove the local service freeze?

11 A. No. This has general data that is -- that  
12 addresses the call answering times and the time it  
13 takes to conduct the lifting of freezes.

14 Q. So this would be all the TPV  
15 vendor-specific performance?

16 A. Not TPV specifically. This is for lifting  
17 of freezes. It is a third party, but it's not a  
18 third party verifier. We have an independent third  
19 party that handles the lifting of freezes  
20 specifically.

21 Q. Okay.

22 A. And that's their performance.

23 Q. Fair enough, but it's not Qwest's  
24 performance?

25 A. That's correct.

0095

1 Q. Okay. So you don't have any measures or  
2 data on Qwest's performance when it has to do what it  
3 needs to do to remove the local freeze?

4 A. Well, yes and no. We do have business  
5 office standard performance in terms of call answer  
6 times, for example, and if a customer calls the  
7 business office, they -- to request the lifting of a  
8 freeze, all the service representative does is  
9 transfer the call to our third party vendor that  
10 actually lifts the freeze.

11 So the call response times to the business  
12 office in general would represent how long it takes  
13 for a customer to access and get talking to a service  
14 representative. Then the service representative  
15 transfers that call to the third party vendor, and  
16 this represents that -- that response time. So I  
17 guess our general business office performance would  
18 address the first part of that, and this would  
19 address the second part of that.

20 Q. But once the third party vendor does what  
21 it needs to do, it goes back to Qwest to actually  
22 implement the removal of a freeze, doesn't it?

23 A. No, the third party vendor submits the  
24 service order that lifts the freeze.

25 Q. Okay.



0096

1 A. It doesn't go back to Qwest.

2 Q. Well, somebody processes the service order  
3 at Qwest, do they not?

4 A. The third party vendor submits the order  
5 into the system and it's processed that night,  
6 effectively.

7 Q. So it's an automated process? There are no  
8 personnel at Qwest that review the order and input it  
9 or anything like that?

10 A. No, the third party vendor inputs it into  
11 the system.

12 Q. Okay. But you don't have any measures of  
13 how long it takes from that input until it's -- until  
14 it is completed?

15 A. It's processed that night. The order is  
16 due today, which means it will be processed in that  
17 night's batch processing, and it is effective the  
18 following day.

19 Q. I understand that's the process, but  
20 there's no performance measure that ensures that  
21 that, in fact, is happening or the average amount of  
22 time that it takes from the order entry until it has  
23 been fully processed?

24 A. Well, there probably is. I don't know what  
25 it is. We have measurements on all of our processes,

0097

1 typically, but I don't know that there is one  
2 specifically, no.

3 Q. Okay. Are you aware that one of the  
4 measures that Qwest has represented to the Commission  
5 that it would implement after getting Section 271  
6 authority is the time frame for preferred  
7 interexchange carrier, or PIC changes?

8 A. No, I'm not familiar with that.

9 Q. So you don't know whether that same kind of  
10 information would be available for changes in local  
11 providers in terms of removal of the freeze?

12 A. I'm not sure what the question is, I'm  
13 sorry. I'm not familiar with measurements associated  
14 with OSS measurements, for example. I don't know  
15 what they are and I don't know how they're  
16 calculated.

17 Q. Okay. Well, I'm -- if you would look at  
18 your direct testimony, page two, beginning on line  
19 two, you state, and I quote, I also represent Qwest  
20 on issues concerning competition and performance  
21 measures. So --

22 A. That's correct, but not all performance  
23 measures.

24 Q. So not the performance measures that have  
25 to do with how well Qwest does when it's responsible

0098

1 for the portion of removing a local service freeze?

2 A. Well, part of it. I mean, in terms of the  
3 business office access information and the  
4 information of our vendor. I can't speak to the  
5 systems that are associated with measurements that  
6 are involved in OSS testing and -- you started this  
7 question off with 271, and I don't get into 271  
8 issues generally.

9 Q. No, and I was merely trying to find another  
10 measure that might be comparable to the type of  
11 measure that I'm asking you about and asking you if  
12 you know about that. And obviously you responded  
13 that you --

14 A. I don't know of a specific measure or how  
15 to find it.

16 MR. KOPTA: Okay. Thanks. That's all I  
17 have.

18 JUDGE MACE: I have a few questions.

19

20 E X A M I N A T I O N

21 BY JUDGE MACE:

22 Q. Mr. McIntyre, on page eight of your  
23 testimony, beginning at line 19 --

24 A. Yes.

25 Q. -- and you may have already answered this

0099

1 question, actually. It refers to the WAC provision,  
2 which gives a means for confirming a request for a  
3 local service provider freeze. How does Qwest  
4 maintain records of these requests so that customers  
5 can verify who made the requests and when? I think  
6 we've already been over that ground. Could you just  
7 briefly discuss that?

8 A. Well, now we have a taped third party  
9 verifier conversation with the customer when they  
10 place a freeze, and we can access those customers and  
11 find that record, which is -- the problem is not only  
12 did it happen, but being able to find it. We can now  
13 access it very readily and verify the fact, with the  
14 taped conversation with the customer, that they did  
15 in fact authorize the local service freeze. We can  
16 access those records over the phone for a specific  
17 telephone number for a year, and then we retain -- or  
18 the vendor retains for two more years -- the record  
19 is not as easily accessible as it is for the first  
20 year.

21 Prior to April 2nd, when we changed  
22 vendors, we believe we also had third party  
23 verifications on tape, but it turned out the vendor  
24 was recording over their old verifications, so that's  
25 why we -- one of the reasons we changed vendors.

0100

1 They were not living up to our expectation on  
2 retaining those records.

3 Q. Thank you. On page 16.

4 A. Yes.

5 Q. Beginning at line 14, you talk about a  
6 backlog of orders. If orders were backlogged, why  
7 would requests for local number portability be  
8 rejected? If the orders were not in the system yet,  
9 how could the customer accounts be frozen?

10 A. Mostly, the answer is I don't know. AT&T  
11 claimed that they experienced a sudden surge of  
12 problems in that time frame. We discovered that the  
13 vendor did have a backlog. They were taking orders  
14 and not processing them. Then, as they got  
15 processed, as we did feed them into the system, it  
16 would have been -- would have meant a larger number  
17 than normal of freezes being processed during that  
18 time frame. That could have caused AT&T to suddenly  
19 notice that they were experiencing more freezes than  
20 they might otherwise have. That's the only  
21 explanation we can come up with as to why they  
22 experienced what they said they experienced in that  
23 time frame.

24 So it would have been freezes being  
25 processed in a short period of time, you know, two or

0101

1 three or ten times as many as might normally be  
2 processed in a normal week.

3 Q. Turning to page 17, line seven, you  
4 mentioned that Qwest has been offering local service  
5 provider freezes in Washington for some time. When  
6 did Qwest first notify customers that they could use  
7 a local service provider freeze? I don't know if  
8 you've answered that question already, but if you  
9 would please make --

10 A. Well, we implemented in March of 2001. To  
11 be honest, I'm not sure what the first customer  
12 notification would have been. It should have been --  
13 I don't remember if the exhibits I put in here had a  
14 date on them or not. Our service representatives in  
15 the business office certainly would have begun  
16 notifying customers right away, so I don't know the  
17 first bill insert. I'm assuming we would have  
18 started notifying customers right away. We  
19 implemented and started offering in March of 2001.

20 Q. On page 22, lines five and six, you talk  
21 about this \$5 charge, or the customer who was told  
22 that there was a \$5 charge. Is there a charge for  
23 adding or removing a local service freeze?

24 A. No.

25 Q. At the top of page 23, you refer to, on

0102

1 line one, a communicator dated May 3rd, 2002, which  
2 indicates that the retail service representatives  
3 will no longer be involved in the lifting of a  
4 freeze. Do you -- have you provided a copy of that  
5 communicator on the -- in any of the exhibits that  
6 you've provided in this proceeding so far?

7 A. Yes, the Exhibits 8 and 9 are -- Exhibit 8  
8 is multi-channel communicators.

9 JUDGE MACE: Well, let's go off the record  
10 for a moment.

11 (Discussion off the record.)

12 JUDGE MACE: Back on the record.

13 Q. Now, Mr. McIntyre, you were referring to a  
14 page from what exhibit?

15 A. C-8.

16 Q. C-8?

17 A. That's a multi-channel communicator that we  
18 send to our service representatives.

19 Q. And that's the document you're referring to  
20 in your testimony at page 23, line one?

21 A. Yes, it's actually page five of six of C-8.

22 Q. Now --

23 A. The exhibit has several communications.

24 Q. I see.

25 A. The one I'm specifically referencing, and

0103

1 I'm sorry I didn't footnote it, is page five.

2 Q. And that shows an issue date of May 3rd, is  
3 that --

4 A. Yes.

5 Q. Okay. Thank you. On page 25, line three,  
6 it says, In April, 92 percent of the calls directed  
7 to this number were answered in 20 seconds or less.  
8 Was that answered by a live person, a recording, who  
9 was it answered by?

10 A. That's answered by a person.

11 Q. By a person. And who is that person?

12 A. That's a third party vendor that we have  
13 hired specifically to lift freezes.

14 Q. Page 26, line 17, freeze removals take  
15 place Monday through Friday, from 5:00 a.m. to 7:00  
16 p.m. What are the hours that personnel are available  
17 to receive new requests to initiate freezes?

18 A. Essentially the same hours. Those are our  
19 business office hours.

20 Q. Are you aware of what the penalties are for  
21 local service provider slamming in Washington?

22 A. No.

23 Q. Okay.

24 A. I don't recall.

25 Q. I asked Mr. Wolf this question. I'm going



0104

1 to ask you, as well. Do you think it's possible for  
2 a CLEC to conduct local service provider slamming?

3 A. Yes.

4 Q. And how would that take place,  
5 specifically?

6 A. It would depend on the type of provider.  
7 For example, a reseller of service or a provider that  
8 uses UNE loops, the facilities out to the customer's  
9 location are the same facilities that we use, so it's  
10 merely a record change. If a CLEC that were offering  
11 either UNE or resold lines submitted an order to  
12 Qwest to port that number to them, because ostensibly  
13 they had gotten permission from the customer to  
14 switch providers, Qwest would process that number  
15 portability request and the number would be  
16 transferred to the CLEC without the customer ever  
17 knowing until they got a bill. And then, when the  
18 billing started from the new provider and it would  
19 stop from Qwest, because they processed the service  
20 order, then the customer might be aware of that, or  
21 probably would be aware that their local service  
22 provider had changed. On the --

23 Q. Go ahead.

24 A. On the facility base, for example, a cable  
25 TV provider, who was also providing telephone service

0105

1 over cable TV, a technician in the field at the  
2 customer's prem could switch the customer's line over  
3 to their cable provisioning and then submit an order  
4 to port the number to Qwest, and we would process  
5 that number and port the number to them and  
6 disconnect the line to that customer.

7 Again, the customer would begin -- get  
8 billing over their cable TV and would stop getting  
9 billed from Qwest. I suppose a facility-based  
10 provider that also had their own copper loops in the  
11 field is certainly less common, because that's  
12 redundant network out there and there aren't too  
13 many, I don't believe, that would build their copper  
14 loops to the customer's house without previous  
15 authorization, for example. So it could happen that  
16 way, too, but that's far less likely.

17 JUDGE MACE: Okay. I'd like to take a  
18 recess of a few minutes before we go to redirect.

19 MR. KOPTA: Before we do --

20 JUDGE MACE: Yes, go ahead.

21 MR. KOPTA: I neglected to move for the  
22 admission of Exhibits 31, 32 and 32-C, 33 and 33-C  
23 and 34.

24 MS. ANDERL: No objection.

25 JUDGE MACE: I'll admit those exhibits.

0106

1 MR. KOPTA: Thank you.

2 (Recess taken.)

3 JUDGE MACE: Let's be back on the record.

4 And go ahead Ms. Anderl. Redirect.

5 MS. ANDERL: Oh, thank you, Your Honor. On

6 reflection, I don't have any redirect questions.

7 JUDGE MACE: You don't have any, okay.

8 Well, that's pretty easy, then.

9 MR. KOPTA: Might I ask a couple of  
10 questions to follow up on your questions?

11 JUDGE MACE: Okay, sure.

12

13 C R O S S - E X A M I N A T I O N

14 BY MR. KOPTA:

15 Q. You had a discussion with the Judge about  
16 whether local service slamming is possible for a  
17 variety of circumstances, and I want to focus on a  
18 facilities-based provider that is just obtaining an  
19 unbundled loop from Qwest. Do you know the charge  
20 that Qwest imposes for obtaining an unbundled loop?

21 A. I don't remember it specifically in  
22 Washington, no.

23 Q. Okay. So you aren't aware of the  
24 nonrecurring charges that apply to an unbundled loop  
25 if a facilities-based carrier provides it?

0107

1 A. No, I don't recall.

2 Q. Would you accept, subject to check, that it  
3 is in the neighborhood of a hundred dollars?

4 A. It sounds --

5 Q. Depending on what kind of -- in fact, it  
6 ranges -- well, perhaps it's not the best way to make  
7 it on the record.

8 MS. ANDERL: Your Honor, I think I have  
9 some questions about relevance here. We would,  
10 however, be willing to stipulate that I think the low  
11 end of the installation nonrecurring charge for the  
12 loop is in the \$35, \$45 range. I would need to  
13 check, as well. I guess I can't really stipulate,  
14 since Mr. Kopta's eyebrows are going around and I may  
15 be remembering wrong.

16 JUDGE MACE: Well, you concede the basis  
17 that there's a charge for it.

18 Q. Well, I guess what I'm getting at is  
19 relative economic incentive. Your response to the  
20 ALJ, the Administrative Law Judge's question referred  
21 to possibility, but it didn't factor in the costs  
22 that the CLEC would have, both in terms of paying  
23 Qwest for the facilities, as well as whatever  
24 penalties might be assessed by the Commission for  
25 slamming in part of -- in your response, did you?

0108

1           A.    I didn't comment on that aspect of it, no.

2           MR. KOPTA:   Okay.  Thanks.  That's all I  
3 have.

4           MS. ANDERL:   Still nothing.

5           JUDGE MACE:   Thank you.  Thank you, Mr.  
6 McIntyre.  You're excused.

7           MS. ANDERL:   Your Honor.

8           JUDGE MACE:   Let's be off the record.

9                   (Discussion off the record.)

10          JUDGE MACE:   Let me indicate that the bench  
11 requests have been assigned exhibit numbers.  Bench  
12 Request 1 is Exhibit 50, Bench Request 2 is Exhibit  
13 51.  We've also talked about the scheduling for the  
14 filing of briefs, and briefs -- simultaneous briefs  
15 will be due July 26th.  And I thank you all for a  
16 very smooth, streamlined hearing.  Appreciate it.

17          MR. KOPTA:   Thank you.

18          MS. ANDERL:   Thanks.

19          JUDGE MACE:   You have no idea.

20                   (Proceedings adjourned at 11:52 a.m.)

21

22

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25