



**From:** Redman-Carter, Julia [mailto:Julia.Redman-Carter@PAETEC.com]  
**Sent:** Thursday, May 13, 2010 6:21 PM  
**To:** Johnson, Bonnie J.; 'cmpcr@qwest.com'; 'intagree@qwest.com'; 'Urevig, Rita'; Matthies, Terri; MaryAnn Wiborg (maryann.wiborg@qwest.com)  
**Cc:** Denney, Douglas K.; Isaacs, Kimberly D.; Brenda Bloemke (Brenda\_Bloemke@cable.comcast.com); Doug Allen (allendm@att.com); Jackie.diebold@tdsmetro.com; (Jeff.Sonnier@sprint.com); Bilow, Joyce; (kwillis@popp.com); leilani.hines@mci.com; ebalvin@Covad.COM; Loriann Burke (lercan@xo.com); Marcy O'Toole (Marcy.OTOole@360.net); Mindy Chapman (Mindy.chapman@neustar.biz); Nora Torrez (nora.torrez@twtelecom.com); Pam.Lehrke@HickoryTech.com; Pam Trickel (pamela.trickel@tdsmetro.com); Paula (paula@sanisabel.com); pjk@p1tel.com.; rod.cox@tdsmetro.com; (Shelly.Pedersen@twtelecom.com); Tim Kagele (Tim\_Kagele@cable.comcast.com)  
**Subject:** RE: NETW:ANNC: ICONN to list Cross-boxes with Potential for Power Disparity:EFF 5-14-10

PAETEC objects to Qwest's distribution of the notice, NETW:ANNC: ICONN to list Cross-boxes with Potential for Power Disparity:EFF 5-14-10, and requests that Qwest retract it immediately.

PAETEC supports and agrees with Integra's objection and all statements below.

Furthermore, PAETEC strongly objects to Qwest's attempt to impose a change that (incidentally relates to an on-going, unresolved issue between PAETEC and Qwest), is contrary to terms within the ICAs and was strongly objected to by CLECs in the CMP process. (See references noted by Integra in email below.) Qwest's distribution of this notice, in light of the preceding discussions, applicable CMP and ad hoc meetings, and unresolved issues displays Qwest's overt disregard for CLECs and the processes established for 'working together.'

Julia Redman-Carter



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**To:** 'cmpcr@qwest.com'; 'intagree@qwest.com'; 'Urevig, Rita'; Matthies, Terri; MaryAnn Wiborg (maryann.wiborg@qwest.com)  
**Cc:** Denney, Douglas K.; Isaacs, Kimberly D.; Johnson, Bonnie J.; Brenda Bloemke (Brenda\_Bloemke@cable.comcast.com); Doug Allen (allendm@att.com); Jackie.diebold@tdsmetro.com; (Jeff.Sonnier@sprint.com); Bilow, Joyce; Redman-Carter, Julia; (kwillis@popp.com); leilani.hines@mci.com; ebalvin@Covad.COM; Loriann Burke (lercan@xo.com); Marcy O'Toole (Marcy.OTOole@360.net); Mindy Chapman (Mindy.chapman@neustar.biz); Nora Torrez (nora.torrez@twtelecom.com); Pam.Lehrke@HickoryTech.com; Pam Trickel (pamela.trickel@tdsmetro.com); Paula (paula@sanisabel.com); pjk@p1tel.com.; rod.cox@tdsmetro.com; (Shelly.Pedersen@twtelecom.com); Tim Kagele (Tim\_Kagele@cable.comcast.com)  
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Integra and its entities (Integra) object to Qwest's non-CMP notice indicating that xDSL unbundled copper loops and other products may be impacted by Qwest's network enhancement. Qwest should notify CLECs of network changes. In this notice, however, Qwest goes on to make a broad and vague statement that products may be impacted by Qwest's network change. In its notice, Qwest recognizes no limits on adverse impacts, such as those in the law and the ICAs. For example, in the Qwest-Eschelon

ICA arbitrations (issue 9-33), state commissions rejected Qwest's position that it could make network modifications that adversely impact data or other services without restoring them. Qwest mentions spectral interference in its notice. The Arbitrated ICAs provide, in section 9.2.6.8, that Qwest shall not disconnect Carrier services to resolve a spectral interference dispute. Qwest's vague notice provides no such limitation and it is at best unclear as to whether "impacted" includes, in Qwest's view, disconnection. In addition, CLECs have raised a number of issues relating to problems with Qwest's handling of NC/NCI codes (such as those raised by Integra and PAETEC in CMP). If Qwest's handling of NC/NCI codes results in problems at the spectrum management phase, Qwest should not shift those problems or the responsibility for correcting them to CLECs. Unbundling of the local loop includes "two and four-wire loops conditioned to transmit the digital signals needed to provide xDSL service." TRO ¶¶ 249; see also UNE Remand Order ¶¶ 166; and First Report and Order, ¶¶ 380. CLECs are "impaired" without access to xDSL copper loops. TRO ¶¶ 23, 642. Qwest cannot in effect deprive CLECs of access to xDSL copper loops by creating uncertainty as to the reliability of such loops through such a notice. When Qwest previously sent a similar notice relating to ADSL (quoted below) via CMP, CLECs objected, and Qwest retracted the notice. Qwest's vague document does not constitute sufficient notice of the nature or effect of any impacts, and it does not entitle Qwest to refuse to restore service in any situation. Integra's objection is ongoing.

Qwest sent a CMP notice to CLECs stating that Qwest would modify its documentation on March 13, 2009 to provide: "When performing Loop Qualification queries using the Resale (HSI) Loop Qualification and/or **ADSL Loop Qualification** tools, the following message may be returned: "*Because of Power Disparity, Interference may be present or may develop in the future, Central Office Based ADSL service may be degraded or may not work at all. Qwest can not guarantee the feasibility CO Based ADSL.*" See Joint CLEC Initial Comments, Attachment J, p. 015, MPUC Docket No. P-421/CI-09-1066. CLECs objected strongly, and Qwest retracted the notice (though indicating it may re-notice it at a later date). This issue (as well as other issues, such as CMP discussion of NCI codes) is discussed in the Joint CLEC Initial Comments in the MN UNE provisioning (formerly KTF) generic docket. MPUC Docket No. P-421/CI-09-1066.

Bonnie



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**From:** mailouts2@qwest.com [mailto:mailouts2@qwest.com]

**Sent:** Friday, May 07, 2010 11:03 AM

**To:** Johnson, Bonnie J.

**Subject:** NETW:ANNC: ICONN to list Cross-boxes with Potential for Power Disparity:EFF 5-14-10