

BEFORE THE
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of the Six-Month Review of:
QWEST CORPORATION'S
Performance Assurance Plan

Docket No. UT-033020

MCI'S RESPONSE COMMENTS

I. INTRODUCTION

1. WorldCom, Inc., on behalf of its regulated subsidiaries in Washington State (n/k/a MCI), files the following comments in response to Qwest Corporation's ("Qwest") initial comments.

II. DISCUSSION

A. Inclusion of PO-2B Electronic Flow-Through.

2. Qwest argues that the Commission should modify how payments are applied to PO-2B or rule that payments no longer apply to PO-2B. The Commission should reject this argument.

3. This Commission previously found, "the inclusion of PO-2 in the QPAP was a contested issue during the Section 271 proceedings before the Commission. The Commission included PID PO-2B in the QPAP finding that the PID was developed, standards had been agreed upon, and the 'measure is important to a CLEC's ability to compete with Qwest.'" *Thirtieth*

Supplemental Order, Docket Nos. UT-003022 and UT-003044, at ¶129. The Commission also rejected Qwest's request that it reconsider its decision on the issue. The Commission stated, "given the information and arguments provided by the parties, we are not persuaded to change our decision to require that the PO-2B measurement be included in the QPAP for payment purposes. In particular, Qwest has agreed to include the measure in its plan in Colorado, and should do no less in Washington. The measure is an appropriate measure of Qwest's performance, regardless of the weight that the FCC has assigned to the measurement in looking at overall BOC performance. If, at the time of the six-month review, it appears that it is necessary to make refinements to the PO-2B measurement, the parties can revisit the matter." *Thirty-third Supplemental Order, Docket Nos. UT-003022 and UT-003044* at ¶39.

4. In this six-month review, Qwest has not asked this Commission "to make refinements" to the measurement, rather, it has again asked the Commission to revisit its previous decision on the issue. Qwest makes many of the same arguments that the Commission previously rejected. First, Qwest argues, "no linkage has ever been demonstrated between PO-2 performance and harm to CLECs or to their ability to compete." To the contrary, in its *Thirtieth Supplemental Order Docket Nos. UT-003022 and UT-003044*, at ¶129, this Commission found, "such a measure is important to a CLEC's ability to compete with Qwest." Flow through is imperative to CLECs because manual handling can lead to errors that do not occur with flow through. Moreover, Qwest controls whether CLECs are subject to the error prone manual process since it defines what is "flow through eligible."

5. Qwest next argues that CLEC behavior can affect PO-2B results. This issue was also thoroughly discussed in the 271 proceedings and Qwest's view was rejected by the

Commission. In addition, the PO-2B measurement addresses this issue as it allows Qwest to exclude, “rejected LSRs and LSRs with CLEC-caused non-fatal errors.”

6. Qwest’s final argument is that for those orders that do not flow through, more direct means exist to ensure that Qwest’s manual processing of orders is accurate. Qwest then cites to the PO-20 Manual Service Accuracy measure that is being discussed in the Long Term PID Administration (“LTPA”) and argues that payments should only be triggered when standards are missed in both the corresponding aggregated sub-parts of OP-3 Installation Commitments Met for Resale, Unbundled Loops and UNE-P and OP-8C Number Portability Timeliness for LNP. The Commission should reject these Qwest arguments as well.

7. First, Qwest’s reference to PO-20 is irrelevant as this measure is still in the process of being defined by the newly formed LTPA and is not yet included in the PID or the Washington PAP. Second, each of the measurements cited by Qwest are meant to measure different aspects of performance. This is why they are reported on, and included in the PAP, separately. In addition, nothing is included in the PAP and or elsewhere to support Qwest’s notion that payment on the measurement of one performance measure should depend on missed standards for other measures.

8. In sum, the Commission should reject these arguments for the same reasons it rejected them the first time. Qwest has made no new argument that should cause the Commission to change its mind.

B. Line Splitting.

9. Qwest states in its initial comments, “Qwest at this stage of the proceeding, given the infinitesimal volume of services involved and the lack of any historical data for any retail comparative service, is without a proposal for PID standards for line splitting.” Qwest statements about infinitesimal volumes and lack of historical data for any retail comparative service are

unfounded. In fact, in the LTPA forum, Qwest has indicated that Line Splitting is a new product that has met Qwest's proposed volume threshold to begin reporting. In addition, the Colorado PAP already includes separate reporting on Line Splitting as well as standards and PAP payments for Line Splitting and Line Sharing measures. Both the Colorado and Minnesota PAPs include the following standards:

Line sharing/Line splitting together – the interval for line sharing and line splitting, which shall be measured on an aggregate basis, is 3 days. Thus, OP-3 shall be that 95% of such loops shall be installed with 3 days. As for OP-4, the relevant installation interval shall be set at 3.3 days, which reflects the recognition 10% of such loops will not be installed within 3 days, so that the relevant interval should be marginally greater than the interval.

For the MR-3, MR-6, MR-7, and MR-8 measures, the relevant analog product shall be Qwest's DSL service, which is also provisioned and treated on a line shared basis.

See, Qwest Colorado SGAT Ninth Revision, Second Amended, Exhibit K, dated 11/18/03, pp. 31 and 34. See also, Qwest Minnesota SGAT Third Revision, Second Amended, Exhibit K, dated 10/30/03, pp. 29 and 31.

10. Moreover, Qwest has been reporting under the PID performance measurement results on Qwest's retail parity with Qwest DSL or parity with Res and Bus POTs under Line Sharing. These can easily be applied to Line Splitting. In sum, Qwest already has benchmarks and parity standards for retail comparative services that can easily be applied to Line Splitting orders here in Washington State. MCI requests that the Commission include Line Splitting measurements, performance standards and payment opportunities in the Washington PAP for PO-5, OP-3, OP-4, OP-5, OP-6, MR-3, MR-6, MR-7 and MR-8.

C. EELs.

11. In its initial comments, Qwest states, “This Commission’s *Thirtieth Supplemental Order, supra*, appeared to Qwest to indicate that the payment opportunities for EELs that Qwest should include in the QPAP without waiting for a six-month review were those that would be based on standards developed by the ROC-TAG.” Nothing in the Order provides that the EEL standards need to be developed by the ROC TAG. Rather, the *Thirtieth Supplemental Order Docket Nos. UT-003022 and UT-003044*, at ¶124 mandates, “Qwest must provide payment opportunities in the QPAP for these measures as the standards are determined and not wait until a six-month review to do so.”

12. In addition, despite the orders of this Commission and the Colorado Commission to do so, Qwest has not been willing to respond to CLEC requests in the ad hoc or LTPA process to propose EELs standards. Qwest’s failure to discuss proposed standards violates this Commission’s Order. MCI asks this Commission to order Qwest to include EELs standards and payment opportunities in the Washington PAP by a date certain for measures PO-5, OP-3, OP-4, OP-5, OP-6, MR-5, MR-6, MR-7, and MR-8. If Qwest fails to do so, it should be fined for failure to comply with a Commission Order.

III. CONCLUSION

13. For all the reasons stated herein, MCI asks this Commission to order Qwest immediately to make the following changes to the Washington PAP:

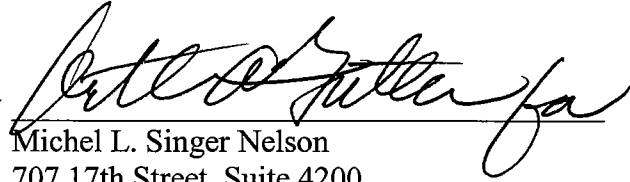
- a. Maintain PO-2B , including payment opportunities for CLECs in the event that Qwest fails to meet the performance measure;
- b. Incorporate separate reporting requirements, performance standards and payment opportunities for Line Splitting; and

- c. Incorporate performance standards and payment opportunities for EELs.

RESPECTFULLY SUBMITTED this 29th day of December, 2003.

MCI

By



Michel L. Singer Nelson
707 17th Street, Suite 4200
Denver, CO 80202
Tel: 303 390 6106
Fax: 303 390 6333
Email: michel.singer_nelson@mci.com

CERTIFICATE OF SERVICE

I hereby certify that I have this 29th day of December, 2003, served the true and correct original, along with the correct number of copies, of the foregoing document upon the WUTC, via the method(s) noted below, properly addressed as follows:

Carole Washburn	<input type="checkbox"/>	Hand Delivered
Executive Secretary	<input type="checkbox"/>	U.S. Mail (first-class, postage prepaid)
Washington Utilities and Transportation	<input checked="" type="checkbox"/>	Overnight Mail (UPS)
Commission	<input type="checkbox"/>	Facsimile (360) 586-1150
1300 S Evergreen Park Drive SW	<input checked="" type="checkbox"/>	Email (records@wutc.wa.gov)
Olympia, WA 98504-7250		

I hereby certify that I have this 29th day of December, 2003, served a true and correct copy of the foregoing document upon parties of record, via the method(s) noted below, properly addressed as follows:

On Behalf Of Qwest:

Lisa A. Anderl	<input type="checkbox"/>	Hand Delivered
Qwest Corporation	<input checked="" type="checkbox"/>	U.S. Mail (first-class, postage prepaid)
1600 7th Avenue, Room 3206	<input type="checkbox"/>	Overnight Mail (UPS)
Seattle WA 98191	<input type="checkbox"/>	Facsimile (206) 343-4040
	<input checked="" type="checkbox"/>	Email (lisa.anderl@qwest.com)

On Behalf Of Covad:

Karen S. Frame	<input type="checkbox"/>	Hand Delivered
Covad Communications Company	<input checked="" type="checkbox"/>	U.S. Mail (first-class, postage prepaid)
7901 Lowry Boulevard	<input type="checkbox"/>	Overnight Mail (UPS)
Denver CO 80230-6906	<input type="checkbox"/>	Facsimile (720) 208-3350
	<input checked="" type="checkbox"/>	Email (kframe@covad.com)

On Behalf Of AT&T:

Letty S. Friesen	<input type="checkbox"/>	Hand Delivered
AT&T Communications of the Pacific	<input checked="" type="checkbox"/>	U.S. Mail (first-class, postage prepaid)
Northwest	<input type="checkbox"/>	Overnight Mail (UPS)
Law Department	<input type="checkbox"/>	Facsimile (303) 298-6301
1875 Lawrence Street, Suite 1500	<input checked="" type="checkbox"/>	Email (lfriesen@lga.att.com)
Denver CO 80202		

On Behalf Of Qwest:

Doug N. Owens
Law Offices of Douglas N. Owens
1325 Fourth Avenue, Suite 940
Seattle WA 98101

Hand Delivered
 U.S. Mail (first-class, postage prepaid)
 Overnight Mail (UPS)
 Facsimile (206) 748-0369
 Email

On Behalf Of Covad:

Harry L. Pliskin
Covad Communications Company
7901 Lowry Boulevard
Denver CO 80230-6906

Hand Delivered
 U.S. Mail (first-class, postage prepaid)
 Overnight Mail (UPS)
 Facsimile (720) 208-3350
 Email (hpliskin@covad.com)

On Behalf Of Commission:

Ann E. Rendahl ALJ
Washington Utilities and Transportation
Commission
1300 S Evergreen Park Drive SW
PO Box 47250
Olympia WA 98504-7250

Hand Delivered
 U.S. Mail (first-class, postage prepaid)
 Overnight Mail (UPS)
 Facsimile (360) 586-8203
 Email (arendahl@wutc.wa.gov)

On Behalf Of Qwest:

Mark S. Reynolds
Qwest Corporation
1600 7th Avenue, Room 3206
Seattle WA 98191

Hand Delivered
 U.S. Mail (first-class, postage prepaid)
 Overnight Mail (UPS)
 Facsimile (206) 346-7289
 Email (mark.reynolds3@qwest.com)

On Behalf Of Covad:

David L. Rice
Miller Nash LLP
601 Union Street, Suite 4400
Seattle WA 98101-1367

Hand Delivered
 U.S. Mail (first-class, postage prepaid)
 Overnight Mail (UPS)
 Facsimile (206) 622-7485
 Email (david.rice@millernash.com)

On Behalf Of MCI:

Michel L. Singer Nelson
WorldCom, Inc.
707 17th Street, Suite 4200
Denver CO 80202-3432

Hand Delivered
 U.S. Mail (first-class, postage prepaid)
 Overnight Mail (UPS)
 Facsimile (303) 390-6333
 Email (michel.singer_nelson@mci.com)

On Behalf Of Eschelon:

Ray Smith
Eschelon Telecom, Inc.
730 2nd Avenue South, Suite 1200
Minneapolis MN 55402-2456

Hand Delivered
 U.S. Mail (first-class, postage prepaid)
 Overnight Mail (UPS)
 Facsimile (612) 436-6126
 Email

On Behalf Of Staff:

Gregory J. Trautman
Attorney General of Washington
Utilities & Transportation Division
1400 S Evergreen Park Drive SW
PO Box 40128
Olympia WA 98504-0128

Hand Delivered
 U.S. Mail (first-class, postage prepaid)
 Overnight Mail (UPS)
 Facsimile (360) 586-5522
 Email (gtrautma@wutc.wa.gov)

On Behalf Of AT&T:

Adam Walczak
AT&T Communications
1875 Lawrence Street, Suite 1575
Denver CO 80202

Hand Delivered
 U.S. Mail (first-class, postage prepaid)
 Overnight Mail (UPS)
 Facsimile (303) 298-6301
 Email (awalczak@att.com)

On Behalf Of AT&T:

Steven H. Weigler
AT&T Communications
1875 Lawrence Street, Suite 1575
Denver CO 80202

Hand Delivered
 U.S. Mail (first-class, postage prepaid)
 Overnight Mail (UPS)
 Facsimile (303) 298-6301
 Email (weigler@att.com)

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 29th day of December, 2003, at Seattle, Washington.

