

**7. Checklist Item 7: Access to 911, E911, Directory Assistance, and Operator Call Completion Services**

a) 911 and Enhanced 911 Services

Qwest offers CLECs unbundled access to its 911 and Enhanced 911 (“E911”) services, databases and interconnection, including the provision of dedicated trunks from CLECs’ switching facilities to the 911 control office, at parity with what Qwest provides to itself. *See* 47 U.S.C. § 271(c)(2)(B)(vii). Qwest maintains 911 database entries for CLECs with the same accuracy and reliability that it maintains entries for its own customers. Declaration of Margaret S. Bumgarner, 911 and E911 Access (“Bumgarner 911 Decl.”), Att. 5, App. A, at 11-14. From an end user’s perspective, a CLEC’s 911 and E911 services, provided through access to Qwest’s network, are indistinguishable from Qwest’s 911 and E911 services. *Id.* at 11.

Qwest’s E911 database is managed by a third party, Intrado, Inc. (“Intrado”) (formerly SCC Communications Corp.). *Id.* at 9. The SGAT and Qwest’s contract with Intrado require Qwest to provide and manage database entries for CLECs with the same accuracy and reliability as that provided for Qwest. *Id.* at 12. Qwest offers the same database updates for reseller CLECs and CLECs using unbundled local switching that Qwest provides for its own customers. *Id.* at 5, 19-20. Facilities-based CLECs with their own switches make direct arrangements with Intrado for providing database updates. *Id.* at 5, 14. CLECs make the same direct arrangements with Intrado for providing and processing database updates that Qwest makes with Intrado. Qwest, through Intrado, provides CLECs with nondiscriminatory error correction for database records. *Id.* at 11-19.

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<sup>43/</sup> SGAT §§ 9.11.2.1 and 9.11.4.4. *See also Louisiana II 271 Order* at 20727-28 ¶ 218; *Simpson/Stewart Switching Decl.* at ¶ 29.

**(1) Qwest Is Providing Commercial Volumes at an Acceptable Level of Quality**

Enhanced 911 service is available throughout Washington and Utah, and in most of Montana and Wyoming. Qwest, therefore, no longer provides Basic 911 service in Washington and Utah, but a few areas in Montana and Wyoming are still served by Basic 911 service. *Id.* at 29, 32-33.

As of April 30, 2002, Qwest had in service ten 911/E911 trunks for two facilities-based CLECs in Montana; 174 E911 trunks for 11 facilities-based CLECs in Utah; and 496 E911 trunks for 26 facilities-based CLECs in Washington. *Id.* Qwest also was providing access to E911 service (and 911 service in Montana and Wyoming) for 19 reseller CLECs and CLECs using unbundled local switching in Montana; for 13 reseller CLECs and CLECs using unbundled local switching in Utah; for 40 reseller CLECs and CLECs using unbundled local switching in Washington; and for 11 reseller CLECs and CLECs using unbundled local switching in Wyoming. *Id.*

**(2) Qwest's Commercial Performance Is Excellent**

With respect to the average time required for Qwest to update the E911 database, due to the nondiscriminatory manner ("parity by design") in which these updates are performed, the performance results are not disaggregated for Qwest and CLECs. *Id.* at 13-14. The E911 database updates (completed service orders) for Qwest and CLECs are commingled and sent together in a batch data transmission at the end of each business day. *Id.*

With respect to 911/E911 trunk installations, commitments met, and service quality, maintenance and repair, from February through May 2002, Qwest's commercial performance in every Application state was excellent. Where there are data to report, Qwest generally achieved parity between wholesale and retail service during the entire four-month

period. *Id.* at 28-29, 31-33. Moreover, with respect to 911/E911 trunk maintenance and repair performance measurements, where there are data to report, Qwest achieved parity under every PID – including troubles cleared, time to restore, repair repeat rate and trouble rate in the entire four-month period. *Id.*

b) Directory Assistance Services and Operator Services

Qwest also offers CLECs nondiscriminatory access to directory assistance services and databases and operator services. 47 U.S.C. §§ 271(c)(2)(B)(vii)(II), (III); 251(b)(3). Qwest provides CLECs access to the same directory assistance services and operator services that Qwest provides to its retail end user customers. Declaration of Lori Simpson, Directory Assistance and Operator Services (“Simpson DA/OS Decl.”), Att. 5, App. A, at 4. All callers, regardless of the caller’s or called party’s local service provider, can access Qwest’s directory assistance by dialing “411,” “1+411,” or “1+NPA+555-1212,” for example, and can access operator services by dialing “0” or “0” plus a telephone number. *Id.* The design of Qwest’s processes for providing directory assistance services and operator services ensures that all calls are handled in the same manner regardless of whether they are originated by CLEC end users or by Qwest end users. *Id.* at 18. Qwest handles all directory assistance and operator calls on a first-come, first-served basis. *Id.* Qwest also provides branding for CLECs that purchase these services from Qwest. *Id.* at 22-24. Qwest makes Qwest personnel available to CLECs to assist them in accessing Qwest’s directory assistance services and operator services. *Id.* at 17-19.

Qwest also offers nondiscriminatory access to its directory assistance database on a real-time, “read only” or “per dip” basis, to CLECs that elect to provide directory assistance or operator services themselves or through a third party. *Id.* at 25. In addition, a CLEC can purchase access in bulk to Qwest’s directory assistance database in order to create its own directory assistance database. *Id.*

**(1) Qwest Is Providing Commercial Volumes at an Acceptable Level of Quality**

As of April 30, 2002, Qwest had provided directory assistance and operator services to 19 reseller and/or UNE-P CLECs in Montana; 13 in Utah; 40 in Washington; and 11 in Wyoming. *Id.* at 37, 39-40. As of the same date, Qwest had in service three directory assistance service trunks for one facilities-based CLEC, and three operator service trunks for one facilities based CLEC in Montana; 38 directory assistance trunks for four facilities-based CLECs, and 56 operator service trunks for five facilities-based CLECs in Utah; 201 directory assistance trunks for ten facilities-based CLECs, and 318 operator service trunks for 14 facilities-based CLECs in Washington; and six directory assistance and/or operator service trunks for one facilities-based CLEC in Wyoming. *Id.*

**(2) Qwest's Commercial Performance Is Excellent**

With respect to the average time required for Qwest's directory assistance system and operator service system to answer calls, due to the nondiscriminatory manner ("parity by design") in which such calls are answered, the performance results are not disaggregated for Qwest and CLECs. *Id.* at 21-22. From February through May 2002, Qwest's directory assistance system answered calls in an average of between 4.86 and 7.95 seconds in all of the Applicant states. *Id.* at 36-37, 39-40. Qwest's operator service system answered calls in an average of between 6.29 and 9.45 seconds in Washington and Utah, and between 8.72 and 10.07 seconds in Montana and Wyoming. *Id.*

Qwest's wholesale volume and performance data results confirm that it is providing competitors in each of the application states with access to 911/E911 services, databases, and interconnection, directory assistance services and databases, and operator services in compliance with the Act. *See* Bumgarner 911 Decl. at 28-33; Simpson DA/OS Declaration at

36-40. All of the State Authorities have found that Qwest satisfies Checklist Item 7 of Section 271.

**8. Checklist Item 8: White Pages Listings**

Qwest provides CLECs with white pages directory listings that are nondiscriminatory in appearance and integration, and that have the same accuracy and reliability that Qwest provides for its own customers. 47 U.S.C. § 271(c)(2)(B)(viii); Declaration of Lori Simpson, White Pages Directory Listings (“Simpson White Pages Decl.”), Att. 5, App. A, at 8.

Qwest’s white pages listings service includes (1) placing and updating the names, addresses, and telephone numbers of CLEC end user customers in Qwest’s listings databases consistent with the CLEC’s instructions, and (2) furnishing listings to Dex and third-party directory publishers on a nondiscriminatory basis for use in publishing local white pages directories, also consistent with the CLEC’s instructions. Simpson White Pages Decl. at 9. Qwest offers CLECs exactly the same listings options (primary, premium, and privacy) that Qwest provides to its own customers, with the same level of confidentiality. *Id.*

Primary listings are included in both the white pages of the local telephone directory and Qwest’s directory assistance database. *Id.* Qwest provides primary listings at no charge to CLECs. *Id.* Premium listings also are included in both the local white pages directories and Qwest’s directory assistance database. *Id.* at 10. Nonpublished telephone numbers are omitted from both Qwest’s directory assistance database and white pages directories. *Id.* Qwest treats CLEC end user listings with the same level of confidentiality as Qwest’s end user listings. *Id.*

Qwest provides CLECs with white pages listings that are nondiscriminatory in both appearance and integration. *Id.* Qwest integrates CLEC end user listings with Qwest, other CLECs, and independent telephone company listings in Qwest’s listings database. Qwest’s

processes for entry and publication of white pages directory listings make no distinction between customers of CLECs and customers of Qwest. *Id.* at 10-11. Qwest provides its integrated listings to Dex and to other directory publishers for the purpose of publishing white pages directories. SGAT § 10.4.2.8.

In addition, white pages directory listings for both Qwest end user and CLEC end user customers appear in the same font, size, and typeface, and without any separate classification or distinguishing characteristics. SGAT § 10.4.2.10. White pages listings for CLEC customers are included alphabetically and are indistinguishable from Qwest's listings. Simpson White Pages Decl. at 10-11.

Qwest uses the same procedures for Qwest listings and CLEC listings to ensure that CLEC end users receive listings with the same accuracy and reliability that Qwest provides for its own end users. *Id.* at 14-15. Qwest and CLEC end user listings are commingled in the Qwest listings database. *Id.* at 15. Qwest submits a single daily listings file containing commingled listings to its directory publisher, Dex, for inclusion in white pages directories. *Id.* Dex publishes CLEC and Qwest end user listings under the terms and conditions of the contract between Qwest and Dex. *Id.* at 15.

a) Qwest Is Providing Commercial Volumes at an Acceptable Level of Quality

As of April 30, 2002, Qwest had included a total of 18,891 Montana CLEC listings, 78,224 Utah CLEC listings, 130,831 Washington CLEC listings, and 14,794 Wyoming CLEC listings in its listings database and submitted those listings that are non-private listings to Qwest's directory publisher. *Id.* at 23, 27-28.

b) Qwest's Commercial Performance is Excellent

With respect to the average time required for Qwest to complete updates to the directory assistance database, due to the nondiscriminatory manner ("parity by design") in which these updates are processed, the performance results are not disaggregated for Qwest and CLECs. *Id.* at 13-14. From February through May 2002, Qwest completed updates to the directory listings database in an average of 0.05 and 0.11 seconds in Washington and between 0.08 and 0.10 seconds in Montana, Utah and Wyoming. *Id.* at 22-23, 26-28. In the same period, Qwest completed between 95.01 and 96.88 percent of updates without error in Montana; between 94.47 and 96.04 percent of updates without error in Utah; between 94.35 and 95.92 percent of updates without error in Washington; and between 93.72 and 95.45 percent of updates without error in Wyoming. *Id.* Qwest provides CLECs with nondiscriminatory access to white pages directory listings in compliance with Sections 251 and 271 of the 1996 Act and the Commission's Rules. All of the State Authorities have found that Qwest satisfies Checklist Item 8 of Section 271.

**9. Checklist Item 9: Numbering Administration**

Qwest follows both industry guidelines and the FCC's rules regarding numbering administration. Qwest has concrete and specific legal obligations pursuant to Section 13.2 of its SGAT and its state regulator-approved interconnection agreements to comply with industry guidelines and FCC rules regarding numbering administration. Declaration of Margaret S. Bumgarner, Numbering Administration ("Bumgarner Numbering Admin. Decl."), Att. 5, App. A, at 9-10.

Qwest stopped performing any numbering administration or assignment functions on September 1, 1998, when the Commission transferred those functions to Lockheed Martin (and later to NeuStar), as the North American Numbering Plan Administrator ("NANPA"). *Id.*

at 7-9, 11. Since that time, Qwest has complied with all industry guidelines and Commission rules applicable to carriers with respect to numbering administration. *Id.* at 11-12, 14-15. For example, Qwest provides accurate reporting of numbering data to NeuStar in accordance with the Alliance for Telecommunications Industry Solutions Central Office Code (“NXX”) Assignment Guidelines (“Assignment Guidelines”) and the Commission’s number assignment rules. *Id.* at 14-15. Qwest also provides accurate and complete information regarding routing information, rating information, and effective dates for NXX codes assigned to Qwest to the national Local Exchange Routing Guide (“LERG”). *Id.* at 15.

Qwest has devoted resources and implemented processes to ensure that it completes the programming of its switches necessary to recognize new NXX codes accurately and prior to NXX code activation dates. *Id.* at 12, 14-15. Qwest also has implemented procedures that CLECs can follow to report suspected problems with NXX code activations. *Id.* For NXX codes, Qwest complies with the Assignment Guidelines and with the Commission’s number assignment rules in administering the numbers within those NXX codes and in applying for new NXX codes. *Id.*

The performance results for the relevant PIDs demonstrate that Qwest activates NXX codes for CLECs in a timely and complete manner on a nondiscriminatory basis. *Id.* at 12-14. Where data are available, from February through May 2002, Qwest loaded and tested 100 percent of CLEC NXX codes prior to the LERG effective date or the revised effective date in Washington and Utah. *Id.* at 16, 18-19. While there were no CLEC code activations in Montana or Wyoming in the four-month period, (and thus, no data to report under these PIDs), based on the Regional performance results for February through May, Qwest’s performance for activating CLEC NXX codes region-wide has been 100 percent for each month. *Id.* at 18-19.

Qwest complies with all numbering administration rules, regulations, and guidelines applicable to carriers as established by the FCC and industry forums. The State Authorities all have found that Qwest has satisfied the requirements of Checklist Item 9.

**10. Checklist Item 10: Databases and Associated Signaling**

Qwest provides nondiscriminatory access to its call-related databases and the associated signaling necessary for call routing and completion in compliance with Section 271(c)(2)(B)(x) of the 1996 Act and the FCC's rules. Qwest has concrete and specific legal obligations to provide CLECs with such access pursuant to its SGAT and its state-approved interconnection agreements. Declaration of Margaret Bumgarner, Call-Related Databases and Associated Signaling ("Bumgarner Databases/Signaling Decl."), Att. 5, App. A, at 2-3, 7-8.

Consistent with the FCC's rules, Qwest provides CLECs with unbundled, nondiscriminatory access to its signaling network, including signaling links and signaling transfer points ("STPs"), and to Qwest's call-related databases and service management systems ("SMS"). Bumgarner Databases/Signaling Decl. at 10-11. Reseller CLECs and CLECs using unbundled local switching have exactly the same access to Qwest's signaling network that Qwest uses to provide services to its own retail customers. *Id.* at 13. CLECs that use their own switching facilities can obtain access to Qwest's signaling network by self-provisioning or purchasing unbundled signaling links to facilitate signaling among their own switches, Qwest end office and tandem switches, the switches of other carriers connected to the Qwest SS7 network, and call-related databases. *Id.* CLECs that use their own switching facilities can obtain access to Qwest's STPs by interconnecting their switches directly to Qwest's STPs or interconnecting their STPs with Qwest's STPs. *Id.* at 13-14. Qwest's signaling network and call-related databases automatically handle all call routing and database queries in the same manner, regardless of whether a query originates on a CLEC network or on Qwest's network.

*Id.* at 16. Qwest's signaling network commingles all call routing messages and database queries, and Qwest's call-related databases process all queries on a first-come, first-served basis. *Id.* at 16-17.

Qwest also provides CLECs with unbundled access to the STPs linked to Qwest's call-related databases. *Id.* at 4. Qwest's call-related databases include the Line Information database ("LIDB"), InterNetwork Calling Name ("ICNAM") database, Toll Free Calling ("8XX") database, Local Number Portability ("LNP") database, Enhanced ("E911") database, and Advanced Intelligent Network ("AIN") databases. *Id.* at 17-26. If any additional databases are determined to be necessary for call routing and completion, Qwest will make such databases and associated signaling available to requesting carriers. *Id.* at 26.

In addition to providing CLECs with access to its signaling network, STPs, and call-related databases, Qwest provides CLECs with access to Qwest's SMS in order to create, modify, or update information in the call-related databases, and to Qwest's service creation environment in order to design, create, test, and deploy AIN-based services. *Id.* at 5.

Qwest's call-related database updating processes commingle updates for Qwest and updates for CLECs, and thus do not distinguish between them. *Id.* at 5-6. Due to the nondiscriminatory manner ("parity by design") in which the updates are performed, the performance results are not disaggregated for Qwest and CLECs, and there is no benchmark objective for these PIDs. *Id.*

a) Qwest Is Providing Commercial Volumes at an Acceptable Level of Quality

As of April 30, 2002, the most recent period for which data are available, CLECs were obtaining access to Qwest's signaling and databases in the application states as follows:

*Montana.* As of April 30, 2002, one facilities-based CLEC in Montana was purchasing access to Qwest's signaling. *Id.* at 31. As of the same date, two facilities-based carriers was purchasing access to Qwest's 8XX database, one was purchasing access to Qwest's LIDB, one was purchasing access to ICNAM database, none was purchasing access to Qwest's AIN database, one was purchasing access to Qwest's LNP database, and two facilities-based CLECs were accessing the E911 database. *Id.* at 31-32.

*Utah.* As of April 30, 2002, the most recent period for which data is available, four facilities-based CLECs in Utah were purchasing unbundled access to Qwest's signaling network. *Id.* at 32. As of the same date, two facilities-based carriers were purchasing access to Qwest's 8XX database, two were purchasing access to Qwest's LIDB, two were purchasing access to Qwest's ICNAM database, none was purchasing access to Qwest's AIN database, one was purchasing access to Qwest's LNP database, and 11 facilities-based CLECs were accessing the E911 database. *Id.*

*Washington.* As of April 30, 2002, the most recent period for which data is available, 13 facilities-based CLECs in Washington were purchasing unbundled access to Qwest's signaling network. *Id.* at 29. As of the same date, four facilities-based carriers were purchasing access to Qwest's 8XX database, two were purchasing access to Qwest's LIDB, three were purchasing access to Qwest's ICNAM database, none was purchasing access to Qwest's AIN database, seven were purchasing access to Qwest's LNP database, and 26 facilities-based CLECs were accessing the E911 database. *Id.*

*Wyoming.* As of April 30, 2002, one facilities-based CLEC in Wyoming was purchasing unbundled access to Qwest's 8XX database. *Id.* at 33. No CLECs were purchasing unbundled access to Qwest's other databases or its signaling network. *Id.*

b) Qwest's Commercial Performance is Excellent

Qwest's LIDB update process commingles Qwest and CLEC records and thus does not distinguish between updates for Qwest versus updates for CLECs. *Id.* at 5-6. Similarly, Qwest's E911 database update processes do not distinguish among updates for Qwest and updates for CLECs. *Id.* at 6. In addition, Intrado, Inc., the third party entity that manages Qwest's E911 database, has committed to providing E911 database management services to all CLECs and independent companies operating in the Qwest region in a manner that is competitively neutral to, and at parity with, that provided to Qwest. *Id.* Due to the nondiscriminatory manner ("parity by design") in which the LIDB and E911 updates are performed, the performance results are not disaggregated for Qwest and CLECs. *Id.*

From February through May 2002, Qwest completed updates to the LIDB in an average of between 1.25 and 7.17 seconds in each of the Applicant states. *Id.* at 29, 31-33. In the same period, Qwest completed updates to the E911 database in an average of between one hour, 11 minutes and four hours in Montana; between three hours, 24 minutes and five hours, 39 minutes in Utah; between three hours, 21 minutes and six hours, 57 minutes in Washington; and between five hours, seven minutes and six hours, 19 minutes in Wyoming. *Id.*

**11. Checklist Item 11: Local Number Portability**

Qwest satisfies the requirements of Section 271(c)(2)(B)(xi) of the 1996 Act and the FCC's number portability regulations. Specifically, Qwest has complied with the FCC's long-term local number portability ("LNP") implementation schedule; performance criteria; technical, operational, architectural, and administrative requirements; and cost recovery rules for LNP. Declaration of Margaret S. Bumgarner ("Bumgarner LNP Decl."), Att. 5, App. A, at 2-3. Qwest has concrete and specific legal obligations to provide LNP pursuant to Section 10.2 of its SGAT and through its state-approved interconnection agreements. *Id.* at 3-4.

As of October 2000, Qwest had deployed long-term number portability throughout Montana, Utah, Washington and Wyoming, making LNP available to 100 percent of Qwest's access lines in those states. *Id.* at 8. Qwest deployed LNP and completed switch selection in these states in full compliance with the FCC's deployment schedule. *Id.* at 8-9. Qwest also has complied with the FCC's LNP performance criteria through its deployment of LNP utilizing the Location Routing Number ("LRN") method in conformance with industry guidelines. *Id.* at 5. The FCC has recognized the LRN method as consistent with the FCC's LNP performance criteria. *Id.*

In addition, Qwest has complied with the FCC's technical, operational, architectural, and administrative requirements for number portability by (1) integrating National Portability Administration Center ("NPAC") Service Management System ("SMS") Provisioning Process Flows into its number porting functions and OSS; (2) implementing number portability in compliance with the NPAC SMS Functional Requirements Specification ("FRS") and Interoperable Interface Specification ("IIS"); (3) developing processes to port reserved numbers in compliance with North American Numbering Council ("NANC") policies; (4) complying with the NANC's change management process; (5) designing Qwest's network to perform database queries as the N-1 carrier; and (6) integrating a process for the "snapback" of disconnected ported numbers to the service provider listed in the national Local Exchange Routing Guide ("LERG"). *Id.* at 18-19.

Finally, Qwest has complied with the FCC's cost recovery rules for LNP by establishing monthly number portability charges and number portability query charges in its Tariff F.C.C. No. 1 (formerly Tariff F.C.C. No. 5). *Id.* at 20. The FCC found the LNP charges in this tariff to be reasonable and lawful in an order released July 16, 1999. *Id.*

a) Qwest Is Providing Commercial Volumes at an Acceptable Level of Quality

As of April 30, 2002, Qwest had ported 34,624 telephone numbers in Montana; 207,584 telephone numbers in Utah; 367,439 telephone numbers in Washington; and three telephone numbers in Wyoming. *Id.* at 24-26.

b) Qwest's Commercial Performance Is Excellent

(1) **Montana**

Qwest's performance results show that Qwest has performed above the 95 percent benchmark for PIDs OP-8B and OP-8C in every month. *Id.* at 24. From February through May 2002, Qwest set 100 percent of LNP triggers for coordinated loop cutovers prior to the scheduled start time for the loop. *Id.* In the same period, Qwest also set between 97.39 and 100 percent of LSA triggers for LNP orders not requiring loop coordination prior to the scheduled start time for the LNP cutover. *Id.* Qwest's performance under the new LNP PIDs was equally outstanding: in every month, Qwest completed 100 percent of CLEC ports without implementing associated disconnects before the scheduled time/date, consistently performing well in excess of the 98.25 percent benchmark for OP-17. *Id.* In addition, in the same period, there were no wholesale LNP trouble reports. *Id.*

(2) **Utah**

Qwest's performance results show that Qwest has performed above the 95 percent benchmark for PIDs OP-8B and OP-8C in every month from February through May 2002. *Id.* at 25. From February through May, Qwest set between 99.09 and 100 percent of LNP triggers for coordinated loop cutovers prior to the scheduled start time for the loop. *Id.* In the same period, Qwest also set between 98.94 and 99.85 percent of LSA triggers for LNP orders not requiring loop coordination prior to the scheduled start time for the LNP cutover. *Id.* Qwest's

performance under the new LNP PIDs was also excellent: in every month, Qwest completed 100 percent of CLEC ports without implementing associated disconnects before the scheduled time/date, consistently performing greatly in excess of the 98.25 percent benchmark for OP-17. *Id.* In addition, in the same period, Qwest cleared its retail and wholesale LNP trouble reports at parity. *Id.*

**(3) Washington**

Qwest's performance results show that Qwest has consistently performed above the 95% benchmark for PIDs OP-8B and OP-8C in every month. *Id.* at 23. From February through May 2002, Qwest set between 99.43 and 99.93 percent of LNP triggers for coordinated loop cutovers prior to the scheduled start time for the loop. *Id.* In the same period, Qwest set between 96.55 and 99.71 percent of LSA triggers for LNP orders not requiring loop coordination prior to the scheduled start time for the LNP cutover. *Id.* Qwest also completed between 99.98 and 100 percent of CLEC ports without implementing associated disconnects before the scheduled time/date, consistently performing far in excess of the 98.25 percent benchmark for OP-17. *Id.* In addition, in the same period, Qwest cleared its retail and wholesale LNP trouble reports at parity. *Id.*

**(4) Wyoming**

Qwest's performance results show that there was no local number portability activity from February through May 2002 in Wyoming. However, based upon Qwest's performance in its 14-state Region, Qwest set between 98.96 and 99.81 percent of LNP triggers for coordinated loop cutovers prior to the scheduled start time for the loop. *Id.* at 26. In the same period, Qwest also set between 98.62 and 99.70 percent of LSA triggers for LNP orders not requiring loop coordination prior to the scheduled start time for the LNP cutover. *Id.* In addition, during the entire four-month period, Qwest completed between 99.99 and 100 percent

of CLEC ports without implementing associated disconnects before the scheduled time/date, consistently performing well above the 98.25 percent benchmark for OP-17. *Id.* In addition, in the same period, Qwest cleared its retail and wholesale LNP trouble reports region-wide at parity. *Id.*

**12. Checklist Item 12: Local Dialing Parity**

Qwest satisfies the requirements of Sections 271(c)(2)(B)(xii) and 251(b)(3) of the 1996 Act regarding dialing parity. Qwest has concrete and specific legal obligations to provide dialing parity pursuant to its SGAT and its state-approved interconnection agreements. SGAT § 14.0; Declaration of Margaret S. Bumgarner (“Bumgarner Dialing Parity Decl.”), Att. 5, App. A, at 3-4.

Qwest provides dialing parity to competitive providers of telephone exchange service and telephone toll service. *Id.* at 8-9. Qwest does not discriminate against CLECs with respect to the number of digits dialed, post-dialing delays, or quality of service. *Id.* at 9. Both CLEC and Qwest customers dial the same number of digits without any access codes for local and toll telephone calls and to access operator and directory assistance services. *Id.*

Qwest also provides CLECs with the same quality of service that Qwest provides to its own end users with no additional post-dialing delays. *Id.* at 10. First, Qwest does not impose any requirement or technical constraint that would cause CLEC customers to experience longer post-dialing delays or inferior quality service. *Id.* Second, the design of Qwest’s systems and processes ensures the equal treatment of all end user calls. *Id.* The processing of calls in Qwest’s central offices is the same for both CLEC and Qwest customers. *Id.* Qwest’s network does not distinguish between calls from CLEC end users and calls from Qwest end users. *Id.* at 10-11.

Because the design of Qwest's network ensures that all customers receive the same dialing intervals and quality of service, the participants in the ROC performance measures workshops determined that performance measures and testing are not necessary for this checklist item. *Id.* at 11. The FCC also has determined that performance measures are not necessary for this checklist item. *Id.*; *Local Competition/Area Code Relief Second Report and Order*, 11 FCC Rcd 19407, 19467 ¶ 162 (1996).

### **13. Checklist Item 13: Reciprocal Compensation**

Qwest has complied with the FCC's reciprocal compensation requirements, as Qwest's SGAT provides for Qwest and interconnecting local carriers to pay one another symmetrical rates for the transport and termination of local telecommunications traffic. *See generally* SGAT § 7.3. For transport, interconnecting local carriers may choose either Qwest's Direct Trunked Transport, Tandem Switched Transport, or a combination of the two. Declaration of Thomas R. Freeberg, Reciprocal Compensation ("Freeberg Recip. Comp. Decl."), Att. 5, App. A, ¶¶ 20, 27. Each option provides transmission of local telecommunications traffic from the interconnection point between the two carriers to the terminating carrier's end office switch or equivalent facility.

For Direct Trunk Transport, when Qwest fulfills a CLEC request for two-way trunk groups used for transport of interconnected traffic, Qwest's cost recovery emulates one-way trunking. A "relative use factor" reduces a CLEC's Direct Trunked Transport charges by reflecting only the proportion of traffic that flows to Qwest from the CLEC over the trunk. *Id.* at 22-23. During the workshop process, Qwest agreed to allow CLECs to establish a local exchange trunk group on facilities purchased from interstate access tariffs as transport for exchange access. *See* SGAT § 7.3.1.1.2; Freeberg Recip. Comp. Decl. at ¶ 24. However, while all of the State Commissions ruled that CLECs may use spare special access circuits for local

exchange traffic, all the State Commissions for the states included in this Application except the Washington Commission held that CLECs must do so at tariffed rates. *See Freeberg Recip. Comp. Decl. ¶ 25-26; see also, e.g., Wyoming Group 2 Order* at 20. These rulings accepted Qwest's position that it not be required to "ratchet down" the flat transport rate (*i.e.*, charge proportionally less) when spare capacity is used to carry local traffic, rather than requiring CLECs to continue to pay Qwest's federally tariffed special access rate (which is higher than TELRIC rates they pay for interconnection). In Washington, Qwest was required to modify its SGAT to charge proportionate prices when any facility is used for both interconnection and special access, *see Twenty-Sixth Supplemental Order* at ¶¶ 9, 13, based on the purported "economic principle that companies should exploit scale economies where they exist," *id.* ¶ 13, and the WUTC's belief that the FCC has not addressed the specific combination of interconnection and special access facilities, only the connection of UNEs with special access facilities. *Id.* ¶ 15. *See also Freeberg Recip. Comp. Decl. ¶ 26.*

Qwest also provides Tandem Switched Transport to enable interconnecting carriers to complete local calls to and from every Qwest end office connected to a Qwest tandem by establishing just one new trunk group. *Id.* ¶ 27. Tandem Switched Transport is a per-minute charge to recover the cost of tandem switching, and the cost of transport from the tandem to the end office, since trunks between these offices are used in "common" with other services. *Id.* ¶ 28. A per-minute, mileage-sensitive rate also applies to common transport from host switching offices to remote switching offices in a host-remote switching cluster. *Id.* ¶ 29.

Call Termination charges help recover the cost of switching of local telecommunications traffic at the terminating carrier's end office switch (or equivalent facility) for delivery to the called party's premises. Where reciprocal compensation payments are

required, Qwest has charged, and has paid, a per-minute rate for the use of the end office terminating switch. *Id.* ¶ 30.

While not relevant to whether Qwest has demonstrated checklist item 13 satisfaction, Qwest has implemented the *FCC ISP Order* on reciprocal compensation for Internet-bound traffic. Where Qwest and another carrier were engaged in a bill-and-keep form of reciprocal compensation at the time the *FCC ISP Order* on reciprocal compensation for Internet-bound traffic was released, the carriers were unaffected. Elsewhere, under Section 7.3.4.3 of the SGAT, Qwest generally elects to exchange all Internet-bound traffic at the FCC-ordered rate, and Qwest makes clear the rate for ISP-bound traffic applies in lieu of the End Office Call Termination rate and the Tandem Switched Transport rate. SGAT § 7.3.4.3. Because Qwest has elected to exchange ISP-bound traffic at the rates ordered in the *FCC ISP Order*, compensation is paid at the rates specified therein for usage-based intercarrier compensation configurations exchanging traffic pursuant to interconnection agreements as of April 18, 2001, when the *FCC ISP Order* was adopted. *See generally* SGAT §§ 7.3.6.1-7.3.6.2. 44/

In addition, CLECs have two options for the rating of EAS/Local traffic, *i.e.*, traffic subject to § 251(b)(5) of the Act: (1) in lieu of the End Office Call Termination rate and Tandem Switched Transport rate, the rates applicable to § 251(b)(5) traffic will be the same as those established for ISP-bound traffic, *id.* § 7.3.4.4.1; or (2) at a rate established by the state

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44/ *See also* Freeberg Recip. Comp. Decl. ¶ 30 n.31 (discussing Internet-bound traffic exchanged prior to the *FCC ISP Order*).

regulator, and pursuant to a process collaboratively established by Qwest and the CLEC to distinguish § 251(b)(5) traffic from ISP-bound traffic. *Id.* § 7.3.4.4.2. 45/

Qwest also offers transit service that allows CLECs to interconnect indirectly with other local carriers using Qwest's tandem, thus avoiding the CLEC's investment in facilities otherwise necessary to exchange local calls with non-Qwest local carriers. SGAT § 7.3.7.1. The Transit Traffic rate element includes tandem switching and transport charges and applies to all usage between CLECs that transit Qwest's tandem switch. 46/ The originating carrier is responsible for paying the appropriate rates to two carriers, the terminating carrier and the transit carrier. Qwest and the terminating carrier may exchange traffic records to enable the terminating carrier to collect reciprocal compensation from the originating carrier.

Qwest exchanges significant volumes of traffic in the four application states and where required pays reciprocal compensation therefor, pursuant to its SGAT and negotiated, state-approved interconnection agreements, each of which provides for a version of reciprocal compensation. Over the 12 months from May 2001 through April 2002, Qwest paid CLECs \$44,499 and billed \$9,821 for reciprocal compensation in Montana, based on traffic exchanged with eight actively operating CLECs, and Qwest exchanged over 73 million minutes of usage with those CLECs in April 2002. Freeberg Recip. Comp. Decl. ¶ 62. In Utah, Qwest paid CLECs \$7,122,731 and billed CLECs \$94,136 for reciprocal compensation based on traffic exchanged with 15 actively operating CLECs, and Qwest exchanged over 640 million minutes of usage with those CLECs. *Id.* ¶ 65. In Washington, Qwest paid CLECs \$12,081,357 and billed

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45/ See SGAT §§ 7.3.4.4.1, 7.3.4.4.2. These provisions of the SGAT reflect consensus language agreed upon by Qwest, AT&T and WorldCom.

46/ *Id.* Transit traffic may also flow between a CLEC and wireless local carrier or between a CLEC and an independent LEC. Freeberg Recip. Comp. Decl. ¶ 35-36.

CLECs \$1,600,913 for reciprocal compensation based on traffic exchanged with 33 actively operating CLECs, and Qwest exchanged nearly 1.64 billion minutes of usage with those CLECs in April 2002. *Id.* ¶ 54. In Wyoming, as of April, 2002, the active CLEC that operated pursuant to a reciprocal compensation arrangement converted to a traffic balance arrangement (and the rest of the active CLECs continued to operate pursuant to their bill-and-keep and/or traffic balance arrangements). During the past 12 months, Qwest exchanged over 41 million minutes of usage with five actively operating CLECs in Wyoming. *Id.* ¶ 68.

Qwest measures reciprocal compensation performance using two performance measures. The BI-3 PID evaluates the accuracy with which Qwest bills CLECs, focusing on the percentage of billed revenue adjusted due to errors, by measuring the billed revenue minus adjustments due to errors as a percentage of total billed revenue; BI-3B measures reciprocal compensation minutes of use (excluding billing adjustments due to CLEC-caused errors). The BI-4 PID measures the completeness with which Qwest bills for local minutes of use associated with local interconnection for purposes of reciprocal compensation. Specifically, BI-4B measures the percentage of revenue associated with local minutes of use appearing on the correct bill. Qwest's performance under these PIDs is as follows:

a) Montana

Qwest's performance in Montana for the four-month period February through May 2002 under BI-3B and BI-4B was perfect with one non-competition-affecting exception under BI-3B. In fact, for the past six months, other than one exception in February under BI-3B, Qwest's bills not only met both the 95% billing completeness and 95% billing accuracy benchmarks, but were 100% accurate and at least 96.27% complete (and were 100% complete in four of the five months). In February 2002 Qwest's commercial performance for billing accuracy under BI-3B dropped to 0% due to a cost docket adjustment ordered by the

MPSC. The adjustment affected Qwest's usage rates elements and required Qwest to true up usage for several CLECs (in some cases from the date of the CLEC's contract initiation, in other cases over the prior 12-month period, depending on the language of each individual CLEC contract). The ordered adjustments lowered all Qwest's usage rates, so all changes to CLEC bills were credits. But for those adjustments, Qwest's commercial performance under BI-3B would have been 100% for the month, just as in all the other months described above.

Notwithstanding this one set of adjustments necessitated by the MPSC's order, Qwest's commercial performance results in Montana clearly show that it accurately tracks and bills reciprocal compensation with CLECs. 47/

b) Utah

Qwest's performance in Utah for the four-month period February through May 2002 under BI-3B and BI-4B was perfect with one non-competition-affecting exception under BI-4B. Qwest met both the 95% billing completeness and 95% billing accuracy benchmarks in each of the four months, with bills that not only met the benchmark, but were 100% accurate and 100% complete in every month except May 2002, when Qwest's bills were 99.91% complete (still well above the 95% benchmark). *See* Att. 5, App. D, Utah Performance Results, at 208.

The only exception arose in mid-December 2001, and negatively affected Qwest's commercial performance results for BI-4B for April 2002. *See id.* On January 17, 2002, Qwest reported to its sub-contractor Agilent Technologies, which provides software used by Qwest to monitor and collect call detail for billing, that since December 11, 2001, an excessive number of

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47/ *See* Attachment 5, Appendix D, Montana Performance Results, at 217; *see also*, for example, *Texas 271 Order*, 15 FCC Rcd at 15438-39 ¶ 171 (missing a PID only once in a four-month period does not preclude a finding of compliance with a checklist item); *see also Connecticut 271 Order*, 16 FCC Rcd at 14153 ¶ 12; *Arkansas/Missouri 271 Order*, 16 FCC Rcd 20772 ¶ 107 n.334.

calls had been lacking the “release” message. Freeberg Recip. Comp. Decl. ¶ 56. The non-release of these long duration calls (“LDCs”), 48/ resulted in their being rated as ongoing after they had in fact terminated. *Id.* This problem, which Qwest discovered in its then monthly edit of such bills, caused a higher number of call minutes to be billed than actually occurred, and necessitated refunds and credits to CLECs, which in turn negatively affected April commercial performance under the BI-4B PID in several states. 49/

Qwest has since taken steps to remedy the problem. *Id.* ¶ 58. To prevent the problem from re-occurring, Agilent and Qwest have implemented improved procedures that include the daily monitoring of scripts (alarm messages), with a breakdown of “continuation records” and “start records.” If the number of LDCs in a table exceeds a specified threshold, Qwest Operations is paged and takes appropriate action, *i.e.*, either rebooting the relevant Interface Processor Cards (which format the call detail record), or eliminating the LDC table. In addition, Qwest Operations personnel now conduct daily, instead of monthly, edits. These improved processes by Agilent and Qwest ensure that if the issue reoccurs, it is corrected immediately with a minimal impact to CLEC billing and Qwest’s commercial performance results for the BI-4B PID. Qwest’s May 2002 commercial performance results for BI-4B demonstrate the success of the operational correction by returning to the high measurement levels Qwest maintained before April 2002.

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48/ An LDC is a call, which, at record generation time, continues to be off-hook and whose duration exceeds 24 hours. To qualify a call as long duration, the call must span at least two scheduled record generation times and its elapsed time must be greater than 24 hours. A call that is longer than 24 hours but terminates before the second scheduled record generation time is not an LDC.

49/ *See id.* The LDC issue affected commercial performance in multiple states across Qwest’s region for BI-4B in April 2002, but not all of them. Among the states in this Application, only Utah and Washington were affected – Montana and Wyoming were not..

c) Washington

With only the non-competition-affecting LDC-related exception described above with respect to BI-4B, Qwest's performance in Washington under BI-3B and BI-4B for the period February through May 2002 was perfect. *See* Att. 5, App. D, Washington Performance Results, at 271. Aside from the exception, Qwest met both the BI-3B 95% billing completeness and BI-4B 95% billing accuracy benchmarks in each of the past four months, with bills that not only met the benchmark, but were 100% complete in every month and 100% accurate in every month other than February 2002, when Qwest's bills were 99.8% accurate (still well above the 95% benchmark).

d) Wyoming

Qwest's performance in Wyoming during February and March 2002 under BI-3B and BI-4B was perfect. Qwest met both the 95% billing completeness and 95% billing accuracy benchmarks in each of those months, with bills that not only met the benchmark, but were both 100% complete and 100% accurate. Freeberg Recip. Comp. Decl. ¶ 69. In fact, Qwest's bills were both 100% accurate and complete going back to July 2001. *Id.* In April 2002 the last remaining active CLEC that had operated pursuant to a reciprocal compensation arrangement in Wyoming converted to a traffic balance arrangement. *Id.* As a result, no BI-3B or BI-4B results for Wyoming were reported after March 2002. Nonetheless, through the SGAT, Qwest has established a concrete legal obligation to pay reciprocal compensation in a timely fashion. The SGAT states, "Amounts payable under this SGAT are due and payable within thirty (30) calendar days after the date of invoice." SGAT § 5.4.1. This SGAT provision, together with Qwest's commercial performance results in Wyoming prior to the conversion to traffic balance, show that Qwest accurately tracks and bills reciprocal compensation with CLECs.

**14. Checklist Item 14: Resale**

Qwest makes available for resale, at wholesale rates established by the respective State Commissions, all of the telecommunications services it offers its retail customers who are not telecommunications carriers. 47 U.S.C. § 271(c)(2)(B)(xiv). Declaration of Lori Simpson, Resale (“Simpson Resale Decl.”), Att. 5, App. A; Declaration of D.M. Gude, Resale Discounts (“Gude Decl.”), Att. 5, App. A. Qwest offers its resale services under rates, terms and conditions that are reasonable and nondiscriminatory and thereby complies with Checklist Item 14 in Montana, Utah, Washington and Wyoming. SGAT §§ 6.1.1 and 6.2.3. Through its SGAT and state-approved interconnection agreements, Qwest has undertaken a legally binding obligation to offer for resale by CLECs telecommunications services that are equal in quality to, and provided in substantially the same time and manner as, the telecommunications services that Qwest provides to itself and its retail end users. Simpson Resale Decl. at ¶ 11.

As of April 30, 2002, the most recent period for which data are available, Qwest was providing resale services to reseller CLECs in large numbers in each of the application states, as follows: *Montana* – 8,301 resold lines to 19 reseller CLECs; *Utah* – 2,020 resold lines to 13 reseller CLECs; *Washington* – 16,314 resold lines to 40 reseller CLECs; *Wyoming* – 2,018 resold lines to 11 CLECs. Simpson Resale Decl. at ¶ 12.

In accordance with FCC rules, Qwest imposes only reasonable and nondiscriminatory limitations on the resale of telecommunications products and services. Consistent with 47 C.F.R. § 51.613, CLECs may resell a Qwest service only to the same class of end user to which Qwest itself sells that service where such restriction has been approved by the State Commission. SGAT § 6.2.2; Simpson Resale Decl. at ¶ 22. The SGAT lists state-approved restricted classes. SGAT §§ 6.2.2.8 and 6.2.2.3; Simpson Resale Decl. at ¶ 22. Qwest grants resellers access to promotional offerings of more than 90 days at the wholesale discount,

consistent with Commission policy. SGAT § 6.2.2.1; Simpson Resale Declaration at ¶ 23. 50/ Resellers may sell any of Qwest’s contract service arrangements to any end user customer or customers that meet the terms and conditions of that particular arrangement, subject to termination liabilities consistent with Commission precedent. SGAT § 6.2.2.7; Simpson Resale Decl. at ¶ 24; *New York 271 Order*, 15 FCC Rcd at 4147-48 ¶ 390.

Pursuant to SGAT § 6.1.1, Qwest complies with its obligations under Section 251(c)(4) of the Act to offer for resale, at wholesale rates, any “advanced” telecommunications service that Qwest provides “at retail to subscribers who are not telecommunications carriers.” 47 U.S.C. § 251(c)(4); *see generally ASCENT*, 235 F. 3d at 664; *Connecticut 271 Order*, 16 FCC Rcd at 14160-61 ¶ 28; Simpson Resale Decl. at ¶ 25. 51/ Such services include Frame Relay service, Qwest DSL service, 52/ DS1 service, DS3 service and all other “telecommunications services” that Qwest offers at retail to its end users. Simpson Resale Decl. at ¶ 25. 53/ CLECs

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50/ See *Local Competition First Report and Order*, 11 FCC Rcd at 15970-71 ¶ 950 (affirming 90 days as the point “when a promotional price ceases to be ‘short term’ and must therefore be treated as a retail rate for an underlying service”).

51/ Qwest’s DSL service is provided from within its regulated entity, Qwest Corporation, not by an affiliate.

52/ In the *Arkansas/Missouri 271 Order*, the Commission distinguished among “three categories of DSL-related service: (1) retail telecommunications service offered for resale at discount, (2) wholesale telecommunications services offered to unaffiliated ISPs, and (3) retail information service.” 16 FCC Rcd at 20758 ¶ 79. Of these, only the first – unbundled DSL transmission services that an ILEC provides to end users – is subject to the resale requirements of Section 251(c)(4). *See generally id.* at 20758-60 ¶¶ 79-82; *Broadband Access NPRM*, 17 FCC Rcd at 3030, 3032-33 ¶¶ 20, 24-25. Qwest complies with these requirements by providing for resale the first category of service (“Qwest DSL Service”). Simpson Resale Decl. at n.45. Although some CLECs continue to argue that services in the third category also trigger certain resale requirements, the Commission has categorically rejected that argument as a basis for denying a Section 271 application. *See Arkansas/Missouri 271 Order*, 16 FCC Rcd at 20759-60 ¶ 82.

53/ Details about Qwest’s advanced telecommunications offerings available for resale can be found in Qwest’s Resale Product Catalogs. Simpson Resale Decl. at n.46.

may resell, over lines on which they are reselling voice service, the DSL transmission services that Qwest offers directly to end users. Simpson Resale Decl. at ¶ 25; *accord Rhode Island 271 Order, 17 FCC Rcd* at 3347-48 ¶ 95.

As of April 30, 2002, Qwest was providing 197 resold Qwest DSL, 1,523 resold DS1 and four resold DS3 services to CLECs in its fourteen states, including the application states, as follows: *Montana* - two resold DSL and 13 resold DS1 services; *Utah*: - 19 resold DSL and 100 resold DS1 services; *Washington*: - 11 resold DSL and 75 resold DS1 services; *Wyoming*: - three resold DS1 services. Simpson Resale Decl. at ¶ 26.

Qwest also offers to CLECs for resale ancillary services such as operator and directory assistance services, *id.* at ¶¶ 27-30, as discussed more fully in Section III(B)(7)(b) above. Qwest further provides CLECs with the information they need to bill customers in a timely fashion. *Id.* at ¶ 31.

When evaluated both individually and as a whole, Qwest's performance in installing, maintaining and repairing its resold products has been exemplary across all products and performance measures, and demonstrates that CLECs are receiving nondiscriminatory treatment with respect to resale in the application states. <sup>54/</sup> The standard for resale performance measures is parity with retail service, and Qwest is achieving parity under the vast majority of resale performance indicators. Simpson Resale Decl. at ¶¶ 37-47. Qwest meets the standard of providing services to requesting telecommunications carriers for resale that are substantially equal in quality, subject to substantially the same conditions, and provided within substantially the same provisioning time intervals, as that it provides to its retail customers. *Id.*; *see* 47 C.F.R. § 51.603(b).

Qwest's wholesale discount rates for telecommunications services comply with the requirements of Sections 251(c)(4) and 252(d)(3), as well as 271(c)(2)(B)(xiv) of the 1996 Act. Gude Decl. at ¶ 7. Qwest's wholesale rates for resale have been set by the respective State Commission based on the retail rates Qwest charges subscribers for telecommunications services, less the portion the State Commission deemed attributable to retailing costs Qwest avoids when a reseller CLEC services the end-user customer instead of Qwest. *Id.* Consistent with resale provisions of the 1996 Act and with the FCC's *Local Competition First Report and Order*, 11 FCC Rcd at 15958 ¶ 916, the State Commissions evaluated avoided cost studies to determine the costs that Qwest avoids when providing telecommunications service for resale. Gude Decl. at ¶¶ 10, 12-15, 17. The resale discounts specified by the respective State Commission have been incorporated at Section 6.0 of Exhibit A of Qwest's approved SGAT for each application state. *Id.* at ¶¶ 11, 13, 16, 18.

**C. Qwest Offers CLECs Nondiscriminatory Access to its Operations Support Systems**

**1. Qwest's Regionwide OSS Satisfies the Requirements of Section 271 in Montana, Utah, Washington and Wyoming**

Qwest provides CLECs with access to its systems, databases and personnel -- collectively referred to as "OSS" -- on a nondiscriminatory basis and in accordance with the FCC's rules. *See generally* Declaration of Lynn M.V. Notarianni and Christie L. Doherty, Operations Support Systems ("OSS Decl."), Att. 5, App. A. For OSS functions that are analogous to those that Qwest provides to itself, Qwest offers CLECs access that enables them to perform those functions in "substantially the same time and manner" as Qwest. *See* OSS Decl. at

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<sup>54/</sup> The performance measurements and products that apply to resale are set forth at paragraphs 34 and 35 of the Simpson Resale Declaration.