





**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
<b>Qwest Communications</b>	)	<b>WC Docket No. _____</b>
<b>International Inc.</b>	)	
	)	
Consolidated Application for Authority	)	
to Provide In-Region, InterLATA Services	)	
in Colorado, Idaho, Iowa, Nebraska	)	
and North Dakota	)	

**REPLY DECLARATION OF MICHAEL G. WILLIAMS**

**on**

**Commercial Performance**

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Pursuant to 47 C.F.R. § 1.16, Michael G. Williams declares:

1. My name is Michael G. Williams. My business address is 250 Bell Plaza, Room 1603-B, Salt Lake City, Utah. I am a Director in Wholesale Markets for Qwest Corporation ("Qwest"). <sup>1/</sup> I supervise the monitoring and reporting of Qwest's commercial performance in providing services to competitive local exchange carriers ("CLECs") in accordance with the requirements of Section 271 of the Telecommunications Act of 1996 (the "Act"), 47 U.S.C. § 271, and manage related regulatory undertakings. I base this declaration on my professional experience, personal knowledge, and information available to me in the normal course of my duties.

2. This declaration discusses the following points: (1) Qwest's recent performance in providing services to CLECs; (2) performance issues raised in

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<sup>1/</sup> My job history, education, and other biographical information are set forth in Exhibit MGW-PERF-1, which was attached to my initial Declaration.

comments by other parties; and (3) long-term review of the PIDs and Qwest's performance thereunder.

**I. QWEST'S COMMERCIAL PERFORMANCE SATISFIES THE REQUIREMENTS OF SECTION 271.**

**A. Independent Reviews Verified That Qwest's Performance Data Is Accurate and Reliable.**

3. Over the last two years, Qwest's performance has been scrutinized beyond that experienced by any other BOC. Liberty Consulting and CapGemini audited Qwest's performance tracking and reporting processes and found them reliable, and Liberty and KPMG validated Qwest's performance results in data reconciliation. The facts support their conclusions.

**1. The Performance Measurement Audits Validated Qwest's Data Collection Processes for all PIDs.**

4. AT&T's only criticism of the Performance Measurement Audits ("PMAs") conducted by Liberty Consulting and CapGemini is that they did not validate the accuracy of Qwest's raw performance data. The simple answer is that Liberty addressed the accuracy of raw inputs in data reconciliation, which is discussed below.

5. Moreover, in prior section 271 decisions the Commission has not required auditing of raw data inputs. In the *New York* and *Texas* Section 271 orders, the Commission relied on evidence like the audits in this proceeding and found that commercial performance data was accurate and reliable. In the *New York* decision, the Commission noted:

Each performance metric . . . has a clearly articulated definition, or “business rule,” which sets forth the manner in which the data is collected . . . , lists any relevant exclusions, and states the applicable performance standards. The clarity provided by these business rules will help to ensure that the reporting mechanism provides a benchmark against which new entrants and regulators can measure performance over time to detect and correct any degradation of service rendered to new entrants.” <sup>2/</sup>

6. The New York commission, like the auditors in this case, “independently replicated Bell Atlantic’s performance reports from raw data submitted by Bell Atlantic.” <sup>3/</sup> The FCC found that these facts, and a “forum for ongoing modification and improvement of performance results,” provided the requisite indicia of reliability. <sup>4/</sup>

7. The *Texas* order was based on virtually identical evidence. AT&T and Covad rely upon one sentence of the *Texas* order, which states that “the reliability of reported data is critical, and . . . properly validated metrics must be meaningful, accurate and reproducible.” <sup>5/</sup> Although Qwest’s performance data meets any interpretation of this standard, in *Texas* the Commission required only that “the raw data be stored in a secure, stable and auditable file.” SBC also relied upon the fact that Telcordia had “verified” its “data collection methods and procedures” and

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<sup>2/</sup> *New York 271 Order* at ¶ 438.

<sup>3/</sup> *Id.* at ¶ 442.

<sup>4/</sup> *Id.* at ¶ 438.

<sup>5/</sup> *Texas 271 Order* at ¶428.

“confirmed that SBC collects and reports data in a manner consistent with state approved business rules.”<sup>6/</sup>

8. The Liberty PMA (1) validated that Qwest tracks performance data in conformance with the negotiated PIDs, (2) analyzed data to “verify the complete and accurate functioning of the data capture, security, processing, analysis, and reporting processes audited,” and (3) performed independent calculations to “corroborate the adequacy of processes that measure performance against explicit standards.”<sup>7/</sup> After completing its audit, Liberty concluded that “the audited performance measures accurately and reliably report actual Qwest performance.”<sup>8/</sup>

9. The Liberty PMA also recommended ongoing review and audit of the PIDs to ensure that Qwest’s performance data remains accurate and reliable.<sup>9/</sup> Liberty utilized the *New York* plan as a model for fashioning the ongoing PID administration recommended for Qwest.<sup>10/</sup> That recommendation led to the development of provisions in Qwest’s performance assurance plans requiring six-month reviews of performance and ongoing audits and data reconciliation. In addition, the parties are negotiating a long term PID administration plan to be

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<sup>6/</sup> *Id.* at ¶429.

<sup>7/</sup> See Attachment 5, Appendix D to Qwest’s Application, Liberty PMA Final Report at 1 (September 25, 2001).

<sup>8/</sup> *Id.* at 2-3.

<sup>9/</sup> *Id.* at 135-144.

<sup>10/</sup> *Id.* at 136-37.

administered by the ROC.<sup>11/</sup> These independent reviews provide sufficient indicia that Qwest's performance data is, and will remain, reliable.

10. Liberty itself continued the role of performing ongoing audit work throughout the pendency of the OSS Test, and has audited new PIDs and PIDs modified to transition from PID Version 3.0 to PID version 4.0.<sup>12/</sup>

**2. Data Reconciliation Confirmed Once And For All That Qwest's Performance Data Is Accurate and Reliable.**

11. Unlike other BOCs, Qwest requested data reconciliation to validate that its raw data inputs and performance reporting processes are accurate and reliable. Nonetheless, AT&T and Covad complain that the reconciliation did not go far enough.

12. AT&T's first complaint, that the data reconciliation was "limited in scope," is nonsense.<sup>13/</sup> The CLECs, not Qwest, selected the metrics, products, and states to be reviewed in data reconciliation. AT&T itself proposed that data reconciliation should begin with a CLEC identifying "the particular performance

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<sup>11/</sup> See *infra* Section I.G.

<sup>12/</sup> Covad claims that Liberty's PMA is fatally flawed because the PMA "did not uncover the data problems identified in the reconciliation . . . in its 'code audit' of the PIDs." *Covad Comments* at 45. As an initial matter, an audit, no matter how complete, will never identify every issue. Second, Covad fails to acknowledge that the Liberty reconciliation focused on data from a time frame when Qwest was converting from PID Version 3.0 to PID Version 4.0. Thus, Qwest was transitioning its reporting methodology by agreement of all parties in the ROC, which changes led to many of the issues identified by Liberty in the reconciliation. Thus, Qwest believes that the reconciliation effort aided Liberty's ongoing review of Qwest's PIDs by eliminating some of the issues it likely would have identified in the audit process.

<sup>13/</sup> AT&T Comments at 47.

measurement in question and the evidence that lead the CLEC to conclude that a discrepancy exists,” and Liberty agreed to AT&T’s proposal.<sup>14/</sup> All CLECs involved in the section 271 proceedings in Colorado, Idaho, Iowa, Nebraska and North Dakota were notified of this data reconciliation opportunity. Only three CLECs – AT&T, WorldCom and Covad – elected to participate in the reconciliation effort.

13. AT&T also attacks Liberty by claiming that reconciliation “did not even involve a comprehensive examination of all data for the handful of measures that were included in the study.”<sup>15/</sup> To make this point, AT&T cites to MR-6, the mean time to restore. AT&T partially quotes Liberty’s Final Reconciliation Report, which concluded that its assessment of MR-6 “was not a complete reconciliation, but rather an examination of particular trouble tickets for which AT&T’s and Qwest records matched.” What AT&T fails to state is that AT&T, not Liberty, requested that the reconciliation of MR-6 be so limited. In fact the actual quote cited to by AT&T misses the key phrase that Liberty conducted “the agreed upon work related to MR-6.”<sup>16/</sup>

14. AT&T also complains that Liberty reconciled performance data that is now a year old.<sup>17/</sup> The reconciliation effort began in early September 2001, just

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<sup>14/</sup> See Attachment 5, Appendix D to Qwest’s Application, Liberty Final Report on Data Reconciliation at 4 (April 19, 2002).

<sup>15/</sup> AT&T Finnegan Decl. at 10.

<sup>16</sup> Colorado Supplemental Comments at Attachment 1, Exhibit 1372 (Liberty’s Final Data Reconciliation Report) at 8 (April 19, 2002).

<sup>17/</sup> AT&T Comments at 47.

after Qwest had released its July 2001 performance data. Thus, the reconciliation was based on the most current data available at the time. Because of the volume of paper involved (Liberty reviewed over 10,000 orders), the reconciliation process took roughly eight months to complete. If the parties attempted to reconcile more recent data, that process would also take months to complete, and AT&T would again complain about stale data. This creates a Catch-22 problem.

15. AT&T's desire for military style testing raises similar problems.<sup>18/</sup> To achieve that end, after Qwest fixed a problem identified in data reconciliation, the parties would have to wait several months to develop a new data sample to assess whether the fix worked. Liberty, in turn, would have to conduct another round of reconciliation. If any continuing or new problems were discovered, the parties would have to start the process all over again. This approach would result in a never ending, and unnecessary, cycle of data reconciliation as a prerequisite to Section 271 approval.

16. AT&T alleges that Liberty "placed the burden [of proof] on the CLECs to identify discrepancies in Qwest's data and to prove that Qwest's performance data are inaccurate."<sup>19/</sup> This assertion is patently false. As Mr. Robert Stright of Liberty has repeatedly testified throughout Qwest's region, Liberty did not place the burden of proof on the CLECs, and any claim to the contrary is a "red herring."<sup>20/</sup>

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<sup>18/</sup> AT&T Comments at 47.

<sup>19/</sup> AT&T Finnegan Decl. at 12.

<sup>20/</sup> Colorado Transcript from Data Reconciliation Hearing at Exhibit 16 (Feb. 14, 2002).

In fact, Mr. Stright testified that if he had used the CLEC data alone, Liberty would have concluded that the CLECs “didn’t make a case.”<sup>21/</sup> This is because Liberty recognized that the CLECs data was routinely and consistently inaccurate. For example, Liberty found that:

We [Liberty] found things like [the Purchase Order Numbers] submitted by CLECs] weren’t for Arizona. They weren’t for that month. They weren’t for that product. They weren’t for that ILEC. Given that quality of data, I think it was more than fair to conclude that [an order Qwest could not find was inconclusive].<sup>22/</sup>

17. Even AT&T acknowledged that its data was contained many errors.<sup>23/</sup> Liberty was, therefore, incapable of using the CLEC data as its sole basis of decision-making.

18. Liberty’s Final Reconciliation Report dealt with this AT&T’s misplaced allegation head-on:

Certain CLECs have claimed that Liberty’s stated objective is wrong, protesting that the burden to prove the performance measures correct lies with Qwest, and that the CLECs did not need to prove Qwest wrong. These claims are misplaced. First, it was because of assertions by CLECs that Qwest was reporting inaccurately that this effort was authorized. More importantly, however, is the simple fact that in the course of its data reconciliation work, **if Liberty found something wrong with the way Qwest reported performance results, regardless of the**

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<sup>21/</sup> *Id.*

<sup>22/</sup> *Id.*

<sup>23/</sup> *Id.*

**information provided by the CLEC, Liberty reported that problem.** When Liberty found problems, it wasn't because a CLEC proved Qwest wrong, but rather that CLEC information pointed to differences in data that Liberty investigated and discovered problems with the way Qwest processed information. Some problems were discovered through examining information completely independent of data provided by CLECs, or through direct admissions by Qwest. Therefore, any arguments related to an improper study objective should be brushed aside.<sup>24/</sup>

19. There are several examples supporting Liberty's conclusion.

Observation 1028, which concerns Qwest's reported mean time to restore troubles on unbundled loops, was based exclusively on Qwest's data as AT&T acknowledged that it did not track the key data points necessary to reconcile the data.

Observation 1037, which concerns the tracking of coordinated cuts intervals, was based exclusively on Qwest data. Several aspects of many additional Observations were based on data provided exclusively by Qwest. Thus, AT&T's allegation that Liberty forced it to carry the burden of proof is belied by the facts.

20. AT&T's third complaint is that Liberty "made no effort" to determine whether Qwest's reported performance data is reported in the manner that best reflects Qwest's performance. <sup>25/</sup> AT&T postulates that Liberty may have avoided making these decisions because (1) "it simply wanted to avoid resolving contentious disputes" or (2) due to pressures to complete the data reconciliation effort. <sup>26/</sup> This

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<sup>24/</sup> Liberty Final Data Reconciliation Report at 3-4.

<sup>25/</sup> AT&T Finnegan Decl. at 13-14.

<sup>26/</sup> *Id.*

guesswork is without basis. Liberty took eight months to complete the project when the original schedule anticipated two months of work. The entire purpose of Liberty's reconciliation was to determine whether Qwest's reported performance conforms to the business rules in the PIDs negotiated and agreed to by all parties.

21. In Liberty's PMA, it acknowledged that its purpose was to audit to the existing business rules in the PIDs, not to determine whether the PIDs capture the performance desired by the parties.<sup>27/</sup>

22. AT&T did not challenge this finding in the PMA, yet calls the same practice in the data reconciliation "nothing short of remarkable."<sup>28/</sup> Rather than being remarkable, this is exactly what Liberty should have done. The Commission has concluded that the objective of performance measures is to set forth a "clearly-articulated definition, or 'business rule,' which sets forth the manner in which the data is collected . . . , lists any relevant exclusions, and states the applicable performance standards."

23. As the Commission found in its New York decision, "we disagree with commenters who suggest that additional metrics must be added . . . , and note that the New York Commission has indicated that it will consider adding new metrics, if necessary, in the future."<sup>29/</sup> The same is true here. AT&T knows how Qwest is reporting its data. Liberty verified that Qwest's tracking methodology conforms to

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<sup>27/</sup> Liberty Final Report on Data Reconciliation at 3.

<sup>28/</sup> AT&T Finnegan Decl. at 14.

<sup>29/</sup> *New York 271 Order* at ¶439.

the business rules in the PIDs. AT&T had an opportunity to raise this issue in the ROC over the last several months, and failed to do so. Now that the OSS Test is complete, AT&T will have an opportunity to present this issue yet again when Long Term PID Administration is formally initiated.

24. Liberty carefully reviewed the remedial measures Qwest implemented before closing the one exception and 13 observation reports issued in data reconciliation. Seven of these reports related to “process or system-type matters.” Liberty verified that Qwest corrected these errors through “computer programming or revised data collection methods.”<sup>30/</sup> The other observations arose, at least in part, from slight incidences of human error. As to each of these observations, Liberty reviewed Qwest’s training materials, conducted interviews of Qwest employees, and used its own professional judgment in finding that Qwest’s corrective actions would resolve any problems.<sup>31/</sup> “[N]one of the human-error issues . . . caused Liberty to believe that Qwest’s current performance reporting could not be relied upon as a measure of Qwest’s actual performance.”<sup>32/</sup> Liberty also concluded that Qwest “has reasonable processes in place to self-check its performance reporting and to correct problems found.”<sup>33/</sup>

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<sup>30/</sup> Liberty Final Report on Data Reconciliation at 8. *See also id.* at 10-11 (Exception 1046 and Observations 1026, 1027), 12 (Observations 1029, 1030), 17 (Observation 1035), 19 (Observation 1038).

<sup>31/</sup> *Id.* at 8-9. *See also id.* at 11-12 (Observation 1028), 13-16 (Observations 1031-34), 16-19 (Observations 1036-37).

<sup>32/</sup> *Id.* at 9.

<sup>33/</sup> *Id.*

25. AT&T's and Covad's final claim is that Liberty should have done more to verify that Qwest had corrected the issues that Liberty identified during the data reconciliation. This has been the subject of much discussion in hearings throughout the Qwest 14-state region. In the five application states, data hearings were held in Colorado, Nebraska and North Dakota. In addition, Qwest incorporated the record from Washington into Colorado, and a portion of the Arizona hearing into Colorado.<sup>34/</sup> Mr. Robert Stright of Liberty Consulting consistently rejected this assertion by AT&T and stated that Liberty, and Liberty alone, used its professional judgment in deciding when and whether to close an Observation.<sup>35/</sup>

26. AT&T complains about the closure of virtually every Observation opened in the data reconciliation process. However, in various hearings throughout the region, AT&T has conceded several of the points that it now raises before the Commission. Here, AT&T claims that Liberty prematurely closed Observations 1028, 1029, 1030, 1032, 1033, 1035, 1036, and 1037. AT&T conceded that Observation 1029 was closed properly, and conceded at least once that all Observations concerning programming errors, which include Observations 1029 and 1030, did not give it concern. Liberty has repeatedly testified that AT&T's concerns are misguided, but AT&T chooses to ignore Liberty's views.<sup>36/</sup>

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<sup>34/</sup> Qwest's Supplemental Comments on Commercial Performance and Data Reconciliation, Attachment 1, (June 3, 2002) (attaching Washington Transcript) [hereinafter, "Colorado Supplemental Comments"]; Colorado Transcript from Data Reconciliation Hearing at Exhibit 16 (Feb. 14, 2002).

<sup>35/</sup> Liberty Final Data Reconciliation Report at 8.

<sup>36/</sup> Colorado Supplemental Comments at Attachment 1, at 6814.

27. Covad goes even further and argues that Liberty never validated the efficacy of any of corrective actions taken by Qwest. Covad argues that Qwest's line sharing data is inaccurate 5% to 70% of the time. These allegations are without any basis in fact. Liberty repeatedly testified that it validated the efficacy of Qwest's corrective action as to Observations 1026, 1027, 1029, 1034, 1035, 1037, 1038 and Exception 1046. To perform this validation, Liberty used existing data from the reconciliation effort, ran it through its paces after programming fixes or retraining was completed, and verified that the issues no longer existed. In each instance, Mr. Stright testified that Liberty evaluated the code change, and evaluated data generated after the code change to verify that the issue was rectified.<sup>37/</sup> Mr. Stright testified that in each instance, Qwest's performance data from November 2001 forward was free of these concerns.<sup>38/</sup>

28. Observation 1030 concerned a programming error in EDI Version 6.0. The same problem did not exist in EDI 7.0. Qwest retired EDI 6.0 in December 2001, and most CLECs transitioning to 7.0 in the fall of 2001. Thus, AT&T's argument that this Observation continues to be of concern is misplaced. Thus, these eight Observations and the one Exception are a vestige of the past. The data before the Commission is free of these issues.

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<sup>37/</sup> Liberty even acknowledged that in several instances Qwest had already discovered and rectified the concern before Liberty found the issue. Colorado Supplemental Comments at Attachment 1, at 6838.

<sup>38/</sup> Colorado Supplemental Comments at Attachment 1, at 6823-6838.

29. The final five Observations – 1028, 1031, 1032, 1033, and 1036 – all concern slight incidences of human error.<sup>39/</sup> AT&T claims that “Liberty closed observations without verifying that Qwest successfully resolved the problems identified in the observation.”<sup>40/</sup> AT&T’s statement suggests that Liberty did nothing to validate Qwest’s corrective action. Such an assertion would be untrue. As an initial matter, to the extent that Liberty identified a known problem, it generated an Observation no matter how small the impact on Qwest’s reported data.<sup>41/</sup> As to each of these five Observations, Liberty reviewed Qwest’s training materials, conducted interviews of Qwest employees, and used its own professional judgment in finding that Qwest’s corrective action would cure the issue.<sup>42/</sup> These training materials were substantial. In at least two instances – Observations 1028 and 1031 – Liberty found Qwest’s initial corrective action inadequate, and required Qwest to do more.<sup>43/</sup> Moreover, Mr. Stright of Liberty testified that had the issue identified in the Observation generated substantial errors, Liberty “would have certainly not closed that out [the Observation] on the basis of training. . . .”<sup>44/</sup> In

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<sup>39/</sup> It is important to recognize that in any substantial data collection effort, there will always be some amount of human error. This is expected and understood. AT&T has admitted as much.

<sup>40/</sup> AT&T Finnegan Decl. at 15.

<sup>41/</sup> Colorado Supplemental Comments at Attachment 1, p. 6716.

<sup>42/</sup> Liberty Final Data Reconciliation Report at 8.

<sup>43/</sup> Colorado Supplemental Comments at Attachment 1 at 6887-6889.

<sup>44/</sup> *Id.* at 6751.

each instance, however, the amount of human error was small, and sometimes virtually non-existent. Thus, in each instance Liberty decided that closing these five Observations based on training, interviews and a review of the training material was adequate. Each Observation will be discussed briefly in turn.

24. Observation 1028: This Observation concerns the amount of time Qwest reported for the mean time to restore repairs on unbundled analog loops. Liberty found that Qwest had recorded some aspect of the time incorrectly on 6.5% of the approximately 100 trouble tickets it evaluated. As Mr. Stright of Liberty testified, in some instances the error made Qwest's data look worse, and in some instances it tended to make Qwest's data look better.<sup>45/</sup> The process for recording times requires a technician to record the time he/she is performing the repair work. A "scrubber" then evaluates all of the technicians recorded times, adds them together, subtracts the "no access" time (the time the technician did not have access to the equipment needing repair), corrects any recording errors made by the technician, and then comes up with the overall "time to restore" the trouble on the unbundled loop. Qwest retrained both its technicians and scrubbers to ensure they understood how and when to record times. In addition, Qwest instituted a new audit procedure to ensure Qwest management reviewed a certain percentage of the trouble tickets.<sup>46/</sup> Liberty found this retraining effort and additional audit procedure sufficient to cure this issue, which only a slight impact on Qwest's

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<sup>45/</sup> *Id.* at 6846.

<sup>46/</sup> Colorado Supplemental Comments at Attachment 1, Exhibit 1372 (Liberty Final Data Reconciliation Report) at p. 11; *id.* at Exhibit 1375 at 1.

reported data. This data is clearly the “best evidence” as AT&T acknowledges that its data cannot exclude “no access” time, per the PIDs.

26. Observation 1031: This Observation concerns interconnection trunk provisioning; specifically, situations when Qwest excluded an interconnection trunk from its performance data because it determined that the customer caused the missed due date. Liberty verified that in some limited circumstances Qwest excluded orders originally held for facility reasons and, therefore, the order should have been identified in the data as a missed commitment.<sup>47/</sup> The evidence makes plain that this Observation concerns interconnection trunks only, AT&T interconnection trunks disproportionately, and less than 0.5% of orders overall. Mr. Stright testified to as much.<sup>48/</sup> The evidence shows:

Although Qwest’s retraining efforts were completed in mid-February 2002, Qwest’s historical results are accurate and reliable. This is true for several reasons. First, the concerns set forth in the Observation affected wholesale and retail results alike. Second, Qwest has performed an analysis of orders from December 2001 and January 2002 and found [the] impact to be *de minimus* for interconnection trunks, unbundled analog loops, and unbundled 2-wire non-loaded loops, the three design services involved in the data reconciliation. Third, the impact of this issue upon AT&T is disproportionately large and not representative of CLEC community as a whole. This is due to AT&T’s internal process of waiting beyond the original due date to complete final test and turn up of interconnection trunks. This issue was analyzed

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<sup>47/</sup> Colorado Supplemental Comments at Attachment 1, Exhibit 1372 (Liberty Final Data Reconciliation Report) at p. 14; *id.* at 6854-6857.

<sup>48/</sup> Colorado Supplemental Comments at Attachment 1, at 6753.

in detail by Liberty Consulting in its Arizona report. Thus, a disproportionate percentage of AT&T's interconnection trunk orders are properly identified at some point in the history of the order as containing a Customer Caused Miss. As stated above, this Observation resulted from two facts occurring simultaneously: (1) a Qwest caused facility delay; and (2) a customer caused miss at some point in the history of the order. Thus, to the extent that a disproportionate percentage of AT&T's orders were coded as "customer caused misses," it increased the likelihood that this issue would impact AT&T interconnection trunk orders.

Qwest has analyzed orders from January 2001 and found that AT&T was 1.41 times more likely than other CLECs to have a customer caused jeopardy code identified in the history of an interconnection trunk order Qwest. Similarly, in January 2002, AT&T was 1.89 times more likely than other CLECs to have a customer caused jeopardy code identified in the history of an interconnection trunk order Qwest. Thus, AT&T is almost twice as likely to experience a 1031 issue as the CLEC community at large. This data is also borne out by the fact that Qwest analyzed all . . . of WorldCom's interconnection trunk orders from the state of Colorado and did not find a single 1031 issue.

Qwest has analyzed all interconnection trunk, analog loop, and 2-wire non-loaded loop orders throughout the region from the months of December 2001 and January 2002. Qwest specifically analyzed all orders excluded from performance reporting for customer caused reasons. Qwest also analyzed Feature Group D orders, the specific service the ROC determined was the retail comparative to interconnection trunks.<sup>49/</sup> Qwest found the following: (1) this issue effected 1 of the 44,155 (0.002%) analog loops that CLECs ordered

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<sup>49/</sup> Unbundled analog and 2-wire non-loaded loops do not have retail comparables, and therefore benchmarks are utilized to measure performance.

in those two months; (2) this issue effected 5 of 2,805 (0.18%) of the 2-wire non-loaded loops that CLECs ordered in those two months; and (3) this issue effected 0 of the 574 interconnection trunks (0.00%) that CLECs ordered in those two months. As stated above, Qwest also analyzed Feature Group D trunks (the retail comparative to interconnection trunks) and found this issue effected 1 of the 1,176 (.01%) Feature Group D orders in those two months. These percentages are virtually identical to the 0.3% impact found when analyzing AT&T's unbundled loop orders, the service not impacted by the AT&T provisioning concern mentioned above.<sup>50/</sup>

30. Qwest verified that this issue did not impact the reliability or accuracy of the data from December 2001 and January 2002 for interconnection trunks, analog loops, and 2-wire non-loaded loops. Similarly, this issue did not impact the reliability or accuracy of performance data for the comparable Feature Group D orders (the retail comparable to interconnection trunk orders). Liberty relied upon this verification in deciding to close the Observation. Again, given that the percentage of orders impacted was so small, Liberty relied on training, a review of the training materials, and interviews of Qwest personnel to close the Observation.

31. Observation 1032: This Observation concerns Qwest's failure, on occasion, to exclude unbundled loop orders from the average installation metric (OP-4) where the CLEC requested a longer than standard interval.<sup>51/</sup> In the ROC, the parties agreed that Qwest can exclude "[o]rders with customer requested due

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<sup>50/</sup> Colorado Supplemental Comments at Attachment 1, Exhibit 1374 at 19-20.

<sup>51/</sup> Colorado Supplemental Comments at Attachment 1, Exhibit 1373 at 11.

dates greater than the current standard interval” because this allows the Commission to evaluate how well Qwest is providing service when the standard interval is requested. Liberty found that Qwest did not exclude such orders all of the time. This oversight by Qwest, however, makes Qwest’s OP-4 (average installation interval) data look worse than Qwest’s actual performance.<sup>52/</sup> Qwest retrained its affected employees, and Liberty closed the Observation. Even with this conservatism, however, Qwest consistently meets its OP-4 objectives for unbundled loops throughout the five application states.

32. Observation 1033: This Observation concerns instances when Qwest incorrectly recorded the “application date.”<sup>53/</sup> The application date for interconnection trunks and unbundled loops is dependant upon when the order is received. An interconnection trunk order must be received before 3:00pm or it is counted as applied for on the next business day. Unbundled loops must be received before 7:00pm or it is counted as applied for on the next business day.<sup>54/</sup> AT&T suggests that 1/3 of the interconnection trunk orders contained an incorrect application date. Not so. The numbers of orders with problems were extremely small. For example, Liberty analyzed 2175 unbundled loop orders, and only 10 (0.5%) contained an incorrect application date. There were similar numbers for interconnection trunks. Although this mistake technically violates Qwest’s process,

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<sup>52/</sup> Colorado Supplemental Comments at Attachment 1, at 6847.

<sup>53/</sup> Colorado Supplemental Comments at Attachment 1, Exhibit 1373 at 12.

<sup>54/</sup> Colorado Supplemental Comments at Attachment 1, at 6848-6849.

in each instance for unbundled loops the net effect was to start the clock for the loop *one day early*. This tends to benefit the CLEC because the order is counted as received one day earlier than it should. <sup>55/</sup>

33. Observation 1036: This Observation concerns “retermination” of interconnection trunks within the central office. <sup>56/</sup> A retermination is disconnecting an existing trunk from one trunk port in the central office and reterminating it on a different trunk port in the same central office. Historically, Qwest did not have a consistent method of tracking such orders. Qwest determined and AT&T agreed that such orders should be excluded from the data, as it is not provisioning a new trunk. <sup>57/</sup> Nonetheless, the unrefuted evidence shows that:

This inconsistent treatment occurred on both the wholesale side and on comparative Feature Group D Orders. Qwest has performed an analysis and concluded that in calendar year 2001, Qwest improperly included 56 CLEC re-terminations of interconnection trunks in its reported data. This was from a total of 2,820 reported interconnection trunks. The reported data throughout the region showed that Qwest met 2,537 of 2,820 (89.96%) interconnection trunk orders and the data should have showed 2,481 of 2,764 (89.76%) interconnection trunk orders. On the retail side the impact was virtually identical. The reported data showed that Qwest met 4,134 of 4,447 (92.96%) interconnection trunk orders and the data should have showed 3,935 of 4,248 (92.63%) interconnection trunk orders. The delta impact is 0.2% for CLEC data and 0.33% for comparative

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<sup>55/</sup> Colorado Supplemental Comments at Attachment 1, at 6849.

<sup>56/</sup> Liberty Final Data Reconciliation Report at 17-18.

<sup>57/</sup> Colorado Supplemental Comments at Attachment 1, at 6850.

retail data. . . . Thus, the impact on historical performance data is negligible and affects retail and wholesale data alike.<sup>58/</sup>

Thus, retermination orders constitute a small fraction of the total volume of trunk orders, and have no impact on Qwest's data at all. Nonetheless, to ensure that this issue is rectified, Qwest implemented a code change that was effective in mid-March, and run retroactive to recalculate December 2001 performance data forward.<sup>59/</sup> Thus, December 2001 data forward no longer contains this error. Liberty found that Qwest's efforts were adequate to cure this slight error.

34. In sum, Qwest's performance data is "sufficiently reliable for purposes of conducting [a] section 271 analysis."<sup>60/</sup>

**B. Qwest Accurately Processes Orders Handled Manually.**

35. AT&T, WorldCom, and Covad allege that Qwest makes errors on 15% of orders that it processes manually.<sup>61/</sup> This argument is based on improper extrapolation from a sample of only 76 disparate sub-sets of orders reviewed by KMPG. Qwest's audited and reconciled performance results show that it can and does timely provision orders requiring manual handling.

36. In the data reconciliation effort, Liberty analyzed over 10,000 unbundled loop and interconnection trunk orders and unbundled loop repair tickets.

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<sup>58/</sup> Colorado Supplemental Comments at Attachment 1, Exhibit 1374 at 32-33.

<sup>59/</sup> *Id.* at p. 33.

<sup>60/</sup> *Georgia/Louisiana 271 Order* at ¶ 20.

<sup>61/</sup> AT&T Comments at 42; WorldCom Comments at 12; Covad Comments at 40.

Virtually all of these orders had a manual processing component. Indeed, the entire purpose of the data reconciliation was to analyze the manual “input” data to ensure that humans were entering information correctly into the Qwest systems.

37. Liberty issued seven observations that involved slight incidences of human error. These observations show that Qwest’s rate of human error was well below 15%, was within the zone of reasonableness one would expect for humans, and often skewed the results in favor of CLECs. Specifically:

- Observation 1028 was based on a manual entry error rate of approximately 6.5% on unbundled loop trouble reports.<sup>62/</sup> This sometimes made Qwest’s performance appear worse than it actually was.
- Observation 1031 established that Qwest made a manual input error on approximately 0.5% of interconnection trunk orders, as well as the retail comparable Feature Group D trunks.<sup>63/</sup> Thus, this affected wholesale and retail performance data alike.
- Observation 1032 was based on Liberty’s finding a manual input error of less than 4% on unbundled loop orders, which caused Qwest’s systems to include requests for longer than standard intervals in the average installation interval metric.<sup>64/</sup> This error skewed Qwest’s performance data for unbundled loops in favor of CLECs.
- Observation 1033 established that Qwest entered the incorrect application date on less than 2% of interconnection trunk and

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<sup>62/</sup> Liberty Final Report on Data Reconciliation at 11.

<sup>63/</sup> *Id.* at 14. See also Attachment 5, Appendix G to Qwest’s Application, Qwest Responses to Observation 1031 at 19-20.

<sup>64/</sup> Liberty Final Report on Data Reconciliation at 15.

unbundled loop orders.<sup>65/</sup> For unbundled loops, this tended to start the clock one day too early and provided the CLECs with a benefit -- they received the loop one day early.

- Observation 1034 established that during a two month span in the spring of 2001, Qwest used the incorrect FOC interval for line-shared loops.<sup>66/</sup> Liberty verified that this issue has been resolved.
- Observation 1036 arose when Qwest applied inconsistent practices to reporting interconnection trunk reterminations. This affected Qwest's performance data by less than 0.3% for both interconnection trunk orders as well as the retail comparable Feature Group D trunks.<sup>67/</sup> Thus, this affected wholesale and retail data alike.
- Observation 1037 established that, in the spring of 2001, Qwest entered an incorrect time for the completion of coordinated cutovers.<sup>68/</sup> This tended to harm Qwest's performance data because it counted some met commitments as missed. Liberty verified that this issue is no longer contained in Qwest's performance data.

38. In each instance, the human error rates were far below the commenters' claim that 15% of manually processed orders contain human error. These human error rates should not simply be added together, as they affect different products and different work efforts. More importantly, none of the commenters adduced any evidence that these human errors actually caused harm to

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<sup>65/</sup> See Attachment 5, Appendix G, Disposition Report at 7.

<sup>66/</sup> Liberty Final Report on Data Reconciliation at 16.

<sup>67/</sup> Attachment 5, Appendix G, Qwest Responses to Observations at 32-33

<sup>68/</sup> Liberty Final Report on Data Reconciliation at 18.

CLECs by delaying an order or otherwise making it difficult for CLECs to process orders.<sup>69/</sup>

**C. Qwest's Commercial Performance Meets the Standards Established by the PIDs.**

39. At this point, the record includes six months of relevant commercial performance data, from January through June 2002, for each of the application states.<sup>70/</sup> The results over that period unequivocally show that Qwest is providing interconnection and access to network elements on a nondiscriminatory basis.

40. Although commenters raised concerns about isolated instances in which Qwest failed to achieve the performance standard under a few metrics for a few products, they ignored the standard of review applied to commercial performance. For example, Covad focused on line sharing repairs, which account for a tiny fraction of CLEC unbundled loop activity, but completely ignored Qwest's overall loop performance.<sup>71/</sup> The Commission has repeatedly held that, for each checklist item, it reviews "the performance demonstrated by all the measurements as a whole. Accordingly, a disparity in performance for one measure, by itself, may

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<sup>69/</sup> See Covad Comments at 40-41; AT&T Comments at 41-42; WorldCom Comments at 10-11. AT&T asserts that manual processing "by nature, increases the likelihood of delays and errors in provisioning," but does not show any examples of discriminatory delays caused by human errors. AT&T Comments at 41.

<sup>70/</sup> Qwest included the results for January through April in Attachment 5, Appendix D to its Application. Qwest submitted the results for May and June in *ex partes* filed on July 2 and 23, respectively. Performance in each month is relevant because it occurred before comments were due on July 3, 2002. See, e.g., *Maine 271 Order* at ¶ 8 n.19.

<sup>71/</sup> Covad Comments at 31-34.