

not provide a basis for finding noncompliance with the checklist.”<sup>72/</sup> When viewed under that standard, Qwest’s performance results are more than satisfactory. Each checklist item is reviewed briefly below.

41. *Item 1, Interconnection.* None of the commenters raised any specific concerns about Qwest’s commercial performance with regard to interconnection or collocation. This is hardly surprising. For example, for interconnection, Qwest met every performance standard in Colorado and North Dakota during the entire six-month period.<sup>73/</sup> In Nebraska, Qwest failed to achieve parity under metric MR-6, the mean repair interval, in April, but there were only two CLEC repairs in that month. Qwest met every other performance standard in Nebraska in every other month.<sup>74/</sup> The only performance standards that Qwest missed more than once in any state were MR-6 in Idaho, where Qwest achieved parity in the last three months, and MR-8 in Iowa and Idaho, where the 6-month average CLEC trouble

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<sup>72/</sup> *New Jersey 271 Order*, App. C at ¶ 9.

<sup>73/</sup> Colorado Commercial Performance Results at 37-45; North Dakota Commercial Performance Results at 30-35. In this section, all citations to performance results refer to the FCC version of Qwest’s performance reports dated July 16, 2002, which cover results through June. All citations to six-month averages refer to the Statewide Performance Summaries that Qwest filed in an ex parte on July 24, 2002.

<sup>74/</sup> Nebraska Commercial Performance Results at 35-41.

rates were only 0.03%. <sup>75/</sup> Call blockage on interconnection trunks was virtually nonexistent in every state. <sup>76/</sup>

42. For collocation, Qwest's track record is perfect. Whenever it had data to report, Qwest met the performance standards for collocation forecasts and installations in every month in each state. <sup>77/</sup>

43. *Item 2, OSS.* Qwest's performance with regard to gateway availability, pre-order response times, LSR rejection notice intervals, timely firm order confirmations, work completion notifications, LSR accountability, timely release notifications, and stand-alone test environment accuracy has been impeccable. With one minor exception, Qwest did not miss any performance standard more than once in the last six months, in any state, for these services. <sup>78/</sup>

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<sup>75/</sup> Idaho Commercial Performance Results at 35-41; Iowa Commercial Performance Results at 35-42.

<sup>76/</sup> Colorado Commercial Performance Results at 49; Idaho Commercial Performance Results at 43; Iowa Commercial Performance Results at 46; Nebraska Commercial Performance Results at 44; North Dakota Commercial Performance Results at 37.

<sup>77/</sup> Colorado Commercial Performance Results at 46-48; Idaho Commercial Performance Results at 42; Iowa Commercial Performance Results at 43-45; Nebraska Commercial Performance Results at 42-434; North Dakota Commercial Performance Results at 36.

<sup>78/</sup> Colorado Commercial Performance Results at 51-100; Idaho Commercial Performance Results at 45-94; Iowa Commercial Performance Results at 48-97; Nebraska Commercial Performance Results at 46-93; North Dakota Commercial Performance Results at 39-86. The lone exception was PO-6B, work completion notification timeliness. Qwest missed the six hour benchmark for that metric three times in Iowa and North Dakota, but met the benchmark in the last three months (April-June) in each state. Moreover, the 6-month CLEC average was well below the benchmark in North Dakota, and only three minutes above the benchmark in Iowa.

44. Commenters ignored that performance and focused instead on reject rates, flow-through, jeopardy notices, and billing.<sup>79/</sup> These issues are discussed in detail in the Reply Declaration of Lynn Notorianni. A few points merit emphasis here.

45. With regard to rejection notices under diagnostic metric PO-4, AT&T asserts that Qwest's systems reject nearly one-third of all orders submitted electronically, but ignores that many orders are properly rejected due to CLEC errors.<sup>80/</sup> Several CLECs have reject rates in the 7-17% range for orders that were auto-rejected, which demonstrates that Qwest's systems are capable of processing correct orders.<sup>81/</sup> AT&T makes no attempt to quantify the alleged adverse effect of improper rejection notices, and relies instead on an assertion that rejections delay provisioning and increase CLEC costs.<sup>82/</sup> Bald assertions do not rebut Qwest's prima facie showing of compliance with Section 271. Moreover, Qwest met the 18 second benchmark for issuing auto-rejects in every state in each of the last six months, with average intervals of less than 10 minutes.<sup>83/</sup> Because Qwest notifies

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<sup>79/</sup> See, e.g., AT&T Comments at 40-46; WorldCom Comments at 12-15, 17-19.

<sup>80/</sup> AT&T Comments at 41.

<sup>81/</sup> See July 17, 2002 Qwest confidential ex parte, which shows results for individual CLECs under metrics PO-4A (GUI interface) and PO-4B (EDI interface) from January through April.

<sup>82/</sup> AT&T Comments at 41 and Finnegan Decl. at ¶ 134.

<sup>83/</sup> Colorado Commercial Performance Results at 78-79 (PO-3A, PO-3B); Idaho Commercial Performance Results at 72-73; Iowa Commercial Performance Results at 75-76; Nebraska Commercial Performance Results at 72-73; North Dakota Commercial Performance Results at 65-66.

CLECs of errors almost immediately, it is highly unlikely that rejection notices significantly delay provisioning for properly submitted orders.

46. Commenters also complained about Qwest's flow-through rates under diagnostic metric PO-2A.<sup>84/</sup> The commenters ignored that, in prior section 271 orders, the Commission has placed little weight on flow-through, particularly when, as in this case, the BOC "demonstrates that it provides timely order confirmation and reject notices."<sup>85/</sup> The commenters also ignored that the Commission has consistently acknowledged that CLECs affect flow-through rates, and has looked at individual CLEC results to determine whether a BOC's systems are capable of flowing through orders.<sup>86/</sup> In the application states, individual CLECs have achieved overall flow-through rates in the range of 70-90%.<sup>87/</sup>

47. Finally, the commenters ignored that the Commission places more emphasis on results under the "achieved flow-through measure," in this case, PO-2B.<sup>88/</sup> Qwest's performance under PO-2B has been strong. In Colorado and Iowa, Qwest met the benchmarks under PO-2B-1 (GUI interface) in each of the last six months, and met the benchmarks under PO-2B-2 (EDI interface) in at least five of

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<sup>84/</sup> AT&T Comments at 41; WorldCom Comments at 11.

<sup>85/</sup> *Georgia/Louisiana 271 Order* at ¶ 143.

<sup>86/</sup> *Id.* at ¶ 145.

<sup>87/</sup> See July 17, 2002, Qwest confidential ex parte showing results for individual CLECs under metrics PO-2A-1 (GUI interface) and PO-2A-2 (EDI interface) from January through April. See also July 29, 2002, Qwest ex parte showing results for individual CLECs under PO-2A in June.

<sup>88/</sup> *New Jersey Section 271 Order* at ¶ 132.

those months. Qwest's performance in the other states was nearly as good. With one minor exception, the only benchmarks that Qwest missed more than once in the last six months were PO-2B-1 for POTS resale in North Dakota and Nebraska, and PO-2B-1 for LNP in North Dakota, but in each case Qwest's six month average was above the benchmark.<sup>89/</sup>

48. With regard to jeopardy notifications, disparities between wholesale and retail performance under PO-8, the average jeopardy notice interval, have not been statistically significant, in part because the volume of wholesale notices has been very low. With two minor exceptions, Qwest met the parity standard for each PO-8 submetric in each of the last six months.<sup>90/</sup>

49. Qwest's performance under three of the four submetrics for PO-9, the percentage of timely jeopardy notices, has also been good. Qwest met the parity standard for interconnection trunks (PO-9C) in every month. Qwest achieved parity for non-designed services (PO-9A) in five of the last six months in North Dakota, and in every month in the other states. Qwest also met the parity standard

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<sup>89/</sup> Colorado Commercial Performance Results at 74-75 (PO-2B); Iowa Commercial Performance Results at 69-70; Nebraska Commercial Performance Results at 70-71; North Dakota Commercial Performance Results at 60-61. Commercial Performance Results for PO-2B. The exception was PO-2B-1 for LNP in Idaho, but the volume of activity reported was extremely low. Idaho Commercial Performance Results at 70-71.

<sup>90/</sup> Colorado Commercial Performance Results at 91-94 (PO-8); Idaho Commercial Performance Results at 85-88; Iowa Commercial Performance Results at 88-91; Nebraska Commercial Performance Results at 84-87; North Dakota Commercial Performance Results at 77-80. The first exception was in Idaho for non-designed services (PO-8A), but Qwest achieved parity in four of the five months with reported data. The other exception was in Colorado for non-designed services, but Qwest achieved parity in three of the last four reported months.

for UNE-P POTS (PO-9D) in every month with reported data in Idaho, Iowa, Nebraska, and North Dakota, and in four of the last six month in Colorado. <sup>91/</sup>

50. Under PO-9B, which applies to unbundled loops and local number portability, Qwest achieved parity in five of the last six months in Idaho and Nebraska. Qwest's performance in the other three states has been problematic. <sup>92/</sup> In those states, the volume of unbundled loop missed-due-date orders for wholesale was very small relative to the volume of orders because Qwest's performance under OP-3, which measures installation commitments met, was very strong. For example, in June there were 135 CLEC jeopardy notices reported under PO-9B in Colorado, but Qwest installed roughly 5,000 loops and met more than 98% of its installation commitments to CLECs. <sup>93/</sup> If Qwest had given timely jeopardy notices for 23 more CLEC orders, or 0.45% of all loops provisioned in June, Qwest would have achieved parity under PO-9B. Viewed in context, as part of Qwest's overall loop performance and overall performance under checklist item 2, as it relates to

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<sup>91/</sup> Colorado Commercial Performance Results at 91-94 (PO-9A, 9C, 9D); Idaho Commercial Performance Results at 85-88; Iowa Commercial Performance Results at 88-91; Nebraska Commercial Performance Results at 84-87; North Dakota Commercial Performance Results at 77-80.

<sup>92/</sup> Colorado Commercial Performance Results at 92 (PO-9B); Idaho Commercial Performance Results at 86; Iowa Commercial Performance Results at 89; Nebraska Commercial Performance Results at 85; North Dakota Commercial Performance Results at 78.

<sup>93/</sup> Colorado Commercial Performance Results at 92 (PO-9B), 154-226 (OP-3). Qwest met 99% of its CLEC installation commitments for 4,315 analog loops, 99% for 138 2-wire non-loaded loops, 100% for 15 4-wire non-loaded loops, 89% for 72 DS1 loops, 94% for 101 ISDN capable loops, 100% for 20 ADSL qualified loops, 91.87% for 182 conditioned loops, and 98.7% for 323 line shared loops.

OSS, the disparities under PO-9B are not competitively significant and do not, by themselves, warrant denial of Qwest's application.

51. For billing, Qwest consistently met the performance standards for metrics BI-1A, BI-1B, BI-2, and PO-7 in each state.<sup>94/</sup> Qwest met the parity standard for billing accuracy, metric BI-3A, in every month in Colorado and Idaho, and in five of the last six months in North Dakota. In Iowa, Qwest missed the parity standard twice, but CLEC bills were more than 99% accurate and the 6-month CLEC average was higher than retail. In Nebraska, the 6-month CLEC average was only 0.77% short of parity with retail.<sup>95/</sup>

52. Qwest met the parity standard for BI-4A, billing completeness, in every month in Nebraska and in five of the last six months in North Dakota, where the 6-month CLEC average was higher than retail. Qwest had multiple misses in the other three states, but the 6-month CLEC average was 97% in Colorado and Idaho and 94% in Iowa, in each case within 1% of retail.<sup>96/</sup> Viewed as a whole,

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<sup>94/</sup> Colorado Commercial Performance Results at 89-90, 101-03; Idaho Commercial Performance Results at 83-84, 95-97; Iowa Commercial Performance Results at 86-87, 98-100; Nebraska Commercial Performance Results at 82-83, 94-96; North Dakota Commercial Performance Results at 75-76, 87-89. In North Dakota, Qwest missed the parity standard under PO-7A-C (GUI interface) twice in the last six months, but the 6-month CLEC average bill completion notification timeliness was higher than retail.

<sup>95/</sup> Colorado Commercial Performance Results at 104; Idaho Commercial Performance Results at 98; Iowa Commercial Performance Results at 101; Nebraska Commercial Performance Results at 97; North Dakota Commercial Performance Results at 90.

<sup>96/</sup> Colorado Commercial Performance Results at 105; Idaho Commercial Performance Results at 99; Iowa Commercial Performance Results at 102;

these results demonstrate that Qwest is providing nondiscriminatory access to its OSS.

53. *UNE-P.* Qwest's performance in provisioning UNE-P POTS, UNE-P Centrex, and UNE-P Centrex 21 to CLECs has been strong. For installations, the only trouble spot has been metric OP-4, the average interval, for non-dispatch installations. Qwest missed the parity standard for that metric more than once for UNE-P POTS in Nebraska, Iowa, and North Dakota, but in the latter two states the 6-month averages were at parity, and in Nebraska the CLEC interval was less than three days, and shorter than retail, in the last two months. Qwest also missed the parity standard more than once for UNE-P Centrex in Colorado and UNE-P Centrex 21 in Iowa.<sup>97/</sup> In the *New Jersey* order, however, the Commission confirmed that it views the percentage of installation commitments met is a "more reliable indicator of provisioning timeliness."<sup>98/</sup> Qwest's performance in meeting installation commitments, as measured by metric OP-3, has been outstanding. With two very minor exceptions, for each type of UNE-P, Qwest achieved parity in

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Nebraska Commercial Performance Results at 98; North Dakota Commercial Performance Results at 91.

<sup>97/</sup> Colorado Commercial Performance Results at 106-44; Idaho Commercial Performance Results at 100-38; Iowa Commercial Performance Results at 103-41; Nebraska Commercial Performance Results at 99-136; North Dakota Commercial Performance Results at 92-129.

<sup>98/</sup> *New Jersey 271 Order* at ¶ 138.

every month under OP-3 in each state, with percentages generally in the 95-100% range.<sup>99/</sup>

54. CLEC trouble rates for UNE-P averaged about 1% across all states and products. For UNE-P POTS, CLEC trouble rates were at parity with retail in five of six months in North Dakota, where the six-month CLEC average (1.04%) was only 0.06% above retail, and in every month in the other states. Although there were more disparities for UNE-P Centrex in Colorado, Idaho, and Iowa, the six-month average differences between wholesale and retail were only 0.74%, 0.51%, and 0.50%, respectively. Similarly, although there were multiple disparities for UNE-P Centrex 21 in Colorado and North Dakota, the six-month CLEC averages were within 0.11% and 0.48% of retail.<sup>100/</sup> These small disparities are not competitively significant.

55. Qwest's performance in clearing out of service reports within 24 hours (MR-3), clearing all troubles within 48 hours (MR-4), and its mean repair intervals (MR-6) was excellent. Qwest did not miss parity more than once in any state for any product. Repeat trouble rates (MR-7) likewise have generally been at parity, in

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<sup>99/</sup> The only exceptions were: (1) UNE-P Centrex 21, no dispatch, in Colorado, where Qwest met parity in five of six months and the 6-month CLEC average (98.64%) was higher than retail; and (2) UNE-P POTS, no dispatch, in North Dakota, where Qwest met parity five times and the 6-month CLEC average was 98.79%, only 0.25% short of retail.

<sup>100/</sup> Colorado Commercial Performance Results at 118, 131, 144; Idaho Commercial Performance Results at 112, 125; Iowa Commercial Performance Results at 115, 128; Nebraska Commercial Performance Results at 111; North Dakota Commercial Performance Results at 104, 129.

part due to very low CLEC volumes.<sup>101/</sup> The only exceptions were the repeat trouble rates for UNE-P POTS in Iowa, where CLEC volumes were low and Qwest achieved parity in three of the last four months, and Colorado, where the difference between wholesale and retail in each month is only a handful of repeat troubles.

56. *Item 4, Unbundled Loops.* No commenter seriously questioned Qwest's unbundled loop performance. For analog and 2-wire non-loaded loops, which account for the vast majority of CLEC loops provisioned, Qwest met the applicable performance standards for each metric in each state in virtually every month.<sup>102/</sup> The few exceptions, all of which occurred in Nebraska, are not competitively significant. For analog loops, Qwest missed the parity standard for installation commitments met twice, but achieved parity in the last four months and met more than 99% of its commitments to CLECs in May and June.<sup>103/</sup> Qwest also missed the six day benchmark for average installation intervals twice, but Qwest met the benchmark in the last four months, and the six-month CLEC average was 5.48 days.<sup>104/</sup> For 2-wire non-loaded loops, the CLEC trouble rate in Nebraska was not

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<sup>101/</sup> Colorado Commercial Performance Results at 106-44; Idaho Commercial Performance Results at 100-38; Iowa Commercial Performance Results at 103-41; Nebraska Commercial Performance Results at 99-136; North Dakota Commercial Performance Results at 92-129.

<sup>102/</sup> Colorado Commercial Performance Results at 154-77; Idaho Commercial Performance Results at 146-68; Iowa Commercial Performance Results at 142-64; Nebraska Commercial Performance Results at 137-59; North Dakota Commercial Performance Results at 130-44.

<sup>103/</sup> Nebraska Commercial Performance Results at 137-41.

<sup>104/</sup> *Id.* at 137-42.

at parity with retail in two months, but the six-month CLEC average was less than 1%, and only 0.26% above retail.<sup>105/</sup>

57. Covad argues that Qwest's line sharing repair performance is unacceptable.<sup>106/</sup> To begin with, Covad ignores Qwest's installation performance, which is quite good. In each state with results, Qwest did not miss a single installation performance standard more than once in the last six months. Although CLEC volumes were low, Qwest likewise did not miss any repair performance standards more than once in Idaho, Iowa, or Nebraska.<sup>107/</sup> The only trouble spot is Colorado, where Qwest's performance was not bad. The CLEC trouble rate was at parity with retail in the last four months, and the six-month CLEC average (1.40%) was lower than retail. Over the past six months, Qwest cleared more than 95% of all CLEC troubles within 48 hours. The repeat trouble rate for dispatch repairs was at parity from March through June, and the repeat trouble rate for non-dispatch repairs was at parity in four of the last five months.<sup>108/</sup> Mean repair intervals were longer for CLECs, but Qwest expects the gap to close when it implements its plan to

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<sup>105/</sup> *Id.* at 158. Qwest also had multiple misses for non-designed analog loops in Colorado under OP-3 and OP-4, but the CLEC volume was extremely low because nearly all analog loops fall into the designed category. For example, in June Qwest met 99% of its installation commitments for 4,315 designed analog loops, and did not install any non-designed analog loops.

<sup>106/</sup> Covad Comments at 31.

<sup>107/</sup> Colorado Commercial Performance Results at 227-40; Idaho Commercial Performance Results at 218-29; Iowa Commercial Performance Results at 214-25; Nebraska Commercial Performance Results at 209-20. Qwest had no CLEC activity to report in North Dakota.

<sup>108/</sup> Colorado Commercial Performance Results at 227-40.

designate all line sharing trouble reports as “out of service,” which will give them the highest priority in the repair cue.<sup>109/</sup>

58. *Items 5-13.* No commenters expressed concerns about Qwest’s commercial performance with respect to any of these checklist items. The only performance standard that Qwest missed more than once in any state was the trouble rate for UDIT above DS1 (checklist item 5) in Colorado, which was at parity in the last three reported months.<sup>110/</sup> For all of these checklist items, Qwest’s performance as a whole is excellent.

59. *Item 14, Resale.* AT&T alleges that provisioning intervals for CLEC resale orders are longer than retail intervals.<sup>111/</sup> The facts belie that assertion. For all 12 resale products that Qwest tracks, instances of statistically significant performance disparities have been few and far between. The only metrics as to which Qwest missed parity more than once in the last six months were: (1) new service installation quality for business resale in North Dakota, but Qwest achieved parity in three of the last four months;<sup>112/</sup> (2) average installation interval for Centrex 21 resale in Colorado, Iowa, and Nebraska, but wholesale volumes were low in each state, and the percentages of installation commitments met (OP-3) were at

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<sup>109/</sup> See Reply Declaration of Karen Stewart at ¶¶ 44-50. Qwest will notify CLECs of this change by the end of July through the Change Management Process.

<sup>110/</sup> Colorado Commercial Performance Results at 264.

<sup>111/</sup> AT&T Comments at 43.

<sup>112/</sup> North Dakota Commercial Performance Results at 231.

parity in every month;<sup>113/</sup> and (3) new service installation quality for DS1 resale in Colorado, where there were only nine CLEC installations in the last six months.<sup>114/</sup>

60. On the repair side, Qwest's performance was equally strong. The only problematic metric was MR-8, but in nearly every instance of multiple disparities, the difference between wholesale and retail was not competitively significant. In Colorado, retail trouble rates were lower than wholesale by a statistically significant margin more than once for residence, Centrex, and DSO, but in each case the six-month CLEC average trouble rate was within 0.30% of retail.<sup>115/</sup> In Nebraska, there were multiple disparities for business and PBX, but the six-month average differences between wholesale and retail were 0.25% and 0.20%, respectively.<sup>116/</sup> In North Dakota, the six-month average difference between wholesale and retail business trouble rates was only 0.37%.<sup>117/</sup> These small differences do not put CLECs at a significant competitive disadvantage.<sup>118/</sup>

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<sup>113/</sup> Qwest met 100% of its installation commitments to CLECs in Colorado and Iowa, and nearly 100% in Nebraska. Colorado Commercial Performance Results at 320-23; Iowa Commercial Performance Results at 299-302; Nebraska Commercial Performance Results at 293-96.

<sup>114/</sup> Colorado Commercial Performance Results at 401.

<sup>115/</sup> Colorado Commercial Performance Results at 293, 319, 397.

<sup>116/</sup> Nebraska Commercial Performance Results at 280, 320.

<sup>117/</sup> North Dakota Commercial Performance Results at 239. The trouble rate for Centrex resale in North Dakota was also higher than retail, but there were only 13 CLEC lines in service.

<sup>118/</sup> The only resale service with wholesale trouble rates that are significantly higher than retail is DS1. In Colorado, Idaho, and North Dakota, CLEC trouble rates were roughly 2% higher, on average, than retail. Colorado Commercial

61. Overall, Qwest's commercial performance clearly satisfies the requirements of Section 271. The performance results demonstrate that Qwest is providing interconnection and access to unbundled network elements in a nondiscriminatory fashion to CLECs.

**D. Qwest's Held Order Policy Does Not Skew The Performance Results.**

62. Covad asserts that Qwest's new build policy masks Qwest's delays in filling competitors' orders, because competitors' held orders are excluded from several provisioning metrics.<sup>119/</sup> AT&T likewise complains that the policy has a profound impact on several metrics.<sup>120/</sup> The facts belie these claims.

63. To begin with, the number of CLEC orders delayed due to lack of facilities is extremely small. A snapshot review of Qwest internal regional data for May 2002 showed that more than 99% of CLEC inward orders for unbundled loops were fulfilled. AT&T's hypothetical assumption that 10% of all orders cannot be filled due to a lack of facilities is a gross exaggeration.<sup>121/</sup> AT&T and the other commenters know how many of their orders have been delayed due to lack of facilities. It is telling that none of them adduced any evidence of their experience.

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Performance Results at 406; Idaho Commercial Performance Results at 382; North Dakota Commercial Performance Results at 315. DS1 resale, however, is a complex service that represents a tiny fraction of CLEC resale lines in service.

<sup>119/</sup> Covad Comments at 36-38.

<sup>120/</sup> AT&T Finnegan Decl. at ¶¶ 118-19.

<sup>121/</sup> AT&T Finnegan Decl. at ¶¶ 120-21.

64. Although commenters would like to hold Qwest accountable, in its provisioning performance results, for CLEC requests that require Qwest to build new facilities, that position is legally untenable. Qwest generally is not required to build new facilities for CLECs.<sup>122/</sup> Thus, it is perfectly reasonable to cancel orders that would require new construction. Although the commenters dispute Qwest's view on the "obligation" to build, the Commission has made clear that it will not deny a Section 271 application based on disputes over the precise scope of a BOC's obligation to build, if any.<sup>123/</sup>

65. Nonetheless, to allay CLEC concerns about its held order policy, Qwest added to its Montana SGAT an 11-step process, applicable to all UNEs, that includes a 30 business day hold period. Qwest is in the process of incorporating this language, which Covad approved, into the SGATs of every state in its region.<sup>124/</sup> Under this process, for example, Qwest holds requests for unbundled loops when no facility exists (unless the CLEC requested a loop to provide an end user with primary voice grade service that would fall under Qwest's POLR or ETC obligations). After a thorough exploration of alternatives to provide a facility for these loops, Qwest places these orders in an "Unbundled Loop Pending Facility" status for 30 business days. During that period, the order is reported under OP-15,

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<sup>122/</sup> As part of its retail obligations, Qwest may have an obligation to build under Provider of Last Resort ("POLR") or Eligible Telecommunications Carrier ("ETC") obligations. In those cases, Qwest allows CLECs to step into the shoes of retail customers.

<sup>123/</sup> *Pennsylvania 271 Order*, 16 FCC Rcd at 17469-70 (¶ 91).

<sup>124/</sup> See Reply Decl. of Karen Stewart at 3.

Interval for Pending Orders Delayed Past Due Date, until a new due date is established.<sup>125/</sup> If during that 30 day period facilities become available, the order will be assigned a due date, completed, and reported in the appropriate installation metrics, including, OP-3, OP-4, and OP-6.

66. The negotiated definitions for OP-3, OP-4, and OP-6 count only orders completed in the reporting period. The CLECs agreed to the parity comparison at a time when Qwest's policy was to reject these orders outright. If facilities are found via the 30-day effort, the order will be completed and the effects of the extended interval will be included in the OP results. If after 30 days these orders are cancelled, they will not meet the collaboratively-established rule that only completed orders count. These orders should not be reflected in results because Qwest does not have an obligation to build.

67. AT&T also asserts that Qwest is improperly not counting orders rejected due to lack of facilities under metrics PO-3 (Rejection Notice Interval) and PO-4 (LSRs Rejected).<sup>126/</sup> First, it is important to recognize that the orders are cancelled, not "rejected" as the PID defines that term. Second, while PO-3 and PO-4 are not intended to capture cancellations, a very small proportion of the already-small number of orders held for facilities rejected after 30 days are nevertheless found in these measurements. In its continuing improvement efforts, Qwest is

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<sup>125/</sup> AT&T's assertion that OP-15 has a parity standard, AT&T Finnegan Decl. at ¶ 119, is wrong. The ROC TAG, after extensive discussion and consideration, agreed to designate OP-15 as a diagnostic metric. This decision was reached collaboratively, without resort to impasse or escalation.

<sup>126/</sup> AT&T Finnegan Decl. at ¶¶ 123-25.

developing the capability to not include such cancellations in PO-3 and PO-4. Consequently, beginning with results reported in August 2002, Qwest will discontinue including them. In any event, the volume of orders rejected for this reason and captured in the measurements in April and May was so small that, even though they were included they had no adverse effect on the results.

**E. Metric OP-5 Accurately Tracks Qwest's Installation Quality.**

68. Covad questions the accuracy and reliability of Qwest's New Service Installation Quality measurement (OP-5). In particular, Covad asserts that because the underlying data for OP-5 "can never be reconciled," results under the metric are inherently suspect.<sup>127/</sup> This is a gross misrepresentation of the facts. In the course of the data reconciliation work, Covad requested that Liberty perform reconciliation not of metric OP-5, as defined and approved by the ROC TAG, but rather reconciliation of an installation quality metric Covad itself proposed.

69. OP-5 captures installation quality consistent with the TAG's defined methodology. The metric was developed through extensive discussion during the ROC and Arizona workshops. The measurement was also addressed during TAG meetings and the Liberty Consulting PMA. The parties specifically discussed concepts about ordering and installation quality, and reached consensus on an OP-5 definition that captures all situations that generate trouble reports (received within 30 calendar days following installation of inward lines), whether triggered by

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<sup>127/</sup> Covad Comments at 42.

ordering issues or by installation errors. Liberty audited Qwest's implementation of OP-5 and found that the metric generates accurate and reliable results.<sup>128/</sup>

70. Although OP-5 successfully measures installation quality, the agreed definition has known limitations that tend to overstate errors and understate service quality. Liberty described these limitations in its PMA report.

71. First, "The number of trouble reports used in this measure is reported on a per-line basis, while the number of orders used in the measure is reported on a per-order basis."<sup>129/</sup> The denominator of OP-5 consists of the average number of orders for inward line activity installed in the current and previous month. Many orders involve multiple lines. On the other hand, in the numerator trouble reports are counted on a per-line or service basis. As a result, OP-5 performance results are biased downward, making Qwest's performance appear worse than it really is.<sup>130/</sup>

72. Second, the trouble tickets counted in the numerator and the orders counted in the denominator are not necessarily linked. While the denominator of order volumes is limited to inward line activity, the numerator includes all trouble tickets. Trouble tickets are coded to indicate whether they occurred within 30 days of service installation, but there is no indication as to whether the installation activity was for inward lines. As a result, trouble tickets for feature-only orders, PIC changes, etc., are included in the numerator, while the corresponding orders

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<sup>128/</sup> See Attachment 5, Appendix D, Liberty PMA Final Report.

<sup>129/</sup> *Id.* at 63.

<sup>130/</sup> *Id.*

are, per the PID, excluded from the denominator. Again, this skews the performance results downward.<sup>131/</sup> In the long term PID administration process, Qwest will pursue solutions to these problems.

73. Covad's request for reconciliation of OP-5 did not take these definitional limitations into consideration. Instead, Covad wanted to reconcile their records for trouble tickets specifically associated with their orders, and in the way they wanted, which was not consistent with the PID definition. OP-5 results cannot be reconciled that way because trouble tickets are not linked to inward line activity.

**F. Qwest Properly Categorized Eschelon's UNE-Star Lines As UNE-P.**

74. Eschelon asserts that "Qwest is already reporting Eschelon's UNE-E/UNE-Star lines as UNE-P lines" in Qwest's performance results.<sup>132/</sup> They further contend that Qwest failed to provide the requisite notice for this change, which occurred "in approximately November of 2001."<sup>133/</sup>

75. "UNE-Star" is an informal name given to various forms of UNE-P combinations offered to CLECs. The product title, "UNE-Star," does not appear in the PIDs. UNE-Star refers to services offered on a UNE-P basis that include business POTS-type, Centrex-type, and Centrex 21-type services.<sup>134/</sup>

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<sup>131/</sup> See Liberty PMA Final Report at 63.

<sup>132/</sup> Eschelon Comments at 28.

<sup>133/</sup> *Id.*

<sup>134/</sup> Centrex services involve dedicated common blocks and network access registers (NARs), whereas Centrex 21 services involve shared common blocks and NARs.

76. Performance measurement reporting changes are not within scope of CMP and are not governed by CMP guidelines requiring advance notification.<sup>135/</sup> Nonetheless, Qwest documents changes in results reports in a monthly "Summary of Notes" published shortly after each month's performance results are posted on Qwest's external website. This website contains the latest performance results and the related notes summary.<sup>136/</sup> Qwest notifies all ROC TAG participants via email that the results and notes have been posted to this website.

77. Qwest notified CLECs of the change in results reporting from business lines to UNE-P in the Summary of Notes published with October 2001 results. The Summary stated:

Implemented programming to report under the "UNE-P (POTS)" product category the new UNE-P (Business) and UNE-P (Centrex 21) that have been recently offered separately from Resale (Non-Designed Services). Initial volumes of these two UNE-P (POTS) products were reported under Resale Business and Centrex, respectively. Therefore, this change also includes re-running past results to move those initial volumes from Resale to UNE-P (POTS).

Implemented programming to remove UNE-P (Centrex) (i.e., "complex" Centrex that is neither Resale nor UNE-P (POTS)) that has been recently offered separately from Resale.

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<sup>135/</sup> CMP deals with operational processes, whereas PID issues are regulatory in nature and are dealt with in different forums, such as the TAG meetings during the OSS test and long term PID administration meetings.

<sup>136/</sup> See [www.qwest.com/wholesale/results/roc.html](http://www.qwest.com/wholesale/results/roc.html).

These changes are effective with this (Nov 00 - Oct 01) report beginning with Oct 01 results with a rerun of Jan - Sep 01 results.”

78. Additional Summary of Notes entries explained the changes to the OP measurements: “Implemented programming to report UNE-P (Centrex 21) (i.e., POTS Centrex) results under UNE-P(POTS), separate from results for Resale Business and Centrex 21 where they were previously reported. This change also implements separate reporting for UNE-P (Centrex) (i.e., non-POTS, or “complex,” Centrex) under its own product heading, consisting of results previously reported under Resale Centrex. This change is effective with this (Nov 00 - Oct 01) report beginning with Oct 01 results with a rerun of Jan - Sep 01 results. A PID update proposal has been submitted to the TAG and is under consideration as of 29 Nov 01 (ROC) and 03 Dec 01 (AZ).” These reporting changes were made when Qwest determined the new product UNE-E/UNE-Star more closely aligned with UNE-P than the resale product reporting categories.

79. Because Eschelon’s business lines had been converted to UNE-E/UNE-Star rates by an agreement reached with them in October 2000, their reporting was changed to UNE-P as part of the change in reporting described above and noticed to the CLEC community via the standard notification vehicle for results reporting changes -- the monthly Summary of Notes. Thus Qwest satisfied any obligation it may have for notifying CLECs of changes in reporting results.

**G. The Commission Should Reject AT&T's Request for Additional PIDs.**

80. AT&T argues that the Commission should require Qwest to add additional PIDs, as recommended by KPMG.<sup>137/</sup> This argument has no merit. All of the current PIDs were developed in a collaborative process with all parties, including AT&T, providing input. Qwest's PIDs are the result of years of negotiations and agreements. AT&T makes a mockery of this process by suggesting, at this late hour, that Qwest's Application is insufficient because more PIDs are needed.

81. The Commission confronted an identical concern raised by AT&T in New York. There, the Commission held that "[w]e 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>138/</sup> The Commission should do the same here.

82. In any event, Qwest is committed to the long term PID administration process, and is prepared to address any proposed new metrics through that process. The long term PID administration process is beginning to take shape. On July 8, the Washington Utilities and Transportation Commission sent a letter concerning long term PID administration to commissioners from each state in Qwest's region. The letter included three proposed alternatives for a collaborative PID

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<sup>137/</sup> AT&T Finnegan Decl. at 44-48.

<sup>138/</sup> *New York Section 271 Order* at ¶ 439.

administration process. The letter asked the state commissioners to submit comments on the proposals by September 1, 2002.<sup>139/</sup>

83. Moreover, Qwest has continued to develop and propose new metrics on its own. In June, Qwest began reporting results under diagnostic metric PO-20, which relates to new service order accuracy. Qwest also plans to propose a new billing metric, BI-5, which will measure the promptness with which Qwest acknowledges and resolves CLEC billing adjustment claims processed in the Service Delivery Center. These new metrics demonstrate Qwest's continuing commitment to refine the PIDs to more accurately and meaningfully measure Qwest's performance.

## II. CONCLUSION

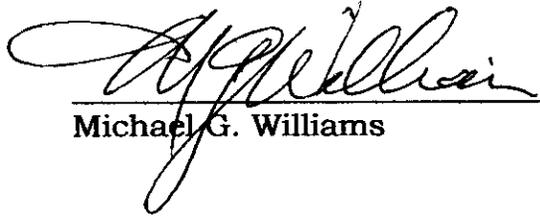
84. Qwest's audited and reconciled performance reports confirm that Qwest is making each checklist item available to CLECs in Colorado, Idaho, Iowa, Nebraska, and North Dakota at an acceptable level of quality. The commercial performance results support a finding that Qwest has satisfied the requirements of the competitive checklist in Section 271.

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<sup>139/</sup> Qwest filed a copy of this letter in the record in an ex parte submitted on July 17, 2002.

**VERIFICATION**

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 23, 2002.

  
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Michael G. Williams