

**R. Hance Haney**  
Executive Director – Federal Regulatory

1020 19th Street NW, Suite 700  
Washington, DC 20036

202 429 3125  
202 293 0561 fax  
Email: hhane@qwest.com



August 29, 2002

**Ex Parte**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW-B204  
Washington, D.C. 20554

Re: Application of Qwest Communications International, Inc.  
To Provide In-Region InterLATA Services in the States of Colorado,  
Idaho, Iowa, Nebraska and North Dakota, WC Docket No. 02-148

Application of Qwest Communications International, Inc.  
To Provide In-Region InterLATA Services in the States of Montana,  
Utah, Washington & Wyoming, WC Docket No. 02-189

Dear Ms. Dortch:

Qwest hereby responds to a question from the Wireline Competition Bureau regarding PO-3 reject timeliness and AT&T's argument that Qwest does not count orders held for 30 days due to facilities then rejected the same between retail and wholesale. Specifically, the Bureau is seeking confirmation that wholesale and retail orders are treated the same in every month.

In order to fully respond, Qwest must first clarify the construct of PO-3. PO-3 measures LSR rejection notification timeliness and, as explained below, focuses on the initial order processes and activities. As such, this PID's standard is a benchmark. The benchmark of  $\leq 18$  seconds applies to LSRs rejected mechanically (auto-rejected). For manually rejected LSRs, the benchmark is  $\leq 12$  business hours. This PID was intended to track whether Qwest rejected orders within specified timeframes after identifying the need for rejection during LSR validation. Neither AT&T nor any other CLEC ever asserted that PO-3 should have a "retail parity" standard and, in any event, there is no "apples-to-apples" retail process that could be measured as an analogue for parity comparisons. Moreover, because the measurement focuses on the timeliness of initial LSR processing, rather than later activity such as at the 30-business day point, PO-3 was not designed to capture anything related to the 30-business day activity.

As to wholesale versus retail treatment, the processes followed vary by product and circumstance. Qwest will initiate a facility build, when necessary to fulfill a request for primary voice service for retail, resale and UNEs. In these instances, a CLEC request

Marlene H. Dortch  
August 29, 2002  
Page 2

would not be subject to rejection. Conversely, Qwest will "reject" retail requests for DSL service where existing facilities do not qualify, while providing CLECs the option submitting the LSR and having the facilities conditioned to meet the requirements for DSL.

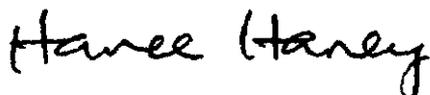
For other types of service requests where Qwest does not initiate facility builds, the process for rejecting LSRs that have gone held due to lack of facilities are handled differently among the ROC II states. For Washington, both retail service orders and CLEC LSRs that go held remain in held status until either facilities are available to satisfy the request or the CLEC cancels the request.

In the remaining 3 ROC II states, wholesale LSRs follow a process negotiated in the CLEC forum conducted by the Montana state commission. This process, endorsed by CLECs, calls for a date-certain approach to held orders. After an exhaustive facility search, if facilities cannot be located and there is no planned Engineering Job, the LSR enters a Pending Facility Availability status and is held for 30 business days. After the 30-business day period, the LSR is rejected to allow the CLEC to assess alternate means of managing the customer's request.

This type of reject activity (at the 30-business day point) is not included in PO-3, nor should it be. As mentioned above, the PO-3 PID focuses on the initial LSR processes and activities. Accordingly, it defines the standard reasons of reject that are included in the measurement – and reject notifications for UNE orders held pending facility availability are not included in the PID description. For this reason, when the parties discussed and established the manual reject benchmark, they did not take into account this type of notification. Had it been within the scope of the PID, the benchmark would have been established in days, not hours. As a result, the mixture of near-term rejections and 30-business day rejections would have made meaningful analysis of PO-3 difficult, if not impossible. This is evidenced by the inadvertent inclusion of just one LSR rejected after the 30-business day window in Wyoming in May. That single LSR reject caused Qwest to appear to have missed the PO-3C standard of  $\leq 24$  work week clock hours (i.e., 1 business day).

The twenty-page limit does not apply as set forth in DA 02-1390 and DA 02-1666.

Sincerely,



cc: M. Carowitz  
E. Yockus  
G. Remondino  
M. Cohen

Marlene H. Dortch  
August 29, 2002  
Page 3

R. Harsch  
J. Jewel  
P. Baker  
C. Post  
P. Fahn  
B. Smith  
J. Myles  
J. Stanley  
S. Vick  
J. Orchard  
C. Washburn  
S. Oxley