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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Application by	)	
Qwest Communications International, Inc.	)	
For Authorization To Provide	)	WC Docket No. 02-314
In-Region, InterLATA Services in the States	)	
of Colorado, Idaho, Iowa, Montana, Nebraska,	)	
North Dakota, Utah, Washington, and	)	
Wyoming	)	

DECLARATION OF

JOHN F. FINNEGAN

ON BEHALF OF

AT&T CORP.

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DECLARATION OF
JOHN F. FINNEGAN ON BEHALF OF AT&T

1. My name is John F. Finnegan. I am a Senior Policy Witness employed by AT&T Corp. My business address is 1875 Lawrence Street, Suite 1500, Denver, Colorado, 80202.

2. I received a Bachelor of Science degree in Engineering from Rutgers College of Engineering and an M.B.A. from the University of Denver. After graduating from Rutgers, I spent the next two years with Combustion Engineering in Valley Forge, Pennsylvania, as a Project Engineer. I have worked for AT&T since 1983 in a variety of engineering, quality management, sales and marketing positions. Almost half of that time was spent leading a supplier quality management organization.

3. In 1995, I joined AT&T's New Markets Development Organization (the immediate predecessor to AT&T's Western Region Local Services Organization) and was one of the first employees in the Western Region to explore the opportunities associated with providing local exchange service in that region. In 1996, I assumed my current position. In recent years, I have concentrated my work efforts on collaborating with Qwest, competitive local exchange

carriers ("CLECs"), and state regulators on understanding and evaluating Qwest's operational support system ("OSS"). In fact, I have been AT&T's representative in the Arizona and the Regional Oversight Committee's ("ROC") OSS tests since their inception. I am frequently a panelist on ROC OSS discussions, and have testified in State 271 proceedings in Colorado Washington, North Dakota, South Dakota, Nebraska, Oregon, Minnesota and New Mexico.

I. PURPOSE AND SUMMARY OF DECLARATION

4. The purpose of this declaration is to update the record regarding Qwest's allegations that its performance data are accurate and reliable and demonstrate statutory compliance. Nothing has changed since Qwest filed its previous applications. Qwest has not met and cannot meet its burden of proof on these issues.

5. Part II explains that the measures on which Qwest relies to demonstrate that it accurately processes and provisions CLEC orders that fall out for manual processing are ill-defined, incomplete and inadequate to show statutory compliance. Indeed, Qwest's PO-20 measure — a measure that Qwest unilaterally developed and which purportedly assesses the accuracy of Qwest's manually processed orders – is so limited in scope and biased in Qwest's favor that it cannot legitimately be relied upon by this Commission as a reliable indicator of Qwest's performance.

6. Furthermore, Qwest cannot fill this data gap by relying on its OP-5 Measure which purportedly measures new installation quality or its new measure on "Service Order Accuracy via Call Center Data" ("Call Center Measure"). Qwest's OP-5 measure is wholly inadequate to assess the quality of its provisioning because it does not capture troubles that can be corrected through a service order and inappropriately excludes troubles that are required to be reported to Qwest's ISC within the first 72 hours of installation.

7. Equally infirm are Qwest's assertions that its new Call Center Measure (another unilaterally-developed measure) provides reliable data on its service order accuracy performance and captures data not otherwise reflected in its OP-5 measure. As a practical matter, on its face, Qwest's Call Center Measure is a mere "draft" containing certain "initial illustrative criteria" and a draft formula for calculating performance results. Because the metric is incomplete and insufficiently developed, it cannot reasonably be relied upon to prove Qwest's claims of accuracy in handling manually-processed and provisioning orders. Putting this defect aside, the metric as currently crafted is fundamentally flawed in other important respects. The measure cannot reliably capture the accuracy of Qwest's performance in handling manually-processed orders because it captures both electronically-submitted, as well as manually-processed orders. Furthermore, because the metric only captures discrepancies between the LSR and service order, it does not capture problems in the provisioning of the service.

8. Part III explains that Qwest's performance data continue to show that Qwest has failed parity and benchmark standards. Qwest's own reported data continue to show that it is plagued with high rejection rates and inadequate flow though rates. Indeed, Qwest's data show that the total flow-through rates for certain categories of orders, including UNE loop orders submitted over EDI, as well as LNP orders, have declined since May 2002. Furthermore, in four of the nine states included in the Application, the overall rates of manual processing have increased since May 2002. Additionally, Qwest's own reported results also show that it fails to issue timely jeopardy notices and otherwise fails to perform at parity during the provisioning, maintenance and repair, and billing processes.

9. In its previous application, when Qwest was confronted with its performance data demonstrating performance failures, Qwest resorted to a host of rationalizations and promises of

improved future performance. These promises, standing alone, are entitled to no weight in the context of these proceedings. However, Qwest's performance data also reveal that Qwest has not even fulfilled many of these commitments. Indeed, in any number of areas, Qwest's data show that the improved performance that Qwest promised has not materialized. Against this backdrop, Qwest cannot demonstrate that its data are accurate and show statutory compliance.

II. QWEST'S MEASUREMENTS ON SERVICE ORDER AND PROVISIONING ACCURACY ARE DEFECTIVE.

10. On the basis of the current record, Qwest cannot meet its burden of demonstrating that its performance data are "above suspicion"[1] and show that it has fulfilled its Section 271 obligations. As AT&T explained in *Qwest I* and *Qwest II,* despite Qwest's claims to the contrary: (1) the audits and data reconciliation processes on which Qwest relies did not validate the accuracy of Qwest's data; (2) Qwest's measurements as defined, or as implemented, do not capture actual performance; and (3) even Qwest's inadequate commercial data show that Qwest has failed to perform in a non-discriminatory manner.[2]

11. Indeed, as AT&T explained in its comments on Qwest's previous applications, Qwest's own reported results revealed that CLEC orders are subject to a high degree of manual processing which increases the risk of delays and errors in provisioning. KPMG's Final Report also references the numerous errors that Qwest committed when handling manually-processed orders. Indeed, in Observation 3110, KPMG noted that Qwest assigned erroneous application

[1] *Texas 271 Order*, ¶ 429.

[2] AT&T also explained that the performance incentive plans on which Qwest relies will not prevent backsliding in the wake of Section 271 relief.

dates to manually-processed orders; however, KPMG closed the observation as unresolved because of Qwest's refusal to subject itself to the rigors of additional testing.[3]

12. Consistent with its previous applications, Qwest's current application does not contain reliable evidence demonstrating that it handles manually-processed orders with a high degree of accuracy. In an effort to lend color to its claim that it accurately processes orders that fall out for manual processing, Qwest relies on data that it has reported for two measures: (1) PO-20 (Service Order Accuracy) and (2) the "Service Order Accuracy – via call Center data ("Call Center Measure)."[4] As to the latter measure, Qwest contends that it too provides reliable data on service order accuracy and captures data that are not otherwise reflected in its results for Measure OP-5 (New Service Installation Quality). However, Qwest's reliance on these measures to demonstrate the accuracy of its performance in manually processing and provisioning CLEC orders is misplaced.

13. As a preliminary matter, Measure PO-20 and the "Call Center Measure" were developed unilaterally by Qwest without the prior approval or input from the CLECs.[5] Most recently, the state public service commissions in Colorado, Montana, and Wyoming, citing Qwest's unilateral development of the metric, rejected Qwest's attempt to include PO-20 in its performance remedy plan.[6] Furthermore, on September 3, 2002, the Public Service Commission of North Dakota encouraged Qwest to withdraw its most recent request for changes to its Statement of Generally Available Terms and Conditions which included the addition of its proposed PO-20 measure to the Service Performance Indicators and the Performance Assurance

[3] *See* AT&T (Qwest I) Finnegan Dec. ¶ 91.

[4] Qwest III, Addendum, "Service Order Accuracy" at 1-3, 8-9.

[5] *See* AT&T (Qwest I) Finnegan/Connolly/Menezes Dec. ¶ 195.

Plan. Thus, several states have explicitly rejected the PO-20 measure on which Qwest so heavily relies. Not only did Qwest develop the P-20 and Call Center measures unilaterally, but these measures, as well as Qwest's OP-5 measure, are substantively flawed as explained in more detail below.

A. Measure PO-20 Does Not Capture Actual Performance.

14. Qwest contends that "PO-20 evaluates the degree to which Qwest accurately processes LSRs that are electronically submitted but fall out for manual processing by measuring the percentage of Qwest service orders that are populated correctly in specified fields within information obtained from CLEC LSRs."[7] Because of fundamental infirmities in this measure, it does not and cannot accurately capture the performance it is intended to measure.

15. **Failure to Compare CSR**. Qwest's PO-20 measurement limits the scope of the examination to certain entries in the LSR and its associated service order(s). As a result of this limitation, CLECs are hindered in their ability to check the underlying data for this measure. The post-provisioning Customer Service Record, ("CSR"), rather than the LSR, would enable CLECs to perform their own analysis of Qwest's PO-20 calculations – an analysis that would not be possible if the PO-20 analysis is restricted to a comparison between the LSR and the associated service orders. Additionally, a comparison between the LSR and the post-provisioning CSR would also permit a determination to be made as to whether the order was actually provisioned as requested by the customer. In stark contrast, the PO-20 measure compares what was ordered to what *should* be installed. As a consequence, the PO-20 measure cannot accurately or comprehensively capture service order accuracy problems.

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[6] *See* Qwest III Application, Addendum, "Service Order Accuracy" at 3 n.6.

16. **Product/Service Scope.** Qwest's PO-20 measure cannot possibly reflect actual performance because it is far too limited in product and service scope. Measure PO-20 calls for the reporting of results for Resale POTS and UNE-P POTS combined, as well as the combined reporting of analog unbundled loops and two-wire unbundled loops.[8] Thus, on its face, Measure PO-20 is underinclusive because it fails to capture Qwest's performance on all products and services that it provides to CLECs.

17. **Omitted Fields.** Additionally, Measure PO-20 cannot accurately capture Qwest's performance in the area of service order accuracy because the service order fields examined under the measure are far too limited. Measure PO-20 restricts the scope of the service order examination to the CLEC ID, date and time the CLEC sent the LSR, CLEC purchase order number, customer name and address information, and the due dates on the FOC. However, the measure fails to capture other critical information that is necessary to assess Qwest's performance in this area.[9]

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[7] Qwest III, Addendum, "Service Order Accuracy" at 1-2.

[8] In contrast, the service order accuracy measurement for SBC in Texas includes all "completed (non-flow-through) service orders submitted via LEX/EDI that are provisioned as requested on the CLEC submitted LSR." *See* Appendix Performance Measurements Business Rules (Version 2.0) – TX (T2A), 12.1 Measurement at 27, attached as Attach. 1.

[9] In an effort to dismiss the arguments raised by CLECs regarding the inherent defects in Qwest's PO-20 service order accuracy measure, Qwest insists that the CLECs never requested a service order accuracy measure. Qwest II Notarianni/Doherty Reply Dec. ¶ 105. This allegation is false. In late 1999 and early 2000 when the CLECs and Qwest discussed the development of the Arizona PIDs, AT&T and MCI requested a service order accuracy measurement. Qwest contended that any service order errors (particularly problems with the incorrect installation of features and services) would be captured in the OP-5 new service installation quality measure, and that a separate service order accuracy measurement would be redundant. At the time, Qwest OP-5 measure was limited to those troubles captured during the first 7 days of installation. To ensure there was sufficient time to identify features that were not provisioned as requested, CLECs requested an expansion of OP-5 to include troubles reported within 30 days of installation. At the very end of the ROC test, KPMG found that service order errors were not

18. During its third party test, KPMG noted that Qwest assigned erroneous application dates for orders. Despite these known failings, Qwest's PO-20 measure does not examine the application date field, but rather examines the "D/Tsent" field. The D/Tsent field contains the date and time that the CLEC sent the order to Qwest. A Qwest representative uses the D/Tsent field to determine whether the LSR is complete and uses the business rules to determine the application date for the order. However, Qwest's PO-20 measure does not explicitly include the application date as one of the fields examined for accuracy.

19. Additionally, PO-20 does not assess whether Qwest's service representatives correctly re-entered information regarding the services and features ordered by the CLEC. Thus, PO-20 does not include any examination of the USOCs and fields identifiers ("FIDs") that identify such services and features.[10] As a consequence, Qwest's reported results for PO-20 do not provide any information as to whether Qwest actually provisioned the order accurately. Furthermore, PO-20 does not require Qwest to examine fields containing other critical information, such as the customer's telephone number, the circuit ID (for unbundled loops) and E911 information.[11]

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being captured in the OP-5 measurement. If CLECs had known earlier that Qwest did not capture all service order errors in the OP-5 measurement, they would have requested a service order accuracy measurement much sooner than 2002.

[10] In contrast, the OR-6 Order Accuracy Measurement developed in the Verizon region identifies "[f]eatures (for Resale, UNE-P and Switching orders)" as "fields that will be reviewed by Verizon." New Jersey Carrier-to-Carrier Guidelines Performance Standards and Reports, October 2001, Attachment C, OR-6 Order Accuracy. Similarly, the measurement adopted by SBC in Texas requires the examination of services and features requested by the CLEC. Appendix Performance Business Rules (Version 2.0) – TX (T2A), 12.1 Measurement, May 8, 2002, Appendix Five, attached as Attach. 2.

[11] These and other fields are examined in SBC's service order accuracy measurement. *See* Attach. 1.

20. In an apparent effort to rationalize its exclusion of the service and equipment fields from its PO-20 measure, Qwest asserts that the measure "was designed to evaluate perceived idiosyncrasies in Qwest's manual processes resulting from KPMG's analysis in the ROC OSS test."[12] Qwest further asserts that, because "KPMG's analysis did not identify mismatches in the S&E sections of CLEC LSRs and service orders, Qwest did not focus on including those fields in P0-20."[13] Qwest's assertions cannot withstand analysis.

21. In Exception 3028, KPMG found that "Qwest's systems or representatives have not consistently provisioned services and features as specified in orders submitted by the Pseudo-CLEC.[14] Additionally, in Exception 3043, KPMG found that Qwest's switch translation reports omitted services and feature codes identified in LSR.[15] These KPMG exceptions belie Qwest's claims that KPMG never identified any discrepancies between the service and equipment sections of the LSRs and service orders. The reality is that the fields that Qwest has omitted in PO-20 are more prone to human error than the highly selective fields that it has chosen to examine.

22. In this regard, a number of the fields that Qwest examines under PO-20 are related to the customer's address.[16] However, Qwest's Service Order Processor ("SOP") will immediately reject a service order if the address information does not conform to Qwest's

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[12] Qwest III Application, Addendum "Service Order Accuracy" at 4.

[13] *Id.*

[14] KPMG Exception 3028 – Disposition Report, dated February 5, 2001 and 1.

[15] KPMG Exception 3043, Disposition Report, dated February 5, 2002 at 1.

[16] *See* Qwest III Application, Addendum, "Service Order Accuracy," Exh. 1-1 at 2 (noting Service Address Number, Service Address Direction, Service Address Street Name).

formatting requirements. In addition, if the Qwest representative enters an incorrect address that conforms to Qwest's formatting requirements, Qwest's provisioning personnel can also detect that error. Because of these front-end edits in the SOP and the secondary checks by Qwest's provisioning personnel and systems, it is highly unlikely that a random sample of Qwest's orders will contain errors on the address-related fields. As a consequence, it is hardly surprising that Qwest reports service order accuracy rates that exceed 90 percent. However, as explained in more detail in Part III, given the highly selective fields that are examined in PO-20 which are biased in Qwest's favor, Qwest's reported results under PO-20 should be much higher. More fundamentally, by selecting address-related fields for examination, rather than fields that are more prone to human error *(e.g.,* features, circuit ID, telephone number), the PO-20 measurement inappropriately skews and overstates Qwest's actual performance. For all of these reasons, Qwest cannot legitimately contend that its PO-20 measure accurately assesses its performance on manually-processed orders.

B. Measure OP-5 Does Not Capture Actual Performance.

23. In its previous applications, as well as the current one, Qwest contends that its performance results under OP-5 which purportedly measures "new order installations that were free of trouble reports"[17] are accurate and claims that the CLECs' allegations regarding the unreliability of its OP-5 data are frivolous.[18] Furthermore, Qwest has asserted in its previous applications that Liberty correctly concluded during the audit and data reconciliation process "that OP-5 data are accurate and reliable."[19] Qwest's allegations are demonstrably unsound.

[17] *See, e.g.,* Qwest II Reply at 25.

[18] *Id.* at 24-25; Qwest III Application, Addendum, "Reporting Service Affecting Troubles."

[19] *Id.* at 25.

24. Measure OP-5 does not and cannot serve as a reliable indicator of new service installation quality. As AT&T has explained, although a measure of troubles reported within 30 days of installation provides some information on installation quality, the measure does not capture all service failures that are due to inaccuracies in provisioning. For example, if a customer orders Call Waiting, but Caller ID is provisioned, a new service order could be issued to resolve the problem. Although this provisioning error could lead to the loss of a customer, this error would not be captured in the OP-5 measure.[20] Indeed, during hearings in Minnesota, Qwest admitted that, if it fails to provision a feature identified in the service order or fails to provision dial tone and if it corrects this error through a new service order, this phenomenon is not captured in OP-5.[21]

25. Furthermore, OP-5 is also defective because it does not capture problems reported to the ISC. In this regard, "Qwest requires CLECs to call the service delivery center (*i.e.*, not repair) if the trouble occurs within 72 business hours of the installation."[22] The Interconnection Service Center does not issue "trouble" tickets, but rather issues "escalation" or "Call Center" tickets. Significantly, Qwest does not capture these so-called "escalation" tickets or "Call Center tickets in its reported data on OP-5 ostensibly because they are not specifically identified as "trouble tickets."[23] Indeed, in a response to a data request in Minnesota, Qwest conceded that

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[20] AT&T (Qwest II) Finnegan Dec. ¶ 114.

[21] *In the Matter of a Commission Investigation into Qwest's Compliance with Section 271(C)(2)(B) of the Telecommunications Act of 1996,* PUC Docket No. P-421/CI-01-1371, Minnesota Public Utilities Commission, Hearing Transcript, ("Minnesota Hearing Transcript") Vol. 12-A, October 1, 2002 at 42-43 (Williams) (admitting that problems which are corrected though service orders are not captured in OP-5.)

[22] Eschelon *Ex Parte* letter from Karen Clauson to Marlene Dortch dated September 4, 2002 at 3.

[23] *Id.* at 4.

"[p]roper trouble creation channels include ... the ISC for problems experienced within 72 hours of new service installation."[24] Remarkably, despite Qwest's concession that the ISC is the "proper trouble creation channel" for reporting troubles within 72 hours of installation, Qwest has taken the remarkable and misguided position that "the ISC Call Center ticket itself is not a trouble ticket,"[25] and that ISC call center tickets are properly excludable from OP-5 results. Qwest's position is plainly untenable and elevates form over substance.

26. Qwest has identified the ISC as the proper channel through which to report troubles within 72 hours of installations. Having created this procedure for reporting trouble, it is entirely inappropriate to exclude wholesale categories of problems that are required to be reported to the ISC for immediate resolution. Because Qwest inappropriately excludes these ISC call center tickets from its performance results, its reported results on OP-5, as well as other performance measures, are inaccurate.

27. Relatedly, it appears that Liberty failed to uncover this significant defect in Qwest's performance results during its audit. During hearings in Minnesota, Robert Stright, the witness for Liberty, concurred that "an out-of-service condition" reported within the first 72 hours would be "critical information," both"[f]rom an operational standpoint," as well as "from a performance reporting standpoint."[26] Mr. Stright also conceded that, if Qwest excluded such out of service conditions from its performance results, that exclusion could well be a "problem" warranting further investigation.[27] Furthermore, Mr. Stright could not recall whether any Qwest

[24] Qwest response to State of Minnesota Department of Commerce Information Request 2348, P-421/CI-01-1371, (attached as Attach. 3).

[25] *Id.*

[26] Minnesota Hearing Transcript, September 17, 2002, Volume 10-B at 54-56.

[27] *Id.* at 55.

representative informed Liberty, during the audit, that Qwest was excluding ISC Call Center tickets from its reported results.[28] For all these reasons, Qwest's PO-5 results are unreliable and inappropriate to show checklist compliance.

C. The New Service Order Accuracy Via Call Center Data Measure is Defective.

28. Equally flawed is Qwest's new measure on "Service Order Accuracy via Call Center Data." In describing this metric, Qwest states that:

> To demonstrate its commitment to refining its overall service order accuracy – and in response to CLEC concerns regarding the accuracy of Qwest installations – Qwest has begun to report additional service accuracy results that reflect order accuracy based on the number of customer calls received each month by the Call Center reporting discrepancies between the LSR submitted and the service provided by Qwest. This measure, which in the past was sometimes referred to as 'OP-5 ++' but is now called 'Service Order Accuracy – via Call Center Data'... is intended to report those discrepancies that are not captured by the PID OP-5, which pertains to installation quality.[29]

29. In its Application, Qwest contends that the results under this new measure provide probative evidence on the accuracy of Qwest's performance in completing manually-processed orders.[30] However, if this measure is purportedly designed to assess the accuracy with which Qwest provisions *manually-processed* orders, the measure, on its face, is defective because it improperly captures the percentage of calls received for *electronically-submitted* orders, as well as manually-submitted orders. Furthermore, if the measure is somehow designed to capture

[28] Minnesota Hearing Transcript, September 17, 2002, Volume 10-B at 57-59.

[29] Qwest III Application, Addendum, "Service Order Accuracy" at 7-8.

[30] *See* Qwest III Application, Addendum, "Service Order Accuracy" at 7 (noting that "Qwest has begun to report additional service order accuracy results").

orders that are not reflected in Qwest's results on Measure OP-5, it cannot and does not serve its intended purpose.

30. Qwest's Call Center Measure is inadequate, both in terms of its incomplete development, and in light of the results it shows – to demonstrate full implementation of the checklist. Although Qwest unilaterally developed this performance measurement, the precise contours of the measurement remain unclear. An examination of the measurement at issue reveals that even Qwest is uncertain regarding the definitive business rules and methodologies that should govern the measure. In its current application, Qwest identifies the measure as a "Qwest *Draft* Data Description"[31] – an assertion that suggests that the metric is still being refined. The same draft description also includes "*Initial Illustrative* Criteria for Implementation" and "Initial Draft Formula."[32] Qwest's use of the terms "initial" and "illustrative" suggests that the criteria for implementation and the formula for calculating performance results have yet to be finalized. Given this lack of precision, the Call Center Measure is not sufficiently developed to permit Qwest to establish that it has somehow satisfied its statutory obligations.

31. The Call Center data measure is fundamentally flawed in other important respects. Qwest contends that the measure "is intended to report those discrepancies that are not captured by the PID OP-5, which pertain to installation quality."[33] In fact, the Call Center Measure will not capture all of the installation problems that Qwest currently excludes from the OP-5 measurement. The Call Center Measure captures discrepancies between the LSR and the associated Qwest service orders. Qwest states explicitly that the measure will capture

[31] Qwest III Application, Appendix, Exhibit 1-4 (emphasis added).

[32] *Id.* (emphasis added).

[33] Qwest III Application, Appendix "Service Order Accuracy" at 8.

"[c]ustomer calls to Qwest's service delivery centers reporting LSR/service order discrepancies."[34] In explaining the types of calls that are captured by this measure, Qwest notes that they include "calls with received date in reporting month, counting only the first call per order and only those that are dealing with verified order inaccuracies (orders that do not match what was ordered on the CLEC Local Service Request (LSR)) that were caused by Qwest."[35] Thus, by definition, the measure reflects discrepancies between the LSR and service orders, rather than problems relating to the *provisioning* of the service.

32. To be sure, any number of circumstances can occur in which Qwest can completely and accurately translate a CLEC LSR into the associated Qwest service orders, but fail to work one or more of the service orders. Qwest could also process the service order, but make an error in the provisioning of some or all of the required services and features. Qwest's failure to work the service order or its errors in provisioning the service could result in the loss of the customer's dial tone. In such circumstances, the customer plainly has experienced serious problems attributable to Qwest's own failings. However, under Qwest's self-serving and ill-conceived definition of a so-called "trouble report," the customer's out of service condition would not be captured in the OP-5 New Service Installation Quality measurement because an out-of-service condition which is cured with a service order is excluded from OP-5 results.[36]

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[34] *Id.,* Exhibit I-4.

[35] *Id.*

[36] Minnesota Hearing Transcript, Volume 12-A, October 1, 2002 at 42-43 (Williams). *See also* Qwest response to Minnesota Department of Commerce Information Request 2348, P-421/CI-01-1371, October 1, 2002, attached as Attach. 3

33. Similarly, the customer's out-of-service condition would not be captured in the Call Center Measure because the problem resulted from the provisioning, rather than the creation of the order. In calculating performance results under the Call Center Measure, Qwest would simply verify that the LSR and the associated service orders matched and would not include the order as a miss. As a consequence, neither the OP-5 measure nor the Call Center measure accurately reflects Qwest's actual performance.[37]

III. QWEST'S DATA DO NOT SHOW STATUTORY COMPLIANCE.

34. Qwest's own commercial data show that it has not satisfied its statutory obligations. Qwest's reported results show that its performance for CLECs was substantively worse than its performance for its own retail operations. As to other measures, Qwest's performance data show that it failed established benchmarks.

35. In order for CLECs to compete effectively in the marketplace, CLEC orders must flow-through Qwest's systems, without rejection and without falling out for manual processing, to the same extent as Qwest's retail orders. High rejection rates and excessive-reliance on manual processing create obstacles to competition because of the attendant risks of error and delay. Qwest's rejection rates are unacceptably high, and its flow-through rates at current levels are wholly inadequate to give CLECs a meaningful opportunity to compete with Qwest's retail operations. Similarly, Qwest's own data show that it fails to perform at parity during the

[37] As explained in the AT&T (Qwest III) Finnegan/Connolly/Wilson Declaration, the reliability of the data that Qwest has reported for the Call Center Measure is suspect for an additional reason. In August 2002, Qwest's Call Center data reported that 99.61 percent of all orders were error-free based on regionwide results. However, Qwest's data also show that 2.16 percent of AT&T's UNE-P orders experienced provisioning problems attributable to discrepancies between LSR and service orders.

provisioning and maintenance and repair processes. A few examples of Qwest's performance failures are set forth below.

A. Regional Data

36. **Rejection Rates**. Qwest's rejection rates remain far too high. As explained in the AT&T (Qwest III) Finnegan/Connolly/Wilson Declaration, approximately 30% of LSRs were rejected by Qwest's systems in August 2002. These rejection rates show little change since Qwest filed its previous application.[38] The high incidence of rejection rates reflected in Qwest's commercial data is fully consistent with KPMG's findings during the OSS test. During its third-party test, KPMG found, for example, that approximately one third of all LSRs were rejected by Qwest's systems in the Eastern, Central and Western regions.[39]

37. These high rates of rejection pose considerable problems. A rejection notice requires the CLEC to resubmit a new or supplemental order which lengthens the provisioning process and increases the CLECs' costs. And, as explained in more detail below, Qwest's low total flow through rates may well cause these orders to fall out for manual processing – causing yet additional delay and risks of error.

38. **Service Order Accuracy.** For the reasons discussed above, Qwest's PO-20 measure on service order accuracy is fundamentally and fatally flawed. However, even Qwest's inadequate data show that Qwest's performance is hardly exemplary. Given the limited fields that are examined in PO-20 (and Qwest's exclusion of fields that are more prone to human error), Qwest's service order accuracy rates should be much higher than its reported results. Indeed, Qwest's most recent PO-20 service order accuracy results have ranged from 90.25

[38] *See* AT&T (Qwest II) Finnegan/Connolly/Menezes Dec. ¶¶ 164-165.

[39] AT&T (Qwest I) Finnegan Dec. ¶¶ 132-133.

percent to 92.78 percent for Resale and UNE-P POTS orders, and from 95.16 percent to 96.46 percent for unbundled loop orders.[40] Thus, even under Qwest's defective metric, Qwest makes errors on approximately 8 to 10 percent of Resale and UNE-P POTS orders and 5 percent of unbundled loop orders. In fact, Qwest's service order accuracy rates for unbundled loop orders declined from June to August 2002.[41]

B. Colorado

1. Ordering

39. **Flow-Through**. As explained in the AT&T OSS Declaration, the percentage of manually-processed orders increased from 32.1 percent in May 2002 to 35.4 percent in August 2002. Thus, the volumes of orders that are subject to manual processing are still too high. Furthermore, as the following chart illustrates, the total flow-through rates for unbundled loop orders submitted over EDI and LNP orders actually declined from May 2002 to August 2002.

Total Flow-Through (PO-2A)[42]

Product	May 2002	August 2002
Unbundled Loops – EDI	68.85%	59.56%
LNP- IMA	29.24%	21.89%
LNP – EDI	68.68%	60.15%

40. **Jeopardy Notices**. The Commission has repeatedly stressed the "critical" importance of having incumbent LECs provide timely jeopardy notices to CLECs so that they

[40] Qwest III Application, Addendum, "Service Order Accuracy" at 2.

[41] *Id.* (noting rate of 96.46% in June 2002, but rate of 95.16% in August 2002).

[42] Qwest Perf. Results Checklist, Colorado (PO-2A) at 53-54.

can inform their customers when new services will not be installed on the scheduled due date and promptly reschedule the time for service installation. *BellSouth South Carolina 271 Order*, ¶ 139; *Second BellSouth Louisiana Order* ¶ 131. The PO-8 measure "[e]valuates the timeliness of jeopardy notifications, focusing on how far in advance of original due dates jeopardy notifications are provided to CLECs (regardless of whether the due date was actually missed)."[43] The performance standard for this measure is parity with retail.

41. In *Qwest I,* Qwest conceded that, in January, March and April 2002, it failed the parity standard for jeopardy notice timeliness under Measure PO-9 for Unbundled Loops orders.[44] However, Qwest has continued to perform poorly on this measure. In May 2002, 23.71 percent of Qwest's retail orders received timely jeopardy notices; however, only 6.14 percent of CLEC Unbundled Loop orders received timely jeopardy notices.[45] In Qwest I, Qwest asserted that installation of an enhanced IMA notification process on June 17, 2002 "which will utilize system-to-system capability to provide CLECs with automated jeopardy notifications for . . . unbundled loops . . . is expected to provide CLECs with even more timely jeopardy notifications."[46] However, in June 2002, 20.32 percent of Qwest's retail orders received timely jeopardy notices, while only 2.96 percent of CLEC Unbundled Loop orders received timely jeopardy notices. Similarly, in July 2002, 22.80 percent of Qwest's retail orders received timely jeopardy notices; however, only 5.68 percent of CLEC Unbundled Loop orders received timely

[43] Qwest Service Perf. Indicator Definitions, (PID) (PO-8) Version 6.0.

[44] Qwest I Notarianni/Doherty Dec. ¶ 267; Qwest I Williams Dec. ¶ 134.

[45] Qwest Perf. Results Checklist, Colorado (PO-9B) at 68.

[46] Qwest I Williams Dec. ¶ 138.

jeopardy notices.[47] Thus, the purported enhanced IMA notification process did not result in parity performance in June and July 2002.

42. **Due Date Changes.** In *Qwest I,* Qwest contended that, with minor exceptions, it satisfied all of the benchmark standards for FOC timeliness in Colorado and all other states that are covered in its Application.[48] However, as AT&T explained, when Qwest's performance is viewed in the context of the number of due date changes it makes per order under the PO-15 PID, its FOC timeliness performance cannot reasonably be viewed as exemplary.[49] The reason why Qwest's FOC timeliness rates appear to satisfy the benchmark standard is because Qwest frequently fails to verify that facilities are available after receiving an order and issues a FOC reflecting whatever due date the CLEC requested. Once Qwest finally reviews the LSR and determines the due date it can actually meet, it changes the due date. Qwest's Colorado performance results show that the rate of due date changes on CLEC orders was at least twice as high in July 2002 and August 2002, in comparison to the rate for Qwest's retail orders.[50] As explained in the AT&T OSS Declaration, these disparities in their rates of due date changes deny CLECs a meaningful opportunity to compete.

2. Provisioning

43. **Installation Intervals.** In order to show parity for provisioning, Qwest must demonstrate that it is provisioning CLEC orders within the same amount of time that it provisions the same or comparable services for its own retail customers. Accordingly, the

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[47] *Id.*

[48] Qwest I Williams Dec. ¶ 123.

[49] AT&T (Qwest I) Finnegan Dec. ¶ 149.

Commission has found that data on average installation interval are "fundamental to any showing of nondiscriminatory performance in support of a Section 271 application.[51] Qwest's own data show that it is not provisioning CLEC orders at parity.

44. Qwest has not performed at parity when completing UNE-P Centrex dispatch orders under Measure OP-4B. In May 2002 and June 2002, Qwest failed the parity standard for Measure OP-4B (Installation Interval (Average Days) – Dispatches Outside MSAs) for UNE-P Centrex dispatch orders. In May, Qwest averaged 3.14 days to install retail orders, but averaged 5.12 days to complete CLEC UNE-P Centrex dispatch orders. Similarly, in June 2002, it took Qwest 1.33 days to complete its retail orders, but 5.19 days to complete UNE-P Centrex dispatch orders.[52]

45. Similarly, in *Qwest I*, AT&T explained that Qwest's installation intervals for CLEC UNE-P Centrex non-dispatch orders are longer than those for retail customers.[53] Indeed, Qwest failed the parity standard under Measure OP-4C for UNE-P Centrex non-dispatch orders in March 2002 and April 2002. Qwest continued to fail on this measure from May 2002 through July 2002. For example, in June 2002, it took Qwest one day to complete its retail non-dispatch orders, but 4.63 days to complete UNE-P Centrex non-dispatch orders.[54] In July 2002, Qwest

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[50] Qwest Perf. Results Checklist, Colorado (PO-15) at 72 (showing that the number of due date changes in July and August were .07 for CLEC orders and only .03 for retail orders).

[51] *Michigan 271 Order* ¶¶ 164-171, 185, 212.

[52] Qwest Perf. Results Checklist, Colorado (OP-4B) at 96.

[53] AT&T (Qwest I) Finnegan Dec. ¶ 151.

[54] Qwest Perf. Results Checklist, Colorado (OP-4C) at 97.

took less than one day (*i.e.* 0.88) to complete its retail non-dispatch orders, but 4.01 days to complete CLEC UNE-P Centrex non-dispatch orders.[55]

46. **Installation Commitments Met.** In June 2002 and July 2002, Qwest failed to meet the 90 percent benchmark for Measure OP-3E (Installation Commitments Met) for Conditioned Unbundled Loop orders.[56] In June 2002, Qwest met 87.50 percent of the installation commitments for Conditioned Unbundled Loop orders. However, in July 2002, Qwest met only 77.78 percent of the installation commitments for such orders.[57]

47. **Pending Orders Delayed.** Measure OP-15A (Interval for Pending Orders Delayed Past Due Date) "[m]easures the average number of business days that pending orders are delayed beyond the Applicable Due Date for reasons attributable to Qwest."[58] This measure is diagnostic only, however, the "[e]xpectation" is that the interval for completing orders that are delayed past the due date for UNE-P Centrex orders will be at parity with that for Qwest's retail Centrex orders. Although Measure OP-15A is diagnostic, the wide disparities in Qwest's performance on this measure for retail and CLEC orders are commercially unreasonable by any standard.

48. For example, in June 2002, Qwest's retail Centrex orders were delayed 88.12 business days past the due date; however, CLEC UNE-P Centrex orders were delayed *200.09* business days beyond the due date. Similarly, in July 2002, Qwest's retail orders were delayed 111.85 business days beyond the due date, while CLEC UNE-P Centrex orders were delayed

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[55] *Id.*

[56] Qwest Perf. Results Checklist, Colorado (OP-3E) at 179.

[57] *Id.*

[58] Qwest I Application, Appendix D, Attach. 5, ROC 271 Working PID Version 5.0 at 43.

242.08 business days beyond the due date.[59] The mere fact that Qwest took approximately 123 business days longer to complete CLEC UNE-P Centrex orders than its own retail Centrex orders belies any claim that Qwest provides nondiscriminatory service during the provisioning process.

49. **EELS.** Qwest's own performance data show that its provisioning of EELs is subpar. In *Qwest I*, Qwest conceded that it consistently failed to meet the 90% benchmark for installation commitments met for this product category from January through April 2002.[60] Relatedly, during its third party, test, KPMG found that Qwest did not satisfy Evaluation Criterion 14-1-14 which assesses whether "Qwest provisions EEL circuits by adhering to documented method and procedures tasks."[61] AT&T explained in *Qwest I* that these lapses in performance could well generate lengthy provisioning and installation problems.[62]

50. In *Qwest I*, however, Qwest alleged that its training programs and improved DS1 EEL provisioning documentation would assure "that CLECs will have nondiscriminatory access to EELs should they begin to order them in greater volumes."[63] Clearly, training programs and policies and procedures are wholly inadequate to *demonstrate* that Qwest provisions EELs in a nondiscriminatory manner. As this Commission has repeatedly held, commercial data have the most probative value in demonstrating checklist compliance. Importantly, Qwest's own commercial data continue to show that Qwest's much-heralded training programs have not

[59] Qwest Perf. Results Checklist, Colorado (OP-15A) at 98.

[60] Qwest I Application at 51.

[61] KPMG Report at 191-192; KPMG Disposition Report, Exception 3104 dated February 26, 2002.

[62] AT&T (Qwest I) Finnegan Dec. ¶ 152.

[63] Qwest I Application at 52.

generated results showing that Qwest is satisfying the 90% benchmark standard in its provisioning of EELs in Interval Zone One.

51. In May 2002, Qwest installed on time only 79.41 percent of EEL orders in Interval Zone One. In June 2002, Qwest met the installation due dates on 86.30 percent of EEL orders; however, in July 2002, Qwest's performance declined to 79.07 percent. In August 2002, Qwest completed on time only 82.56 percent of EEL orders – approximately seven percentage points below the benchmark standard. Moreover, from January 2002 through August 2002, Qwest has consistently failed to install EEL orders in a timely manner in Interval Zone One.[64] This performance on its face demonstrates the paucity of Qwest's claims regarding the so-called improved results that would attain as a result of training programs.

3. Maintenance and Repair

52. The Commission has repeatedly stated that a BOC "must provide competitors with equivalent access to all repair and maintenance OSS functions that [the BOC] provides to itself." *BellSouth Second Louisiana Order*, ¶ 145. Qwest claims that its commercial performance data show that it has satisfied its statutory obligations in this area. Qwest's assertions cannot withstand analysis.

53. **Repair Appointments.** Qwest's own commercial data show that its performance in meeting repair appointments has been both discriminatory and erratic. During the three month period from January 2002 to March 2002, Qwest met the parity standard for MR – 9A (Repair Appointments-Dispatches Within MSAs) for UNE-P dispatch orders in February only.[65] Qwest continued to fail this measure from April 2002 through August 2002. For example, in July 2002,

[64] *See* Qwest Perf. Results Checklist (OP-3D) (Interval Zone One) at 115.

[65] *Id.* at 90.

Qwest met 95.59 percent of the repair commitments for its retail orders, as compared with 87.24 percent of the repair commitments for CLEC UNE-P (dispatch) orders. *Id.* In August 2002, although Qwest met the repair commitments for approximately 96 percent of its retail orders, it met the repair commitments for approximately 91 percent of CLEC UNE-P dispatch orders.[66]

54. **Out of Service Cleared Within 24 Hours.** Qwest has failed to perform at parity on Measure MR-3A (Out of Service Cleared Within 24 Hours – Dispatches Within MSAs). In May 2002, although 93.44 percent of Qwest's retail dispatch orders which were out of service were cleared within 24 hours, only 66.67 percent of CLEC line sharing dispatch orders were cleared within 24 hours. In July 2002, although 92.81 percent of Qwest's retail orders which were out of service were cleared within 24 hours, only 46.15 percent of CLEC line sharing dispatch orders were cleared within 24 hours.[67]

55. Furthermore, in May 2002 and June 2002, Qwest failed the parity standard for Measure MR-3C (Out of Service Cleared within 24 Hours – Non Dispatch) for line sharing non-dispatch orders. In May 2002, while 96.94 percent of Qwest's retail orders that were out of service were cleared within 24 hours, no CLEC line sharing non-dispatch orders were cleared within 24 hours. In June 2002, although 96.70 percent of Qwest's retail orders which were out of service were cleared within 24 hours, only 62.50 percent of CLEC line sharing non-dispatch orders were cleared within 24 hours.[68]

56. **Mean Time to Restore.** From June 2002 through August 2002, Qwest failed the parity standard for Measure MR-6D (Mean Time to Restore – Interval Zone One) for UNE

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[66] *Id.*

[67] *Id.* (MR-3A) at 186.

[68] *Id.* (MR-3C) at 190.

Loop-ISDN capable orders.[69] For example, in June 2002, although it took Qwest 1 hour 42 minutes to resolve troubles for its own retail orders, it took Qwest 3 hours 25 minutes to resolve such troubles for CLEC Unbundled Loop-ISDN capable orders. In August 2002, it took Qwest 2 hours 55 minutes to repair troubles on its own retail orders, but 4 hours 16 minutes to repair troubles for CLEC UNE Loop-ISDN Capable orders.[70]

57. Qwest also has failed to perform at parity in resolving troubles on line sharing dispatch orders. In April 2002, Qwest failed the parity standard for Measure MR-6A (Mean Time to Restore-Dispatches Within MSAs) for line sharing. However, Qwest failed this measure again in June 2002 and July 2002.[71] In June 2002, it took Qwest 14 hours 46 minutes to restore troubles reported on its retail orders, but 19 hours 55 minutes to restore troubles reported by CLECs on line sharing dispatch orders. In July 2002, Qwest took 14 hours 27 minutes to restore troubles reported on its retail orders, but 27 hours 32 minutes to restore troubles reported by CLECs on line sharing dispatch orders.[72]

58. Similarly, Qwest has failed to perform at parity when repairing troubles reported on CLEC line sharing non-dispatch orders. In March 2002 and April 2002, Qwest failed the parity standard on Measure MR-6C (Mean Time to Restore-No Dispatches) on CLEC line sharing orders. Qwest failed the measure again in June 2002. In June 2002, it took Qwest 6

[69] *Id.* (MR-6D) at 159.

[70] *Id.*

[71] *Id.* (MR-6A) at 186.

[72] *Id.*

hours 17 minutes to repair troubles reported on its retail non-dispatch orders, but 9 hours 53 minutes to repair troubles reported by CLECs on line sharing non-dispatch orders.[73]

59. **Trouble Rates.** Qwest's performance with respect to trouble rates reported for Resale-DS0 has deteriorated. From February 2002 to May 2002, Qwest performed at parity on the measure of MR-8 (Trouble Rate-Interval Zones One and Two) for Resale-DS0.[74] However, Qwest failed on this measure from June 2002 through August 2002. During this period, Qwest's retail trouble report rates ranged from 0.83 to 1.03 percent; however, the trouble rates for Resale DS0 ranged from 1.43 percent to 1.77 percent.[75]

4. Billing

60. The Commission has held that a BOC "must provide competing carriers with complete and accurate reports on the service usage of competing carriers' customers in substantially the same time and manner that [the BOC] provides such information to itself, and wholesale bills in a manner that gives competing carriers a meaningful opportunity to compete."[76] Qwest admitted that it failed the parity standard under BI-4 in February, March and April 2002.[77] In an effort to diminish the significance of these chronic failures, Qwest offered a host of excuses. Thus, for example, Qwest alleged that it discovered "a small percentage of total orders, all associated with unbundled loop disconnect orders" that were not completed in the

[73] *Id.* (MR-6C) at 190.

[74] *Id.* (MR-8) at 327.

[75] *Id.*

[76] *Georgia/Louisiana 271 Order* ¶ 173.

[77] Qwest I Williams Decl., ¶ 157.

Central Region."[78] Qwest asserted that, when it finally discovered the orders and completed them, this caused a miss in February and March. However, by Qwest's own admission, even if these orders had been excluded from its results, Qwest still would have failed the parity standard in March.[79] Qwest next claimed that it failed the parity standard because certain orders were excluded from the next available bill due as a result of delays in posting.[80]

61. Although Qwest indicated that system improvements would reduce such errors and bring its performance into parity, its own commercial results show that this improvement in performance has not materialized. Indeed, from May 2002 through August 2002, Qwest failed to meet the parity standard for Measure BI – 4A (Billing Completeness – UNEs and Resale). During this period, the billing completeness rates for Qwest's retail orders ranged from 98.86 to 99.35 percent. In contrast, the billing completeness rates for CLECs ranged from 97.40 to 97.91 percent.[81] Thus, the system improvements touted by Qwest in *Qwest I* that allegedly would assure parity during the billing process have yet to generate the desired results.

C. Idaho

1. Ordering

62. **Flow-through.** As discussed in the AT&T OSS Declaration, the percentage of manually-processed orders in Idaho increased from 29.7 percent in May 2002 to 39.3 percent in August 2002. These rates of manual-processing are far too high. Furthermore, from May to

[78] *Id.*

[79] *Id.* ¶ 158.

[80] *Id.* ¶ 159.

[81] Qwest Perf. Results Checklist, Colorado (BI – 4A) at 82.

August 2002, the total flow-through rates for Resale, Unbundled Loops and UNE-P POTS orders submitted over EDI declined:

Total Flow-through (PO-2A)[82]

Product	May 2002	August 2002
Resale-EDI	74.62%	65.19%
Unbundled Loop – EDI	66.21%	57.01%
UNE-P POTS – EDI	67.40%	60.91%

63. **Due Date Changes.** Qwest's own commercial results show that, it changes due dates for CLEC orders at much higher rates as compared with those for its retail orders. Indeed, the rate of due date changes on CLEC orders was at least twice as high in July 2002, and five times as high in August 2002, in comparison to the rate for Qwest retail orders.[83]

2. Provisioning

64. **New Service Installation (OP-5).** Qwest's commercial data show that it does not provision CLEC orders with the same degree of quality as its retail orders. For the reasons discussed above, Qwest's reported results on OP-5 do not capture all of the CLEC trouble reports within 30 days of installation. However, even Qwest's flawed results under this measure show that the installation quality of Qwest's retail orders is superior to that of CLEC UNE-P orders. In June 2002, while 90.83 percent of Qwest's retail orders in this measure were free of trouble reports for 30 days installation, only 81 percent of CLEC UNE-P orders were trouble-free during same interval – a difference of approximately 10 percentage points.[84]

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[82] Qwest Perf. Results Checklist, Idaho (PO-2A) at 49-50, 52.

[83] Qwest Perf. Results Checklist, Idaho (PO-15) at 69 (showing that the number of due date changes in July and August were 0.14 and 0.15, respectively, for CLEC orders, but only 0.05 and 0.03, respectively, for retail orders).

[84] Qwest Perf. Results Checklist, Idaho (OP-5) at 84.

65. In August 2002, Qwest once again failed the parity standard under OP-5 in Idaho. During that month, although 91.14 percent of Qwest's retail orders were free of trouble reports during the 30 days following installation, only 84.78 percent of CLEC UNE-P orders were trouble-free during the first 30 days following installation.[85]

66. **EELs.** Qwest's own performance data show that it is unable to provision EELs on a nondiscriminatory basis. Measure OP-3D (Installation Commitments Met) measures the percentage of orders as to which the due date is met. For this measure, a 90 percent benchmark standard has been established for EELs. However, in July 2002, Qwest met the due dates on only 77.78 percent of EEL orders; and in August 2002, Qwest met the due dates on only 84.62 percent of EEL orders in Interval Zone One.[86] Qwest's own poor provisioning performance was predictable given KPMG's finding that Qwest did not satisfy Evaluation Criteria 14-1-4 – whether "Qwest's provisions EEL circuits by adhering to documented method and procedure tasks."[87] The failure of Qwest's technicians to adhere to required methods and procedures when installing EEL circuits could well be the reason for the delays in the provisioning of EELs to CLECs.

67. **Pending Orders Delayed.** Measure OP-15 (Interval for Pending Orders Delayed Past Due Date) "[m]easures the average number of business days that pending orders are delayed beyond the Applicable Due Date for reasons attributed to Qwest.[88] Although this measure is considered to be "diagnostic" as to Resale Residential service, the "[e]xpectation" is that this measure will be governed by a parity standard. *Id.*

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[85] *Id.*

[86] Qwest Perf. Results Checklist, Idaho (OP-3D) (Interval Zone One) at 112.

[87] KPMG Report at 191-192; *See also* Qwest I Finnegan/Connolly/Menezes Dec. ¶ 199.

68. Qwest's own reported results show wide disparities in the intervals for pending CLEC and Qwest's retail orders which are delayed past the due date. For example, in June 2002, the average number of business days that Qwest's pending retail orders were delayed past the due date totaled 80.37 days. Astonishingly, CLEC Resale residential orders were delayed 253.25 days past the scheduled due date. In July 2002, CLEC retail orders were completed on average 84.37 business days past the due date, while CLEC Resale residential orders were completed on average 362.33 business days past the due date – a difference of 277.96 business days. Similarly, in August 2002, Qwest's retail orders were completed 94.10 business days past the due date, while CLEC Resale Residential orders were installed 171.43 business days beyond the due date.[89] These huge differences in performance results are wholly unreasonable.

3. Billing

69. As AT&T explained in its initial comments in Qwest I, Qwest has failed to meet the performance standard during the billing process.[90] Qwest conceded that it failed the performance standard for BI-4A, but asserted that "revised completion process enhancement to the posting process" will prevent these performance failures in the future.[91] Qwest's own commercial data demonstrate that its promises cannot be credited.

70. Qwest has continued to fail the parity standard under Measure BF-4A UNEs and Resale which "[m]easures the completeness with which Qwest reflects non-recurring and

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[88] Qwest I Application, Appendix D, Attach. 5, ROC 271 Working PID Version 5.0 (OP-15).

[89] Qwest Perf. Results Checklist, Idaho (OP-15A) at 215.

[90] Qwest I Finnegan Dec. ¶ 184.

[91] Qwest I Williams Dec. ¶ 160.

recurring charges associated with completed service orders on the bills."[92] Notwithstanding its promises, Qwest has failed to perform at parity on this measure. In June 2002, although 99.37 percent of Qwest's retail bills contained complete information, only 96.81 percent of CLEC orders contained complete information. In July 2002, although 99.28 percent of Qwest's retail bills contained complete information, only 95.89 percent of CLEC bills contained complete information.[93]

D. Iowa

1. Ordering

71. **Flow-through.** As discussed in the AT&T OSS Declaration, the rate of manual processing in Iowa increased from 31.1 percent in May 2002 to 51.3 percent in August 2002. This rate of manual fall-out is unacceptable and creates increased risks of provisioning delays and errors. Furthermore, during the period from May to August 2002, the total flow-through rates for Unbundled Loop orders submitted *via* EDI declined from 47.88 percent in May 2002 to 27.15 percent in August 2002.[94] Similarly, the total flow-through rates for LNP orders submitted *via* IMA declined from 67.48 percent in May 2002 to 64.45 percent in August 2002.[95] Additionally, the total flow-through rate for UNE-P POTS orders submitted *via* EDI dropped from 90.12 percent in May 2002 to 70.15 percent in August 2002.[96]

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[92] Qwest Application, Appendix D, Attach. 5, ROC 271 Working PID Version 4.0 (BI-4A), ROC 271 Working PID Version 5.0 (BI-4A).

[93] Qwest Perf. Results Checklist, Idaho (BI-4A) at 79.

[94] Qwest Perf. Results Checklist, Iowa (PO-2A-2) at 52.

[95] *Id.* at 53.

[96] *Id.* at 54.

72. **Due Date Changes.** Qwest own reported results continue to show statistically significant differences in the rates of due date changes to CLEC and retail orders. In May, July and August 2002, Qwest failed the parity standard for Measure PO-15 (Number of Due Date Changes Per Order).[97]

73. **Jeopardy Notices.** Qwest has failed repeatedly to meet the parity standard for Measure PO-8B (Jeopardy Notice Interval) for Unbundled Loops. In July 2002, although the average CLEC jeopardy notice interval for Unbundled Loop orders was 2.78 days, the average jeopardy notice interval for Qwest's retail orders was 5.26 days. In August 2002, although CLECs received jeopardy notices for Unbundled Loop orders 3.67 days before the due date, the average jeopardy notice interval for Qwest's retail orders was 5.44 days.[98]

74. Similarly, Qwest has failed repeatedly to satisfy the parity standard for Measure PO-9B (Timely Jeopardy Notices). As AT&T explained in its initial comments, from May 2001 through April 2002, Qwest failed to meet the parity standard on Measure PO-9 in issuing timely jeopardy notices for Unbundled Loop orders.[99] Conceding these failures, Qwest attributed its poor performance to SOP-related problems in the Eastern Region.[100] However, Qwest has continued to perform at a subpar level on this measure. In June 2002, although 29.19 percent of Qwest's late retail orders received timely jeopardy notices, none of the late CLEC Unbundled Loop orders received such notices. In July 2002, although 33.78 percent of Qwest's late orders

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[97] *Id.* (PO-15) at 71 (showing, for example, that the number of due date changes in July and August were .07 and .03 for CLEC orders, but .04 and .02 for retail orders).

[98] *Id.* (PO-8B) at 67.

[99] AT&T (Qwest I) Finnegan Dec. ¶ 166.

[100] Qwest I Notarianni/Doherty Dec. ¶ 287.

received timely jeopardy notices, only 6.74 percent of CLEC's late Unbundled Loop orders received such notices.[101]

2. Maintenance and Repair

75. **Average Time to Restore.** Qwest has failed to perform at parity during the maintenance and repair process. In July 2002, it took Qwest 8 hours and 27 minutes to restore troubles reported for Qwest's retail orders. In contrast, it took Qwest 16 hours 4 minutes to restore troubles for UNE-P Centrex orders.[102]

76. **Trouble Rates.** From September 2001 through August 2002, Qwest failed to perform at parity on Measure MR-8 (Trouble Rate) for UNE-P Centrex. During this period, although the trouble rates for Qwest orders were less than .50 percent, the trouble rates for CLEC UNE-P orders have been approximately one percent.[103]

77. Similarly, the trouble rates for CLEC Unbundled Loop-ISDN Capable Orders have been higher than those for Qwest's retail orders. For example, in June, the trouble rate for Qwest retail orders in this measure was 1.11 percent, while the trouble rate for CLEC Unbundled Loop-ISDN Capable orders was 2.32 percent. In August, the trouble rate for Qwest's retail orders was 0.64 percent, while the trouble rate for CLEC Unbundled Loop-ISDN Capable Orders was 3.63 percent.[104]

78. Furthermore, the trouble rates for Resale Centrex 21 orders have been higher than those for retail orders. In May, Qwest failed the parity standard for MR-8 for Resale-Centrex 21

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[101] Qwest Perf. Results Checklist, Iowa (PO-9B) at 67.

[102] *Id.* (MR-6A) at 99.

[103] *Id.* (MR-8) at 102.

[104] *Id.* (MR-8) at 152.

orders. Similarly, in August 2002, Qwest failed the measure once again. During that month, the trouble rate for Qwest's retail orders was 0.62 percent, while the trouble rate for Resale-Centrex 21 orders was 1.43 percent.[105]

3. Billing

79. Qwest's own data show that its CLEC bills are neither accurate nor complete. In June 2002 and August 2002, Qwest failed the parity standard for BI – 3A (Billing Accuracy – Adjustments to Errors – UNEs and Resale Aggregate). In August 2002, although 99.36 percent of Qwest's retail bills were accurate, 93.91 percent of CLEC bills were accurate, resulting in a modified z score of 1256.36.[106]

80. Similarly, Qwest has repeatedly failed the performance standard for measure BI-4A on Billing Completeness. In February and March 2002, Qwest failed this measure, and Qwest continued this pattern in July and August 2002. In July 2002, while 97.36 percent of Qwest's retail bills were complete, only 95.63 percent of CLEC bills were complete. In August 2002, although 98.07 percent of Qwest's retail bills were complete, 97.29 percent of CLEC bills were complete.[107]

E. Montana

1. Maintenance Repair

81. **Mean Time to Restore.** Qwest failed to perform at parity on Measure MR-6E (Mean Time to Restore - Interval Zone Two) for Unbundled Loop - Non-Loaded 2 wire orders. In June 2002, it took Qwest 1 hour 46 minutes to repair troubles reported for its retail orders, but

[105] Qwest Perf. Results Checklist, Iowa (MR-8) at 254.

[106] *Id.* (BI-3A) at 80.

[107] *Id.* (BI-4A) at 81.

4 hours to repair troubles reported by CLECs on Unbundled Loop – Non-Loaded (2-wire) orders.[108] In July 2002, it took Qwest 1 hour three minutes to repair troubles for its retail orders, but 2 hours 30 minutes to repair troubles reported by CLECs on Unbundled Loop – Non-Loaded (2-wire orders).[109]

2. Billing

82. In *Qwest II*, Qwest conceded that, in April 2002 and May 2002, it failed to meet the parity standard for Measure BI-3A which measures the accuracy of Resale and UNE bills.[110] At that time, Qwest attributed its performance failures to a "one-time cost docket adjustment" and "the inclusion of adjustments for certain Nonrecurring Charges (NRCs) for unbundled loop Disconnect/New Services orders that should have been suppressed and were not."[111] However, Qwest failed the measure again in August 2002.[112]

83. Qwest also has failed the parity standard on Measure BI-4A which measures billing completeness for UNE and Resale bills. In April 2002 and May 2002, Qwest failed the parity standard on this measure, and, in August 2002, Qwest failed the measure once again.[113]

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[108] Qwest Perf. Results Checklist, Montana (MR-6E) at 121.

[109] *Id.*

[110] Qwest II Williams Dec. ¶ 157.

[111] *Id.*

[112] Qwest Perf. Results Checklist, Montana (BI-3A) at 73.

[113] *Id.*

F. Nebraska

1. Ordering

84. **Flow-through.** As explained in the AT&T (Qwest III) Finnegan/Connolly/Wilson Declaration, the 28% percent rate of manual processing in Nebraska has remained virtually unchanged since May 2002. During the period from May 2002 to August 2002, the total flow-through rates for certain categories of orders actually declined. For example, the total flow-through rate for Unbundled Loop orders submitted *via* EDI declined from 76.55 percent in May 2002 to 72.28 percent in August 2002. Similarly, the total flow-through rate for LNP orders submitted *via* IMA declined from 73.80 percent in May 2002 to 64.40 percent in August 2002.[114]

2. Billing

85. Qwest has failed to perform at parity during the billing process. In April, Qwest performed at parity on Measure BI-3A (Billing Accuracy - Adjustments for Errors – UNEs and Resale). However, since then, Qwest's performance has deteriorated. Indeed, Qwest failed to meet the parity standard for this measure in May, July and August 2002.[115] In May 2002, although 98.83 percent of Qwest's retail bills were accurate, only 92.72 percent of CLEC UNE and Resale bills were accurate. In July 2002, Qwest's billing accuracy rate for CLEC UNEs and Resale bills increased to 98.15 percent, however that rate was still lower than Qwest's retail billing accuracy rate of 99.15 percent. Worse yet, in August 2002, although Qwest's retail

[114] *See* Qwest Perf. Results Checklist, Nebraska (PO-2A) at 52-53.

[115] *Id.* (BI-3A) at 79.

billing accuracy rate was 98.82 percent, the billing accuracy rate for CLEC UNE and Resale bills plummeted to 86.63 percent, resulting in a modified z score of 1029.36.[116]

G. North Dakota

1. Ordering

86. **Flow-Through.** Qwest's commercial data show that Qwest's flow-through rates remain inadequate. As explained in AT&T's OSS declaration, the percentage of orders that were manually processed in North Dakota increased from 46.8 percent in May 2002 to 49.1 percent in August 2002. Furthermore, the total flow-through rates for several categories of orders declined during this period. For example, in May 2002, the total-flow-through rate for Unbundled Loop Orders received *via* EDI was 35.47 percent.[117] Although the total flow-through rate for this category increased to 79.39 percent in July 2002, the flow-through rate for this category plummeted to an abysmally low 17.98 percent in August 2002.[118]

87. Similarly, the total flow-through rates for LNP LSRs submitted *via* IMA substantially declined from May to August 2002. For example, in May 2002, the flow-through rate for this category was 57.14 percent. However, the total flow-through rate for this category declined to approximately 23 percent in June, and the rate remained at that level in July 2002. Remarkably, in August 2002, the flow-through rate for this category declined to a paltry 13.95 percent.[119]

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[116] *Id.*

[117] Qwest Perf. Results Checklist, North Dakota (PO-2A) at 46.

[118] *Id.*

[119] *Id.* (PO-2A-1) at 47.

88. The total flow-through rates for UNE-P POTS orders submitted *via* EDI have fluctuated widely. In May 2002, the total flow-through rate for UNE-P POTS LSRs submitted *via* EDI was 91.23 percent.[120] However, in June 2002, the flow-through rate for this category declined to 37.78 percent. Although the rate increased to 83.78 percent by August, this rate is still 7 percentage points below the rate in May.[121]

89. **Jeopardy Notices**. Qwest has failed to provide timely jeopardy notices. In May 2002, 26.26 percent of Qwest's retail orders received timely jeopardy notices, while only 2.94 percent of CLEC unbundled loop orders received timely jeopardy notices.[122] In June 2002, although 25.77 percent of Qwest's retail orders received timely jeopardy notices, only 6.25 percent of CLEC unbundled loop orders received timely jeopardy notices.[123]

2. Provisioning

90. Qwest has not performed at parity during the provisioning process. Although Measure OP-15A which measures the interval for pending orders delayed past the due date is diagnostic, the delays experienced by CLECs on Resale residential orders once the due date is missed are commercially unreasonably by any standard. In June 2002, the interval for pending Qwest retail orders delayed beyond the due date was 52.46 business days. However, during that same month, the interval for pending Resale residential orders delayed past the due date was 123.33 business days. In July 2002, the interval for Qwest retail orders for this measure was 49.75 business days; however, the interval for Resale residential orders was 245 business days.

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[120] *Id.* (PO-2A-2) at 48.

[121] *Id.*

[122] *Id.* (PO-9B) at 60.

[123] *Id.*

In August 2002, the interval for Qwest's retail orders was 49.21 business days, while the interval for Resale residential orders was 267 business days.[124]

3. Repair and Maintenance

91. **Repair Repeat Report Rate.** Qwest has failed to perform at parity on Measure MR-7A (Repair Repeat Report Rate – Dispatches Within MSAs) for UNE-P orders. In May 2002, 14.36 percent of Qwest's retail orders experienced repeat troubles, while 38.46 percent of CLEC UNE-P orders experienced repeat troubles. In June 2002, although 11.83 percent of Qwest's retail orders experienced repeat troubles, 33.33 percent of CLEC UNE-P orders experienced repeat troubles.[125]

4. Billing

92. Qwest has failed the parity standard for Measure BI-3A (Billing Accuracy – Adjustments for Error UNEs and Resale). In June 2002 and July 2002, Qwest missed the parity standard for this measure.[126]

H. Utah

1. Ordering

93. **Flow-Through.** The rate of manual processing in Utah remains far too high. As explained in the AT&T (Qwest III) Finnegan/Connolly/Wilson Declaration, in August 2002, 42.5 percent of CLEC orders that were electronically submitted were subject to manual processing in Utah. This rate of manual processing is wholly unacceptable.

94. Furthermore, the flow-through rates for several categories of orders have declined since the Spring of 2002. For example, in May 2002, the total flow-through rate for Resale LSRs

[124] *Id.* (OP-15A) at 181.

[125] *Id.* (MR-7A) at 81.

submitted *via* IMA was 73.27 percent. However, by August 2002, the flow-through rate for this category declined to 68.19 percent.[127]

95. In April 2002, the total flow-through rate for Resale LSRs received EDI was a meager 42.11 percent. However, by August 2002, the rate for this category declined to 8.70 percent.[128]

96. Additionally, the total flow-through rates for UNE-P POTS have been erratic. In May 2002, the total flow-through rate for UNE-P POTS LSRs submitted over EDI was 65.10 percent.[129] In June 2002, the flow-through rate for this category declined to 56.04 percent. Although the flow-through rate for this category increased to 64.62 percent in July 2002, the rate declined to 51.53 percent in August 2002.[130]

97. **FOCs.** Qwest's performance in returning timely FOCs for manual Resale LSRs received *via* facsimile has declined since May 2002. According to the benchmark standard governing Measure PO-5C-(a), 90% of all FOCs for this order category should be returned within the specified FOC interval. In May 2002, Qwest returned timely FOCs for 100 percent of the manual Resale LSRs that were submitted via facsimile.[131] However, in June 2002, Qwest returned timely FOCs for only 84.62 percent of the orders for this category; and, in July 2002, Qwest returned 66.67 percent of the FOCs for this order category. In August 2002, the FOC

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[126] *Id.* (BI-3A) at 73.

[127] Qwest Perf. Results Checklist, Utah, PO-2A-1 at 51.

[128] *Id.*

[129] *Id.* (PO-2A-2) at 54.

[130] *Id.*

[131] *Id.* (PO-5C-(a) at 59.

timeliness rate finally increased to 88.24 percent – approximately two percentage points below the benchmark standard and well below the FOC timeliness rate of 100 percent in May.[132]

98. **Jeopardy Notices.** Qwest has failed to return timely jeopardy notices to CLECs. In May 2002, 30.54 percent of Qwest's retail orders were issued timely jeopardy notices, while only 1.01 percent of CLEC Unbundled Loop orders were issued timely jeopardy notices.[133] In June 2002, although 34.48 percent of Qwest's retail orders were issued timely jeopardy notices, only 4.31 percent of unbundled Loop orders were issued timely jeopardy notices.[134]

99. **Due Date Changes.** Qwest's own data show that it changes the due dates for CLEC orders at a much higher rate than for its own retail orders. Indeed, from September 2001 through August 2002, Qwest has consistently failed the parity standard for Measure PO-15 (Number of Due Date Changes Per Order).[135] For example, in July 2002, the rate of due date changes on CLEC orders was approximately 2½ times greater than the rate for Qwest's retail orders. Similarly, in August 2002, the rate of due date changes on CLEC orders was twice as high in comparison to the rate for Qwest retail orders.[136]

2. Provisioning

100. **EELS.** Qwest has failed to provision EELs at parity in Utah. According to the business rules governing Measure OP-3D, 90 percent of the installation commitments for EEL orders should be met on time. However, in May 2002, Qwest installed on time only 66.67

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[132] *Id.*

[133] *Id.* (PO-9B) at 67.

[134] *Id.*

[135] Qwest Perf. Results, Utah (PO-15) at 71.

[136] *Id.*

percent of the EEL orders, and in August 2002, it installed on time only 80 percent of EEL orders in Interval Zone One.[137] Similarly, in July 2002, only 75 percent of EEL orders were completed on time; and, in August 2002, only 50 percent of EEL orders were completed on time in Interval Zone Two.[138]

3. Maintenance and Repair

101. Qwest's performance has been subpar in the area of maintenance and repair on line-sharing orders. In June, although 89.86 percent of all of Qwest's retail orders that were out of service were cleared within 24 hours, Qwest failed to clear the single line sharing order within 24 hours.[139] In August 2002, although 90.54 percent of Qwest's retail orders that were out of service were cleared within 24 hours, only 50 percent of CLEC line-sharing orders were cleared within 24 hours.[140]

102. Qwest's own results on Measure MR-6A (Mean Time to Restore – Dispatches Within MSAs) also confirm that it has failed to meet the parity standard on this measure for CLEC line-sharing orders. Indeed, in April 2002 and May 2002, Qwest failed this measure for CLEC line-sharing orders, and Qwest continued to fail this measure in June 2002 and July 2002. In June 2002, it took Qwest 16 hours 22 minutes to repair troubles reported on its retail dispatch orders; however, Qwest took 36 hours 39 minutes to repair troubles reported by CLECs on line-sharing dispatch orders.[141] In July 2002, Qwest took 17 hours 12 minutes to repair troubles

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[137] *Id.* (OP-3D) – Interval Zone One) at 114.

[138] *Id.* (OP-3D) Interval Zone Two at 114.

[139] *Id.* (MR-3A) at 184.

[140] *Id.*

[141] *Id.* (MR-6A) at 184.

reported on its retail dispatch orders; however, it took Qwest 28 hours 38 minutes to repair troubles reported by CLECs on dispatch line-sharing orders.[142]

103. Similarly, the trouble report rates for CLEC Unbundled Transport (UDIT) DSI orders have been higher than those for retail orders. In May 2002 and June 2002, Qwest failed the parity standard for Measure MR-8 (Trouble Rate – Interval Zones One and Two) for Unbundled Transport (UDIT) DS1 orders.[143] In May 2002, the trouble report rate for Qwest's retail orders was 1.85 percent; however, the trouble report rates reported by CLECs for Unbundled Transport (UDIT) DS1 orders was 4.42 percent. In June 2002, the trouble report rate for Qwest's retail orders was 1.97 percent; however, the trouble rate for CLEC Unbundled Transport (UDIT) DS1 orders was 5.22 percent.[144]

I. Washington

1. Ordering

104. **Flow-Through.** The rate of manual processing in Washington remains too high. As explained in the AT&T OSS Declaration, in August 2002, 36.7 percent of all orders that were electronically submitted fell out for manual processing. Furthermore, from May 2002 to August 2002, the total flow-through rates for certain categories of orders declined. For example, in May 2002, the total flow-through rate for LNP orders submitted *via* IMA was 49.51 percent; however, by August 2002, the flow-through rate for this category declined to 44.90 percent.[145]

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[142] *Id.*

[143] *Id.* (MR-8) at 197.

[144] *Id.*

[145] Qwest Perf. Results Checklist, Washington (OP-2A-1) at 54.

105. Similarly, in May 2002, the total flow-through rate for UNE-P POTS orders submitted over EDI was 71.74 percent. By August 2002, however, the flow-through rate for this category declined to 60.64 percent.[146]

106. **Due Date Changes.** Qwest's reported results for the State of Washington show that Qwest denies nondiscriminatory access to its OSS because it changes the due dates for CLECs at rates substantially higher than those for its retail orders. For example, the rate of due date changes on CLEC orders was four times greater in July 2002, and five times greater in August 2002, in comparison to the rates for Qwest retail orders.[147]

2. Provisioning

107. **EELS.** Qwest has failed to provision EELS at parity. From May 2002 through July 2002, Qwest failed to meet the 90% benchmark under Measure OP-3D (Installation Commitment Met – Interval Zone One). In May 2002, Qwest installed on time only 82.35% of EEL orders. In June 2002 Qwest installed on time only 69.23 percent of EEL orders; and in July 2002, Qwest installed on time only 73.68 percent of EEL orders.[148]

108. **New Service Installation Quality.** Even Qwest's flawed data show that, from June 2002 through August 2002, Qwest failed the parity standard on Measure OP-5 (New Service Installation Quality) for Resale business orders.[149] In June 2002, although 88.60 percent of Qwest's retail orders were trouble free during the first 30 days after installation, only 76.77 percent of Resale business orders were trouble free. In July 2002, while 85.81 percent of

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[146] *Id.* (PO-2A-2) at 55.

[147] *Id.* (PO-15) at 72 (showing that the number of due date changes in July and August were 0.13 and 0.10 for CLECs, but only .03 and .02 for retail orders).

[148] *Id.* (OP-3D) at 115.

[149] *Id.* (OP-5) at 238.

Qwest's retail orders were free of troubles during the first 30 days after installation, only 76 percent of CLEC Resale business orders were free of such troubles. In August 2002, although 87.98 percent of Qwest's retail orders were trouble free during the first 30 days after installation, only 69.07 percent of Resale business orders were trouble free.[150]

3. Maintenance and Repair

109. Qwest has not performed at parity during the maintenance and repair process. For example, in July 2002, Qwest met 92.94 percent of the repair appointments for its retail customers, but only 86.49 percent of the repair appointments for CLEC UNE-P dispatch orders within MSAs.[151] In August 2002, although Qwest met 93.19 percent of the repair appointments for its retail orders, it met only 85.88 percent of the repair appointments for CLEC UNE-P dispatch orders within MSAs.[152]

110. **Repair Repeat Report Rate.** Qwest's repair repeat report rates for UNE-P non-dispatch orders have been higher than those for Qwest's retail orders. In May 2002, the repair repeat trouble rate for Qwest's repeat orders non-dispatch orders was 11.83 percent, while the same rate for UNE-P non-dispatch orders was 22.34 percent.[153] In June 2002, the repair repeat report rate for Qwest's retail non-dispatch orders was 12.81 percent, while the rate for UNE-P non-dispatch orders was 25.35 percent.[154]

111. **Out of Service Cleared.** Qwest has failed to perform at parity when clearing troubles reported by CLECs on line sharing orders. In July 2002, 91.12 percent of Qwest's retail

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[150] *Id.*

[151] *Id.* (MR-9A) at 90.

[152] *Id.*

[153] *Id.* (MR-7C) at 92.

[154] *Id.*

dispatch orders were cleared within 24 hours, while only 42.86 percent of CLEC line sharing dispatch orders within MSAs were cleared within 24 hours.[155] In August, 92.59 percent of Qwest's retail dispatch orders were cleared within 24 hours, while 76.92 percent of CLEC line sharing dispatch orders were cleared within 24 hours.

112. In June and July 2002, Qwest failed the parity standard for Measure MR-4A (All Troubles Cleared Within 48 Hours – Dispatches Within MSAs). In June 2002, Qwest cleared 98.43 percent of all troubles reported on its retail dispatch orders within 48 hours, but cleared only 72.73 percent of all troubles reported by CLECs on dispatch line sharing orders. In July 2002, Qwest cleared 97.80 percent of all troubles reported on its retail dispatch orders, but only 87.50 percent of all troubles reported by CLECs on line sharing orders.[156]

113. Qwest also has failed to meet the parity standard for Measure MR-4C (All Troubles Cleared Within 48 Hours – No Dispatches) for line sharing orders from May 2002 through August 2002. For example, in May 2002, Qwest cleared within 48 hours all troubles reported on 99.78 percent of its retail non-dispatch orders, but cleared within 48 hours only 95.65 percent of all troubles reported by CLECs on non-dispatch line sharing orders. In June 2002, Qwest cleared within 48 hours 99.65 percent of all troubles reported on its retail non-dispatch orders, but only 95.24 percent of all troubles reported by CLECs on non-dispatch line sharing orders. In July 2002, Qwest cleared within 48 hours 99.70 percent of all troubles reported on its retail non-dispatch orders, but only 94.44 percent of all troubles reported by CLECs on non-dispatch line sharing orders.[157]

114. **Mean Time to Restore.** Furthermore, Qwest's own reported results on Measure MR-6A (Mean Time to Restore – Dispatches Within MSAs) shows that it has not performed at parity. Indeed, Qwest failed this measure from April 2002 through August 2002. For example,

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[155] *Id.* (MR-3A) at 185.

[156] *Id.*

[157] *Id.* (MR-4C) at 189.

in June 2002, Qwest took 13 hours 34 minutes to restore troubles reported for its retail dispatch orders, but took 37 hours 49 minutes to restore troubles reported by CLECs on dispatch line sharing orders. In July 2002, Qwest took 14 hours 39 minutes to repair troubles reported on its retail dispatch orders, but took 39 hours 47 minutes to restore troubles reported by CLECs on line sharing dispatch orders. In August 2002, Qwest took 14 hours 9 minutes to repair troubles for its retail dispatch orders, but took 21 hours 31 minutes to repair troubles reported by CLECs on dispatch line sharing orders.[158]

115. In May 2002 and June 2002, Qwest failed to satisfy the parity standard for Measure MR-6C (Mean Time to Restore-No Dispatches for line sharing). In May, Qwest took 5 hours 34 minutes to repair troubles reported on its retail dispatch orders, but took 10 hours 56 minutes to repair troubles reported by CLECs on non-dispatch line sharing orders. In June 2002, Qwest took 5 hours 18 minutes to repair troubles reported on its retail non-dispatch orders, but took 12 hours 29 minutes to repair troubles reported by CLECs on non-dispatch line sharing orders.[159]

116. **Trouble Rates.** Qwest has failed repeatedly to meet the parity standard for Measure MR-8 (Trouble Rate-Interval Zone One and Two). Indeed, Qwest failed the measure from December 2001 through August 2002 for Resale DS1 orders.[160] For example, in June 2002, the trouble report rate for Qwest's retail orders was 1.75 percent, while the trouble report rate for Resale DS1 orders was 9.02 percent. In July 2002, the trouble report rate for Qwest's retail orders was 1.87 percent, but the trouble report rate for Resale business orders was 5.22 percent. In August 2002, the trouble report rate for Qwest's retail orders was 1.64 percent, while the

[158] *Id.* (MR-6A) at 185.

[159] *Id.* (MR-6C) at 189.

[160] *Id.* (MR-8) at 327.

trouble report rates for Resale DS1 orders was 4.17 percent.[161]

4. Billing

117. Qwest has failed to perform at parity during the billing process under Measure BI-3A (Billing Accuracy – Adjustments for Errors-UNEs and Resale). In June 2002, although 99.44 percent of Qwest's retail orders were accurate, 97.02 percent of CLEC bills for UNEs and Resale were accurate. In July 2002, although 99.05 percent of Qwest's retail bills were accurate, only 91.32 percent of CLEC bills for UNEs and Resale were accurate. Qwest's performance deteriorated further in August. During that month, 99.32 percent of Qwest's retail bills were accurate, while only 79.88 percent of CLEC bills were accurate.[162]

J. Wyoming

1. Ordering

118. **Flow-through.** As discussed in AT&T's OSS Declaration, based on Qwest's performance results for Measure PO-2A, 37.7 percent of all orders that are electronically submitted fall out for manual processing. The rate of manual processing in Wyoming is still too high.

119. **Due Date Changes.** Qwest's reported results also show disparities in the rates of due date changes for CLEC and retail orders. For example, the rate of due date changes on CLEC orders was five times greater in July, and at least twice as high in August 2002, in comparison to the rate for Qwest's retail orders.[163]

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[161] *Id.*

[162] *Id.* (BI-3A) at 81.

[163] Qwest Perf. Results Checklist, Wyoming (PO-15) at 63 (showing that the number of due date changes in July and August were .10 and .08 for CLECs, but only .02 and .03 for retail orders).

2. Provisioning

120. Qwest does not perform at parity during the provisioning process. In July 2002 and August 2002, Qwest failed the parity standard under Measure OP-4B (Installation Interval Average – Dispatches Outside MSAs) for UNE-P Centrex dispatch orders. During July 2002, Qwest averaged 2.60 days to complete installations for its retail customers, but averaged 5.42 days to complete installations for UNE-P Centrex orders. In August 2002, Qwest took 2.33 days to complete installations for its retail orders, but took 5.17 days to complete installation for UNE-P Centrex orders.[164]

3. Billing

121. Qwest does not provide parity of access during the billing process. According to Qwest's reported results under Measure BI-3A (Billing Accuracy – Adjustments for Errors UNEs and Resale), 99.23 percent of Qwest's retail bills were accurate, but no CLEC bills for UNEs and Resale were accurate, resulting in a modified z-score of 11368.16.[165]

122. Similarly, from June 2002 through August 2002, Qwest failed the parity standard for Measure BI-4A (Billing Completeness UNEs and Resale). For example, in July 2002, although 99.32 percent of Qwest's retail bills were complete, only 97.29 of CLEC bills for UNEs and Resale were complete. In August 2002, although 99.08 percent of Qwest's retail bills were complete, only 97.74 percent of CLEC bills for UNEs and Resale were complete.[166]

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[164] *Id.* (OP-4B) at 87.

[165] Qwest Perf. Results Checklist (BI-3A) at 72.

[166] *Id.* (BI-4A) at 73.

CONCLUSION

123. Qwest's performance data provide no support for its claims that it has met its Section 271 obligations. The record evidence reveals that Qwest continues to excessively on manually-processing which significantly increases the risks of provisioning errors. These errors were revealed and confirmed in the KPMG audit upon which Qwest relies to support its Application. Furthermore, the measures upon which Qwest relies to rebut these findings are so seriously flawed that they cannot legitimately be viewed as reliable, probative evidence of Qwest's performance.

124. Qwest's own inadequate commercial performance data show that Qwest's claims of statutory compliance should not be credited. Indeed, the pool of evidence shows that CLEC orders are still subject to high rejection rates and low total flow through rates. The evidence also shows that Qwest discriminates against CLECs in the ordering, provisioning, maintenance and repair and billing processes. For all of these reasons, Qwest has not met its burden of demonstrating that its data are accurate and prove statutory compliance.

I hereby declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief.

Executed on October 15, 2002

John F. Finnegan

John F. Finnegan

ATTACHMENT 1

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PERFORMANCE MEASURES (VERSION 2.0)

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12.1 Measurement	
Percent Provisioning Accuracy for non-flow through orders	
Definition:	
Percent of completed (non-flow through) service orders submitted via LEX/EDI that are provisioned as requested on the CLEC submitted LSR.	
Exclusions:	
• Flow through service orders as identified in PM 13 • Cancelled Orders • Rejected orders due to CLEC caused errors	
Business Rules:	
This measurement compares all fields listed in Attachment 5 as submitted on the LSR to the associated service order that provisioned the requested services. SWBT commits to make a good faith effort to maintain the list in Attachment 5 with any new fields that can be compared mechanically (e.g. features, PIC, etc.) when those fields have a legitimate impact on the customer.	
Levels of Disaggregation:	
• None	
Calculation:	**Report Structure:**
(# of completed, non-flow through service orders with fields provisioned as ordered on the LSR's ÷ total non-flow through service orders completed * 100	Reported by individual CLEC, CLECs and SWBT
Measurement Type:	
Tier 1 – High Tier 2 – None	
Benchmark:	
95%	

Performance Measurements
Appendix Five

LSR FIELD, FIELD NAME and FEATURES

PHASE 1

CC - COMPANY CODE
LSR NO. - LOCAL SERVICE REQUEST NUMBER
ACT - ACTIVITY **(Compare ACTION CODE associated to USOC as verification)**
PQTY - PORT QUANTITY
REQTYP - REQUISITION TYPE AND STATUS
CFA - CONNECTING FACILITY ASSIGNMENT
CHC - COORDINATED HOT CUT = Y
DFDT - DESIRED FRAME DUE TIME
PORTED # - PORTED TELEPHONE NUMBER
STREET - STREET ADDRESS (END USER'S) - **(SA field on the service order)**
PIC - INTERLATA PRESUBSCRIPTION INDICATOR CODE **(LNP only)**
LPIC - INTRALATA PRESUBSCRIPTION INDICATOR CODE **(LNP only)**
FA - FEATURE ACTIVITY **(Compare ACTION CODE associated to USOC as verification)**
FEATURE - FEATURE CODE **(Compare to USOC on service order)**
Comparison will be based on the USOCs associated with the FEATURES listed below:
Caller ID - Anonymous Call Rejection
Improved data transmission for POTS lines
900 Call Restriction (AR, KS, MO, OK) (Blocks 1+700 also)
900/976 Call Restriction - end user requested - Initial Request (TX Only)
900/976 Call Restriction - end user requested - Subsequent Request (TX Only)
Toll Restriction (Blocks: 0+, 0-, 1+, 1+900, 1+976, 1+700, 1+411, 1+555-1212, 10XXX)
Call Forwarding - Busy Line / Don't Answer
Three-Way Calling
Simultaneous Call Forwarding
Speed Calling 30
Speed Calling 8
Call Forwarding
Call Waiting
Call Forwarding - Busy Line
Call Forwarding - Don't Answer
Preferred Number Service - Optional Local Unmeasured / Unlimited Usage Charge - EMS / EACS Additive
Local TeleBranch - Optional Unmeasured / Un-limited Usage Charge
Local TeleBranch - Unmeasured / Un-limited Usage
Hot Line
Circle Hunt - per line arranged for hunting.
Circle Hunting - Bus. 1-Element Measured 1-Party, Multi-Line Hunting and Trunks; Residence 1-Party & Trunks
Preferential Hunting - per line arranged for hunting.
Preferential Hunting Business 1 Element Measured 1-Party, Multi-Line Hunting and Trunks; Residence 1-Party and Trunks
Series Hunting - per line arrange for hunting (Also called Series Completion, Regular or Rotary Hunting.)

Series Hunting per Line - Business 1 Element Measured 1-Party; Residence 1-Party
Improved voice transmission for trunks
Caller ID - Per Line Blocking
Night Number Terminal Arrangement - associated with working Telephone Number
Night Number Terminal Arrangement - associated with Terminal
Selective Call Forwarding
BizSaverSM A
BizSaverSM D
BizSaverSM B
BizSaverSM C
THE WORKSSM
THE WORKSSM w/o NMP
THE WORKSSM w/o Call Waiting
THE WORKSSM w/o Caller ID & w/o Call Waiting
THE WORKSSM w/o ESX
THE WORKSSM w/o ESX & NMP
THE WORKSSM Plus w/ 1+SaverSM
THE WORKSSM w/o NMP & NSD & w/ 1+SaverSM
THE WORKSSM Plus w/ OS3
THE WORKSSM w/o NMP & NSD
THE WORKSSM w/ NMP & NSD
THE WORKSSM w/o Caller ID
THE WORKSSM w/o Caller ID & w/o Remote Access to Call Forwarding
THE WORKSSM w/o Remote Access to Call Forwarding
THE WORKSSM w/o RC3
THE WORKSSM w/o NMP & RC3
THE WORKSSM w/o Remote Access to Call Forwarding & w/o Call Waiting
THE WORKSSM w/o Caller ID & w/o Remote Access to Call Forwarding & w/o Call Waiting
THE WORKSSM w/o ESX & RC3
THE WORKSSM w/o RC3, ESX & NMP
THE WORKSSM Plus w/o Call Waiting & w/1+SaverSM
THE WORKSSM Plus w/o Call Waiting & w/o Caller ID & w/ 1+SaverSM
THE WORKSSM Plus w/o Call Waiting & w/o Caller ID
THE WORKSSM w/ NMP & NSD; w/o AYK
THE WORKSSM w/o ESX
Caller ID - Calling Name Delivery
Caller ID - Caller ID Credit with 1+SaverSM
International (IDDD) Blocking
Caller ID - Calling Number Delivery
Priority Call
Network Provisioning USOC for lines equipped with Call Return, Call Blocker, Auto Redial, Priority Call, Selective Call Forwarding

Auto Redial
Call Return
Call Trace - Per Successful Activation
Call Blocker
Auto Redial Per Activation
Call Return Per Activation
Priority Installation - (PI) Prime Service Vendor or Subcontractor
Priority Installation - (PI) Secondary Service Vendor or Subcontractor

Preferred Number Service without Unique Ring - 800 Service
Preferred Number Service without Unique Ring - Local
Preferred Number Service without Unique Ring - InterLATA
Preferred Number Service without Unique Ring - IntraLATA
Toll Terminal Trunks - Toll Billing
Priority Restoration - (PR) PR Level Implementation - Secondary Vendor or Subcontractor
Priority Restoration - PR Level change on an existing service - Subcontractor
Administration & Maintenance of TSP Service - Prime Service Vendor
Administration & Maintenance of TSP Service - Subcontractor
Preferred Number Service with Unique Ring - 800 Service
Preferred Number Service with Unique Ring - Local
Preferred Number Service with Unique Ring - InterLATA
Preferred Number Service with Unique Ring - IntraLATA
Remote Access to Call Forwarding
TeleBranch & Local TeleBranch - add'l Access Path
TeleBranch - Intrastate / Interexchange, non-Bell Exchange Company Access Path
TeleBranch - Interstate / Interexchange, non-Bell Exchange Company Access Path
TeleBranch - Interstate / Interexchange Access Path
TeleBranch - Interstate / Intraexchange Access Path
Local TeleBranch - First Access Path
TeleBranch - Interstate / International Access Path
TeleBranch - Intrastate / IntraLATA & Intrastate / InterLATA Access Path
TeleBranch - Interstate / 800 Interexchange Access Path
TeleBranch - Intrastate / 800 Interexchange Access Path
Caller ID - Caller ID Value Package Plus with 1+ SaverSM
Caller ID - Caller ID Value Package with 1+SaverSM
Caller ID - Caller ID Value Package
Caller ID - Convenience Plus
BASICSSM
Caller ID - Caller ID Value Package / Convenience Plus
Voice Dial Discount
Preferred Number Service with Unique Ring - CFN Account
900/976 Call Restriction - Mandatory - Subsequent Application (TX Only) (Charge Applies)
900/976 Call Restriction - Mandatory - Initial Application (TX Only)
Toll Restriction (Lifeline/Tel-Assistance end users)
Secondary Line Control
SCOCS - Charge per system
Toll Terminal Trunks - Pseudo Terminals
TOUCH-TONE, per C.O. Trunk
TOUCH-TONE, per line
Toll Terminal Trunks - Toll Charge Telephone Number
TOUCH-TONE, per line
Voice Dial - Directory-30, per Primary Line
Voice Dial - Directory-50, per Primary Line
Voice Dial - Directory-75, per Primary Line
Voice Dial - Shared Directory-30, per Secondary Line
Voice Dial - Shared Directory-50, per Secondary Line
Voice Dial - Shared Directory-75, per Secondary Line
Warm Line
WireWorxSM - Contract Option 2 - Selected Accounts - Multiline - Per jack - WireWorx billing applies

WireWorxSM - Contract Option 1 - All Accounts - Multiline - Per jack
WireWorxSM - Contract Option 2 - Selected Accounts - Multiline - Per access line - WireWorx billing applies
WireWorxSM - Contract Option 1 - All Accounts - Multiline - Per access line
WireWorxSM - Contract Option 1 - All Accounts - Single Line
WireWorxSM - Contract Option 2 - Selected Accounts - Single Line - WireWorx billing applies
WireWorxSM - Contract Option 2 - Selected Accounts - Single Line & Multiline - WireWorx billing does not apply
Improved data transmission for POTS lines
Installation & Maintenance - CLEC Authorization required for regulated work (CLEC only)
Installation & Maintenancce - End user authorization for regulated work is permitted while SWB installation technician is on premises

Call Forwarding - Busy Line / Don't Answer
Call Forwarding - Busy Line
Call Forwarding - Don't Answer
LNFN - LISTED FIRST NAME
LNLN - LISTED NAME LAST
LTY - LISTING TYPE

PHASE 2 - **(Requires the addition of FIDs to the Service Order Extract to perform the compare)**

BA - BLOCKING ACTIVITY
BLOCK
HA - HUNT GROUP ACITIVY
HID - HUNTING ID
HNTYP - HUNTING TYPE GROUP
OTN - OUT TELEPHONE NUMBER
FLOOR - EU FLOOR
ROOM - EU ROOM
BLDG - EU BUILDING
CITY - EU CITY, VILLAGE, TOWNSHIP, ETC.
STATE - EU STATE
ZIP CODE - EU ZIP CODE
LALO - LISTED ADDRESS LOCATION
LANO - LISTED ADDRESS HOUSE NUMBER
LASN - LISTED ADDRESS STREET NAME
LATH - LISTED ADDRESS THOROUGHFARE
LAZC - LISTED ADDRESS ZIP CODE
LTN - LISTED TELEPHONE NUMBER

PHASE 3 - **(WTN and CKT Leg Expansion)**

TN/ECCKT - TELEPHONE NUMBER/EXCHANGE COMPANY CIRCUIT ID
NC - NETWORK CHANNEL CODE
NCI - NETWORK CHANNEL INTERFACE CODE
FPI - FREEZE PIC INDICATOR
FPI - FREEZE PIC INDICATOR
Caller ID - Per Line Blocking - Access Code Restriction Group
Voice Dial - Advanced Service Interface Feature
SCOCS - Call Screening Code assignment
Preferred Number Service - Call Forwarding Number
TeleBranch - Call Forwarding Number
Call Forwarding - Busy Line / Don't Answer - Call Forwarding Number

Call Forwarding - Busy Line
Call Forwarding - Don't Answer
Directory Assistance Call Completion Screening
Disabled Person Discount
Voice Dial - Foreign Language
Preferred Number Service - Group Size
TeleBranch - Group Size
Simultaneous Call Forwarding - Group Size
Warm Line - Hot Line Service Number
Intercept Referral Service
Line Class Code (for any call restriction)
Toll Terminal Trunks - Line Class Code
Line Treatment Group Number (DMS) (for any call restriction)
Personalized Ring - Multiple Number Call Forward Inhibit
CUSTALRT- Customer Alerting - Message Service System
No Charge - Directory Assistance
Voice Dial - Network Facility Access
Night Number Terminal - Non-Hunting Number
Night Number Terminal - Night Service Fixed (TN or TER to which a Night Number is bridged)
Toll Terminal Trunks - Outward Dial Only
Remote Access to Call Forwarding - Personal Identification for Remote Access
Preferred Number Service with Unique Ring - Primary Number
Personalized Ring
Caller ID - Per Line Blocking - Privacy
Priority Service Authorization Number
Restrict Casual Use
Call Forwarding - Don't Answer - Ringing Cycle
Call Forwarding - Busy Line / Don't Answer - Ringing Cycle
Preferred Number Service with Unique Ring - CFN Account
Preferred Number Service with Unique Ring - Ringing Pattern
Simultaneous Call Forwarding - Simulated Facility Group
Preferred Number Service - Simulated Facility Group
TeleBranch - Simulated Facility Group
Voice Dial - Shared Voice Dialing Directory
Toll Terminal Trunks - Special Toll Guiding
Preferred Number Service - TN
Preferred Number Service with Unique Ring - Telephone Number
Personalized Ring - TN for Dependent Number(s)
Secondary Line Control
Tele-Communications Service Priority
Warm Line Timeout
RTY - RECORD TYPE
PIC -INTERLATA PRESUBXCRIPTION INDICATOR CODE- (Remaining non-LNP WTNs)
LPIC - INTRALATA PRESUBSCRIPTION INDICATOR CODE-(Remaining non-LNP WTNs)
LST - LOCAL SERVICE TERMINATION
HTN - HUNTING TELEPHONE NUMBER
HTSEQ - HUNTING SEQUENCE

ATTACHMENT 2

ATTACHMENT C

New Jersey
Carrier-to-Carrier Guidelines
Performance Standards and Reports

October 2001

Function:
OR-6 Order Accuracy
Definition:
Order accuracy is defined as the percentage of orders completed as ordered by the CLEC. Two dimensions will be measured. The first is a measure of orders without Verizon errors (Metric OR-6-01). The second measure is focused on the percentage of fields that are populated correctly (Metric OR-6-02). Local Service Request Confirmation ("LSRC") accuracy is also measured. (Metric OR-6-03).
Methodology:
Order Accuracy: Verizon will use a manual audit process of sampled orders. A statistically valid random sample of approximately 400 orders for Resale and 400 orders for UNE each month, (20 orders randomly sampled each Business day for Resale and UNE, respectively) will be pulled. Verizon will compare required fields on the latest version of the LSR to the completed Verizon service order(s).[20] The fields that will be reviewed by Verizon will include, but not be limited to: • Billed Telephone Number • RSID or AECN • PON Number • Telephone Number (if applicable, required for resold POTS, Platform and LNP/INP) • Ported TN (if applicable, required for LNP/INP) • Circuit ID (if applicable, required for Specials and loops) • Directory Listing Information (if included) • E911 Listing Information (if changing and appropriate) • Features (for Resale, UNE-P and Switching orders) • Application Date • Due Date • Remarks (if applicable)
Exclusions:
• Orders that are entered by the CLEC and flow through. • Orders that are submitted via fax, when electronic capability is available. • CLEC Aggregate excludes Verizon Affiliate data.
Performance Standard:
Metric OR-6-01: 95% of orders without Verizon errors. **Metrics OR-6-02:** No standard. (Covered by Metric OR-6-01.) **Metric OR-6-03:** Not more than 5% of LSRCs resent due to Verizon error.
Report Dimensions

Company:	Geography:
• CLEC Aggregate	• State

[20] Verizon will correct service order errors discovered by it in performing measurements under this Metric OR-6. Verizon will notify the applicable CLEC of such a correction.

Sub-Metrics		
OR-6-01	% Accuracy - Orders	
Products	Resale	UNE
Calculation	Numerator	Denominator
	Count of Orders Sampled less Orders with Verizon Errors for specified product.	Count of Orders Sampled for specified product.
OR-6-02	% Accuracy – Opportunities	
Products	Resale	UNE
Calculation	Numerator	Denominator
	Count of Fields Sampled less fields with Verizon errors for specified product.	Count of fields sampled for specified product.
OR-6-03	% Accuracy – Local Service Request Confirmation	
Products	Resale	UNE
Calculation	Numerator	Denominator
	Count of LSRCs resent due to Verizon error	Count of LSRCs

ATTACHMENT 3

State Of Minnesota
Department of Commerce
INFORMATION REQUEST

P-421/CI-01-1371

Information Requested From: Qwest Corporation

Information Requested By: Ferguson, Sharon
Date Requested: 09/23/2002
Date Response Due: 10/01/2002

REQUEST:

Does Qwest agree that OP-5 (New Service Installation Quality) should capture all reported troubles regardless of the method with which the trouble was reported to Qwest? Please explain your answer.

RESPONSE:

Qwest agrees that OP-5 should capture all non-excludable (as defined by the PID) new installation trouble reports that occur within 30 days of new service installation that are created through documented Qwest repair processes.

The currently-approved PID explicitly "focus(ed) on the percentage of average monthly new order installations that were free of trouble reports for thirty (30) calendar days following installation . . . ." Under that guideline OP-5 does capture all new installation trouble reports that occur within 30 days of new service installation.

Proper trouble creation channels include CEMR, EB-TA, RCHC, AMSC, and the ISC for problems experienced within 72 hours of new service installation. Please note, however, the ISC call center ticket, itself, is not a trouble ticket. Where appropriate, a trouble report is created when the ISC hands the CLEC query off to either the RCHC or AMSC.

Respondent: Barry Orrel