

October 25, 2002

Filed Electronically

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: In the Matter of Qwest Communications International, Inc. Consolidated Application for Authority to Provide In-Region, InterLATA Services in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming (Qwest III), Docket No. 02-314

Dear Ms. Dortch:

Eschelon Telecom, Inc. (“Eschelon”) submits these Comments regarding the application of Qwest Communications International, Inc. (“Qwest”) for authorization under Section 271 of the Communications Act. Eschelon briefly addresses two issues: (1) the October 24, 2002 Qwest/Eschelon OP-5 Data Reconciliation Report; and (2) billing in ASCII format.

1. **Qwest/Eschelon OP-5 Data Reconciliation Report**

Late yesterday, October 24, 2002, Cap Gemini Ernst & Young (CGE&Y) distributed its “Qwest/Eschelon OP-5 Data Reconciliation Report” prepared for the Arizona Corporation Commission in its 271 proceeding.¹ A copy of the public version of the report is attached as Eschelon Exhibit 42 (“CGE&Y Report”). Because the report has just been released and is lengthy, Eschelon has not had an opportunity to review it to any extent.

Eschelon cannot support, contradict, or comment upon CGE&Y’s conclusions, because Eschelon has not yet reviewed the report sufficiently to do so. Even a cursory glance at the CGE&Y Report, however, shows that CGE&Y has factually confirmed many of the problems discussed by Eschelon in its earlier Qwest 271 filings. As an example, CGE&Y said it determined 71 troubles were installation-related and eligible for OP-5. Of those 71 troubles, Qwest erroneously did not code *fifty-five percent* of them as OP-5 eligible. *See* CGE&Y Report, p. 41. One of the reasons for the improper coding

¹ As indicated in Eschelon’s Comments, Oct. 15, 2002, 02-314, at pp. 2-3, Qwest applies the same processes across states. Problems identified in Arizona will also occur in other states. While the CGE&Y data reconciliation was limited to a short time period and to only one CLEC and therefore more information is needed regarding the magnitude of the problems, it confirms the existence of flaws in the processes and performance reporting in Qwest territory.

was that Qwest coded some of the CLEC troubles as Qwest retail troubles. *See id.* p. 42. When CGE&Y asked Qwest if there was “any process in place for identifying CLEC troubles incorrectly coded as retail and correcting reported performance results,” Qwest replied that it does not revise its performance results to reflect that troubles incorrectly coded as Qwest retail troubles should have been coded as CLEC troubles. *See id.* As discussed in Eschelon’s Comments (Oct. 15, 2002), 02-314, at p. 20, when the standard is parity, the coding of CLEC troubles as Qwest troubles doubly harms CLECs. Qwest first benefits from the CLEC being blamed by the end user for the Qwest error and then by the adverse affect on Qwest retail results that lowers its obligations to CLECs. *See id.* Because the trouble is coded (and not corrected) as a Qwest retail trouble, Qwest retail performance results are lowered. Qwest wholesale need only meet that lower level of performance to meet parity. And, Qwest’s performance looks better for wholesale because the trouble was not coded as a CLEC trouble. In other words, Qwest wholesale may appear to perform better than Qwest retail when the opposite is the case. These types of problems with Qwest’s reporting should be fully reviewed.

More time is needed to fully review and analyze the facts.² This should be done before Qwest is granted 271 approval.

2. **Billing in ASCII format.**

Eschelon receives its wholesale bills from Qwest in ASCII format.³ In the U.S. Department of Justice (“DOJ”) evaluation dated October 22, 2002 (“DOJ Qwest III Evaluation”), the DOJ said: “It appears that only one CLEC operating in Qwest’s region demands full implementation of BOS-BDT billing in order to electronically audit its wholesale bills.” *See* DOJ Qwest III Evaluation, p. 7. The discussion appears to suggest that billing problems relate only to bills in a format used by that one CLEC (AT&T). As Eschelon previously indicated, Eschelon (an ASCII user) believes that Qwest’s performance in the billing area needs substantial improvement. *See, e.g.,* Eschelon’s October 15, 2002 Comments, 02-314, pp. 42-44. There are many problems with billing, *see id.*, and some of these relate to the format. For example, Eschelon stated in its previous Comments (July 3, 2002, 02-148, p. 22):

² For example, Eschelon noticed that CGE&Y described the Qwest 72-hour rule for escalation tickets as a “recent” process. *See* CGE&Y p. 43. CGE&Y refers to a Qwest data response (#DR-299). *See id.* Because Eschelon has not seen Qwest’s data response, Eschelon does not know what information Qwest provided to CGE&Y. Eschelon quoted Qwest’s 72-hour policy for reporting troubles before and after the first 72 hours in its Sept. 4, 2002, Ex Parte Comments, in 02-148 and 02-189, at pp. 3-4. Eschelon said: “For reporting troubles related to new installations, Qwest’s process is, **and has been for a long time**, that Qwest requires CLECs to call the service delivery centers (*i.e.*, not repair) if the trouble occurs within 72 business hours of the installation.” *Id.* p. 3 (emphasis added). This process has been in place for a long time, since at least 2000. It was in place when the Cap Gemini and ROC tests were conducted. It is not a “recent” process, as it appears may have been suggested by Qwest.

³ As indicated in Eschelon’s August 15, 2002 Ex Parte Comments, p. 51, note 47, in Docket No. 02-148, Qwest provides the bills in “BillMate (Qwest’s electronic version of its CRIS bill).” This is ASCII format.

“Eschelon does not receive all information according to Qwest's Customer Guide to Billmate (Qwest's electronic version of their CRIS bill). Eschelon submitted a Change Request to Qwest's CMP in September of 2000 to ask Qwest to populate all fields of the billmate file. Although some corrections were made, some states, such as Oregon and Washington, do not yet have USOCs populated in all Billmate files. In the UNE-P invoices that Eschelon is now currently receiving, multiple columns in Billmate are not populated with information that is supposed to be reflected according to Qwest's Billmate Guide. In addition, Qwest's Billmate product does not break out usage for shared transport and local switching, which precludes validation of rates and usage. Validating zone prices is also affected because Qwest does not provide the CLLI code on the invoice.”

The bills in ASCII format continue to have these problems, which affect CLECs. By not populating required fields, CLECs do not obtain needed information that, if the Qwest documentation is relied upon, should be available. For example, the ASCII bills in Oregon and Washington (in Qwest's Western Billing region) still do not have USOCs populated for Non-Recurring Charges (“NRCs”), including maintenance, TIC charges, loop installations, *etc.* Per Qwest's Customer Guide to Billmate, these fields should be populated.⁴

An important piece of missing information in the ASCII file is the CLLI code for each UNE-P ANI or UNE Loop ANI. CLECs need this information to validate the zone rate by ANI. Because loop rates are deaveraged by zone, CLECs need to identify the ANI to verify zone rates. Currently, Eschelon has to look in the LERG using the NPA and NXX to find the CLLI for each ANI. This is not always accurate, due to Local Number Portability (“LNP”), because the ANI may reside in a different central office from that reflected in the LERG. In any case, checking the LERG is an extra step that is very time consuming. Eschelon asked Qwest to supply the associated CLLI code for each ANI billed on the Qwest BillMate files for UNE-P and UNE loop, but Qwest denied the request.⁵

As indicated, Qwest's Billmate product does not break out usage for shared transport and local switching, which precludes validation of rates and usage. Because Qwest does not separate the usage elements, a CLEC cannot discern whether Qwest is billing for local usage or shared transport minutes of use.

Another problem with the ASCII BillMate files is that Qwest combines fractional charges so that they cannot be validated. An example is useful in describing this issue:

Customer X has following services at the following illustrative rates:

⁴ See <http://www.qwest.com/largebusiness/products/downloads/BMDiskCustGuidecurrent.pdf> (page 74).

⁵ See Eschelon CR #SCR061902-01; available on Qwest's wholesale web page at http://www.qwest.com/wholesale/downloads/2002/021011/CLEC_Change_RequestSystems_Archive_Reports.pdf.

Marlene H. Dortch

October 25, 2002

Page 4 of 5

NPU \$5.00
U5R \$15.00
CLT \$2.00

Assume service is billed for 20 days. This is how Qwest should present the charges to accurately reflect the fractional rates and allow for bill validation (MRC * 20 days / 30 days):

NPU \$3.33
U5R \$10.00
CLT \$1.33

Instead, Qwest's bills show:

NPU \$ 0.00
U5R \$ 0.00
CLT \$ 0.00

Misc. charges \$14.66

The total charges are the same. Due to Qwest's approach, however, the various charges cannot be verified.

The billing validation problems raised by Eschelon apply to ASCII files. Qwest has previously indicated to Eschelon that Eschelon is Qwest's second largest CLEC wholesale customer, with McLeod being its largest CLEC wholesale customer. If AT&T is the only CLEC operating in Qwest's region not using ASCII, as suggested by the DOJ Qwest III Evaluation, then McLeod is also an ASCII user (or, at least, not a BOS-BDT user). McLeod has also complained about Qwest's billing. *See, e.g.*, Eschelon's Ex Parte Comments, Aug. 15, 2002, 02-148, pp. 52-54 (quoting Exhibit 11, McLeod testimony, AZ 271 Tr., Vol. II, p. 291, line 13 – p. 295, line 1). Both Eschelon and McLeod have stated that their UNE-E and UNE-M bills are 100% inaccurate because Qwest continues to provide resale bills, which is still how these products are ordered. *See id; see also* Eschelon's Ex Parte Comments, Sept. 4, 2002, 02-148 and 02-189, pp. 12-14. If the FCC is attempting to analyze the ability to audit and validate **UNE-P** bills, it cannot look to the UNE-E/UNE-M/UNE-Star bills that have been provided to Eschelon and McLeod. *See id.* Eschelon has only recently started to receive UNE-P bills from Qwest (because it started ordering UNE-P again in the Spring), and it has already identified problems with the UNE-P bills. *See, e.g.*, Eschelon's Comments, Aug. 1, 2002, 02-148, pp. 38-39 (and Exhibit 12).

Marlene H. Dortch

October 25, 2002

Page 5 of 5

Eschelon appreciates the opportunity to submit these Comments. Eschelon is available to answer questions as well.

Sincerely,

Karen L. Clauson

Senior Director of Interconnection

Eschelon Telecom, Inc.

730 Second Avenue South, Suite 1200

Minneapolis, MN 55402

612-436-6026

cc: Filed electronically & email distribution