Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

REPLY DECLARATION OF MICHAEL G. WILLIAMS

on

Commercial Performance

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

1. My name is Michael G. Williams. My business address is 250 Bell Plaza, Room 1603-B, Salt Lake City, Utah. I am a Director in Wholesale Markets for Qwest Corporation ("Qwest").

2. I provided declarations on Qwest's previous applications under Section 271 of the Act to provide in-region interLATA services in WC Docket Nos. 02-148 and 02-189. [1/] I base this declaration on my professional experience, personal knowledge, and information available to me in the normal course of my duties.

[1/] Declaration of Michael G. Williams, "Commercial Performance," Qwest I Brief, Att. 5, App. A ("Qwest I Williams Decl."); Reply Declaration of Michael G. Williams, Qwest I Reply ("Qwest I Williams Reply Decl."); Declaration of Michael G. Williams, "Commercial Performance," Qwest II Brief, Att. 5, App. A ("Qwest II Williams Decl."); Reply Declaration of Michael G. Williams, Qwest II Reply ("Qwest II Williams Reply Decl.").

3. This Reply Declaration responds to comments of AT&T, Eschelon, and Touch America in this docket regarding Qwest's service quality as reflected in commercial performance results.

I. QWEST'S COMMERCIAL PERFORMANCE CONTINUES TO SATISFY THE REQUIREMENTS OF SECTION 271

4. Despite overwhelming evidence to the contrary, AT&T maintains its baseless challenge to Qwest's showing that its performance data are accurate and reliable, and that they demonstrate checklist compliance. [2/] AT&T admits that its generic claims regarding Qwest's performance measures and data are the same as those "AT&T explained in *Qwest I* and *Qwest II*," [3/] which Qwest has already refuted. In prior reply comments, Qwest extensively and definitively showed that "[o]ver the last two years, [its] performance has been scrutinized beyond that experienced by any other BOC." [4/] Qwest's performance tracking and reporting processes were found by two separate third parties to be reliable, and two separate third parties validated Qwest's performance results in data reconciliation. [5/] Qwest demonstrated that the evolution of its performance metric data was marked by even more thorough third-party auditing, internal and external controls, collaborative

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[2/] *Compare* AT&T Qwest III Comments at 66 ("Qwest's current application provides no reliable evidence that its data are accurate and show checklist compliance"), *with* AT&T Qwest I Comments at 46 ("The performance data upon which Qwest relies are inaccurate), *and* AT&T Qwest II Comments at 47 (same).

[3/] AT&T Qwest III Comments, Finnegan Decl. ¶ 10.

[4/] Qwest I Reply at 10.

[5/] *Id*. at 10-15; *see also generally* Qwest II Reply at 7-12.

workshops, data reconciliation, and state commission oversight than for other BOCs to which the FCC has conferred 271 authority. [6]/ AT&T offers nothing new here to cast doubt on the merit of Qwest's overall performance and its measurement and reporting thereof. Moreover, as demonstrated in the balance of this Declaration, the attacks by AT&T and Eschelon on specific aspects of Qwest's PIDs, and its performance under them, are equally unfounded.

A. AT&T's Assertions About Qwest's LSR Rejection Rates are Incorrect and Misleading

5. AT&T witnesses Finnegan, Connolly, and Wilson criticize what they believe is a Qwest rejection rate of 30% for local service requests ("LSRs"). [7]/ This figure, however, is based on two PIDs, PO-4A-2 and PO-4B-2, which (1) measure auto-rejects that are returned in a matter of, at most, a few seconds, [8]/ and (2) are diagnostic standards, as agreed by the parties in the ROC collaborative, including AT&T. The reason the parties applied no fixed standard to PO-4 results was largely in recognition of the fact that CLECs affect the volume of LSRs rejected. In the case of auto-rejects, CLECs have almost total control of LSRs being rejected, based on

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[6]/ *Id*. at 10-11 (quoting *Georgia/Louisiana 271 Order* 17 FCC Rcd at 9028-29, ¶ 17). Indeed, Qwest showed that, unlike BellSouth in *Georgia/Louisiana*, Qwest was not merely willing to undergo data reconciliation, but rather had already done so. In that process Liberty Consulting closed every Exception and Observation it issued and reaffirmed that Qwest's reported performance data are accurate and reliable. *See id*. at 11.

[7]/ AT&T Qwest III Comments, Finnegan/Connolly/Wilson Decl. ¶¶ 59-60.

[8]/ *See* Qwest's results under PO-3A-2 and PO-3B-2.

the extent to which they comply with the defined, automated criteria for avoiding LSR rejection.

6. Meanwhile, AT&T ignores the LSR rejection results for which the ROC collaborative did establish standards – PO-3, which measures the timeliness of reject notifications. Qwest's results for this measurement satisfy the standards and, in fact, are improving. Such commercial performance clearly demonstrates Qwest is returning auto-rejects in less than 5 seconds, on average. [9/] Moreover, neither AT&T nor any other CLEC has alleged that auto-rejects are unduly delayed.

B. Qwest's Manner of Measuring and Reporting the Quality of New Service Ordering and Installation are Sufficient to Demonstrate Compliance with Section 271

7. There is no merit to AT&T witness Finnegan's characterization of Qwest's PO-20 and Order Accuracy-Call Center Service Order Quality measurements as "ill-defined, incomplete, and inadequate to show statutory compliance." [10/]

[9/] 78-79; Idaho Commercial Performance Results at 74-75; Iowa Commercial Performance Results at 77-78; Montana Commercial Performance Results at 66-67; Nebraska Commercial Performance Results at 72-73; North Dakota Commercial Performance Results at 65-66; Utah Commercial Performance Results at 76-77; Washington Commercial Performance Results at 78-79; Wyoming Commercial Performance Results at 65-66.

[10/] AT&T Qwest III Comments, Finnegan Decl., ¶ 5. The parties to the FCC proceedings on Qwest's 271 applications have referred to this measure in several ways to date, including "OP-5++," "Service Order Accuracy" and "Service Order Accuracy – via Call Center Data." For this Declaration, will refer to it as the "Order Accuracy-Call Center" measure. Results have been reported since July 2002. *See* Colorado Commercial Performance Results at 77; Idaho Commercial Performance Results at 74; Iowa Commercial Performance Results at 76; Montana Commercial Performance Results at 69; Nebraska Commercial Performance Results at 75; North Dakota Commercial Performance Results at 69; Utah Commercial Performance

In effect, AT&T improperly assumes that these measurements must carry the entire burden of demonstrating Qwest's new service quality. AT&T's witness ignores the broader context that includes Liberty's data reconciliation and the OSS test, which left open only a single limited question regarding manual order-processing quality. The two exceptions to which AT&T refers (Exceptions 3028 and 3043) were closed successfully by KPMG with very good results (97% and 99%, respectively). [11]/

8. The only remaining and limited question was identified by KPMG in its Observation 3110, the last observation of the test. This was characterized as an "observation," rather than an "exception," because the matter it addressed was not expected to indicate failure of a test requirement. Moreover, it focused on a single dimension of ordering quality – namely, service intervals (consisting of accuracy of application dates and due dates). Qwest chose not to have this item closed through further re-testing for two reasons. First, there was already sufficient evidence to demonstrate acceptable order-processing quality through the data reconciliation conducted by Liberty Consulting. Second, Qwest's additional test results showed no problems with other aspects of ordering quality, despite thousands of test transactions across a multitude of detailed test scenarios determined by the parties to be of importance in designing the test.

Results at 76; Washington Commercial Performance Results at 77; Wyoming Commercial Performance Results at 68.

[11]/ AT&T Qwest III Comments, Finnegan Decl., Atts. 4 and 5.

9. Notwithstanding the abundance of evidence demonstrating the acceptable quality of Qwest's order accuracy, Qwest elected to provide additional information, in the form of PO-20 (percentage of orders without errors, based on evaluation of specified fields on sampled orders) and Order Accuracy-Call Center results (based on CLEC calls to ISC regarding LSR/service order discrepancies). These measurements confirm that Qwest's order accuracy is very good (93% for Resale/UNE-P POTS and 95% for Unbundled Loops) with respect to those specific ordering fields affecting application date accuracy, due date accuracy, and other fields that could be manually examined in PO-20. In addition, the Order Accuracy – Call Center data confirms that the incidence of problems experienced by CLECs related to order accuracy is very small (less than 1%). In this light, even if applied to only manual orders, the percentage is very small (less than 2 to 3%). Moreover, Qwest adopted the PO-20 and Order Accuracy-Call Center data voluntarily, and has emphasized its willingness to discuss the measurements further in the context of Long-Term PID Administration ("LTPA"). [12]/

10. With respect to Eschelon's claims based on its examination of Pending Service Order Notifications ("PSONs"), [13]/ Qwest's Addendum to this Application provided the results of a quantitative analysis that demonstrated "PSON to LSR

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[12]/ *See* Attachment 1 (email inviting LTPA parties to begin discussions on PO-20 and Order Accuracy-Call Center and other measurements). The LTPA forum held its first, organizational call on October 3, 2002.

[13]/ Eschelon Qwest III Comments at 21-27.

mismatches occurred only on 1.06% of LSRs." [14]/ Eschelon's claims are thus exaggerated and unsubstantiated.

11. All told, and taken in the context of overall OSS test results that left no other open issues relating to order accuracy, the PO-20 and Order Accuracy-Call Center results focus on the proper dimensions of order quality for purposes of this Application, while being open for modification in the future. Thus, the PO-20 and Order Accuracy-Call Center results, together with the OSS test results, show that Qwest's order processing is reasonably accurate from two separate perspectives – order sampling, and CLEC calls to centers identifying problems with how Qwest filled an order. [15]/ Going forward, remaining questions of States and CLECs regarding PO-20 will be addressed in LTPA, which has already held its first administrative meeting. [16]/ Qwest expects that service order accuracy will be among the first subjects addressed.

C. Qwest's OP-5 PID Properly and Reasonably Captures New Service Installation Quality

12. In their comments, AT&T and Eschelon make a number of baseless claims regarding the efficacy of Qwest PID OP-5 (New Service Installation Quality)

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[14]/ Qwest III Brief, Add., "Service Order Accuracy," at 7.

[15]/ *Cf.* Department of Justice Qwest III Evaluation at 6 ("Qwest's data suggest that its current service order accuracy performance is consistent with that of other BOCs whose Section 271 applications have been approved.") (citing *New York 271 Order*, ¶¶ 173-74 & n.548; *Georgia/Louisiana 271 Order*, ¶ 159 n577).

[16]/ *See* note 12 above. In fact, Qwest has proposed the LTPA begin discussions on PID changes on a parallel path to working the administrative details of having a 14-state PID administration collaborative.

and the results Qwest reports under that measurement. The central thrust of these claims seems to be that OP-5 improperly enhances Qwest's performance because it excludes some troubles either by definition or in practice. AT&T and Eschelon both make a number of incorrect assumptions about OP-5. For example, AT&T and Eschelon both erroneously assert that OP-5 does not capture new service problems reported to the ISC. [17/] Eschelon also stretches the definition of OP-5 PID beyond the breaking point, claiming it should include all service-affecting troubles, regardless of how they are reported to Qwest. In addition, AT&T challenges the reliability of OP-5 using examples that do not address reliability. Both AT&T and Eschelon also misinterpret OP-5's inclusion/exclusion rules. All told, AT&T's and Eschelon's concerns are without basis, as I explain in detail below.

13. Eschelon's and AT&T's claims are belied by the fact that, in the first PID collaboratives, OP-5 originated from the common industry measurement called, "I-Reports." The original I-Report formula measured the number of "Installation Trouble Reports" as a percentage of all trouble reports to estimate the percentage of *all troubles* that were related to new installations. In the PID collaboratives, the parties accepted a revised formula in creating OP-5 that estimates the percentage of new installations completed without I-Reports, *i.e.*, free of installation troubles. Moreover, the parties even discussed the name of the PID at some length before establishing it as "New Service Installation Quality." The OP-5 PID thus focuses on the quality of provisioning service, not the accuracy of ordering. This history and

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[17/] AT&T Qwest III Comments, Finnegan Decl. ¶¶ 25-27; Eschelon Qwest III

context confirms that the data source upon which the OP-5 PID was based is – and has always been – trouble reports from maintenance and repair systems.

14. The trouble reports used in OP-5 appropriately track with MR-n (Maintenance and Repair) measurements, which also have as their source trouble reports created in Qwest's maintenance and repair systems. The many experts from CLECs and state staffs who participated in the PID collaboratives have understood this from the outset. Indeed, the parties determined that, while PIDs are not expected to cover every conceivable dimension of service, the OSS test was designed to cover transaction types and scenarios the parties deemed appropriate, and to indicate whether there might be additional issues. The test identified no unresolved issues that would suggest OP-5 is not a reasonable indicator of new service installation quality.

15. Thus, at their core, AT&T's and Eschelon's complaints regarding OP-5 are no more than an effort to stretch this measurement to encompass far more than was ever intended. All told, neither the general concerns underlying the AT&T and Eschelon complaints regarding OP-5, nor their specific assertions about that PID (discussed below), support any finding other than that Qwest fully complies with Section 271.

Comments at 11.

1. Calls to the ISC to Report New Service Troubles Are Appropriately Captured in OP-5

16. AT&T and Eschelon raise several concerns [18]/ regarding what OP-5 captures, but these concerns are wholly unfounded. When calls to the ISC report problems that are appropriately resolved by issuing trouble reports in Qwest's repair systems, that is precisely what happens –trouble reports are created when the ISC "warm transfers" [19]/ the call to repair. Specifically, OP-5 captures all trouble reports for which the "I-Flag" is set to "1," which occurs when a trouble report is received within 30 days after new installation.[20]/ Thus, whenever a CLEC reports a problem related to installation quality, a trouble report is issued – whether called in to the ISC or to the repair center – and OP-5 captures the I-Flagged troubles (subject to PID's inclusion and exclusion rules).

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[18] / AT&T Qwest III Comments, Finnegan Decl. ¶¶ 25-27; Eschelon Qwest III Comments at 11.

[19]/ With a warm transfer, the CSIE stays on the line and does not close its escalation ticket until the repair center has accepted responsibility for the issue and opens a trouble report.

[20]/ For "non-designed" services (generally, those listed in the PID under "MSA-type" reporting), the I-Flag is set to "1" for only the first such trouble report received after order completion within 30 days after installation. This is consistent with OP-5's focus on measuring the percentage of new installations that are "free of trouble reports" (per the purpose statement in the PID), because only the first Qwest-caused trouble report needs to be counted to indicate whether a new installation is trouble free. For "designed" services (generally, those listed in the PID under "Zone-type" reporting), *all* such trouble reports received after order completion within 30 days following installation are counted as new service installation troubles (subject to standard OP-5 PID exclusions). As the OP-5 measurement process does not exclude repeat I-Reports, per the PID, the OP-5 results reported for designed services conservatively *understate* new service quality.

17. Yet AT&T and Eschelon still seem to be worried that CLEC calls reporting a problem to the ISC will somehow be excluded from OP-5 just because the call went to the ISC, rather than to a repair center. [21]/ This is simply not the case. When there is an installation problem attributable to Qwest following new service order completion, and a CLEC follows proper reporting procedures – which includes calling the ISC if the problem occurs within the first 72 hours following installation – Qwest creates a trouble ticket. As explained above, OP-5 captures all such trouble tickets flagged as "I Reports." If the problem relates to order accuracy due to LSR/Service Order mismatches, rather than to provisioning, the problem will be reflected in the Order Accuracy-Call Center results Qwest is providing.

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[21]/ AT&T Qwest III Comments, Finnegan Decl. ¶ 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.") In fact, the ISC *does* ensure trouble tickets are created, as appropriate, when installation problems arise. As explained above, OP-5 captures "I-Flagged" trouble tickets that are opened following new service order completions. Thus, with respect to AT&T's claim that Liberty failed to uncover this issue, *id.* ¶ 27, the reason Liberty did not address the issue is that there was nothing to uncover.

Eschelon's concerns are similarly misplaced. *See* Eschelon Qwest III Comments at 11 ("Qwest has chosen to report trouble reports for one center (repair) but not the other (interconnect/escalations) in OP-5. The destination of calls reporting the same types of troubles should not dictate the inclusion or exclusion of trouble reports from data."). As explained above, this is not true. Calls to the ISC also generate trouble reports which, when following new service order completion, are counted in OP-5. Finally, Eschelon errs in presuming that calls to the ISC/CSIE do not result in trouble tickets being generated. *See id.* at 30 ("[N]either WFAC nor RSOR contains escalation trouble reports. Failure to include these trouble reports is a serious omission.") As noted, problems with installation quality result in generation of a trouble ticket in Qwest's repair systems and those that are "I-Flagged" (i.e., within 30 days, etc.) are evaluated in OP-5.

18. In another attempt to challenge whether trouble calls to the ISC count in OP-5, Eschelon improperly infers, based on Qwest's response regarding a single Change Request ("CR") in the Change Management Process ("CMP"), that Qwest does not create trouble reports for new installation-related problems called into the ISC or CSIE. [22]/ Eschelon interprets the response to the CR to mean that Qwest does not follow the process outlined in its Addendum to the current Application. However, Qwest's process within the first 72 hours after the due date is, indeed, as described in Qwest's Addendum. [23]/

19. The referenced CR arose in November 2001 to address an issue where an escalation ticket was opened with the ISC Call Center and then referred to the repair center through a "cold transfer" rather than a "warm transfer" process. An issue of this type would generate a trouble report in the maintenance and repair system and therefore count in the current OP-5 measurement. In the particular ticket that led to CR PC120301-5, the "cold transfer" passed a ticket to the repair center that actually needed to be addressed through a service order correction and therefore was subsequently returned to the CSIE. Thus, there is no foundation for any assertion by AT&T or Eschelon that, simply because a trouble call goes in to the ISC, it is not captured by OP-5.

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[22]/ Eschelon Qwest III Comments at 10 (referencing CR PC120301-5).

[23]/ Qwest III Brief, Add., "Reporting Service Affecting Troubles" at 1-3.

2. Eschelon Makes the Unfounded and Unreasonable Claim that OP-5 Should Include All Service-Affecting Troubles Without Regard to How They are Reported

20. Eschelon goes on to make the unheard-of claim that OP-5 requires the inclusion of all service-affecting troubles, regardless of how they are reported. It attempts to justify this claim by citing the language from the OP-5 definition and then issuing the blanket conclusion that "If the trouble affects service, it should be included in OP-5." [24]/ Eschelon claims that this "applies to all troubles 'received' by Qwest, without stating how received." [25]/ Though Eschelon's assertion may hold some attraction in the abstract, it is contrary to the PID negotiated in the ROC collaborative. Moreover, *no* other ILEC, in their measurements that correspond to OP-5 (including those used in approved 271 Applications), includes every service-affecting trouble, regardless of its type or the way it was reported to the ILEC.

3. Qwest's OP-5 Results Are Reliable

21. AT&T claims that Qwest's results for OP-5 are unreliable, but then supports its claim with arguments that do not address the reliability of the PID and that are incorrect. Specifically, AT&T relies on an example that it incorrectly believes OP-5 does not address. While Qwest has long acknowledged OP-5 has some limitations, [26]/ most of which adversely impact Qwest by reflecting worse-than-actual quality, reliability is not one of OP-5's shortcomings. As the Liberty

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[24]/ Eschelon Qwest III Comments at 13-14.

[25]/ *Id.*

[26]/ *See* Qwest I *ex parte* 07/10/02, Tab 4.

audit demonstrated, subject to known limitations, Qwest's results under OP-5 are accurate and reliable. [27]/

22. AT&T's faulty example concerns a provisioning problem, where "a customer orders Call Waiting, but Caller ID is provisioned." [28]/ AT&T claims that in such cases, "a new service order *could* be issued to resolve the problem" [29]/ then goes on to claim that this would not be captured in OP-5. [30]/ This conclusion is not correct for a provisioning error. When an order for new service otherwise meeting the defined qualifications of OP-5 is provisioned and completed without a feature properly shown on the order, and the CLEC properly reports the problem, Qwest creates a trouble report that is eligible for OP-5. Because OP-5 is explicitly intended to evaluate installation quality, it evaluates all such "I-flagged" provisioning quality trouble reports following service order completion. Thus, AT&T's example, and the claims based on it, are incorrect.

23. Taking the matter one step further, AT&T refers to hearings in Minnesota, where it claims I admitted that problems corrected through service orders are not captured in OP-5. [31]/ While it is true that problems corrected through service orders should not be captured in OP-5, this does not apply to the

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[27]/ *Liberty Consulting's Final PMA Report* at 66, ¶ 4(d).

[28]/ AT&T Qwest III Comments, Finnegan Decl. ¶ 24.

[29]/ *Id.* (emphasis added).

[30]/ *Id.*

[31]/ *Id.* ¶ 24 n.21.

example given by AT&T. AT&T's example would be included in OP-5 because, where the service order is otherwise accurate, provisioning problems would be resolved through trouble reports eligible for OP-5 scrutiny, rather than by issuing a service order. Again, the reason is that it is Qwest's normal process to issue trouble reports in its repair systems to resolve provisioning problems reported when the new service order is complete.

24. On the other hand, if AT&T's example had concerned an order accuracy problem in which the customer ordered Call Waiting, but Caller ID was erroneously placed by Qwest on its service order and then installed, Qwest would rectify the situation by issuing a new service order. As such this example would be an order accuracy problem not captured by OP-5. Instead, to the extent this situation happens, it is reflected in the Order Accuracy-Call Center results Qwest reports.

4. Qwest Properly Excludes Some Troubles From OP-5 Based on the Exclusions in the PID Definition

25. Qwest properly implements the exclusions in the OP-5 PID definition. As explained in the Addendum to the current Application, CLEC calls to the ISC within 72 business hours of service installation generally fall into four categories: (1) customer education; (2) trouble reported prior to the technician completing installation work; (3) trouble reported after technician has completed installation work resulting from an LSR/Service Order mismatch; or (4) trouble reported after the technician has completed the installation work resulting from improper

provisioning or an installation failure. [32]/ Only reports that fall into the fourth category are eligible for OP-5. This is based on the long-established link between OP-5 and the maintenance and repair process.

26. Qwest previously explained in ex partes and in its Addendum in this Application how each of the categories are handled. [33]/ Sometimes the perceived trouble is not an actual trouble and the CLEC customer simply needs to be educated about the product, service, or feature (Category 1). A trouble ticket would not be issued if this occurred and should not be included in OP-5, as the PID specifically allows for their exclusion. [34]/

27. If the trouble reported is found to have occurred prior to the technician completing installation (Category 2), Qwest notifies the CLEC of that circumstance and advises the CLEC about the service order, such as noting that the service order is still pending. A trouble ticket would not be issued, because the installation work had not yet been completed. This situation is also specified as an exclusion. [35]/

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[32]/ Qwest III Brief, Add., "Reporting Service Affecting Troubles" at 1. A CLEC call to the ISC within 72 business hours of service installation is the most efficient way to ensure Qwest addresses – and, if needed, corrects – a problem identified with a new product or service installation. Often, Qwest must conduct research to determine the correct disposition of the CLEC inquiry, because certain calls that address new products and services should not and do not result in trouble tickets.

[33]/ *See id.*

[34]/ *See* 14-State PID Version 5.0 PID at 34, Qwest II, Att. 5, App. D, Tab 3.1 (including exclusion for "Miscellaneous – Non-Dispatch, non-Qwest (includes CPE, Customer Instruction, Carrier, Alternate Provider (13)").

[35]/ *Id.* (setting forth exclusion for "Trouble reports on the day of installation before the installation work is reported by the technician/installer as complete.").

28. If the trouble reported is found to have occurred after the technician completes the installation work, but further investigation shows the service order was incorrectly written by Qwest (Category 3), the activity gets captured in Qwest's Order Accuracy-Call Center results. No trouble ticket issues for that service order, though, because the problem was associated with the LSR/Service Order mismatch, not the installation work itself.

5. There is No Merit to Eschelon's Off-Net Conversions Hypothetical or the Related Assertions Regarding What OP-5 Captures

29. In its Comments, Eschelon provides a "composite hypothetical" about what it calls "Off-Net conversions," then goes to great lengths to make various points – most of them incorrect – about what OP-5 does and does not capture. [36]/ While Qwest shares Eschelon's concern about serving customers like the hypothetical "ABC Company" described (and Qwest continues to work with Eschelon to address its concerns), Eschelon's hypothetical is nothing more than a set of cleverly combined anecdotes. Where Qwest has provided voluminous, audited, and tested performance data, Eschelon's proffer is limited to a hypothetical composite, email messages, and other similar, unverified "evidence." As noted, the majority of Eschelon's allegations about what OP-5 does not capture are simply incorrect, and the remainder reflect OP-5's inherent limitations that are similar to other OP-5 limitations Qwest has discussed previously. [37]/

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[36]/ Eschelon Qwest III Comments at 11-16.

[37]/ *See* Qwest I *ex parte* 07/10/02, Tab 4.

a. Eschelon Incorrectly Interprets One of the PID Exclusions for OP-5

30. In an attempt to show that OP-5 is missing trouble reports it should capture, Eschelon relies on the OP-5 PID exclusion "Trouble reports on the day of installation before the installation work is reported by the technician/installer as complete." Eschelon claims that this "exclusion, by its terms, applies only to situations requiring dispatch of an outside technician/installer to complete the order." [38]/ At best, this is a stretch that no party to the PID collaboratives or OSS tests has ever attempted. To the contrary, the clear intent of this exclusion is to recognize that, particularly in a mechanized measurement such as OP-5, Qwest's systems cannot capture events that the systems cannot detect. Thus, when installation is complete, a technician reports the completion in a manner that Qwest's systems can record. There is nothing that limits this concept to only outside, dispatched technicians, as Eschelon suggests.

31. As stated above, OP-5 evaluates I-Flagged trouble reports created up to 30 days after a new service order is complete, irrespective of whether the order is reported as complete by an "outside" technician, or an "inside" technician (or, for that matter, any other means by which the order is recorded as complete in Qwest's systems). These are pragmatic and reasonable requirements that are necessary to support the mechanized measurement process.

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[38]/ Eschelon Qwest III Comments at 14-15.

b. Qwest Properly Excludes the Unique Situation Identified by Eschelon from OP-5

32. Eschelon's takes exception with Qwest's explanation of "Category 2" calls to the ISC. [39]/ As explained above, this involves instances where the trouble reported is determined to have occurred prior to the technician completing the installation work. In such cases, Qwest informs the CLEC that the service order status is incomplete. A trouble ticket does not issue because the installation is not yet complete. This is specified as an allowable exclusion in the PID. [40]/

33. Eschelon, however, focuses on certain situations where neither a trouble report nor a service order are the proper resolution. Specifically, these are Off-Net conversions involving, for example, "line side switch translations" that are not completed timely and result in out-of-service conditions until the translations are completed. Eschelon provides the examples of a 7:00 a.m. "Frame Due Time," a 9:15 a.m. customer out-of-service report, and an additional 30 minutes to complete translations. [41]/ The Frame Due Time indicates that disconnection (of service from the previous provider) might have taken place at the time, but that the customer was out of service at 9:15 a.m. This indicates that the translations that enable service to be active through Eschelon had not taken place.

34. Two points are notable with regard to Eschelon's hypothetical. First, when customers are concerned about outage time during a "hot cut" such as that

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[39]/ *Id*. at 7, 10, 29. *See* ¶ 25 above (categorizing calls to ISC).

[40]/ *See* 14-State PID Version 5.0 PID at 34, Qwest II, Att. 5, App. D, Tab 3.1.

[41]/ Eschelon Qwest III Comments at 30.

Eschelon describes, they may request a "coordinated cutover." This was not done in the example and is not done in situations typical of Eschelon. When the CLEC does not request coordination, the Frame Due Time specified by the CLECs does not represent a commitment on Qwest's part. Under these terms, as long as the conversion takes place by close-of-business on the due date, Qwest has met its obligation. Second, while OP-5 does not capture reports related to the situation Eschelon offers, it is not intended to. This is so because OP-5 explicitly focuses on trouble reports created after installation is complete and, further, after Qwest's systems "know" the service order is complete (per the previously-discussed exclusion of such situations).

35. Furthermore the incidence of the type of problem during conversion orders that Eschelon raises is minimal. An analysis of Qwest's call center database information from August 2002 through September 2002 shows that only 0.08% of conversion orders experienced such an outage. [42]/ Given the very small volume of conversion orders experiencing problems in the provisioning process, coupled with the CLEC option to provide coordination if it is deemed critical, the competitive impact of these infrequent occurrences cannot be deemed significant.

36. Finally, on the question of line side switch translations and whether Qwest provides a meaningful opportunity to compete, [43]/ the preponderance of data reflected by the OSS test demonstrates that Qwest is doing very well in the area of

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[42]/ This is based on an ad hoc analysis of call center tickets associated with conversion orders in which Qwest found that, out of 31,919 conversion LSRs processed in August and September, only 26 experienced disruptions that lead to a call to the ISC to report a problem with the conversion.

[43]/ *See* Eschelon Qwest III Comments at 27-30.

switch translations (99% success rate). [44]/ Moreover, as to whether measurements should be modified to capture such situations (in OP-5, PO-20, Order Accuracy-Call Center Data, or in some new measurement), [45]/ this kind of question is typical of the iterative, ongoing working relationship between CLECs and Qwest, and is thus the type of issue the LTPA and Performance Assurance Plan ("PAP") Six-Month Reviews will address. In such a highly technical, dynamic industry, with so many variables, there will always be issues such as these to address.

6. Eschelon's Concerns Regarding Trouble Tickets Associated with Tagging DEMARCs are Misplaced

37. Eschelon expresses concern that subsequent trouble tickets resulting from tagging activities at the end user customer's serving terminal, or demarcation (DEMARC), are not captured in OP-5, Qwest's PID for New Service Installation Quality. [46]/ According to the PID, such subsequent trouble reports should not result in an eligible trouble report for OP-5 performance reporting purposes. As explained above, OP-5 focuses on "percentage of average monthly new order installations that were free of trouble reports for thirty (30) calendar days following installation[.]" [47]/ The OP-5 PID exclusions include: (1) subsequent trouble report of any trouble on

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[44] / *See* AT&T Qwest III Comments, Finnegan Decl. ¶ 21 (referencing ROC OSS Test Exception 3043 regarding switch translations).

[45]/ Eschelon Qwest III Comments at 34-37.

[46]/ Eschelon Qwest III Comments at 27 n.37 & 36.

[47]/ *See* 14-State PID Version 5.0 PID at 34, Qwest II, Att. 5, App. D, Tab 3.1.

the installed service before the original trouble report is closed, and (2) information tickets generated for internal Qwest system/network monitoring purposes.

38. In the scenario described by Eschelon, a trouble report is made to Qwest requesting "tagging" at the DEMARC. The tagging activity consists of cable and pair identification at the end user customer's serving terminal. Qwest process allows for tagging at the DEMARC, free of charge, within 30 calendar days of new service installation. The trouble report process for tagging is necessary because not all new service installations result in a Qwest technician dispatch (*e.g.*, UNE-P conversion in place). If the Qwest technician identifies a defective cable or cable pair while performing DEMARC tagging functions, the technician will generate an internal trouble report to justify, track, and monitor the additional correcting repair activity. The subsequent internal trouble report is generated prior to closure of the DEMARC tagging trouble report. Therefore, it is not captured in Qwest's OP-5 performance metrics, because it is correctly excluded by PID definition.

39. Additionally, if the DEMARC tagging trouble report is closed prior to issuance of a subsequent trouble report, the information ticket generated internally to Qwest repair operations for DEMARC tagging appropriately is not counted in Qwest OP-5 performance metrics. As OP-5 was defined, such information tickets are excluded because, essentially, there has not been a customer trouble report for an out-of-service or service-affecting condition.

40. Eschelon also asserts that DEMARC tagging trouble reports sometimes generate erroneous time and material billing from Qwest. [48]/ As stated above, Qwest provides for DEMARC tagging, without charge, for the first 30 calendar days after installation. DEMARC tagging requests submitted more than 30 days after installation are subject to time and material charges. All told, concern expressed by Eschelon that Qwest is inappropriately excluding trouble reports that are generated as a result of DEMARC tagging activity is unjustified.

D. Qwest is Developing Improvements to the OP-5 Measurement Programming that Will Overcome the PID's Limitations

41. As part of its continuous efforts to improve its measurements, Qwest has been working to reduce and ultimately eliminate OP-5's limitations. [49]/ In addition, recent activity in Arizona involving data reconciliation of OP-5 have clarified other limitations, which Qwest's planned improvements will also address. Qwest's efforts to improve OP-5 are discussed below.

1. Qwest Has Identified the Most Significant of OP-5's Limitations and Has Planned Improvements to the PID

42. While Qwest's audited measurement processes are working according to PID specifications, Qwest has identified certain "upstream" system nuances that contribute to minor differences. Specifically, issues raised in the Arizona data reconciliation [50]/ focus on maintenance and repair system processes that may,

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[48]/ Eschelon Qwest III Comments at 27 n.37.

[49]/ *See* note 26 above and accompanying text.

[50]/ At the request of Eschelon, the Arizona collaborative undertook data reconciliation of OP-5, which had not been reconciled in the ROC process. That

depending on the degree to which various scenarios occur, affect Qwest's OP-5 results and cause new service installation quality to be nominally understated or overstated. [51]/ These issues include the following:

- Upstream repair systems (LMOS and MTAS) [52]/ set certain "flags" to identify when trouble tickets are new installation-related (*i.e.*, "I-Flags" for OP-5) and when they are repeat troubles (*i.e.*, "R-Flags" for the MR-7 Repair Repeat Report measurement). The "nuance" affecting OP-5 results is that the LMOS process for setting I-Flags and the MTAS process for setting R-Flags are mutually exclusive. This means that, for MSA-Type products, OP-5 will reflect only the first trouble ticket following completion of the new service order. This is consistent with the PID's stated purpose of measuring "the percentage of . . . installations that were free of trouble reports." However, it creates a scenario in which, if the first trouble report is customer-caused and the second trouble report is Qwest-caused, OP-5 will not count the second trouble report, because the first, rather than the second, receives the I-Flag. To the extent this actually occurs, [53]/ it contributes to some overstatement of new service installation quality.

- Another issue involves the LMOS logic for setting I-Flags, which looks at the most recent installation activity as the point from which to start OP-5's 30 day criterion period. However, while OP-5 and provisioning measurements focus on inward line activity, LMOS does not, due to a long history of serving multiple purposes. Therefore, even if the most recent installation activity was a minor "C" (change) order, a trouble report that happens to follow it will receive the I-Flag. This contributes to *understating* new service installation quality. As this happens on

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data reconciliation process has just concluded, with the report imminent at the time this Reply Declaration was prepared.

[51]/ In cases with unique business plans, such as Eschelon's, the effects can be somewhat more pronounced.

[52]/ LMOS and MTAS provide the data source for OP-5 trouble reports for products listed under MSA-Type reporting (broadly referred to as "non-designed" services).

[53]/ The occurrence of failures to create a second trouble report where it may be appropriate to do so is sufficiently infrequent that the only party to raise the issue was Eschelon.

both the wholesale and retail sides, one would not expect the impact on parity conclusions to be significant. Nonetheless, this kind of situation would be seen, where it exists, during data reconciliations.

- LMOS logic for "installation related" looks only at the last order registered against the account, even though the last order may not be installation-related. If a trouble report follows an order that *is* installation related – but before 30 days pass and the referenced trouble ticket is issued – *and* another order that is not installation-related also completes, the trouble report will not be classified as installation-related and thus will not be counted in OP-5 as a new installation trouble. To the extent this unusual situation happens, the effect is to overstate new service installation quality.

43. Qwest's planned improvements to its OP-5 measurement involve enabling the PID's reporting process to eliminate the effects of these upstream system issues. Qwest's will address these limitations as follows:

- Whereas OP-5 currently is not designed to link the trouble reports in the numerator with specific orders in the denominator, Qwest now has the capability to program the measurement to make that link. Thus, instead of reporting I-Reports as a percentage of an estimate of new service installation volume, Qwest will be able to connect them with specific orders in the denominator, such that OP-5 will become a more direct measurement (rather than just an estimator) of new service installation quality of the orders reported in the denominator.

- In conjunction with the above linking of trouble reports and orders, Qwest is creating the capability for the measurement programming to determine the "installation-related" nature of the trouble and, in effect, set its own I-Flags for trouble reports, based on criteria consistent with the PID, without being tied to ages-old LMOS process logic.

44. These changes, with related details, will mitigate or eliminate the limitations described above, as well as other limitations that have been previously known and discussed. Qwest recognizes that at least some of these changes may require PID changes, which will be presented to LTPA for acceptance.

2. Qwest Expects Recommendations from the Arizona Data Reconciliation to Which Qwest Will Respond

45. Recent discussions in Arizona have noted an interest in combining service order accuracy with OP-5's installation quality results, rather than having separate PIDs measure order accuracy and installation quality. [54]/ There are many possibilities, and Qwest will discuss these with the parties. Qwest expects that more attention will focus in the near future on the question of capturing service issues on the day of installation. This would include scenarios that may be unique to business plans like Eschelon's, which involves service conversions that require two rather than just one service order (*i.e.*, a disconnect and a re-connect), as well as other scenarios involving trouble calls that follow completion of physical installation work but precede the service order being posted as complete in LMOS and WFA.

46. There also may be additional attention to erroneous disconnects. Qwest's OP-17 and MR-11 measurements capture these situations, which are related to LNP. Nevertheless, where evidence is offered as a basis for examining erroneous disconnects, including evidence that the issue arises in other contexts (such as with respect to a repair interval, rather than an installation interval), Qwest is willing to examine the data and discuss the matter in LTPA.

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[54]/ Although these discussions are taking place in Arizona, a state not among those included in this Application, the discussions include some of the same parties and issues as are involved in this application.

E. Qwest Properly Categorized Eschelon's UNE-Star Lines as UNE-P

1. UNE-Star is a UNE Combination, Not Resale, So the Only Proper Place to Report it is in PID Categories Specified for Combinations – *i.e.*, UNE-P Categories

47. Qwest properly reports UNE-Star results within the UNE-P data, including the Eschelon-specific "UNE-E" product, notwithstanding Eschelon's renewed challenge to the contrary. [55]/ As an overarching matter, it should be noted that Qwest has already initially addressed this issue in the prior proceedings. [56]/ At that time, I explained that Qwest notified CLECs of the change in how it reported UNE-Star lines, transitioning from the resold business category to UNE-P. This was specifically mentioned in the Summary of Notes published with Qwest's October 2001 commercial performance results. [57]/ I also explained that, because Eschelon's lines had been converted to UNE-E/UNE- Star rates by agreement reached with the CLEC in October 2000, Eschelon's reporting changed to UNE-P as part of the change in reporting noticed via the Summary of Notes. [58]/

48. The result, as previously explained, was that the PID now has three categories for UNE-P combinations: (1) UNE-P(POTS), (2) UNE-P(Centrex), and (3) UNE-P(Centrex 21). Originally, there was one category, "UNE-Combinations."

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[55]/ Eschelon Qwest III Comments at 44-47.

[56]/ Qwest II Williams Decl. at ¶¶ 76-81.

[57]/ *Id.* ¶ 79. This is the standard mechanism for providing the CLEC community notice of such a change.

[58]/ *Id.* ¶ 81.

Later, to keep up with common use of terminology, this changed to UNE-P(POTS). At the time, it was recognized that the only combinations were of the POTS variety. The two other categories, while similar to POTS, reflect the unique class of service Centrex and Centrex-21 represent. Thus, UNE-Star (including Eschelon UNE-E) is a UNE combination, not Resale. While the similarities in ordering and provisioning UNE-Star and resale are very similar, the same is true of UNE-P and resale. Accordingly, once arrangements evolved to provide the services as a UNE combination, rather than as Resale, it was no longer appropriate to report them as Resale and Qwest re-ran the commercial performance retroactive to the beginning of 2001.

2. Performance Results Show that Reporting UNE-Star with Other UNE Combinations Has No Significant Impact

49. To show that its reporting of UNE-Star in the PID-specified categories did not significantly impact the reported results, Qwest analyzed various performance results (February through August 2002) for UNE-P(Centrex), UNE-P(POTS), and UNE-P(Centrex), both as "Reported" and as "Star" results (for UNE-Star), separate from the results for other UNE-P, shown as "Traditional." [59]/ The "Breakout of UNE-P Star Performance Data" portion of the Addendum to this Application and Qwest III *ex parte* 10-16b show the performance results for MR-8 (Trouble Rate), OP-3 (Commitments Met), OP-4 (Installation Interval), and OP-5 (New Service Installation Quality), PO-2B (Flow Through), and PO-5 (Firm Order

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[59]/ *See* Qwest III Brief, Add. "Breakout of UNE-P Star Performance Data" and Qwest III *ex parte* 10-16b, PO-2 and PO-5.

Confirmations). The comparison of the results "Reported" with the results for "Traditional" (without UNE-Star) reveals that the differences between the results are insignificant, *i.e.*, the UNE-P and UNE-Star results are substantially the same. Therefore, not only is reporting UNE-Star in the UNE-P categories the proper approach per the PID – because they are UNE combinations, not Resale – reporting UNE-Star in the UNE-P category does not significantly affect Qwest's commercial performance results. Eschelon's complaints are thus without merit both conceptually and empirically.

F. The CLECs' Criticism of Performance Under Specific PIDs Cannot Overcome Qwest's Exceptional Overall Performance

50. Qwest's commercial performance results continue to demonstrate that Qwest complies with Section 271, notwithstanding AT&T's attempt to press its previous points regarding Qwest's commercial performance via state-by-state review of several measurement results, [60]/ and Touch America's complaints about a handful of PIDs. [61]/ With the additional month of data provided in the current Application, [62]/ AT&T takes the opportunity to go back over results in each of the nine states for several measurements, despite the fact that the additional data shows that Qwest's satisfactory performance, on the whole, has been maintained or generally improved, as recognized by the Wyoming, Idaho and Nebraska

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60/ *See* AT&T Qwest III Comments, Finnegan Decl. ¶¶ 34-122.

61/ Touch America Qwest III Comments at 26.

62/ *See* Qwest III Brief, Att. 5, App. D.

Commissions. [63]/ In its recent recommendation, the Department of Justice also noted that Qwest's record has improved. [64]/ The following table illustrates the continued strength of Qwest's performance using the most recent three months' data:

CO, IA, ID, MT, ND, NE, UT, WA, WY – Standards Met			
	Aug 02	Jul 02	Jun 02
Number of Metrics Met	2,102	2,151	2,072
Number of Metrics Missed	134	149	155
Percent of Metrics Met	94.0%	93.5%	93.0%

As this table shows, [65]/ Qwest continues to meet an impressive 93% to 94% of the standards established in the PID. Thus, as demonstrated in Qwest's prior 271 applications and my previous declarations in support of them, Qwest's commercial performance results overwhelmingly show continuing outstanding performance

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[63]/ Wyoming PSC Qwest III Comments at 5 (noting that "Qwest's Wyoming performance . . . [indicate] that Qwest has, on balance, maintained or improved its overall performance"); Idaho PUC Qwest III Comments at 3 (reporting that the Idaho PUC "reviewed the more recent wholesale performance data included with the revised application, primarily to determine whether there had been any significant change in performance since the initial application" and that "Staff did not find any pattern to the results that would lead to a conclusion that Qwest's overall performance had diminished since the filing of the original application."); *see also* Nebraska PSC Qwest III Comments at 2 (reporting that Nebraska PSC "reviewed Qwest's August performance data" and "[b]ased upon this most recent commercial performance . . . continues to recommend approval of Qwest's 271 application").

[64]/ Department of Justice Qwest III Evaluation at 4.

[65]/ In the table, the total number of metrics (met + missed) changes from month to month due to instances where there is no activity, which results in no data to report for a given metric.

overall. Such commercial performance strongly supports Qwest's satisfaction of all checklist items.

51. There is also no merit to Touch America's criticism of Qwest's specific performance with respect to PO-9 (Timely Jeopardy Notices), OP-6 (Delayed Days), and OP-3 (Installation Commitments Met) for Interconnection Trunks. [66]/ Touch America fails to acknowledge the overall context of Qwest's excellent performance in each area. Indeed, with respect to PO-9, Jeopardy Notifications, Touch America's comments do not tell the whole story, as it ignores what Qwest noted in the Addendum to this Application:

> Of the 288 PO-9 submeasures in the nine Application states, Qwest met the parity standard for 261 in January through August, or over 90% of the time. On the few occasions in which Qwest did not meet the parity standard, Qwest has explained the reason for these misses. Notably, *Qwest did not miss a single PO-9 submeasure in the most recent month for which data is available, August 2002.* [67]/

Touch America also ignores other portions of the Addendum addressing PO-9 and Unbundled Analog Loops. There, Qwest explained that the failure to meet parity is not due to performance differences, but rather, a limitation inherent in the PO-9 measurement:

> As Qwest noted in its earlier filings, the company's performance for this product is explained in part by the limitation inherent in the PO-9 measure. Specifically, due to Qwest's Build/Hold Process, the volume of jeopardy notices for unbundled loops eligible for inclusion under PO-9 for Wholesale is more limited than the other products measured under

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[66]/ Touch America Qwest III Comments at 26.

[67]/ Qwest III Brief, Add. "Status of Timely Jeopardy Notice Performance (PO-9)," at 1 (emphasis in original).

> PO-9. As a result, PO-9 is probable candidate for revision through the LTPA process. [68]/

Eschelon complains about Qwest's performance in provisioning unbundled analog loops, specifically, OP-6A, Delayed Days for non-facility reasons. In Colorado, this data has shown parity in four of the five months between May and September. Moreover, in each of the last 12 months, Qwest has met over 98 percent of its unbundled analog loop commitments. Delays for any reason are extremely rare. The relatively few number of misses means that an unusually long delay for a few loops can completely alter the average interval in OP-6A. For example, in August Qwest provisioned 5008 unbundled analog loops in Colorado, of which 48 (1.0%) were delayed. CLECs experienced unusually long intervals for two of the 48 delayed orders, which account for 126 of the delayed days. Without these two delays, the average delay was only 6.1 days. All told, Touch America's complaint in this area does not withstand scrutiny. [69]/

52. The remaining disparities variously raised by parties or observable in Qwest's performance likewise have reasonable explanations. With respect to Qwest missing the standard for OP-4, Installation Interval, for UNE-P (Centrex) in 3 of 4 months, the fundamental reason behind the misses is now past, as the August

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[68]/ *Id*. at 2.

[69]/ In fact, Qwest analyzed the Unbundled Analog OP-6 A results for the nine states included in this application. None of the orders within the results belonged to Touch America.

results show. [70]/ The cause was related to retail orders where Qwest's service representatives offered shorter-than-standard intervals against process guidelines. An edit in the Service Order Processor was put in place to prevent this from reoccurring.

53. Finally, with respect to OP-4B (Installation Interval for Dispatch Outside MSAs) for Wyoming Resale Centrex, where Qwest missed two out of four months, there were a total of only seven Centrex orders in July 2002, of which three were retail and four were wholesale. [71]/ In August 2002, there were five retail and seven wholesale orders. In these specific cases, the wholesale orders involved due dates based on 5-day intervals. As a matter of load rebalancing, intervals can be made shorter if the customer agrees. Some of the retail orders had shorter intervals on this basis, whereas the wholesale orders, while eligible on the same basis for shorter intervals, had planned their assigned intervals and did not want to change to shorter intervals. This kind of factor is not detectable by the measurement process and is not excluded, per the PID. The effect of the shorter intervals on the retail side, versus the original intervals retained by the CLECs on the wholesale side, resulted in the observed differences. [72]/

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[70]/ *See*, *e.g.*, Qwest III Brief, Att. 5, App. D, Colorado Commercial Performance Results at 122-25.

[71]/ *Id.*, Wyoming Performance Results at 246.

[72]/ Qwest has already explained its performance results with respect to OP-3 Installation Commitments Met for EELs. *See* Qwest I & II *ex parte* 08/18/02b at 3-5.

II. CONCLUSION

54. Qwest's reports of commercial performance continue to confirm that Qwest is making each checklist item available to CLECs in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming at acceptable levels of quality. Therefore, these results continue to support a finding that Qwest has satisfied the requirements of the competitive checklist in Section 271.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

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Michael G. Williams

Executed on October ____, 2002.

ATTACHMENT 1