BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
Chairman
JIM IRVIN
Commissioner
MARC SPITZER
Commissioner

IN THE MATTER OF U S WEST COMMUNICATIONS, INC.'S COMPLIANCE WITH SECTION 271 OF THE TELECOMMUNICATIONS ACT OF 1996	**Docket No. T-00000A-97-0238**

COMMENTS OF ESCHELON TELECOM, INC.

Karen L. Clauson

Eschelon Telecom, Inc.
730 2nd Avenue South, Suite 1200
Minneapolis, MN 55402-2456
(612) 436-6225

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EXECUTIVE SUMMARY

Under-Reporting of Service Affecting Problems Confirmed: The data reconciliation performed by CGE&Y verifies that Qwest is and has been incorrectly excluding and omitting information from its performance results so that they do not accurately portray the problems experienced by end user customers when switching carriers in Qwest territory. Eschelon has asserted this position to Qwest month after month for a long time. Qwest has denied the problem. Unlike Eschelon, CGE&Y had direct access to Qwest data. By using some Eschelon trouble reports as a starting point, CGE&Y was able to identify several errors and omissions in Qwest's data that help explain the difference in the results, such as:

- Qwest is recording CLEC trouble reports as Qwest retail troubles.
- Qwest excludes trouble reports from results based on which internal Qwest department or system handled them, instead of whether an installation-related trouble affected the end user customer's service.
- Qwest excludes many trouble reports for service disruptions within 72 hours of installation.
- Qwest excludes trouble reports that happened to be caused by a Qwest service order typing error.
- Qwest fails to flag trouble reports as being installation-related more often for CLEC orders than retail orders for reasons such as failing to properly flag non-repeat trouble reports and not flagging troubles when the service order was not updated at time of the report.
- Qwest improperly excludes trouble reports that occur within 30 days of installation if there is a more recent record or change order on the account that does not involve installation.
- Qwest incorrectly codes trouble reports to the wrong trouble cause disposition code.
- Qwest coding of OP-5 eligibility is unreliable. CGE&Y found that, of the 83 troubles coded as OP-5 eligible by either Qwest or CGE&Y, Qwest coded 61% (51) incorrectly.

Significantly Below Parity: When the numerator and denominator are properly adjusted to reflect true carrier switches, Qwest's performance as a result of these many errors and omissions is significantly below parity:

Denominator: When the specially handled project "migration" orders (Eschelon-to-Eschelon) are excluded, the denominator becomes **177**.

Numerator: Of the 71 troubles identified by CGE&Y as OP-5 eligible, 17 are migration orders. When these cases are removed from the numerator, the numerator becomes **121** (71 – 17 = 54; 177 – 54 = 123).

Actual OP-5 Eschelon Performance Result: 69.49% (123/177)

CGE&Y Reported Qwest Retail Result: 86.84%

For approximately a third of Off-Net conversions, when a customer exercises its right to switch to a CLEC, the conversion goes bad. This is a genuine barrier to competition.

Improper Inclusion of Project Orders Obscured: Qwest did not make clear that it had provided specially handled project migration orders, along with typical conversion orders, to CGE&Y for purposes of the data reconciliation. Qwest did not point out, even when specifically asked about the trouble reporting process for these project orders, that project troubles were reported separately and not all resulted in tickets. Inclusion of the hand-held project orders inflated Qwest's results. CGE&Y said that the OP-5 result was 87.37%. Qwest's "catch me if you can" approach to the process obscured this issue to the point that the difference between the specially handled project orders and typical conversion orders is not even mentioned in CGE&Y's Report. Yet, properly excluding the project orders causes an almost 20% drop in the result. CGE&Y indicated that it considers performance of approximately 73% a lower bound below which any OP-5 result would be unreasonable. Qwest's performance for installation quality is unreasonable.

Eschelon is Not Unique: Eschelon requests only garden-variety products from Qwest for Eschelon's Off-Net conversions. Despite this, CGE&Y suggested that Eschelon is "a unique competitor" because Eschelon allegedly orders a unique product (UNE-Star) and a large percentage of Centrex 21 (which has a 0% flow through rate). Neither is the case. First, Eschelon reviewed the Class of Service and Request Type – which dictate product type ordered – for each of the LSRs identified by CGE&Y in its Case Studies. Of the Eschelon Off-Net orders analyzed by CGE&Y in its Case Studies, 70% (46) were ordered as UNE-P, 30% (20) as resale, and 0% (0) as UNE-Star. Second, Qwest's Performance Report shows that Qwest retail orders ***fifteen times*** more Centrex 21 volume than CLECs in the same time period. Qwest can do so because Qwest wholesale has provisioned the product for CLECs so poorly.

Qwest Poor Provisioning Driving CLEC Business Decisions: Poor provisioning of products, rather than customer demand, is driving CLEC product, process, and marketing decisions. Until market-based decisions can be made, the market is not sufficiently open to competition show that Qwest has met the requirements of 271.

I. INTRODUCTION

Eschelon Telecom, Inc. ("Eschelon") submits these Comments on the Cap Gemini Ernst & Young ("CGE&Y") Qwest/Eschelon OP-5 Data Reconciliation Report dated Oct. 24, 2002 (Draft Version 2.0) ("CGE&Y Report"). Eschelon appreciates the opportunity that the Arizona Corporation Commission and its staff and consultants have provided to Eschelon to present its issues and participate in the data reconciliation.

The facts asserted in these Comments are verified in the enclosed Affidavit of Bonnie Johnson. Ms. Johnson was one of Eschelon's witnesses in the July 30-31, 2002 workshop in this 271 proceeding ("July workshop"). A Table of Exhibits is also enclosed for ease of reference.[1]

II. DISCUSSION

CGE&Y's Report confirms Eschelon's experience showing that service affecting issues which create an adverse experience when end user customers switch carriers in Qwest territory are not captured in Qwest's performance data, as well as its experiences relating to erroneous and difficult to validate maintenance charges. When properly calculated, Qwest's performance results for installation quality are significantly below parity, and the quality of service is unreasonable and anti-competitive. Eschelon's experience is not unique. The same conclusions about Qwest's data that can be drawn

[1] Eschelon Exhibits 1-21 were submitted during the July workshop. Exhibits E-A through E-E were submitted as late filed exhibits after the July workshop. Therefore, the exhibits accompanying these Comments begin with Exhibit number E-F. For Exhibits also filed with the FCC, FCC Exhibit numbers are provided. The FCC posts comments and exhibits on its website. Eschelon FCC Exhibit 25, filed with the FCC on October 15, 2002, is a Table of Exhibits to the Eschelon exhibits in the FCC Qwest 271 dockets.

from Eschelon's Off-Net[2] requests apply to any Competitive Local Exchange Carrier ("CLEC") ordering resale or UNE-P from Qwest in any state in Qwest's territory.

A. CGE&Y Report Validates Eschelon's Experience With Service Affecting Problems That are Not Adequately Captured in Qwest's Performance Data.

Qwest is and has been incorrectly excluding and omitting information from its performance results so that they do not accurately portray the problems experienced by end user customers when switching carriers in Qwest territory. Eschelon has asserted this position to Qwest month after month for a long time. CGE&Y has now verified the problems identified by Eschelon and known to Qwest. For the reasons discussed in the next section, when the numerator and denominator are properly adjusted to reflect true carrier switches, Qwest's performance as a result of these many errors and omissions is significantly below parity. These issues need to be addressed before Qwest is granted 271 approval.

1. Service-Affecting Disruptions.

An issue of primary importance that Eschelon raised in this 271 proceeding in September of 2000 that remains a problem today is customer-affecting problems during conversions – when the customer switches carriers. *See* AZ Ex. 1, p. 1 (FCC Ex. 7). For more than a year and a half, Eschelon has provided data on a monthly basis to Qwest relating to installation quality to show that Qwest's performance results are not capturing the end user's adverse experience upon conversion. *See, e.g.,* AZ Exs. 7-8 (FCC Exs. 8

[2] The CGE&Y Report, and these Comments, discuss Off-Net conversions (UNE-P, resale, *etc*.). For Comments relating to On-Net conversion (*e.g*., loops), *see* Ex. E-D, Eschelon's Ex Parte Comments, FCC 02-148 (Aug. 15, 2002), pp. 67-72; *see also* Eschelon's Comments, FCC 02-314 (Oct. 15, 2002), p. 3.

& 21-22).[3] Now, ***CGE&Y has confirmed that service-affecting issues are being omitted from Qwest performance results***. *See, e.g.,* CGE&Y Report, p. 39 (§ 6.3). Because service-affecting issues impact the customer's view of whether the switch in carriers was a success, Eschelon has captured these problems in a performance measure similar to OP-5 (E-3 on Ex. 8). CGE&Y also recognized that "service-affecting issues to the CLEC's end user customer" are relevant to the "intent of OP-5, new service installation quality." *See id*. CGE&Y agreed that OP-5 should reflect the end user's perspective and experience during conversion.[4] This is consistent with Eschelon's understanding and interpretation of OP-5 that led it to describe these service impacting issues as installation-related and to report them in its measure similar to OP-5.[5]

a. <u>Several Causes of Under-Reporting Identified</u>.

Although Eschelon has provided data to Qwest showing a trend of poor Qwest performance with respect to installations for some time, Eschelon has not had access to Qwest information necessary to confirm all of the reasons why Eschelon's data showed this trend and Qwest's performance results did not. (Eschelon repeatedly asked Qwest to perform root cause analysis on this issue and provide the results to Eschelon, but Qwest did not do so. Instead, it suggested that unsubstantiated alleged problems with Eschelon's data could be a reason for variance from Qwest's performance results.) In contrast, CGE&Y had direct access to Qwest data. By using Eschelon's trouble reports

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[3] Eschelon provided this data to a wide range of Qwest personnel to reach all the appropriate levels of the organization, *see, e.g.,* Ex. E-K, and Eschelon also discussed the data regularly with Qwest executives.
[4] *See*, *e.g*., CGE&Y Response to AT&T Question 13 ("CGE&Y feels that any trouble or service defect which results in a call from an end user customer reflecting that customer's overall experience is indicative of the 'quality of installation' provided by the incumbent. It should be reflected in the overall installation quality measure.").
[5] *See* below relating to discussion of the language of OP-5 and whether these troubles should have been included in OP-5 all along.

as a starting point, CGE&Y was able to identify several errors and omissions in Qwest's data that help explain the difference in the results, such as:

- Qwest is recording CLEC trouble reports as Qwest retail troubles (which narrows the gap between retail and wholesale performance, and may even make wholesale appear to perform better than retail when the opposite is true).[6]

- Qwest excludes trouble reports from performance results based on which internal Qwest department or system handled them, instead of whether an installation-related trouble affected the end user customer's service (meaning not only that some troubles were coded as retail but also that some would be coded as the CLEC's or neither party's responsibility when in fact they were Qwest-caused).

- Qwest excludes many trouble reports for service disruptions within 72 hours of installation, even though CLECs followed Qwest's documented process to report these troubles, because Qwest decided only to count troubles submitted through the repair department rather than the call center.

- Qwest excludes properly submitted trouble reports for installation-related troubles because they happened to be caused by a Qwest service order typing error.

- Qwest fails to flag installation-related trouble reports as being installation-related. (CGE&Y found this occurs relatively more frequently among CLEC orders than among retail orders.)

- Qwest fails to record non-repeat trouble reports as installation-related.

- Qwest fails to flag trouble reports as installation-related when Qwest has not updated the service order at the time the trouble was reported.

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[6] For orders not requiring outside technician/installer dispatches (such as the Off-Net conversions with re-use of facilities), the timing of the service order completion has nothing to do with whether service is installed and work complete. It has everything to do with ***convenience*** for Qwest. If the service order completions were real time, they would complete at the frame due time when the conversion activity occurs. Instead***, Qwest chooses to run its service order completions in batches***. There is no public policy in favor of telling end-user customers that, despite their exercise of the right to choose a different carrier, they must remain a Qwest retail customer and cannot obtain assistance from their new carrier until Qwest chooses to run a batch to complete record keeping activities, often hours later. With respect to the batch processes, Qwest took an action item to identify the sequence and time of both the service order and LMOS batch updates. Eschelon has expressed the concern that the LMOS batching takes place at 5pm and the service order completion may take place after that. Since Qwest recognizes the sequencing issue in its Data Response 575 (CGE&Y Report, p. 22), it is important to know, as part of this action item, how often this happens and generally what percentage are moved to the 3rd day. Qwest provided limited information in response to AT&T's action item but has not responded to Eschelon's Nov. 7 email request.

- Qwest improperly excludes trouble reports that occur within 30 days of installation if there is a more recent record or change order on the account that does not involve installation.

- Qwest incorrectly codes trouble reports to the wrong trouble cause disposition code. (The problem is increased because Qwest has said that it is unable to alter a trouble disposition code after the trouble ticket has been closed.[7] In addition, Qwest's auditing practices do not avail themselves of looking at a history of multiple troubles on the same line when evaluating each individual case of trouble.)

- Qwest coding of OP-5 eligibility is unreliable. CGE&Y found that, of the 83 troubles coded as OP-5 eligible by either Qwest or CGE&Y, Qwest coded 61% (51) incorrectly.

See CGE&Y Report, p. 15 (Table 2.2(a) provides citations to the sections in the Report where each of these issues is addressed.).

b. <u>OP-5 is Intended to Capture Such Troubles</u>.

Although CGE&Y agreed that OP-5 was intended to include service impacting issues to the CLEC's end-user customer, CGE&Y found that some service affecting errors (such as service order typing errors) "are not eligible for inclusion to OP-5 per the current PID." *See* CGE&Y Report, p. 39 (§ 6.3). For these issues, CGE&Y nonetheless recommended their inclusion now, such as through disaggregation of the current OP-5 to include these issues in sub-measures. *See id*. CGE&Y arrived at this conclusion by distinguishing between the intent and language of OP-5. *See id*. CGE&Y appears to have accepted Qwest's unilateral interpretation of the language of OP-5 at least to some extent. It also appears to have accepted the premise that Qwest's programming choices and alleged systems limitations control, rather than the intent of OP-5. If decisions as to

[7] Because of this, CGE&Y recommends that Qwest consult with CLECs before assigning the cause disposition codes. *See* CGE&Y Report, p. 45 (§ 7.5 Observation 6). CGE&Y provides an example in

the competitiveness of the marketplace and the appropriateness of approving Qwest's 271 application are to depend in any part upon OP-5, however, the intent of the measure must control. Otherwise, a measure being offered to show that carrier switches are performed satisfactorily does not actually address that issue in many respects.

c. <u>Qwest Omissions Not Consistent with Language or Justified by Exclusions</u>.

Moreover, the language of OP-5 cannot be read in the narrow manner in which it is only now becoming apparent that Qwest has been applying it. It is now known that Qwest has applied OP-5 according to which department and system handles the trouble instead of whether the end-user customer complained about the quality of the installation and the CLEC reported that trouble to Qwest. This is inconsistent with both the intent and the language of OP-5. The description for OP-5 specifically requires Qwest to include "***All trouble reports*** (for both out-of-service and service affecting conditions)." *See* PID Description OP-5 (emphasis added). The language of OP-5 does not exclude troubles based on the department receiving the trouble, the capabilities of the system recording the trouble, or the source of the Qwest-caused error (such as a service order). *See id*.

Nonetheless, Qwest has interpreted "trouble report" in OP-5 to mean "repair ticket" with no basis in the language for doing so.[8] Qwest's own documentation with respect to "trouble reports" defines the term more broadly than applied by Qwest for OP-5 purposes. Qwest's documentation directs CLECs to report troubles to the call center

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which this could have been done but was not, and the cause was assigned to CLEC in error (Case 19). *See id.*

[8] The word "repair" does not even appear in the definition of OP-5, and the single use of the word "ticket" in OP-5 is in an exclusion for "Information tickets generated for internal Qwest system/network monitoring purposes." *See* OP-5.

(not repair) in the first 72 hours after installation.[9] This process has been in place since at least 1999. *See* CGE&Y Report, p. 31 (§ 3) (quoting Qwest Response to DR-553). On a November 6, 2002 conference call with CGE&Y, staff, Qwest and CLECs ("November 6 call"), CGE&Y confirmed that Qwest did not provide such documentation to CGE&Y during the earlier test. CGE&Y was not told, for example, of Qwest's documentation[10] directing CLECs to submit "trouble reports" to the call center (not repair) in the first 72 hours after installation. Obviously, such documentation is relevant to whether the same term, "trouble report," in OP-5 may reasonably be interpreted as limited to "repair."

The OP-5 Exclusions do not provide a basis for exclusion of these troubles either. Although Qwest's use of the term "repair work" may suggest work by a technician, in most Off-Net conversions, facilities are re-used and no technician is required. The only OP-5 exclusion referring to a technician is the fourth exclusion, which provides: "Trouble reports on the day of installation ***before*** the installation ***work*** is reported by the ***technician/installer*** as complete." *See* Exhibit 27 (emphasis added). It discusses situations in which a technician is involved in the installation and has work to complete. In other words, the exclusion, by its terms, applies only to situations requiring dispatch of an outside technician/installer to complete the order.

This could occur, for example, when a customer orders a new line or moves locations. In these relatively limited scenarios, Qwest does not accept a frame due time. Instead, Qwest provides a window (such as 8am to 5 pm). If the CLEC's installation is

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[9] *See* Ex. E-F, Eschelon's Ex. Parte Comments, FCC 02-148 & 02-189 (9/4/02) (FCC Ex. 26), pp. 2-4 (citing Qwest process for submitting "trouble reports"). The term "trouble reports" in the PCAT process for submitting troubles is the same term as used in OP-5 (not "repair" or "ticket"). *See* http://www.qwest.com/wholesale/clecs/maintenance.html.).

[10] *See* http://www.qwest.com/wholesale/clecs/maintenance.html (discussed in Ex. E-F, Eschelon's Ex. Parte Comments, FCC 02-148 & 02-189 (9/4/02) (FCC Ex. 26), pp. 2-4 (citing Qwest process for submitting "trouble reports" on this web page).

the technician's last installation of the day, such as at approximately 5pm, it makes sense that the CLEC could not call in a trouble earlier in the day, before the technician arrives. Therefore, this narrow scenario is excluded from the PID. Eschelon's examples and Report Card data do not relate to this narrow scenario. These are not the situations about which Eschelon has complained. The installation work is complete when the work is complete and not when record keeping (such as service order completion) is done. On the November 6 call, Mr. Chris Viveros of Qwest confirmed that completion of the work is separate from record keeping activity. In most Off-Net conversions, facilities are re-used and no technician is required. Mr. Viveros confirmed that, in this typical scenario, completion of the work is unrelated to technician work or record keeping and relates to when the switch work is or should have been completed.

d. <u>Troubles Should Have Been Included All Along</u>.

Although CGE&Y confirms that these trouble reports should now be included as OP-5 eligible to fulfill the intent of OP-5, the troubles should have also been included all along. The intent of OP-5 has not changed. The amount of information provided by Qwest has changed. These trouble reports would have been included in OP-5 but for Qwest's unreasonably narrow application of OP-5's language. Qwest did not make this clear to the testers with sufficient clarity that they could independently assess whether Qwest's application was consistent with their understanding and the PID's intent. Now that the facts are have come out, CGE&Y agrees that these troubles should be included in the service installation quality measure.

Measuring the customer's experience when switching carriers is at the heart of performance reporting. Eschelon's constant refrain to Qwest has been that the end-user

customer's service is being adversely affected at conversion due to Qwest-caused errors at unacceptable levels. Qwest has continually responded that its PID performance results do not reflect a problem, so a problem does not exist. Now, finally, formal recognition of omissions and errors in Qwest's data should prompt solutions. Until those long awaited solutions are in place and tested, Qwest should not be granted 271 approval.

The problems identified by CGE&Y are consistent with the issues Eschelon has raised previously.

2. <u>Service Order Typing Errors</u>.

Eschelon identified Qwest's failure to capture service order typing errors to Qwest in the fall of 2001 and during the July workshop.[11] Eschelon has described Qwest's failure to include service order accuracy troubles in its regularly reported installation quality measure as "another huge gap between reality and Qwest's current performance results." *See* Eschelon Comments, FCC 02-189 (Aug. 1, 2002), p. 7. This gap was recognized by the U.S. Department of Justice. *See* DOJ Eval. (Qwest I), p. 19 & note 83 ("Qwest does not have any regularly reported commercial performance data on the accuracy of its manual order processing"). New information allowing CLECs to compare their Local Service Requests ("LSRs") to Qwest's service orders ("SOs") did not become available until late August 2002. When available, the information immediately showed that Qwest's manual typing of service orders resulted in unacceptable levels of customer affecting (and billing) errors. *See* Ex. E-F, Eschelon Ex Parte Comments, FCC 02-148 & 02-189 (Sept. 4, 2002), pp. 10-11 (FCC Ex. 26). ***CGE&Y confirms that Qwest is not adequately capturing these errors***. *See* CGE&Y Report, pp. 39-40 (§ 6.3).

a. **Manual Typing Service Order Errors.**

According to CGE&Y, Qwest's current performance data reporting regime does not allow for the mechanized calculation of LSR and Service Order mismatches. *Id*. p. 39. CGE&Y said:

> In order to capture data for this measure, Qwest will have to examine trouble tickets coded to 10XX and/or referred to other non-repair related departments as well as call center tickets opened. CGE&Y recommends this measure include only the first instance of an LSR/SO mismatch. CGE&Y finds it would be instructive to also calculate a measure based on the total number of LSR/SO mismatches. This would include all instances of an LSR/SO mismatch and reflect the average number of LSR/SO mismatches per service order. As described earlier, the burden of identifying LSR/SO mismatches is currently on the CLEC. CGE&Y finds that Qwest should be responsible for ensuring that all service orders are written per the LSR. Until such time as Qwest performs this task, CGE&Y finds that LSR/SO mismatches discovered prior to installation should be reflected in PO-20 since the service was provisioned as ordered. Those errors not discovered prior to installation that result in a customer-affecting condition should be included in OP-5C.

See CGE&Y Report, pp. 39-40 (§ 6.3).

A significant problem at present is that CLECs have to shoulder the burden of finding these errors and notifying Qwest to correct them. Information to do so has only recently become available to CLECs, and the review process is manual and resource intensive. CGE&Y correctly concluded that CLECs should not have to perform Qwest's quality control.[12] CGE&Y recommends that Qwest be responsible for ensuring that all service orders are written per the LSR. *See* CGE&Y Report, p. 40 (§ 6.3). At present, Qwest has indicated that it is recording CLEC reports of service order errors as mere "status" inquiries. *See* Ex. E-G (FCC Ex. 40). This is true even though the reports are made to correct Qwest service order errors that would otherwise affect service or the bill,

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[11] *See also* Tr. Vol. I, p. 88, lines 5-19 (FCC Ex. 10).

[12] CGE&Y indicates that Eschelon has had to hire one full time employee dedicated to comparing LSRs and Pending Service Order Notifications (PSONs). See CGE&Y Report, p. 34. Actually, it has taken more

or both. Therefore, although Qwest claims that it is opening a call center ticket and adding information to an existing field with respect to service orders, the current process is unlikely to capture the true extent of the problem. A status inquiry indication is different from a report of an error. The errors need to be recorded in a manner that allows measurement.

CGE&Y's recommendations differ in significant respects from Qwest's proposed manner of dealing with this issue.[13] CGE&Y recognizes the importance of comparing the CLEC Local Service Request to the Qwest Service Order ("LSR/SO mismatches"). *Id*. A comparison of all of the information in these orders should identify all of these Qwest errors. Qwest's proposal involves a more limited approach that would only capture errors generally caught by the CLEC, reported to Qwest, corrected manually by Qwest, and recorded manually by Qwest. *See* AZ Tr. Vol. I, p. 101, lines 6-7 & 16-19 (FCC Ex. 10). CGE&Y's recommended approach of comparing all LSRs and service orders for mismatches presents a more complete process that is more likely to capture the true extent of service order writing errors and ensure correction of those errors before the due date to avoid customer affecting problems. CGE&Y also suggests an alternative approach "until such time as Qwest performs this task." *See id*. CGE&Y does not indicate the reason for a delay. Eschelon provided LSR/SO comparison to CGE&Y in the same week that CGE&Y requested it. Every day that Qwest does not assume this burden is another day that Qwest imposes the costs of doing its quality control on

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resources than this (*see* Tr. Vol. II, p. 438, lines 17-19), and the scope of work continues to expand as more errors are detected. *See* below relating to flow through service order creation errors.

[13] Problems with Qwest's proposed measures/solutions are also discussed in Eschelon's Ex Parte Comments, FCC 02-148 (Aug. 18, 2002), pp. 9-10, and Eschelon's Comments, FCC 02-314 (Oct. 15, 2002), pp. 34-37. For example, CGE&Y observed that Qwest has no documentation describing the criteria used to identify candidates for the "supplemental OP-5 data" measure. CGE&Y Report, p. 43 (§ 7.1).

Eschelon and other CLECs. Qwest already generates the data necessary for the comparison. Qwest should commence this process immediately.

If an interim process is nonetheless used, CGE&Y suggests that, until a process to capture LSR/SO mismatches is in place, "LSR/SO mismatches discovered prior to installation should be reflected in PO-20 since the service was provisioned as ordered." *Id*. p. 40. To be consistent with CGE&Y's proposal that all LSR/SO mismatches are recorded, PO-20 would have to be revised first to address all orders. Currently, it is based on a sampling only, which is one of several reasons that PO-20 is inadequate.[14] The entire service order (including service and equipment/USOCs) should be reviewed, and all mismatches should be recorded.

b. <u>Flow Through Service Creation Errors</u>.

In addition to service order typing errors, another service order accuracy issue came to Eschelon's attention after CGE&Y's data reconciliation visit. New information from Qwest indicates that another cause of customer affecting problems is flow through service order creation errors (*i.e*., errors in automatically generated service orders; not due to manual handling). Because manual handling seemed the most likely source of errors, Eschelon has been conducting more detailed checks and tracking of the Pending Service Order Notifications ("PSONs") for which there is no flow through indicator on the FOC. Eschelon's provisioners also try to review flow through PSONs as well, although the check is not as detailed due to resource constraints (and the assumption, until now, that these orders should not have errors, because they are automatically generated).

[14] *See* Ex. E-D, Eschelon's Ex Parte Comments, FCC 02-148 (Aug. 15, 2002), pp. 9-10; *see also* Eschelon's Comments, FCC 02-314 (Oct. 15, 2002), pp. 34-37.

Eschelon has observed errors on flow through service orders. When Eschelon reported such an error to the Qwest point of contact for the migration project,[15] the SPOC provided the following response:

> "-----Original Message-----
> From: Vanessa Heiland [SMTP:vheilan@qwest.com]
> Sent: Tuesday, October 08, 2002 12:00 PM
> To: Roney, Cynthia M.
> Cc: 'csiewer@qwest.com'; 'jlnovak@qwest.com'; Stanczyk, Maleta M.; Patricia Levene; Jeffrey W Tietz
> Subject: Re: FW: Pending Service Order Notice PON: UNEPUT1MMS228219 VER:
>
> Cindy,
>
> The LSR was sent less than 2 hours ago today. ***Flowthrough created the order*** that your provisioner is looking at. ***Flowthrough is not creating perfect orders at this time <u>as we are all well aware</u>***. It will be a process issue as to how much time Qwest will have to identify flowthrough order issues and correct them. I have taken care of this order.
>
> Venessa"

See Exhibit 34 (emphasis added).

The Qwest point of contact copied her email to the Qwest Service Manager and Senior Service Manager for Eschelon's account, as well as the Manager of Qwest's entire service delivery center (CSIE) in Minneapolis. *See id*. None of these individuals responded with any different view, so obviously the flow through service order creation problem was not news to them.

Although Eschelon was left to discover it, Qwest is "well aware" that it has a known problem with flow through service order creation. *See id*. If Qwest has not

[15] As Eschelon indicated in its October 15, 2002 Comments to the FCC in Docket No. 02-314, "There are no escalation tickets for project handled orders. Troubles are reported to the Qwest point of contact and not the centers. Because the orders are hand-held by Qwest, fewer problems should arise. When they arise, they are reported to the point of contact designated by Qwest."

discussed this issue with CGE&Y, perhaps this issue was not considered when analyzing data during the reconciliation. It may shed additional light on errors made but not reflected in the data.

c. <u>Problems Not Resolved through Service Order Corrections Also Need to be Addressed</u>.

When discussing troubles that were "referred to a non-repair related department," CGE&Y said that "these situations are ***usually*** resolved using a service order and should therefore be included in CGE&Y's Service Order Accuracy measure, which CGE&Y proposes be termed OP-5C." *See* CGE&Y Report, p. 20 (§ 2.4) (emphasis added). Although problems may be addressed by correcting the service order, Qwest may also resolve the issue directly through another department (such as switch translations/RCMAC) without opening a ticket or otherwise capturing the data for OP-5.[16] A service order accuracy measure will not capture such issues, and they need to be captured elsewhere.

3. <u>Outages Due to Separation of N and D Orders</u>.

Eschelon has described service-affecting problems that occur when Qwest New ("N") and Disconnect ("D") orders separate. While Qwest rarely fails to disconnect, it does fail to process N orders in the Qwest switch when an outside technician is not required. (As described above, the vast majority of Off-Net conversions involve re-use of facilities, and no outside technician is required.) The customer goes out of service with the disconnect and stays out of service until Qwest works the N order. ***CGE&Y verified that separation of the N and D orders occurs and causes end user customers to go out of service***. *See* CGE&Y Report, p. 39 (§ 6.3). CGE&Y also said that this "occurs

[16] *See* Ex. E-F Eschelon's Ex Parte Comments, FCC 02-148 & 02-189 (9/14/02), pp. 9-10 (FCC Ex. 26).

relatively more frequently among CLEC orders than among retail orders. *Id*. p. 22 (§ 2.5.1). Although CGE&Y's one or two month data review suggested only certain causes of this problem, it arises in a variety of situations. For example, under Qwest's current processes, any telephone number coming from Centrex Plus or Centron for conversion to UNE-P or resale POTS will not flow through.[17] As Eschelon described in July:

> The orders will fall out of IMA for manual handling. In addition, the orders do not flow through the switch. They fall out for manual handling of Qwest switch translations. While the "disconnect" portion of the order flows through, the "new translation" falls out, which places the customer out of service. Eschelon end-user customers have been out of service for several hours until translations is worked or Eschelon opens a ticket to have the translations worked. Eschelon previously asked Qwest to provide true flow through for UNE-P and resale orders (*see* Change Request #SCR100201-1), but Qwest closed that Change Request with a status of "completed." Eschelon now believes that this was erroneous, because these orders do not truly flow through.[18] Given the amount of "exceptions" listed on Qwest's flow through eligible chart, there are very few order types that flow through.

See AZ Ex. 9, Eschelon Comments, FCC 02-148 (July 3, 2002), p. 6 (footnote added).

For some time, Eschelon has been asking Qwest for a root cause analysis relating to separation of the D and N orders, and Eschelon raised the issue at the 271 workshop three months ago, in July.[19] Eschelon has not received such an analysis. Now, Qwest told CGE&Y that it has "conducted preliminary research" upon which "it believes the population of the 'Frame Due Time' ["FDT"] field on the LSR may contribute to the disassociation of the N and D orders." *See* CGE&Y Report, p. 31 (§ 3). This is news to Eschelon. CGE&Y properly concludes that if "Qwest finds that the FDT is causing the

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[17] Release 10.1 addressed service order flow through for Centrex 21 but not Centrex Plus or Centron. After Release 10.1, Centrex 21 orders, as well as these other types of orders, still fall out at the switch.

[18] Because this issue relates to the product the customer is ***coming from***, it will continue to be an issue as long as there are customers with these products in the embedded base of customers (including long term customers of US West/Qwest).

[19] *See* Ex. 9, p. 6; *see also* Tr. Vol. I, p. 102 lines 5-8; p. 107, line 22 – p. 108, line 9 (FCC Ex. 10).

service disruption, then it is Qwest's responsibility to notify CLECs they are not to use this field." *Id.* p. 32.

Perhaps the reason that Qwest has not done so is that Qwest is well aware that Eschelon started to populate the FDT field ***specifically to avoid service disruptions*** on the day of cut. Without a FDT, the CLEC is unaware of the time when Qwest chooses to perform the cut for these Off-Net conversions. This complicates the problem when service affecting problems arise, and it creates an impression with the end-user customer that the CLEC is not on top of things. Often, the cut occurs at night when no one is available at Qwest to assist with service affecting issues. If the customer is an answering service for clients with emergencies, for example, the customer needs assistance immediately. So many problems arose, and so little assistance was available, that Eschelon had to begin to use a FDT.

Also, it may appear that population of the FDT field is contributing to the issue when in fact this is just a symptom. For example, Qwest may type the FDT on the D order but not the N order. If so, the error is a Qwest typing error. Or, Qwest may type the FDT on both orders but the N order falls out of the switch and the D order proceeds at the FDT. This is a switch translations error. Qwest needs to research this issue further (as Eschelon has long suggested). Shifting the risk of not using the FDT back to Eschelon, when Eschelon has already experienced the pain of that process, should not be done without sufficient reason and until a better alternative is in place.

CGE&Y recommends that Qwest measure the percentage of new installations that place the end user out of service for more than a specified amount of time that is agreed to by the parties. *See* CGE&Y Report, p. 39 (§ 6.3). CGE&Y recommends that the

denominator for the measure be the number of new orders on lines which had a new and disconnect the same day, because it "found that this issue was almost entirely due to the separation of N and D orders." *Id*. CGE&Y pointed out that Qwest's current performance data reporting regime does not allow for the mechanized calculation of this measure. It said: "Qwest will have to examine trouble tickets coded to retail while the CLEC order is pending as well as call center tickets opened on the day of installation." *See id*. If Qwest had been taking these steps for as long as Eschelon has been raising these issues with Qwest, perhaps root cause and solutions could be in place already. Because Qwest chose to delay instead, it should not be rewarded for that delay by receiving 271 approval before it now puts these measures in place and establishes that they are working.

4. <u>Features Not Provisioned as Ordered</u>.

CGE&Y confirmed that feature problems that occur during a conversion (as opposed to feature-only changes[20]) are "service affecting" issues that should be measured when evaluating quality of the installation. *See* CGE&Y Report, p. 32 (§ 4). As Eschelon has maintained, feature problems can be as significant of a problem for customers as a loss of dial tone.[21] If hunting is missing from the main line, for example, a business will be able to receive only one call at a time, and other customers calling the business will receive a busy signal. Even worse for many businesses, if the call forwarding/don't answer feature is missing or not working properly, customers of the business will not even get a busy signal; the line will ring with no answer. This makes

[20] With respect to orders with no inward activity, CGE&Y determined that there were "a large number of troubles that occurred within 30 days of a service order with no inward activity." *See* CGE&Y Report, p. 45 (§ 7.5 Observation 5). CGE&Y suggested another PID measurement may need to be developed to track the quality of provisioning of non-inwardly active service orders. *See id*.

the business look very bad, as though no one is working during business hours. If a feature that is significant to a customer is missing or does not work properly when that customer switches to a CLEC, the customer will view the transition to a competitive carrier as an adverse experience. The damage to the CLEC goes beyond the one transaction and harms the CLEC's reputation and ability to compete.

5. <u>Repeat Repair Reports</u>.

CGE&Y found that the PID definition for OP-5 includes repeat repair reports. *See* CGE&Y Report, p. 18 (§ 2.3.1). CGE&Y said that Qwest is not calculating OP-5 per the PID with respect to repeat repair reports. *See id*. CGE&Y also concluded that inclusion of repeat repair reports in OP-5 does not accomplish the intent of OP-5 to evaluate the quality of Qwest's ordering and installation services. *See* CGE&Y Report, p. 37 (§ 6.2). CGE&Y agrees with Qwest that repeated repair reports should be excluded from OP-5. *See id.* p. 38. Repeat repair reports "reflect Qwest's failure to clear the trouble the first time." *Id*. If these reports are measured elsewhere, it will be particularly important to ensure that the fact that Qwest failed to correct the problem the first time is accounted for appropriately in the data. Given that Qwest is apparently willing to recognize the intent of OP-5 in this case, when doing so excludes data from OP-5, it should also recognize the intent of OP-5 when doing so results in including troubles in OP-5, as suggested by CGE&Y with respect to other types of troubles.

Although Qwest claims that repeat repair reports are already reflected in MR-7, that has not been established. CGE&Y indicates that, after the first-caused report is included in OP-5, the repeat repair reports should be reflected in MR-7. This suggests that MR-7 should be audited to assess if repeat repair reports are being captured as

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[21] *See* Ex. E-D, Eschelon's Comments, FCC 02148 (8/15/02), p. 7.

anticipated. Also, if Qwest codes the first trouble incorrectly (as CGE&Y found is often the case), later troubles may also be incorrectly coded and improperly excluded from the applicable performance measure. There may be implications for other measures as well, particularly because some of the measures are related or use some of the same data.

6. <u>Unreliable Coding of Errors and OP-5 Eligibility</u>.

CCE&Y confirmed that Qwest's coding of troubles and OP-5 eligibility is unreliable. CGE&Y found that, "of the 83 troubles coded as OP-5 eligible by either Qwest or CGE&Y, Qwest coded 61% (51) incorrectly." *See* CGE&Y Report, p. 36 (§ 6.1). Some of the troubles were coded incorrectly to the advantage of Qwest (creating an appearance of better performance) and others to its disadvantage. *Id*. p. 36. Simply recalculating the PID result to take into account the net effect of these errors underestimates the underlying problem. While in any particular month some or all of the errors may cancel out each other, the fact that Qwest's coding may result in a 61% error rate means that, in other months, all of these errors could go one way. As with other errors, an error made to the disadvantage of Qwest (creating an appearance of reduced performance) is an error that needs to be analyzed for root cause to avoid such problems and increase the reliability of the data. It is still an error, which suggests a problem with Qwest's underlying processes. CGE&Y recommends a process to correct the tickets coded in error prior to the release of the regulatory reports. Processes should also be put in place to identify and remedy the underlying process problems that lead to the errors, so that a later correction is not needed as often. A process that results in a 61% coding error rate is not reliable enough to show 271 compliance.

7. Trouble Isolation Charges.

In addition to the installation issues, ***CGE&Y confirmed that Qwest erroneously applies Trouble Isolation Charges ("TIC") to Eschelon trouble tickets when the ticket was cleared to a Qwest caused fault***. *See* CGE&Y Report, p. 43 (§ 7.2 Observation 2). Eschelon has complained to Qwest about both erroneous charges and the difficulties in verifying the bills.[22] With respect to these issues, CGE&Y said:

> CGE&Y said that Qwest does not itemize the resolution of the reported defect clearly when the charges are applied to the CLEC master bill. Employee abbreviations are confusing to read and provide limited information for proper agreements to the dispositions. This makes it difficult for CLECs to dispute repair charges.

See id. As with the other issues identified by CGE&Y, this verifies Eschelon's experience.

B. The Level of Qwest's Performance is Unreasonable and Significantly Below Parity.

The CGE&Y Report validates Eschelon's data and its conclusion that Qwest-caused customer-affecting problems are occurring when customers switch carriers and many of those problems are not adequately reflected in Qwest's performance data. Although throughout its Report CGE&Y describes omission after omission after omission from Qwest's data, all of which undermine confidence in Qwest's data and reporting, CGE&Y also makes some conclusions based on Qwest's data that appear to detract from these findings. CGE&Y suggests that, although the results of OP-5 do not reflect true service quality, they are "not as low as what was reported by Eschelon for April 2002, 40.7%" and may be at or near retail performance at least in some cases. *See* CGE&Y Report, p. 4, 40 (§ 6.3) & 42 (§ 6.7). CGE&Y's calculations and conclusions

can only be as good as the data Qwest provides to CGE&Y. Qwest provided to CGE&Y data that should not have been included in the calculation but did not make it clear it was doing so.

When this data is removed from the equation, the correct calculation shows that Qwest's performance per PID 7.0 for OP-5 drops to ***less than seventy percent***. Qwest's retail performance, in contrast, is at least 86.84%. CGE&Y calculated this retail figure by adjusting it for errors made when reviewing Eschelon data. The Qwest retail figure would be even higher if the affect on other CLECs were also included. Therefore, the gap between Qwest's retail and wholesale performance is much wider than reported. Qwest's performance is significantly below parity. CGE&Y indicated that it considers performance of 72.96% "a lower bound below which any OP-5 result would be unreasonable." *Id*. p. 41 (§ 6.3). Qwest's performance for installation quality is unreasonable. Unreasonable and discriminatory service when customers switch carriers poses a barrier to competition that must be eliminated before 271 approval is granted.

1. <u>The Scope of the Data Reconciliation and the Data</u>.

During the July 30-31, 2002 Arizona 271 workshop, Eschelon presented evidence relating to many issues, including customer affecting problems occurring on or near the day of installation. *See* Exs. 10-11 (Transcript Vols. I & II). Eschelon pointed out that it had raised these customer-affecting problems with Qwest in the 271 proceeding in September of 2000 and that the problems remain a problem today. *See* AZ Ex. 1 (FCC Ex. 7). Eschelon presented evidence relating to both Off-Net conversions (switches in carriers) and Off-Net migrations (Eschelon-to-Eschelon). Eschelon explained the

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[22] *See*, *e.g*., Ex. 9, Eschelon's Comments, FCC 02-148 (7/3/02), pp. 14-15; Ex. E-D, Eschelon's Comments, FCC 02-148 (8/15/02), pp. 40-42, 44-47.

difference between conversions and migrations (as Eschelon uses those terms) and the significance of those terms. For example, Eschelon said:

> In addition to submitting new UNE-P orders, Eschelon is currently in the process of migrating some of its customer lines on UNE-Star to UNE-P. Qwest is handling this migration on a project basis, which means that the orders are ***hand-held*** in the sense that they are being ***monitored and handled separately***. Despite the ***project handling*** of these orders, the migration orders have also resulted in Qwest-caused customer affecting issues. Although ***the problems occur less frequently for migrations than for new conversions (as would be expected due to the special handling of the migration orders)***, Eschelon expends substantial resources escalating and resolving these issues.

See Ex. 1, p. 2 (FCC Ex. 7) (emphasis added); *see also* AZ Tr. Vol. I, p. 42, lines 18-24 (FCC Ex. 10); AZ Tr., Vol. II, p. 432, line17 – p. 434, line 1 and p. 436, line 10 – p. 437, line 4 (FCC Ex. 11).

After the workshop, Eschelon was informed that CGE&Y would conduct a data reconciliation. With respect to the scope of the data reconciliation, CGE&Y said that its charge was to analyze (1) off-net conversion orders, excluding project-handled migration orders; (2) May 2002 data; and (2) installation service quality. Consistent with this scope, Eschelon provided May 2002 information relating to Off-Net conversions, excluding migrations, to CGE&Y. CGE&Y requested and Eschelon provided: (1) May 2002 Eschelon trouble report information for Off-Net conversions; and (2) May and June 2002 Eschelon LSRs and order confirmations for Off-Net conversions.

When CGE&Y visited Eschelon's premises, CGE&Y reviewed Eschelon trouble histories with Eschelon personnel. CGE&Y mentioned a number of orders provided by Qwest. When Eschelon questioned the volumes that it appeared Qwest had provided to CGE&Y as being too large for Eschelon's Off-Net conversions, CGE&Y said that Qwest

had inadvertently provided On-Net (loop) information, so the volumes would be lower when the loop information was subtracted. Eschelon confirmed this conversation in an email dated August 27, 2002 to the Arizona distribution list. *See* Ex. E-H (FCC Ex. 41). CGE&Y again confirmed its understanding with Eschelon after receiving this email.

Because Eschelon provided trouble report information for May 2002 to CGE&Y (which analyzed May and June 2002 data), and because Eschelon does not have access to information in Qwest's systems, CGE&Y's list of trouble reports in its case histories is longer than the initial May 2002 list provided by Eschelon. Eschelon has prepared an Exhibit that lists both CGE&Y's Cases and the Cases initially provided by Eschelon. *See* Ex. E-I. On Exhibit E-I, the first column lists CGE&Y's case numbers. In the second column, Eschelon assigned a letter to each of the troubles it provided for May 2002 (Case Numbers A – HH). If there is a number in column one and a letter in column two, the CGE&Y Case is one of the initial cases provided by Eschelon to CGE&Y for May 2002. If there is no letter in column two, Eschelon did not include the case in the data it provided. For example, because Eschelon provided only May 2002 troubles, June 2002 troubles would have a CGE&Y number but no Eschelon letter. The chart provides information such as the Product Type Requested on the LSR for each of the listed cases. The Qwest Purchase Order Number ("PON") for each order is also provided. Orders that were part of the migration project were assigned PONs that begin with "UNEP." In addition to having a unique PON, the migration orders were requested by marking the project indicator field on the LSR.

With respect to the trouble reports for May 2002 Off-Net conversions provided by Eschelon to CGE&Y (Case Nos. A-GG), CGE&Y pointed out that two orders were

feature changes only and not conversions (Case Nos. 1 and 60). Only one of these orders occurred in May (Case No. 1) and was included in Eschelon's troubles for May.[23] Eschelon agrees with CGE&Y's conclusion. Eschelon's intent in compiling its data is to capture conversions and not feature only changes. [On the monthly Report Cards that Eschelon provides to Qwest, Eschelon's measure for Off-Net conversions, E-3, is not intended to include feature only changes (or project handled migrations). Inclusion here of one feature only change in May was inadvertent.] CGE&Y and Eschelon independently reached the same conclusion about the case histories in Appendix B for all of the May 2002 trouble reports for conversions provided by Eschelon as evidence of customer affecting issues. The problem is not simply, as Qwest has suggested, in Eschelon's data or analysis.

2. Specially Handled Migration Project Orders Must be Excluded to Gain an Accurate Measure of the Typical Experience in Switching Carriers.

If Qwest had provided a working UNE-P product in 2000 when Eschelon initially attempted to order it from Qwest, Eschelon would not have had to remain on resale, with a separate pricing arrangement, and it would not now be in the position of having to migrate those lines to UNE-P. *See* AZ Ex. 12 (Powers Aff.) (FCC Ex. 4). Unfortunately, however, Eschelon has had to hire a group of employees to migrate the bulk of Eschelon's base of customers to UNE-P at this late date. *See id*.

The customers migrating to UNE-P are not switching carriers or changing their service. They are remaining with Eschelon, and the migration is supposed to be as transparent as possible to the customer. Eschelon expressed concerns to Qwest about

[23] Eschelon did not provide June troubles to CGE&Y, because June troubles were not requested.

possible adverse impact to Eschelon's end user customers as a result of a large migration of lines to UNE-P. Qwest said that it had experience with other CLECs in migrating large numbers of lines to UNE-P on a project basis, and this experience showed that the migration could be accomplished successfully. Qwest presented project handling as an available offering from Qwest, though Eschelon does not know if Qwest has documented it.[24] Qwest said that several special measures are put in place as part of project handling to attempt to avoid disruption in service due to the migration.

Project handling in this case was used to hand-hold these orders through the migration. There is a project manager, and Qwest works with Eschelon on a daily basis on the migration project. *See* AZ Tr. Vol. I, p. 262, lines 18-19; testimony of Ms. Toni Dubuque of Qwest) (FCC Ex. 10). Eschelon provides advance information to Qwest so that Qwest knows the quantity of orders to expect and may plan its work force accordingly. Qwest knows the geographic region and types of orders in advance as well. Qwest is able to target resources as needed to handle the orders because all of this information is coordinated in advance.

In addition to the special attention of Qwest staff that these orders receive, the nature of the orders makes the migration less likely to result in customer affecting problems. For the orders migrated in May through September of 2002, more than ***seventy percent*** required no switch work. Errors in switch work is a primary contributor to customer affecting problems in typical conversions. With respect to the other thirty percent of the migration orders, many of these orders were moving from a 1FB with

[24] In the Qwest-Eschelon Settlement Agreement of March 1, 2002, which Qwest agreed to file with the commissions (¶ 6), it states at paragraph 3(f): "Within ten days of the Effective Date, the Parties shall form a joint team. The purpose of the joint team shall be to develop a mutually acceptable plan (the "Plan") to

CCMS to UNE-P-POTS. For these orders, the Qwest wholesale conversion desk made a special check of each and every order in the switch on a daily basis to validate that Qwest typed the service in the switch correctly. Eschelon had to change its usual request for a frame due time for these types of orders from 7am to 6am to accommodate this special process. A 6am frame due time provided another hour to the center to perform the additional check at the switch, and it was at a time when Qwest indicated personnel would be available to watch the orders as they errored out.

Another significant factor in customer affecting problems is separation of the Disconnect and New orders. Qwest has said that a "D" and "N" order are more likely to occur when the "flavor" of the service changes. For example, Qwest said that a change from a 1FB POTS to Centrex 21 creates "D" and "N" orders, whereas 1FB POTS to UNE-P-POTS should not. Because the intent of the migration is to migrate existing customers to the same service, with no change in lines or features or functionality, the orders are supposed to remain the same flavor. Therefore, the changes that often occur in typical conversions are not a part of the plan in a migration. Migration orders are intended to be billing changes to the extent possible, with as few other factors affecting the orders as possible.

When an error nonetheless occurs, the migration process also varies from the conversion process. (*See* Ex. E-M and related discussion below.) Qwest has assigned a Single Point of Contact ("SPOC") to the Eschelon migration project. Troubles are reported to the Qwest SPOC and not the centers. In atypical situations when the SPOC needs to order work that the SPOC cannot handle, such as a dispatch, the SPOC will open

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convert UNE-E lines to UNE-P. Qwest and Eschelon shall use best efforts to cooperate in converting UNE-E lines to UNE-P in accordance with the Plan."

a trouble ticket with Qwest repair. For the majority of troubles, however, no ticket is created. At least for particularly impacting troubles, Qwest maintained an issues log. There is no systematic record keeping, however. Although for typical conversion orders Eschelon maintains trouble histories, the use of new hires and the temporary project nature of these migrations caused much less record keeping to occur for these orders. If the project handling of these orders (as designated on the LSR and by the PON) had properly excluded the migration orders from the performance results denominator, such records would not be necessary after resolution of the troubles because the troubles would not appear in the numerator either.

The impact of including migration orders in the volume of orders considered for OP-5 is significant. The embedded base of customers that have been acquired over a period of years is naturally larger than the number of new orders in any month. Even spreading the number of customers in the base over a few months for purpose of migrating their lines still results in much larger numbers than would normally appear in the denominator for OP-5 for any two month period. When the true denominator is considered, the number of orders in the denominator is not particularly large. As the results below show, Qwest is providing an unacceptable level of service even in this quantity. Given the performance result at this volume, imagine the problems that will arise as the volumes increase. Off-Net conversions are commonly used by residential service providers. If a large residential CLEC begins to place Off-Net conversion orders of 1,000 or more per week, as would be expected for a residential offering, the errors will increase exponentially. The Commission should require Qwest to correct this known

problem before large numbers of end user customers are forced to experience service affecting problems.

a. Properly Adjusting the Numerator and Denominator of OP-5 to Exclude Project-Handled Migration Orders Exposes Qwest's True Performance Results, Below Parity.

The installation service quality PID (OP-5) is the performance indicator that most closely attempts to measure the end user customer's experience in switching carriers. The ability to choose a carrier and easily switch carriers is much of what this entire exercise is about. A customer affected by a migration is not switching carriers. For purposes of OP-5, "Inward Activity" is defined as referring to "new or additional lines." (*See* PID 7.0, Definition of Terms, p. 87.) The customer is not changing or adding lines, features, or functionality in a migration. This is primarily a billing change on the wholesale bill between Qwest and the CLEC. To the extent physical work is required, that work is project managed outside of the standard escalation and trouble processes that are being measured for purposes of determining whether the standard processes meet the competitive checklist criteria. Migrations are not within the language, purpose, or spirit of OP-5 and should not have been included by Qwest.

Both the project handling and the nature of the migration orders contribute to a significantly lower likelihood of error. Including these orders in the denominator of OP-5 significantly inflates the performance result. At the same time, omitting the majority of troubles from the numerator underestimates the level of customer-affecting problems. Together these factors significantly skew the results. This is shown by adjusting the CGE&Y numbers to properly exclude the migration orders from the numerator and denominator. As a denominator, CGE&Y used Qwest's Arizona Performance results for

Eschelon for May and June 2002 and added the orders Qwest identified in the reports for those months as "UNE-P POTS" and "UNE-P Centrex 21." The total of these orders in that Performance results report is 562.[25] CGE&Y identified 71 troubles that should be subtracted from the total of 562 to result in a numerator of 491 installations without trouble. CGE&Y said that the OP-5 result was "87.37% (491/562)." *See* CGE&Y Report, p. 37 (§ 6.1).

> **Denominator:** Many more migration orders were processed in Arizona for Eschelon in May and June than conversion orders. When the migration orders are excluded from the denominator, the denominator becomes **177**.
>
> **Numerator:** Of the 71 troubles identified by CGE&Y as OP-5 eligible, 17 are migration orders. When these cases are removed from the numerator, the numerator becomes **121** (71 – 17 = 54; 177 – 54 = 123).
>
> **Actual OP-5 Eschelon Performance Result: 69.49% (123/177)**

Qwest's PID performance drops almost twenty percent when the migration orders are properly excluded from the numerator and denominator. Qwest's performance is less than seventy percent. This means that approximately a third of the time, when a customer exercises its right to switch to a CLEC, the conversion goes bad.[26] This is a genuine barrier to competition.

In contrast, for the same time period, CGE&Y reported a **Qwest retail result of 86.84%**. CGE&Y adjusted Qwest's published retail performance of 85.34% upward to account for the errors CGE&Y found with respect to Eschelon data. Eschelon is only one CLEC. The problems identified by CGE&Y affect all of Qwest's reporting, and not just

[25] Eschelon-specific information is confidential. Eschelon has had to allow limited release of information for this time period, however, to advance discussions and understanding of the data. Eschelon does not waive any rights with respect to confidentiality of its information generally.

that relating to Eschelon. The Qwest retail performance result should be even higher to reflect similar adjustments for other CLECs as well. This would widen the gap between CLEC and Qwest retail performance even more. In any event, Qwest's performance is significantly below parity. CGE&Y indicated that it considers performance of 72.96% "a lower bound below which any OP-5 result would be unreasonable." *Id*. p. 41 (§ 6.3). Qwest's performance of 68.36% for installation quality is unreasonable.

b. <u>Qwest Did Not Make Clear that It Included Migration Orders</u>.

Eschelon clearly distinguished migration orders from conversion orders at the July workshop in this proceeding and explained the significance of the special project handling for migrations. *See* Ex. 1 (FCC Ex. 7), p. 2 (emphasis added); *see also* AZ Tr. Vol. I, p. 42, lines 18-24 (FCC Ex. 10); AZ Tr., Vol. II, p. 432, line 17 – p. 434, line 1 and p. 436, line 10 – p. 437, line 4 (FCC Ex. 11). After the workshop but before the data reconciliation, Eschelon confirmed with CGE&Y that migration orders would not be included in the data reconciliation. *See*, *e.g*., Ex. E-H (FCC Ex. 41). Therefore, Eschelon did not provide migration data to CGE&Y when providing data for the data reconciliation. Eschelon could not have provided all of the migration-related trouble reports, in any event, because they are handled by a Qwest SPOC and are not systematically recorded through regular channels. Since the workshop, time and resources have been devoted to reconciling data and drafting a lengthy report. During that time, there appears to have been fairly extensive communication between CGE&Y and Qwest. Qwest knew during this entire time period that, despite Eschelon's express

[26] Although Qwest's performance may appear to have improved since this analysis was done, Eschelon has been conducting Qwest quality control (using the PSONs) and calling Qwest to correct errors before the due date. Qwest's performance will appear better, therefore, than it is.

statement of its understanding to the contrary (*see* Ex. E-H; FCC Ex. 41), Qwest provided both migration and conversion orders to CGE&Y. Eschelon did not know this fact.

i. **When Eschelon Confirmed that Migration Orders Would Not be Included in the Data, Qwest Remained Silent.**

Eschelon stated its understanding that migration orders would not be included in the data in an email in August of 2002. *See* Ex. E-H (FCC Ex. 41). Eschelon stated: "As discussed at the workshop, orders for migration from UNE-Star to UNE-P for existing customers are hand-held and are not part of the normal process that we understand is being tested." *See id*. Eschelon said that it wanted to "ensure we are all on the same page." *See id*. At least a dozen Qwest representatives were included on the email, *see id*., and no one from Qwest suggested we were not on the same page. If there was any disagreement about the status of the migration orders and whether they should be excluded, this would have been the time to raise the issue, particularly as this is an allegedly collaborative process. Instead, as is now known, Qwest provided the migration data along with the conversion data to CGE&Y, without distinguishing between the two types of orders.

After the CGE&Y Report was released, CGE&Y accepted written questions about the report and promptly responded to them in writing. CGE&Y then held a conference call on November 6, 2002 (the "November 6 call" referred to above) to discuss the questions and answers. On that call, AT&T asked CGE&Y whether migration orders were part of the analysis. CGE&Y responded that the migration orders were handled as a project and therefore not part of what CGE&Y looked in to generally with respect to new service installation quality. This is consistent with the information provided to Eschelon

in August. *See* Ex. E-H (FCC Ex. 41). Fifteen of the 69 CGE&Y Cases reviewed in its Report, however, involved migration orders (Case Nos. 25, 29, 31-32, 34-37, 39-42, 51-52, and 58). Similarly, 17 of the 71 troubles that CGE&Y found were eligible for inclusion in OP-5 were migration orders. *See* Ex. E-J. No one from Qwest pointed this out on the call. Qwest had to have provided this migration data to CGE&Y, as Eschelon did not for the reasons stated.

Case histories involving migration orders can be instructive examples of what happens to the customer when a conversion goes bad. Some of these customers experience service affecting problems for hours or longer. Eschelon used some migration examples as well during the July workshop to show the harmful effect on customers and competition that results. *See* AZ Ex. 1, p. 2 (FCC Ex. 7). In contrast to Qwest's approach in combining conversion and migration data, Eschelon pointed out at the time the difference between conversions and migrations and identified which examples fell into which categories. *See id*.

Although instructive as examples of customer impact, migration orders are not instructive with respect to how the standard process works. As discussed, the orders are project handled and troubles are not reported through standard channels. Even more importantly, migration orders are not appropriate for inclusion in the volume of orders because the handling and nature of the orders dramatically decreases the likelihood of error. Qwest's performance results are inflated as a result.

Despite every effort by Eschelon to explain this at the July 271 Workshop and to "ensure we are all on the same page" before the data reconciliation (*see* Ex. E-H; FCC Ex. 41), Qwest provided migration orders to CGE&Y, which then included them in its

Report without so much as a footnote as to the distinction.[27] The conference call on November 6, during which Qwest remained silent when CGE&Y stated its understanding with respect to project handled orders, suggests the reason for this silence in the Report. If, after Eschelon raised the issue, Qwest had simply explained that it was providing migration as well as conversion orders, all parties could have discussed the issue in a collaborative manner at the time. CGE&Y could have analyzed the migration issue and stated in its Report its findings and conclusions with respect to this type of order. Now, two months have passed, and the Report cites performance results based on information obtained from Qwest that skews those results.

ii. **Qwest Can Distinguish Between Migration and Conversion Orders, Notwithstanding its Silence When CGE&Y Stated Otherwise.**

On the November 6 call, during a discussion of the definition of "inward" activity, the CGE&Y representative also indicated that CGE&Y found that, despite the project handling, Qwest's systems (RSOR) would treat migration orders as inward activity for purposes of the denominator. She said that this was because there was no way for the migration orders to be distinguished from the conversion orders. There were a large number of Qwest representatives on the call, but none of them pointed out that the migration orders are designated as being projected handled on the LSR or that a unique PON identifies the migration orders. Either of these pieces of information could be used to distinguish the migration orders from the conversion orders, if Qwest chose to do so.

[27] Instead, CGE&Y speculates about reasons why the Eschelon result and the Qwest result are so different in its Observation 5 in Section 7.5 on page 44 of its Report. While CGEY is partially correct that Eschelon is using "a denominator different from Qwest's," Eschelon is also using a different numerator. *See id*. Both exclude migrations. Eschelon not only explained this about its data up front but also confirmed with CGE&Y that migrations would also be excluded from the data reconciliation. *See* Ex. E-H (FCC Ex. 41).

In fact, when Qwest chooses to distinguish the two types of orders to further its own purposes, it finds that the data to do so is "readily available." *See* AZ Tr. Vol. II, p. 433, lines 1-2 (FCC Ex. 11). At the July workshop, Mr. Chris Viveros of Qwest not only recognized the difference between the conversion and migration orders, but also he separated data for the two types and presented data at the workshop that related only to migrations (late-filed Ex. Qwest-3). *See id*. He claimed that Qwest data relating to the migration project was "readily available." *See id*. p. 433, lines 1-2. Mr. Viveros also testified that the wholesale service delivery organization has been tracking certain data specifically with respect to the migration project. *See id*. p. 431, lines 7-14.[28] (*See* Ex. E-M and related discussion below.) He did not indicate the source of the data or whether it included all trouble reports, including those handled by the Qwest SPOC through email or telephone. Eschelon asked whether Qwest was also providing similar data in the workshop for typical conversion orders, and Mr. Viveros of Qwest said no. *See id*. p. 432, lines 21-23. Both Mr. Viveros and Mr. Michael Williams, who also participated in the July workshop, participated in the November 6 call. Although they are aware of the difference between migration and conversion orders and Mr. Viveros has previously chosen to present data on one but not the other, both remained silent when CGE&Y asserted that the two could not be distinguished.

The fact that the migration orders are not discussed in Section 7.5 or elsewhere in the Report suggests the extent to which Qwest managed to obscure this issue.

[28] Although Mr. Viveros initially used the term "conversion," he clarified that Qwest was referring to the project-handled migration orders. *See* AZ Tr. Vol. II, p. 431, lines 15-17; *see also id*. p. 432, lines 17-20 (FCC Ex. 11).

iii. **Migration Troubles Do Not Follow the Standard Process, and All Do Not Result in Tickets, Notwithstanding Qwest's Non-Response on This Issue.**

On the November 6 all, AT&T then asked Qwest how the troubles reported to the Qwest migration project SPOC were recorded. This request was met with silence. After a time, Qwest said that none of the many Qwest experts on the call knew the answer and they would have to report back later. Qwest has been working daily with Eschelon on the migration project since at least the beginning of May. Qwest has also said that this is just one of such projects that it has conducted for CLECs. If the Qwest representatives did not know the answer to the question about the process for capturing trouble reports for the very type of orders that they included in data provided to CGE&Y for the purpose of the data reconciliation, one has to ask why not.

Eschelon has previously explained the answer to the question clearly being asked by AT&T. In its October FCC Comments, for example, Eschelon said:

> "***There are no escalation tickets for project handled orders***. Troubles are reported to the Qwest point of contact and not the centers. Because the orders are hand-held by Qwest, fewer problems should arise. When they arise, they are reported to the point of contact designated by Qwest."

See Eschelon's Comments, FCC 02-314 (Oct. 15, 2002), p. 31, note 41 (emphasis added).

Compare Eschelon's response above to the one received from Qwest when it reported back on this action item on November 8, 2002:

> AT&T Question: "What is the process the Qwest Project Team follows to manage UNE-* to UNE-P conversions and any related problems?"
>
> Qwest Answer: "During the UNE-Star to UNE-P migration, any issue related to repair worked by the Qwest UNE P Project Team was transferred to the Qwest Repair Group. The normal repair processes were followed and trouble tickets were raised accordingly."

See Qwest Action Items From the 11-6 Meeting (Nov. 8, 2002).

There is no reference to "repair work" in AT&T's question. *See id*. In fact, the question is expressly much broader and requests the process for resolving "any related problems." *See id*. If CGE&Y had not just exposed some of the consequences of Qwest's use of a narrow interpretation of OP-5 to refer to "repair work," the subtle distinction that Qwest makes in its response may have gone unnoticed by the unsuspecting. By limiting its answer to "repair work" (whatever that means), Qwest avoids the remainder of the question.

As for the rest of the story, Eschelon will confirm the answer it has previously supplied, though it is also known to Qwest (to whom the questions were directed). With respect to managing the migrations, as Qwest testified at the workshop in July, there is a project manager, and Qwest works with Eschelon on the migration project on a daily basis. *See* AZ Tr. Vol. I, p. 262, lines 18-19 (FCC Ex. 10). Toni Dubuque of Qwest provided this information at the July workshop. As Ms. Dubuque (and others at Qwest such as Chris Siewert and SPOC Vanessa Heiland) know, the migrations are project managed, using the special steps described above. Given that Qwest presented Ms. Dubuque as a witness at the July workshop, it seems logical that Qwest would have turned to her to obtain information necessary to fully respond to AT&T's action items in a collaborative manner. In response to AT&T's request that Qwest describe "the process that the Qwest project team follows to manage UNE-* to UNE-P conversions," for example, Ms. Dubuque could have provided a description of that process similar to the one she provided to Eschelon in an email, which included:

- Qwest Single Point of Contact (SPOC) for "problem resolution process"

- SPOC (Vanessa Heiland) to respond within 30 minutes
- If SPOC does not respond within 30 minutes, escalate (to Chris Siewert)
- SPOC to work on no more than 3 troubles at one time and, if additional issues need work, other team members to resolve
- Eschelon must compare the CSR to the LSR for every order to ensure order issued correctly
-
- 24-hour problem resolution, even though Center operational only from 7AM to 8PM
- Qwest offer to develop a trending tool for training newly hired provisioners on migration process
- Qwest offer of weekly meetings relating to process used for migrations

See Ex. E-M. All of this information is responsive to AT&T's action item, but Qwest provided none of it in its response. The information was readily available from one of Qwest's own witnesses in this proceeding. Is the same email, Ms. Dubuque reports an ***18.8% error rate*** for Qwest handling of migration orders.[29] Apparently, Qwest recorded enough project data to calculate this percentage. This email was dated June 4, 2002. Although Qwest included the migration orders in the denominator for purposes of reporting its performance, Qwest's published result for OP-5 for Eschelon for the combined period May and June 2002 was 92.17%. *See* CGE&Y Report, p. 37 (§ 6.1). Perhaps Qwest can explain that how it reported an error rate of 7.83% for two months, when its error rate for migration orders alone for one month was 18.8%. The latter error rate does not even include the errors that are supposed to be measured in OP-5 for

[29] Qwest also reported what it claimed was a high rate of errors by Eschelon. Qwest tried this same tact at the July workshop. CLEC error did not cause the Qwest errors, and the performance in issue here is that of Qwest. More importantly, as Ms. Powers of Eschelon explained at the workshop, the migration forced Eschelon to hire additional resources that were not part of Eschelon's staff to process the migration orders. Given that the newly hired provisioners were thrown in to this situation on short notice, they caught on

conversions. Those errors are in addition to the 18.8% error rate. As shown by this discrepancy, tickets are not opened on all project trouble reports.

With respect to AT&T's regarding reporting of "any related problems," Qwest's response relating to "repair work" addresses only a portion of the problems, which ultimately required assistance, such as a dispatch. Many problems (such as those that would normally go through call center/escalations) went through the Qwest SPOC by email or phone and did not result in any ticket. For example, Eschelon reviewed the MTAS spreadsheet provided by CGE&Y for the customer affecting trouble on a migration order with the PON of UNEPAZ1GCL179127.[30] The trouble information relating to this PON was not in the spreadsheet. The processes used for the migration were certainly not the "normal" processes. While Qwest may argue that its response to the action item is technically accurate because it refers only to work it defines as "repair work," the response leaves an impression that is different from the facts. At best, it is unresponsive to the gist of the question. If this is the quality of information provided to testers over time, it is no surprise that all issues were not uncovered.

Surely the fact that trouble reports are being reported by the CLEC through a different process for the majority of the orders that Qwest included in the data was worth Qwest investigating and mentioning during the data reconciliation itself, given that the trouble reporting process is the subject of analysis. Eschelon had no reason to discuss the

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quickly and did the best they could with a bad situation. *See* Tr. Vol. II, p. 438, line 8 – p. 439, line 9 (FCC. Ex. 11).

[30] As previously explained, the migration project was forced on Eschelon due to circumstances (such as the unavailability of UNE-P in 2000), and it forced Eschelon having to hire additional resources to perform the migration. *See* Ex. 12 (FCC Ex. 4). These were not Eschelon's regular provisioning personnel, and regular processes were not used. Tr. Vol. II, p. 438, line 8- p. 439, line 3 (FCC Ex. 11). For all of these reasons, neither party has complete records of all of the troubles during this time. Indicating project handling on LSRs and using a unique PON to show project handling left an impression with Eschelon provisioners that

issue further with CGE&Y, because Eschelon believed that migration orders had been excluded from the data reconciliation. Qwest knew from the start that Eschelon had this understanding. *See* Ex. E-H (FCC Ex. 41). CGE&Y indicated on the November 6 call that, during the data reconciliation, it asked Qwest to review, and did review, Qwest's call center database information. This seems like a particularly obvious time for Qwest to mention that a review of that database would not include all trouble reports made to the SPOC for the migration orders. After all, as it turns out, the majority of the orders that Qwest provided to CGE&Y were migration orders.

iv. Which Strategy Employed -- Collaboration or "Catch Me if You Can"?

Qwest has suggested that, if the customer affecting issues about which Eschelon complains were really a problem, they would have been discovered during previous testing. This assumes that the testing was an open and collaborative process in which all relevant facts are shared to ensure a test of the proper data and processes. Eschelon has been making its issues known to Qwest on a monthly basis since at least January of 2001. (The migration did not commence until May 2002, but the customer affecting issues for conversions have long been a problem.) This includes Report Card data for E-3, which is similar to OP-5. General trends can be observed from that data without disclosing the individual detail or CLEC. Qwest could have brought issues identified or suggested by that data to the testers for consideration and resolution.

Even without Eschelon's data, Qwest was aware of the problems simply from the resources it was expending to resolve escalations and address service affecting issues.

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the migration was being treated separately. Upon reviewing the CGE&Y Report and data, it is now clear that Qwest combines the migration and conversion orders without distinction in its reporting.

Qwest knows it maintains much of this information in a call center database and that this database had not been reviewed by the testers. In the data reconciliation, Qwest knew that it included migration data without explaining that migration troubles are reported through a separate process that does not always result in a ticket. Despite this knowledge on Qwest's part, it appears from the lengthy CGE&Y Report that Eschelon's recent participation in 271 has prompted "discovery" of issues not identified in earlier testing. The Arizona staff has concluded that Qwest interference with the 271 process adversely impacted the ability of Eschelon and McLeod to present their issues to the Commission.[31] Another way of looking at this issue is to ask why they had to be the ones to present those issues when the party seeking relief, Qwest, had knowledge of their problems. Qwest bears the burden in 271 cases, even when no CLEC complains. *See* Ex. 9, p. 4, note 10 (quoting FCC BANY 271 Order, ¶ 47).

It seems less than collaborative to play "catch me if you can" instead of laying out information necessary to fully analyze the data. This is particularly true when one party has both the burden and superior access (and, in some cases, the only carrier access) to the data. The staff and Commission will decide whether Qwest's strategy in this case, including its handling of the migration data in the data reconciliation and its approach on the November 6 call, is consistent with Qwest's ultimate burden and a collaborative approach.

[31] Supplemental Staff Report and Recommendations, AZ Docket No. RT-00000F-02-0271 (Aug. 14, 2002), p. 11.

C. **Eschelon's Experience is Not Unique: The Same Conclusions That Can Be Drawn From Eschelon's Off-Net Requests Apply To Any CLEC Ordering Resale Or UNE-P From Qwest In Any State In Qwest's Territory.**

Eschelon requests only garden-variety products from Qwest for Eschelon's Off-Net conversions. Despite this, CGE&Y suggested in its Report that Eschelon is "a unique competitor" in two respects: (1) ordering of Qwest's "UNE-Star" product; and (2) ordering of Centrex 21, which has a 0% flow through rate, in an unusually large quantity. *See* CGE&Y Report, p. 1 & p. 8 (§ 1.1). Neither is the case. Information apparently provided to CGE&Y on both of these issues is incomplete and unclear.[32] First, Eschelon reviewed the Class of Service and Request Type – which dictate product type ordered – for each of the LSRs identified by CGE&Y in its Case Studies. Of the Eschelon Off-Net orders analyzed by CGE&Y in its Case Studies, 70% (46) were ordered as UNE-P, 30% (20) as resale, and 0% (0) as UNE-Star. Second, Qwest's CLEC aggregate Arizona performance report for OP-5 shows that the volume of orders in the Qwest denominator for Centex 21 is fifteen times the size of the denominator for Centrex 21 (resale and UNE-P) for all CLEC orders for May and June of 2002. Six years after the Telecom Act passed, Qwest's retail continues to have strong monopoly control over Centrex 21 orders. Qwest's own ordering of the product shows that there is customer demand for Centrex products. Qwest's poor provisioning performance, however, has harmed the CLECs' ability to compete for that customer demand.

[32] CGE&Y's use of the term "UNE-Star" reflects the manner in which Qwest has elected to report these lines in its data, not the actual ordering process used. Qwest's categorization and reporting of lines ordered as resale with those ordered as UNE-P has been discussed previously. *See*, *e.g.*, Ex. 12 (Powers Aff. ¶¶17-18) (FCC Ex. 4); *see also* Ex. E-F, Eschelon's Ex Parte Comments, FCC 02-148 & 02-189 (9/4/02), pp. 12-14 (FCC Ex. 26). By lumping together two products that are ordered differently, Qwest has created an

1. Eschelon Orders UNE-P and Resale Products, not UNE-Star.

Eschelon uses the standard processes that are available to all CLECs for requesting products from Qwest through use of Local Service Requests ("LSRs"). For Off-Net orders,[33] Eschelon requests ***resale or UNE-P*** products on its LSRs. Although various terminology has been used depending on the circumstances to refer to the product ordered as resale,[34] Eschelon has been clear that the product sometimes referred to as "UNE-E" or "UNE-Star" (to differentiate it from resale for pricing purposes) is ordered, provisioned, and billed as resale.[35] There is nothing unique about the manner in which Eschelon currently orders its products from Qwest. Ordering and provisioning (not pricing) are the subjects of CGE&Y's Report. Therefore, when specifically discussing ordering, it is important to recognize which ordering process was used during the data reconciliation period. Although Qwest recently created a different method for ordering its UNE-Star product,[36] Eschelon ***does not order UNE-Star*** from Qwest. Qwest has never converted Eschelon to UNE-Star. Eschelon has been ordering the resale product type from Qwest since before the year 2000,[37] and Eschelon ***started to order UNE-P as***

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impression that the two products were ordered in a similar manner. *See id*. As shown above, they are not. *See also id*.

[33] Eschelon uses the term "Off-Net" to distinguish these orders from "On-Net" orders (which involve use of Eschelon's switch, such as loop orders).

[34] *See* Ex. E-F, Eschelon's Ex Parte Comments, 02-149 & 02-189 (9/4/02) (FCC Ex. 26), p. 12, note 19; *see also* Ex. 4 (Powers Aff. ¶¶ 6 & 8).

[35] See AZ Tr. Vol. II, p. 302, lns 7-8; *see also id*. p. 301, lns 7-9; (FCC Ex. 11).

[36] *See* Ex. E-F, Eschelon's Ex Parte Comments, 02-149 & 02-189 (9/4/02) (FCC Ex. 26), p. 12, note 19; *see also* Eschelon's Comments, FCC 02-314 (Oct. 15, 2002), p. 44, note 60.

[37] For a period of time, and at Qwest's behest, Eschelon ordered resale by ordering a 1FB with CCMS. *See* AZ Ex. 12 (Powers Aff. ¶ 14) (FCC Ex. 4). CCMS is a Qwest retail product that should be available on a resale and nondiscriminatory basis. Despite Qwest's promise of improved performance, however, these orders experienced significant provisioning problems. In November of 2001, for example, Qwest self-reported to Eschelon an error rate of 70% in its provisioning of these orders, *see* Ex. 12 (Powers Aff. ¶ 13) (FCC Ex. 4), although that figure does not appear to have made it into Qwest's publicly reported data. Eschelon has not routinely ordered 1FB with CCMS for some time, and Eschelon was not ordering it for conversions during the time when CGE&Y's data reconciliation took place (April-June 2002). (1FB with CCMS is ordered using the TOS 1AF and the Request Type of EB. Of CGE&Y's Cases, only Case Number 39 involved 1FB with CCMS. There was a feature change only (not inward line activity) and a

well from Qwest in March of 2002 (before the CGE&Y data reconciliation commenced). Standard resale and UNE-P order types constitute the universe of product types ordered by Eschelon on its LSRs for Off-Net conversions.[38]

The type of product requested by Eschelon on the LSR is an objective, verifiable fact. A simple comparison of each LSR to Qwest's ordering procedures shows that Eschelon requests only standard resale and UNE-P product types when placing Off-Net orders with Qwest. Applying Qwest's standard documented processes, the line type or class of service and request type on the LSR dictate the product type ordered:

Off-net product type	**Class of service**	**Type of service**	**Line USOC**	**Request type**
Resale POTS	1FB	1AF	1FB	EB
Resale CTX21	C21XX	1EF	RSB	PB
UNE-P POTS	UHR	1AM	U5R	MB
UNE-Star POTS[39]	UHE1X	1AF	U5F	MB

UNE-P migration order (from resale to UNE-P order types) in the same month in this case. When changing only a feature on a 1FB with CCMS line, the change had to be done as 1FB with CCMS. Since then, the line has been migrated to UNE-P, and future changes to the line therefore would be UNE-P.)

[38] "Conversions" does not include feature only changes not impacting the line. Eschelon also distinguishes between "conversions" (carrier switches) and "migrations" (from Eschelon to Eschelon). For the migration project, the product type changes from resale to UNE-P. Customers in the existing base that have features which Qwest claims are "unavailable with UNE-P" (such as voice mail and AIN features) are not migrated and are left on the resale product type (and later a mathematical calculation is made to price these lines at the UNE-E amendment rates). For migrations, the order types also do not include UNE-Star, but the process does vary in other respects due to special handling of migration orders. Migration orders should have been excluded from the analysis. *See* discussions above and below relating to migrations.

[39] For Qwest's process for ordering UNE-Star, *see* Ex. E-L. Qwest advised Eschelon not to order UNE-Star until after conversion of its base, and the conversion did not take place. *See* AZ Ex. 12 (Ex. 5 to Powers Aff.) (FCC Ex. 4) ["Jeff [Thompson of Qwest] said that Eschelon should wait to implement UNE-E until Qwest changes its back end legacy systems to bill for UNE-STAR (rather than changing ordering when 7.01 is released)." p. 2, ¶ 2 of Ex. 5 to Powers Aff.].

UNE-P CTX21	RH2XX	1EF	RSB	MB
UNE-Star CTX21	RH3XX	1EF	RSB	MB
UNE-P CTX+	RHCXX	1EF	RKY	MB
UNE-Star CTX+	RHGXX	1EF	RKY	MB
UNE-P Centron	RHBXX	1EF	EEA	MB
UNE-Star Centron	RHTXX	1EF	EEA	MB

Eschelon reviewed the Class of Service and Request Type for each of the LSRs identified by CGE&Y in its Case Studies (Appendix B to CGE&Y Report). Of the Eschelon Off-Net orders analyzed by CGE&Y in its Case Studies,[40] 70% (46) were ordered as UNE-P, 30% (20) as resale, and 0% (0) as UNE-Star. *See* Ex. E-I (column entitled "Product Type Requested on LSR" & note 1).[41]

CGE&Y reviewed more than 200 orders in May and June of 2002 as part of its data reconciliation effort. ***Not a single one of those Eschelon orders (or any Eschelon***

[40] Two of the cases involved unbundled loops (Case Nos. 66 and 67) and one was not an Eschelon account (Case No. 68). These three orders were removed from the 69 cases, therefore, for purposes of these percentages (66 total cases, excluding the three that were either not Off-Net or not an Eschelon account).
[41] Eschelon has previously provided data relating to the composition of Eschelon's embedded base of customers when discussing overall commercial volume. *See*, *e.g.*, Eschelon's Comments, FCC 02-314 (Oct. 15, 2002), p. 45. Eschelon indicated that only 10-13% of Eschelon's current Off-Net lines (*i.e.*, in Eschelon's customer ***base***) were provisioned using Qwest's standard UNE-P provisioning process. *See id*. Eschelon grew the base over a period of years. That percentage (relevant to commercial volume to date) must not be confused with the percentage of conversion orders that are currently being placed by Eschelon using UNE-P (for new conversions going forward). None of the orders (in the base or new conversions) were placed using the UNE-Star order type.

order) requested the UNE-Star Class of Service (UHE1X, RH3XX, RHGXX, or RHTXX). As an objective fact, Eschelon does not order UNE-Star and did not do so on any of the LSRs reviewed by CGE&Y. Eschelon now orders primarily UNE-P for Off-Net orders. For a smaller portion of Eschelon's conversions, when UNE-P is unavailable (such as with AIN features), Eschelon continues to place orders for standard resale products by ordering the resale Product Type, Type of Service, and Request Type. Qwest provisions these products as resale.[42] Since March of 2002,[43] when UNE-P is available, Eschelon orders standard UNE-P products from Qwest for its Off-Net orders. The majority of Eschelon's Off-Net conversions since March of 2002 are UNE-P. (For example, ***seventy percent*** of the Off-Net cases discussed in the CGE&Y Report were UNE-P orders and only thirty percent were resale.) Therefore, the same conclusions that can be drawn from Eschelon's Off-Net requests apply to any CLEC ordering resale or UNE-P from Qwest in any state in Qwest's territory.

The UNE-Star product has no affect on the level of manual handling of Eschelon's orders, because Eschelon's "UNE-E" lines are still ordered as resale and not as UNE-Star.

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[42]Qwest also submits a resale bill, showing the retail rate minus the wholesale discount, to Eschelon. Later, a mathematical calculation is manually applied to provide an approximation of the UNE-E amendment rate. *See* Ex. 12, ¶¶ 7 & 12. This is an after-the-fact pricing adjustment only. It in no way affects the manner in which the products are ordered or provisioned. Although Eschelon specifically asked that billing be included in the scope of CGE&Y's data reconciliation, *see* Ex. E-H, that request was not granted. CGE&Y reviewed the ordering and billing processes, which were standard resale and UNE-P processes, with no unique attributes that could be attributed to UNE-E/UNE-Star or other issues.

[43] Eschelon attempted to order UNE-P from Qwest for the first time in approximately mid-May of 2000, but the problems with Qwest's product were too numerous to launch a product offering using UNE-P at that time. *See* AZ Ex. 12 (Powers Aff. ¶¶ 2-5) (FCC Ex. 4). If UNE-P had truly been available, the UNE-E pricing arrangement and related agreements would have been unnecessary. The pricing arrangement, which to this date does not affect ordering, provisioning, or billing (all of which are done as resale), stems from Qwest's failure to properly provision a product (UNE-P) to which Eschelon had a legal and contractual right to order at that time. *See id*. ¶¶ 6 & 10. Eschelon disbanded the effort to order UNE-P in 2000 due to all of the provisioning problems and only re-commenced UNE-P ordering in approximately March of 2002. *See id*.

2. **Qwest Retail is Selling Centrex 21 at a Rate Fifteen Times Greater Than its Competitors, Because Qwest Wholesale has Provisioned the Product so Poorly.**

Other than the "UNE-Star" issue, the only other factor that CGE&Y mentions with respect to Eschelon's alleged "uniqueness" is Eschelon's ordering of Centrex 21 service. *See* CGE&Y Report, p. 8.[44] Although Centrex 21 is a commonly requested product, Qwest offers no flow through at all for CLEC Centrex 21 orders (on a resale or UNE-P basis).[45] Qwest manually handles every Centrex 21, Centron, and any other type of Centrex CLEC order. CGE&Y states:

> Eschelon also provides a large percentage of its end-users with Centrex 21 service. . . . Specifically, Eschelon's orders require a higher percentage of manual handled [sic] compared to other CLECs.

See CGE&Y Report, p. 8, § 1.1.

Although CGE&Y refers to other CLECs, Qwest retail is a competitor that also relies on Centrex 21. Qwest retail has traditionally sold a high volume of Centrex products, including Centrex 21. Qwest's CLEC aggregate Arizona performance report for OP-5 shows that the volume of orders in the Qwest denominator for Centex 21 is 15 times the size of the denominator for Centrex 21 (resale and UNE-P) for all CLEC orders

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[44] In the Executive Summary, CGE&Y refers to "UNE-P Centrex" rather than Centrex 21. *Compare* CGE&Y Report, p. 3 *with id*., p. 8. Eschelon assumes this is a typographical error, because Eschelon orders little UNE-P Centrex. Seventy percent of the 66 Eschelon Off-Net cases analyzed by CGE&Y (in Appendix B) were UNE-P orders, and only one of those cases (Case #65) was a UNE-P Centrex order.

[45] Eschelon requested flow through for Centrex 21 for all product types on December 3, 2001. *See* http://www.qwest.com/wholesale/downloads/2002/cmp/CLECQwestCMP_SystemsInteractiveReport.PDF?rn=98220 (CR #SCR120301-1). Qwest sized this CR as an "Extra Large" effort of 2550-4250 hours. Although Qwest may claim that CLECs have not prioritized this CR as a "high" priority, the problem is that there are very many high priorities (including this one) and too little release capacity. Qwest unilaterally controls the determination of Level of Effort and the amount of resources devoted to any release. As long as Centrex 21 is processed manually, Qwest nonetheless has a contractual and legal obligation to provide nondiscriminatory access to this product. It does not do so.

for May and June of 2002. Qwest retail is selling Centrex 21 at a rate ***fifteen times*** greater than its competitors.

When those Qwest Centrex 21 customers convert to a CLEC, often they want to remain on Centrex 21 due to feature availability. Certain features offered by Qwest to its retail customers are only available to CLEC business customers by ordering Centrex 21.[46] For example, six-way calling and call hold are not available with a standard business line (1FB). These are just two of many examples. CLECs order Centrex 21 to obtain these features for their customers. Many customers require these features, and Qwest retail should not be the only choice for those customers.

Qwest has a legal and contractual obligation to provide Centrex products to Eschelon and other CLECs on a nondiscriminatory basis. If Qwest chooses to provide these products with 0% flow through, it must nonetheless provision the products in a nondiscriminatory manner. Qwest's manual handling of the orders for CLECs results in so many service affecting errors, however, that CLECs are discouraged from offering Centrex products and all of the related features and functionality offered by Qwest retail to its customers. CLECs must target the few products at Qwest that are flow through eligible to avoid customer affecting errors that cause customer churn and damage the CLEC's reputation. If CLECs are not ordering Centrex products in greater quantity, observers should not jump to the conclusion that there is no demand for the product or that Eschelon is somehow unique in providing at least some Centrex 21 service. Instead, they should investigate why Qwest retail is selling Centrex 21 at a rate fifteen times greater than its competitor. Eschelon's experience sheds light on this issue.

The service affecting problems created by Qwest's manual handling of these orders have directly and adversely affected Eschelon's product offerings and ability to compete. Instead of customer demand, Qwest's poor provisioning performance is driving Eschelon sales and marketing decisions. For six-way calling and call hold (available only with Centrex 21 and not POTS), for example, Eschelon has limited its marketing of these features in an attempt to avoid manually handled orders.

For certain other features that are available with Centrex 21 but not POTS, Eschelon is not selling them at all to Off-Net customers to attempt to avoid customer affecting provisioning problems. For example, although Qwest retail offers Call Park and Call Pickup with its Centrex 21 product, Eschelon does not provide these features, because it needs to try to increase the number of its orders that flow through. Call Pickup allows customers to answer the telephone from another location. Many business customers, particularly in a warehouse or other large environment where it is difficult to get to the telephone, require this feature. Qwest's inability to process manually handled orders without service affecting problems has forced Eschelon to tell such customers that it cannot provide these features. Even though Qwest retail routinely offers such features to its customers, Eschelon has to avoid such sales in an effort to ensure that more orders are processed as POTS (1FB or UNE-P-POTS), with less manual handling. All of Qwest's Centrex products are 100% manually handled for CLECs and therefore all have to be avoided or limited by CLECs for this same reason.

Due to Qwest's poor provisioning performance, Eschelon must choose between a more complete product offering and losing customers to bad experiences when they

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[46] Qwest had represented to Eschelon that some of these features were available on a 1FB, if Eschelon also ordered CCMS. The trials and tribulations of accepting this representation, including Qwest's self-reported

switch carriers. For multi-line, multi-location customers, Eschelon may provide the features for the locations within its switch footprint (On-Net). For customer locations outside of the switch footprint, which must be served by UNE-P, however, Eschelon cannot do so because of the unacceptable quality of Qwest's manual handling. This is a difficult issue to explain to customers, and in some situations can be enough to prevent a multi-location customer from switching carriers. The situation adversely affects Eschelon's ability to compete. Forcing CLECs to offer simpler POTS products due to Qwest errors while Qwest retail offers a more varied product line is inconsistent with the purposes of the Telecom Act. Customers are supposed to have more choices, not a more limited choice, when selecting a competitive carrier.

Qwest has managed to accomplish through poor provisioning what the state Commissions prevented it from doing when the Federal Act passed. Immediately upon passage of the Federal Act, Qwest acted quickly to attempt to withdraw certain Centrex products so that it would not have to offer them to competitors. State commissions, including Arizona, rejected Qwest's proposed withdrawal of those Centrex products as anti-competitive and unreasonable.[47] With those decisions, the commissions recognized the need and customer demand for Centrex products and for competitors to have access to them. The need and demand have not changed. Nondiscriminatory access, however, has not materialized due to Qwest's poor provisioning performance.

70% error rate, are described in the Affidavit of Ms. Powers. *See* Ex. 12, ¶¶ 13-14 (FCC Ex. 4).

[47] *See*, *e.g.*, Order, *In re. U S WEST Communications, Inc. – Filing to Discontinue Offering Centrex Plus Service to New Customers*, Decision No. 59879, AZ Docket No. E-1051-96-060 (Oct. 29, 1996); *see also* Order Denying Petition, *In re. Request of U S WEST Communications, Inc. to Grandparent CENTRON Services With Future Discontinuance of CENTRON, CENTREX and Group Use Exchange Services*, MN Docket No. P-421/EM-96-471 (Feb. 20, 1997); Fifth Supplemental Order, *Washington Utilities and Transportation Commission v. U S WEST Communications, Inc.,* WA Docket No. UT-960126 (Dec. 1996).

This situation should be taken into account when reviewing CGE&Y's assertion that Eschelon's orders require more manual handling. *See* CGE&Y Report, p. 8 (§ 1.1). Eschelon's experience in ordering its products is typical of any CLEC ordering these products. In fact, the extent of manual handling would be even greater for Eschelon's orders, if Eschelon could order Centrex 21 and all of its features freely to meet customer demand. The censorship that has occurred with respect to this product offering to accommodate Qwest's poor provisioning has allowed Qwest to report improved performance, not the reverse.

This is similar to the situation Eschelon described in the July workshop with respect to the installation commitments met measure (OP-3). For installation commitments met for unbundled loops, Eschelon submitted LSRs with intervals that are longer than the standard interval for a long time. *See* Tr. Vol. II, p. 421, line 10 – p. 422, line 4 (FCC Ex. 11). Eschelon did so in reaction to Qwest's inability to meet the standard interval with adequate performance. *See id*. Eschelon had to adjust its business processes -- and provide longer intervals to its own customers -- to accommodate Qwest's poor provisioning of loops. *See id*. The effect of requesting longer intervals, however, was to improve Qwest's paper performance results, because LSRs with longer intervals that the due date are excluded from measurement. *See id*.

The CLEC PSON review to discover and correct Qwest service order errors before the due date is yet another example of a situation in which CLECs have had to adjust their processes to accommodate Qwest's poor provisioning, with the effect of improving Qwest's paper performance results. When CLECs are limiting or not offering products, changing their processes, and adjusting schedules for customers all to avoid

particularly bad areas of Qwest wholesale performance, the market is not open to competitors. Customer demand, and not Qwest poor provisioning, should be driving these decisions.

III. CONCLUSION

The CGE&Y Report has identified many areas for improvement in Qwest's performance reporting. The Commission should require Qwest to correct these problems and demonstrate adequate performance before 271 approval is granted.

November 11, 2002 ESCHELON TELECOM, INC.

By: _____

Karen L. Clauson
Eschelon Telecom, Inc.
730 2nd Avenue South, Suite 1200
Minneapolis, MN 55402-2456
(612) 436-6026