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EX PARTE

January 22, 2003

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W., TW-A325  
Washington, DC 20554

RE: CC Docket Nos. 01-338, 96-98 and 98-147, In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability

Dear Ms. Dortch:

Today, representing Qwest Communications International Inc. ("Qwest"), I met with Matthew Brill, legal advisor to Commissioner Kathleen Abernathy, to discuss the Triennial Review proceeding including the removal of unbundled switching as an unbundled network element ("UNE") and the local use restrictions on enhanced extended links ("EEL"). The attached powerpoint presentation and chart were submitted for the record.

We discussed the fact that competitive local exchange carriers ("CLECs") are not impaired without access to unbundled switching on a national basis as validated in the attached chart which reflects the deployment of unique CLEC switches in Qwest's territory today. The chart shows that there are 174 unique CLEC switches in the Qwest region spread over 25 of the 27 LATAs, not including cable telephony switches or wireless switches, and only counting one (1) unique CLEC switch in each LATA. Below, Qwest describes the methodology and databases utilized to develop this CLEC Network Analysis Chart. Additionally, Qwest discussed EEL local use restrictions and the fact that the Qwest proposal streamlines the use restrictions to effectively enable CLECs, who are the exclusive local service provider for a customer, to purchase EELs.

#### Methodology Used to Develop the CLEC Network Analysis Chart

1. Telcordia Business Integrated Routing/Rating Database System ("BIRRDS")

BIRRDS is an online, real-time database used by the industry to officially relay detailed service-provider specific information to the rest of the industry for the routing and rating of calls.

BIRRDS is the database from which the Telcordia Local Exchange Routing Guide (“LERG”) and several other output products are generated.

Input to BIRRDS is done by each service provider or its agent. Data in BIRRDS is the responsibility of the individual service provider. Errors in the data could result in misrouted, incorrectly rated or incomplete calls to and/or from the service provider’s customers.

The BIRRDS online database was used by Qwest to confirm each Common Language Location Identifier (“CLLI”), CLLI Operating Company Number (“OCN”), NXXs on each CLLI, NXX OCN, company name for each OCN, category of service provider based on OCN (incumbent local exchange carrier (“ILEC”), CLEC, reseller, etc.), the Equipment Type abbreviation and the description/name associated with the Equipment Type abbreviation. This data was then summarized on the attached Chart at a LATA level. The BIRRDS online database was used to verify any information pulled from the other two sources for this report.

2. Qwest Regional Numbering Plan (“RNP”)

RNP is a Qwest internal database updated each workday from Telcordia BIRRDS information. Telcordia data is downloaded electronically then the RNP is manually updated by Local Networks Technical Regulatory from the daily reports. CLEC codes are identified when a wireline End Office Code (“EOC”) is assigned to other than the original ILEC code holder in the rate center. CLEC codes carry an identifying code in the RNP to differentiate them from ILEC codes.

Qwest then used the RNP report which pulled all CLEC code records in the 14-state area and included the following fields of data:

NPA NXX Use Code CLLI telc (OCN) rate cntr LATA Due Date (if new) company name

The Use Code does not appear in BIRRDS, therefore, using the RNP allowed Qwest to obtain an initial data report to use as a base.

3. Qwest Location Operational Shared Database (“LOSD”)

This internal database and report generator is electronically downloaded from Telcordia by Qwest IT on a monthly basis. Data in this database could be referred to as LERG data since it is from an output product of Telcordia BIRRDS. LOSD LERG data is a snapshot in time showing industry inputs as of the last day of the previous month.

From LOSD, Qwest acquired a list of all possible Equipment Type abbreviations and lists of all CLLI codes associated with each CLEC OCN.

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Qwest combined the information from the three data sources, verified the data, and developed the attached Chart based upon the data solely provided in these public data sources.

In accordance with FCC rule 1.49(f), this *Ex Parte* letter and attachments are being filed electronically *via* the Electronic Comment Filing System for inclusion in the public record of the above-referenced dockets pursuant to FCC Rule 1.1206(b)(2).

Sincerely,  
/s/ Cronan O'Connell

cc:  
Mathew Brill (via e-mail at [mbrill@fcc.gov](mailto:mbrill@fcc.gov) with attachment)  
Attachments

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*Spirit of Service*

**Triennial Review  
January 22, 2003**

# *Triennial Review -- Key Points*

- ❑ **General principles of impairment standards**
- ❑ **Unbundled Switching**
- ❑ **Unbundled Transport**
- ❑ **Advanced Services**

# General Principles

- ❑ The Commission must remove a network element from the UNE list if marketplace evidence shows that competitors **already have duplicated** that element or **could realistically** and economically do so.
- ❑ The inability of new entrants to enjoy scale economies comparable to ILECs, particularly at the early stages of entry, is insufficient to demonstrate impairment. Therefore, **retaining an element on the UNE list as a “customer acquisition vehicle”** would be inconsistent with the *USTA* decision
- ❑ Define clear, specific and objective federal impairment standards.
- ❑ The *USTA* decision points to factual criteria to meet the impairment standard – the data is on the record to make the finding for specific UNEs – certainty about what is OR is not a UNE must be clear in the FCC’s finding.
- ❑ Any state role should be limited to implementing brightline standards established by the FCC
- ❑ States may not add or subtract from the federal UNE list

1/21/03

# ***CLECs are Not Impaired Without Access to Unbundled Switching on a National Basis***

## **❑ Local Exchange Competition in Qwest Territory**

- 174 unique CLEC switches**
- 84% of all Qwest wire centers are located in LATAs that are served by 3 or more CLEC switches**
- 87% of Qwest access lines are served by wire centers that port numbers**
- 1,992 individual collocations spread among Qwest's 1,210 wire centers**
- Significant intermodal competition**

# *Rural Carve-Out Discussion*

- ❑ CLECs are not impaired without access to unbundled switching on a national basis
- ❑ In light of other economic conditions, it can not be demonstrated that CLECs are impaired without access to unbundled switching in rural areas
- ❑ Qwest however recognizes that rural areas are a concern

# FCC should Find that the State Approved Hot Cut Performance Metrics Can be Utilized for Performance Tracking by the States

- ❑ States measure 33 UNE-Loop metrics
  - Tracks pre-ordering, ordering and provisioning, and maintenance and repair
  - Tracks ILEC-CLEC, CLEC-CLEC and CLEC-ILEC orders
- ❑ States measure 4 collocation metrics
- ❑ Defined in ‘Service Performance Indicator Definitions (PIDs)’ documents contained in SGATS in effect in every Qwest state
- ❑ ‘Long Term PID Administration Process’ is being deployed to address changes to current metrics

# ***Qwest Service Centers Scalable to Meet Anticipated UNE-Loop Demand***

- ❑ Qwest CLEC Coordination Center currently staffed to handle 1,500 UNE-L cutovers per day, with peak capacity of 2,100 UNE-L cutovers per day
- ❑ Qwest current UNE-P demand is, on average, 375 orders per day
- ❑ The Qwest Center is scalable to meet realistic estimated demand growth from UNE-P to UNE-Loops

# Qwest EEL and Commingling Proposal

## □ EELs

- CLEC self-certifies that ***either*** the EEL carries at least 51% “local” traffic ***or*** that the the CLEC is the exclusive local carrier for the customer; and
  - Continues to ensure the availability of UNEs by CLECs for facilities-based local exchange competition
  - Streamlines the local use restriction for CLECs
  - Responds to CLECs in the residential market
  - Responds to CLECs in the SME market

## □ Commingling

- Qwest proposal strikes a competitive balance between ILECs & CLECs and efficient use of interoffice facilities

# ***Proposed EEL Local Use Restrictions***

- ❑ Qwest proposes a **streamlined alternative** to the current restrictions that promotes the availability of UNEs for facilities-based local competition and strikes a competitive balance between ILECs & CLECs

## **Standard**

- ❑ CLEC self-certifies that ***either*** each loop/transport combination facility carries at least 51% “local” traffic ***or*** that they are the exclusive local carrier for the customer; and
- ❑ EEL terminates to a collocation arrangement; and
- ❑ CLEC has local interconnection service (LIS) trunks in place and Percent Local Usage (PLUs) on file with the ILEC which are associated with the EEL collocation arrangement where the EEL terminates

# Proposed EEL Local Use Restrictions

## EEL Measurements / Audits

- ❑ CLECs converting from a UNE-P combination to an EEL will automatically be presumed to meet the “local” standard, with a follow-up certification by the CLEC to be provided no later than six months after the conversion
- ❑ As is the case today, Internet access will not satisfy the “local” traffic criterion
- ❑ As a condition of the purchase of or conversion to EELs, the CLEC must agree to provide traffic billing records to a third party auditor to be identified by the ILEC for review of compliance with the local use certification.
  - The ILEC may initiate an audit by an independent third party to assure compliance with the local use restriction no earlier than 6 months, after this provisioned.
  - Every 6 months, the CLEC must be prepared to provide to third party auditor, if requested, one month’s call detail recordings (CDR) upon 7 day’s notice. The audit will include verification that the traffic carried over the facility or facilities in question meets the local usage restriction.
  - The data required for an audit would be the CDR in the AMA format from the CLEC local voice switch.
- ❑ If the CLEC is found to be in violation of the local use restriction, the CLEC will pay: 1) all costs for the auditor and the ILEC personnel involved in the audit, 2) corrected billing back to date the circuit was established, 3) interest on the amount of corrected billing, and 4) loss of commingling rights after three faulted audits for one year

# *Unbundled Transport*

- ❑ **The FCC Should Remove Dedicated Interoffice Transport from the UNE List in specific circumstances**

## **Impairment Standard**

- ❑ Wherever Pricing Flexibility has been granted

## **Measurement**

- ❑ FCC findings already demonstrate that there are substantial competitive alternatives to Special Access in those areas where they have granted Phase I Pricing Flexibility
- ❑ Special Access, which is constrained in price, is also a substitute for Unbundled Transport (in addition to alternative providers)

# *Unbundling of Advanced Services*

- ❑ CLECs are not impaired without further access to Advanced Services facilities
- ❑ ILECs have no scale advantages in the market for Advanced Services - intermodal competition is thriving
- ❑ So far, the result of Advanced Services unbundling (Line Sharing, Remote Collocation) have been a failure
  - At the CLEC's request, Qwest has provided Line Sharing collocation configurations in all 346 offices where it was requested
  - To date, CLECs have not requested Line Sharing on any loop in 53% of those offices
  - CLECs currently line share on only 21,285 lines or 0.5% of the qualified lines available within these 346 offices

TRIENNIAL REVIEW DATA  
QWEST 1/15/02

LATA name	Count of WCtrs (CLLI8)	Total Bus+Pub AccLns	Total Res AccLns	Sum of Total AccLns	# Unique CLEC Switches in Qwest Territory	Total # Collos	Total # CLECs w/ Collo	Total # of Ported Numbers	Total #CLECs w/Ported Numbers	# UBLoops in service	# CLECs buying UBLoops	# UNE-P in service	#CLECs w/UNE-P
<b>Company Tot</b>	<b>1,210</b>	<b>5,626,994</b>	<b>11,437,779</b>	<b>17,064,773</b>	<b>174</b>	<b>1,992</b>		<b>3,122,759</b>		<b>434,997</b>		<b>493,049</b>	
SEATTLE	69	610,747	1,233,910	1,844,657	24	285	32	343,317	31	42,913		41,607	15
DENVER	128	783,170	1,505,190	2,288,360	19	304	27	550,571	23	45,818		67,870	13
MINNEAPOLIS	68	565,155	1,074,050	1,639,205	18	312	30	554,862	27	79,139		54,134	15
PHOENIX	88	695,130	1,564,471	2,259,601	16	239	26	483,121	23	26,234		33,631	11
PORTLAND	50	355,033	759,047	1,114,080	15	157	26	184,776	22	39,499		34,378	17
UTAH	60	384,151	703,996	1,088,147	12	161	14	242,929	15	32,880		15,451	6
FARGO	38	81,440	176,134	257,574	7	31	9	42,470	18	22,348		12,646	13
SPOKANE	45	138,692	346,922	485,614	7	31	8	62,850	14	5,818		8,529	13
COL. SPRING	36	154,981	336,365	491,346	6	28	10	67,303	11	16,480		12,330	12
NEW MEXICO	65	266,910	602,383	869,293	6	68	8	43,364	10	5,715		5,565	4
TUCSON	44	183,364	449,436	632,800	6	59	11	50,745	13	3,278		7,095	9
EUGENE	33	146,906	355,702	502,608	5	47	8	47,385	10	13,531		21,008	15
DES MOINES	57	161,663	300,345	462,008	4	41	3	21,040	8	14,124		30,868	9
OMAHA	50	149,086	269,262	418,348	4	45	8	182,903	7	16,600		4,518	12
SIOUX CITY	25	38,274	75,062	113,336	4	8	10	14,824	5	5,934		5,597	8
SOUTH DAKO	42	105,353	157,618	262,971	4	10	4	40,219	10	6,078		16,156	5
BILLINGS	36	52,972	109,937	162,909	3	18	6	15,888	9	1,399		2,442	6
IDAHO	65	177,496	371,307	548,803	3	25	7	39,194	9	5,572		10,064	4
ROCHESTER	22	70,180	142,310	212,490	3	34	10	13,391	11	4,310		12,179	12
GREAT FALLS	39	70,084	152,182	222,266	2	13	10	7,453	7	1,668		2,885	3
ST. CLOUD	18	36,090	74,667	110,757	2	6	4	27,165	8	5,055		6,273	11
CEDAR RAPID	27	108,637	167,871	276,508	1	23	4	43,593	4	14,529		25,275	7
DAVENPORT	15	80,996	133,608	214,604	1	20	5	27,871	4	15,333		17,684	6
DULUTH	30	44,651	111,475	156,126	1	8	5	9,770	3	2,661		8,757	11
WYOMING	26	108,233	154,520	262,753	1	12	3	76	4	465		25,083	3
BISMARCK	4	26,059	39,108	65,167	0	3	2	183	5	3,925		8,038	8
GRAND ISLAN	30	31,541	70,901	102,442	0	4	3	5,496	4	3,691		2,986	6

Note: CLEC switch count only counts (1) switch per LATA. Does not include remote switches, cable telephony switches or wireless switches