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EX PARTE

February 13, 2003

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

Re: Ex Parte Presentation, CC Docket Nos. 01-338, 96-98, 98-147, *In the Matters of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability*

Dear Ms. Dortch:

Over the course of this proceeding, Qwest has made significant efforts to address the Commission's concerns about the EEL safe-harbor mechanisms established in the *Supplemental Order Clarification*. In previous ex parte submissions, Qwest's proposed streamlined safe-harbor conditions that could replace the existing conditions on the use of EELs. Attached is a revised version of the Qwest proposal. Qwest has further clarified the ordering conditions by separating the two points previously found in the third condition, under the ordering process. In addition, Qwest has clarified its commingling proposal regarding the documentation required for UNE-loops to commingle.

In accordance with Commission Rule 47 C.F.R. §1.49(f), this *Ex Parte* is being filed electronically via the Commission's Electronic Comment Filing System for inclusion in the public record of the above-referenced proceedings pursuant to Commission Rule 47 C.F.R. §1.1206(b)(1).

/s/ Cronan O'Connell

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Attachment

Qwest Enhanced Extended Loop Combination (“EELs”) Criteria Proposal

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 and CLECs.

In the ordering process, the CLEC would provide the following documentation:

1. Self-certify that each individual EEL facility carries at least 51% local traffic or that the CLEC is the exclusive local provider of the end user customer.
2. Self-certify that each individual EEL facility terminates into a collocation arrangement. Neither end of an individual EEL facility can terminate into an IXC POP, an ISP POP, MTSO or cell site.
3. Documentation that relates the individual EEL collocation termination point to associated Local Interconnection Service (“LIS”) trunks in the same wire center. The CLEC must provide the “A” and “Z” location of the LIS trunks and the “26 code” for the LIS trunk group. The “26 code” is the alphanumeric code designated by Qwest for the LIS trunk group.
4. Documentation that ensures that each individual EEL facility is connected to a Class 5 switch (a local switch) or equivalent switch registered in the LERG as a Class 5 switch capable of local exchange service with a “CLEC” service provider categorization as reflected in the Telcordia Business Integrated Routing/Rating Database System (“BIRRDs”).
5. Document that the individual EEL facility has a local number assignment provided by the CLEC to the end user customer, is tied to the Public Switched Telephone Network, and has porting capability.
6. Document that the individual EEL facility has 911 capabilities such that calls to 911 PSAPs will show the assigned number or hunt group containing the assigned number.
 - ③ *Justification:* This will ensure that each individual EEL facility can originate and terminate local voice traffic. The originating and terminating local voice traffic should include the ability to make originating local voice telephone calls without a toll charge and without dialing special digits not normally required for a local call.

On an ongoing basis, each individual EEL facility must continue to meet the requirements:

1. 51% of the traffic over each Individual EEL facility must be local traffic or proof that the CLEC continues to be the exclusive local provider for the end user customer
2. Each individual EEL facility must originate and terminate local voice traffic. The originating and terminating local voice traffic should include the ability to make originating local voice telephone calls without a toll charge and without dialing special digits not normally required for a local call.
3. Each individual EEL facility must terminate into a collocation arrangement. Neither end of an individual EEL facility can terminate into an IXC POP or an ISP POP.
4. Each individual EEL facility must be connected to a Class 5 switch (a local switch) or equivalent switch registered in the LERG as a Class 5 switch capable of local exchange service with a “CLEC” service provider categorization as reflected in the Telcordia Business Integrated Routing/Rating Database System (“BIRRDs”).
5. The service offered to the end user customer must be marketed, advertised and sold as a local exchange service, or a bundle of services including local.
6. Each individual EEL facility must be able to be audited according to the appropriate auditing criteria (see attached) as will be amended to the State Generally Accepted Terms (“SGAT”) in each state.

Attachment

Qwest's commingling proposal

For UNE-loops that comply with the local use restrictions as documented above, Qwest supports commingling of DS0 and/or voice grade UNE-loops onto DS1 special access transport (for UNE-P facilities that transition to UNE-loops), as well as DS1 UNE-loops onto DS3 special access transport. In addition to documentation required to comply with the local use restrictions, the CLEC also must provide documentation that relates the special access transport termination point to the associated LIS trunk. This proposal meets the needs of the CLECs serving the residential mass market as well as the small and medium sized business market.

EEL Measurements / Audits

- ③ 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
- ③ As is the case today, Internet access will not satisfy the "local" traffic criteria
- ③ As a condition of the purchase of or conversion to EELs, the CLEC must agree to provide call detail records ("CDRs") to a third party auditor to be identified by the ILEC for review of compliance with the local use certification.
- ③ 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 an EEL is provisioned.
- ③ Every 6 months, the CLEC should be prepared to provide to third party auditor, if requested, one month's CDRs upon 7 day's notice. The audit will include verification that the traffic carried over the individual EEL facility meets the EEL criteria.
- ③ The data required for an audit would be the CDR as obtained from the CLEC local voice switch or appropriate gateway.
- ③ Audit criteria will be documented in Qwest SGATs.
- ③ 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