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April 11B, 2003

**EX PARTE**

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

**Re: WC Docket No. 03-11 - Application by Qwest Communications International Inc. for Authority to Provide In-Region InterLATA Services in New Mexico, Oregon and South Dakota**

Dear Ms. Dortch:

Qwest Communications International Inc. ("Qwest") submits this letter at the request of Commission staff to respond to AT&T's *ex parte* submission regarding reject rates.<sup>1</sup>

AT&T claims that it has recently experienced an increase in reject rates for orders placed via its EDI interface.<sup>2</sup> As explained more fully below, none of the information AT&T has provided prevents this Commission from finding that Qwest's OSS meets the requirements of Section 271.

This is the first time AT&T has raised the issue of reject rates in this proceeding. This alone should place these allegations into context, as AT&T has had multiple opportunities to express its views in this proceeding but has waited until now – a mere four days before the Commission is required by law to act – to raise its reject-related concerns. Also significant is that AT&T has not expressed any concern over its reject rates in its regular meetings with Qwest, which have been ongoing since earlier this calendar year.<sup>3</sup>

AT&T does not provide any information that explains what Qwest may have done to affect AT&T's reject rates. The closest AT&T comes to providing a reason for its rejects is its

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<sup>1</sup> See AT&T April 10, 2003, Ex Parte, WC Docket No. 03-11 (April 10, 2003), as modified by AT&T April 11, 2003, Ex Parte Erratum, WC Docket No. 03-11 (April 11, 2003).

<sup>2</sup> See *id.* at 1-2.

<sup>3</sup> AT&T and Qwest have been meeting twice a week since January of this year to discuss AT&T's concerns regarding its residential service, and have met every two weeks since February 21, 2003, to discuss similar matters in the context of AT&T's business service. Multiple representatives from AT&T have attended each of these meetings.

statement that “[m]ost of the rejection notices that AT&T has received from Qwest in recent months state that the LSRs were rejected because the addresses on those LSRs were incorrect.”<sup>4</sup> But, subsequently, AT&T acknowledges that these “[a]ddress-based rejections would not have occurred if . . . Qwest had implemented ‘telephone number migration,’” and that Qwest indeed implemented this functionality on April 7, 2003.<sup>5</sup> Using AT&T’s own logic, then, the primary reason its orders have at times been rejected no longer exists.<sup>6</sup>

AT&T tries to make much of the fact that its reject rates for LSRs submitted via EDI between September 2002 and January 2003 increased (as a percentage of total orders) even though its total EDI order volumes decreased during this period.<sup>7</sup> But this does not prove anything. AT&T does not explain what may have caused this to happen, and instead merely tries to disclaim responsibility.<sup>8</sup> That AT&T cites only auto-reject increases in its filing is significant because the address edits in the Business Processing Layer, which is the point at which LSRs are auto-rejected, are straightforward.

AT&T notes that its reject rates during the Minnesota UNE-P trial were low in part because AT&T used the same address for all of its test orders.<sup>9</sup> But the results of the UNE-P trial are still meaningful because the low reject rates that AT&T achieved demonstrate that it is possible to have very low reject rates associated with change order activity, including feature activity.

In the *Qwest 271 Order*, the FCC held that “[b]ecause the record demonstrates that a number of competing LECs experience low reject rates . . . it is inappropriate to attribute the wide range of reject rates to Qwest.”<sup>10</sup> Because the record in this proceeding is comparable to the record the Commission relied on when making that statement, this same conclusion applies here. Qwest already has demonstrated that CLECs with substantial volumes of LSRs submitted via EDI have been able to achieve low reject rates.<sup>11</sup> Indeed, CLECs with over ten times the volume of the LSRs submitted by AT&T have been able to achieve reject rates of

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<sup>4</sup> See *id.* at 3. It is not entirely clear to Qwest why AT&T may have experienced an increase in its reject rates earlier this year. But, it is worth noting that sometime after January 1, 2003, AT&T informed Qwest that AT&T modified its OSS to retrieve address information from CSRs rather than from Qwest’s address validation tool. If this is the case, then it is understandable that AT&T experienced an increase in auto-reject rates because, as Qwest has now noted on many occasions, the appropriate source for address information is the address validation tool, PREMIS.

<sup>5</sup> See *id.*, n.8.

<sup>6</sup> AT&T claims that the Commission should discount Qwest’s recent implementation of Migrate-by-TN functionality because “some months of commercial experience will be required before it can be determined whether the new functionality is effective.” See *id.* at 3. But the Commission has already held that Migration-by-TN functionality is not even needed to satisfy Section 271. See *Qwest 271 Order* at ¶ 56.

<sup>7</sup> See AT&T April 10 Ex Parte at 2.

<sup>8</sup> See *id.* (stating that “these increased rejection rates cannot reasonably be blamed on AT&T”).

<sup>9</sup> See AT&T April 10 Ex Parte at 3-4.

<sup>10</sup> See *Qwest 271 Order* at ¶ 89.

<sup>11</sup> See Qwest April 4A, 2003, Ex Parte, WC Docket No. 03-11; Qwest Performance Declaration at ¶¶ 177-179.

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between 7-15% when using EDI, well below the 27-34% range the Commission previously found acceptable in other Section 271 proceedings.<sup>12</sup> In short, AT&T's *ex parte* does not provide any information to prevent this Commission from finding that Qwest's OSS satisfies the requirements of Section 271.

The twenty-page limit does not apply to this filing. Please contact the undersigned if you have any questions concerning this submission.

Respectfully submitted,

/s/

Melissa Newman

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<sup>12</sup> See, e.g., *Qwest 271 Order* at ¶ 89, n.316, citing *Bell Atlantic New York Order*, 15 FCC Rcd 3953, 4044, n.552 (1999).