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Vice President-Federal Regulatory

May 22D, 2003

EX PARTE

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

Re: WC Docket No. 03-90 - Application by Qwest Communications International Inc. for Authority to Provide In-Region InterLATA Services in the State of Minnesota

Dear Ms. Dortch:

At the request of Commission staff, Qwest Communications International Inc. (“Qwest”) submits this letter to describe Qwest’s commercial performance results in Minnesota from November 2002 through March 2003 under Performance Indicator Definition (“PID”) OP-5 (which measures New Installation Service Quality) for Resold Qwest DSL.¹

Generally, Qwest’s performance for the various products measured under PID OP-5 was strong in each of the past five months.² From November 2002 through March 2003, Qwest met the parity standard in every month (where volumes were reported) for 27 of the 31 products measured under this PID, and achieved parity for three of the remaining four products in at least three of the past five months.³ The only product for which Qwest did not meet the

¹ See Qwest Service Performance Indicator Definitions, 14-State 271 PID Version 5.0, June 26, 2002, at 34-35 (OP-5). OP-5 evaluates New Service Installation Quality by measuring the number of installations that were free of trouble for thirty calendar days following installation.

² Qwest expects to issue commercial performance results for April 2003 during the week of May 26, 2003.

³ See Minnesota Commercial Performance Results, April 2002 – March 2003, at 28 (Unbundled LIS); 87 (Unbundled UNE-P POTS); 98 (Unbundled UNE-P Centrex); 107 (Unbundled UNE-P Centrex 21); 117 (Unbundled EEL); 126 (Unbundled Analog Loops); 135 (Unbundled Non-Loaded, Two-Wire Loops); 143 (Unbundled Non-Loaded, Four-Wire Loops); 150 (Unbundled DS1-Capable Loops); 157 (Unbundled ISDN-Capable Loops); 165 (Unbundled ADSL Qualified Loops); 172 (Unbundled DS3 and Higher Loops); 183 (Unbundled Line Sharing); 194 (Unbundled Dark Fiber Loops); 199 (Unbundled Transport, UDIT, DS1 Level); 206 (Unbundled Transport, UDIT Above DS1 Level); 211 (Unbundled Dark Fiber IOF) 218 (E911/911 Trunks); 232 (Resale Residential POTS); 243 (Resold Business POTS); 264 (Resold Centrex 21); 275 (Resold PBX); 288 (Resold Basic Rate ISDN); 311 (Resold Primary ISDN); 320 (Resold DS0); 327 (Resold DS1); 334 (Resold DS3 or Higher); 341 (Resold Frame Relay); there were no CLEC volumes during the relevant time period for Unbundled Subloops and Resold Centrex. The three products for which Qwest met the parity standard in at least three of the past five months were Resold Basic

parity standard on a consistent basis during this period was Resold Qwest DSL.⁴ But, as explained more fully below, Qwest barely missed the benchmark under PID OP-5 for this product in each month and these misses should not affect a finding of Section 271 compliance.

Although Qwest did not meet the parity standard under PID OP-5 for Resold Qwest DSL between November 2002 and March 2003, the data show that Qwest's provisioning quality for this product nevertheless was strong, ranging from 97.78% to 99.17% for CLECs during this period.⁵ The only thing that prevented Qwest from meeting the parity standard in every month was an exceedingly small number of trouble reports that were submitted during this period – one in each of November, January, February and March, and two in December.

The troubles reported in November, January, March, and one of the two reports in December were attributable to network errors that, once reported, were almost immediately corrected (correction times ranged from two minutes to 54 minutes). The second trouble report in December turned out to not require repair because the circuit worked when tested. The miss in February was caused by a Qwest technician error in the Central Office (where the wrong data features were provisioned, rendering the DSL portion of the line unusable), but it was corrected in 42 minutes. In light of Qwest's fast repair times and the relatively high volume of Resale Qwest DSL installations during these months (120 in November, 90 in December, 100 in January, 92 in February, and 98 in March), the few trouble reports submitted by CLECs during this period are competitively insignificant. Indeed, the Commission previously has held that, in evaluating a Bell Operating Company's commercial performance under Section 271, the Commission "look[s] for patterns of systemic performance disparities that have resulted in competitive harm or that have otherwise denied new entrants a meaningful opportunity to compete."⁶ This clearly is not the case here.

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

cc: G. Cohen

Rate ISDN (meeting parity in four of the past five months), Unbundled DS1-Capable Loops (meeting parity in three of the past five months), and Unbundled ADSL Qualified Loops (meeting parity in four of the past five months). Commercial performance results for every state in Qwest's 14-state region can be found at www.qwest.com/wholesale/downloads/2003/030424/MN_271_Apr02-Mar03_Exhibit_Checklist-Final.pdf.

⁴ See *id.* at 302 (Resold Qwest DSL); 150 (Unbundled DS1-Capable Loops); 288 (Resold Basic Rate ISDN).

⁵ See *id.* at 302 (OP-5, Resold Qwest DSL)

⁶ See *In the Matter of Application by Qwest Communications International Inc. for Authorization to Provide In-Region, InterLATA Services in the State of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming*, WC Docket No. 02-314, *Memorandum Opinion and Order*, FCC 02-332, December 23, 2002, at ¶ 37.

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