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July 6, 2004

AZ CORP COMMISSION  
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Arizona Corporation Commission  
Docket Control – Utilities Division  
1200 West Washington Street  
Phoenix, AZ 85007

Re: In the Matter of Qwest Corporation's Performance  
Assurance Plan  
Docket Nos. T-01051B-03-0859

Dear Sir/Madam:

Enclosed for filing is an original and 15 copies of Eschelon's Comments on the Scope and Procedures for the First Six-Month Review of the QPAP in connection with the above-referenced matter. Also enclosed is our Certificate of Service.

Sincerely,

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Arizona Corporation Commission

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Enclosures

cc: Service List

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Arizona Corporation Commission

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IN THE MATTER OF QWEST  
CORPORATIONS PERFORMANCE  
ASSURANCE PLAN

Docket No. T-01051B-03-0859

**ESCHELON'S COMMENTS ON THE SCOPE AND PROCEDURES FOR THE  
FIRST SIX-MONTH REVIEW OF THE QPAP**

Pursuant to the Procedural Order dated June 18, 2004 in this matter, Eschelon Telecom, Inc. ("Eschelon") submits these Comments regarding the scope and procedures for the first six-month review of the Arizona Performance Assurance Plan ("PAP").

**I. INTRODUCTION**

The Arizona PAP became effective on December 15, 2003. Section 16.0 of the PAP provides for a review of the PAP every six-months. A review of the PAP is appropriate at this time for many reasons. For example, as the Procedural Order notes, the Arizona PAP has now been in effect for over six months. In addition, for the last several months Qwest, CLECs, and the Arizona staff have participated in a regional collaborative ("Long Term PID Administration" or "LTPA") to revise the Performance Indicator Definitions ("PIDs") that are included in the PAP. As the first LTPA concluded in May,

it is now appropriate to incorporate agreements reached in LTPA into PIDs included in the PAP, resolve issues that reached impasse in LTPA, and address other PAP-specific issues.

## II. DISCUSSION

The issues that will need to be resolved in this first six-month review relate to updating both the PAP and the PIDs that are included in the PAP.<sup>1</sup> Experience in other states has shown that revisions to both the PIDs and the PAP have been, and will continue to be, necessary and that the six month review process is one venue for doing so. In these comments Eschelon responds to the questions raised by staff in the Procedural Order.

### A. The scope of the six-month review should include changes to both the PIDs and the PAP.

The performance measurements (PIDs) and remedy plan (PAP) work together to ensure the local market remains irreversibly open to competition after Qwest's entry into the long distance market. The parties and the Commission recognized that changes to both the nature of the market for local telecommunications services and experience under the PAP would necessitate changes to the regime when they included the six-month review process in the PAP. As such, this six-month review needs to consider changes to both the PIDs and the PAP that are necessary based on the events over the two years since the Commission issued its order on the PAP.

Although this first six-month review needs to address changes that have occurred over the last two years, the scope of this review has been narrowed because of the efforts

of the parties in LTPA. The first round of the LTPA collaborative considered over 35 issues.<sup>2</sup> As mentioned above, the collaborative resulted in agreements on changing or adding PIDs. In other instances, the parties prepared position papers, the LTPA Facilitator made recommendations on an appropriate resolution to the dispute, and the state staffs voted on these recommendations. Eschelon identifies the disputed issues from LTPA that will need to be addressed in this proceeding below.

In some instances, the parties to LTPA agreed to defer certain issues to the next round of LTPA. On May 28, 2004, however, Qwest identified to the parties to LTPA that it plans to unilaterally terminate the LTPA forum. If the Commission allows Qwest to terminate the LTPA collaborative, doing so will have a direct effect on the Commission. The Commission will need, for example, to decide a greater number of issues in this and future six-month reviews. Eschelon describes some of these issues below.

B. This six-month review should address issues related to changes to PIDs, modifications to PIDs, as well as other issues.

In this section, Eschelon describes the specific changes that the Commission should make to the PAP, and the PIDs contained in the PAP, in this six-month review.

1. The Commission should make necessary ministerial changes to the standards for various products measured in the PIDs contained in the PAP.

When the PIDs were developed, several products had performance standards that were undeveloped. These standards were listed as “diagnostic.” Since that time, CLECs and Qwest have agreed to changes to some of these standards. For example, the parties have agreed in LTPA to incorporate benchmark/parity standards for EELs in various

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<sup>1</sup> The PIDs are sometimes referred to as Exhibit B to Qwest’s SGAT or a CLEC’s Interconnection Agreement (“ICA”). The PAP is sometimes referred to as Exhibit K to Qwest’s SGAT or a CLEC’s ICA.

PIDs.<sup>3</sup> The Commission should affirm this agreement and ensure that Qwest's performance in providing EELs meets these standards and require Qwest to make appropriate PAP payments when it does not meet the standards.

In other instances, when the PIDs were developed, the parties selected performance standards that, since then, the parties have agreed to revise. For example, in the PID OP-4 (Installation Interval), for the product DS-1 capable loops, a standard of parity with Qwest's retail Private Line product was chosen. Because of differences between Qwest's provisioning intervals for the retail and wholesale products, the parties in LTPA agreed to change the standard to a benchmark of 5.5 days in Arizona.<sup>4</sup> The Commission should affirm this agreement and ensure that Qwest's performance in provisioning DS-1 capable loops meets this standard by requiring PAP payments when Qwest fails to do so.

With respect to these agreed upon changes to the standards for EELs and DS-1 capable loops, there should be no disputed issues in this proceeding. To the extent that Qwest disagrees, it should be required to explain why such agreements should not be automatically incorporated into the PIDs/PAP.

2. The Commission should update the PAP to reflect important PIDs developed since the PAP was approved and include critical PIDs omitted during the creation of the PAP.

The Arizona Commission and its Staff have devoted a lot of time and resources into ensuring that Qwest reports all Qwest-caused service outages, service-affecting conditions, and other errors related to Qwest's processing of a CLEC's request for service

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<sup>2</sup> See Final LTPA Issues Matrix available at: [http://www.qwest.com/about/policy/ltpa/docs/June\\_2\\_Matrix.pdf](http://www.qwest.com/about/policy/ltpa/docs/June_2_Matrix.pdf).

<sup>3</sup> See Issue 31a, Final LTPA Issue Matrix.

<sup>4</sup> See Issue 11, Final LTPA Issues Matrix.

for an End User customer.<sup>5</sup> The PID PO-20 (Manual Service Order Accuracy) was created in response to the identification by the Arizona Commission in its 271 proceeding that Qwest was omitting certain Qwest-caused service impacting events from the PID OP-5 (New Service Quality).<sup>6</sup> In this six-month review, the Commission should add PO-20, a companion PID to OP-5, to the Arizona PAP with the same Tier Designations as OP-5---Tier I High and Tier II High.

The Commission should also establish benchmark standards for the PID OP-5B in this proceeding. OP-5B is a new sub-measurement that was also created to ensure that Qwest would report all customer impacts associated with Qwest's processing of an End User customer's request for service. Establishing benchmarks for this measure is necessary to complete this Commission's work in this area.

When the parties to LTPA finalized revisions to OP-5 on August 6, 2003, they agreed to set benchmark standards for OP-5B once six-months of performance results were available. As six-months of Qwest's performance results for OP-5B are now available, benchmark standards for OP-5B should be set in this review. Because the Commission has already included OP-5 in the PAP, once benchmarks are established for OP-5B, Qwest will need to report and make necessary PAP payments for OP-5B.<sup>7</sup>

The Commission should also add PIDs to the PAP that measure Qwest's performance in areas that are critical to CLECs' ability to compete. These PIDs include Qwest's Bill Response Timeliness ("BI-5") and Qwest's Electronic Flow Through ("PO-2"). With

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<sup>5</sup> See, for example, "Report on the July 30 – 31 Workshop, Report One – Operations Support Systems Related Issues," *In the Matter of Qwest Corporation's Section 271 Application*, ACC Docket No. T-00000A-97-0238, (Feb. 25, 2003) ["Arizona Staff Report"], at ¶¶ 131-151.

<sup>6</sup> The Arizona Staff Report confirmed that there were "many errors and omissions in Qwest reported OP-5 results." *Id.* at ¶ 139.

<sup>7</sup> Qwest currently reports only OP-5A performance in CLEC PAP reports.

respect to BI-5, in LTPA, Qwest and the other parties agreed to work in Change Management on ways to improve Qwest's bill dispute processes and then reconsider the PID in the next round of LTPA. To the extent that the Commission allows Qwest to unilaterally terminate the collaborative, such review of the BI-5 and other issues on the LTPA Issues Matrix may need to take place in this proceeding.<sup>8</sup>

3. The Commission should make necessary changes to the list of products measured in the various PIDs.

In November 2003, as part of the LTPA, Eschelon requested that the product xDSL-i capable loops be added to various ordering/provisioning ("OP") and maintenance/repair ("MR") PIDs. Throughout the six-months of LTPA negotiations, Qwest took various positions on Eschelon's proposal. In the end, the matter went to impasse, and the LTPA Facilitator rejected each of Qwest arguments and recommended that Qwest report xDSL-i capable loop performance in the PIDs using the same standard that is used for ISDN-capable loops.<sup>9</sup> On May 11, 2004, thirteen state staff's participating in LTPA unanimously supported the Facilitator's recommendation. Eschelon requests that the Commission include xDSL-i capable loops in the PIDs included in the Arizona PAP.

C. The Commission should establish procedures for this review that take advantage of the efficiencies gained through the LTPA collaborative and minimize the resource requirements on the Commission and the parties.

Because of the extensive work conducted by the parties there are many opportunities for efficiencies in conducting this proceeding. Given the extensive demands

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<sup>8</sup> See Issue 4, Final LTPA Issues Matrix. There are several other PID issues that Qwest and the parties agreed to defer to the next LTPA. See Issues 5 and 8, Final LTPA Issues Matrix

<sup>9</sup> See [http://www.qwest.com/about/policy/ltpa/docs/xDSL\\_i\\_Impasse\\_Document.pdf](http://www.qwest.com/about/policy/ltpa/docs/xDSL_i_Impasse_Document.pdf). This impasse document also contains the positions of both Eschelon and Qwest.

on party and Commission resources at this time, the Commission should take steps to streamline the process for this review. Eschelon offers the following suggestions:

- The Commission should admit LTPA documents into the record of this proceeding. Documents that should be admitted into the record include: impasse documents, party comments, the Facilitator's recommendations, and state staff votes. The LTPA process created an online repository of these documents.<sup>10</sup> Rather than require multiple parties to each file this extensive record, the Commission should do so on its own motion.
- The Commission should resolve disputed issues in this proceeding by briefing. The first six-month reviews in Colorado and Washington successfully used this method.
- The Commission should consider other measures to conserve party resources, such as participation by telephone, if there is a hearing. Such efforts are necessary to ensure that the Commission receives input from as many parties as possible that are affected by Qwest's performance in the critical areas measured by the PAP.

This list represents just some of the many opportunities for efficiency in this proceeding that the Commission may take to streamline the process.

### **III. CONCLUSION**

In this six-month review the Arizona Commission should address the following issues:

- Make ministerial changes to the PIDs based on agreements reached in LTPA.
- Complete the work on PO-20 by setting Tier Designations in the PAP and by setting benchmark standards for OP-5B in the PIDs.
- Revise the list of products included in the PIDs to include the product xDSL-i capable loops as recommended by the Facilitator and state staffs in LTPA.
- Revise the list of PIDs included in the PAP to include PO-2 and BI-5 should the Commission allow Qwest to terminate LTPA.

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<sup>10</sup> See <http://www.qwest.com/about/policy/ltpa/index.html>.

In deciding these issues, Eschelon recommends that the Commission establish procedures to streamline the process for this review.

Eschelon appreciates the opportunity that the Commission and its Staff have provided to Eschelon to comment on this matter.

ESCHELON TELECOM, INC.

A handwritten signature in black ink, appearing to read 'Ray Smith', is written over a horizontal line. The signature is stylized and somewhat cursive.

Dated: July 6, 2004.

By:

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IN THE MATTER OF U S WEST  
CORPORATION'S PERFORMANCE  
ASSURANCE PLAN

Docket No. T-01051B-03-0859

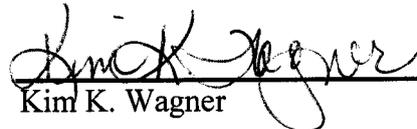
Certificate of Service

I hereby certify that an original and 15 copies of the attached Eschelon's Comments on the Scope and Procedures for the First Six-Month Review of the QPAP were filed by express mail on July 6, 2004 with:

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and served by United States Mail on July 6, 2004, upon the parties listed on the attached service list.

Dated: July 6, 2004

  
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