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Arizona Corporation Commission
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**BEFORE THE
ARIZONA CORPORATION COMMISSION**

CARL J. KUNASEK
CHAIRMAN

JIM IRVIN
COMMISSIONER

WILLIAM A. MUNDELL
COMMISSIONER

IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S COMPLIANCE
WITH § 271 OF THE
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. T-00000A-97-0238

**WORLDCOM'S RESPONSE TO QWEST'S
PROPOSED PERFORMANCE ASSURANCE PLAN**

WorldCom, Inc., ("WCom") served electronically on November 13, 2000, the following comments related to Qwest's proposed Performance Assurance Plan. Pursuant to Commission staff request, these joint comments are now being formally filed and served on all parties listed on the attached service list.

1 **I. INTRODUCTION**

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At the October 17/18 AZ PAP workshops, CLECs involved were asked to provide comments related to fixing Qwest’s proposed Performance Assurance Plan. The comments below outline WorldCom’s response to Qwest’s plan, addressing key areas that would need to be fixed in order for the plan to be more acceptable. Qwest’s plan contains several areas of concern that weakens its effectiveness of ensuring non-discriminatory performance. In general, WorldCom supports the proposed fixes being presented by Z-Tel but adds the following additional recommendations.

1. **Zone Parity Test Trial**

WorldCom recommends that a two-part benchmark (trial) be used for a single benchmark measure such as average installation interval. For example, the typical interval benchmark might be set at 95% in 3 business days. However, this places no upper bound on the acceptable intervals of service quality. So, in this case the benchmark would be met if Qwest provides 95% of service in 3 business days, but provides 5% of service in 60 days. Meaning Qwest could provide very poor service for the remaining 5% and still pass. Therefore, WorldCom suggests that a two-part benchmark be used. The two-part benchmark would include for example the 95% in 3 business days and an additional standard of 100% in 5 business days. For any observation exceeding 5 business days (in this example), WorldCom recommends that twice the relevant per-occurrence payment be applied. This two-part benchmark resolves the fundamental flaw of the one-part benchmark, reduces the incentive to Qwest to provide service in extremely long intervals, and provides the CLEC the opportunity to “guarantee” specific intervals to potential customers.

1 **2. Measurement Caps**

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3 Generally, WorldCom opposes the use of any fixed caps. The Qwest plan is further
4 weakened by the imposition of caps on the per-occurrence payments (in addition to the
5 overall plan cap). To the extent that per-occurrence payments amount to an appreciable
6 amount, a per-measurement cap would reduce the impact to Qwest. Again, the reason for
7 rejecting a remedy cap is because a cap can reduce the effectiveness of the remedy plan
8 with no offsetting benefits. A firm cap makes it easier for the ILEC to judge quickly
9 whether the costs and benefits of not fixing the problem outweigh the remedies at risk.
10 However, WorldCom is open to further discussing Z-Tel's comments, of setting the per-
11 measure cap equal to, at least, twice the per-measure penalty and applying severity and
12 duration factors to the cap.

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14 **3. Parity with the Floor**

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16 WorldCom recommends the implementation of a "parity with the floor" concept.
17 Qwest might very well be able to provide parity service by offering retail and CLEC
18 customers equivalent levels of service but falls short of acceptable industry standards. But
19 poor parity service provided to both wholesale and retail customers is still poor service. It
20 may be necessary for the Commission to set improved performance levels over actual
21 results because the retail service does not meet state end user standards. Such quality
22 benchmark can be established at levels that gradually raise the bar over time giving Qwest
23 an attainable incentive to improve service quality for retail and wholesale end users. To
24 use retail service quality well below state end-user standards for judging parity is neither
25 just and certainly not in the public interest.
26

1 The failure to meet minimum required service levels is of significant concern to
2 WorldCom due to the fact that poor service provided to a WorldCom customer via Qwest
3 reflects poorly on WorldCom and may lead to the loss of that customer. Also, as
4 telecommunications providers, CLECs may be held responsible for the violation of
5 regulations through fines or credits and waivers to customers which is an area that needs to
6 be addressed and CLECs need to be compensated.
7

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10 **4. Performance Measures**

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12 In the October 17/18 workshops we briefly walked through the proposed
13 performance measures to be included in the plan. We discussed being OK with not
14 including Parity-by-Design measures as long as a third party auditor confirms these
15 measures are parity. We also discussed adding the missing Collocation measures and four
16 new change control measures. Although we are getting close on the performance
17 measures, we still have not adequately addressed the diagnostic measures proposed by the
18 CLECs. WorldCom believes these diagnostic and additional measures discussed above
19 still need to be addressed.
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DATED this 13th day of December, 2000.

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COPY of the foregoing hand-
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