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December 22, 1999

Maureen Scott
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007-2996

DOCKETED BY

Re: **Docket No. T-00000A-97-0238**
AZ 271 OSS Process Concerns

Dear Ms. Scott:

By this letter, AT&T Communications of the Mountain States, Inc., TCG Phoenix, MCI WorldCom, Inc., on behalf of its regulated subsidiaries, Sprint Communications Company, L.P. and Rhythms Links, Inc. (collectively "CLECs") request that the Arizona Corporation Commission ("ACC") Staff reconsider several of its recent decisions that result in a closed process for operations support systems ("OSS") testing that is unwarranted and counter-productive. Notwithstanding the recent representations made to the Federal Communications Commission and Department of Justice that the process in Arizona is "open," these decisions establish as a rule that much of the Arizona OSS testing will occur in private. A private process is not only contrary to the process adopted in several other jurisdictions, but will serve to undermine both the fairness and credibility of the testing results. Accordingly, CLECs urge the ACC Staff to reconsider these decisions, and mandate that meetings between Cap Gemini Telecom ("CGT") and U S WEST, and U S WEST and Hewlett Packard ("HP") remain open. CLECs are hopeful that the ACC Staff will implement processes that ensure openness and fairness, and that in the spirit in which the collaborative and Technical Advisory Group ("TAG") meetings are conducted, we can resolve these concerns without having to escalate the matter.

At the last TAG meeting on December 14, 1999, and again in a conference call on December 16, 1999, the ACC Staff and CGT determined that, as a rule, weekly meetings between CGT and U S WEST would remain private. Although the ACC Staff determined that minutes of such meetings would now be kept by CGT, those minutes will be provided only to the ACC Staff, which will later determine what portions, if any, can be disseminated to members of the TAG. Additionally, the ACC Staff and CGT determined that meetings between HP and CGT and HP and U S WEST will also be

private, although Doherty & Company, Inc. ("DCI") and Staff may attend. Although the ACC Staff has attempted to implement a compromise, the proposed result does nothing to ensure openness, but rather maintains an impermissible cloak of secrecy to ongoing testing that undermines the credibility and reliability of test results.

Meetings Between CGT and U S WEST and CGT and CLECs Should Be Public.

As will be discussed later, given the CGT restrictions on the conduct of the TAG meetings, it is imperative that meetings relating to the Arizona test effort should, as a rule, be open meetings. With the severe time restrictions on the length of the TAG meetings, CLECs are concerned that many issues will be discussed, debated and possibly resolved outside of the formal TAG process. It will only hurt the credibility of the overall test process if parties are prevented from participating in or listening to meetings. This concern has been confirmed by several decisions that were made outside the TAG meeting without CLEC knowledge.

CGT argues that private meetings between it and U S WEST and CGT and CLECs are necessary to hear concerns of U S WEST and CLECs, to discuss scheduling issues and to maintain blindness of the test process. The CLECs assert that none of these purported problems point to private meetings as a solution. If CLECs or U S WEST have concerns or issues involving any part of the test, the appropriate venue to discuss these issues or concerns is not behind closed doors in a private session with CGT. The appropriate venue is the TAG meeting. The raising of issues or concerns during the TAG meeting allows for parties with opposing views to debate the merits of the issue or concern, permits attempts to be made to address the issues or concerns and facilitates informed decisions by the ACC Staff to be made if consensus agreement in the TAG cannot be reached. Discussion of issues or concerns behind closed doors only hurts the credibility of the test process.

The CLECs acknowledge that the ACC Staff has agreed that CGT should keep minutes of all meetings between CGT and U S WEST and CGT and the CLECs and that the ACC Staff will decide what, if any, portion of the minutes will be distributed. The CLECs believe that this "solution" addresses the wrong problem. That solution provides limited visibility to what is fundamentally a closed set of meetings. The solution is not to provide limited visibility to a closed set of meetings; the solution is to change the nature of the meetings to be fundamentally open meetings.

The CLECs propose that the only private meetings that should occur would be between CGT and the CLECs because of the need to maintain blindness of test activities to U S WEST or to protect confidential CLEC forecast information. Other than for those two reasons, there should be no need for private meetings between CGT and CLECs. Since CGT will require some CLEC resources to perform certain parts of the test, it will be necessary for CGT and CLECs to meet and discuss how CGT can use those resources while maintaining blindness to U S WEST. U S WEST should rightfully be excluded from meetings between CGT and CLECs where matters that affect blindness will be discussed. Individual CLECs may also have cause to discuss with CGT their specific

forecast information. In those situations, U S WEST and other CLECs should rightfully be excluded from the discussion.

The CLECs can think of no valid reason why CGT and U S WEST should have private meetings. While CGT has cited discussions of U S WEST work activity schedules as a reason for excluding CLECs from those meetings, it was never adequately explained why the process would be harmed if CLECs have access to this information. To ensure a reliable, open process the CLECs propose that any meetings between CGT and U S WEST be open for public listening or participation.

Additionally, U S WEST has cited logistical concerns associated with opening up the CGT-U S WEST meetings and claims that it is not fair to have CLEC meetings with CGT in private while U S WEST meetings occur publicly. CLECs have not proposed altering the weekly schedule for CGT-U S WEST meetings. These meetings would not only occur weekly as currently scheduled, but implementation of a "listen" line ameliorates any logistical concerns expressed by U S WEST. A "listen" line ensures that CLECs are aware of issues being discussed with U S WEST, but does not permit CLECs to interfere with the process, or raise issues in a manner that will complicate the CGT-U S WEST meetings or increase the length of the meetings. If CGT and U S WEST propose that some subjects need to be discussed in "executive session" at the conclusion of a weekly CGT-U S WEST meeting, at least the CLECs will be apprised before the fact of the issues sought to be discussed privately. Finally, as the process is meant to be blind only to U S WEST, having CGT-CLEC meetings remain in their present form does not do anything to undercut the process.

Interactions Between U S WEST and HP Should Be Open to Public View

It is the CLECs' understanding that the ACC Staff decided that HP, in its role as a pseudo-CLEC, had no obligation to record minutes of meetings between it and U S WEST, no obligation to make the minutes publicly available should HP decide to keep minutes, and no obligation to make publicly available any documents or information exchanged between HP and U S WEST. It is also the CLECs' understanding that the ACC Staff's expectation is that HP is under no obligation to ever make public any documents or information it creates as part of its role as a pseudo-CLEC. Instead, HP will provide information to CGT, and CGT will decide what, if any, HP created documents or information, or documents or information produced by HP will be reflected in CGT's final report of U S WEST's OSS interfaces.

A very significant concern of the CLECs is that it appears that the interactions between U S WEST and HP are intended to be totally outside of the view of CLECs. This policy is the antithesis of an open third-party test and contrary to assertions made by ACC Staff during the December 13 discussion of HP's participation in the test as a pseudo-CLEC. It was the CLECs' understanding that at the December 13 TAG meeting the ACC Staff attempted to mitigate the CLECs' concerns about HP's selection as the pseudo-CLEC by assuring the CLECs that U S WEST's interactions with HP would be open. No requirement to keep minutes, no requirement to post minutes, no requirement

to make public any documents exchanged between U S WEST and HP and no requirement that any HP work papers or other documents be made available to CLECs does not in any way suggest an open process.

There are two primary reasons why the interactions between U S WEST and HP should be made public. The first is that an open process permits CLECs to evaluate whether the treatment and assistance that U S WEST provides HP as a pseudo-CLEC is superior to the treatment and assistance that U S WEST has provided to CLECs in general. HP will have no reference point as to the treatment and assistance that U S WEST typically provides to CLECs. HP would be in no position to determine if the treatment and assistance that U S WEST is providing to it is unusually better than what is typically provided to CLECs. CLEC visibility to all interactions between U S WEST and HP would allow CLECs to raise concerns about possible superior treatment and assistance being provided to HP at TAG meetings. Keeping all interactions between U S WEST and HP behind closed doors eliminates a valuable data point and perspective that CLECs could provide.

The other reason for making the interactions between U S WEST and HP public is that U S WEST may offer HP a better means to perform some task or a better solution to a known problem. CLECs' knowledge of more efficient means to perform a task or better solutions to known problems that is provided through an open process can help accelerate the pace of local exchange competition in Arizona. If U S WEST offers a "better mouse trap" to HP, then that offer should be made public and made available to CLECs as well. Those opportunities to accelerate the pace of local exchange competition would not be available if all interactions between HP and U S WEST were made behind closed doors.

To ensure that the interactions between U S WEST and HP remain public, the CLECs recommend that the open process used by the New York Public Service Commission in its evaluation of Bell Atlantic – New York's ("BANY") OSS be used. In that process, all meetings between HP and BANY were publicly noticed, a conference bridge was established for the meetings, CLECs could listen in to the discussions, meeting minutes were kept and posted on a public Internet web page, and all documents exchanged between HP and BANY were posted on a public Internet web page. The CLECs recommend that the Arizona OSS test process should strive to achieve a similar degree of openness.

The CLECs recommend that the open process principles developed by the Regional Oversight Committee ("ROC") and agreed to by U S WEST and a large number of CLECs be adopted for the Arizona test. Specifically, these principles are:

Principle 4. – The goal of all parties to the ROC test of U S WEST OSS is an open, above-board test environment where all information relating to the test is available to all parties, except that information that is commercially sensitive or proprietary. To that end, the 3rd party tester will establish procedures concerning communications affecting the planning,

conduct and evaluation of the test. These procedures will include regular, open meetings between the 3rd party tester, the P-CLEC, the CLEC community and ROC representative in a manner similar to the meeting held in the Bell Atlantic – New York test. Issue identification, research, resolution decisions, and other relevant items critical to the transparency of the test will be discussed and documented.

Principle 8. – All documentation and assistance made available to the P-CLEC by U S WEST for use by the P-CLEC in building and/or setting up the required OSS interfaces will be made available to all participants to verify that the P-CLEC is not being given special treatment.

Adoption of these principles would help get the Arizona test process back on the path of an open test environment.

Less Restrictive, Longer and More Frequent TAG Meetings.

Regardless of whether the ACC Staff reconsiders its decision on private meetings, in order to ensure that the business of the OSS test is completed on time, CLECs submit that the TAG meetings should be less restrictive, longer, and scheduled to occur more frequently. In any event, all issues of concern for any party should be raised in the TAG meetings first, not in private “offline” meetings between CGT, HP, U S WEST, Staff and DCI.

The TAG meetings are the only opportunity where all of the major parties have a chance to discuss, resolve and escalate issues related to the conduct of the OSS test. The TAG meetings are the best place to discuss, resolve and escalate issues. Unfortunately, CGT has imposed guidelines that severely limit the usefulness of the TAG meetings and may end up delaying the completion of the overall evaluation.

Today and in the future, there are and will be a large number of unresolved issues related to the OSS test. The CLECs’ experience in other collaborative test efforts have taught them that the best way to get these issues resolved is through forums like the Arizona TAG. The issues can be explained so that all parties understand the issues, the issues can be debated, and attempts to reach consensus solutions can be made and, failing a consensus decision, the issue escalated to the proper authority for resolution. It is obvious that the parties need to devote a significant amount of time to resolve outstanding issues and new issues when they arise. However, if the evaluation process is to be robust and inspire confidence in the participating parties, it is time well spent.

Unfortunately, CGT has severely restricted the frequency and duration of TAG meetings. The CLECs are concerned that CGT-dictated TAG meeting restrictions will result in delays to the overall completion of the test effort because of decisions that are made with insufficient attention paid to the issues. Notwithstanding the CLECs’ protestations for more frequent meetings, CGT has limited TAG meetings to twice a

month. One meeting will be face-to-face and one meeting will be via conference call and scheduled to last for three hours.

It has been the CLECs' experience with the Arizona TAG meetings that three hours is not enough time to get through all of the outstanding issues. On several occasions during TAG meetings, CGT cut off debate on an issue or cut off discussion of potential solutions to an issue because CGT believed it was taking too much time on the agenda. The solution is not to cut off debate or discussion; the solution is to devote more time to TAG meetings.

Nobody likes to have more meetings and longer meetings. However, in order to do justice to the evaluation of U S WEST's OSS and mitigate any delays to the overall testing schedule, the CLECs propose that, as a rule, the TAG meetings should last for at least two full days every other week. The CLECs also propose that, as a rule, the TAG meetings be face-to-face. The CLECs believe that investing more time in TAG meetings will result in the overall test process producing better test results.

CGT has employed other techniques to stifle discussion of important issues during TAG meetings, such as limiting input to one core representative per party and forbidding the use of outside persons participating via conference calls. In one instance, CGT went so far as to attempt to forbid any input from the properly identified core TAG member.¹ The CGT-dictated guidelines can only result in less productive TAG meetings.

The issues discussed during TAG meetings will cover a wide breadth of technical and policy issues. It is impossible to have one CLEC or U S WEST representative that can be conversant in every possible issue discussed during TAG meetings. For some issues, it may make sense for the parties to have subject matter experts other than core TAG members to participate in the face-to-face TAG meeting discussions. For other issues, the parties may be able to have subject matter experts participate in TAG meetings via conference call. Some issues may be able to be quickly resolved if the right people get together. It may not make sense to require subject matter experts to travel to Arizona for meetings if there is a likelihood the issues can be resolved quickly and over the telephone. Unfortunately, CGT makes it difficult for subject matter experts who are not core TAG members to participate either in person or via conference call.

The CLECs recommend that the severe restrictions on TAG participation imposed by CGT be lifted. The parties should be trusted to bring the right people to the TAG meetings and the people that parties bring to the TAG meetings should not be forbidden or discouraged from participating. Additionally, the option of having participation of non-core subject matter experts via telephone should also be available. The loosening of

¹ CGT attempted to limit discussion during a December 9, 1999 discussion on statistical issues to only the statisticians that were present. CGT attempted to forbid any input from the parties' core TAG members. After the CLECs objected to CGT's attempt, CGT agreed that non-statisticians could talk but that they could only talk for ten minutes.

the CGT restrictions can only help the overall evaluation process and should not advantage any one party.

The CLECs are extremely concerned that the evaluation of U S WEST's OSS interfaces is, as a rule, becoming very much a process that is closed to CLECs. It will be extremely difficult for the CLECs to support or have confidence in any results or conclusions reached from a process that will be, in large part, closed to CLEC scrutiny. CLECs requests reconsideration of decisions that have been made that are keeping the process to evaluate U S WEST's OSS interfaces closed to CLEC participation.

The CLECs are also concerned that more frequent and longer meetings are necessary to resolve the open issues. Failure to address these issues ultimately will either result in delay or inadequate testing of U S WEST IMA/EDI interfaces and OSS.

Sincerely,



Richard S. Wolters

cc: Service List

CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of AT&T's Letter to Maureen Scott of the Arizona Corporation Commission regarding OSS Process Concerns in Docket No. T-00000A-97-0238, were sent via overnight delivery this 22nd day of December, 1999, to:

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and that a copy of the foregoing was sent via overnight delivery this 22nd day of December, 1999 to the following:

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