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BEFORE THE ARIZONA CORPORATION COMMISSION

JIM IRVIN  
CHAIRMAN  
TONY WEST  
COMMISSIONER  
CARL J. KUNASEK  
COMMISSIONER

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

) Docket No. T-00000B-97-0238

) **MOTION OF JOINT MOVANTS**  
) **TO REQUIRE U S WEST TO**  
) **SUPPLEMENT ITS 271 FILING**  
) **TO INCORPORATE IMA**  
) **RELEASE 4.0**  
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AT&T Communications of the Mountain States, Inc., TCG Phoenix (collectively "AT&T"), Sprint Communications Company, L.P., Electric Lightwave, Inc., NEXTLINK Arizona, Inc. and MCI WorldCom, Inc., on behalf of its regulated subsidiaries, ("Joint Movants"), request that the Arizona Corporation Commission ("Commission") order U S WEST Communications, Inc. ("U S WEST") to supplement the Affidavit of Dean W. Buhler dated March 25, 1999, to reflect the release of IMA 4.0, or in the alternative, prohibit U S WEST from introducing in this proceeding any evidence of IMA 4.0 in the future.

**I. INTRODUCTION**

On March 25, 1999, U S WEST filed its Supplemental Notice of Intent to File with FCC an Application for Verification of § 271(c) Compliance. As part of its Supplemental Notice,

U S WEST provided responses to questions contained in Attachment A and B of the Commission's May 14, 1997 Order, Decision No. 60218.<sup>1</sup> U S WEST also filed affidavits in support of its Supplemental Notice.

## II. ARGUMENT

One of the affidavits filed by U S WEST is the Affidavit of Dean W. Buhler dated March 25, 1999. The purpose of Mr. Buhler's affidavit is to "demonstrate that U S WEST has deployed the necessary systems and personnel to provide CLECs sufficient access to each of the necessary OSS functions."<sup>2</sup>

To make this demonstration, [Mr. Buhler] will: 1) define OSS and electronic interfaces; 2) describe the electronic interfaces and downstream OSSs that U S WEST has developed to support resale services, unbundled network elements, and interconnection; and 3) describe the business processes that U S WEST has established to support CLEC orders. Second, [Mr. Buhler's] affidavit will prove that U S WEST is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to them, through training, documentation and assistance.<sup>3</sup>

On March 26, 1999, U S WEST operationalized IMA Release 4.0. IMA is one of the electronic interfaces U S WEST makes available to competitive local exchange carriers ("CLECs"). Based on the Joint Movants' preliminary review of the release notes, it appears IMA 4.0 makes a number of significant changes to IMA 3.3. For example, the Service Query Availability window limits a CLEC's access to USOCs (codes for retail services) that can be ordered based on U S WEST's interpretation of the CLEC's interconnection agreement with U S WEST. U S WEST is apparently conditioning the

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<sup>1</sup> On March 2, 1999, the Chief Hearing Examiner issued a Procedural Order finding that the Notice of Intent filed by U S WEST on February 8, 1999, failed to comply with Decision No. 60218, and ruled that the application would be held in abeyance until U S WEST filed its case in chief in compliance with Decision No. 60218 and the June 16, 1998 Procedural Order.

<sup>2</sup> Affidavit of Dean W. Buhler dated March 25, 1999, at 2.

<sup>3</sup> *Id.*

feature and service availability screen to only display to each CLEC what U S WEST considers to be valid USOCs for that CLEC to order. If a CLEC attempts to order what U S WEST considers invalid USOCs, the order will be rejected. This is a significant change from IMA 3.3.<sup>4</sup> Other significant changes have been made, according to the IMA 4.0 release notes issued on March 4, 1999.

Joint Movants have conducted a preliminary review of the 97-page affidavit of Mr. Buhler and Mr. Buhler's extensive exhibits. No mention is made of IMA 4.0 in either the affidavit or exhibits of Mr. Buhler. The June 16, 1998 Procedural Order requires U S WEST to file "the full and complete application which U S WEST intends to file at the FCC."<sup>5</sup> If U S WEST intends to rely on IMA 4.0 to demonstrate it meets Section 271 of the Telecommunications Act of 1996 ("Act"), then Mr. Buhler's affidavit fails to meet the requirements of the June 16, 1998 Procedural Order and must be supplemented to incorporate IMA 4.0. Alternatively, if U S WEST does not intend to rely on IMA 4.0 at the FCC to prove it meets Section 271 of the Act, then the Commission should issue a ruling now preventing U S WEST from introducing IMA 4.0 at any time in this proceeding to prove it meets its case. Such a ruling will avoid unnecessary delay and prevent the Joint Movants from being prejudiced.

### **III. CONCLUSION**

The IMA 4.0 release notes were issued March 4, 1999, approximately three weeks before U S WEST filed its Supplemental Notice and affidavits in support of its filing. IMA 4.0 was

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<sup>4</sup> This change also raises serious questions whether U S WEST will make available for resale at wholesale rates, all retail services as required by 47 U.S.C. § 251(c)(4).

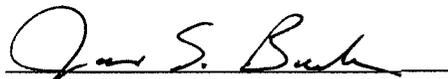
<sup>5</sup> Procedural Order dated June 16, 1998, at 2.

turned up one day after U S WEST's supplemental filing. The procedural orders require U S WEST to file its complete case. The Commission should require U S WEST, by a date certain, to supplement Mr. Buhler's affidavit and exhibits to incorporate IMA 4.0 if U S WEST intends to rely on IMA 4.0 to demonstrate it meets Section 271 of the Act. If U S WEST does not supplement its filing, the Commission should make it clear that U S WEST will be prohibited from entering any evidence of IMA 4.0 in this proceeding in the future to prove it meets its case.

The undersigned has been authorized by all parties listed below to sign on their behalf the Motion By Joint Movants to Require U S WEST to Supplement its 271 Filing to Incorporate IMA Release 4.0.

RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of April, 1999.

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