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BEFORE THE ARIZONA CORPORATION COMMISSION

CARL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER

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

Docket No. T-000001-97-0238

COX ARIZONA TELCOM, L.L.C.'S
PRELIMINARY STATEMENT OF POSITION

Pursuant to the July 22, 1999 and August 27, 1999 Procedural Orders in this docket, Cox Arizona Telcom, L.L.C. ("Cox") submits its comments on bifurcation of OSS and non-OSS issues and its preliminary statement of position on US West's compliance with the fourteen competitive checklist items set forth in Section 271 of the Telecommunications Act of 1996:

A. BIFURCATION

- 1. Should non-OSS issues be bifurcated from OSS issues and proceed on a separate track? If so, why? If not, why not?

Response to 1: Non-OSS issues should *not* be bifurcated. First, bifurcated consideration of non-OSS issues will be inefficient, as well as potentially incomplete and meaningless, given several other pending matters before the Commission:

- (i) OSS Testing: The proposed OSS test plan does not contemplate actual test results until April 2000. Therefore, final 271 resolution of compliance with all checklist items at the state level will not be completed until at least that time.

1 (ii) US WEST/Owest Merger: The proposed merger may not be
2 consummated until sometime next year. The terms and structure of that
3 merger are critical to a proper analysis of § 272 issues. Again, that may not be
4 complete until next Spring at the earliest.

5 (iii) US WEST Rate Case: US WEST is seeking extraordinary relief
6 from regulation that, if granted, significantly affects the competitive landscape
7 in Arizona. "Competitive Zones" that allow US WEST flexible pricing and
8 deregulation of data services certainly could affect the "public interest"
9 considerations under § 271. That rate case does not begin until January 2000
10 and will not be resolved until months later.

11 Therefore, it makes no sense to rush to an evidentiary hearing on non-OSS issues. By
12 the time other critical proceedings are resolved, the bifurcated proceedings will be hopelessly
13 stale and meaningless. Competition is still in its nascent stages in Arizona. The landscape
14 can change considerably in six to eight months. Cox believes that, in order to have a full and
15 proper record, the non-OSS issues would have to be revisited at that time if those issues are
16 considered now.

17 Second, that inefficiency only compounds the significant burden a bifurcated
18 proceeding places on smaller CLECs with limited resources. Duplicate (or perhaps
19 triplicate) proceedings mean double or triple costs for testimony, preparation, travel and
20 general resource commitments.

21 Third, Cox believes it is difficult to define "non-OSS issues" in many instances. Such
22 confusion could lead to issues being considered either twice or not at all.

23 **2. If non-OSS issues are bifurcated,**

24 (a) What issues should be included in the non-OSS
25 proceeding?

26 (b) What schedule would you consider to be a reasonable
schedule for the non-OSS proceeding?

Response to 2(a): Should the Hearing Officers conclude bifurcation is in the public
interest, Cox believes only the following checklist items may be addressed:

Item 3 poles, conduits an rights-of-way;

Item 7ii and iii directory assistance and operator service;

- 1 Item 8 white pages;
- 2 Item 9 number administration;
- 3 Item 12 dialing parity; and
- 4 Item 13 reciprocal compensation.

5 **Response to 2(b):** The reasonableness of the schedule depends on the scope of the
6 issues to be considered in the bifurcated proceeding. In general, AT&T's proposed schedule
7 seems appropriate.

8 **B. PRELIMINARY POSITION ON CHECKLIST ITEMS**

9 **Checklist Item No. 1:** Interconnection in accordance with the requirements
10 of sections 251(c)(2) and 252(d)(1).

11 **Position:** US WEST is not meeting its obligations under this item. For example,
12 with respect to Cox in the provisioning of trunking for interconnection, US WEST typically
13 provides a three-week interval when adding trunks to an existing trunk group. Four- to five-
14 week intervals are likely when it comes to the installation of a new trunk group. However,
15 Cox has repeatedly referred complaints to US WEST concerning lack of facilities for
16 interconnection trunking from the Cox collocation space at the Phoenix main central office
17 to the US WEST network. This lack of facilities meant that US WEST provided intervals of
18 six to nine weeks to add to existing trunk groups or install new end office trunk groups.
19 Further, US WEST could not support additional tandem trunking at the beginning of 1999
20 due to a lack of switch ports and failed to respond in a timely manner to Cox's requests for
21 installation of end office trunking.

22 **Checklist Item No. 2:** Nondiscriminatory access to network elements in
23 accordance with the requirements of sections 251(c)(3) and 252(d)(1).

24 **Position:** US WEST is not in compliance with this item, particularly with respect to
25 access to its OSS. Cox CSRs often are unable to provide the same responsiveness to their
26 customers (as compared to US WEST CSRs) due to limitations in US WEST's IMA

1 interface and other available means of communications with US WEST.

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3 **Checklist Item No. 3:** Nondiscriminatory access to the poles, ducts,
4 conduits, and rights-of-way owned or controlled by the Bell operating
5 company at just and reasonable rates in accordance with the
6 requirements of section 224.

7 **Position:** US WEST is not in compliance with this item. US WEST refuses to
8 provide proper demarcation points to multitenant buildings, thus creating situations where
9 Cox does not have the same access to the rights-of-way to the building. Moreover, US
10 WEST persists in submitting tariffs that result in the exclusion of CLECs from multitenant
11 buildings (and related rights-of-way), such as the pending Construction Charge Tariff
12 (Docket No. T-01051B-99-0272) and Tenant Solutions Tariff (Docket No. T-01051B-99-
13 0450).

14 **Checklist Item No. 4:** Local loop transmission from the central office to the
15 customer's premises, unbundled from local switching or other
16 services.

17 **Position:** Cox has inadequate information at this time to determine whether US
18 WEST is in compliance with this item. Cox reserves the right to comment on this item if it
19 does obtain relevant information on compliance with this item.

20 **Checklist Item No. 5:** Local transport from the trunk side of a wireline local
21 exchange carrier switch unbundled from switching or other services.

22 **Position:** Cox has inadequate information at this time to determine whether US
23 WEST is in compliance with this item. Cox reserves the right to comment on this item if it
24 does obtain relevant information on compliance with this item.

25 **Checklist Item No. 6:** Local switching unbundled from transport, local loop
26 transmission, or other services.

Position: Cox has inadequate information at this time to determine whether US
WEST is in compliance with this item. Cox reserves the right to comment on this item if it
does obtain relevant information on compliance with this item.

1 **Checklist Item No. 7:** Nondiscriminatory access to –

- 2 (i) 911 and E911 services;
- 3 (ii) directory assistance services to allow the other carrier's
- 4 customers to obtain telephone numbers; and
- 5 (iii) operator call completion services.

6 **Position 7(i):** US WEST is not in compliance with this subitem. Cox has experi-

7 enced delays in having its customers' information included in appropriate 911 databases.

8 **7(ii) & 7(iii)** Cox has inadequate information at this time to determine

9 whether US WEST is in compliance with this item. Cox reserves its right to comment on

10 this item if it does obtain relevant information on compliance with this item.

11 **Checklist Item No. 8:** White pages directory listings for customers of the

12 other carrier's telephone exchange service.

13 **Position:** US WEST is not in compliance with this item:

14 Cox has experienced the following problems with US WEST's provisioning of white

15 pages directory listings:

- 16 1. Several requests from Cox's customers for non-published listings
- 17 have not been processed correctly by US WEST, resulting in
- 18 customer complaints and credits that have negatively impacted
- 19 Cox's revenues and reputation.
- 20 2. Many requests from Cox's customers for directory listings have not
- 21 been processed at all, resulting in these customers not being listed.
- 22 Hence, Cox has had to expend additional resources in intervening to
- 23 ensure the proper handling of requests to be listed and in issuing
- 24 credits to satisfy affected customers.

25 **Checklist Item No. 9:** Until the date by which telecommunications

26 numbering administration guidelines, plan, or rules are established,

 nondiscriminatory access to telephone numbers for assignment to the

 other carrier's telephone exchange service customers. After that date,

 compliance with such guidelines, plan, or rules.

Position: Cox has inadequate information at this time to determine whether US

 WEST is in compliance with this item. Cox reserves the right to comment on this item if it

 does obtain relevant information on compliance with this item.

1 **Checklist Item No. 10:** Nondiscriminatory access to databases and
2 associated signaling necessary for call routing and completion.

3 **Position:** Cox has inadequate information at this time to determine whether US
4 WEST is in compliance with this item. Cox reserves the right to comment on this item if it
5 does obtain relevant information on compliance with this item.

6 **Checklist Item No. 11:** Until the date by which the Commission issues
7 regulations pursuant to section 251 to require number portability,
8 interim telecommunications number portability through remote call
9 forwarding, direct inward dialing trunks, or other comparable
 arrangements, with as little impairment of functioning, quality,
 reliability, and convenience as possible. After that date, full compli-
 ance with such regulations.

10 **Position:** US WEST is not in compliance with this checklist item.

11 Cox has experienced many problems with US WEST's provisioning of interim and
12 long-term number portability (INP and LNP), as described below:

- 13 1. **Saturday Porting:** US WEST does not provide staffing or support
14 the ability to allow Cox to port customers on Saturday. This fact
15 may indicate discriminatory treatment of Cox's customers by US
16 WEST to the degree US WEST performs switch transactions for its
17 own customers on Saturday. Furthermore, US WEST's refusal to
18 perform Saturday porting is a major source of complaints from our
19 new customer base and places Cox at a competitive disadvantage
20 since adhering to US WEST's schedule to install new services
21 diminishes Cox's ability to differentiate its services from the
22 incumbent's. Cox has failed to sign many customers who stood
23 ready to subscribe to Cox's telecommunications services after these
24 customers found out that they would have to be home during
25 business hours on weekdays to effectuate the change in carrier
26 because of US WEST's refusal to implement Saturday porting.
2. **Technical Problems With Porting:** Cox has experienced a high
 percentage of failed porting attempts due to the trigger not being set
 within the US WEST switch. In addition, under certain circum-
 stances the processing time for porting requests, which should
 average between two to three minutes, are in excess of two hours.
3. **INP-to-LNP Conversion:** US WEST staff frequently state that they
 cannot respond to Cox's porting requests on a timely basis due to the
 fact that they are processing INP-to- LNP conversions. To make
 matters worse, these conversion cuts have occurred before 5 P.M.
 MST, resulting in lengthy processing times for Cox's customers
 during regular business hours. This practice is an additional burden

1 on Cox's installation forces, causing them to either stay longer than
2 necessary at customers' premises or make multiple premise visits.
3 In either case, Cox's efficiency of operations, as well as customers'
4 perception of Cox, are negatively affected by US WEST's actions
5 since the customers hold Cox responsible for these problems.

4 4. Billing Issues: Several customers who have ported their telephone
5 numbers from US WEST to Cox have experienced continued billing
6 from US WEST. When these customers have attempted to address
7 this problem with US WEST representatives, they have been
8 redirected to Cox to correct the billing discrepancy even though Cox
9 cannot rectify the billing problems of US WEST. US WEST's
10 refusal to address customer billing concerns in this area has had a
11 detrimental effect on the high quality of customer service Cox
12 provides its customers since affected customers have not been able
13 to obtain satisfaction directly from the party responsible for the
14 billing problems, US WEST.

10 5. General Technical Support: The LNP group within US WEST is
11 hard to reach and non-responsive to Cox's requests for problem
12 resolution; this is sometimes related to US WEST's own uncertainty
13 as to when it has actually transferred a ported telephone number to
14 Cox. First, many calls to US WEST are answered by voice mail and
15 are not timely returned, sometimes for days, despite the fact that Cox
16 is still experiencing many unresolved issues. Second, when calls
17 finally reach a live employee, US WEST staff has at times refused to
18 accept a trouble report placed by the Cox LNP group or Test Desk
19 on behalf of customers. Instead, Cox's customers must try to reach
20 US WEST, only to be told later that Cox still needs to make the call.
21 This process causes needless aggravation to Cox's new customers,
22 and makes it difficult to resolve the problem in a timely fashion.

17 6. Duplicate Assignment of Ported Numbers: In numerous instances,
18 US WEST has reassigned numbers ported to Cox customers to new
19 US WEST customers. In such instances, the Cox customer does not
20 receive calls. Cox has lost several customers due to this problem.

19 **Checklist Item No. 12**: Nondiscriminatory access to such services or
20 information as are necessary to allow the requesting carrier to
21 implement local dialing parity in accordance with the requirements of
22 section 251(b)(3).

22 **Position**: Cox has inadequate information at this time to determine whether US
23 WEST is in compliance with this item. Cox reserves the right to comment on this item if it
24 does obtain relevant information on compliance with this item.

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Checklist Item No. 13: Reciprocal compensation arrangements in accordance with the requirements of section 252(d)(2).

Position: Cox has inadequate information at this time to determine whether US WEST is in compliance with this item. Cox reserves the right to comment on this item if it does obtain relevant information on compliance with this item.

Checklist Item No. 14: Telecommunications services are available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3).

Position: Cox has inadequate information at this time to determine whether US WEST is in compliance with this item. Cox reserves the right to comment on this item if it does obtain relevant information on compliance with this item.

CONCLUSION

These above statements are preliminary in nature and are intended to identify those checklist items on which Cox affirmatively asserts US WEST is not meeting. Cox intends to fully set forth its affirmative position on compliance in its prefiled testimony and in this proceeding. Indeed, Cox continues to obtain information on US WEST's compliance with checklist items as a result of Cox's ongoing interactions with US WEST as Cox rolls out its local exchange service in Arizona.

September 7, 1999.

Respectfully submitted,

COX ARIZONA TELCOM. L.L.C.

By 

Lex J. Smith
Michael W. Patten
BROWN & BAIN, P.A.
2901 North Central Avenue
Post Office Box 400
Phoenix, Arizona 85001-0400
(602) 351-8000

1 Carrington Phillip
2 COX COMMUNICATIONS, INC.
3 1400 Lake Hearn Drive, N.E.
4 Atlanta, Georgia 30319

Attorneys for Cox Arizona Telcom, L.L.C.

5 ORIGINAL and TEN (10) COPIES
6 filed September 7, 1999, with:

7 Docket Control
8 ARIZONA CORPORATION COMMISSION
9 1200 West Washington Street
10 Phoenix, Arizona 85007

11 **COPIES** hand-delivered September 7, 1999, to:

12 Paul Bullis, Esq.
13 Maureen Scott, Esq.
14 Chief Counsel, Legal Division
15 ARIZONA CORPORATION COMMISSION
16 1200 West Washington Street
17 Phoenix, Arizona 85007

18 Deborah R. Scott, Esq.
19 Director, Utilities Division
20 ARIZONA CORPORATION COMMISSION
21 1200 West Washington Street
22 Phoenix, Arizona 85007

23 **COPIES** mailed September 7, 1999, to:

24 Richard S. Wolters, Esq.
25 AT&T COMMUNICATIONS OF THE MOUNTAIN STATES
26 1875 Lawrence Street, Suite 1575
Denver, Colorado 80202
*Counsel for AT&T Communication of the Mountain States;
and AT&T Local Service*

Joan S. Burke, Esq.
OSBORN & MALEDON
2929 North Central Avenue, Suite 2100
Post Office Box 36379
Phoenix, Arizona 85067-6379
*Counsel for AT&T Communications of the Mountain States;
and NEXTLINK Arizona, Inc.*

1 Daniel Waggoner, Esq.
DAVIS WRIGHT TREMAINE
2 2600 Century Square
1501 Fourth Avenue
3 Seattle, Washington 98101-1688
Co-Counsel for NEXTLINK Arizona, Inc.
4
5 Alaine Miller
NEXTLINK Communications, Inc.
500 108th Avenue N.E., Suite 2200
6 Bellevue, Washington 98004
7
8 Raymond S. Heyman, Esq.
Randall H. Warner, Esq.
ROSHKA HEYMAN & DEWULF
Two Arizona Center
9 400 North Fifth Street, Suite 1000
Phoenix, Arizona 85004
10 *Counsel for Arizona Payphone Association*
11
12 Penny Bewick
ELECTRIC LIGHTWAVE, INC.
4400 N.E. 7th Avenue
Vancouver, Washington 98662
13
14 Michael M. Grant, Esq.
GALLAGHER & KENNEDY
2600 North Central Avenue
15 Phoenix, Arizona 85004-3020
Counsel for Electric Lightwave, Inc.
16
17 Richard M. Rindler, Esq.
Morton J. Posner, Esq.
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
18 3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116
19 *Counsel for GST Tucson Lightwave, Inc.;*
and GST Net (AZ), Inc.
20
21 Thomas F. Dixon
MCI TELECOMMUNICATIONS CORPORATION
707 17th Street, Suite 3900
22 Denver, Colorado 80202
23
24 Thomas H. Campbell, Esq.
LEWIS & ROCA L.L.P.
40 North Central Avenue
Phoenix, Arizona 85004
25 *Counsel for MCI Telecommunications Corporation;*
MCImetro Access Transmission Services, Inc.; and
26 *ACI Corp. dba Accelerated Connections, Inc.*

1 Frank Paganelli, Esq.
Colin Alberts, Esq.
2 BLUMENFELD & COHEN
1615 M Street, Suite 700
3 Washington, D.C. 20036
Co-Counsel for ACI Corp. dba Accelerated Connections, Inc.

4 Stephen Gibelli
5 RESIDENTIAL UTILITY CONSUMER OFFICE
2828 North Central Avenue
6 Phoenix, Arizona 85004

7 Donald A. Low, Esq.
SPRINT COMMUNICATIONS CO., L.P.
8 8140 Ward Parkway 5-E
Kansas City, Missouri 64114

9 Vincent C. DeGarlais
10 Andrew D. Crain
Charles Steese
11 Thomas M. Dethlefs
U S WEST COMMUNICATIONS, INC.
12 1801 California Street, Suite 5100
Denver, Colorado 80202

13 Timothy Berg, Esq.
14 FENNEMORE CRAIG, P.C.
3033 North Central Avenue, Suite 2600
15 Phoenix, Arizona 85012-2913
Counsel for U S WEST Communications, Inc.

16 Lex J. Smith, Esq.
17 Michael W. Patten, Esq.
BROWN & BAIN, P.A.
18 2901 North Central Avenue
Post Office Box 400
19 Phoenix, Arizona 85001-0400
Counsel for e:spire™ Communications, Inc.
20 *(fka American Communications Services, Inc.)*

21 
22 _____

23
24
25
26