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BEFORE THE 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-00000A-97-0238 **RHYTHMS LINKS INC.'S STATEMENT OF POSITION ON OSS ISSUES**

Rhythms Links Inc. ("Rhythms") provides this Statement of Position as requested by the Arizona Corporation Commission ("Commission") staff in its August 25, 1999 memorandum on the operational support systems ("OSS") workshop.

Rhythms offers high speed data transmission services to customers utilizing the new Digital Subscriber Line ("DSL") family of services. DSL technology enables a carrier, such as Rhythms, to use existing copper phone lines to deliver high speed data service. Because DSL relies on existing phone lines, DSL-based services can be delivered to virtually all customers' homes and businesses more quickly and at less cost than other data services. Rhythms' services can be used for telecommuting, dedicated access to the Internet and access to Intranet-type

networking solutions. Rhythms' provision of DSL service competes directly with US West DSL service, normally referred to as Megabit.

In order to provide this service, Rhythms is dependent on US West for three primary components. First, Rhythms needs to be able to collocate and maintain equipment at a central office. Second, Rhythms must lease "clean" copper loops that are unfettered with any interfering loop equipment, such as load coils. Third, Rhythms often requires the timely provision of unbundled transport facilities from US West because competitive interoffice transport alternatives are not available.

OSS is the lynchpin to the effective and efficient provisioning of these components of US West's network. Without OSS, Rhythms cannot deliver service to its customers on a timely and efficient basis. There are five OSS functionalities: pre-ordering, ordering, provisioning, billing and repair and maintenance. Rhythms will focus its comments on OSS requirements for pre-ordering, ordering and provisioning of loops, although it reserves the right to comment on other OSS workshop issues during the workshop proceedings. Rhythms must be able to order the unbundled loop, and other unbundled network elements to provision its service to its customers, through real-time unrestricted access to US West's OSS for pre-ordering, ordering and provisioning, maintenance and repair, and billing capabilities. In this context, Rhythms needs are no different from other CLECs who have worked on obtaining full and complete implementation of electronic OSS interfaces. Given Rhythms' experience with customer needs and provisioning of DSL-based services, Rhythms knows that it will require real-time electronic access, and will not be able to operate by manually obtaining information or placing orders. At a minimum, the Commission should require US West to provide the following OSS functions.

PRE-ORDERING

Rhythms requires real time access to basic loop "make-up" information – such as the physical medium of the loop (*i.e.* copper or fiber), loop length, the length and location of bridged tabs, the loop wire gauge, and the presence of load coils, repeaters, Digital Loop Carrier ("DLC") systems or Digital Access Main Lines ("DAMLs") – that will enable Rhythms to determine what and how to provision service to a particular end user.

Rhythms must have access to existing US West electronic, automated operations support systems and databases that allow rapid and efficient access to pre-ordering information about the technical make-up of a potential customer's loop. Thus, Rhythms will need specific information and data about US West's outside plant during the pre-ordering process to make effective business decisions so that Rhythms can provide the best service to its customers. Rhythms should be able within a few seconds to access information about the technical make-up of a particular customer's loop.

Rhythms plans to deploy a variety of DSL technologies, depending on the characteristics of US West's loop plant, for serving individual customers. Accordingly, Rhythms needs complete loop make-up information about each loop. Based on the loop make-up information, Rhythms will use a different technology to provide service to an end user with a very long loop or a loop served by a digital loop carrier, than one with a short, clean loop. Also, to allow Rhythms to make service guarantees to its customers regarding the speed of digital transmission and reliability, Rhythms must know the loop make-up information.

Access to accurate information about the physical characteristics of US West's loop plant will allow Rhythms' customer service representative to notify customers in a timely manner

regarding Rhythms' services for which they are eligible. Without complete loop make-up information, Rhythms must "guess" as to the loop characteristics. By the time the guessing is complete, precious time has elapsed and Rhythms is placed in a position to lose potential customers. If Rhythms' potential customers are forced to wait several days before learning whether they can receive service from Rhythms and what services are available, customers will likely not choose Rhythms but instead go with a carrier that has the information required to make a quick judgment, such as US West. The availability of loop make-up information for the initial contact with potential customers is critical to Rhythms' ability to win new customers and enable Rhythms to compete on equal footing with US West, which is presently offering DSL service in Arizona. It goes without saying that the ability to verify loop make-up during the pre-ordering phase of the customer-carrier relationship is fundamental to the ability of Rhythms to compete.

Electronic access to pre-ordering loop make-up data also allows Rhythms greater flexibility in structuring its work force because on-line systems can be used 24 hours a day to research the suitability of customer loops to support DSL. Electronic systems can support much greater volumes of inquiries than will manual systems. Time is of the essence in providing pre-ordering information, because the market for high-speed data services, in particular DSL services, is growing larger and more competitive every day, and the importance of the "first mover" or "first to market" dynamic is significant.

The FCC's March, 1999 *Advanced Services Order* specifically required ILECs to disclose to requesting carriers information with respect to the number of loops using advanced services technology and the type of technologies deployed on those loops. This requirement is built on the earlier FCC requirement to provide competing carriers with the information necessary to

formulate an accurate order for a customer, including "access" to the information such systems contained.

US West should be required to provide real time access to its loop make-up information. A Graphical User Interface access, such as that proposed by US West, simply does not provide a real time method of obtaining loop information and is cumbersome because it involves both delay and manual intervention. Until US West has a mechanized system in place, US West should provide manual access to make-up information, and the information should be provided to Rhythms within 48 hours of Rhythms' request, but in no event longer than the analogous loop make-up information interval applicable to US West's retail DSL based services.

A "loop qualification" process as proposed by some ILECs is not an acceptable substitute for real time access to loop make-up information. A "loop qualification" process allows the ILEC to determine for itself whether the loop is "qualified" for DSL rather than providing information by which Rhythms may determine for itself whether the loop is suitable for DSL. The ILEC determines whether a loop is "qualified" by developing an internal list of the criteria it deems necessary for a loop to support DSL.

The loop qualification process is unacceptable to Rhythms for several reasons. First, Rhythms should be allowed to determine for itself whether a particular loop is capable of supporting DSL service. Even if the loop is not acceptable for provision of some types of DSL service, it may support an alternate service that would be suitable for the customer. The determination of the best way to meet customers' needs must be placed in the hands of Rhythms, and not the underlying UNE provider, with whom Rhythms competes. Loop qualification allows US West to substitute its judgment for that of Rhythms as to the suitability of providing DSL

service to a customer. Providing loop make-up data to Rhythms so that it can make its own determination is more appropriate than allowing US West to veto Rhythms' efforts to use a loop to provide DSL service. Second, often ILECs impose significant charges to indicate whether a loop is "qualified" according to the ILEC's own internal criteria. Thus, a loop qualification process is analogous to a customer going into an auto parts store, asking whether the store has a particular type of tire, and being charged a fee to learn whether the store believes it can provide that type of tire from inventory. Finally, Rhythms' access to the raw, unfiltered loop make-up data can help prevent inadvertent or deliberate attempts by US West to deny a loop order or an inaccurate claim that no DLS-capable loop is available. DSL carriers, like Rhythms, work hand-in-hand with their vendors to provide state-of-the-art service. They are in the best position to solve tricky technical problems associated with the interconnection between old loop plant and newer technologies. For these reasons, Rhythms recommends that the Commission require US West to provide the underlying data regarding loop make-up, not just a loop "qualification" determination, to Rhythms.

ORDERING

The ordering process is the means by which Rhythms can ask that loops be provisioned. Once Rhythms knows the loop make-up information, it can decide whether to place an order. The order placement must be accomplished in an efficient and expeditious manner. Generally speaking, ordering can be done manually or electronically. Manual ordering is time consuming and far from efficient. Electronic ordering is available, or is being developed, for nearly every service ILECs offer today.

An efficient ordering system would support real-time electronic access for ordering. Such a mechanized access must include flow-through ordering for DSL-capable loops and should be based on an industry standard, such as EDI systems, so that Rhythms' employees can access and interact with US West's databases using the same protocols and formats. In essence, a fully mechanized, electronic ordering system would enable a Rhythms' employee from a remote location to emulate a US West employee in interacting with ordering systems.

An electronic ordering system should support an automatic flow-through process that enables a Rhythms' employee to place orders on-line. The system should utilize standardized order forms so that each time Rhythms places an order for a DSL loop, the process is always the same. Once an order form is completed and entered, the electronic system should provide a Firm Order Confirmation ("FOC") on orders for DSL-capable loops within 24 hours confirming whether the loop is available, the date the loop will be provisioned and a price quote. The price quote should provide itemized information about various charges that comprise the quote. The electronic ordering system should than automatically produce a work order for a technician who will do any physical provisioning work that may be necessary. Once any physical work is completed, the electronic system should generate a bill and automatically notify the carrier's repair and maintenance personnel that the loop is operational so that trouble tickets can be issued and resolved in a timely manner.

Until US West has deployed a standardized, real-time electronic access to ordering, the Commission should withhold its approval under §271 of the Act. Rhythms' experience to date with ordering from US West has been unacceptable. For example, Rhythms has experienced an inordinately high number of order rejections related to incorrect Connecting Facility Assignments

("CFA") information. Rhythms is dependent on US West for accurate CFA information. US West also routinely provides useless Firm Order Confirmations ("FOCs") because the due date contained on the FOCs is seldom, if ever, met. Rhythms expects these and other ordering problems to continue, if not worsen, as US West transitions to an electronic UNE ordering system.

PROVISIONING

In order to meet the expectations of Rhythms' customers, Rhythms must be able to obtain and provision copper loops from US West at least as quickly and reliably as they are provided to US West's retail arm. Since copper loops provisioned for DSL are technically indistinguishable from other UNE loops, US West should be required to provision those loops within the standard interval for UNE loops.

DSL loop provisioning is very similar to the provisioning of POTS loops. A customer's loop is identified and assigned a circuit number, which is similar to a POTS telephone number identification. Also an ordering code identifier is assigned, which denotes the type of loop requested. Once the order is entered, the system makes appropriate notifications that the loop has been provisioned and that appropriate signaling codes are assigned. The mechanized order drops out of the electronic process at the point that a work document is produced for the technician. The technician then works the appropriate loop by taking it off the US West frame and swinging it over to Rhythms' collocation cage.

An efficient provisioning system would be flexible enough to provide loops to Rhythms in a manner that meets Rhythms' business needs. For instance, Rhythms should be able to order loops according to any technical specifications, so long as those specifications are compliant with national, industry-wide standards. As part of that specification, Rhythms should be able to request

the specific type of "conditioning" required for a particular loop. Additionally, an efficient provisioning system would provide reasonable, accurate intervals for delivery of loops. Another critical element of an efficient provisioning is a pre-testing process through which Rhythms may verify that the loop being delivered actually works.

The ability to specify "conditioning" for loops is important for at least two reasons. First, Rhythms will be at a competitive disadvantage if it is not allowed to determine for itself how a loop should be provisioned. Rhythms proposes that it be permitted to accept the loop "as is" with no further guarantees from US West if, in Rhythms' judgment, it believes it can provide service given the loop make-up information provided by US West. Second, Rhythms should be given the ability to specify the necessary conditioning for loops to ensure that it obtains the same level of service that US West provides to itself and its own affiliates.

US West has the opportunity to see the total outside plant inventory for retail services, thus allowing itself the opportunity to find spare or alternative loop facilities that may not need conditioning (*e.g.*, load coils removed, acknowledge the presence of bridged taps) or to locate an alternative copper loop instead of the initial loop that may include a segment of Digital Loop Carrier. For example, if a customer has two loops currently provisioned on fiber, US West can rearrange the loops and cross connect one of those two pair to copper plant.

The loop provisioning interval becomes critical in light of the extended time US West takes to provide collocation. US West's provisioning intervals for collocation are quite lengthy and, in the time that Rhythms has been waiting for US West to complete Rhythms collocation, US West has been aggressively advertising and expanding its Megabit DSL service in Arizona. Thus, US West has successfully used its control over collocation to delay Rhythms' entry and mitigate

any crucial "first in" competitive advantage. Therefore, US West must not be permitted to further slow Rhythms provision of DSL services to Arizona customers through protracted loop provisioning intervals.

Where loops require one-time "conditioning" to remove interfering load coils, bridged tabs or repeaters, US West should be required to provide loops in the same interval as loops requiring a dispatch but, in any event, no more than 7 days. If US West is able to shorten the due date interval for its DSL retail product then the due date for Rhythms must be reduced to correspond to the level at which US West provides its retail product.

Pre-turnover loop testing is a critical piece of provisioning because it allows a CLEC to verify that a loop will perform as specified. Testing is required to verify continuity and line balance. Continuity testing assures that a line is operating properly all the way to the customer's premises. Line balance verifies that both lines serving a customer's premises are of the same length. The testing process takes place prior to US West turning the loop over to Rhythms and prior to closing the order-provisioning process to billing. These details are essential prior to commercial launch and must be performed in an efficient and mechanized manner.

TESTING

The testing phase of the OSS proceeding should include testing of DSL loops, not just POTS loops.

PERFORMANCE MEASURES

Performance measurements and penalties are two very important aspects of the pending Section 271 proceeding. It is important to have meaningful, effective and objective performance

measurements and penalties to ensure proper and effective compliance with the terms of the interconnections agreements.

Examples of objective benchmarks necessary to ensure timely response times include:

- Benchmarks for US West's average response time for OSS pre-order and order interface, firm order confirmations, mechanized completions within specific time frames, and mechanized provisioning accuracy.
- Performance measurements specifically related to provisioning copper loops for DSL-based services. Rhythms expects that US West's provisioning of the copper loop as a UNE will be measured for installations completed, missed due dates, and trouble reports for installations.
- Standards for missed collocation due dates, delay days, and percentage of processed orders.

CONCLUSION

OSS is critical to Rhythms' capacity to serve its customers and compete with US West. US West competes directly with Rhythms' DSL service and, therefore, has no incentive to provide OSS to Rhythms, except for US West's desire for §271 approval. As a result, the Commission should not provide any §271 approval until US West can demonstrate that it is providing efficient and effective OSS.

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DATED this 3rd day of September, 1999.

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