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Arizona Corporation Commission
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AZ CORP COMMISSION
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TO: THE COMMISSION

FROM: Utilities Division

DATE: January 31, 2001

RE: IN THE MATTER OF U S WEST COMMUNICATIONS, INC.'S COMPLIANCE WITH SECTION 271 OF THE TELECOMMUNICATIONS ACT OF 1996 (DOCKET NO. T-00000A-97-0238)

I. Background

The Federal Telecommunications Act of 1996 ("1996 Act") added Section 271 to the Communications Act of 1934. The purpose of Section 271 is to specify the conditions that must be met in order for the Federal Communications Commission ("FCC") to allow a Bell Operating Company ("BOC"), such as Qwest Corporation ("Qwest"), formerly known as U S WEST Communications, Inc. ("U S WEST")[1], to provide in-region interLATA services. The conditions described in Section 271 are intended to determine the extent to which local phone service is open to competition.

Section 271 (c)(2)(B) sets forth a fourteen point competitive checklist which specifies the access and interconnection a BOC must provide to other telecommunications carriers in order to satisfy the requirements of Section 271. Section 271 (d)(2)(B) requires the FCC to consult with State commissions with respect to the BOCs compliance with the competitive checklist. Also, Subsection (d)(2)(A) requires the FCC to consult with the United States Department of Justice.

Per Decision No. 60218, the Arizona Corporation Commission ("Commission") established a process by which Qwest would submit information to the Commission for review and a recommendation to the FCC whether Qwest meets the requirements of Section 271 of the 1996 Act.

On February 8, 1999, Qwest filed a Notice of Intent to File with the FCC and Application for Verification of Section 271(c) Compliance ("Application'), and a Motion for Immediate Implementation of Procedural Order. On February 16, 1999, AT&T Communications of the Mountain States, Inc. ("AT&T"), GST Telecom, Inc. ("GST"), Sprint Communications Company, L.P. ("Sprint"), Electric Lightwave, Inc. ("ELI"), MCI WorldCom, Inc., on behalf of its regulated subsidiaries ("MCIW"), and e-spire Communications, Inc. ("e-spire") filed a Motion to Reject Qwest's Application and Response to Qwest's Motion.

On March 2, 1999, Qwest's Application was determined to be insufficient and not in compliance with Decision No. 60218. The Application was held in abeyance pending

[1] For purposes of this Memorandum, all references to U S WEST have been changed to Qwest.

supplementation with the Company's case-in-chief, including Direct Testimony, pursuant to Decision No. 60218 and the June 16, 1998 Procedural Order. On March 25, 1999, Qwest filed its supplementation.

By Procedural Order dated October 1, 1999, the Commission bifurcated Operational Support System ("OSS") related Checklist Elements from non-OSS related Elements. The Order categorized Checklist Items 3, 7, 8, 9, 10, 12 and 13 as being non-OSS related.

At the request of several parties including Commission Staff, the Commission instituted a collaborative workshop process to evaluate the non-OSS Checklist Items. The December 8, 1999 Procedural Order directed the Commission Staff to conduct a series of Workshops on Qwest's compliance with Checklist Items 3, 7, 8, 9, 10, 12 and 13. Commission Staff was ordered to file draft Proposed Findings of Fact and Conclusions of Law for review by the parties within 20 days of each Checklist Item being addressed. Within ten days after Staff filed its draft Findings, the parties were directed to file any proposed additional or revised Findings and Conclusions. Staff had an additional ten days to issue its Recommended Report.

For "undisputed" Checklist Items, the Commission Staff was directed to submit its Report directly to the Commission for consideration at an Open Meeting. For "disputed" Checklist Items, Commission Staff will submit its Report to the Hearing Division, with a procedural recommendation for resolving the dispute.

On January 25, 2000, the first Workshop on Checklist Item No. No. 10 (Databases and Associated Signaling) took place at Qwest's offices in Phoenix. On March 7, 2000, an additional Workshop was conducted on Checklist Item 10.

At the conclusion of the second Workshop held on March 7, 2000, many issues were resolved among the parties. Outstanding issues from the March 7, 2000 Workshop included a commitment by Qwest to file supplemental information to the parties for their review and agreement. Qwest, AT&T and WorldCom were able to resolve all outstanding issues from the Arizona Workshops and in subsequent letters to Qwest stated that their remaining concerns on all outstanding issues on Checklist Item 10 had been resolved.

Upon agreement by all of the parties that all issues regarding Checklist Items 3, 7 and 10 were resolved and deemed undisputed, Staff submitted Proposed Findings of Fact and Conclusions of Law on Checklist Item 10 on January 4, 2001.

On January 19, 2001, AT&T and WorldCom submitted Comments on the Staff's Proposed Findings of Fact and Conclusions of Law. Qwest filed an Objection to the Comments of AT&T and WorldCom on January 26, 2001.

II. Discussion

Section 271(c)(2)(B)(10) of the 1996 Act requires the Bell Operating Company ("BOC"), in this case Qwest, to provide nondiscriminatory access to databases and associated signaling necessary for call routing and completion.

In the Arizona Workshops, AT&T and WorldCom brought several issues which Qwest subsequently resolved to their satisfaction. AT&T was concerned that Qwest's SGAT limited access to signaling to instances when an unbundled loop was ordered. AT&T stated that CLECs must have access to signaling for interconnection as well. AT&T also thought Qwest was requiring CLEC traffic to traverse through an ICDF or SPOT frame when the CLEC used collocation which raised reliability and quality concerns. Finally, AT&T was concerned as to the availability of Qwest's databases. Both AT&T and WorldCom were concerned with the Qwest Interconnect and Resale Resource Guide and its wholesale manual was not being updated to reflect that direct connections or direct access from a collocation space are available. Qwest was able to resolve both AT&T and WorldCom's remaining concerns such that Qwest's compliance with Checklist Item 7 was no longer in dispute.

In their Comments, AT&T and WorldCom stated that Qwest had agreed to incorporate into the Arizona Statement of Generally Available Terms and Conditions ("SGAT"), agreed upon changes to the language from other region Workshops. AT&T and WorldCom stated that Qwest had not done so and thus they could no longer agree that Qwest met the requirements of Checklist Item 10. WorldCom also raised a legal issue it had not brought up before in the Arizona Workshops, but which it had brought up in other region Workshops regarding the Calling Name Assistance ("CNAM") database.

On January 24, 2001, Qwest filed a statement that it would be incorporating all changes to its SGAT agreed to in other region Workshops in its SGAT in Arizona. Staff reviewed WorldCom's concern from out-of-state Workshops and determined that the FCC rules do not require BOCs such as Qwest to provide global access to the CNAM database, which is what WorldCom requests. Based upon the pleadings and record on Checklist Item 10, Staff believes that Qwest complies with Checklist Item 10 and recommends approval of the attached Final Report which finds that Qwest has met the requirements of Section 271 pertaining to Checklist Item 10.

III. Conclusion

Based upon the testimony, comments and evidence submitted as well as the consensus of the parties participating in the Workshops, no party with the exception of WorldCom, objects to a finding that Qwest complies with Checklist Item 10. Staff, therefore, recommends approval of the Final Report on Qwest's compliance with Checklist Item No.10.

Deborah R. Scott
Director
Utilities Division

DRS:MAD:lhm\MAS

ORIGINATOR: Mark A. DiNunzio

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

IN THE MATTER OF U S WEST COMMUNICATION, INC.'S COMPLIANCE WITH SECTION 271 OF THE TELECOMMUNICATIONS ACT OF 1996	)	DOCKET NO.T-00000A-97-0238 DECISION NO._____ ORDER

Open Meeting
February 13 and 14, 2001
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. The Federal Telecommunications Act of 1996 ("1996 Act") added section 271 to the Communications Act of 1934. The purpose of Section 271 is to specify the conditions that must be met in order for the Federal Communications Commission ("FCC") to allow a Bell Operating Company ("BOC"), such as Qwest Corporation ("Qwest"), formerly known as U S WEST Communications, Inc. ("U S WEST")1, to provide in-region interLATA services. The conditions described in section 271 are intended to determine the extent to which local phone service is open to competition.

2. Section 271 (c)(2)(B) sets forth a fourteen point competitive checklist which specifies the access and interconnection a BOC must provide to other telecommunications carriers in order to satisfy the requirements of section 271. Section 271 (d)(2)(B) requires the FCC to consult with State commissions with respect to the BOCs compliance with the competitive checklist. Also, Subsection (d)(2)(A) requires the FCC to consult with the United States Department of Justice.

3. Per Decision No. 60218, the Arizona Corporation Commission ("Commission") established a process by which Qwest would submit information to the

1 For purposes of this Order, all references to U S WEST have been changed to Qwest.

Commission for review and a recommendation to the FCC whether U S WEST meets the requirements of Section 271 of the 1996 Act.

4. On February 8, 1999, U S WEST filed a Notice of Intent to File with the FCC and Application for Verification of Section 271(c) Compliance ("Application'), and a Motion for Immediate Implementation of Procedural Order. On February 16, 1999, AT&T Communications of the Mountain States, Inc. ("AT&T"), GST Telecom, Inc. ("GST"), Sprint Communications Company, L.P. ("Sprint"), Electric Lightwave, Inc. ("ELI"), MCI WorldCom, Inc., on behalf of its regulated subsidiaries ("MCIW"), and e-spire Communications, Inc. ("e-spire") filed a Motion to Reject Qwest's Application and Response to U S WEST's Motion.

5. On March 2, 1999, Qwest's Application was determined to be insufficient and not in compliance with Decision No. 60218. The Application was held in abeyance pending supplementation with the Company's case-in-chief, including Direct Testimony, pursuant to Decision No. 60218 and the June 16, 1998 Procedural Order. On March 25, 1999, Qwest filed its supplementation.

6. By Procedural Order dated October 1, 1999, the Commission bifurcated Operational Support System ("OSS") related Checklist Elements from non-OSS related Elements. The Order categorized Checklist Items 3, 7, 8, 9, 10, 12 and 13 as being non-OSS related.

7. At the request of several parties including Commission Staff, the Commission instituted a collaborative workshop process to evaluate the non-OSS Checklist Items. The December 8, 1999 Procedural Order directed the Commission Staff to conduct a series of Workshops on Qwest's compliance with Checklist Items 3, 7, 8, 9, 10, 12 and 13. Commission Staff was ordered to file draft proposed findings of fact and conclusions of law for review by the parties within 20 days of each Checklist Item being addressed. Within ten days after Staff filed its draft findings, the parties were directed to file any proposed additional or revised findings and conclusions. Staff had an additional ten days to issue its Recommended Report.

8. For "undisputed" Checklist Items, the Commission Staff was directed to submit its Report directly to the Commission for consideration at an Open Meeting. For

"disputed" Checklist Items, Commission Staff will submit its Report to the Hearing Division, with a procedural recommendation for resolving the dispute.

9. Section 271(c)(2)(B)(x) (Checklist Item 10) of the Telecommunications Act of 1996 requires a Section 271 applicant, in this case Qwest, to provide or offer to provide nondiscriminatory access to databases and associated signaling necessary for call routing and completion.

10. On January 25, 2000, the first Workshop on Checklist Item No. 10 (Databases and Associated Signaling) took place at Qwest's offices in Phoenix.

11. On March 7, 2000, an additional Workshop was conducted on Checklist Item 10.

12. At the conclusion of the second Workshop held on March 7, 2000, many issues were resolved among the parties. Outstanding issues from the March 7, 2000 Workshop included a commitment by Qwest to file revisions to its Statement of Generally Available Terms and Conditions, wholesale guides and Interconnect and Resale Resource Guide for the parties to review and agree upon. Qwest, AT&T and WorldCom ultimately resolved all outstanding issues from the Arizona Workshops and in subsequent letters to Qwest stated that their remaining concerns on all outstanding issues on Checklist Item 10 had been resolved.

13. Upon agreement by all of the parties that all issues regarding Checklist Item 10 were resolved and deemed undisputed, Staff submitted Proposed Findings of Fact and Conclusions of Law on Checklist Item 10 on January 4, 2001.

14. On January 19, 2001, AT&T and WorldCom submitted Comments on the Staff's Proposed Findings of Fact and Conclusions of Law. In their Comments, AT&T and WorldCom stated that Qwest had agreed to incorporate into the Arizona SGAT, agreed upon changes to the language from other region Workshops. AT&T and WorldCom stated that Qwest had done so and thus they could no longer agree that Qwest met the requirements of

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Checklist Item 10. WorldCom also raised an issue it had not brought up in the Arizona Workshops, but which it had raised in other out-of-state Workshops regarding the Calling Name Assistance ("CNAM") database.

15. On January 24, 2001, Qwest filed a statement that it would be incorporating all changes to its SGAT agreed to in other region Workshops in its Arizona SGAT. Staff reviewed WorldCom's new concern from its participation in out-of-state Workshops and determined that the FCC rules do not require BOCs such as Qwest to provide global access to the CNAM database, as requested by WorldCom. Therefore, Qwest complies with the requirements of Checklist Item 10.

16. The attached Final Report dated January 30, 2001 is hereby submitted with Staff's findings and recommendation that Qwest has met the requirements of Checklist Item 10.

CONCLUSIONS OF LAW

1. Qwest is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. Sections 40-281 and 40-282 and the Arizona Commission has jurisdiction over Qwest.

2. The Commission, having reviewed the Final Report dated January 30, 2001, concludes that Qwest has met the requirements of Section 271 pertaining to Checklist Item No. 10 and the Final Report on Qwest's compliance with Checklist Item No. 10 is hereby adopted and approved by the Commission.

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ORDER

THEREFORE, IT IS ORDERED that the Final Report dated January 30, 2001 on Qwest's compliance with Checklist Item 10, is hereby adopted.

IT IS FURTHER ORDERED that this Order shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN COMMISSIONER COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____day of _____2001.

BRIAN C. McNEIL
Executive Secretary

DISSENT:_____

DRS:MAD:lhm

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DOCKET NOS. T-00000A-97-0238

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IN THE MATTER OF QWEST CORPORATION'S SECTION 271 APPLICATION

ACC Docket No. T-00000A-97-0238

FINAL REPORT ON QWEST'S COMPLIANCE

With

CHECKLIST ITEM: NO. 10 - DATABASES AND ASSOCIATED SIGNALING

JANUARY 30, 2001

I. FINDINGS OF FACT

A. PROCEDURAL HISTORY

1. On January 25, 2000, the first Workshop on Checklist Items No. 7 (911/E911, Directory Assistance and Operator Services) and No. 10 (Databases and Associated Signaling) took place at Qwest Corporation's[1] offices in Phoenix. Parties appearing at the Workshops included Qwest, AT&T, MCI WorldCom, Sprint, Cox, e-spire and the Residential Utility Consumer Office ("RUCO"). Qwest relied upon its original testimony submitted in March, 1999. Additional Comments were filed on January 20, 2000 by AT&T. Qwest filed Rebuttal Comments on January 24, 2000.

2. On March 7, 2000, an additional Workshop was conducted on Checklist Items 3, 7 and 10. Supplemental Comments were filed by AT&T on March 2, 2000 with Reply Comments filed by Qwest March 6, 2000.

3. The Parties resolved many issues at the two Workshops held on January 25, 2000 and March 7, 2000. Outstanding issues from the March 7, 2000 Workshop included a commitment by Qwest to supply amendments to its field documentation which reflected the agreements reached with respect to direct access for 911 and signaling traffic. On June 12, 2000, Qwest submitted documentation which it believed reflected the agreements reached with AT&T and Worldcom.[2] AT&T responded in a letter dated June 15, 2000 asking for time to review the documentation supplied by Qwest. AT&T also submitted a supplemental filing dated July 27, 2000, wherein it indicated that with the agreements reached on the documentation at the Washington Section 271 Workshops, AT&T considered all outstanding issues on Checklist Item 10 to be resolved.

4. Staff filed its Proposed Findings of Fact and Conclusions of Law on Checklist Item No. 3 on January 4, 2001. Comments were filed by WorldCom and AT&T. On January 26, 2001, Qwest filed an Objection to the Comments of WorldCom and AT&T. In their Comments on Checklist Item 10, both WorldCom and AT&T stated that Qwest agreed to bring agreements reached in other region Workshops on Checklist Item 10 back to Arizona for incorporation into the Arizona SGAT and that Qwest has not done so. On January 24, 2001, Qwest filed a pleading indicating that it would incorporate into the Arizona SGAT, all agreements reached with respect to SGAT language in other region Workshops on Checklist Item 10.

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[1] As of the date of this Report, U S WEST has merged with Qwest Corporation, which merger was approved by the Arizona Commission on June 30, 2000. Therefore, all references in this Report to U S WEST have been changed to Qwest.

[2] Letter from Steven R. Beck, Senior Attorney, Qwest.

B. DISCUSSION

1. Checklist Item No. 10

a. FCC Requirements

5. Section 271(c)(2)(B)(x) of the Telecommunications Act of 1996 requires a section 271 applicant to provide or offer to provide "[n]ondiscriminatory access to databases and associated signaling necessary for call routing and completion."

6. In the *Second BellSouth Louisiana Order*, the FCC required BellSouth to demonstrate that it provided requesting carriers with nondiscriminatory access to: "(1) signaling networks, including signaling links and signaling transfer points; (2) certain call-related databases necessary for call routing and completion, or in the alternative, a means of physical access to the signaling transfer point linked to the unbundled database; and (3) Service Management Systems ("SMS');" and to design, create, test, and deploy Advanced Intelligent Network ("AIN") based services at the SMS through a Service Creation Environment ("SCE").

7. In the *Texas 271 Order*[3], the FCC noted that in the *UNE Remand Order*,[4] it clarified that the definition of call-related databases "includes, but is not limited to, the calling name ("CNAM") database, as well as the 911 and E911 databases." Id. at para. 363.

b. Background

8. The Qwest network consists of end office switches, tandem switches and call-related databases. USW-7, p. 35. The Qwest network is interconnected with other networks, including the switches of interexchange carriers, other local exchange carriers and CLECs. USW-7, p. 35. Each of these switches and call-related databases, regardless of provider, can be considered a "node" on the Public Switched Telephone Network ("PSTN"). USW-7, p. 35. Each node in the PSTN must exchange information with other nodes to facilitate the completion of a local or long distance telephone call. USW-7, p. 35. The exchange of information between network nodes is referred to as signaling. USW-7, p. 35.

9. The signaling network facilitates communication between end office switches, tandem switches, interexchange carrier switches, CLEC switches and other

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[3] *In the Matter of Application of SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas*, CC Docket No. 00-65, Memorandum Opinion and Order (Rel. June 30, 2000)("Texas 271 Order").

[4] *In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, (Rel. November 5, 1999)(UNE Remand Order).

local exchange carrier switches for establishing voice grade trunk connections. USW-7, p. 36. The signaling network also facilitates communication between the switches and the various call-related databases that are associated with the signaling network. Id. Signaling is an essential component of interconnection. AT&T-4 at p. 18.

10. Signaling on the Public Switched Telephone Network is now almost universally performed through a separate signaling network using the Signaling System 7 (SS7) protocol. USW-7, page 36. The signaling network is a packet switched communication network that allows call control messages to be transported on a dedicated high-speed data network that is separate and distinct from the voice communication network. USW-7, p. 36.

11. Qwest's signaling network consists of the following components:

Signaling Links - connect to a network node, such as an end office, tandem, or call-related databases to the signaling network.

Signal Transfer Points - STPs are the "tandem switches" of the signaling network.. Network nodes will deliver a signaling message via its signaling link to the STP. Depending on the destination of that signaling message, the STP delivers the signaling message to another signaling link for delivery to the terminating network node.

Call-Related Databases - databases that are used in the routing of voice traffic on the PSTN, which includes the 800/888 toll-free service database, LIDB, Local Number Portability (LNP), the Calling Name database, and the AIN database.

Service Management System - a system used to update the contents of a call-related database.

12. Signaling links connect a network node such as an end office, tandem, or call-related database for the signaling network. TR. at p. 106.[5] Signaling Transfer Points ("STPs") are the tandem switches of the signaling network. TR. at p. 106. Signaling links from the various network nodes terminate at the STP, and depending on the destination of the signaling message, the STP delivers the signaling message to another link for delivery to the terminating network node, call-related databases, stored data use for billing and collection or the transmission routing or provision of the telecommunications service. TR. at p. 106. If a call-related database is required for a given call, the end office or tandem switch will send a query over the signaling network to the appropriate call-related database which will return information useful in processing the call. TR. at p. 107.

13. The Qwest switch must pass information to the CLEC switch for interconnection to work. Any call from a CLEC customer to a Qwest customer or from a Qwest customer to a CLEC customer involves signaling. AT&T-4, p. 18. Unbundled signaling refers to the ability of a CLEC to lease signaling capability from

[5] Transcript references in this section are to the January 25, 2000 Workshop.

Qwest instead of building its own signaling network or leasing signaling capability from a third party. AT&T-4 at p. 18. Specifically, the CLEC must either install a STP, lease this capability from Qwest, or lease an STP from a third party. The STP is the switching and mediation point for signaling traffic from one switch to another. AT&T-4 at p. 18.

14. Call-related databases store data that is used in the routing of traffic on the PSTN. USW-7, p. 40. If a call-related database is required for a given call, the end office switch or tandem switch will send a query, over the signaling network, to the appropriate call-related database, which will return information useful in processing the call. USW-7, p. 40.

15. Following is a brief description of the various call-related databases.

a. Local Number Portability (LNP) - This database stores the identification of the end office switch that serves a particular telephone number. Qwest has deployed a LNP database that serves the Phoenix and Tucson metropolitan areas. USW-1, at p. 40.

b. Line Information Database (LIDB) - This database provides screening and validation on alternately billed services for operator handled calls, including billed-to-third, collect, and calling card calls. The records in LIDB include both Qwest and CLEC end users. USW-1, at p. 40.

c. 800/888 Database – This database enables a CLEC to determine where an originating 800/888 toll-free call should be routed. The database transmits the call routing information to the CLEC over the same signaling network on which the request was received. The CLEC uses this routing information to forward the call to the appropriate network for call completion. USW-1 at p. 41.

d. InterNetwork Calling Name (ICNAM) Database – This database enables a CLEC to query for the listed name information for the calling number in order to deliver that information to the CLEC's end user (called number).

e. Advanced Intelligent Network (AIN) database - is the brand name for a type of call-related database that can be used to provide new features for an end user.

16. Qwest provides the following LIDB services to CLECs:

a. Initial LIDB Load. CLECs may store end user line records in Qwest's LIDB database. When this service is first purchased from Qwest, Qwest must conduct an initial load of the CLEC's records in the Qwest LIDB. The initial load is often performed by a Qwest subcontractor.

b. LIDB Updates. Once the CLEC has stored its initial set of records in the Qwest LIDB, CLECs may submit line record updates for the LIDB database via e-mail or facsimile. If CLECs submit updates via e-mail, the electronic file must be formatted to load into the Line Validation Administration System ("LVAS"). Updates submitted by CLECs will be processed twice daily.

c. LIDB Queries. During the completion of a call to the CLEC's customer, the originating local exchange carrier or an interexchange carrier may query the Qwest LIDB to determine, for example, whether the CLEC's customer will accept a collect call.

USW-13, p. 18.

c. Position of Qwest

17. On March 25, 1999, Qwest witness Margaret S. Bumgarner provided Direct Testimony stating that Qwest provides nondiscriminatory access to its signaling network, including signaling links and signaling transfer points through the terms of its proposed SGAT as well as the terms of Commission-approved interconnection agreements. USW-7 at p. 34.

18. Qwest's proposed SGAT, Section 10.15.1.1., provides that CLECs may interconnect with Qwest's signaling network to facilitate signaling between their switches and Qwest's end office and tandem switches. USW-7 at p. 34. The original SGAT also contains additional terms and conditions for nondiscriminatory access to the Qwest databases and associated signaling network:

> Qwest will provide CLEC with nondiscriminatory access to signaling networks, including signaling links and signaling transfer points. Access to Qwest's signaling network provides for the exchange of signaling information between Qwest and CLEC necessary to exchange traffic and access call-related databases. Signaling networks enable CLECs the ability to send signals between its switches and Qwest's switches, and between its switches and those third party networks with which Qwest 's signaling network is connected. CLEC may access Qwest's signaling network form each of its switches via a signaling link between its switch and the Qwest STP. The connection between CLEC's switch and the Qwest signaling network will provided in substantially the same manner as Qwest connects one of its own switches to the STP.

19. CLECs may interconnect their switches directly to Qwest's STPs, CLECs may interconnect their own STPs with Qwest's STPs, or the CLEC may also interconnect with Qwest's signaling network to a third-party signaling network provider. TR. at p. 107. This would include other carrier's switches that are connected to the Qwest signaling network.

20. When the CLEC interconnects their switches directly to Qwest's STPs, or interconnect their own STPs with Qwest's STPs, their call routing and database queries are handled in the same manner as Qwest call routing and database query. TR. at p. 107. The CLEC signaling traffic is routed over the Qwest signaling network in the exact same manner as Qwest's signaling traffic is routed. TR. at p. 107.

21. When the CLEC orders unbundled switching, the CLEC's signaling traffic is routed over the Qwest signaling network in the exact same manner as Qwest's signaling traffic is routed. USW-7 at p. 39. See also, Section 10.13.2.2 of Qwest's proposed SGAT.

22. Qwest has legally binding commitments to provide such access in its SGAT and in its various interconnection agreements in Arizona. TR. at p. 105. There are several carriers interconnected with Qwest's signaling network in Arizona and there are also third-party signaling network providers interconnected to Qwest's signaling network providing access for other carriers. Id.

23. Qwest has documented its processes and procedures for providing access through its signaling network and call-related databases which are posted on the Qwest website. TR. at p. 105.

24. Qwest also provides nondiscriminatory access to its call related databases including calling database, 911 database, line information database, toll free calling database, advance intelligent network database, and the number portability database. TR. at p. 107. Terms and conditions for access to AIN, Line Information Database (LIDB), 800/888 and Calling Name databases are contained in Sections 10.16, 10.17, 10.18 and 10.19 of the original Qwest proposed SGAT. USW-7 at p. 34.

25. Qwest is legally bound to provide access to all of these databases through its SGAT and interconnection agreements. TR. at p. 108.

26. For LIDB and the calling name databases, CLECs transmit updates via an e-mail with a data formatted file to be loaded into the line validation administration system or LVAS. TR. at p. 108. Or the CLEC can use a facsimile process for updates twice a day. TR. at p. 108. Qwest updates from the service order provisioning interface to load data into the same LVAS system, using the same format as the CLEC's file. TR. at p. 108.

27. For AIN, a CLEC can use the AIN/SMS process, which is largely manual, to update a record in the existing Qwest AIN database. The CLEC may also use the Qwest service creation process to create a new AIN service to be placed in a Qwest AIN database for the CLEC's use. The current service creation manual process is built by a Qwest AIN technician and is the same manual process used for Qwest's service creation. TR. at p. 109. The CLEC may populate end-user data using an electronic file for loading by an AIN technician into the database or electronic access will be addressed as part of

the AIN customized service or service creation process if it's desired by the CLEC. TR. at p. 109.

28. The records in Qwest's number portability and toll free calling databases are updated by downloading information from third-party owned and administered databases. TR. at p. 109. In the case of number portability database, LNP, the records are updated from a regional database owned and administered by Neustar, as required by the FCC. The information in Qwest's toll free calling database is updated from a national database administered by Telecordia, according to the FCC's rules. TR. at p. 109.

29. Qwest witness Bumgarner also stated that Qwest provides access, on an unbundled basis, to the Qwest Service Management Systems ("SMS") that will allow CLECs to create, modify or update information in Qwest's call-related databases. For the service management system, the FCC required Qwest to provide CLECs with information necessary to enter correctly or format for entry the information relevant for input into the service management system. TR. at p. 108. Qwest provides access on an unbundled basis to the SMSs for creating, modifying or updating information in Qwest's call-related databases. TR. at p. 108.

30. Qwest protects the customer proprietary information that is included in call-related databases. USW-7, at p. 42. For LIDB service, Qwest is implementing a service provider identifier applied to each end user line record in the database. Id. The identifier will designate the owner of each line record to ensure the records of one provider are not shared with another provider. Id. Access to the database is limited to a specific group of employees responsible for managing the LIDB database. Id. The AIN database will also include a unique identifier in each customer record that will designate the "responsible organization" or the record owner. USW-7, at p. 42. As with LIDB, the AIN database is restricted to a specific group of Qwest employees, in a safe harbor environment, responsible for maintaining the database. USW-7, at p. 42. This restriction is intended to preserve the privacy of customer records. Id. The service provider for each customer record can be identified and is used to dictate the availability of information. Id.

d. Competitors' Position

31. Parties filing preliminary Statements of Position on July 22, 1999, on Qwest's compliance with all Checklist Items, included AT&T, ELI, e-spire, Cox, Rhythms, NEXTLINK, WorldCom and Sprint. AT&T stated that Qwest was not in compliance with the requirements of Checklist Item 10. AT&T-1 at p. 12. Cox and e-spire stated that they had inadequate information to determine Qwest's compliance with Checklist Item 10. ELI filed comments stating that it joined in the Position Statements of other CLECs regarding Checklist Item 10. MCI filed comments stating that it had no information to suggest that Qwest is or is not in compliance with this Checklist Item. Rhythms did not offer a Statement of Position on Checklist Item No. 10. NEXTLINK stated that Qwest did not meet this Checklist Item since Qwest refused NEXTLINK's requested for access to SS7 and AIN databases and networks. Sprint can not provide

comment at this time because it has not yet attempted to obtain access to numbers in Arizona.

32. In its January 20, 2000 Supplemental Comments filed before the first workshop to determine Qwest's compliance with Checklist Item 10, AT&T raised three issues related to 1) access to signaling for interconnection purposes versus access to signaling as an unbundled network element ("UNE") , 2) access to call-related databases, and 3) access to signaling with a ICDF or SPOT frame. Id. at pp. 19-20.

33. AT&T stated that Qwest "intermingles access to signaling for interconnection and signaling as an unbundled element." AT&T-4, p. 18. Qwest's provisions for signaling are contained in the Unbundled Loop Section of its SGAT. Id. at p. 18. AT&T expressed concern that if signaling was only contained in the SGAT's Unbundled Loop Section, that it could be implied that Qwest intends to limit access to signaling only when an unbundled loop is ordered, which AT&T stated would be inappropriate. Id. AT&T states that that the CLECs must have access to signaling for interconnection. AT&T-4, at pp. 18-19. AT&T argued that the FCC had reaffirmed and expanded its UNE rules in the UNE Remand Order yet Qwest had not updated its SGAT to conform to the FCC's UNE remand order. AT&T-4, at p. 19. CLECs, therefore have no assurances as to whether they will receive access to signaling and, if so, what they will ultimately receive for signaling from Qwest under the SGAT. Id.

34. AT&T also reiterated its reliability and quality concerns regarding the way in which Qwest offers access to signaling. According to AT&T, Qwest requires traffic to traverse through a ICDF or SPOT frame when the CLEC uses collocation to interconnect with Qwest. AT&T-4 at p. 19.

35. AT&T's third concern related to whether Qwest will offer access to call-related databases. AT&T-4 at p. 20. The SGAT includes call-related databases in the section on Unbundled Loops and Qwest's testimony implies that Qwest is considering an interpretation of the new FCC rules to unilaterally prevent CLEC access to call related databases. Id. at p. 20. There is a clear relationship between access to operational support systems and access to call-related databases and signaling. The FCC requires that Qwest provide nondiscriminatory access to the various functions of its OSS in order to provide access to such databases and signaling links in a timely and efficient manner. AT&T-4 at p. 20. AT&T states that if the CLECs do not have access to these databases, some CLECs would be unable to process calls and their business would be severely damaged. Id.

36. AT&T's remaining concerns are as follows. The SGAT does not provide nondiscriminatory access to databases. First, in Section 9.6.1.2, LIDB storage, Qwest requires that CLECs license the CLEC data for storage in Qwest's database but no terms or conditions for this license are provided. Second, Section 9.6.1.3 demonstates that Qwest does not provide parity to its provisioning of the LIDB database, since it addresses the future provision of electronic access to the database. In effect, Qwest provides electronic access for its own customers but not for CLEC customers. Third,

Section 9.6.2.2.2 requires CLECs to e-mail Qwest an ASCII file of their line records 2 times a day, regardless of any need to do so. Fourth, Section 9.6.2.3.1 requires that CLECs must reimburse Qwest for all charges that Qwest incurs relating to the input of CLECs' end user line record information. Fifth, Qwest still requires faxes for queries until an electronic means becomes available. Sixth, LIDB inquiry service is not mandated to be provided at parity, but rather assumes a 7 day order fulfillment process and a cumbersome LOA process. AT&T-4 at p. 22.

e. Qwest Response

37. In its Reply Comments filed January 24, 2000, Qwest reiterated its position that it fully complied with the requirements of Checklist Item 10. USW-13, p. 16. Both CLECs and third party signaling network providers operating in Arizona have interconnected with Qwest's signaling network. Id. Qwest provides competing carriers with access to unbundled signaling through the STP port, the entrance facility and the Direct Link Transport ("DLT'). Id. at p. 16. Further, Qwest's provision of unbundled signaling permits the CLEC to access call-related databases, such as the LIDB and the 800/888 database, and the AIN functions. Finally, Qwest states that it also provides nondiscriminatory access to Service Management System, which allows CLECs to create, modify, or update information in call-related databases. Id. And, Qwest claims that the rates for unbundled access to databases and signaling are cost-based under Section 252(d). Id.

38. Qwest states that contrary to what AT&T argues, it actually does provide access to both signaling for interconnection and signaling as a UNE. USW-13 at p. 17.

39. Qwest states that CLECs have the following options:

> 1) Order CCSAC/SS7 as an UNE, through the SGAT Section 9.4. Section 9.4.2.1 of the SGAT provides: "All elements of the unbundled CCSAC/SS7 arrangement will be developed on an individual case base based on CLECs design requirements.' All associated signaling costs are priced at TELRIC.
>
> 2) Order CCSAC/SS7 services from Qwest as a finished product defined in the current Access Tariffs (FCC #5, Section 20). This option is addressed in the SGAT section for interconnection, Section 7. TR. at p. 110.
>
> 3) Lease signaling arrangements from a third party competitor, who would be required to connect to the Qwest signaling network.

USW-13, at p. 17.

40. Qwest states that it currently has two CLECs in Arizona purchasing SS7 service as a UNE from Qwest. Id.

41. Qwest reiterated that it does not require the use of an intermediate frame to provision unbundled signaling. Id. at p. 17.

42. Qwest also responded to AT&T's concerns that Qwest's SGAT is not providing nondiscriminatory access to databases. USW-13, at pp. 18-22.

43. Qwest states that AT&T's general concern relating to access to databases may relate more to legitimate restrictions placed by Qwest because of the customer proprietary information contained in the LIDB database since service providers are not allowed to store or use this data for marketing purposes. USW-13 at pp. 18.

44. In response to AT&T's first concern that Qwest requires CLECs to license the CLEC data for storage in Qwest's database and that no terms or conditions for this license are provided, Qwest stated that it is required to allow access to the LIDB database to all local exchange carriers and interexchange carriers on a non-discriminatory basis. USW-13, at p. 19. Consequently, Qwest requires parties storing data in this database to give Qwest a license so parties can access all information contained in the database regardless of its source. Id. To do so otherwise would effectively destroy the usefulness of Qwest's LIDB. USW-13, at p.19. This situation is analogous to the use of third party information when providing directory listings.

45. In response to AT&T's concern that per Section 9.6.1.3 of the SGAT, "Qwest does not provide parity to its provisioning of the LIDB database, since it addresses the future provision of electronic access to the database and hence Qwest provides electronic access for its own customers, but not for CLEC customers, Qwest responded that it does in fact allow CLECs to choose whether to deliver their updates electronically or manually. TR. at p. 113. Qwest offers an electronic solution that processes all CLEC records on the same day the records are received. TR. at p. 113. However, since some CLECs can not send Qwest mechanized updates, they update their LIDB records by submitting memos and faxes, which Qwest manually loads. USW-13, at p. 19. If the CLEC submits batched files in an ASCII file format, batch files are electronically uploaded directly into the LIDB twice a day in Qwest's service order system using the same file format to transmit data to the LIDB database. TR. at p. 113. Emergency line information updates, which fall outside of the normal business process, are provided for in Qwest methods and accepted as stated in Section 9.6.1.4 of the SGAT. Id.

46. AT&T stated that Section 9.6.2.2.2 of the SGAT appeared to require that CLECs e-mail to Qwest an ASCII file of their line records 2 times a day, regardless of any need to do so. In response, Qwest stated that it only requires Qwest to do the update twice daily. Tr. at p. 114. The CLECs are not required to submit update twice per day. USW-13 at p. 20. Rather, Qwest, via SGAT Section 9.6.2.2.2, commits to performing LIDB updates twice per day. Id. Further, Qwest only requires CLECs to submit modified or changed records for LIDB database updates - not a reload of all the CLEC's LIDB records. USW-13, at p. 20.

47. Qwest also responded to AT&T's concerns that Section 9.6.2.3.1 of the SGAT requires the CLEC to reimburse Qwest for all charges that Qwest incurs relating to the input of CLECs' end user line record information. Qwest stated that if a CLEC provides Qwest with a large volume of new listings to be stored in the LIDB database, Qwest must prepare an initial load file for the CLEC data. Qwest subcontracts this work to a third-party software vendor and passes the software vendors' charges for the work through to the CLEC. USW-13, at p. 20. Qwest states that this charge is below Total Element Long Run Incremental Cost ("TELRIC").

48. Qwest does not, however, charge for updates, adds, changes, or deletions to the initial file. USW-13, at p. 20. As already explained, the charge is only applied to cover charges Qwest receives from a third-party software vendor for its work preparing a CLEC's LIDB line records for the initial load. USW-13, at p. 20.

49. Qwest also responded to AT&T's fifth concern that under Section 9.6.2.5 of the SGAT, "Qwest is still requiring faxes for queries until an electronic means becomes available." Qwest states that this section of the SGAT does address an inquiry from the CLEC to report on data content that is in the LIDB database. USW-13, p. 21. Multiple reports are available to the CLEC for their use in data validation. However, Qwest points out that this report process is the same process that Qwest uses for it's own internal review. USW-13 at p. 21. Qwest does not favor manual update processing; however, it provides this assistance to CLECs who lack the ability to submit electronic ASCII files. Id.

50. Finally, Qwest responded to AT&T's concern that "LIDB inquiry service is not mandated to be provided at parity, but rather assumes a 7 day order fulfillment process and a cumbersome LOA process." Although AT&T does not cite an exact Section of the SGAT, Qwest states that it assumes that AT&T is referring to SGAT Sections 9.6.34.2 and 9.6.3.4.3. USW-13, p. 22. If so, there are no parity issues, as these sections relate to the establishment of a new CLEC as a LIDB customer in the Qwest database. Id. Qwest also does not require CLEC's to submit letters of authorization from their end users. Id. The SGAT provision requires Hub Providers (third party signaling & database competitors) to provide letters of authorization from the CLEC that employs them indicating that the CLEC is willing to allow the Hub Provider to act on its behalf in offering and utilizing LIDB services. This letter is a one time submission (unless the CLEC withdraws authorization) so it is not inconvenient, particularly in light of the additional protection it affords CLECs, Qwest, and their end users. USW-13, p. 22.

f. Verification of Compliance

51. Qwest resolved all issues to the CLEC's satisfaction except for those discussed below, many of which were resolved at the January 25, 2000 Workshop.

52. At the Workshop, Qwest clarified that Section 7.2.2.5.1 of the SGAT addresses the option of a CLEC obtaining signaling in conjunction with interconnection. TR. at p. 121. While this appears to be the second option available to CLECs discussed in Finding of Fact No. 28, AT&T expressed concern that reference to "access" tariffs connotes payment by the IXCs, and since this is in connection with local traffic, the payments should be reciprocal. TR. at p. 119. Qwest agreed to add additional language to Section 7.2.2.5.1 of the SGAT to acknowledge that each of the parties would provide access to their signaling networks for mutual exchange of signaling traffic such as would occur in a typical interconnection scenario. TR. at p. 123. The parties agreed to address the compensation issue in connection with Checklist Item 1. TR. at p. 123-124.

53. To address AT&T's concern that Qwest requires CLECs to access signaling through an intermediate frame, i.e., an ICDF or SPOT frame, at the January 25, 2000, Workshop, Qwest stated that the it would provide for direct connections for a CLEC through access to the same cross connect device that Qwest uses for this purpose. TR. at pp. 129-130. The parties then agreed to the same resolution of the issue that had been adopted for 911 traffic. First, Qwest agreed to amend the Arizona SGAT to include paragraphs 8.2.1.24 through 8.2.1.26 from the Colorado SGAT first revision January 6, 2000, with any clarifications and changes agreed to. TR. at p. 60. One of the changes agreed to was to Section 8.2.1.26 of the Colorado SGAT to be brought into alignment with the language in the Nebraska SGAT. TR. at p. 60. Second, Qwest agreed to update relevant operational manuals to implement the SGAT changes. TR. at p. 60. Third, Qwest agreed to research the issue of whether any company may have tried to preserve the right to do direct connections and were denied after the FCC order became legally binding and effective. Id.

54. To address AT&T's concerns regarding having to enter into a licensing arrangement to access Qwest's LIDB database, Qwest stated at the Workshop that the terms of the license are basically the FCC rules and regulations regarding access to the LIDB database. TR. at p. 131. The license is solely for the purpose of getting the CLEC's permission to put their customer information into the LIDB database, and their agreement that they are subject to the rules that apply to these databases which have been established by the FCC. TR. at p. 131. No payment is required by anyone for this licensing arrangement. TR. at p. 131.

55. Qwest addressed WorldCom's concern regarding any mark-ups on the charges of third-party vendors for initially loading customer information into the LIDB database. TR. at pp. 133-134. Qwest stated that Qwest charges are a mere pass-through of the software vendors' charges for this work to the CLEC. There will be no additional mark-up to the vendors' costs added by Qwest. TR. at p. 134.

56. AT&T's concern regarding database updates was also addressed by Qwest at the January 25, 2000 Workshop. CLECs can use a mechanized interface or a manual interface to enter updates and if a mechanized interface is used, the mechanized interface is at parity with what Qwest does for itself. TR. at p. 134. All of AT&T's other concerns

relating to Qwest's call related databases were also addressed by Qwest at the January 25, 2000 Workshop. TR. at pps. 111-116.

57. It was agreed that Checklist Item 10 would remain open pending the submission of language by Qwest, for AT&T and WorldCom to review Qwest's proposed revisions to the SGAT, IRRG and it's wholesale manual.

58. On February 28, 2000, Qwest submitted updates to its Interconnect and Resale Resource Guide as discussed during the January 25, 2000 Workshop on Checklist Items 7 and 10. See USW-22. Qwest indicated in its accompanying letter that the information would be added to the Collocation Section of Tab 4 of the IRRG which describes the options CLECs have for interconnection. Qwest also indicated that references to this information would be added to the sections addressing Signaling and 911/E911 and that its Website would be updated with the information by the end of the week.

59. At the March 7, 2000 Workshop, Qwest submitted revised language to its IRRG, USW-22; to its SGAT, USW-23; and to its Tech Pub, USW-21; all indicating that direct connections or direct access from a collocation space are available. TR. at p. 69.

60. AT&T and WorldCom expressed concerns, however, regarding field documentation not being updated to reflect this option. TR. at pp. 70-71. As a result Qwest was asked to assemble a concise package of documentation for AT&T and WorldCom to review and sign off on before Checklist Item 10 was deemed undisputed. In addition, Qwest agreed that to the extent a CLEC had already requested and ordered direct connections for either 911 or signal links, and Qwest instead used an intermediate frame, Qwest agreed to correct the situation and make refunds where appropriate. TR. at pp. 71-72.

61. On June 12, 2000, Qwest submitted both public and confidential documentation describing Qwest's provisioning of direct connections for 911 and signaling.

62. AT&T responded in letters dated June 15, 2000, and July 27, 2000. In its July 27, 2000, supplemental filing, AT&T indicated that it and Qwest had recently reached agreement on the non-SGAT documentation regarding Checklist Items 7 and 10. AT&T attached a copy of the non-SGAT documentation agreed to for inclusion in the record. AT&T stated in its filing that with the documentation recently agreed to by AT&T and Qwest in the Washington Section 271 workshops, all outstanding issues on Checklist Item 10 were resolved.

63. Qwest agreed that carriers could opt into any revised SGAT language resulting from the Workshops. TR. at pps. 61-62.

64. In Workshops in other States, Qwest has agreed to modify sections 9.13.1.1, 9.13, 9.14, 9.15, 9.16 and 9.17 to meet concerns expressed by AT&T. Qwest

has filed a pleading committing to update the SGAT with this language, if parties do not object. Qwest's compliance with Checklist Item 10 will be conditioned upon incorporating the agreements reached in other States into the Arizona SGAT.

65. NEXTLINK never followed up on its statements contained in its initial Statement of Position that Qwest had denied it access to SS7 and AIN databases and networks in the Workshops on Checklist Item No. 10. Therefore, Staff is assuming that its concerns have since been addressed or that its concerns have been addressed with the resolutions reached between the other CLECs and Qwest on Checklist Item No. 10 issues. Further, NEXTLINK never offered anything other than anecdotal statements which were unsupported by actual facts, including specific instances, of denial by Qwest.

66. After the record had closed on Checklist Item 10, WorldCom in response to Staff's Proposed Findings of Fact and Conclusions of Law, raised a "disputed" issue not before raised in Arizona that had apparently been raised in other State Workshops in the Qwest Region. The issue is whether Qwest must make global access to its calling name assistance ("CNAM") database available to the CLECs to meet the requirements of Checklist Item 10 of Section 271 of the 1996 Act. WorldCom Comments at p. 16. Since this is a legal issue which directly implicates Qwest's meeting the requirements of Checklist Item 10, it is appropriate to examine the issue at this time before a finding of compliance can be made. After a thorough review of the WorldCom's arguments, we reject them and find that Qwest in limiting access to the CNAM to a per dip or per query basis complies with all existing FCC rules on this issue, including 47 C.F.R. Section 51.319. WorldCom itself acknowledges this but states that it may be technically feasible for Qwest to do it by means other than the "signaling network". See WorldCom Comments at p. 16. Unfortunately, the record here does not support WorldCom's proposal and Checklist Item 10 addresses Qwest's nondiscriminatory access to databases over Qwest's signalling network. Thus, we find that Qwest is in compliance with all existing FCC rules governing access to the CNAM database; and that the issue raised by WorldCom does not effect a determination that Qwest complies with the requirements of Checklist Item No. 10.

66. Notwithstanding Finding of Fact 65 preceding, no party waives its right to reasserting its position with respect to the CNAM database in further interconnection negotiations and/or arbitration proceedings involving Qwest.

67. No outstanding issues remain on Checklist Item 10 and hence no party, with the exception of WorldCom, objects to a finding that Qwest complies with the requirements of Checklist 10, subject to Qwest's updating its SGAT with the additional language agreed upon in other region Section 271 Workshops and Qwest's compliance with all relevant Section 271 performance measurements. WorldCom objects on the basis of its dispute over CNAM, an issue not raised in the Arizona Workshops but raised in other region Workshops, and therefore, objects to Findings of Fact 66 and 67; and Conclusions of Law 14 and 15.

II. CONCLUSIONS OF LAW

1. 47 U.S.C. Section 271 contains the general terms and conditions for BOC entry into the interLATA market.

2. Qwest is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. Sections 40-281 and 40-282 and the Arizona Commission has jurisdiction over Qwest.

3. Qwest is a Bell Operating Company as defined in 47 U.S.C. Section 153 and currently may only provide interLATA services originating in any of its in-region States (as defined in subsection (I)) if the FCC approves the application under 47 U.S.C. Section 271(d)(3).

4. The Arizona Commission is a "State Commission" as that term is defined in 47 U.S.C. Section 153(41).

5. Pursuant to 47 U.S.C. Section 271(d)(2)(B), before making any determination under this subsection, the FCC is required to consult with the State Commission of any State that is the subject of the application in order to verify the compliance of the Bell operating company with the requirements of subsection (c).

6. In order to obtain Section 271 authorization, Qwest must, inter alia, meet the requirements of Section 271(c)(2)(B), the Competitive Checklist.

7. Section 271(c)(2)(B)(x) of the Telecommunications Act of 1996 requires Qwest to provide access or offer to provide "[n]ondiscriminatory access to databases and associated signaling necessary for call routing and completion."

8. In the *Second BellSouth Louisiana Order*, the FCC required BellSouth to demonstrate that it provided requesting carriers with nondiscriminatory access to: "1) signaling networks, including signaling links and signaling transfer points; (2) certain call-related databases necessary for call routing and completion, or in the alternative, a means of physical access to the signaling transfer point linked to the unbundled database; and (3) Service Management Systems; and to design, create, test, and deploy Advanced Intelligent Network based services at the SMS through a Service Creation Environment.

9. In the *Second BellSouth Louisiana Order*, the FCC also concluded that a BOC must be in compliance with the regulations implementing 251(c)(3) and 251 (d)(1). Section 251(c)(3) establishes an incubment LEC's duty to provide, to any requesting telecommunications carrier for the provision of a telecommunications service, nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditiosn that are just, reasonable, and

nondiscriminatory in accordance with the terms and conditions of the agreement and the requirements of Section 251 and 252.

10. In the Texas 271 Order, the FCC noted that in the UNE Remand Order, it clarified that the definition of call-related databases "includes, but is not limited to, the calling name ("CNAM") database, as well as the 911 and E911 databases." Id. at para. 363.

11. As a result of the proceedings and record herein, Qwest's provision of nondiscriminatory access to databases and associated signaling necessary for call routing and completion is not disputed.[6]

12. As a result of the proceedings and reocrd herein, Qwest's provision of nondiscriminatory access to signaling links and signaling transfer points to requesting carriers is undisputed.

13. As a result of the proceedings and record herein, Qwest's provision of call-related databases necessary for call routing and completion, or in the alternative, a means of physical access to the signaling transfer point linked to the unbundled database, to requesting carriers is undisputed.

14. As a result of the proceedings and record herein, Qwest's provision of Service Management Systems and the design, creation and deployment of AIN based services at the SMS as required by the Act is undisputed.

15. No party objects to a finding or conclusions that Qwest complies with Checklist Item No. 10. Qwest provides nondiscriminatory access to its signaling network and call-related databases through the terms of its proposed SGAT as well as the terms of Commission-approved interconnection agreements.

16. Based upon the comments, testimony and exhibits submitted, no party, with the exception of WorldCom, objects to a finding that Qwest meets the requirements of Checklist Item No. 10, subject to Qwest's passing of any relevant performance measurements in the third-party OSS test now underway in Arizona, and its incorporating agreed upon language from other region workshops on Checklist Item 10 into its SGAT.

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[6] WorldCom objects to a finding that Qwest complies with the requirements of Checklist Item 10. WorldCom's objections are based upon an issue it raised in other region Workshops, but which it did not raise in the Arizona Workshops. See Finding of Fact 66 above.