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ARIZONA CORPORATION COMMISSION
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IN THE MATTER OF U S WEST )
COMMUNICATIONS, INC.'S )
COMPLIANCE WITH § 271 OF THE )
TELECOMMUNICATIONS ACT )
OF 1996 )

Docket No. T-00000A-97-0238

U S WEST'S COMMENTS
REGARDING THE MASTER
TEST PLAN

U S WEST Communications, Inc. ("U S WEST") respectfully submits these comments regarding the Master Plan for Testing U S WEST's Operations Support Systems in Arizona ("Master Test Plan" or "MTP"), dated April 6, 2000.

On April 7, 2000, the Arizona Corporation Commission's ("ACC") Staff filed the Master Test Plan with the ACC in accordance with the ACC's December 3, 1999 Procedural Order. The parties have invested substantial time and resources reaching agreement regarding the design of the third party test relating to U S WEST's Operations Support Systems ("OSS"). With only a few exceptions, the parties agreed on the provisions in the plan. In the few instances where the parties could not reach agreement, Staff has decided the disputes. U S WEST believes it would be inappropriate for any party to raise issues on which the parties have compromised. Moreover, while most of Staff's decisions on the disputed issues were not in U S WEST's favor, U S WEST participated in this process in good faith and accepts the fact that not all decisions were decided in its favor. U S WEST will not re-raise those issues here.

It is now time to finalize the test plan and move forward with testing. Accordingly, U S WEST requests that the ACC approve the Master Test Plan.

**The Parties Reached Agreement On Virtually All Issues.**

The Master Test Plan represents extensive collaboration between the ACC, its consultants, U S WEST, the Competitive Local Exchange Carrier ("CLEC") participants in the Test Advisory Group ("TAG"), and the third party test administrator. The parties invested substantial resources and effort, including many hours in face to face meetings, in order to reach agreement regarding the design of a test to evaluate the access U S WEST provides the CLECs to U S WEST's OSS. Through these efforts, the parties reached agreement on hundreds of issues. There were only a handful of issues on which the parties could not reach agreement. Those issues were escalated to Staff for decision. Staff agreed with U S WEST regarding some of those issues and agreed with the CLECs as to others. Thus, with few exceptions, the Master Test Plan represents the parties' compromise positions; the exceptions represent Staff's decision after considering the parties' positions.

**The Master Test Plan Does Not Represent An Agreed Statement Of Legal Position.**

The Master Test Plan represents the parties' negotiated agreements regarding the OSS test design, including the kinds of tests to be performed, products to be included, and specific measurements to be used. Because these parameters are very technical and required extensive knowledge of telecommunications and information technology systems and processes, these agreements were discussed and agreed to primarily by representatives of the parties who have the necessary technical knowledge. Thus, the Master Test Plan represents the parties' agreements regarding the technical parameters of the test and does not represent any agreement as to legal positions.

While the Master Test Plan is not intended to represent any consensus regarding propositions of law, certain statements in the document could be read as stating legal conclusions. For example, Section 8.1, MTP p. 53, contains the following sentence: "The Performance Measurements define those standards set by the ACC that U S WEST must meet in order to comply with Section 271 of the Act." Read literally, this is an incorrect statement of law. In its Memorandum Opinion and Order granting Bell Atlantic New York's application,<sup>1</sup> the FCC states:

The determination of whether a BOC's performance meets the statutory requirements necessarily is a contextual decision based on the totality of the circumstances and information before us. There may be multiple performance measures associated with a particular checklist item, and an apparent disparity in performance for one measure, by itself, may not provide a basis for finding noncompliance with the checklist. Other measures may tell a different story, and provide us with a more complete picture of the quality of service being provided. Thus, . . . we will examine whether the differences in the measured performance are large enough to be deemed discriminatory under the statute.

FCC's Bell Atlantic Order, ¶ 60. Thus, while performance measures have been defined for this test, the determination of whether U S WEST meets the statutory requirements of Section 271 is not based on a rote application of those performance measures.

The Master Test Plan also contains inaccurate references to the appropriate legal standard to be applied. For example, in Section 5.8, MTP p. 16, regarding the Retail Parity Evaluation, the bullet points set forth inquiries regarding whether the Pseudo-CLEC's access to systems or ability to perform functions is "equal" or "equivalent" to U S WEST's access or ability. Again, this is not a correct statement of the law. In the FCC's Bell Atlantic Order, the FCC plainly

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<sup>1</sup> *In the Matter of Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York*, CC Docket No. 99-295, Memorandum Opinion and Order, December 22, 1999 (the "FCC's Bell Atlantic Order").

stated that the appropriate standard to be provided in retail parity evaluations is that "the BOC must provide access to competing carriers in substantially the same time and manner as it provides to itself." FCC's Bell Atlantic Order, ¶ 44.

There are additional references in the Master Test Plan that could be construed as statements of law. As set forth above, the Master Test Plan is not intended to, and does not, represent any agreement regarding statements of law. Accordingly, while U S WEST agrees to be bound by the compromises reflected in the Master Test Plan relating the design of the OSS test, U S WEST does not agree to be bound by any statement of law in the document.

**The Master Test Plan Contains Minor Errors That Should Be Corrected.**

On April 13, 2000, Staff submitted its Notice of Filing Errata requesting the parties to substitute errata pages reflecting minor typographical corrections into the Master Test Plan. In addition to the errors Staff discovered and corrected, U S WEST has noted minor errors in the document. These errors, along with the appropriate corrections, are set forth in Appendix A. U S WEST requests that the Staff make the corrections set forth in Appendix A when it issues its interim Staff Report.

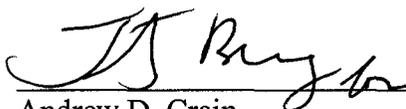
**The ACC Should Approve The Master Test Plan.**

The parties to this proceeding have discussed and debated every provision of the Master Test Plan. The CLECs and U S WEST have had many opportunities to attempt to convince each other, Staff, and the consultants involved in this proceeding that the Master Test Plan should be changed. In the end, each party agreed to the vast majority of the document and many issues were decided against U S WEST. U S WEST respectfully requests that the ACC affirm Staff's decisions on all disputed issues and approve the Master Test Plan.

DATED this 1<sup>th</sup> day of April, 2000.

Respectfully submitted,

**U S WEST COMMUNICATIONS, INC.**



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**CERTIFICATE OF COMPLIANCE WITH R14-3-107(C) OF THE  
ACC'S RULES OF PRACTICE AND PROCEDURE**

I hereby certify that I have this day served the foregoing documents on all parties of record in this proceeding by mailing a copy thereof, properly addressed with first class postage prepaid to:

**ORIGINAL and ten (10) copies of the  
Foregoing filed this 17th day of April, 2000 with:**

The Arizona Corporation Commission  
Docket Control – Utilities Division  
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Phoenix, AZ 85007

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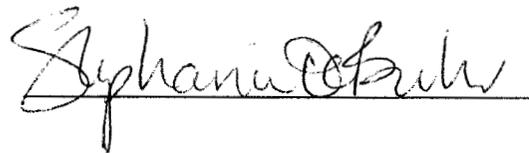
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Dated at Phoenix, Arizona, this 17th day of April, 2000.

A handwritten signature in cursive script, reading "Stephanie O'Brien", is written over a horizontal line.

## APPENDIX A

1. In the second paragraph of Section 2.2, MTP p. 4, the second sentence states:

The Pseudo-CLEC will develop an Interconnect Mediated Access (IMA) interface to U S WEST's Electronic Data Interchange (EDI) interface for use in the testing.

(Emphasis added.) This statement is incorrect because the Pseudo-CLEC will not develop an "Interconnect Mediated Access (IMA) interface." The words "Interconnect Mediated Access (IMA)" should be deleted.

2. In the first paragraph of Section 3.3.2, MTP p. 14, describing the Retail Parity Evaluation, the second sentence states:

Specifically, the purpose of this test is to determine whether a CLEC representative, using a U S WEST OSS interface, and provide a level of service and experience in substantially the same time and manner as the level of service and experience that a U S WEST representative can provide using a U S WEST standard interface.

(Emphasis added.) It appears that the underlined word "and" should be replaced with the word "can."

3. In the first paragraph of Section 5.1, MTP p. 30, the first sentence states:

The Retail Parity Evaluation is a type of functionality test that evaluates whether a CLEC representative, using a U S WEST intended OSS interface, is able to provide a level of service and experience to customers in substantially the same time and manner as the level of service and experience that a U S WEST representative can provide using the equivalent internal U S WEST OSS interface.

(Emphasis added.) The underlined word "intended" does not make sense in this context and should be deleted.

4. In the first paragraph of Section 7.2, MTP p. 44, the last part of the sentence reads: ". . . and U S WEST OSS Co-provider Industry Change Management Process (CICPM)." (Emphasis added.) The acronym transposed the "M" and "P;" it should read "(CICMP)."

5. In the second paragraph of Section 7.2, MTP p. 44, under the heading "CLEC Account Establishment," the second sentence states:

The evaluation will focus on the available documentation accessible to a CLEC business and on consultative assistance that U S WEST provides to a CLEC in getting additional documentation.

(Emphasis added.) The underlined portion does not accurately reflect the language the TAG agreed to use. The underlined portion should read as follows: "business, on consultative assistance that U S WEST provides to a CLEC, and on any additional documentation."

6. In the second paragraph of Section 7.2.4, MTP p. 50, bullet point "f)" states:

Determine whether U S WEST provide CLEC adequate access to testing facilities that enable CLECs to implement the EDI interface.

(Emphasis added.) The underlined phrase "U S WEST provide CLEC" should read "U S WEST provides CLECs." The underlined phrase "testing facilities that enable" is imprecise, and should be replaced with "testing that enables," which more accurately describes the testing opportunities U S WEST provides.

7. In the fifth paragraph of Section 7.2.4, MTP p. 50, under the heading "Monitor and Evaluate U S WEST's processes Supporting CLEC Interface Development," the second sentence states:

The Test Administrator will observe the processes for design and development of an EDI interface and the processes for design, development testing and implementing an IMA GUI Interface to the U S WEST OSS.

(Emphasis added.) The underlined phrases do not accurately reflect the language the TAG agreed to use. The first underlined phrase, "design and development of an EDI interface," should read as follows: "design, development, testing, and implementation of an EDI interface." The second underlined phrase, "design, development testing and implementing," should read as follows: "acquiring and implementing."

8. In the fifth paragraph of Section 7.2.4, MTP p. 51, under the heading "Monitor and Evaluate U S WEST's processes Supporting CLEC Interface Development," bullet point "a)" states:

Are U S WEST processes, timing and communications governing the development of an EDI interface to U S WEST's OSS or implementing a U S WEST IMA GUI interface to the U S WEST carried out in accordance with the U S WEST processes and procedures published and available to the CLECs?

(Emphasis added.) A word appears to be missing from the underlined phrase. "OSS" should be inserted at the end of the phrase so that it reads as follows: "or implementing a U S WEST IMA GUI interface to the U S WEST OSS."

9. In the second paragraph of Section 7.2.5, MTP p. 52, bullet point "c)" states:

Monitor and evaluate U S WEST's ability to execute change management method and procedures for a significant software release

(Emphasis added.) The phrase "method and procedures" should be "methods and procedures."

10. In Section 7.2.5.1, MTP p. 53, entitled "Entrance Criteria," reads as follows:

U S WEST's documented change management procedures

- a) Evaluation criteria and checklists
- b) Interview Questionnaire

The first line should be numbered "a)" and formatted as part of the list; the remaining items should be renumbered accordingly.