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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

) AT&T'S RESPONSE TO MOTION
) TO MODIFY AND/OR
) SUPPLEMENT THE JUNE 12, 2000
) PROCEDURAL ORDER

AT&T Communications of the Mountain States, Inc. and TCG Phoenix (collectively "AT&T") hereby respond to Staff of the Arizona Corporation Commission and Qwest Corporation's ("Qwest") Motion to Modify and/or Supplement the June 12, 2000 Procedural Order.

I. INTRODUCTION

Staff has attempted to resolve concerns raised by AT&T regarding drafts of the Motion circulated among the parties. However, Staff also had to listen to and attempt to resolve concerns expressed by Qwest. A number of changes have been made to the Motion to minimize AT&T's concerns; however, those concerns were not eliminated. Fundamentally, the Motion implicitly necessitates continued negotiations over scheduling matters, which will pit Qwest and its desire to complete the operation support systems ("OSS") testing as soon as possible against the competitive local exchange carriers ("CLECs") and their desire to schedule matters consistent with their available resources. This will become apparent when the provisions of the

Motion are discussed, especially the time periods imposed on responding to the test reports. It should be noted that Qwest was able to sign-on to the Motion; the CLECs were not so inclined.

A. The Workshop Dates

One of the fundamental problems of the order is that it sets firm dates for workshops, although the reports to be reviewed in some of the workshops have not been released. For example, the Capacity Tests workshop is set for September 25-28, 2001. No date is set for release of the Report. The longer it takes to release the Report, the less time there is for the CLECs to do all the things it is required to do under the terms of the Motion before the workshop.

AT&T is concerned that the pressure to hold the workshops on the dates set will reduce the time provided to AT&T to complete the review of the multiple reports, review the underlying data and prepare its comments and the questions that are required to be submitted before the workshop is held. AT&T believes it is necessary to state affirmatively in any Procedural Order that the workshop will not occur less than 30 days after the report is released. After a report is released, the parties and Staff would review available workshop dates. If a proposed date is less than 30 days, it should be extended.

B. The Motion Proposes Five Workshops on OSS

As proposed, there will be five workshops for the Retail Parity Test, Functionality Test, Capacity Test, Relationship Management Test and on the Final Report.¹ Prior to each workshop, CLECs must review the report, the underlying data located in Phoenix (which necessitates a trip

¹ Initially there were plans to hold six workshops. Staff consolidated the performance data review with the Functionality Test workshop. AT&T believes this is wise and supports the consolidation.

to Phoenix for some parties), file comments and file its questions in advance. The parties wishing to participate must also travel to Phoenix for each of the five workshops.

AT&T believes one workshop after the Final Report is released would be less burdensome on the CLECs and would create less scheduling problems. Staff and Qwest support multiple workshops. AT&T will not oppose the concept of multiple workshops. However, because holding multiple workshops places substantially more resource commitments on the CLECs, Staff must make accommodations regarding scheduling to enable the CLECs to cope with the additional commitments and resources multiple workshops impose.

C. Questions in Advance

The Motion proposes that the parties provide *all* questions in advance of the workshops. AT&T opposes this requirement. The Motion now allows the parties to ask "related" questions at the workshop. AT&T recognizes that asking the parties to submit questions in advance may be advantageous under certain circumstances, for example, questions that require some research to answer completely. The Motion, however, creates ambiguity and continues to restrict the parties due process rights.

The workshops are being held in lieu of hearings. If hearings were held no party would be precluded from asking questions at the hearing. Therefore, no limitations on questioning should be placed on parties because a less formal format is being used. The party asking the question is subject to the same risks -- that the person does not know the answer, does not have the information or data with him/her to answer the question or the correct person is not available to respond. To minimize these risks, parties ask discovery prior to the hearings or, as proposed, submit questions in advance. In any event, there is no basis nor reason to impose any type of

limitation on asking questions at the workshop. Any order adopted by the Hearing Division should make clear that no such limitations exist.

The Motion also provides that CGE&Y will provide written responses to the questions at least 2 business days in advance of the workshop. AT&T is concerned that it will receive the responses at the close of business and, in effect, will have only one day to review the responses to the questions. The Procedural Order should make clear that the responses are to be received no later than noon at least two days prior to the workshop.

D. Time to Respond to Reports

One of AT&T's concerns regarding previous drafts of the Motion is that they did not provide a definite time for parties to respond to the individual reports. This was a concern to AT&T because the Motion proposes to set specific dates for the workshops. AT&T was concerned that, in an attempt to meet the workshop dates, the CLECs would be provided insufficient time to review reports, review the underlying data and prepare comments and questions.

Staff agreed to place minimum time limits in the Motion.² This resolves some of AT&T concerns. However, it must be pointed out that these time limits are being established before the reports on the Capacity Test and Functionality Test have been issued. There is no way of knowing in advance the amount of work that will have to be done by the CLECs to review the reports, review the underlying data, prepare comments and questions and review the Test Administrator's responses, all prior to the workshops. The CLECs may be in the process of reviewing multiple reports, depending on the dates of release to the parties. There is no way for

² Motion at 3, n. 5.

the parties to reserve time in their schedules because the parties do not know in advance when the reports will be released.

The ability to review a report, the underlying data and prepare comments and questions is highly dependent on the findings and conclusions of the report, the release date and concurrent commitments of the CLECs in other section 271 proceedings. Therefore, if the CLECs are given the minimum 14 days to do all that is required by the Procedural Order, there may not be sufficient time. Therefore, AT&T believes the order should explicitly state that parties may seek an expedited review by the Hearing Division of the time established by Staff to review the reports, review the underlying data and prepare comments and questions.

E. Final Report

The Motion provides only 10 days for the parties to review the Final Report, review the underlying data and submit questions thereon.³ Furthermore, the workshop must be held 14 days after the release of the Final Report. This is unrealistic, and AT&T cannot agree to these time periods.

There is no way of knowing in advance how much the Final Report will deviate from the individual final reports. Nor do the parties know when the Final Report will come out.

This is the *final* report, the end of the road. It makes no sense at this point to disadvantage the CLECs. A few days more will not alter the grand scheme of things nor “delay” Qwest’s quest to file a section 271 application with the Federal Communications Commission.

The absolute minimum time that must be provided for in the Procedural Order is 14 days for filing comments and questions and 21 days for the workshop. Once again, the parties should be entitled to expedited appeal of the Staff’s decision.

³ Motion at 3, n. 5. See also the attachment, footnote 2.

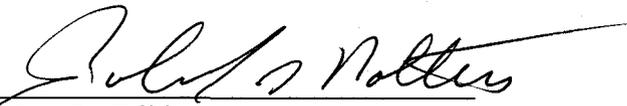
II. CONCLUSION

Staff is facing a lot of pressure to finish the test. It has become readily apparent to AT&T that processes in the test documentation (the Master Test Plan and the Test Standards Document) are not being followed by those involved in the test in an apparent attempt to complete the test as soon as possible. Legitimate requests by CLEC TAG members are being ignored. Ultimately, the test will suffer. Regardless, because of the undue pressure to complete the test as soon as possible, the CLECs must be assured that they will have sufficient time to review and comment on the reports and prepare for the workshops.

Based on recent circumstances regarding the test, AT&T questions whether its concerns will be addressed and accommodated or given short thrift in the name of expediency.

Respectfully submitted on this 3rd day of August 2001.

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CERTIFICATE OF SERVICE

I certify that the original and 10 copies of AT&T's Response to Motion to Modify and/or Supplement the June 12, 2000 Procedural Order in Docket No. T-00000A-97-0238 were sent by overnight delivery on August 3, 2001 to:

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