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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
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IN THE MATTER OF US WEST COMMUNI-
CATIONS, INC.'S COMPLIANCE WITH
§ 271 OF THE TELECOMMUNICATIONS
ACT OF 1996

Docket No. T-00000A-97-238

**COX ARIZONA TELCOM, L.L.C.'S
POST-WORKSHOP BRIEF ON LOCAL
NUMBER PORTABILITY**

Cox Arizona Telcom, L.L.C. ("Cox") submits its post-workshop brief on the
impasse issues regarding local number portability ("LNP").

INTRODUCTION

Cox provides facilities-based local exchange service in Arizona through the use of a
hybrid fiber coaxial network that is separate from Qwest's ubiquitous telephony network.
Because Cox uses its own network facilities, number porting is the key Qwest service used
by Cox in migrating customers from Qwest to Cox. The number porting occurs in close
conjunction with the physical connection of the customer's premises to the Cox telephone
network. As such, Qwest procedures on number porting and its representations to Cox
about the timing of number ports are critical to a successful customer migration without the
customer's loss of dial tone.

Section 271(c)(2)(B)(xi) of the 1996 Telecommunications Act requires Qwest to be
in compliance with the number portability regulations the FCC has adopted pursuant to
Section 251 of the 1996 Act. 47 U.S.C. § 271(c)(2)(B)(xi). Section 251(b)(2) of the Act
requires all LECs "to provide, to the extent technically feasible, number portability in

1 accordance with requirements prescribed by the [FCC].” 47 U.S.C. § 251(b)(2). The Act
2 defines number portability as “the ability of users of telecommunications services to retain,
3 at the same location, existing telecommunications numbers without impairment of quality,
4 reliability, or convenience when switching from one telecommunications carrier to
5 another.” 47 U.S.C. § 153(30). The FCC has incorporated this definition into its rules. 47
6 C.F.R. § 52.21(k).

7 Although Cox acknowledges that Qwest makes number portability available in
8 Arizona, the mere availability of number portability is not sufficient to meet Checklist Item
9 11. Cox has experienced – and continues to experience – a variety of problems with
10 Qwest’s number portability. Cox presented evidence of those problems through the
11 testimony of Mr. Markesi at the March 8, 2001 and May 15, 2001 workshops on LNP and
12 through supporting documentation. [See Ex. 5 Cox 1 (Cox’s initial comments and exhibits
13 thereto, introduced 3/3/01) and Ex. 5 Cox 2 (documentation of over 700 FOC rescissions,
14 introduced 5/15/01)] Cox is particularly concerned that Qwest still uses porting policies
15 and procedures that are the root of these problems and that are ineffective for the porting
16 needs of Cox, particularly in the residential market. Problems in the porting process hurt
17 both the customer and competition. LNP problems can greatly inconvenience the
18 customer, particularly if the customer is disconnected prematurely. Any failure on the part
19 of Qwest in the porting process taints Cox and, therefore, taints competition. Due to the
20 myriad of significant number portability problems Cox continues to experience, Qwest
21 does not yet meet the requirements of Checklist Item 11.

22 During the workshops, Qwest proposed solutions in response to Cox’s evidence
23 that, in theory, may resolve some of Cox’s problems and may result in adequate LNP.
24 However, the solutions only are in the process of being implemented and it is unknown if
25 they will work consistently over an extended period of time. Section 271 cannot be met by
26 the hope of a fulfilled promise. Moreover, Qwest has rejected other Cox proposals that
27 Cox believes are important for effective long-term LNP processes. Thus, even in light of

1 Qwest's proposals, Cox believes Qwest has not yet proven it has satisfied Checklist Item
2 11.¹

3 **Issue LNP 1(a) and 1(b) – Mechanized Process for Disconnect by Qwest**
4 **During Porting Process**

5 Cox presented substantial testimony on the problem of premature disconnection by
6 Qwest during the porting process. That disconnection results in a customer who has lost
7 dial tone – including the ability to call 911. Although Qwest has proposed several
8 workarounds to alleviate the problems, Cox believes they are – at best – potential short-
9 term solutions. Qwest needs to implement a mechanized solution that removes the human
10 error factor from the equation. The short-term solutions are still dependent on timely and
11 accurate human interaction to stop a disconnection. That does not always happen. Indeed,
12 Cox has continued to suffer premature disconnections due to failures of the existing
13 processes. At the workshop, AT&T filed documentation and provided testimony showing
14 that BellSouth has a mechanized process in place already. Qwest should follow
15 BellSouth's lead.

16 This issue is critical to increased residential competition. Disconnections related to
17 porting reflect poorly on the CLEC in the eyes of the new CLEC customer. Qwest's errors
18 make it appear that the CLEC cannot even hook up the customer without a disastrous
19 result. Such bad experiences create entry barriers for CLECs because reports of such
20 experiences make consumers less likely to switch to a CLEC. True competition will be
21 stifled if Qwest is allowed to continue its past practices in this area.

22 **Issues LNP 1(c) and 4 – Process for Expedited Reconnection**

23 At the workshop, Cox requested that Qwest incorporate an SGAT provision that
24 provided for expedited reconnection in the event a customer is prematurely disconnected
25

26 _____
27 ¹ Cox also has reviewed AT&T's brief on the LNP impasse issues and generally agrees
with and supports AT&T's position.

1 during the porting process. Cox suggested a range of two-to-four hours, which tracks a
2 similar period for repairs set forth in the MR5 PID (which requires certain troubles to be
3 cleared within four (4) hours). Qwest flatly refused. Cox believes that such a provision
4 should be included in the SGAT – and that Qwest should acknowledge MR5 covers
5 premature disconnects during LNP – to ameliorate the negative impact on CLECs from
6 such Qwest errors.

7 **Issue LNP 3 – Improper Rescission of FOCs/Improper Rejection of LSRs**

8 Cox continues to experience problems of having Qwest rescind FOCs after issuance.
9 At the workshop, Cox submitted over 700 examples of such rescissions that took place
10 over the first four months of 2001. Once Qwest issues an FOC, Cox sets into motion a
11 series of activities to port on the specified date, including notification of the customer and a
12 commitment of resources. Cox believes that once an FOC is issued, it cannot be rescinded
13 by Qwest. Qwest needs to improve its LSR process to avoid such events.

14 Qwest also has continued to reject LNP LSRs from Cox for numerous inappropriate
15 reasons. Such inappropriate rejections (which Cox explained and documented at the
16 workshops) create significant problems for Cox and the customer because it takes time and
17 resources to resolve the issues with Qwest. It also delays the port, reflects badly on Cox
18 and harms competition.

19 Although Qwest apparently is in the process of modifying its LNP LSR process to
20 avoid these improper FOC rescissions/LSR rejections, Cox will remain skeptical until
21 those modifications are in place and working effectively for some period of time. In the
22 meantime, Cox proposed specific SGAT language to keep Qwest obligated to its pursuit of
23 necessary modifications:

24 “10.2.5.5 – Qwest shall assure that business processes are in place to
25 ensure that: (i) CLEC LNP LSRs are rejected only for reasons
26 previously specified by Qwest as proper reasons for rejection and
27 (ii) FOCs for CLEC LNP orders are not rescinded.”

1 Qwest apparently has rejected this proposal even though it benefits the customer and serves
2 competition. Unless the SGAT includes such a provision, Cox does not believe Qwest is
3 adequately committed to meeting its LNP obligations on a permanent basis and therefore
4 does not meet Checklist Item 11.

5 **Issue LNP 2 – Disconnect Time Moved to 11:59 p.m. the Day Following**
6 **the Due Date**

7 Although Qwest proposed this change at the workshop as revised Section 10.2.5.3.1
8 [see Ex. 5 Qwest 56], Cox believes the Qwest proposal needs slight modification to
9 minimize customer inconvenience. At the workshop, Cox proposed that the last sentence
10 of Ex. 5 Qwest 56 be revised to read:

11 “The ten (10) digit unconditional trigger and switch trans-
12 lations associated with the end user customer’s telephone number
13 will not be removed, nor will Qwest disconnect the customer’s
14 billing and account information, until 11:59 p.m. (local time) of the
15 next business day after the due date.”

16 (Cox’s proposed language is underlined). Qwest rejected this proposal even though it is
17 critical to minimizing customer inconvenience if there is a premature disconnection during
18 the porting process.

19 **CONCLUSION**

20 At this point, Cox does not believe Qwest meets Checklist Item 11. Although
21 Qwest has promised several modifications to improve LNP, it is unknown if those
22 modifications will be implemented or will work. Cox believes that, at a minimum, the
23 Commission should require Qwest to fulfill its promises and – once the Qwest
24 modifications are implemented – should continue to monitor whether LNP is, in fact,
25 working effectively. The Commission can do this, in part, by (i) supporting newly
26 suggested PIDs regarding LNP that are pending before the TAG, and (ii) requiring the
27 Performance Assurance Plan to include such LNP-related PIDs.

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