

release an amended RME Report that incorporates the pseudo-CLEC reports.³ Staff, however, makes a number of statements that AT&T believes reflect a difference of perspective regarding the roles of the parties and the conduct of the test. Although AT&T will respond to a number of statements made by Staff, AT&T does not believe anything is to be gained by responding at length to Staff's response. Therefore, to the extent that AT&T does not respond to every assertion made by Staff, one should not conclude that AT&T agrees with Staff.

Qwest is the test subject, not the tester, and Qwest's general impression of the test process or interpretation of the test documents are suspect, since the failure to respond or address the objections raised by AT&T has generally allowed the test to proceed and the reports to be issue, regardless of the legitimate concerns raised by AT&T. Qwest argues AT&T merely seeks delay. However, Qwest would have the test proceed at full speed, regardless of the rules of the road, simply to complete the test. AT&T is asking that the test documents be adhered to in fact and in spirit to eliminate major sources of contention after the test is complete. This is in everyone's best interests.

II. ARGUMENTS

A. The Test Process Generally

Staff and Qwest note that the test process has been an open one.⁴ This is in large part due to the insistence of the competitive local exchange carriers ("CLECs") and the

³ Unfortunately, CGE&Y will have to supplement the amended RME Report to incorporate the pseudo-CLEC EB-TA Report

⁴ Staff Response at 10-11; Qwest Response at 2-3.

recognition by Staff that an open process will result in a better test overall.⁵ However, openness alone is not a panacea. Furthermore, openness in the process of preparing the test documentation alone is not sufficient. There must be openness during test design, execution and evaluation. The test execution and evaluation phases are very critical, and it is during these phases that many of AT&T's concerns identified in its Motion were raised. AT&T believes the principle of openness has been compromised during actual testing.

It has always been a concern of AT&T that if it raises an issue after the fact, even if that is the first time the issue became known to AT&T, it will be open to assertions that it simply wishes to delay the test. Although many of the issues raised by AT&T were raised before the tests were conducted, AT&T's concerns were ignored and the tests were conducted. Now, having been put in a position of having to file its Motion, Qwest raises its usual claim that AT&T is merely seeking to delay the test. Any delay will be attributable to the failure to adhere to the test documentation, not to AT&T. And if Qwest condones such behavior, the delay is also attributable to Qwest.

B. Retail Parity Test

AT&T essentially raised three issues regarding the Retail Parity Test: 1) CGE&Y and Staff, without Test Advisory Group ("TAG") approval, changed the methodology for testing;⁶ 2) CGE&Y failed to log test deficiencies to the Master Issue Log ("MIL") consistent with the § 271 Arizona Test Standards Document, version 2.7, dated June 24,

⁵ For example, see the Openness Report dated January 25, 2000, attached as Exhibit F to the Arizona § 271 Master Test Plan for Testing U S WEST's Operational Support Systems in Arizona version 4.0, dated April 6, 2000 ("MTP").

⁶ AT&T Motion at 6.

2000 (“TSD”);⁷ and, 3) CGE&Y inappropriately came to conclusions favorable to Qwest prior to a response by Qwest to a significant, outstanding IWO.⁸

Staff claims: 1) that the change in the test to a two-phased approach did not change the tests scope “but merely resulted in a change in the number of iterations for the statistical analysis conducted as part of the RPE;”⁹ 2) AT&T did not protest proceeding with the RPE;¹⁰ and, 3) at the workshop “no party expressed concern with the statistical methodology used by CGE&Y.”¹¹ AT&T disagrees with Staff.

AT&T did not agree to the two-phased approach. It did not formally protest because CGE&Y stated it was going forward with Phase II, regardless of TAG member questions on the methodological approach. Protesting the use of a two-phased approach appeared to be a useless gesture, since Staff was aware of the two-phased approach and raised no objections to proceeding with Phase II, although members of the TAG, including Qwest, raised questions regarding the two-phased approach. Moreover, AT&T questions whether its protest would have had any effect, considering that AT&T’s Motion was filed, in part, because CGE&Y and Staff allowed the tests to proceed in spite of AT&T’s objections and concerns.

AT&T did raise issues with the methodology at the workshop.¹² Although the two-phased approach may not have changed the scope of the test, it may have affected the ability of CGE&Y to draw statistically valid conclusions. AT&T questioned the

⁷ *Id.* at 7-9.

⁸ *Id.*

⁹ Staff Response at 4.

¹⁰ *Id.*

¹¹ *Id.*

¹² TR 323- 340 (Aug. 8, 2001).

sample size of some Phase II tests, since CGE&Y stated it could not draw any conclusions from some of the Phase II results because some sample sizes were too small. AT&T questioned why the sample sizes were not larger so that statistically supportable conclusions could be drawn from the results.

These two issues -- whether AT&T "protested" to the use of the two-phased approach or objected to the two-phased approach at the workshop -- may be written off to simple differences of perception. However, the RPE workshop did confirm that CGE&Y did not conduct two analyses required by TSD: 1) an evaluation of the relative edit and error checking capabilities available to CLEC and Qwest customer service representatives;¹³ and 2) a counting of pre-populated fields in the evaluation of the integration of pre-order and order capabilities.¹⁴ Therefore, the TSD was not adhered to.

Staff states that the IWO process was developed after the MIL process, the IWO process replaced the MIL process in the TSD and the IWO process "essentially performs the same function as the MIL."¹⁵ Whether the IWO process in Appendix I to the TSD was developed after the language in section 4.6 of the TSD is of no consequence. The IWO process was identified early on in the MTP.¹⁶ Although the process in the MTP and Appendix I to the TSD may be different and Appendix I may have been finalized after section 4.6 of the TSD, these facts by themselves do not cause Appendix I to amend or supersede section 4.6 of the TSD. The RPE section of TSD incorporates the IWO process as an addition to the MIL process. Therefore, any suggestion that the IWO

¹³ TSD, § 4.1(15).

¹⁴ *Id.*, § 4.2(3)(a).

¹⁵ Staff Response at 4.

¹⁶ MTP, § 2.2.1.

process replaced the MIL process is not accurate. Furthermore, no attempt was made by Staff to amend the RPE section of the TSD.

AT&T recognizes that the IWO process provides a notification process and allows the TAG to comment on the IWO and Qwest's response. What Staff fails to address is the failure of CGE&Y to either log deficiencies to the MIL or issue IWOs on a timely manner, the decision of CGE&Y to issue the RPE Report before Qwest responded to a significant IWO and the failure of CGE&Y to do all the evaluations required by the TSD.

C. Capacity Test

AT&T raised essentially two issues regarding the Capacity Test: the premature commencement of the Capacity Test and failure to resolve the time stamp issue. Staff responds that it believed all outstanding issues had been resolved to permit the start of the test. As to the time stamp issue, Staff claims "nothing prevented AT&T from asking that a TAG meeting be called for the purpose of discussing this issue or any of the other issues."¹⁷

Staff met with AT&T to identify and discuss all AT&T's concerns, after the Capacity Test had been run. Staff has requested that CGE&Y begin logging issues so items can be recorded and tracked.¹⁸ This may resolve the issue of timely addressing open issues raised by TAG members. However, AT&T is concerned that the Capacity Test started because, as Staff argues, AT&T did not bring an open issue to the TAG. Staff inappropriately is attempting to shift the blame to AT&T because CGE&Y and

¹⁷ Staff Response at 5.

¹⁸ *Id.*

Staff prematurely started the Capacity Test. There were a significant number of open issues that were ignored. No TAG meetings were scheduled. Staff has some obligation to see that open issues are addressed and there are regularly scheduled TAG meetings. Staff's rationale would permit the test to go forward with serious open issues. Whether the results are accurate is fundamental to the test itself. The test should not have started until the parties agreed on the meaning of the results. This is an entrance criteria of the test. Until the issue was resolved either by the TAG or by Staff as an impasse issue, the test was not suppose to start.

Contrary to Qwest's suggestions,¹⁹ AT&T did not object in its Motion to Staff's decision to rule against it on the connection facility arrangement issue ("CFA"). AT&T objected to the fact that Staff expedited resolution of the CFA impasse issue and allowed CGE&Y to run the test the day after Staff expedited review of the CFA impasse issue, without responding to AT&T's question regarding whether the TAG needed to approve the Detailed Test Plan. It is interesting to note that Staff still has not released its impasse resolution report on the CFA impasse issue. Section 2.2.4 of the MTP states that the Staff will notify the participants of its decision on any issued escalated to it. This has not been done.

Qwest argues that nothing in the TSD requires approval of the Detailed Test Plan.²⁰ The TSD states that the Detailed Test Plan will be "provided and reviewed with the pseudo-CLEC, the CLECs and U S WEST."²¹ The initial and final plans were provided to the TAG. The first plan was commented on and, arguably, reviewed with the

¹⁹ Qwest Response at 8.

²⁰ *Id.* at 10.

²¹ TSD, § 5.2.4.

CLECs. The Detailed Test Plan issued July 25, 2001, was not reviewed with the CLECs. The TSD specifically allows the “TA to amend and finalize the plan.”²² However, it does not say the TA “approves” the plan. AT&T specifically asked what the process, if any, was going to be for approving the Detailed Test Plan and never received a response.²³ At most, Qwest can claim there was an ambiguity on the test document. AT&T tried to address the ambiguity. The other participants did not and started the test.

AT&T argued that entrance criteria had not been met prior to testing.²⁴ Qwest claims that nothing in the MTP or TSD “requires the ‘consensus’ of AT&T that the entrance criteria had been met.”²⁵ AT&T disagrees. AT&T raised legitimate questions that entrance criteria had not been met, and those concerns were ignored. There was no opportunity to discuss the merits or need for TAG approval. This hardly represents the high level of cooperative collaboration called for in the TSD.²⁶ It should be noted that the TSD does not state who decides whether the entrance criteria have been met. But a careful reading of the TSD suggests the TAG does.

The Staff may resolve issues for which consensus has not been reached, but the TSD makes clear that it is the TAG that escalates unresolved issues to Staff.²⁷ The TAG is suppose to “[a]ccept participant input on matter relating to testing...”²⁸ The issues raised by AT&T were not accepted by the TAG (because no TAG meeting was scheduled) nor escalated to the Commission for decision in conformance with the TSD.

²² *Id.*

²³ AT&T Motion at 12.

²⁴ *Id.*

²⁵ Qwest Response at 9.

²⁶ TSD, § 1.2.

²⁷ MTP, § 9.7.

²⁸ *Id.*

The issues were simply ignored. AT&T's position is that the TAG decides if the entrance criteria have been met. If there is disagreement, the matter is escalated to the Staff.

Qwest argues that the 3-week period between successful completion of the Operations Readiness Test ("ORT") and the execution of the Capacity Test in the Detailed Test Plan is simply a matter of "scheduling convenience."²⁹ This attitude belittles the purpose of the Detailed Test Plan and the test process generally. Why let the CLECs review the Detailed Test Plan? Why have a Detailed Test Plan at all, if the Detailed Test Plan can be ignored in the name of "scheduling convenience?" It is this type of attitude that, in part, caused AT&T to file its Motion.

Qwest, like Staff, argues it was AT&T's obligation to raise objections to H-P's uncertainty analysis. This is simply an attempt to shift the blame from CGE&Y and Staff to AT&T for running the Capacity Test before the issue could be brought to the TAG, which AT&T was prevented from doing.³⁰ Qwest, and Staff, must be reminded that it was AT&T that raised the issue of the difference between the actual test results and IRTM results and the need to understand and resolve the difference. To say that AT&T subsequently failed to object to the uncertainty analysis results ignores the history of the issue itself. One cannot claim AT&T failed to object if the test was run before AT&T had an opportunity to raise issue with the results of the uncertainty analysis, especially since the Capacity Test was run 11 days earlier than permitted by the Detailed Test Plan.

Qwest argues that whether the MIL process was followed or not is irrelevant because the IWO process replaced the MIL process.³¹ Qwest misses the point. First, the

²⁹ Qwest Response at 10.

³⁰ The Detailed Test Plan states that the Capacity Test will be run no earlier than 3 weeks after the ORT. The test was run 10 days after ORT 5, not 21 days. AT&T Motion at 12.

³¹ Qwest Response at 12-14.

MIL process was not followed, and the TSD language was not changed. More importantly, had the TSD been followed, significant issues would have been logged to the MIL for which IWOs were not issued until after the RPE Report was issued.³² Had the MIL process been followed, Qwest would have had to explain the reasons why there were significantly more steps and fields for resale than for retail before the RPE Report, which was favorable to Qwest, had been issued. This is no small point and certainly not a “hypertechnical argument,” as Qwest calls it.³³ The fact remains, regardless of which process the parties claim was to be used, no issues regarding the disparity in steps and fields were logged to MIL, nor were IWOs issued, prior to the release of the RPE Report favorable to Qwest.

AT&T never claimed CGE&Y “changed a benchmark” as argued by Qwest.³⁴ AT&T stated that CGE&Y “effectively changed the benchmarks.”³⁵ By starting the test with a time stamp uncertainty of ± 1.5 seconds, Qwest can argue that it did not fail a test if a benchmark was 10 and Qwest scored an 11. What Qwest ignores is that AT&T can argue that Qwest failed the test if it scores a 9 where the benchmark is a 10. This is kind of problem AT&T sought to resolve by removing the uncertainty between the pseudo-CLEC results and IRTM results in the first place. AT&T cannot understand how anyone could claim the entrance criteria of the Capacity Test had been met under these circumstances. TSD, § 5.2.3(a) states the pseudo-CLEC must be able to isolate performance results and section 5.2.3(f) request that “[t]he processes used to collect,

³² AT&T Motion at 7-9.

³³ Qwest Response at 12.

³⁴ *Id.* at 10.

³⁵ AT&T Motion at 5.

analyze and report performance data have been validated for adequacy and compliance and U S WEST's calculations have been determined to be accurate." These sections require that the uncertainty on time stamping be resolved, and AT&T maintains it is the TAG that was tasked with resolving the uncertainty. The uncertainty cannot be attributable to AT&T.

AT&T recently has learned that the stress test was run. The TSD contemplates that the stress test will be run after the Capacity Test is successful.³⁶ There has been no finding by the TAG that the Capacity Test was successful. AT&T did not obtain the results for the August 10, 2001, running of the Capacity Test until after the stress test was run. It just recently received additional information it should have been provided. AT&T had no time to review the data and raise any issues regarding the first phase of the test before the stress test was run. AT&T cannot understand the reason this would occur, except to avoid possible problems caused by the release of the IMA Release 8.0 the week of August 20, 2001. However, the TAG has not been provided any explanation why the stress test was run before there was any finding the Capacity Test was successful.

D. Relationship Management Evaluation

AT&T essentially raised one issue with regard to the RME: the RME Report was issued prematurely.³⁷ Staff noted that the RME Report did not contain or incorporate four of the pseudo-CLEC reports.³⁸ Whether due to a "mix-up" or "through inadvertence" as claimed by Staff,³⁹ the RME Report was issued prematurely, for the

³⁶ TSD, § 5.1.

³⁷ AT&T Motion at 13-14.

³⁸ Staff Response at 10.

³⁹ *Id.*

reasons given by Staff. However, it was AT&T that inquired of Staff why the RME Report had been issued if four of the pseudo-CLEC reports had not been issued.⁴⁰ Staff took the matter under advisement and wisely cancelled the RME workshop until the RME Report could be updated to incorporate the four pseudo-CLEC reports. There is no question the RME Report was issued prematurely. Therefore, there is no need to respond to Qwest.

E. Functionality Test

AT&T raised a concern that the Functionality Test Report also may be released prematurely.⁴¹ Staff has responded that “[n]either Staff or CGE&Y intend to issue the Functionality Report without all IWOs having been issued and Qwest having had an opportunity to respond to them.⁴² This is a start, but not only should Qwest have an opportunity to respond to IWOs, the report should not be issued until all the IWOs are, in fact, responded to, any necessary retesting is completed and the exit criteria have been met.

Qwest makes light of the fact that AT&T did not get the daily logs as promised, and points out that the Staff may provide the daily logs “at the ACC’s discretion.”⁴³ The point Qwest fails to understand or address is that once it was agreed that AT&T would receive the daily logs, there was an obligation to provide them.

⁴⁰ AT&T learned that the four pseudo-CLEC reports had not been issued while listening in on a Staff/CGE&Y/Qwest problem-solver meeting call.

⁴¹ AT&T Motion at 17. AT&T also raised a concern regarding the failure to receive daily logs timely. *Id.* at 15.

⁴² Staff Response at 10.

⁴³ Qwest Response at 6 (citing TSD, § 3.7.5.4).

AT&T discussed the importance of receiving the daily logs in its Motion.⁴⁴ Section 2.2.2 of the MTP allows “[a]ny TAG participant to add items to the TAG agenda or introduce issues for discussion.” This ability was undermined by the failure of AT&T to obtain the daily logs and the inability to review them. Qwest can attempt to minimize the issue, but it was considered important enough to AT&T to raise the request and receive the commitment that the daily logs would be provided to the TAG members during testing, not 30 days after initial testing was completed.

III. CONCLUSION

AT&T generally believes the process worked reasonably well up until testing began. At this point, the processes broke down. The TSD states specifically that “[t]he TA’s approach to all test related activities, including the establishment of the working environment, shall be designed and carried out by fostering a high level of cooperative collaboration between all test participants.”⁴⁵ Although AT&T raised issues, there was no cooperative collaboration in resolving them.

The Staff meets regularly with CGE&Y. The Staff has regular problem-solver meetings with Qwest employees and executive meetings with Qwest executives to address Qwest’s concerns. The only ones left out of the process during testing were the CLECs because of the lack of regularly scheduled TAG meetings to address CLEC concerns. Admittedly, Staff has always been accessible to AT&T. But this is no substitute for raising and attempting to resolve issues at TAG meetings.

⁴⁴ AT&T Motion at 15-16.

⁴⁵ TSD, § 1.2.

Recently, during a Capacity Test subcommittee meeting, AT&T was denied information by CGE&Y, although everyone else seemed to know what was going on, including Qwest. This reflects an over-all suspicion of the CLECs.

As a result of the conduct of CGE&Y and Staff identified in its Motion, CGE&Y and Staff managed to complete all the testing and release two of the reports, both prematurely in AT&T's opinion. The only things left is retesting, if necessary, and release of the remaining reports. If the objective was to complete the test, that object has in large part been achieved.

Several TAG meetings have finally been scheduled. Hopefully, some of the remaining issues will be worked out. Staff has made some statements that, in AT&T's opinion, are positive. Qwest has not. One thing is certain; unless CGE&Y and Staff follow the MTP and TSD, many issues will be raised after the testing is complete regarding the quality of the overall test.

AT&T renews its request that the test be suspended until CGE&Y and Staff commit to comply with the TSD and MTP.

Respectfully submitted on this 27th day of August 2001.

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