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BEFORE THE ARIZONA CORPORATION COMMISSION

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DOCKET NO. T-00000A-97-0238

NOTICE OF FILING

Staff of the Arizona Corporation Commission ("Staff"), through its undersigned attorneys, hereby files its Supplemental Report on Checklist Item 11, Local Number Portability (LNP).

RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of December 2001.

Arizona Corporation Commission

**DOCKETED**

DEC 24 2001

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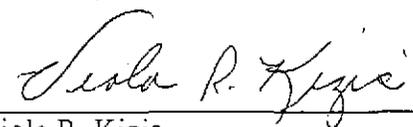
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**IN THE MATTER OF QWEST CORPORATION'S  
SECTION 271 APPLICATION**

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

**SUPPLEMENTAL REPORT ON QWEST'S  
COMPLIANCE**

**With**

**CHECKLIST ITEM: NO. 11 - LOCAL NUMBER  
PORTABILITY (LNP)**

**DECEMBER 24, 2001**

## I. FINDINGS OF FACT

### A. PROCEDURAL HISTORY

1. On August 16, 2000, the first Workshop on Checklist Item No. 11 (Local Number Portability - LNP) took place at Hewlett-Packard's offices in Phoenix. Parties appearing at the Workshops included Qwest Corporation<sup>1</sup>, AT&T, MCI WorldCom, Sprint, Electric Lightwave, Inc., Rhythms Links, Inc. and the Residential Utility Consumer Office ("RUCO"). Qwest relied upon its Supplemental Affidavit filed on June 30, 2000. Additional Comments were filed on August 3, 2000 by AT&T, WorldCom, Rhythms and ELI. Qwest filed Rebuttal Comments on August 10, 2000 and October 20, 2000.

2. On March 5, 2001 a second follow-up workshop was conducted to discuss remaining issues regarding LNP. On May 14, 2001 a third follow-up workshop was conducted to discuss remaining issues regarding LNP.

3. The Parties resolved many issues at the three Workshops held on August 16, 2000, March 5, 2001 and May 14, 2001. Outstanding issues from the August 16, 2000 Workshop included a commitment by the parties to address take back issues for resolution at the follow-up workshops held on March 5, 2001 and May 14, 2001. At the conclusion of the May 14, 2001 workshop, a number of issues remained to be resolved, and went to impasse.

4. On September 17, 2001 Staff of the Arizona Corporation Commission filed its proposed Findings of Fact and Conclusions of Law on Checklist Item 11, Local Number Portability (LNP). Staff determined that the record was inadequate in some respects to determine whether Qwest meets the requirements of Checklist Item 11.

5. Staff reopened the Record for the purpose of taking additional comment and evidence on the concerns identified. Staff offered Qwest 10 days to supplement the Record and offered other parties seven days from the date of Qwest's filing to submit responses and additional evidence to support their positions.

6. Qwest filed a Supplement to the Record regarding Checklist Item No. 11 on September 27, 2001, and filed Additional Comments on October 4, 2001. AT&T responded to Qwest's supplementation of the record on October 9, 2001, twelve days after Qwest's supplement was filed.

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<sup>1</sup> As of the date of this Report, U S WEST Communications, Inc. 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.

7. In paragraph 111 of Staff's September 17, 2001 filing, it was stated that:

"In their Comments and during the Workshops, the CLECs raised many serious concerns regarding Qwest's actual provisioning of LNP. Those concerns included inter alia: 1) improper rescission of firm order commitments, 2) premature porting by Qwest, 3) failure to provide notice of changes in procedures/failure to follow stated procedures, 4) inadequate porting time periods, 5) improper reassignment of ported numbers, 6) loss of both outbound and inbound service caused by premature porting, 7) poor notification of cutovers and cutover problems, 8) failure to address problems with the interaction of Qwest switch features and ported numbers, 9) problems in testing during and after cutover, 10) problems with IMA in ordering number portability, 11) improper billing after cutover, and 12) problems with reassignment of ported numbers."

8. The concerns described in the preceding paragraph focused on three issues on which the parties were unable to agree, and that went to impasse following the March 5 and May 14, 2001 Workshops. These disputed issues were described and discussed in Staff's September 17, 2001 filing. The specific descriptions of each disputed issue were included in paragraphs 81, 96 and 101 respectively, and were stated as follows:

DISPUTED ISSUE NO. 1: Should Qwest adopt a long term solution that is a mechanized check of the Number Portability Administration Center (NPAC) before a disconnect? (LNP-1a) Coordination of the Qwest Disconnect with Unbundled Loops. (SGAT §§ 10.2.2.4 and 10.2.5.3.1) (LNP-1b)

DISPUTED ISSUE NO. 2: Issues Concerning Rescinding a Local Service Request ("LSR") After a Firm Order Commitment ("FOC") Has Been Provided Are More Properly Addressed in the OSS Test. (LNP-3)

DISPUTED ISSUE NO. 3: Restoration of Service When the CLEC Customer is Prematurely Disconnected (Process for Expedited Reconnection). (LNP-4)

## **B. QWEST'S SUPPLEMENTAL FILING**

9. With regard to Disputed Issue No. 1, Qwest stated in its supplemental filing that the disconnect delay process has been implemented and is working to resolve CLEC concerns. The first phase of the process, implementation of the delay to 11:00 PM of the next day after the scheduled port, was accomplished in Arizona on June 5, 2001. Implementation of the second phase, which delayed the completion of the disconnect service order in the downstream systems for an additional day, was completed on August 19, 2001. Thus, Qwest stated, the current process allows affected CLECs to contact a Qwest Escalation Center, either in a live conversation or through electronic messaging, by 8:00 PM the day after the scheduled port to notify Qwest that the CLEC did not complete its work necessary for Number Portability. Qwest personnel then input the change into its systems and the mechanized solution ensures that the disconnect does not occur.

10. The LNP documentation was scheduled to be reviewed at a two-day face-to-face CLEC forum on September 12-13, 2001. Unfortunately, due national events, the CLEC forum was canceled and was rescheduled for October 4, 2001. A teleconference meeting was held on October 4, 2001 and served as a forum to discuss specific CLEC questions and concerns. The LNP documentation mirrors language found in the SGAT and no changes resulted from the October 4, 2001 discussion.

11. Qwest submitted evidence in its September 27, 2001 filing that the mechanized disconnect delay process is working to resolve the CLEC's concerns, and indeed, is working well. Qwest submitted data for the months of July and August 2001 which showed that telephone numbers ported amounted to 14,571 in July and 12,143 in August. It further reported that the total number of CLEC requests for cancels and due date changes amounted to 330 in July and 619 in August. The number of lines out of service in July amounted to 39 and in August amounted to 33. The number of notifications (by CLECs) received late (due date plus two or more days) also amounted to 39 and 33 respectively in July and August. Therefore Qwest stated that Qwest caused disconnects amounted to zero in each of these months. Qwest stated that this means that if the CLECs notified Qwest at any time up to 8:00 pm on the day after the scheduled port date, the customer was not disconnected. Qwest concluded that this rare occurrence amounts to only 0.3% of the total numbers ported in either of these two months.

12. Qwest further pointed out that in Arizona the CLEC community and Qwest negotiated a performance metric (OP-17) with a 98.25% benchmark. Thus, according to the negotiated PID, Qwest met 100% of its obligations; and the number of affected orders even with CLEC caused misses is better than the 98.25% benchmark.

13. Qwest reiterated in its supplemental filing that it should not be required to develop a *fully automated* solution that determines whether or not CLEC's have completed their work for 271 relief. Qwest stated that it is currently performing at a level that offers CLEC's a meaningful opportunity to compete. Further, Qwest stated that the FCC has not required this solution, in part, because neither Verizon nor SBC have implemented this "purported" automated fix and both have convinced the FCC that their processes are adequate. Qwest further stated that the FCC has accepted Verizon and SBC solutions in seven different states. Qwest also stated that the other 11 states (with active 271 programs) in its region have not required this solution, and cited various reports and orders in support.

14. In response to Staff's recommendation in paragraph 94 of its September 17, 2001 filing, that: "Qwest should be required to submit additional information on a proposed mechanized process to ensure that porting has occurred, and should give a time frame with respect to its availability", Qwest stated in its supplemental filing that it is currently developing a business case to determine the cost and complexity of augmenting its systems as requested by Cox and AT&T. Qwest has created a document that identifies the system changes it believes are necessary along with the expected costs. (Qwest referred to Confidential Exhibit 8). Qwest stated that it has also issued Requests for

Proposals to two separate vendors to identify the expected third party costs, and stated that once those RFP's are returned and fully reviewed it is prepared to file them with the Arizona Commission.

15. Finally, with respect to disputed issue No. 1 Qwest took issue in its Supplementary Filing with the recommendation for wording modification of SGAT Section 10.2.2.4. Staff had recommended the inclusion of the phrase:

“Qwest will ensure that the end-users loop will not be disconnected prior to confirmation that the CLEC loop, either CLEC provided or unbundled loop, has been successfully installed.”

16. Qwest disagreed with Staff's proposed SGAT language because it demands more of Qwest than the performance metric (OP-17) negotiated and agreed to by all parties to the Arizona TAG. That PID set a benchmark of 1.75% of ported numbers to be disconnected; the proposed language addition to 10.2.2.4 raises the benchmark to 0% (100% non-disconnect). Qwest agreed to add the following language to either or both SGAT Sections 10.2.5.3.1 and 10.2.2.4:

“If CLEC requests Qwest to do so by 8:00 pm Qwest will assure that the Qwest loop is not disconnected on that day.”

Qwest further stated that nothing more has been required by any of the other 11 state commissions that have evaluated this issue.

17. With respect to Disputed Issue No. 2, which concerns rescinding a Local Service Request (LSR) after a Firm Order Commitment (FOC) has been provided, Qwest reiterated its position that this issue is more properly addressed in the OSS Test. Qwest stated that the process change for rejected LSR's was reviewed with CLECs on May 16 and May 23, 2001 in Change Management Process (CMP) conference calls. It also stated that these processes were included in the PCAT LNP documentation that has been distributed to CLECs and is posted on Qwest's Website, referenced earlier.

18. This issue is the subject of two or more Incident Work Orders (IWO's), at least one of which (AZIWO 2115) is subject to retest. Initial test results, for certain types of transactions processed in the Functionality Test, led to the need for retesting. A matrix has been developed and is currently being implemented. AZIWO 2115, which addresses the Performance Indicator (PO-5), on the subject of FOCs which are incorrectly issued, is included in the retest process. Qwest has reported implementing the modification of the FOC process to ensure that this problem is totally eliminated. However, this will be assessed in the course of the OSS Test, and specifically within the Functionality Retest program.

19. In its October 4, 2001 Supplementary Comments, Qwest stated that it disagreed with the recommended SGAT language described in paragraph 100 of Staff's report on Checklist Item 11 which reads as follows:

*"Qwest shall assure that business processes are in place to ensure that: (i) CLEC LNP LSRs are rejected only for reasons previously specified by Qwest as proper reasons for rejection and (ii) FOCs for CLEC LNP orders are not rescinded, without the prior knowledge and agreement of the CLEC."*

20. As described in preceding paragraphs, new policies regarding customer conversions have now been placed in the record. Staff continues its recommendation that Qwest adopt SGAT Section 10.2.5.5 language proposed by Cox, and concrete evidence that improper FOCs (rescissions) are not occurring and that CLEC LNP LSRs are not being improperly rejected. However, a final conclusion on that issue must await completion of the Functionality Retest Program.

21. With respect to Disputed Issue No. 3, concerning the restoration of service when a CLEC customer is prematurely disconnected, Staff had recommended four business hours to reconnect a residential account and assumed that all business accounts are handled by coordinated cuts. Qwest objected on the basis that Staff's recommendation is inconsistent with Maintenance and Repair PIDs agreed upon by the Arizona TAG. Specifically, during the July 19, 2001 TAG meeting, the TAG created two new repair measures; (1) LNP trouble reports cleared within 24 hours, and (2) LNP trouble reports – mean time to restore. Both measures have Retail Parity comparatives; specifically analogous to performance around retail residential service when no dispatch is required (MR-3c & MR-6c).

22. Thus, according to Qwest, the issue of the amount of time Qwest should have to restore service was already debated and decided by the TAG. The TAG also agreed upon the result, 24 hours per line. However, within the past few months, the average mean time to restore residential service (without a dispatch) has ranged from 3 hours 19 minutes to 7 hours 15 minutes. (CMR-6c) Qwest expects to restore service in substantially similar intervals; however, according to the metrics, Qwest has 24 hours to get the out-of-service situation remedied.

### **C. CLEC COMMENTS**

23. On June 18, 2001 Allegiance Telecom, Inc. filed a brief in support of Qwest's compliance with Checklist Item 11. It stated that:

"Qwest's region-wide implementation of a process change to hold the disconnect of the switch translations up to 11:59 pm of the day after the due date provides sufficient time for a CLEC to notify Qwest, even late on the day of the due date, of an order that will not complete (e.g. due date delays or cancellations). The extra day of coverage Qwest now provides in Arizona, guarantees against service

interruptions, and is an example of Qwest's willingness to go beyond what is minimally required to meet customer needs and to address CLEC concerns."

Allegiance did not file comments on Qwest's Supplemental Filing.

24. As stated in Staff's Report on Checklist Item 11, paragraph 113, Staff has been informed that Cox and Qwest recently entered into an amendment of Cox's Interconnection Agreement arrived at through joint negotiation, which evidences some of the agreements reached between the parties. Cox subsequently informed ACC Staff that it believed that Qwest's changes in various processes and the amendment to the Interconnection Agreement between Cox and Qwest resolved all open Cox issues relative to Checklist Item No. 11. Cox further stated that it did not plan to file any comments regarding Staff's September 17, 2001 report concerning Checklist Item 11, and, indeed, has not filed comments concerning Qwest's Supplementation of the Checklist Item 11 record.

25. AT&T's October 9, 2001 response to Qwest's Supplementation of the Record on Checklist Item No. 11 provided an overall observation and subsequently addressed the three disputed issues, in turn. AT&T's overall comment was:

"It is premature to reach any conclusions regarding Qwest's provisioning of coordinated loop installations and cooperative testing."

26. AT&T based its overall observation on several factors, each of which is drawn from its arguments concerning the three specific disputed issues. They were the concern that CLECs have not had an opportunity to fully address process changes in the CMP (formerly CICMP) process; and the use of unaudited data for measuring performance against a new PID.

27. AT&T reiterated its argument regarding Disputed Issue No. 1, that Qwest should be required to develop a fully automated solution. It reiterated its recommendation for adoption of the BellSouth System which, it avers, has virtually eliminated issues surrounding premature disconnection of the ILEC Loop prior to the conversion of the customer to the CLEC - Provided Loop. It stated that this is the process that both AT&T and Cox employ when they port customers back to Qwest or to other CLECs and one which AT&T believes *should ultimately be adopted by Qwest*.<sup>2</sup> AT&T raised the question of Qwest's cost estimates for the development for a BellSouth-like process. AT&T closed its discussion of this issue with the recommendation that the mechanized process already developed by Qwest should be implemented in Arizona on an interim basis.

28. With respect to the Disputed Issue No. 2, AT&T stated that: "Qwest has failed to provide evidence that improper FOC rescissions and LSR rejections are not occurring." First AT&T agreed that Staff's proposed SGAT provision is reasonable and should be added to Qwest's SGAT. AT&T further noted that CLECs have only recently

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<sup>2</sup> Italics added

received some documentation from Qwest concerning the LNP change process. It further stated that Qwest has not distributed any Product Catalogs (PCATs) or technical publications that address Qwest's new policies on this issue. It also states that CMP discussions are not complete. Thus, AT&T states that CLECs have not had a meaningful opportunity to review and respond to the changes Qwest has made to any documents submitted in the CMP process. Finally AT&T stated that Qwest has not produced any hard evidence that improper FOC rescissions are not occurring and that the CLEC LNP LSRs are only being rejected for reasons being specifically identified by Qwest and agreed to by CLECs.

29. With respect to Disputed Issue No. 3, AT&T stated that:

“Qwest should be required to restore a customer disconnected during the LNP process in four business hours.”

AT&T stated that it supports Staff's recommendation for four business hours as the interval for Qwest to reconnect a residential account that was prematurely disconnected due to a delay in number porting. AT&T argued that this interval is fair and appropriate since the average mean time to restore residential service by Qwest is running in a range of three to seven hours. It added that the work required to restore a prematurely disconnected customer should be much simpler than what would be required on many IFR customer repair calls. Finally AT&T stated that the recently filed amendment to the Cox/Qwest Interconnection Agreement states that Qwest agreed to restore Cox customers that are prematurely disconnected during the LNP process in four hours.

#### **D. DISCUSSION AND STAFF RECOMMENDATION**

30. With respect to Disputed Issue No. 1 Staff believes that Qwest has implemented an interim disconnect delay process that it has demonstrated in its Supplemental Filing is currently working to resolve the CLECs concerns. It implemented Phases 1 and 2 of this process on June 5, 2001 and August 19, and met October 4, 2001 to discuss the implementation of Stage 3 with the CLECs. As stated above, the LNP documentation mirrors language found in the SGAT and no changes resulted from the October 4 discussion. Stages 1 and 2 of themselves, which include the delay by 24 hours in the disconnect process, and the extension of this to the follow-on systems have resulted in *de minimus*<sup>3</sup> instances of premature disconnects.

31. Qwest has shown, in Confidential Exhibit 8 that it has developed a business case for an automated system that AT&T says should *ultimately*<sup>3</sup> be implemented. Qwest has issued RFP's to two vendors and is currently awaiting their responses. July and August data, while unaudited, indicate that Qwest is exceeding the benchmark established for the new PID, OP-17. Qwest should supplement the record when it is able with the information supplied by the vendors.

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<sup>3</sup> Italics added.

32. Disputed Issue No. 2 is being addressed in the OSS Test. Specifically, AZIWO 2115, which is subject to the Functionality Retest, addresses the question of frequency of inappropriate issuance of FOCs. Qwest has modified its process in response to this IWO. Preliminary unaudited data submitted by Qwest relative to Disputed Issue No. 1 also applies to Disputed Issue No. 2. The re-test portion of the OSS test will demonstrate whether the new processes put in place by Qwest can solve the problem of inappropriate issuance of FOCs. Staff continues to believe that its language addition to SGAT Section 10.2.5.5 is appropriate and that Qwest has not provided specific support for its opposition to this language. Therefore Staff states that Qwest is conditionally compliant with Checklist No. 11 as far as Disputed Issue No. 2 is concerned, subject to the results of the OSS Test.

33. With respect to Disputed Issue No. 3, the Commission has just recently approved a voluntarily negotiated interconnection agreement between Qwest and Cox for a 4-hour interval to reconnect a residential account. Staff continues to recommend the 4-business hour timeframe to reconnect residential accounts that are prematurely disconnected due to a delay in number porting. Staff also continues to assume that all business accounts are handled by coordinated cuts. Staff further recommends that the PID be reviewed in the six month review of the Performance Assurance Plan to reflect actual data experience by Qwest.

## **E. VERIFICATION OF COMPLIANCE**

34. With respect to Disputed Issue No. 1, Qwest stated in paragraph 9, above that it had complied with the recommendation that it implement a mechanized process which ensures that premature disconnects will not occur. ACC Staff has queried the Website which contains the complete documentation of the disconnect delay process and found that all documents referenced by Qwest were in place on the Website, therefore is assured that the process has been implemented.

35. In paragraphs 11 and 12, above, Qwest provided quantitative evidence that premature disconnects are no longer a problem. ACC Staff conditionally considers that Qwest has resolved the CLEC concerns regarding the disconnect delay process. However, this is conditioned on presenting performance data under OP-17 in Qwest's regular performance filing in November, that will contain October data, and continuing to maintain this performance and demonstrating it through the Performance Assurance Plan on an ongoing basis. Staff also considers that, in light of the benchmark set for OP-17, that Qwest's recommendation is reasonable.

36. Regarding Qwest's concern (expressed in Disputed Issue No. 2) for Staff's recommended language that was proposed by Cox to SGAT Section 10.2.5.5, Staff concludes that, in combination with the changes to the FOC process which Qwest has made, and the forthcoming results of the OSS Test, there is no potential harm to Qwest, yet there is a potential benefit for the CLECs from the inclusion of the recommended language. Therefore Staff continues to include this recommendation. Also, Staff continues its recommendation that Qwest adopt SGAT Section 10.2.5.5 language as

proposed by Cox and subsequently recommended by Staff. Staff believes that sufficient concrete evidence that improper FOCs (rescissions) are not occurring and that CLEC LNP LSRs are not being improperly rejected has been provided to conditionally support Cox's recommendation. However, a final conclusion on that issue must await completion of the OSS Retest Program.

37. Regarding restoration of service, Disputed Issue No. 3, Staff has reviewed the record of TAG decisions and has verified that the TAG approved these new PIDs and the associated metrics. However, Staff concludes that based on the recently approved interconnection agreement between Cox and Qwest on a 4-hour interval to reconnect a residential account, Staff continues to recommend the 4-business hour timeframe to reconnect residential accounts that are prematurely disconnected due to a delay in number porting. Staff also continues to assume that all business accounts are handled by coordinated cuts and further recommends that the PID be reviewed in the six month review of the Performance Assurance Plan to reflect actual data experience by Qwest.

## II. CONCLUSIONS OF LAW

38. As a result of the proceedings and record herein, including the supplementary filing by Qwest and comments on the supplementary filing submitted by AT&T, and on the basis of Cox' statement that all its concerns had been resolved and it therefore was filing no comments concerning the supplementary Qwest filing, ACC Staff has concluded that Qwest is now in compliance with the requirements of Checklist Item No. 11.

39. However, it qualifies this statement of compliance by asserting that it is conditioned on the results of the OSS Test, specifically of the Functionality Retest Program, and the completion of the CMP Redevelopment Process, in which the policies and practices concerning LNP continue to be so documented that they resolve remaining issues concerning premature disconnections.

40. Qwest's compliance is also contingent upon its updating its SGAT with language incorporating the impasse resolutions discussed herein and with its also updating its SGAT with any other language agreed to in other region workshops.