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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
)
) NOTICE OF SCHEDULING ISSUES
)
)

AT&T Communications of the Mountain States, Inc. and TCG Phoenix (collectively "AT&T") wish to advise the Administrative Law Judge ("ALJ") of the current state of the schedule in the above referenced proceeding, in light of the safeguards agreed to by Qwest Corporation ("Qwest") and the Arizona Corporation Commission Staff ("Staff").

I. INTRODUCTION

Qwest and Staff proposed a schedule that would conclude the review of Qwest's operations support systems ("OSS") and performance measure data before the end of 2001. The ALJ incorporated the dates proposed by Qwest and Staff into the latest Procedural Order dated September 21, 2001. The decision by AT&T not to oppose the schedule proposed by Staff and Qwest, and ultimately adopted by the ALJ, was based on the conditions and safeguards contained in the Staff and Qwest Motion to Modify and/or Supplement the June 12, 2000 Procedural Order dated July 27, 2001, and the Joint Proposal of Qwest and Commission Staff to Modify Procedural Order dated September 6, 2001.

Arizona Corporation Commission

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The Motion to Modify set forth a number of “procedural ground-rules for the conduct of the Workshops”¹ on the Retail Parity Evaluation, Relationship Management Evaluation (“RME”), Capacity Test and Functionality Test:

- 1) a draft final report would be issued on each of the four phases of the test;
- 2) coincident with the release of each draft final report, the underlying data for each phase of the test will be made available to the parties;
- 3) parties would be given a reasonable amount of time to review the reports and underlying data;
- 4) parties would have an opportunity to file comments and questions on the draft final reports;
- 5) the deadlines for filing comments and questions would be established by Staff. However, parties would have at least 14 days to review the Retail Parity Evaluation, RME and Capacity Test draft final reports and underlying data and to submit questions, and the parties would have at least 21 days to review the draft final report on the Functionality Test and the underlying data and to submit questions;
- 6) CGE&Y, the Test Administrator, would provide written responses to the questions at least two business days before the workshops;
- 7) the parties would not be precluded from submitting additional questions prior to the workshop after the initial deadline.

The Joint Proposal filed by Staff and Qwest augmented the Motion to Modify.² For example, the Joint Proposal required that all Incident Work Orders (“IWOs”) be closed, all retesting be completed, and the Test Administrator confirm that all exit criteria in the Test Standards Document be met before the Draft Final Report is issued.³

¹ Motion to Modify at 3.

² “Accordingly, in addition to the process set forth in their July 27, 2001 Joint Motion, both Staff and Qwest would propose that the process be augmented with the following safeguards.” Joint Proposal at 2.

³ *Id.* This Draft Final Report will be issued after all four workshops and will contain all the results of the OSS test.

The Joint Proposal also states:

In addition, the schedule set forth below is contingent upon CGE&Y and the Staff and its consultants being able to perform and complete the test in such a manner so that the quality and integrity of the test is not adversely impacted. Staff and its consultants will request an extension of any and all dates set forth below, if events or issues arise which in the Staff's and its consultant's opinion, require additional time to resolve.⁴

The Joint Proposal explicitly states that, although AT&T continues to have some concerns about the schedule, AT&T would not object to the schedule in the Joint Proposal as long as the safeguards are honored.⁵ The Joint Proposal also states that it was Staff and Qwest's understanding that AT&T would withdraw its Motion to Suspend OSS Test if the safeguards are met.⁶

Finally, it should be reiterated that AT&T did not agree, in principle, to such an aggressive schedule and reserved the right to raise objections to maintaining the schedule, "should events warrant a change in the schedule."⁷ AT&T also made clear that the Joint Proposal "is based on numerous future conditions that may not occur. Should the conditions not occur, there is a strong likelihood that the schedule will need to be changed."⁸ These concerns were recognized by Staff.

As AT&T and WorldCom have pointed out in their motion -- or in their response and which I am sure they will speak to, I think both Staff and Qwest and its consultants -- Staff's consultants recognize that this an aggressive schedule. It is, as set forth in the body of the joint proposal, subject to many contingencies. And successful completion of this schedule is dependent upon meeting a lot of

⁴ *Id.* at 3.

⁵ *Id.* at 1.

⁶ *Id.* The safeguards were necessary for AT&T withdrawing its Motion to Suspend OSS Test. TR 7-8 (Sept. 7, 2001). Although the ALJ did not incorporate all the safeguards in the Procedural Order, it was very clear that AT&T and the other competitive local exchange carriers ("CLECs") were not contesting the schedule based on the safeguards agreed to by Staff and Qwest in their two motions.

⁷ AT&T and WorldCom's Response to Joint Proposal of Qwest and Staff to Modify Procedural Order at 2.

⁸ *Id.*

contingencies. But this is what Staff and Qwest were able to come up with in the last couple days, and I think we were able to address enough of the CLECs' concerns that they do not object to the schedule and, of course, expect that the safeguards contained in the joint proposal will be adhered to.⁹

II. SCHEDULING ISSUES

Pursuant to the Procedural Order, both the Functionality Test Report and Capacity Test Report were to suppose be released on October 1, 2001. The supporting test documentation of Cap Gemini Ernst & Young ("CGE&Y") and Hewlett-Packard was to be placed in the viewing room coincident with the release of these two Reports.

The Capacity Test draft final report was received electronically in the very early hours of October 2, 2001 (after 2:00 AM o'clock). The Functionality Test draft final report was received shortly after the close of business on October 11, 2001 (approximately 5:30 PM o'clock). The final documentation on the Capacity Test draft final report allegedly was placed in the viewing room on October 11, 2001. However, AT&T discovered that some test results for, and data requests and responses related to, the Capacity Test were not provided. Therefore, not all documents were placed in the viewing room coincident with the release of the draft final report.

Because the Capacity Test draft final report was issued 10 days late, the date for questions and comments was extended from Friday, October 12 to Monday, October 15, 2001. This date was extended a second time to October 16, 2001.¹⁰

The Capacity Test workshop is scheduled for October 25 and 26. CGE&Y answers to the questions on the Capacity Test are scheduled to be provided on October 19. However, if this

⁹ TR 6-7 (Sept. 7, 2001).

¹⁰ The workshop on Relationship Management Evaluation draft final report was moved from the week of September 24 to the week of October 9, 2001. This schedule change was caused by CGE&Y's inability to provide answers to all the questions two business days prior to the scheduled workshop. This schedule change effectively eliminated one week of review time and severely impacted AT&T's ability to review the Capacity Test draft final report and provide its comments and questions on the report.

date is extended a few days to provide CGE&Y additional time to respond to questions, in no event, can answers be provided later than October 23, in order to meet the two-business day requirement.

The Functionality Test draft final report was received after the close of business on October 11, 2001, almost two weeks late. If one begins counting the 21-day period for comments and questions from October 12,¹¹ comments and questions will not be due from the CLECs until November 1, 2001.¹² If the CLECs file all their questions and their comments on November 1, 2001, it is unlikely that CGE&Y could respond to all the questions posed to it prior to the commencement of the workshop on the Functionality Test scheduled to commence on November 5, 2001.¹³ Nor can the two business day requirement be met.

Staff asked the CLECs to submit their questions on the Functionality Test draft final report on a weekly basis. AT&T responded to Staff that it would use its best efforts to do so. However, as Staff is aware (1) completing and filing the Capacity Test questions and comments would take several days out of the week of October 15;¹⁴ (2) the workshop on the Capacity Test draft final report would take three days out of the week of October 22 (including the travel time); (3) there is a substantial volume of data in the viewing room on the Functionality Test that must be reviewed and analyzed (25 file drawers of CGE&Y and Pseudo-CLEC data); (4) preparing and submitting a brief on the recently concluded RME workshop will divert resources from

¹¹ An argument can be made that the Report was received on October 12 and the 21-day period for comments and questions does not begin until October 15; comments and questions would be due November 5.

¹² Staff has notified the parties that comments and questions on the Functionality Test draft final report are due November 1, 2001.

¹³ Close to 200 written questions were asked by AT&T on the RME. Considering that the Functionality Test is the most critical test, the number of questions probably will exceed 200.

¹⁴ Since additional data was provided the week of October 15, additional time must be expended to evaluate the new data. AT&T will, no doubt, have to file supplemental comments and questions.

preparing questions and comments on the Functionality Test draft final report.¹⁵ As a result, AT&T advised Staff and Qwest that, in all likelihood, most of the questions would be provided on or about November 1, 2001. Accordingly, it is unlikely that CGE&Y will be able to answer the questions submitted prior to the commencement of the workshop on November 5 and will definitely not be able to provide answers two business days prior to the beginning of the workshop.

The current schedule may also threaten workshop days previously committed to reviewing the draft final report. The schedule provides that the Draft Final Report will be issued on November 21, 2001. A workshop on the Draft Final Report is scheduled to commence December 4 and conclude on December 7, 2001. The final workshop was intended to address the modifications and additions that are contained in the draft final report as a result of comments, workshops and retesting. Time must also be set aside to address questions raised by AT&T during the RME workshop that were deferred because CGE&Y did not incorporate and analyze in the RME draft final report the Pseudo-CLEC reports released as part of the RME.¹⁶ This occurred in spite of the fact that the RME workshop initially had been deferred specifically to provide CGE&Y an opportunity to incorporate the Pseudo-CLEC reports. Therefore, the Draft Final Report will include new analyses that the CLECs will not have seen in the individual draft reports that were the topic of the prior workshops. There is a strong possibility that the time allotted for the workshop in December to review the Draft Final Report will be inadequate.

Retesting is currently being conducted by the Test Administrator, CGE&Y. AT&T does not know the status of retesting. However, all retesting must be complete, all related IWOs

¹⁵ Staff advised the parties that the RME brief is due October 31, 2001.

¹⁶ CGE&Y did not analyze the Pseudo-CLEC's 12-step process report, Help Desk report, EB-TA report and the billing report.

issued and closed, and the exit criteria in the Test Standards Document met before the Draft Final Report is issued.

III. CONCLUSION

AT&T is using its best efforts to meet its obligations under the schedule. Although AT&T is not requesting any changes to the schedule pursuant to this Notice, AT&T wishes to advise the ALJ of recent events that could impact the current schedule. Unless the Functionality Test workshop is moved back by Staff, the safeguards agreed to by Staff and Qwest will not be met. The most reasonable next step, given the above facts, would be to adjust the Functionality Test workshop to reflect the delay caused by the late arrival of the draft final report. Staff, thus far, has made no attempt to adjust the dates for the Functionality Test workshop. Even Qwest, in earlier comments on the testing schedule, agreed that the delay of a report could be cause for adjusting the schedule.¹⁷

The CLECs have not caused the delays at issue, and could not fairly be accused of attempting to interpose delay. Staff will need to make adjustments to the current schedule in order to honor the promises made to CLEC parties regarding their ability to review, analyze, and question information contained in the draft final reports.

¹⁷ See Qwest's Comments Addressing the Motion to Modify and/or Supplement the June 12, 2000 Procedural Order, Filed August 8, 2001 ("Qwest expects that the Capacity and Functionality reports will be released on schedule. If the reports are delayed for any reason, the workshop dates can be adjusted. The parties will have ample opportunity to prepare for these workshops.").

Respectfully submitted on this 18th day of October 2001.

**AT&T COMMUNICATIONS OF THE
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CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of the Notice of Scheduling Issues on behalf of AT&T Communications of the Mountain States, Inc. and TCG Phoenix, regarding Docket No. T-00000A-97-0238, were hand delivered this 18th day of October, 2001, to:

Arizona Corporation Commission
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