

ORIGINAL



0000023419

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

**WILLIAM A. MUNDELL**  
Chairman  
**JAMES M. IRVIN**  
Commissioner  
**MARC SPITZER**  
Commissioner

2001 DEC -5 A 10:56

AZ CORP COMMISSION  
DOCUMENT CONTROL

**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

**SECOND NOTICE OF  
SCHEDULING ISSUES**

AT&T Communications of the Mountain States, Inc. and TCG Phoenix, (collectively, "AT&T") hereby file their second notice of scheduling issues.

**I. INTRODUCTION**

AT&T believes that, based on the present state of the proceedings, it is advisable to provide the Administrative Law Judge ("ALJ") and the Arizona Corporation Commission with a list of issues raised by the state of the present schedule and the presently scheduled future comments and workshops. AT&T believes it is unlikely that Cap Gemini Ernst & Young ("CGE&Y") can issue the Draft Final Report on December 21, 2001, in anything but a draft, incomplete form. The terms of the present Procedural Order dated November 2, 2001, contemplate that the Draft Final Report issued December 21, 2001, will be a complete document, incorporating the results of all tests, retests and workshops.

Arizona Corporation Commission

**DOCKETED**

DEC 05 2001

DOCKETED BY

## II. ISSUES

Based on the present Procedural Order, the Draft Final Report is scheduled to be released to the Test Advisory Group (“TAG”) on December 21, 2001. The Draft Final Report is supposed to consolidate the individual draft reports on the Retail Parity Evaluation (“RPE”), the Relationship Management Evaluation (“RME”), the Capacity Test Report and the Functionality Test Report.<sup>1</sup> Also, according to the Procedural Order, “[t]he Final Report may include a *limited* number of additional new findings and/or conclusions based upon completion of all tests, and may contain modified findings and conclusions or additional recommendations based on the results of the Workshops or subsequent test activity.”<sup>2</sup>

Furthermore, before the Draft Final Report can be released on December 21, 2001, all retesting must be complete, all related Incident Work Order (“IWOs”) issued and closed, and the exit criteria in the Test Standards must be met.<sup>3</sup> “Any delay in issuing in the Draft Final Report may cause additional rescheduling.”<sup>4</sup> The schedule was “approved contingent upon CGE&Y and Staff being able to perform and complete the test and any re-tests in such a manner as to maintain quality and integrity.”<sup>5</sup>

### A. Test Report Workshops

The workshops on the RPE, RME, Capacity Test and Functionality Test have been held. AT&T maintains that the workshops were not completed, because the individual draft reports that were the subject of the workshops were incomplete.

---

<sup>1</sup> Procedural Order dated September 21, 2001, at 2.

<sup>2</sup> *Id.*

<sup>3</sup> Procedural Order dated November 2, 2001, at 2.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

In the workshops, AT&T has demonstrated that CGE&Y has not complied with the requirements of the TSD.<sup>6</sup> In some cases, CGE&Y has not performed the required analyses. In AT&T's Retail Parity Evaluation Brief, AT&T demonstrated that CGE&Y failed to do several of the required analyses contained in the TSD. CGE&Y subsequently released a retest plan for the RPE. In the RME workshop, it became apparent that CGE&Y failed to comply with the TSD.<sup>7</sup> CGE&Y did not analyze a number of the Hewlett Packard ("HP") Pseudo-CLEC reports and arrive at findings and conclusions.<sup>8</sup> Accordingly, AT&T had to defer a number of questions it had intended to ask CGE&Y. Hopefully, these analyses will be done. If they are, it will necessitate more than limited changes to the individual draft reports. During the workshops, CGE&Y also committed to perform a number of other analyses and review its results and conclusions contained in the draft reports. All these issues, and more, will be addressed in the workshops on the Draft Final Report to be held January 15 - 18, 2002.

It is obvious that a significant number of issues have been deferred to the January 2002 workshops. Because issues were not addressed by CGE&Y in the draft reports, many issues will be addressed for the first time in the Draft Final Report and the January 2002 workshop. This raises two concerns: 1) will the Draft Final Report incorporate all the necessary changes, and 2) will the workshop time allotted the week of January 15, 2002, be sufficient?

**B. Performance Data Review and Reconciliation**

It was contemplated by previous procedural orders that review of performance data would take place during the Functionality Test Report workshop that was held on November 27 - 29, 2001. This did not occur, for a number of reasons.

---

<sup>6</sup> AT&T RPE Brief at 2-7.

<sup>7</sup> AT&T RME Brief at 1-7; AT&T Supplemental Brief at 1-3.

<sup>8</sup> AT&T RME Brief at 7-8.

**1. Liberty Consulting Report**

Qwest contracted with Liberty Consulting to do a reconciliation of Qwest and competitive local exchange carrier (“CLEC”) data. Initially, Liberty was supposed to release the report on November 2, 2001. On November 19, 2001, Liberty released a status report that did not contain any analyses or conclusions. Liberty released another report on December 3, 2001. CLEC comments are due December 7, 2001. Workshops will be held on December 13 - 14, 2001, to review the report.

**2. CGE&Y Data Reconciliation**

CGE&Y released a draft reconciliation report on November 16, 2001. The Report was incomplete. It did not contain the analyses required by section 7.3.4 of the TSD. CGE&Y released another draft on December 3, 2001. Comments are due December 10, 2001. The workshop to discuss the CGE&Y reconciliation report is scheduled for December 13 - 14, 2001. A cursory review of the latest report reflects that CGE&Y has failed to provide the analyses required by section 7.3.4 of the TSD.

**C. Stand-Alone Test Environment (“SATE”)**

The Federal Communications Commission (“FCC”), as part of its review of section 271 applications, determines whether the Bell operating company (“BOC”) has a stand-alone test environment as part of the change management process.<sup>9</sup> HP is reviewing the “adequacy” of Qwest’s SATE.<sup>10</sup> One criterion is to determine if it mirrors the production environment.<sup>11</sup>

---

<sup>9</sup> For example, see *Bell Atlantic New York Order*, ¶ 109. The FCC has not approved a section 271 application for a BOC that did not have a stand-alone test environment. Qwest released its first version of SATE in August 2001.

<sup>10</sup> HP Process Evaluation Plan for IMA-EDI SATE Evaluation at 4.

<sup>11</sup> *Id.* at 5.

On December 3, 2001, HP released its draft report on its evaluation of SATE.<sup>12</sup> Comments are due December 10, 2001. The workshop to review the HP report is set for December 12, 2001.

**D. Change Management Process ("CMP")**

The FCC reviews the change management process as part of a BOC's section 271 application.<sup>13</sup> The FCC determines whether the CMP is adequate to address CLEC needs and does not discriminate against the CLECs.

Qwest is in the process of re-designing the CMP.<sup>14</sup> The CMP meetings between Qwest and the CLECs have been taking place outside the section 271 process at Qwest's insistence. The Commission Staff has not participated in these meetings, nor have workshops been conducted in Arizona in the section 271 proceeding on the CMP re-design process.

The CMP process is a critical component of any section 271 application. Qwest has filed two reports regarding the status of CMP re-design. The latest report was filed November 30, 2001. Comments are due on Qwest's report on December 7, 2001. The workshop to address CMP issues is scheduled for December 17 - 18, 2001.

**E. Scheduling Issues**

Two scheduling issues become readily apparent: 1) a tremendous amount of work needs to be completed before the December 21, 2001, report can be released in a complete, final form; and 2) the workshop scheduled for January 15 - 18, 2002, will address a lot of new issues, not the

---

<sup>12</sup> The draft report is incomplete and its release premature. A significant number of open issues remain. Retesting is scheduled for the week of December 3. The final report is not scheduled to be released until December 20, 2001.

<sup>13</sup> See *Bell Atlantic New York Order*, ¶¶ 103-112. The FCC reviews the process to determine if the CLECs had a role in developing the process and continue to have a role in the process after section 271 relief is granted.

<sup>14</sup> The CMP re-design began in July, 2001.

limited number of issues as originally contemplated. The final report will have to address the following:<sup>15</sup>

- 1) all re-testing from the RPE, RME and Functionality Test Report;
- 2) all issues deferred from the prior workshops on the RPE, RME, Functionality Test Report and Capacity Test;<sup>16</sup>
- 3) any analyses CGE&Y failed to do in the draft evaluations and reports;
- 4) any remaining issues on the SATE and issues raised in the SATE meetings and workshop;
- 5) any remaining issues on the Liberty reconciliation report and issues raised at the workshop;
- 6) any issues on the CMP report and issues raised in the CMP meetings and the CMP workshop;
- 7) any issues remaining on the CGE&Y data reconciliation and issues raised at the workshop;
- 8) any issues raised by the CLECs regarding Qwest's performance data in CLEC comments and the workshop on performance data; and
- 9) all IWOs not addressed in previous draft reports or that were closed since the draft report was released.

As AT&T noted, the Final Report to be issued on December 21, 2001, must be complete. AT&T believes this is unlikely without the quality of the report suffering significantly. The Procedural Order was based on the understanding that no reports would be released or

---

<sup>15</sup> This list is not all-inclusive.

<sup>16</sup> CLEC briefs on the Functionality Test Report and workshops are due December 11, 2001.

workshops held after the completion of the workshops on the Functionality Test Report held the last week of November. Yet, four additional reports were released that are integral to the findings contained in the draft reports, comments are due shortly from the CLECs on all four reports, and workshops are scheduled to discuss all four reports the second and third weeks of December. The last workshop to address CMP is scheduled for December 17 - 18, 2001, the same week the Draft Final Report is supposed to be released to the TAG.

### III. CONCLUSION

AT&T wishes to put the ALJ and the Commission on notice that it does not appear that the December 21, 2001, Draft Final Report can adequately incorporate and address the outstanding issues, considering the present schedule for the month of December, 2001. The Procedural Order contemplates that all testing will be done and all outstanding issues closed before the December 21, 2001, report is released, and it also contemplates that the Draft Final Report will be complete.

It is all the more imperative that the December 21, 2001, report is complete because no workshops are contemplated on the final, final report to be released on February 5, 2002. Parties will only have an opportunity to file comments. Parties should not be put in the position of having to review and address issues for their first time in the February 15, 2002, comments.

AT&T did not object to having to file comments on the additional reports -- SATE, CMP, and CGE&Y reconciliation -- in seven days. The Liberty reconciliation was received December 3 and comments are due December 7, 2001.<sup>17</sup> AT&T also did not object to this short response time. AT&T did not object to holding workshops on these additional reports on such short

---

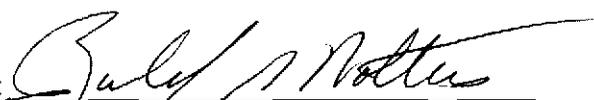
<sup>17</sup> The Procedural Order allowed a minimum of 14 days to file comments and questions on the RPE, RME and Capacity Test Report.

notice. However, it must insist that the Draft Final Report presently scheduled to be released on December 21, 2001, is complete.

It is AT&T's intent to review the December 21, 2001, Draft Final Report for completeness. If the report is not complete or fails to resolve all outstanding issues raised in prior reports or workshops on the RPE, RME, Capacity Test Report, Functionality Test Report, CMP, SATE and performance data, if all re-testing has not been finished, if all IWOs have not been issued and closed, or if the exit criteria in the TSD have not been met, AT&T intends to file a motion to amend the schedule to provide sufficient time to remedy the deficiencies in the Draft Final Report before the remainder of the schedule proceeds. In all fairness to Qwest, AT&T acknowledges the test must end, but in all fairness to the CLECs, the test must be finished in accordance with TSD, and the Draft Final Report scheduled to be issued on December 21 must be complete. Any other procedure unduly prejudices the CLECs.

Respectfully submitted this 4<sup>th</sup> day of December, 2001.

**AT&T COMMUNICATIONS  
OF THE MOUNTAIN STATES, INC.  
AND TCG PHOENIX**

By: 

Richard S. Wolters  
AT&T  
1875 Lawrence Street, Suite 1575  
Denver, CO 80202  
(303) 298-6741

Kenneth McNeely  
Rosalie Johnson  
AT&T  
795 Folsom St.  
San Francisco, CA 94107-1243

## CERTIFICATE OF SERVICE

I certify that the original and 10 copies of AT&T's Second Notice of Scheduling Issues in Docket No. T-00000A-97-0238 were sent by overnight delivery on December 4, 2001 to:

Arizona Corporation Commission  
Docket Control – Utilities Division  
1200 West Washington Street  
Phoenix, AZ 85007

and a true and correct copy was sent by overnight delivery on December 4, 2001 to:

Maureen Scott  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Mark A. DiNunzio  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Deborah Scott  
Director - Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Christopher Kempley  
Arizona Corporation Commission  
Legal Division  
1200 West Washington Street  
Phoenix, AZ 85007

Jane Rodda  
Administrative Law Judge  
Arizona Corporation Commission  
400 West Congress  
Tucson, AZ 85701-1347

and a true and correct copy was sent by U. S. Mail on December 4, 2001 to:

Thomas F. Dixon  
WorldCom, Inc.  
707 – 17<sup>th</sup> Street, #3900  
Denver, CO 80202

Terry Tan  
WorldCom, Inc.  
201 Spear Street, 9th Floor  
San Francisco, CA 94015

K. Megan Doberneck  
Covad Communications Company  
7901 Lowry Blvd.  
Denver, CO 80230

Bradley Carroll  
Cox Arizona Telcom, L.L.C.  
20401 North 29th Avenue  
Phoenix, AZ 85027-3148

Michael M. Grant  
Gallagher and Kennedy  
2575 East Camelback Road  
Phoenix, AZ 85016-9225

Gena Doyscher  
Global Crossing Local Services, Inc.  
1221 Nicollet Mall, Suite 300  
Minneapolis MN 55403

Traci Kirkpatrick  
Davis Wright Tremaine LLP  
1300 S.W. Fifth Avenue  
Portland, OR 97201

Michael W. Patten  
Roshka Heyman & DeWulf, PLC  
400 North Fifth Street, Suite 1000  
Phoenix, AZ 85004-3906

Joyce Hundley  
United States Dept. of Justice  
Antitrust Division  
1401 H Street NW, Suite 8000  
Washington, DC 20530

Daniel Pozefsky  
Residential Utility Consumer Office  
2828 North Central Ave., #1200  
Phoenix, AZ 85004

Mark N. Rogers  
Excell Agent Services, L.L.C.  
2175 W. 14th Street  
Tempe, AZ 85281

Mark P. Trinchero  
Davis Wright Tremaine  
1300 SW Fifth Ave., Suite 2300  
Portland OR 97201-5682

Penny Bewick  
New Edge Networks  
3000 Columbia House Blvd., Suite 106  
Vancouver, WA 98661

Lisa Crowley  
Covad Communications Company  
7901 Lowry Boulevard  
Denver, Colorado 80230

Karen L. Clauson  
Eschelon Telecom, Inc.  
730 2nd Avenue South, Suite 1200  
Minneapolis, MN 55402

Joan S. Burke  
Osborn Maledon, P.A.  
2929 N. Central Avenue, 21<sup>st</sup> Floor  
Phoenix, AZ 85067-6379

Eric S. Heath  
Sprint Communications Company L.P.  
100 Spear Street, Suite 930  
San Francisco, CA 94105

Charles Kallenbach  
American Communications Services, Inc.  
131 National Business Parkway  
Annapolis Junction, MD 20701

Jeffrey W. Crockett  
Snell & Wilmer, LLP  
One Arizona Center  
Phoenix, AZ 85004-0001

Todd C. Wiley  
Gallagher & Kennedy, P.A.  
2575 East Camelback Road  
Phoenix, AZ 85016-9225

Michael B. Hazzard  
Kelley, Drye & Warren, LLP  
1200 19th Street, NW, Fifth Floor  
Washington, DC 20036

Daniel Waggoner  
Davis Wright Tremaine  
2600 Century Square  
1501 Fourth Avenue  
Seattle, WA 98101-1688

Timothy Berg  
Fennemore Craig, P.C.  
3003 North Central Ave., #2600  
Phoenix, AZ 85012

Raymond S. Heyman  
Randall H. Warner  
Roshka Heyman & DeWulf  
Two Arizona Center  
400 N. Fifth Street, Suite 1000  
Phoenix, AZ 85004

Diane Bacon, Legislative Director  
Communications Workers of America  
Arizona State Council  
District 7 AFL-CIO, CLC  
5818 N. 7th Street, Suite 206  
Phoenix, AZ 85014-5811

Andrea P. Harris  
Senior Manager, Regulatory  
Allegiance Telecom, Inc.  
2101 Webster, Suite 1580  
Oakland, CA 94612

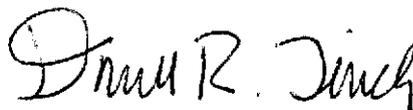
Andrew Crain  
Qwest Corporation  
1801 California Street, Suite 4900  
Denver, CO 80202

Janet Livengood  
Regional Vice President  
Z-Tel Communications, Inc.  
601 S. Harbour Island Blvd., Suite 220  
Tampa, FL 33602

Charles W. Steese  
Qwest Corporation  
1801 California Street, Suite 4900  
Denver, CO 80202

Bill Haas  
Richard Lipman  
McLeodUSA Telecommunications  
Services, Inc.  
6400 C Street SW  
Cedar Rapids, IA 54206-3177

Brian Thomas  
Vice President – Regulatory  
Time Warner Telecom, Inc.  
520 S.W. 6th Avenue, Suite 300  
Portland, OR 97204

  
\_\_\_\_\_