

BEFORE THE



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MISSION

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

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**

**AT&T'S MOTION TO REOPEN  
AND SUPPLEMENT THE RECORD  
ON CHECKLIST ITEM 7 (911)**

AT&T Communications of the Mountain States, Inc. and TCG Phoenix (collectively "AT&T"), hereby file their Motion to Reopen and Supplement the Record on Qwest Corporation's (formerly US West) Compliance With Checklist Item Number 7 of section 271 of the Telecommunications Act of 1996 ("Act"). Checklist item number 7 requires that the incumbent local exchange carrier ("ILEC") provide competitive local exchange carriers ("CLEC") with non-discriminatory access to 911 and E911 services ("911 services").

Given the critical importance of access to 911 services and to the absolute necessity of having an accurate 911 database, the Arizona Corporation Commission ("Commission") should reopen the record and permit AT&T to supplement the record regarding Qwest's compliance with checklist item number 7. Moreover, the Commission should conclude that Qwest has not complied with checklist item number 7 until it has corrected the problems described herein and in the annexed affidavit of Kenneth L. Wilson. ("Wilson Aff.")

## I. BACKGROUND

On February 16, 2001, and on December 28, 2001, the Arizona Corporation Commission entered two Orders (Order 63385 and Supplemental Order 64301), which, taken together, conclude that Qwest has satisfied the requirements of checklist item number 7 of section 271 of the Act. In early January 2002, AT&T was reviewing Qwest's operational functionality in Minnesota as part of that state's section 271 proceeding.<sup>1</sup> During the review, AT&T operational staff raised a problem involving AT&T's ability to update the information of certain customers that switch from Qwest to AT&T for local service.<sup>2</sup> Specifically, AT&T is experiencing a problem updating the E911 database for certain customers who take advantage of the local number portability ("LNP") option (which allows a customer to change local service providers while retaining his or her telephone number).<sup>3</sup>

In light of these discussions, AT&T sought to compile data relating to this problem in Minnesota as well as in certain other states in Qwest's region, including Arizona. It was not until it completed this data gathering process at the end of January 2002 that it recognized the seriousness of the problem it was experiencing with Qwest in Arizona.<sup>4</sup> As described more fully below, the problem in most of the cases where AT&T is unable to update customer information in the E911 database stems from Qwest's failure to release or "unlock" the number at the time it is ported to AT&T. If Qwest fails to unlock the number, the new carrier (AT&T) does not have authorization to update information in the database. The practical effect of this problem is that when the customer places a call to 911, the operator may send emergency service personnel to the

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<sup>1</sup> Wilson Aff. ¶ 13.

<sup>2</sup> Wilson Aff. ¶ 8-9.

<sup>3</sup> *Id.*

wrong location because the customer information in the database is not current. Until Qwest implements a process that ensures that it unlocks numbers at the time the number is ported to AT&T or any other CLEC, it will continue to endanger customers, place AT&T at a competitive disadvantage and violate the terms of section 271 of the Act.

## II. DISCUSSION

Section 271(c)(2)(B)(vii)(I) of the competitive checklist requires Ameritech to provide "nondiscriminatory access to . . . 911 and E911 services."<sup>5</sup> In the *Local Competition Order*, the FCC interpreted the word "nondiscriminatory" to include a comparison between the level of service the incumbent LEC provides competitors and the level of service it provides to itself.<sup>6</sup> In the *Ameritech Michigan 271 Order*, the FCC interpreted the term "nondiscriminatory" for the purposes of section 271 in an identical fashion and found that section 271 requires a BOC to provide competitors access to its 911 and E911 services in the same manner that a BOC obtains such access, *i.e.*, at parity.<sup>7</sup> Specifically, the FCC found that, pursuant to this requirement, RBOCs must maintain the 911 database entries for competing LECs with the same accuracy and reliability that it maintains the database entries for its own customers.<sup>8</sup> This duty includes populating the 911 database with competitors' end user data and performing error correction for competitors on a nondiscriminatory basis.<sup>9</sup> For facilities-based carriers, nondiscriminatory access to 911 and E911 services also includes the provision of

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<sup>4</sup> Wilson Aff. ¶ 13.

<sup>5</sup> 47 U.S.C. § 272(c)(2)(B)(vii)(I). Enhanced 911 or "E911" service enables emergency service personnel to identify the approximate location of the party calling 911.

<sup>6</sup> *Local Competition Order*, 11 FCC Rcd at 15612.

<sup>7</sup> *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA services in Michigan*, CC Docket No. 97-137, Memorandum Opinion and Order, FCC 97-298 (rel. Aug. 19, 1997), ¶ 256 ("*Ameritech Michigan 271 Order*").

<sup>8</sup> *Id.*

unbundled access to the RBOCs 911 database and 911 interconnection, including the provision of dedicated trunks from the requesting carrier's switching facilities to the 911 control office at parity with what the RBOC provides to itself.<sup>10</sup>

Such 911 access is necessary both to ensure customer safety and to provide CLECs with a meaningful opportunity to compete against ILECs, such as Qwest. Particularly for customers switching from Qwest to AT&T (or any other CLEC), the assumption that there is parity access to 911 is an important factor in customers' willingness to leave the incumbent. Another important factor is the customer's ability to retain his or her telephone number under the local number portability ("LNP") requirements. Both of these key factors, however, are at the heart of the problem AT&T is experiencing with Qwest and access to the E911 database.

When a customer switches to AT&T for local service and wishes to keep the same telephone number,<sup>11</sup> AT&T feeds appropriate customer information into its internal databases.<sup>12</sup> AT&T uses this information to send an LNP order to Qwest to have the number ported or cutover to AT&T and to send information to Intrado, the company that manages Qwest's Automatic Location Identifier Database ("ALI"). Qwest is then responsible for a series of events, including porting the number to AT&T at a specified time and sending instructions to Intrado to unlock the customer's number so that AT&T can become the "owner" of the customer's 911 record and, in turn, so that AT&T may update the customer's 911 information.<sup>13</sup>

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> These customers are almost always leaving Qwest as opposed to another CLEC because of Qwest extremely large share of the local market throughout its region. Wilson Aff. ¶ 9.

<sup>12</sup> Wilson Aff. ¶ 9.

<sup>13</sup> Wilson Aff. ¶ 9.

After the cutover, AT&T sends a message to Intrado to change the ownership of the customer's 911 information from Qwest to AT&T and to make any other changes, such as change of address, that are needed. If Qwest has not sent the unlock message to Intrado, AT&T will receive a reject message from Intrado indicating that the database is locked for that customer's number. AT&T may also receive this message if it has submitted incorrect or insufficient data.

When AT&T receives a reject message, AT&T investigates to determine the cause of the message. AT&T checks the data within its billing system, reviews the number's current status in NPAC, identifies the official carrier for the number and checks the status of the telephone number in the AT&T switch. If the investigation reveals an AT&T error, the mistake is corrected and the records are resubmitted for inclusion in the ALI database.<sup>14</sup>

When AT&T determines that the error is not its own, AT&T sends an e-mail to the former local service provider (usually Qwest) requesting that the number be unlocked. After AT&T receives confirmation that the number has been unlocked, AT&T resubmits the records for inclusion in the ALI database.<sup>15</sup>

According to AT&T's records, during 2001, it received reject messages for more than 1,700 Arizona numbers when it tried to update the ALI database.<sup>16</sup> AT&T's investigation revealed that more than 99% of the reject messages received before November 2001 were attributable to Qwest's failure to unlock the ported number in the ALI database.<sup>17</sup> Of these, more than 1,000 remained locked for over 90 days.<sup>18</sup> Although Qwest conducted a reconciliation and clean up in November 2001 of ported

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<sup>14</sup> Wilson Aff. ¶ 10.

<sup>15</sup> Where a number remains locked for more than 30 days, Qwest provides a second notice to AT&T.

<sup>16</sup> Wilson Aff. ¶ 14.

<sup>17</sup> *Id.*

numbers that it had failed to unlock, the problem has not abated.<sup>19</sup> In December 2001, AT&T received reject messages on at least 569 numbers; and, as of January 29, 2002, at least 222 numbers ported to AT&T have remained locked in the ALI database for more than 30 days.<sup>20</sup> This means that AT&T has been unable to update E911 information for at least 222 numbers that were ported to AT&T over 30 days ago.<sup>21</sup>

Especially problematic are those numbers that Qwest fails to unlock for an extended period of time. The longer AT&T is unable to update information in the E911 database, the greater the likelihood that the customer will have moved or will have new information that will be necessary for an E911 operator to have in order to provide emergency services. For example, if a customer moves and AT&T is unable to update the customer's address information in ALI, then the E911 operator receiving the call will send the police, paramedics or other requested emergency service providers to the customer's old address.<sup>22</sup> Although E911 operators attempt to ask the E911 caller for his or her location, the caller may not be able to provide the information at the time of the call. It is not difficult to imagine a caller losing consciousness or having to hang up the phone quickly in order to protect his or her safety. Thus, the information in the ALI database may provide the only information about where the emergency is occurring. Qwest's failure to correct this problem is unacceptable and has the potential to place customers' lives in danger.

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* Although AT&T is unable to state with certainty that Qwest is the reason it is unable to update information in the ALI database for all 222 numbers, it is highly likely that Qwest is responsible for almost all of them given that it was responsible for such a large percentage of the reject messages AT&T received in 2001. *Id.*

<sup>22</sup> Wilson Aff. ¶ 15. This situation is, to some degree, more dangerous than when the E911 database contains no location information. Where information exists, the operator has no reason to suspect that it is incorrect and will send the emergency personnel to the wrong location assuming that he has dispatched assistance to the right locale.

From a business perspective, Qwest's conduct places AT&T at a significant competitive disadvantage. First, AT&T incurs a cost every time it investigates a reject message from Intrado. Were it not for Qwest's improper conduct, AT&T would save the costs of investigating hundreds and hundreds of these messages. Second, AT&T is unable to obtain penalties against Qwest for its poor performance because there are no performance measures that evaluate how and when Qwest unlocks access to the ALI database for numbers ported to AT&T or other CLECs.

A customer who calls 911 and is able to stay on the phone long enough to verify her address may discover that the information the operator has is incorrect. When the customer makes this discovery, she may lose confidence in AT&T, resulting her switching back to Qwest and in serious long term (if not permanent) damage to AT&T's reputation.

AT&T is continuing to investigate this problem in Arizona, as well as in other states throughout the Qwest region. However, it is already apparent that Qwest's failure to unlock numbers in the ALI database has prevented AT&T from having nondiscriminatory access to 911 services as section 271 of the Act prescribes. More importantly, it has potentially risked the availability of 911 services to some of the Arizona customers that have switched from Qwest to AT&T. Under these circumstances, the Commission should reopen the record and permit AT&T to supplement the record with this motion and the affidavit of Kenneth L. Wilson filed herewith and should reopen its review of Qwest's compliance with Checklist Item Number 7.

**CONCLUSION**

For all the foregoing reasons, the Commission should grant AT&T's Motion to Reopen and Supplement the Record and review Qwest's compliance with checklist item number 7.

Dated this 12th day of February 2002.

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

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## INTRODUCTION AND QUALIFICATIONS

1. My name is Kenneth L. Wilson, and I am a senior Consultant and Technical Witness with Boulder Telecommunications Consultants, LLC. My business address is 970 11<sup>th</sup> Street, Boulder, Colorado, 80302. I am submitting this affidavit on behalf of AT&T.

2. My education and relevant work experience are as follows. I received a Bachelors of Science in Electrical Engineering from the University of Illinois in 1972, and I received a Masters of Science in Electrical Engineering in 1974. In addition, I have completed all the course work required to obtain my Ph.D. in Electrical Engineering from the University of Illinois. The course work was completed in 1976.

3. For 15 years before coming to Denver, I worked at Bell Labs in New Jersey in a variety of positions. From 1980 through 1982, I worked as a member of the network architecture and network planning team at Bell Labs for AT&T's long distance service. From 1983 through 1985, I was a member of the first AT&T Bell Labs cellular terminal design team. From 1986 through 1992, I led a Bell Labs group responsible for network performance planning and assurance for AT&T Business Markets. From 1992 through 1994, I was a team lead on a project to reduce AT&T's capital budget for network infrastructure.

4. From 1995 through the spring of 1998, I worked in AT&T's Local Services Organization as the Business Management Director, leading one of the groups responsible for getting AT&T into the local market in U S WEST's 14-state territory. I was the senior technical manager in Denver working on planning AT&T's local network, OSS interface architectures and the associated negotiations for AT&T to accomplish these goals. In this position, I was the lead negotiator for AT&T in establishing interconnection contracts with U S WEST (now Qwest) in its 14 states.

5. Since Spring of 1998, as a consultant and expert, I have evaluated technical issues for a number of companies in complaints, anti-trust cases and compliance proceedings under Section 271 of Telecommunications Act of 1996 (the "Act"). I have represented AT&T on all fourteen Section 271 checklist items in five different cases, including all of the Section 271 cases in Qwest's region that have been considered to date. This representation involved attending over 40 workshops and hearing sessions to address various Section 271 checklist issues. A copy of my curriculum vitae is incorporated into this document as Attachment A. This attachment also includes a list of testimony and expert reports I have submitted as well as my depositions and court appearances during last 10 years.

#### **PURPOSE OF AFFIDAVIT**

6. Because of my technical background, my experience in bringing AT&T into the local markets in Qwest's region, and my experience in other section 271 proceedings in Qwest's region relating to these non-OSS and other section 271 checklist items, AT&T has engaged me to review Qwest's compliance with certain aspects of the section 271 checklist. As of part of this work, I have become aware of a serious problem relating to Qwest's compliance with checklist item number 7 concerning Qwest's failure to provide nondiscriminatory access to 911 services throughout its region and in Arizona specifically.

7. Based upon the information supplied to me by AT&T and upon my communications with AT&T operational employees, I have identified the problems discussed in the following paragraphs. It is my opinion that this problem poses a serious threat to the functionality of 911 services for certain customers that switch from Qwest to AT&T for local service and constitutes Qwest's non-compliance with checklist item number 7. I therefore strongly urge the Arizona Corporation Commission (the "Commission") to reopen its

investigation of this checklist item and conclude that, until Qwest corrects the problem, Qwest is not in compliance with section 271 of the Act.

**QWEST HAS FAILED TO PROVIDE AT&T WITH NONDISCRIMINATORY ACCESS TO 911 SERVICES.**

8. As a consultant for AT&T I was asked to review (among other things) Qwest's compliance with checklist item number 7 in connection with its application for long distance entry in Minnesota under section 271 of the Act. That state is in the early phases of its review of Qwest's section 271 application. During my review, I learned through discussions with AT&T operations personnel that AT&T was experiencing an exceptionally high number of problems updating the 911 database for customers that switched from Qwest to AT&T. These problems affected certain customers who elected to keep their telephone number when switching to AT&T. It is my experience that the majority of customers when changing carriers (as opposed to establishing new local telephone service) take advantage of local number portability ("LNP") so that they may retain their current telephone number. Thus, a problem affecting LNP orders has far reaching impact.

9. The 911 problem arises from Qwest's repeated failure to follow the proper procedures when some of its customers change to AT&T for local service. When a customer calls AT&T for local service in Arizona, the vast majority will be switching service from Qwest. AT&T takes the customer's information and builds internal databases in preparation for sending an order to Qwest for LNP and for sending 911 information to Intrado, the company that manages the Automatic Location Identifier (ALI) database in the Qwest territory. AT&T then places an LNP order with Qwest to have the customer's phone number ported to AT&T on a specific date. Qwest is then responsible for several LNP processes, including sending an "unlock" message to Intrado. This message should be sent on the cutover date or no later than midnight of the day after the cutover date. After the cutover, AT&T sends a message to Intrado

to change the ownership of the customer's 911 information from Qwest to AT&T and to make any other changes, such as change of address, that are needed. If Qwest has not sent the unlock message to Intrado, AT&T will receive a reject message from Intrado indicating that the database is locked for that customer's number. AT&T may also receive a reject message if it has submitted incorrect or insufficient data.

10. When AT&T receives a reject message from Intrado, AT&T places the number into a queue for investigation and researches each number separately. AT&T reviews data in its billing system and the number's current status in NPAC, identifies the official carrier for the customer and checks the status of the telephone number in the AT&T switch. If the investigation reveals an AT&T error, the mistake is corrected and the records are resubmitted for inclusion in the ALI database.

11. If AT&T determines that the error is not its own, AT&T sends an e-mail to the former local service provider requesting that the number be unlocked. After AT&T receives confirmation that the number has been unlocked, AT&T resubmits the records to Intrado for inclusion in the ALI database.<sup>1</sup>

12. AT&T has been receiving a large number of reject messages in the Qwest region, many of which appeared not to be attributable to AT&T.

13. In order to quantify the extent of the 911 problem, AT&T compiled data not only for Minnesota, but for several other Qwest states including Arizona. AT&T concluded its initial data compilation at the end of January at which time it realized the full nature and scope of the problem.

14. My analysis of the data shows that Qwest failed to send the unlock message on time for over 1,700 telephone numbers in Arizona during the past year. Almost a

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<sup>1</sup> When a number remains locked out for more than 30 days, Intrado provides a second notice to AT&T.

thousand of these were not unlocked for a period of three to four months or more. These are numbers where AT&T ported the telephone number successfully, but Qwest failed to send the unlock message to Intrado for the 911 database so that AT&T could change the ownership of the customer's 911 record and make customer information changes when needed. Qwest conducted a reconciliation and clean up in November, 2001 to fix over eleven hundred orders that had not been unlocked in Arizona. However, AT&T still has hundreds of telephone numbers that have been ported to AT&T where Qwest has not sent the unlock message for the 911 database on a timely basis, with hundreds more occurring each month in Arizona. Qwest should be unlocking the 911 database as part of the LNP process.

15. There is risk to the end user when the 911 database is not unlocked. When this happens, AT&T is not able to update the database if the customer's information, such as street address, changes. If the customer has moved locations, the street number has changed, or other information in the 911 database was not updated, then emergency operators will have outdated information. Some customers switch carriers and move locations at the same time, creating an immediate problem. If this happens, it could cause a life threatening, public safety situation. The 911 operator does not know that the information in the database that he views when the customer calls is incorrect and will be using incorrect information, sending emergency vehicles to the wrong location. Enhanced 911 was conceived as a service that allows operators to dispatch emergency vehicles to the correct address without the need to obtain name and address information from the caller. Unless there is time, and the caller has the ability to verify the address in the database, the 911 operator will dispatch to the address listed in the database. If a customer whose address has changed stays on the line long enough to correct her address for the 911 operator, the customer will then learn that her 911 database information is incorrect. Under these circumstances, the customer may immediately act to leave AT&T and go back to

Qwest to ensure that her 911 access is unhampered. This is especially likely if the customer is a business owner who has employees about whose safety she must be concerned.

16. Qwest must fix the process problems that are causing delays in sending the unlock message to the 911 database when customers migrate to AT&T and to other CLECs. AT&T and its customers are currently receiving discriminatory access to 911 in Arizona due to the problems caused by Qwest that I have described above. Until Qwest has fixed its processes and can demonstrate that this problem has been fixed, Qwest is not in compliance with checklist item number 7.

FURTHER AFFIANT SAYETH NOT.



Kenneth L Wilson

COUNTY OF BOULDER

STATE OF COLORADO

Subscribed and sworn to before me this 8<sup>th</sup> day of February, 2002.

SEAL



Notary Public

my Commission 8/26/04

## CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of **AT&T's Motion to Reopen and Supplement the Record on Checklist Item 7 (911)**, Docket No. T-00000A-97-0238 were sent by overnight delivery on February 12, 2002 to:

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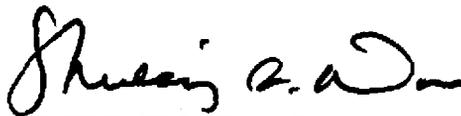
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