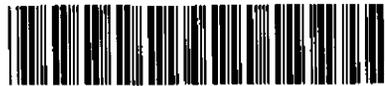


WILLIAM A. MUNDALL  
CHAIRMAN  
JIM ERVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER



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OPEN MEETING ITEM

BRIAN C. McNEIL  
EXECUTIVE SECRETARY

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ARIZONA CORPORATION COMMISSION

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

DATE: FEBRUARY 14, 2002

DOCKET NOS: T-00000A-97-0238

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Jane Rodda. The recommendation has been filed in the form of an Order on:

QWEST CORPORATION  
(CHECKLIST ITEM NO. 11)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **12:00** p.m. on or before:

FEBRUARY 22, 2002

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

TO BE DETERMINED

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

Arizona Corporation Commission  
**DOCKETED**

FEB 14 2002

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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

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**BEFORE THE ARIZONA CORPORATION COMMISSION**

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

IN THE MATTER OF U. S. WEST  
COMMUNICATIONS, INC.'S COMPLIANCE  
WITH SECTION 271 OF THE  
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. T-00000A-97-0238

DECISION NO. \_\_\_\_\_

**ORDER**

Open Meeting  
2002  
Phoenix, Arizona

**BY THE COMMISSION:**

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

**FINDINGS OF FACT**

1. The Federal Telecommunications Act of 1996 ("1996 Act") added Section 271 to the Communications Act of 1934. The purpose of Section 271 is to specify the conditions that must be met in order for the Federal Communications Commission ("FCC") to allow a Bell Operating Company ("BOC"), such as Qwest Corporation ("Qwest" or the "Company"), formerly known as US WEST Communications, Inc. ("US WEST")<sup>1</sup> to provide in-region interLATA services. The conditions described in Section 271 are intended to determine the extent to which local phone service is open to competition.

2. Section 271 (c)(2)(B) sets forth a fourteen point competitive checklist which specifies the access and interconnection a BOC must provide to other telecommunications carriers in order to satisfy the requirements of Section 271. Section 271 (d)(2)(B) requires the FCC to consult with state commissions with respect to the BOC's compliance with the competitive checklist. Also, Subsection (d)(2)(A) requires the FCC to consult with the United States Department of Justice.

3. Section 271(c)(2)(B)(xi) of the 1996 Acts requires a Section 271 applicant to be in

<sup>1</sup> For purposes of this Order, all references to US WEST have been changed to Qwest.

1 compliance with the number portability regulations the FCC has adopted pursuant to Section 251 of  
2 the 1996 Act.

3 4. Section 271 (c)(2)(B)(xi) of the 1996 Act states that “[u]ntil the date by which the  
4 Commission issues regulations pursuant to section 251 to require number portability,” a Section 271  
5 applicant must provide “interim telecommunications number portability through remote call  
6 forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment  
7 of functioning, quality, reliability, and convenience as possible.”

8 5. The 1996 Act defines number portability as the ability of customers “to retain, at the  
9 same location, existing telecommunications numbers without impairment of quality, reliability, or  
10 convenience when switching from one service provider to another.”

11 6. In Decision No. 60218 (May 27, 1997) the Commission established a process by  
12 which Qwest would submit information to the Commission for review and a recommendation to the  
13 FCC whether Qwest meets the requirements of Section 271 of the 1996 Act.

14 7. On February 8, 1999, Qwest filed a Notice of Intent to File with the FCC and  
15 Application for Verification of Section 271(c) Compliance (“Application”), and a Motion for  
16 Immediate Implementation of Procedural Order. On February 16, 1999, AT&T Communications of  
17 the Mountain States, Inc. (“AT&T”), GST Telecom, Inc. (“GST”), Sprint Communications  
18 Company, L.P. (“Sprint”), Electric Lightwave, Inc. (“ELI”), MCI WorldCom, Inc., on behalf of its  
19 regulated subsidiaries (“MCIW”), and e-spire Communications, Inc. (“e-spire”) filed a Motion to  
20 Reject Qwest’s Application and Response to Qwest’s Motion.

21 8. On March 2, 1999, Qwest’s Application was determined to be insufficient and not in  
22 compliance with Decision No. 60218. The Application was held in abeyance pending  
23 supplementation with the Company’s Direct Testimony, which was ordered pursuant to Decision No.  
24 60218 and the June 16, 1998 Procedural Order. On March 25, 1999, Qwest filed its supplementation.

25 9. By Procedural Order dated October 1, 1999, the Commission bifurcated Operational  
26 Support System (“OSS”) related Checklist elements from non-OSS related elements.

27 10. In its December 8, 1999 Procedural Order, the Commission instituted a collaborative  
28 workshop process to evaluate the non-OSS Checklist Items. The December 8, 1999, Procedural

1 Order directs Commission Staff to file draft proposed findings of fact and conclusions of law for  
2 review by the parties within 20 days of each Checklist Item being addressed. Within ten days after  
3 Staff files its draft findings, the parties are to file any proposed additional or revised findings and  
4 conclusions. Staff has an additional ten days to issue its Final Recommended Report.

5 11. For "undisputed" Checklist Items, Staff submits its Report directly to the Commission  
6 for consideration at an Open Meeting. For "disputed" Checklist Items, Staff submits its Report to the  
7 Hearing Division, with a procedural recommendation for resolving the dispute.

8 12. On August 16, 2000, the first Workshop on Checklist Item No. 11 (Local Number  
9 Portability - LNP) took place at Hewlett-Packard's offices in Phoenix. Parties appearing at the  
10 Workshop included Qwest, AT&T, Sprint, ELI, MCIW, Rhythms Links, Inc. and the Residential  
11 Utility Consumer Office ("RUCO"). Qwest relied on its Supplemental Affidavit filed on June 30,  
12 2000. AT&T, MCIW, Rhythms Link and ELI filed Additional Comments on August 3, 2000. Qwest  
13 filed Rebuttal Comments on August 10, 2000 and October 20, 2000.

14 13. On March 5, 2001, another Workshop convened to resolve outstanding issues  
15 regarding Checklist Item No. 11, and on May 14, 2001, a follow-up workshop convened to discuss  
16 remaining LNP issues.

17 14. The parties were able to resolve many issues at the workshops, but following the May  
18 14, 2001 Workshop, a number of issues remained unresolved and went to impasse.

19 15. On September 17, 2001, Commission Staff filed its Proposed Findings of Fact and  
20 Conclusions of Law on Checklist Item No. 11, Local Number Portability (LNP) ("Proposed  
21 Findings"). In its Proposed Findings, Staff determined that the record was not adequate in some  
22 respects to determine whether Qwest meets the requirements of Checklist Item No. 11.

23 16. Staff reopened the Record for the purpose of taking additional comments and evidence  
24 on the concerns identified in its Proposed Findings. Staff offered Qwest ten days to supplement the  
25 Record and offered other parties seven days from the date of Qwest's filing to submit responses and  
26 additional evidence to support their positions.

27 17. Qwest filed a Supplement to the Record regarding Checklist Item No. 11 on  
28 September 27, 2001, and filed Additional Comments on October 4, 2001.

1 18. AT&T responded to Qwest's supplementation of the record on October 9, 2001.

2 19. On December 24, 2001, Staff filed its Supplemental Report on Checklist Item No. 11,  
3 Local Number Portability (LNP). ("Supplemental Report"). Copies of Staff's Proposed Findings and  
4 Supplemental Report are attached hereto as Exhibits A and B, respectively, and incorporated herein  
5 by reference.

6 20. On January 8, 2002, AT&T filed a Response to Staff's Supplemental Report on  
7 Checklist Item No. 11.

8 21. The Proposed Findings and the Supplemental Report identify three impasse issues  
9 relating to LNP.

10 22. We find that the existing record is sufficiently developed to resolve the non-OSS  
11 related disputed issues relating to Checklist Item No. 11 without a hearing.

12 23. Impasse Issue No. 1 is whether Qwest should adopt an automated check of the  
13 Number Portability Administration Center ("NPAC") before it disconnects a number being switched  
14 to another carrier, as a long term solution to problems associated with the porting process.

15 24. Qwest acknowledged that close coordination between it and the CLECs is critical to  
16 ensure that the number is ported before disconnection occurs. Qwest agreed to extend disconnection  
17 until 11:59 p.m. on the next business day after the scheduled port. Pursuant to Qwest's manual  
18 <sup>2</sup>process, if a CLEC notifies Qwest by 8 p.m. on the business day following the scheduled port that  
19 the CLEC did not complete its installation, Qwest will ensure that the disconnect will not occur.  
20 Qwest did not agree to the CLEC's proposal that it implement an automated query or test system by  
21 the Qwest switch to verify that the CLEC has completed installation of the loop prior to Qwest  
22 disconnecting the line. Qwest argued the automated system would require a complete service order  
23 processing system change and be very expensive.

24 25. In its Proposed Findings, Staff noted that Qwest had not offered any evidence as to its  
25 actual costs to implement an automated system. Further, Staff stated the record did not contain any

26 \_\_\_\_\_  
27 <sup>2</sup> Under Qwest's manual system, a CLEC that has not completed its installation prior to the Due Date, the CLEC can  
28 contact a Qwest Escalation Center by phone or email. When Qwest receives the information, Qwest personnel input the  
change into its systems and the disconnect is avoided. Under an automated system, such as that implemented by  
BellSouth, a query or test call is sent to determine if the CLEC has activated the port.

1 information as to whether Qwest's mechanized disconnect delay process has actually been  
2 implemented and how it is working to resolve CLEC concerns. Staff asserted that such information  
3 is necessary for Staff to determine whether or not Qwest is complying with the requirements of  
4 Checklist Item No. 11. Staff also believed that Qwest should work on implementing an automated  
5 process to confirm that the port has occurred before disconnect and should submit additional  
6 information on how such program would operate and when it could be made available.

7 26. Staff recommended that Qwest's SGAT Section 10.2.2.4 include the following  
8 provision:

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

11 27. In its September 27, 2001, Supplemental Filing, Qwest argues that its disconnect delay  
12 process has been implemented and is working to resolve CLEC concerns. Under this process, Qwest  
13 states, a CLEC can contact Qwest either live or by email, up to 8 p.m. the day after the scheduled port  
14 to notify Qwest that the CLEC did not complete its work. Qwest asserts that this mechanized system  
15 prevents disconnect before the number is ported. Qwest submitted evidence in its Supplemental  
16 Filing that in July and August, 2001, all of the premature disconnects prior to porting (39 and 33,  
17 respectively) were caused by CLECs notifying Qwest of the delay later than two days after the due  
18 date. Qwest reiterated its position that it is currently performing at a level that allows meaningful  
19 competition and that it should not be required to implement an automated system. Qwest states that it  
20 is currently completing a business plan to determine the cost of the automated system.

21 28. Qwest disagreed with Staff's recommended addition to SGAT Section 10.2.2.4, above,  
22 arguing that it requires more from Qwest than the performance metric ("Performance Indicator  
23 Definition" or "PID") agreed to by all parties to the Arizona TAG. According to Qwest, the parties  
24 negotiated a performance metric with a 98.25 percent benchmark. That is, Qwest meets its  
25 performance benchmark if it causes premature disconnects<sup>3</sup> for less than 1.75 percent of the numbers  
26 ported. Qwest argues that the proposed language would require zero percent disconnects. Qwest  
27

28 <sup>3</sup> For example, if it disconnects the number even if the CLEC notifies it by 8 p.m. of the day after the scheduled port.

1 proposed the following language be added to either or both SGAT Sections 10.2.5.3.1 and 10.2.2.4:

2  
3 If CLEC requests Qwest to do so by 8:00 p.m. Qwest will assure that the  
4 Qwest loop is not disconnected on that day.

5 29. In its October 9, 2001 Response to Qwest Supplementation of the Record on Checklist  
6 Item No. 11, AT&T expresses concerns that the CLECs had not had an opportunity to fully address  
7 process changes in the Change Management Process ("CMP") as well as concerns over the use of  
8 unaudited data for measuring performance against a new PID. AT&T reiterated its recommendation  
9 for an automated process similar to that developed by BellSouth, which AT&T states has eliminated  
10 premature disconnects. AT&T raised the question of Qwest's cost estimates, and recommends that  
11 Qwest's manual process be implemented in Arizona on an interim basis.

12 30. Staff believes that Qwest has shown that it is working to address CLEC concerns over  
13 premature disconnects through the implementation of its manual disconnect delay process. Staff  
14 notes that unaudited data for July and August 2001 shows that Qwest is exceeding the benchmark for  
15 the new PID.

16 31. Staff believes that evidence in Qwest's Supplementation of the Record demonstrates  
17 that it has developed a business case for an automated system, and indicates that Qwest has issued  
18 RFPs to two vendors and is awaiting responses. Staff recommends that Qwest supplement the record  
19 concerning vendor information when it becomes available.

20 32. In Comments to the Supplemental Report filed January 8, 2002, AT&T notes that at  
21 the November 14, 2001 CMP meeting, Qwest reported that it had received responses to RFPs from  
22 three vendors. AT&T requests that Qwest be required to supplement the record immediately to make  
23 the information available prior to a Commission decision. AT&T believes it is unclear whether Staff  
24 continues to recommend the modification of SGAT Section 10.2.2.4. AT&T opposes Qwest's  
25 proposed language for SGAT Sections 10.2.5.3.1 and 10.2.2.4. AT&T asserts the language is  
26 inconsistent with Qwest's latest offer in which it agrees to ensure the customer is not disconnected up  
27 until noon on the next day following the port. If the Commission desires to adopt Qwest's proposed  
28 language, AT&T proposes the following additional language:

1 CLEC is required to make timely notification of Due Date changes or  
2 cancellations by 8:00 p.m. mountain time on the Due Date through a  
3 supplemental LSR order. In the event CLEC does not make timely  
4 notification, CLEC may submit a late notification to Qwest as soon as  
5 possible but in no event later than 12:00 p.m. mountain time the next  
6 business day after the Due Date to Qwest's Interconnect Service Center in  
7 the manner set forth below. For a late notification properly submitted,  
8 Qwest agrees to ensure that the End User's service is not disconnected  
9 prior to 11:59 p.m. of the next business day following the new Due Date  
10 or, in the case of cancellation, no disruption of the End User's existing  
11 service. Late notifications must be made by calling Qwest's Interconnect  
12 Service Center followed by CLEC submitting a confirming supplemental  
13 LSR order.

14 33. On February 8, 2002, Qwest filed LNP Cost Estimates Pursuant to Staff's Report on  
15 Checklist Item 11, and a supporting affidavit from Maurcen L. Callan. Qwest's February 8, 2002  
16 filing states that the mechanized process that Qwest instituted in August 2001 is now the industry-  
17 accepted option for minimizing customer disconnects. Qwest also provided information that in  
18 October, November and December 2001, it had one miss, two misses, and no misses, respectively.  
19 Qwest also provided, under confidential cover, vendor cost quotes. Finally, Qwest asserts that the  
20 BellSouth automated system has its own drawbacks.

21 34. Qwest's unaudited numbers for July and August, 2001, and October through  
22 December 2001, appear to show that its mechanized process is effective in meeting CLEC concerns  
23 about premature disconnects. The OSS test should provide additional information on the  
24 effectiveness of Qwest's mechanized system. Unless the OSS test demonstrates otherwise, at least on  
25 an interim basis, Qwest is adequately meeting its obligation. Other parties have not had an  
26 opportunity to comment on Qwest's February 8, 2002 filing. We cannot determine yet if Qwest's  
27 submission is complete or if the costs of such a system would outweigh its benefits to competition.  
28 We believe that Qwest should continue to cooperate with Staff in evaluating an automated system.  
Further analysis may demonstrate the benefits of such a system, and the Commission reserves the  
right to reopen this issue at a later date. Furthermore, in the future, as CLEC volumes increase, a  
manual system may not be as effective as it may be in the early stages of competition. In the interim,  
and contingent upon the OSS test results, we believe Qwest is complying with its obligations to  
minimize premature disconnects. We further find that AT&T's proposed SGAT language for

1 Sections 10.2.5.3.1 and 10.2.2.4 is more complete than Qwest's proposed language, and should be  
 2 adopted, except that it is our understanding that Qwest has offered to receive late notification up until  
 3 8:00 p.m. on the date after the Due Date (as opposed to noon) to ensure the end-user's service is not  
 4 disconnected that day. Qwest should revise its SGAT accordingly.

5 35. Impasse Issue No. 2 is whether issues concerning the rescinding of a Local Service  
 6 Request ("LSR") after a firm order commitment ("FOC") has been provided are more appropriately  
 7 addressed in the OSS test.

8 36. Cox reported problems with Qwest rescinding FOCs after issuance and that Qwest  
 9 rejects LNP LSRs for numerous inappropriate reasons. Cox asserted the rejections create significant  
 10 problems for Cox and the customer because it takes time and resources to resolve the issues with  
 11 Qwest, it reflects poorly on Cox, and it harms competition. Cox proposed the following language for  
 12 SGAT Section 10.2.5.5:

13  
 14 Qwest shall assure that business processes are in place to ensure that: (i) CLEC  
 15 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.

16 37. Qwest argues that Cox's concern is not a Checklist Item No. 11 concern, but one that  
 17 relates to the ongoing OSS testing process, as issues relating to the timing of LSRs and FOCs will be  
 18 addressed there. Qwest states that it has made changes in its processes to address Cox's concerns and  
 19 the issues have been discussed as part of the CMP.

20 38. Staff believes it is appropriate to address SGAT language in the context of the relevant  
 21 Checklist Item Workshop, and that SGAT language is not a subject of TAG discussion. In its  
 22 Proposed Findings, Staff noted that new Qwest policies have not been made a part of the record in  
 23 this proceeding, and until Staff can review those policies, Staff cannot make a recommendation  
 24 concerning compliance with Checklist Item No. 11. Further, Staff recommended that Cox's proposed  
 25 SGAT language, with slight modification, be adopted as follows:

26  
 27 Qwest shall assure that business processes are in place to ensure that: (i) CLEC  
 28 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.

1 without the prior knowledge and agreement of the CLEC.

2 39. In its Proposed Findings, Staff states that for Staff to recommend that Qwest is  
3 complying with Checklist Item No. 11, the record must demonstrate that rejection of FOCs is no  
4 longer an obstacle for CLECs. Thus, Staff believes that Qwest must demonstrate that the "fixes" it  
5 promised have been implemented and are working.

6 40. Qwest's supplementation of the record included its new policies regarding customer  
7 conversions. Qwest reiterates that this issue should be addressed in the OSS test.

8 41. In its Supplemental Report, Staff continues to recommend its proposed SGAT  
9 language for Section 10.2.5.5. Staff also states that it cannot formulate a final conclusion whether  
10 improper FOCs continue to occur until the completion of the Functionality Retest Program.

11 42. Qwest's policies for rejecting LSRs, included in its Supplementation, appear  
12 reasonable. However, it is not so much the policies themselves at issue here as the implementation of  
13 those policies. We cannot assess whether Qwest's policies to avoid improper rescission of FOCs are  
14 effective until the OSS test and report are complete. Nonetheless, we believe that Staff's proposed  
15 SGAT language is reasonable and should be adopted. The proposed SGAT addition merely states  
16 Qwest's obligation to institute policies that prevent the improper rejection of LSRs. Qwest should  
17 revise its SGAT accordingly.

18 43. Impasse Issue No. 3 is identifying the appropriate interval to restore service when the  
19 CLEC customer is prematurely disconnected.

20 44. The CLECs have requested an expedited reconnection process when a customer has  
21 been prematurely disconnected due to a delayed port date. Cox suggested a range of two to four  
22 hours.

23 45. Qwest opposes the two hour proposal and states it will try to get a customer back in  
24 service as soon as possible. Qwest believes that parity is the most that should be required and Qwest  
25 does not give a two-hour commitment to establish retail service. Qwest argues it is unfair to require  
26 Qwest to respond in two hours to a situation caused by CLEC delays.

27 46. Staff believes that Cox's request for restoration of service in two hours may be too  
28 short in some cases. In its Proposed Findings, Staff recommends four business hours to reconnect a

1 residential account that was prematurely disconnected due to a delay in number porting. Staff  
2 assumes that all business accounts are handled by coordinated cuts.

3 47. Qwest objects to Staff's recommendation of a four hour timeframe to restore service  
4 after a premature disconnect. Qwest states that the four hour timeframe is inconsistent with the  
5 Maintenance and Repair PIDs agreed upon by the Arizona TAG. Qwest states that the Arizona TAG  
6 agreed upon two new repair measures: (1) that LNP trouble reports should be cleared within 24 hours  
7 and (2) LNP trouble reports -- mean time to restore. According to Qwest, both measures have retail  
8 parity comparatives analogous to performance around retail residential service when no dispatch is  
9 required. Thus, Qwest argues, the TAG already established that service would be restored within 24  
10 hours per line.

11 48. AT&T argues that Qwest should be required to restore a customer disconnected during  
12 the LNP process in four business hours, and supports Staff's recommendation. AT&T believes this is  
13 a fair interval since the average mean time to restore is currently running between three and seven  
14 hours.

15 49. Staff notes that the Commission recently approved an amendment to the Cox Qwest  
16 Interconnection Agreement in which Qwest agreed to restore Cox customers that are prematurely  
17 disconnected during the LNP process in four hours.

18 50. Although Staff has verified that the TAG approved new PIDs and associated metrics,  
19 based on Qwest's recent agreement with Cox, Staff continues to recommend the four business hour  
20 interval. Staff further recommends that the PID be reviewed in the six-month review of the  
21 Performance Assurance Plan to reflect actual data experienced by Qwest.

22 51. We believe that restoring service after a premature disconnect is different than  
23 establishing service. We find that a four-business hour timeframe for restoring service to a  
24 prematurely disconnected residential customer is reasonable. Restoring service should not be a  
25 complicated process, and Qwest has agreed to this timeframe in individual interconnection  
26 agreements. Qwest should amend its SGAT to reflect this finding.

### CONCLUSIONS OF LAW

28 1. Qwest is a public service corporation within the meaning of Article XV of the Arizona



1 cost estimates of an automated system for checking with NPAC prior to disconnect, and that the  
2 Commission retains the right to reconsider whether Qwest should institute such an automated system  
3 at a later date

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.  
6  
7

8 CHAIRMAN

COMMISSIONER

COMMISSIONER

9  
10  
11 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
12 Secretary of the Arizona Corporation Commission, have  
13 hereunto set my hand and caused the official seal of the  
14 Commission to be affixed at the Capitol, in the City of Phoenix,  
15 this \_\_\_\_ day of \_\_\_\_\_, 2002.

16  
17 \_\_\_\_\_  
18 BRIAN C. McNEIL  
19 EXECUTIVE SECRETARY

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IN THE MATTER OF QWEST CORPORATION'S  
SECTION 271 APPLICATION

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

FINAL REPORT ON QWEST'S COMPLIANCE

With

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

SEPTEMBER 17, 2001

DECISION NO. \_\_\_\_\_

## I. FINDINGS OF FACT

### A. PROCEDURAL HISTORY

1. On March 5, 2001, 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 May 14, 2001 a second 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. Following are Staff's Proposed Findings of Fact and Conclusions of Law.

### B. DISCUSSION

#### 1. Checklist Item No. 11

##### a. FCC Requirements

4. Section 271(c)(2)(B)(xi) of the 1996 Act requires a BOC to be in compliance with the number portability regulations the Commission has adopted pursuant to Section 251 of the 1996 Act.

5. Section 271(c)(2)(B)(xi) of the 1996 Act states that "[u]ntil the date by which the Commission issues regulations pursuant to section 251 to require number portability," a Section 271 applicant must provide "interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other

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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.

comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible.”

## b. Background

6. The 1996 Act defines number portability as “the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.” 47 U.S.C. § 153(30).

7. Two specific Performance Indicator Definitions (“PIDs”) have been agreed to by the Arizona Test Advisory Group (“TAG”):

1) OP-8B - Coordinated Local Number Portability (LNP) Timeliness (percent). This performance indicator measures the percentage of LSA triggers, also referred to as LNP triggers, that Qwest translates (“sets”) in the switch prior to the scheduled start time for the unbundled loop cutovers. The unbundled loop cutovers require coordination between Qwest and the CLEC. If the LSA trigger is set prior to the start of the cutover, the CLEC controls the activation of number portability without the need for any involvement by or coordination with Qwest.

2) OP-8C - Non-Coordinated LNP triggers Set on Time (percent). This performance indicator measures the percentage of LSA triggers that Qwest sets prior to the Frame Due Time (“FDT”) for all LNP orders for which coordination is not required. The FDT is established by the CLEC on their service order. If the LSA trigger is set prior to the FDT, the CLEC controls the activation of number portability without the need for any involvement by or coordination with Qwest.

Id. at p. 6

## c. Position of Qwest

8. Qwest completed its initial deployment of long-term number portability in the Phoenix MSA on August 3, 1998 and the Tucson MSA on November 2, 1998. June 30, 2001 Supplemental Affidavit of Margaret S. Bumgamer at p. 2. Since that time, Qwest has deployed LNP based on bona fide requests received from CLECs according to the FCC’s rules. Id. Qwest stated that the remaining Arizona switches would be converted by October 2, 2000, making LNP available to 100% of Qwest’s access lines in Arizona. Id.

9. Qwest’s LNP process team has continued to meet weekly to improve the provisioning and repair processes for LNP. Id. at p. 3. Qwest has provided timely

updates of the documentation of procedures to CLECs for ordering, provisioning, maintenance and repair of number portability arrangements. Id.

10. At the request of several CLECs, Qwest now offers as a standard product offering, out-of-hours LNP provisioning. Id. at p. 3. Out-of-hours provisioning of LNP is provided for in the SGAT in Section 10.2.6 and is also described in the Interconnect and Resale Resource Guide ("IRRG"). Id.

11. Qwest provides long-term number portability using the Location Routing Number ("LRN") architecture. Id. at p. 3. LRN is an addressing and routing method that allows the re-homing of individual telephone numbers to other switches through the use of a database. Id. The Number Portability Administration Center ("NPAC") database is currently provided and administered by NeuStar as a neutral third party administrator. Id. Unlike interim number portability methods, LNP does not operate by routing a telephone call through the Qwest central office switch that originally served the specific telephone number. Id. at p. 4. An Advanced Intelligent Network ("AIN") trigger, the Line Side Attribute ("LSA"), also called the "10-digit unconditional trigger", causes a query to be launched to a local LNP database to determine the new routing address and sends the call to the switch that currently serves that telephone number for call completion. Id.

12. The pre-setting of the LSA triggers allows the CLEC to control the activation of number portability on the due date. Id. at p. 4. The translation in the switch of a LSA trigger, referred to as "setting a trigger", causes call termination with the original "donor" switch to a specific line's telephone number to be suspended and a query is sent to the LNP database for routing information. Id. If the telephone number in the LNP database shows that the number has not been ported yet, the call is terminated in the original switch as usual. Id. If the telephone number in the LNP database shows that porting has been activated by the CLEC, the new routing information is returned and the call is routed to the CLEC's switch for call termination. Id. When the LSA trigger is set on a telephone number prior to the Frame Due Time or prior to the start time of an unbundled loop cutover, the CLEC controls the activation of number portability. Id.

13. Qwest has resolved an issue concerning the reassignment, or duplicate assignment, of ported numbers. Id. at p. 4. When Qwest initially deployed its new number administration system, Customer Number ("CNUM"), there were occasions when Qwest reassigned the CLEC's ported numbers to one of its retail customers. Id. When Qwest identified what was causing the reassignment of some ported numbers in August 1999, it immediately took corrective action and put processes in place to prevent the release of ported numbers into its number assignment system. Id. at p. 5. Qwest made a trouble report to the number portability database vendor and the vendor fixed the problem on October 3, 1999. Id. To ensure the accuracy of its database, the CNUM project team re-verified the ported numbers for all states for all prefixes (NXXs) that had already been converted to CNUM. Id. No further problems have been experienced since October 1999 with reassignment of ported numbers. Id.

14. Qwest is currently implementing the performance indicators for LNP developed in the Arizona workshops. *Id.* at p. 6.

**d. Competitors' Position**

15. In their July 22, 1999, preliminary statements of position on Qwest's compliance with all Checklist Items, AT&T stated that Qwest is not meeting its responsibilities with respect to LNP in that Qwest has imposed a cumbersome process of transferring ("porting") numbers and has imposed limitations on how many numbers may be ported per day to CLEC customers. AT&T Ex. 1 at p. 12. In addition, Qwest procedures do not allow new entrants to port numbers except during business hours. *Id.* at p. 13. AT&T also stated that Qwest has failed to put forth any data on the manner in which it provides LNP to CLECs. *Id.* Without such data, it is impossible to determine if Qwest is meeting its obligations with respect to Checklist Item No. 11. *Id.*

16. Other CLECs filing comments on July 22, 1999, included MCIW, Cox, ELI, e-spire, Rhythms, Sprint and NEXTLINK. MCIW stated that it has had conversion problems with interim LNP. ELI stated that Qwest fails to provide adequate processes to insure that numbers are ported properly which causes ELI customers to experience serious problems. ELI also stated that it joined in the position statements filed by the other CLECs. e-spire stated that Qwest is not in compliance with Checklist Item 11 in that Qwest often does not coordinate porting of numbers with the actual physical cutover of service from Qwest to e-spire. e-spire also stated that often, Qwest incorrectly ports numbers so that the new e-spire customer cannot receive calls. NEXTLINK stated that Qwest's programs, policies and procedures for the transition from interim number portability to permanent number portability have imposed enormous burdens and costs on carriers such as NEXTLINK, as well as their customers. Rhythms did not offer a Statement of Position on Checklist Item 11. Sprint stated that it has had no experience with Qwest's implementation of number portability in Arizona.

17. Cox stated that it has experienced many problems with Qwest's provisioning of interim and long-term number portability as listed: 1) Qwest does not provide staffing or support to allow Cox to port customers on Saturday, 2) Cox has experienced a high percentage of failed porting attempts due to the trigger not being set within the Qwest switch, 3) Qwest frequently states that they cannot respond to Cox's porting requests on a timely basis due to the fact that they are processing INP-to-LNP conversions, 4) several customers that have ported their numbers from Qwest to Cox have experienced continued billing from Qwest, 5) the LNP group within Qwest is hard to reach and non-responsive to Cox's requests for problem resolution, and 6) in numerous instances, Qwest has reassigned numbers ported to Cox customers to new Qwest customers. Cox states that Qwest is not in compliance with Checklist Item 11.

18. Before the first Workshop on Checklist Item 11, parties were given an opportunity to file updated comments on Qwest's performance. Cox filed additional comments on Checklist Item 11 on October 20, 2000. AT&T and MCIW filed comments on Checklist Item 11 on November 3, 2000.

19. Cox had numerous concerns relating to portability problems it continues to have with Qwest. Because Cox uses its own network facilities, number porting is the key Qwest service used by Cox in migrating customers from Qwest. 5-Cox-1 at p. 1. Cox states that although Qwest asserts that it is updating procedures and timely providing documentation to CLECs, Cox's experience is otherwise in that Cox does not receive timely updates of all procedures. *Id.* at p. 2.

20. Cox commented that Qwest states that it has created a better process for pre-setting an LSA trigger. 5-Cox-1 at p. 2. That system is an improvement *if* Qwest does not disconnect a former Qwest customer until the port is completed. *Id.* Once the customer is disconnected from the Qwest network before the port occurs, the trigger disappears. *Id.* This problem arises particularly where a due date is pushed out, but Qwest disconnects that customer on the *original* due date. *Id.* At that point, the CLEC has no control over the activation of number portability and the CLEC must go through a time consuming process with Qwest to get the customer reconnected to Qwest until the new due date. *Id.* at p. 3. This premature disconnect activity by Qwest occurs frequently. *Id.* Cox also stated that Qwest is still improperly reassigning numbers ported to CLECs, despite its statements to the contrary. 5-Cox-1 at p. 3.

21. In Cox's comments, it identified the problems it has experienced with Qwest's LNP within several categories as discussed below: 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, and 5) improper reassignment of ported numbers. 5-Cox-1 at p. 2-7.

a) Improper Rescission of Firm Order Commitment ("FOC")

22. Cox stated that Qwest regularly rescinds FOCs for number porting. 5-Cox-1 at p. 3. Occasionally, Qwest will rescind the FOC without notifying Cox. *Id.* Because Qwest often rescinds the FOC several days after the FOC is sent to Cox, in many instances Cox has already notified the customer of the porting date. *Id.* Cox must then contact the customer to cancel that date, often without a firm date for rescheduling. *Id.* The problem results from Qwest conducting a delayed "clean up" of its ordering system that rejects FOCs already issued. *Id.* This issuance/rescission pattern may create an improper impression that Qwest is satisfying LNP or FOC performance measures when in fact it is not. *Id.* Cox went on to state that the FOC rescission problem occurs up to several times a day. *Id.* at p. 4. Qwest must institute a process that ensures an FOC is indeed "firm" which is something they have not done. *Id.*

b) Premature Porting by Qwest

23. Cox stated that Qwest regularly completes orders either: (i) prior to the agreed to porting time frame or (ii) even though Cox has timely and properly notified Qwest of the need to change or cancel the due date. 5-Cox-1 at p. 4. This results in potential Cox customers left without dial tone, which takes significant time and effort to

reconnect. Id. Qwest appears unwilling or unable to stop the disconnect within Qwest's system even with advance notification, and even if it leaves the customer without dial tone. Id. at p. 4-5. Additionally, if the billing information is deleted, Qwest requires that a new customer account be established before the customer can be ported to Cox, thus causing delay in the customer transfer to Cox and significantly increasing Cox's paperwork for the transfer. Id.

24. Qwest is supposed to disconnect the customer after normal business hours (approximately 8:00 p.m. MST) but is disconnecting numbers throughout the day in complete disregard of the agreed-to times for disconnection. 5-Cox-1 at p. 5. This results in premature disconnection where porting does not occur as scheduled due to circumstances such as customer unavailability. Id. It does not allow Cox adequate time to change the due date prior to disconnection. Id. This problem occurs on a regular basis and also several times a day. Id. The problem is further exacerbated by the difficulty of Qwest's escalation process beyond the call center since calls and pages are not returned and resolution to problems is simply put off without any effort to facilitate such resolution in a timely manner. Id. Qwest must improve its ability and willingness to respond to due date changes up to the time of disconnect to ensure that customers do not experience either service interruptions or delays in transferring to Cox. Id. at p 5-6.

c) Failure to Provide Notice of Changes in Procedures/Failure to Follow Stated Procedures

25. Cox indicated that Qwest has repeatedly modified processes for number porting and related escalation procedures without timely notifying Cox. 5-Cox-1 at p. 6. Qwest does not discuss procedure changes with Cox in advance to identify potential difficulties with the proposed changes. Id. Although Cox has frequently raised process concerns with Qwest, Qwest continues to require processes that are not timely or properly communicated to Cox. Id.

d) Inadequate Porting Time Periods

26. Qwest does not provide the same installation coverage for Cox as it does for itself. 5-Cox-1 at p. 6. Qwest limits Cox's Saturday porting from 6:00 a.m. to 2:00 p.m. which is affected twice a year by Daylight Savings Time. Id. Qwest, however, provides equivalent service to its customers from 8:00 a.m. to 5:00 p.m. on Saturdays, which is not affected by Daylight Savings Time. Id. at p. 7. Qwest is able to activate customers over a significantly broader range of time on Saturdays than Cox because Cox is limited by restrictions on Qwest's number portability support. Id. Although Cox has an obligation to provide Cox with service that is equivalent to that which it provides itself, Qwest repeatedly has refused Cox's requests for equivalent Saturday coverage. Id.

e) Improper Reassignment of Ported Numbers

27. Cox indicated that on multiple (and recently increasing) occasions, Qwest has assigned telephone numbers to Qwest customers that have already been ported to Cox

customers. 5-Cox-1 at p. 7. Resolution of improper number assignments is slow and difficult given Qwest's procedures. *Id.* Qwest still needs to improve its internal processes to eliminate the potential for these improper reassignments. *Id.*

28. AT&T in its Comments stated that Qwest does not meet the minimum standards for compliance with Checklist Item 11 for primarily two reasons. 5-AT&T-1 at p. 39. First, Qwest's SGAT contains insufficient detail to satisfy Qwest's obligations for providing number portability. *Id.* Second, AT&T has experienced a high percentage of problems with Qwest number portability. *Id.* The problems can be grouped into the following categories: 1) loss of outbound and inbound service (caused by premature porting); loss of inbound service (caused by late porting); 2) poor notification of cutovers and cutover problems; 3) failure to address problems caused by Qwest features; 4) problems in testing during and after cutover; 5) problems with LMA in ordering number portability; 6) improper billing after cutover; and 7) reassignment of ported numbers. *Id.* at p. 39-40.

29. AT&T states that SGAT Section 10.2.1 only addresses coordinated cutovers for number ports where unbundled loops are involved. 5-AT&T-1 at p. 41. AT&T went on to state that it also has concerns with the Qwest processes for coordinated number porting where AT&T provides its own loop over Hybrid Fiber Coax ("HFC") facilities. *Id.* Qwest must provide coordinated cutover where the CLEC is self-providing the loop and must revise 10.2.1 to provide for coordinated cutovers for all number ports. *Id.*

30. AT&T stated that Section 10.2.2 provides insufficient detail on Qwest's responsibility to comply with the FCC's rules on number portability. 5-AT&T-1 at p. 41. This Section should make reference to these industry guidelines by specifying the guidelines of the Industry Numbering Committee of the ATIS Practices. *Id.* Also, additional detail should be added on industry guidelines. *Id.* at p. 42. AT&T recommends amending Section 10.2.2 and adding new provisions to this section to assure that Qwest continues to comply with standards set by the FCC and appropriate standards bodies. *Id.*

31. Regarding Section 10.2.6 of the SGAT, AT&T claimed that the intervals specified for number ports by Qwest are too long. 5-AT&T-1 at p. 43. Shorter intervals should be contemplated for these ports where UNE loops are not involved. *Id.* Also, the longer intervals for large orders take effect at thresholds that are too low. *Id.* Section 10.2.6 also contains an exception for situations where facilities are not available. *Id.* at p. 44. This exception should be removed, as there are no facilities issues with number portability. *Id.* The porting of a number from Qwest to a CLEC frees up facilities and therefore, no additional facilities are required. *Id.* Accordingly, Section 10.2.6 should be modified. *Id.*

32. AT&T also argued that there is no provisioning related to managed cutovers for number portability. 5-AT&T-1 at p. 44. Provisions that Qwest has proposed

for managed cuts are inappropriate and insufficient: *Id.* at p. 45. AT&T recommends SGAT language be added starting at Section 10.2.10. *Id.*

33. AT&T proposes that a new SGAT Section, 10.2.11, be added to specify the circumstances under which one of the parties may charge for a database dip for number porting. 5-AT&T-1 at p. 46. Without this new language, CLECs may be incorrectly charged by Qwest. *Id.*

34. AT&T also proposes that language be added as a new Section 10.2.12 to provide for joint administration of the Service Management System ("SMS"). 5-AT&T-1 at p. 47. This will insure that Qwest fulfills its obligation to properly update the SMS when a number is ported and to work with the CLEC if problems arise. *Id.* at p. 48.

35. Additional language needs to be added to the SGAT to better describe the processes involved in ordering LNP. 5-AT&T-1 at p. 48. First, language must be added to require Qwest to respond promptly to the CLEC with a Firm Order Confirmation ("FOC"). *Id.* AT&T proposes to add a new Section 10.2.13.1 to the SGAT regarding this issue. *Id.* Second, an additional section is needed for porting to unassigned numbers at the CLEC's request due to special needs of some customers. *Id.* AT&T proposes that additional language be added as Section 10.2.13. *Id.*

36. To address AT&T's concern over problems with Qwest's commitment to perform number ports after hours and on weekends, AT&T recommends a new Section 10.2.14. 5-AT&T-1 at p. 49.

37. AT&T argued that additional language needs to be added to the SGAT for the cutover of LNP orders. 5-AT&T-1 at p. 50. Language needs to be added to assure cooperation between the parties to limit service outages for ported subscribers. *Id.* AT&T recommends language be added as a new Section 10.2.15. *Id.* AT&T also recommended provisions to the SGAT to help Qwest's processes for handling number porting as SGAT Sections 10.2.16.1, 10.2.16.2 and 10.2.16.3. *Id.* at p. 51. Additionally, AT&T proposed Section 10.2.17 which establishes a process for dealing with excluded numbers that insures that certain restricted numbers will not be ported. *Id.*

38. SGAT Section 10.2.18 should be added for porting of mass calling numbers in order for Qwest to not restrict the porting of numbers that have been designated as numbers assigned to "choke" network facilities. 5-AT&T-1 at p. 51. Additionally, Sections 10.2.19.1 and 10.2.19.2 should be added for the porting of Direct Inward Dial ("DID") block numbers so that the CLECs have the opportunity to win part of a customer's DID business and have those numbers ported properly. *Id.* at p. 52.

39. AT&T discussed the following additional concerns regarding Qwest's provisioning of number portability. 5-AT&T-1 at p. 53.

a) Loss of outbound and inbound service (caused by premature porting)

40. When Qwest ports a customer number to AT&T before the loop is ready, the customer loses service. Id. This can happen in two different situations: 1) when AT&T requests a loop for the customer from Qwest; and 2) when AT&T provides its own loop to the customer. Id. AT&T states that this problem is happening far too often. Id. In the first situation, when AT&T requests a loop and a number port from Qwest to serve a customer, the cutover of the loop from the Qwest switch to the AT&T switch must be concurrent with the porting of the number. Id. If the number is ported before the loop is cutover, the customer's service is disconnected. Id. This condition can be fixed either by successfully cutting over the loop that is being leased from Qwest or by reinstating service on the Qwest switch, effectively unporting the number. Id. at p. 53-54. In the second situation, AT&T provides a new loop to a customer, either via its cable telephony or fixed wireless facilities. Id. When AT&T requests the customer be ported for this new physical loop, if the number is ported by Qwest before the new loop is in place, the customer will lose telephone service which results in the same impact as identified in the first situation listed above. Id. This condition can be fixed either by successfully cutting over the loop or by reinstating service on the Qwest switch, effectively unporting the number. Id. In both situations, there must be good communication and coordination between Qwest and the CLEC which is not happening in many cases. Id. Qwest must review its processes with AT&T and other CLECs to determine how cases of early porting can be reduced. Id.

b) Loss of inbound service (caused by late porting)

41. If a leased loop or self-provided loop is cutover to the customer before the number is ported, the customer will be able to dial out (i.e., place calls) but the customer will be unable to receive calls from any callers other than those callers that are also receiving service from the AT&T switch. 5-AT&T-1 at p. 55. This problem occurs when the new loop is physically cut over, but the number portability databases are not updated with the correct information. Id. Late porting is often caused by a lack of coordination in the Qwest processes. Id. The end-user number should be ported at the same time as the loop is cut over. Id. Qwest should be required to review its processes with AT&T and other CLECs to determine how cases of late porting can be reduced. Id.

c) Poor notification of cutovers and cutover problems

42. Qwest is failing to notify AT&T in a timely manner, and sometimes not at all, of: 1) a cutover that is complete; and 2) problems with the cutover. 5-AT&T-1 at p. 56. This is a process and communication problem that must be solved by Qwest in consultation with the CLECs. Id. Additionally, Qwest should add SGAT language to require prompt notification to the CLECs for the following: notification of completion of

the number portability process for a particular order; notification of in-process problems which require CLEC action to correct; notification of any logistical problems in completing an order; notification of problems within Qwest which are causing problems with the completion of the order; notification of need to delay in completing the order; or notification for any other reason. Id.

d) Failure to address problems with the interaction of Qwest switch features and ported numbers

43. Qwest appears to have a serious problem with the interaction of their new redial feature with some ported numbers. 5-AT&T-1 at p. 56. If AT&T ports a customer to AT&T service and the customer does not select voicemail as an option, the Qwest redial feature is giving Qwest customers a recorded disconnect message of the type, "The number you are dialing has been disconnected" when they try the redial feature to the ported number. Id. at p. 57. AT&T also stated that when the Qwest customers called Qwest to complain about this problem, Qwest told them that the reason this was happening was due to a problem with AT&T and that if their friend would switch back to Qwest, the problem would go away. Id. When AT&T contacted Qwest, Qwest refused to open a trouble ticket on the problem, blaming AT&T for the problem when in fact, the problem is a Qwest problem. Id. The Qwest switch is not checking the SS7 messages and status of the ported numbers correctly. Id. AT&T declared that it entered 46 trouble tickets relating to this problem and that Qwest refused to work the problem until a Vice President at AT&T threatened to escalate it to a Vice President level at Qwest. Id. Qwest must institute processes and procedures to quickly address new problems that occur with number portability. Id. There may be additional interaction between number portability and new features as Qwest adds them to their switches and Qwest must have a better way to address these problems quickly. Id. at p. 57-58. Qwest should add language to the SGAT to address this type of problem. Id.

e) Problems in testing during and after cutover

44. AT&T has encountered problems in testing during number porting with Qwest. 5-AT&T-1 at p. 58. There have been occasions when no tester was available at Qwest, when the testers at Qwest said that they did not have time to do the testing, and when testing was in progress and Qwest inappropriately terminated the testing. Id. Most of the problems seem to be indicative of a lack of resources at Qwest to do the testing and poor communications by Qwest with the CLEC. Id. The SGAT should be revised to address this testing concern to insure that Qwest will work with the CLEC to adequately test during number porting. Id.

f) Problems with IMA in ordering number portability

45. AT&T has encountered problems with the Qwest Interconnection Mediated Access ("IMA") system, which is one of the interfaces that Qwest offers CLECs to order number portability. 5-AT&T-1 at p. 58. These problems fall into several categories: IMA system unavailable; IMA system will not allow a change in customer

address (on occasion); IMA will not provide customer name or address (on occasion); or other miscellaneous problems. Id. AT&T is hopeful that these problems will be addressed during the systems testing process that is being conducted by Qwest in association with the ROC test. Id. at p. 59.

g) Improper billing after cutover

46. AT&T and its customers have experienced problems with Qwest billing processes associated with number portability. 5-AT&T-1 at p. 59. The most prevalent problem is when former Qwest customers continue to receive bills for local service from Qwest after the number has been ported to AT&T. Id. An associated problem is the accuracy of the wholesale bill that Qwest sends to AT&T for the loop, when AT&T is leasing facilities from Qwest. Id.

h) Reassignment of ported numbers

47. In late 1999 and early 2000, Qwest had a process problem with the assignment of phone numbers to new Qwest customers. 5-AT&T-1 at p. 59. Qwest has described what it has done to remedy this problem and assures CLECs that it has been corrected. Id. AT&T stated that it will continue to monitor this issue. Id.

48. MCIW stated that at present, number portability is usually implemented smoothly and with few problems. 5-WCom-1 at p. 10. However, initially MCIW frequently experienced extended outages during number porting with Qwest, sometimes because Qwest would port the number prematurely. Id. at p. 11. In other instances, service would be interrupted several days after the initial porting, or the port of a customer's service would have to be delayed because there was a problem finding or scheduling the conversion. Id. MCIW states that it attributes the improvement to detailed procedures that have been developed by Qwest, MCIW and other CLECs that helps ensure each party is aware in advance of the requirements and steps that will be taken to order, schedule and, if necessary, reschedule porting activity to ensure minimal customer disruption. Id. MCIW recommends that these details need to be included in Qwest's SGAT since they are currently lacking. Id.

49. MCIW's principal concern is that the proposed SGAT lacks sufficient detail in Section 10.2 to satisfy the minimum requirements for LNP under the Act and FCC regulations. 5-WCom-1 at p. 11. In the absence of provisions adequately describing the parties obligations, there is no way to ensure timely and efficient porting of numbers using LNP. Id.

50. MCIW seeks modification of Sections 10.2.1.2 and 10.2.5.3, which describe Qwest's, obligation to employ a 10-digit trigger. 5-WCom-1 at p. 20. Proper implementation of the 10-digit trigger feature is essential to ensuring the smooth transfer of numbers from one carrier to another and protecting customers against loss of service. Id. Therefore, MCIW requests modifications to clarify trigger language within Section 10.2. Id. at p. 21. MCIW also requests that Qwest delete the first sentence in Section

10.2.1.2. Id. MCIW states that Qwest made an incorrect statement in that the FCC did not adopt a solution, but rather stated that they found the LNP LRN method to be consistent with their performance criteria for porting. Id.

51. Section 10.2.5.3 references some nondescript limitations which would negate Qwest's offering of adherence to a Due Date/Frame Due Time. 5-WCom-1 - at p. 21. MCIW requests language justifying the specific circumstances under which Qwest would not provide or abide by a Due Date/Frame Due Time. Id.

52. MCIW requests a small edit to SGAT Section 10.2.2.6 in which Qwest states that neither party shall be required to provide number portability for excluded numbers. 5-WCom-1 at p. 22. MCIW requests to clarify those numbers are limited to *only* those which are excluded by the FCC. Id.

53. MCIW proposed adding language to ensure necessary changes are made to the 911/E911 databases. 5-WCom-1 at p. 22. Although Qwest agreed to this proposed revision as Section 10.2.2.12, MCIW is concerned with the use of the phrase "completion date" in the section. Id. at p. 23. MCIW believes Qwest is using the term "completion date" to be the "day following the activation of the customer's service on the new service provider's switch". Id. If the phrase "completion date" is going to be used here it should be defined in Section 10.2.2.12 in the last sentence as the day following the activation of the customer's service on the new service provider's switch. Id.

54. MCIW suggested incorporating a number of provisions setting forth Qwest's obligations to facilitate the CLECs ability to meet their customers' particular needs. 5-WCom-1 at p. 23. MCIW requested that language be added to address Qwest's obligation to port thousand-number blocks as follows:

*Portability for a thousand block (NXX-X) of numbers shall be provided by utilizing reassignment of the block to CLEC through standard industry ordering principles, as contemplated in the Local Exchange Routing Guide.*

55. Regarding Section 10.1.2.18, Qwest had requested that MCIW determine if the addition of this section into Section 10.2 as subsection 10.2.2.11 would address MCIW's concerns relating to reassignment of the pooled block of numbers. 5-WCom-1 at p. 24. MCIW stated that whichever language is approved, the text should state that the reassignment of the pooled block is done by the pool administrator. Id.

56. MCIW proposed language to the SGAT that permits CLECs to port numbers that have been reserved by end-user customers in anticipation of growth. 5-WCom-1 at p. 24. The SGAT should also anticipate the circumstance that a customer may desire to reserve additional numbers and have them ported to the new carrier at the time of the transfer. Id. at p. 24-25. While Qwest agreed to add limited porting of reserved numbers with new language assigned to Section 10.2.2.13, it refused to add porting of unassigned numbers. Id. Section 10.2.2.13 as proposed by Qwest now reads:

*Porting of Reserved Numbers. The Customers of each Party may port Reserved Numbers from one Party to the other Party via LNP. Qwest will port numbers previously reserved by a customer via the appropriate retail tariff.*

57. Finally, the SGAT should explicitly allow customers to geographically relocate at the same time they port their telephone numbers to a new carrier. 5-WCom-1 at p. 25. Again, while Qwest proposed Section 10.2.2.14 to address MCIW's concern, MCIW cannot agree to the additional language requiring the relocation to be subject to the same local calling area rate structure. Id. at p. 26. MCIW remains concerned that this would require a CLEC to have the same rate structure as Qwest, which would limit customer choices. Id.

58. At the May Workshop, Cox raised the issue of a new PID, given the critical nature of the premature disconnect problem. Tr. p. 1808. Cox stated that there was a need to create some sort of performance measure addressing premature disconnections and ultimately include that performance measure as a part of the Performance Assurance Plan. Tr. p. 1808.

59. AT&T indicated that it should be a two-part PID. Part A would be for disconnect of number portability with loops and Part B would be for number portability with CLEC provided loops. Tr. p. 1810.

60. AT&T had proposed a two-part solution. Tr. 1822. The first part was to hold disconnects until the day after. Tr. 1822. The other part of the solution was to actually coordinate the disconnect with the CLEC activation of the port. Tr. 1822. AT&T described the BellSouth Solution which actually looks for confirmation from NPAC. Tr. p. 1823. In other words, the confirmation or data comes back from NPAC that the CLEC has activated the number port before the disconnect in the switch is effected. Tr. 1823. AT&T stated that while the solution that Qwest is implementing will get a large percentage of the numbers, there still may be some that slip through that extra-day window. Tr. 1823. AT&T stated that what it would like to see in the long run is a fully automated system that fully coordinates the disconnect with the port of the number. Tr. 1823. The process is described at 5 AT&T 15.

61. In one month, February, 2001, Cox stated that it had 66 customers that had been disconnected. Tr. 1831. Cox also stated that it wanted to make sure that the process worked. Tr. 1831.

62. Cox also described the problem it was having with rescinded FOCs in more detail at the May Workshop. Tr. 1844. Cox receives a mechanized automatic FOC which says it is good to go. Id. And then later there is human intervention which says it is not good to go, and its rejected after the FOC. Id. Those rejections are happening 15 minutes to 13 days later. Id. 5-Cox-2 contained copies of all the rescinded FOCs from January through April, 2000. Id. 5-Cox-2 contained approximately 1000 instances of

rescinded FOCs during that time period. *Id.* The problem is that Cox has a porting cycle of four days per Qwest's publication. Any interruption in the flow of that jeopardizes the due date. *Tr.* p. 1845. Cox misses its due date to its customer. Cox has even had orders rescinded after it has ported the order. *Tr.* p. 1845. Qwest sends an e-mail saying that the FOC has been rescinded. *Id.* AT&T has experienced the same problems with rescinded FOCs. *Tr.* p. 1851.

63. Some of the reasons for this were that there may be a pending order in the Qwest order cycle or the service had been less than some period of time. *Tr.* pps. 1847-48. These among other reasons disrupt a CLEC order. *Tr.* 1848. Cox stated that its basic position was that a FOC shouldn't be rescinded, and if it has to be there should be some communication with the CLEC. *Tr.* p. 1850.

#### e. Qwest Response

64. In its February 19, 2001 written response, Qwest addressed the comments of AT&T and MCIW. Qwest's comments and agreements with proposed SGAT language were the result of workshops not only conducted in Arizona, but also Washington, Oregon and the Seven State process. While Qwest realizes that Cox has not been a party to these discussions in other jurisdictions, Qwest is hopeful that the resolution on issues resulting from prior workshops are deemed acceptable by Cox. Qwest February 19, 2001 Rebuttal of Margaret S. Bumgarner at p. 3.

65. Qwest states as an overview, that it has deployed long-term number portability in all of its central offices in Arizona as of October 2, 2000 making LNP available to 100 percent of its access lines. *Id.* at p. 1. Qwest has continued to evolve and improve its LNP provisioning and repair processes, including the offering of coordinated conversions (referred to as "managed cuts") twenty-four hours a day, seven days a week. *Id.*

66. Qwest stated that it made substantial changes to its SGAT Section 10.2 for Local Number Portability. *Id.* at p. 2. Qwest also modified the LNP section to incorporate AT&T and MCIW's requests to provide more detail regarding LNP obligations. *Id.*

67. Regarding coordination with CLEC-provided loops and disconnects (Sections 10.2.2.4 and 10.2.5.3.1), Qwest addresses both issues as they are inter-related. *Id.* at p. 3. Qwest states that on the issue of premature porting, the industry has been working together to develop procedures for porting and specifically to address situations described by AT&T and Cox when the customer or the CLEC is not ready and must delay or cancel the port. *Id.* at p. 3-4.

68. Qwest stated that as far as the LNP portion of the orders, both with and without an Unbundled Loop, the CLEC controls the activation of the port by sending a message to the Number Portability Administration Center ("NPAC") database which is administered by a third party, Neustar. *Id.* at p. 4. The NPAC broadcasts a message to

all service providers' LNP databases that the port is activated. *Id.* Qwest does port a number prematurely or late. *Id.* Qwest sets the unconditional 10-digit trigger in the switch prior to the Due Date and Frame Due Time ("DD/FDT") established by the CLEC on its service order and, at that point, Qwest's provisioning of LNP is complete. *Id.* LNP is pre-provisioned by Qwest for the CLEC to activate on the due date. *Id.*

69. Regarding AT&T's concerns over Qwest's failure to notify AT&T if it does not postpone the port in a timely manner or if the port is late, Qwest does not notify AT&T when a LNP cutover is complete. *Id.* at p. 5. The CLEC controls the activation of the port through messages sent to the NPAC that are broadcast to all service providers' LNP databases. *Id.* The CLEC essentially notifies Qwest when the port is complete via the active message sent the NPAC, not the reverse. *Id.*

70. Qwest stated that with respect to AT&T's proposal that Qwest include a requirement in the SGAT that it will coordinate LNP with CLEC-provided loop cutovers at no charge, Qwest is not involved with the cutover of the CLEC-provided loop and does not send the activate messages to the NPAC for LNP. *Id.* at p. 5. Qwest does provide for a "managed cut" process in the SGAT for number portability that allows the CLEC to request Qwest personnel to stand-by during the cut-over in case there is a problem. *Id.* Qwest also provides operational and technical support through the repair process for non-managed ports. *Id.*

71. With regard to the issue of coordination with the CLEC-provided loop in Section 10.2.5.3.1, Qwest cannot agree to AT&T's proposal that Qwest hold the disconnect of the translations from Qwest's switch after the port is complete for 24 hours after the due date. *Id.* at p. 6. According to Qwest, in some cases, Qwest has received calls from a CLEC with insufficient time to stop the disconnect or even after the disconnect has occurred, including calls the day after the due date or even days later. *Id.* Qwest states that it must process the disconnect service order on the due date. *Id.* Qwest is unable to hold the disconnect until the day after the due date or several days later without causing billing problems, operational problems, and late update to the 911 database. *Id.* at p. 6-7. The CLEC must notify Qwest in a timely manner to delay the disconnect of the Qwest retail service. *Id.* Qwest has always allowed CLECs to specify a later FDT for the disconnect, up to 11:59 p.m. on the due date, in case they scheduled the customer's appointment late in the day. *Id.* Qwest has revised its standard disconnect time to be 11:59 p.m. on the due date to provide four additional hours for CLECs to notify Qwest of orders that need to be delayed or cancelled. *Id.* This is consistent with the industry's practices for disconnect times on the due date. *Id.* Qwest recently changed its disconnect time to 11:59 p.m. of the due date and has extended its center hours during the week and on Saturdays which will provide CLECs an additional four hours to notify Qwest of changes to LNP orders that would require stopping the automatic disconnect of the translations from the Qwest switch. *Id.* at p. 8.

72. Finally, Qwest agrees with AT&T that the intervals stated in Section 10.2.5.2 are for LNP-only and do not reflect the interval where Unbundled Loops are

involved. Id. at p. 9. Qwest has agreed to revise its intervals to those recommended by AT&T. Id.

73. On June 19, 2001, Allegiance Telecom, Inc. ("ATI") filed a statement in support of Qwest's compliance with Checklist Item 11. ATI stated they have been very pleased with Qwest's timeliness and efficiency in porting numbers. Id. at p. 2. Qwest's proposal to hold the disconnect of the switch translations up to 11:59 p.m. of the day after the due date is an example of Qwest's willingness to go beyond what is minimally required to meet customer needs and address CLEC concerns. Id.

74. In the Workshop on May 17, 2001, Qwest announced that it would be implementing a solution to the problem of knowing when the CLEC has completed their provisioning work. Tr. p. 1800. Qwest would hold the switch disconnect, the translations coming out of the switch, until the day after the due date, 11:59 p.m. of the day after the due date or the next business day after the due date. Id. Qwest stated that the change would begin June 1, 2001. Id.

75. The first phase of the change was to move the switch translations disconnect. Tr. p. 1801. It will hold those disconnects until the day after. Id. The service order itself will continue to process like normal. The billing systems will be on the due date unless Qwest is called and told that it needs to change the due date or cancel. Tr. pps. 1801-02. The second phase of the mechanization would go in place by the end of August or September 1, 2001, which will actually hold the service order until the next day. Tr. p. 1802. That will hold the billing change and will also delay the 911 update by a day. Tr. at p. 1802. When asked for documentation that describes the changes, Qwest Witness Bumgarner indicated that it was being distributed in the CICMP. Tr. pps. 1803-04.

76. Qwest Witness Bumgarner stated that Qwest would use this as the means to deal with the disconnect problem but that they would continue looking at other ways to deal with service order, updating all of the downstream systems because there still would be a need to do that. Tr. at p. 1806. Qwest Witness Bumgarner stated that even with the solution Qwest was putting in at the end of August, 2001, it would not deal with all of the downstream systems. Tr. p. 1807.

77. Qwest Witness Bumgarner stated that Qwest was looking at the BellSouth solution and what it would take in its systems. Tr. p. 1807. Witness Bumgarner stated that this involved actually rewriting a lot of the service order processing systems and a lot of the requirements. Tr. p. 1807.

78. As far as 911, Qwest stated that the pending order information would be there and the new service provider would be on there. Tr. p. 1822. The pending order information would also be there in the record. Id. Thus, the SCC, which is the organization that manages Qwest's database, would actually have links into Qwest's customer record. Id. SCC would actually be able to see in Qwest's customer record

databases. Id. If SCC did not see it in the databases until they were updated, the calls made to Qwest's centers, the Qwest representatives would see it. Tr. p. 1822.

79. In response to the BellSouth proposal, Qwest Witness Bumgarner stated that BellSouth deployed an entirely different SCP. BellSouth also has an entirely different front end service order processors. Tr. p. 1824. BellSouth chose to go a different route when they deployed LNP with the SCP that they deployed and also their service order processors. Id.

80. With regard to the rescinded FOC problem experienced by AT&T and Cox, Qwest stated in the Workshop that it had recently addressed the issue in the CICMP process. Tr. p. 1841. Qwest developed a list of instances the rejects would be issued on and narrowed that down considerably and then a list of instances it would not reject and that Qwest would allow the orders to continue through. Id. This was all covered in the CICMP process. Tr. 1841.

## f. Disputed Issues

81. At the conclusion of the March 5, 2001 and May 14, 2001 workshops, the parties were unable to agree on a number of issues that went to impasse involving local number portability. Statements of Positions on the impasse issues were filed by AT&T on June 14, 2001 and Qwest on June 19, 2001. MCIW and Cox both filed comments on June 20, 2001.

### 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)

#### a. Summary of Qwest and CLEC Positions

82. Cox argued that Qwest needs to implement a mechanized solution that removes the human error from the porting process. Cox June 20, 2001 Brief at p. 3. Cox stated that it has continued to suffer premature disconnections due to failures of the existing processes. Id. Qwest should follow BellSouth's lead by implementing a similar mechanized process to eliminate this problem. Id. Disconnections related to porting reflect poorly on the CLEC in the eyes of the new CLEC customer and such bad experiences create entry barriers because reports of such experiences make consumers less likely to switch to a CLEC. Id.

83. Cox also argued that although Qwest proposed changing Section 10.2.5.3.1 regarding the disconnect time to 11:59 p.m. the day following the due date, Cox believes the proposal needs slight modification to minimize customer inconvenience.

Cox June 20, 2001 Brief at p. 5. Qwest rejected Cox's proposal even though it is critical to minimizing customer inconvenience if there is a premature disconnection during the porting process. *Id.* Cox proposed the following language which Qwest should adopt:

*"The ten (10) digit unconditional trigger and switch translations associated with the end user customer's telephone number will not be removed, nor will Qwest disconnect the customer's billing and account information, until 11:59 p.m. (local time) of the next business day after the due date."*

84. AT&T argued that in the Arizona Workshops, it has raised concerns regarding Qwest's coordination of customer conversions using CLEC-provided loops and number porting and also Qwest's failure to provide proper coordination of number porting for CLEC-provided loops. AT&T June 14, 2001 Brief at p. 67. AT&T argued that Qwest's LNP process does not provide sufficient protections against customer service outages. *Id.* at p. 69. SGAT revisions must be made to provide CLECs with the assurance that their customers will not lose dial tone when switching service from Qwest to the CLEC. *Id.*

85. AT&T also argued that it proposed to Qwest that it adopt an automated process that would launch a query or a test call to determine if the CLEC had activated the port. AT&T Brief at p. 72. It also suggested that mechanized loop testing ("MLT") could be used to determine whether the CLEC loop had been ported and proposed SGAT language revisions that would require Qwest to set the disconnect for the day after the port is scheduled. *Id.* AT&T also proposed that Qwest use an automated process similar to the one of the solutions that AT&T initially recommended in the Multi-state workshop. *Id.* at p. 72-73. While Qwest did offer to move the disconnect time back to 11:59 p.m. on the day of the CLEC's install, it is still insufficient to protect customers from losing dial tone. *Id.* Qwest has proposed a mechanized solution that would delay the disconnect of its loop until 11:59 p.m. of the day after the port is scheduled but it is still under development. *Id.* at p. 74. AT&T recommends that the mechanized process proposed by Qwest should be implemented in Arizona on an interim basis. *Id.* AT&T believes that the BellSouth/AT&T/Cox solution will ultimately be the best long-term solution to this concern. *Id.* AT&T also recommends that Qwest should be obligated to undertake prompt and reasonable efforts, in consultation with any CLECs who wish to participate, to determine whether there are low-cost means for automating coordination activities under either the day-of or the day-after alternatives. *Id.*

86. AT&T also raised concerns regarding Qwest's coordination of customer conversions using UNE loops. AT&T Brief at p. 76. AT&T has experienced problems with premature disconnect of the Qwest loop before the loop has been ported to AT&T. *Id.* This problem can be corrected by ensuring that there is proper coordination during the LNP conversion. *Id.* AT&T proposed revisions to SGAT Section 10.2.2.4 to cure this deficiency which Qwest ultimately rejected. Qwest should revise the SGAT in order for Qwest to provide nondiscriminatory access to LNP as is required by Checklist Item 11. *Id.* at p. 77. AT&T's proposed language is as follows:

10.2.2.4 Qwest will coordinate LNP with Unbundled Loop cutovers in a reasonable amount of time and with minimum service disruption, pursuant to Unbundled Loop provisions identified in Section 9 of this Agreement. CLEC will coordinate with Qwest for the transfer of the Qwest Unbundled Loop coincident with the transfer of the customer's telephone service to Qwest in a reasonable amount of time and with minimum service disruption. ~~For coordination with loops not associated with Qwest's Unbundled Loop offering, the CLEC may order the LNP Managed Cut, as described in Section 10.2.5-4.~~ Qwest will ensure that the end user's loop will not be disconnected prior to confirmation that the CLEC loop, either CLEC-provided or Unbundled Loop, has been successful installed.

87. While MCIW did not brief any LNP impasse issues specifically, it concurred in the arguments contained in AT&T's brief

88. Qwest argued that number portability is in large part the responsibility of the CLEC. Qwest June 19, 2001 Brief at p. 71. To port a number when the CLEC is providing the loop, all Qwest must do is preset an AIN trigger on the telephone number in its switch effectively notifying the network that the number is about to port. *Id.* The capability to port numbers is pre-provisioned by Qwest, and Qwest relies on the CLEC to provide its service on time. *Id.* Qwest's practice has been to remove the switch translations and complete the service order in operational support systems at 11:59 p.m. on the same day as the CLEC's due date. *Id.* This is an industry-accepted practice that ensures that updated information is sent to the 911 database, avoids double billing to the customer, and updates other operational support systems in a timely manner. *Id.* Qwest has agreed, as a voluntary concession, to hold the switch disconnect until 11:59 p.m. of the next business day after the scheduled port which should provide CLECs with more than adequate time to notify Qwest if they cannot complete their provisioning. *Id.* at p. 72.

89. AT&T, however, still wants some form of automated query or test system by the Qwest switch to verify that AT&T has in fact done its job. Qwest Brief at p. 73. Qwest argued that this approach is unprecedented, not been adopted by any other ILEC, and technologically, is not even available in the market. *Id.* Also, Qwest argued that the "BellSouth solution" that AT&T proposes is neither practical nor warranted since BellSouth uses a different vendor's LNP database and by forcing Qwest to implement this "solution" would require a complete service order processing system change for Qwest's entire LNP operations. *Id.*

90. Qwest went on to argue that requiring Qwest to develop entirely different service order processing capabilities thus would in essence reward two CLECs, out of 60 which port numbers in Qwest's region, for the inefficiencies of those two CLECs, and in the process penalize the other 60 by forcing them to underwrite the cost of such new system development. Qwest Brief at p. 74. However, Qwest stated that it is not

unwilling to work with a CLEC that is experiencing difficulties in its operations. *Id.* at p. 75. Where it is critical that close coordination occur between Qwest and the CLECs to ensure the number has ported before the disconnect occurs. Qwest offers a "managed cut". *Id.* This requires Qwest technicians to coordinate with the CLEC technicians during the porting process. *Id.* The managed cut offers CLECs a manual process that guarantees the loop cut-over is completed and the number port activated prior to disconnect. *Id.*

**b. Discussion and Staff Recommendation**

91. With respect to the first portion of this impasse issue, Qwest acknowledged in its Brief that it is critical that close coordination occur between Qwest and the CLECs to ensure the number is ported before the disconnect occurs. *Id.* at p. 74. Qwest initially offered a manual process requiring coordination with the CLEC technicians during the porting process. Qwest agreed in the last Workshop to delay the disconnect date an extra day. While AT&T and Cox were pleased with Qwest's new policies in this regard, they do not believe that they go far enough.

92. AT&T introduced BellSouth's solution in the May Workshop which not only had a process which moved the disconnect date back one full day, but also had a mechanized process to verify with the NPAC that the port had occurred. Qwest is opposed to implementing the second part of the BellSouth approach because it claims that it would have to develop entirely different service order processing capabilities that Qwest claims would be prohibitively expensive. However, Qwest offered no evidence as to its actual costs to implement an approach similar to BellSouth's.

93. While Qwest should be commended for responding to the concerns of the CLECs, the record does not contain any information as to whether Qwest's disconnect delay process has actually been implemented and how it is working to resolve the CLEC's concerns. Staff believes that such information is necessary in order for Staff to determine whether or not Qwest complies with the requirements of Checklist Item 11.

94. Staff also believes that Qwest should work on making available to CLECs a mechanized process to confirm that the port has occurred before disconnection takes place. Qwest should be required to submit additional information on a proposed mechanized process to ensure that porting has occurred, and should give a timeframe with respect to its availability.

95. Staff also believes that the changes requested by AT&T to SGAT Section 10.2.2.4 are reasonable. Qwest should be required to modify Section 10.2.2.4 to read:

10.2.2.4 Qwest will coordinate LNP with Unbundled Loop cutovers in a reasonable amount of time and with minimum service disruption, pursuant to Unbundled Loop provisions identified in Section 9 of this Agreement. CLEC will coordinate with Qwest for the transfer of the Qwest Unbundled Loop coincident with the transfer of the customer's telephone service to

Qwest in a reasonable amount of time and with minimum service disruption. Qwest will ensure that the end user's loop will not be disconnected prior to confirmation that the CLEC loop, either CLEC-provided or Unbundled Loop, has been successfully installed.

96. Qwest has agreed to hold the switch disconnect to 11:59 p.m. of the next business day after the scheduled port as requested by AT&T. Qwest has made the necessary language modification to SGAT Section 10.2.5.3.1 that resulted in consensus in Arizona.

**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)**

**a. Summary of Qwest and CLEC Positions**

97. Cox argued that it continues to experience problems with Qwest rescinding FOCs after issuance. Cox June 20, 2001 at p. 4. Qwest also has continued to reject LNP LSRs from Cox for numerous inappropriate reasons. *Id.* These rejections create significant problems for Cox and the customer because it takes time and resources to resolve the issues with Qwest and also delays the port, reflects badly on Cox and harms competition. *Id.* Cox proposed specific SGAT language to keep Qwest obligated to its pursuit of necessary modifications. *Id.* Qwest should adopt the language proposed by Cox because it benefits the customer and serves competition:

*"10.2.5.5 - 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."*

98. Qwest argued that Cox's concern is not a Checklist Item 11 concern, but one that relates more directly to the ongoing OSS testing process. Qwest Brief at p. 76. Qwest stated that any issues relating to the timing of LSRs and FOCs can, and will be, addressed there. *Id.* Also, Qwest stated that it is working diligently with Cox to address any concerns it may have as a practical matter on this issue. *Id.* Qwest has made changes to its processes to address the kinds of problems that Cox may have encountered. *Id.* Qwest indicated that these issues have been discussed as part of the Change Management Process that Qwest participates in with all CLECs in the form of regularly scheduled meetings and calls, and documentation of the revised definitions for handling the LSR problems has been distributed through this process. *Id.* at p. 77.

b. Discussion and Staff Recommendation

99. Qwest believes this issue should be addressed in the OSS test. The issue is being addressed in the OSS test, and there are several Incident Work Orders ("IWO") now outstanding evidencing problems with Qwest's FOC policies. Nonetheless, the issue here is whether SGAT language should be adopted to reflect Cox's understanding of how the process is supposed to work. Staff believes that it is appropriate to consider changes to the SGAT language within the context of the relevant Checklist Item Workshop. In fact the parties agreed to this process. SGAT language changes have not heretofore been subjects of discussion at the TAG. Therefore, it is appropriate to consider the language proposed by Cox at this time.

100. Qwest also states that the issue has been worked in the CICMP process and that it has come out with new policies through that process to address the concerns raised by the CLECs regarding FOCs. Unfortunately, the new policies have not been made a part of the record in this proceeding, and it will be necessary to review those new policies in order for this Commission to make a determination on Qwest's compliance with Checklist Item 11. Nonetheless, Staff believes that Cox and the other CLECs are entitled to some certainty with regard to Qwest's policies for customer conversions. It is clear that Qwest's previous practice and policies of rescinding FOCs has wreaked havoc on the CLEC's relationships with their customers. Therefore, Staff believes that it would be appropriate to adopt the SGAT language recommended by Cox with one modification:

*"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."*

101. While this language should give CLECs some assurances and certainty, concrete evidence that improper FOC rescissions are no longer occurring and that CLEC LNP LSRs are only being rejected for reasons previously specified by Qwest is necessary in order for Staff to be able to recommend that Qwest complies with Checklist Item 11. The record must demonstrate that this is no longer an obstacle for CLECs trying to do business in Arizona. This involves Qwest demonstrating that the "fixes" it promised have actually been implemented and are actually working.

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

a. Summary of Qwest and CLEC Positions

102. Cox argued that Qwest incorporate an SGAT provision that provides for expedited reconnection in the event a customer is prematurely disconnected during the porting process. Cox Brief at p. 4-5. Cox suggested a range of two-to-four hours, which tracks a similar period for repairs set forth in the MR5 PID, which Qwest refused. *Id.* Cox stated that this provision should be included in the SGAT to ameliorate the negative impact on CLECs from such Qwest errors. *Id.*

103. Qwest argued that while it appreciates the significance of the concern for the customer, placing Qwest at risk because of a complete failure on the part of the CLEC is unreasonable and inappropriate. Qwest June 19, 2001 Brief at p. 77. What Cox is demanding is an extraordinary measure by Qwest in response to a failure by Cox to provision the loop, and then another failure by Cox to notify Qwest of the first failure within 24 hours. *Id.* Qwest believes the most that should be required for an interval is parity, both as a matter of fairness as well as practicality; requiring Qwest to respond within two hours to address a situation that the CLEC has allowed to exist for days, and sometimes even weeks, is neither fair nor practical, especially if critical information for the restoration is no longer available to Qwest because of delays by the CLEC. *Id.*

b. Discussion and Staff Recommendation

104. Both AT&T and Cox asked for an expedited reconnection process in connection with a customer that has been prematurely disconnected due to a delayed port date. Qwest opposes the 2 hour reconnection proposal for several reasons. Qwest states that it tries to get a customer back in service as soon as possible, however some customers are very large accounts. Tr. p. 1855. With Qwest's current system, that would involve retying the entire service record if Qwest had deleted the account. Tr. pps. 1855-56. Qwest also noted that it does not give a two-hour commitment on retail as far as re-establishing service. Tr. p. 1857.

105. However, when the 24 hour delay is implemented, it will no longer be necessary for Qwest to retype the entire account to reestablish service, since the customer information will not have been removed from the record. Tr. p. 1856.

106. Cox stated that once they know they cannot make the conversion, they call Qwest, talk to an individual and get a ticket number. As a result of this conversation, the service is not disconnected or can be promptly reconnected. If it is disconnected, all that is required on Qwest's part is to turn the service back on in the switch. Tr. p. 1857. Today, Cox has experienced very inconsistent restoration time intervals ranging from the same day until the next day or longer. Tr. p. 1857. When customers complain, Cox cannot give them commitment times because they don't have one. *Id.*

107. Qwest Witness Bumgarner stated that Qwest does have an expedited reconnect process for LNP. Tr. p. 1859. There is an escalation process in place. While the standard interval for repair is 24 hours, Qwest noted that their center strives to get number portability escalations back in service as quickly as possible. Tr. p. 1866.

108. Staff believes Cox's request of 2 hours may be too abbreviated in some cases. In addition, on residential accounts, AT&T's suggestion of 12 hours is too long. Staff recommends 4 business hours to reconnect a residential account that was prematurely disconnected due to a delay in number porting. Staff assumes that all business accounts are handled by coordinated cuts.

### **g. Verification of Compliance**

109. Qwest offers long-term number portability in accordance with FCC rules. Qwest completed its initial deployment of long-term number portability in the Phoenix MSA on August 3, 1998 and the Tucson MSA on November 2, 1998. Qwest indicated that the remaining Arizona switches would be converted by October 2, 2000, making LNP available to 100% of Qwest's access lines in Arizona.

110. Through the Workshop process, Qwest was able to resolve many of the CLECs' concerns as to the specific language contained in Qwest's SGAT regarding its obligations under Section 251(c)(2)(B)(xi). Qwest has also committed that any CLEC may opt into any or all of the provisions agreed upon in the LNP Workshops.

111. 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.

112. While it appears that Qwest, for the most part has worked very hard with the CLECs, in particular Cox, to resolve its concerns with LNP provisioning, it is not clear from the record whether the "fixes" Qwest has promised have actually been implemented and if they have been implemented whether they are actually working. Further, the record indicates that there were some changes or fixes agreed to as part of the CICMP process. Those changes or fixes should have been put in the record of this proceeding by Qwest. There is nothing to indicate that Qwest ever introduced those agreements or fixes into the record in this proceeding which of course is necessary if the Commission is to find that Qwest complies with Checklist Item 11. Without record evidence of those fixes, the allegations of the CLECs stand un rebutted.

113. Also, Staff has been informed by both Cox and Qwest, that Qwest has worked very hard to resolve Cox's concerns and that Cox and Qwest recently entered into an amendment to Cox's interconnection agreement arrived at through joint negotiation which evidences some of the agreements reached between the parties. Staff has learned that this agreement was filed with the Commission several days ago. However, in terms of the Commission's responsibilities, those types of agreements with comments regarding the concerns they were designed to resolve are an important part of the record to determine Qwest's compliance.

114. Most importantly, while Qwest claims to have implemented various fixes, the record does not establish if those fixes have actually been implemented and whether they have been successful in resolving the CLEC's concerns. In particular, in paragraph 111 above, 12 concerns were identified by the CLECs. The record establishes that some of these concerns may be resolved through the various fixes Qwest has offered. However, the record is not clear the extent to which Qwest's proposed fixes will or have resolved all 12 of the concerns identified.

115. It is important given the concerns raised, that Qwest should work towards implementing a long term solution that is a mechanized check that would launch a query or test call to determine if the CLEC had activated the port to prevent premature disconnects. While Qwest did offer an interim solution that would delay the disconnect of its loop until 11:59 p.m. of the day after the port is scheduled, Qwest must demonstrate that the interim solution is working to resolve the CLEC concerns so that it may be found to be 271 compliant pending the adoption of a longer-term solution involving NPAC. Mechanized processes are important because they remove the human error element which is currently evident in the porting process. As the record stands, both AT&T and Cox are experiencing serious problems with premature disconnections due to failures of the existing processes. Qwest must demonstrate that it has addressed and resolved these concerns if Staff is to recommend that it be found in compliance with Checklist Item No. 11.

116. Finally, Staff recommends that the record on Checklist Item 11 be reopened and that Qwest be allowed to supplement the record with additional information and data to rebut and/or rectify the concerns raised within 10 days; and that other parties be allowed 7 days to respond from the date Qwest submits its filing.

## II. CONCLUSIONS OF LAW

1. 47 U.S.C. Section 271 contains the general terms and conditions for BOC entry into the interLATA market.

2. Qwest is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. Sections 40-281 and 40-282 and the Arizona Commission has jurisdiction over Qwest.

3. Qwest is a Bell Operating Company as defined in 47 U.S.C. Section 153 and currently may only provide interLATA services originating in any of its in-region States (as defined in subsection (I)) if the FCC approves the application under 47 U.S.C. Section 271(d)(3).

4. The Arizona Commission is a "State Commission" as that term is defined in 47 U.S.C. Section 153(41).

5. Pursuant to 47 U.S.C. Section 271(d)(2)(B), before making any determination under this subsection, the FCC is required to consult with the State Commission of any State that is the subject of the application in order to verify the compliance of the Bell operating company with the requirements of subsection (c).

6. In order to obtain Section 271 authorization, Qwest must, inter alia, meet the requirements of Section 271(c)(2)(B), the Competitive Checklist.

7. Section 271(c)(2)(B)(xi) of the Telecommunications Act of 1996 states that "[u]ntil the date by which the Commission issues regulations pursuant to section 251 to require number portability," a section 271 applicant must provide "interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible."

8. Section 271(c)(2)(B)(xi) further provides that, after the Commission issues such number portability regulations, a section 271 applicant must be in "full compliance with such regulations."

9. As a result of the proceedings and record herein, Qwest has not fully demonstrated that it complies with the requirements of Checklist Item 11. In order for Staff to be able to recommend to the Commission that Qwest meets the requirements of Checklist Item 11, Qwest must address the concerns raised herein.

10. Qwest's compliance with Checklist Item 11 is also contingent on its passing of any relevant performance measurements in the third-party OSS test now underway in Arizona.

## 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

<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 JFR 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.

<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.