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**BEFORE THE ARIZONA CORPORATION COMMISSION**

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Arizona Corporation Commission

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2002 FEB 21 P 1:07

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AZ CORP COMMISSION  
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6 IN THE MATTER OF U S WEST )  
7 COMMUNICATIONS, INC.'S COMPLIANCE )  
8 WITH SECTION 271 OF THE )  
TELECOMMUNICATIONS ACT OF 1996 )

DOCKET NO. T-00000A-97-0238

9 **STAFF'S REPLY TO AT&T AND QWEST'S**  
10 **RESPONSE TO STAFF'S REQUEST TO**  
11 **MODIFY JANUARY 15, 2002**  
12 **PROCEDURAL ORDER**

13 On February 8, 2002, Staff requested that another workshop be scheduled to  
14 address some additional issues and that the release of CGE&Y's final report be delayed  
15 until February 28, 2002. AT&T filed a response on February 12, 2002, in which it  
16 expressed several concerns with the schedule proposed by Staff. Qwest filed a response  
17 on February 12, 2002. Staff files the following reply to AT&T and Qwest's Responses to  
18 Staff's Request to Modify the Commission's January 15, 2002 Procedural Order.

19 Staff disagrees with AT&T's statement that "the present schedule does not require  
20 Staff to address the deficiencies until after the Final Report is addressed and then only in  
21 the Staff Report." See AT&T Comments at p. 3. Under the process agreed to by all  
22 parties and followed by the Staff and its Test Administrator, CGE&Y, deficiencies are  
23 being and have addressed on an ongoing basis since this test started. In addition, Staff  
24 and CGE&Y have been working diligently to resolve any deficiencies identified by the  
25 parties through the interim workshop process. Further, contrary to AT&T's assertions,  
26 Staff is not ignoring AT&T's concerns. AT&T itself notes in a footnote:

27 Staff has required CGE&Y and HP to address several of the  
28 concerns raised by AT&T, specifically, the problems with  
the Daily Usage Files ("DUF") and the failure of CGE&Y  
to do the pre-order to order integration analysis for the EDI

1 interface required by the TSD. Although raised in AT&T's  
2 comments on the stand-alone test environment ("SATE"),  
Staff has also instructed HP to review release 9.0

3 See AT&T Comments at p. 3.

4 Staff and CGE&Y continue to work on addressing many of AT&T's concerns to  
5 the extent Staff and its consultant believe they have merit. That was also the whole  
6 purpose behind the *Interim and Final Report process and separate Staff recommendation*.  
7 AT&T is simply attempting to require Staff and CGE&Y to publish its findings ahead of  
8 the issuance of their respective reports, which once again was never contemplated and  
9 has not been done in any other testing efforts to date to the best of Staff's knowledge.

10 AT&T actually appears to be arguing that Staff and its Test Administrator must  
11 address and resolve every "perceived" deficiency a party points out with respect to the  
12 test, before CGE&Y can issue its Final Report. Again this was never contemplated.  
13 Staff does not believe that any testing effort has ever been expected to or has ever come  
14 close to achieving consensus or agreement on the resolution of all testing issues. To  
15 impose such a requirement on the Staff and CGE&Y would interject unnecessary delay  
16 into the test since it is unlikely that consensus will ever be achieved on some of the issues  
17 raised. For instance, many of AT&T's objections are with conclusions reached by the  
18 Test Administrator. CGE&Y is not obliged to modify its conclusions simply because a  
19 party does not agree with them. Additionally, AT&T continues to argue that Staff and  
20 CGE&Y ignored the MTP and TSD. Staff disagrees and does not expect any amount of  
21 additional time will resolve this issue.

22 Further, with the interim workshop procedure, the Staff and its consultants have  
23 given the parties more opportunities for comment and input than any other 271 testing  
24 effort to-date. Through this process, testing deficiencies were identified early, retesting  
25 undertaken, and deficiencies resolved early to the extent possible. Staff agrees with  
26 AT&T that the understanding has always been that IWOs will be closed before the Final  
27 Report issues. Nonetheless, Staff does not believe that any testing effort has required that  
28 every single testing issue that a party has, be resolved before the Test Administrator can

1 issue its report. This issue is coming down to whether everything must be put on hold  
2 until every testing issue is resolved, no matter how immaterial, or whether at some point  
3 the Staff and its consultant may exercise some discretion to determine that Test Standards  
4 have been met in substantial part, and it may not make sense to delay issuance of the  
5 report until everything is resolved to all parties' satisfaction. Again, Staff is not aware of  
6 any other testing effort that has been conducted in this manner.

7 AT&T also raised a concern that it will not have sufficient time to comment on  
8 the CGE&Y's Final Report and the Staff's recommendation under Staff's proposed  
9 schedule which essentially maintained the time intervals which were agreed to by the  
10 parties. To support its position, AT&T states that CGE&Y's evaluation of many new  
11 issues will appear for the first in its Final Report. Staff disagrees. Staff has proposed an  
12 additional workshop to be held on February 25, 2002, which will address many of the  
13 issues to which AT&T refers. Additionally, AT&T has already seen CGE&Y's draft  
14 Final Reports twice now, and two sets of workshops have been held on those two draft  
15 reports. Once again, Staff will request its consultant to produce a redlined version of its  
16 Final Report so that the parties' review can focus only on the changes made since the last  
17 workshop. Thus, Staff believes 10 days is more than adequate for review of the Final  
18 Report. Further, under the current schedule, AT&T will first have 10 days to comment  
19 on CGE&Y's Final Report, and another 10 days to comment on Staff's recommendation  
20 which will be published later. The issues raised in Staff's recommendation will not be  
21 new but will be the same issues that have been addressed throughout this test. Thus,  
22 AT&T actually will have approximately 20 days overall to respond to the reports, which  
23 is approximately what it requests in its Response. Staff believes that the time intervals  
24 originally agreed to by the parties are reasonable and should be maintained.

25 AT&T also raises concerns regarding the Stand-Alone Test Environment  
26 ("SATE") report released by Hewlett-Packard ("HP"). AT&T Comments at p. 6. At  
27 Staff's request, HP produced both a draft Final Report and a Final Report on the  
28 adequacy of Qwest's SATE. HP found that Qwest's SATE was adequate, however

1 recommended that a full release (9.0) be tested which was not available at the time test  
2 was conducted. At the time the test was conducted, HP tested what was available, a  
3 partial release (8.0). Once again, AT&T's concerns appear to be largely with the  
4 conclusions reached by Staff's consultant HP, than with the way the test was conducted  
5 or AT&T's ability to comment on all aspects of the test including the reports issued by  
6 HP.

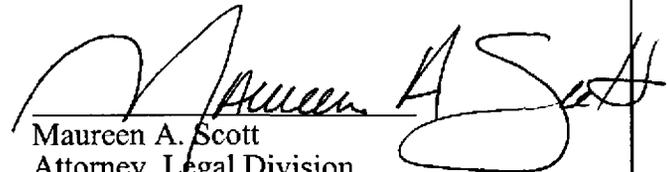
7 Finally, AT&T states that the schedule does not currently provide for Staff to  
8 make a finding on Qwest's overall compliance with Section 271. AT&T Comments at  
9 p.8. Once again, Staff disagrees. The current schedule provides for Staff to make a  
10 recommendation on the OSS test, which together with the public interest report, will  
11 provide a basis for Staff to make an overall finding on Qwest's overall 271 compliance.  
12 Staff's report will include its recommendations on the SATE and Qwest's redesigned  
13 Change Management Process as well. Staff's report will also include a recommendation  
14 with regard to Qwest's SGAT, which has been the subject of extensive negotiation during  
15 the workshops. As Qwest points out in its comments, the Commission has conducted  
16 more than 40 initial and follow-up workshops, covering more than more than 100 days.  
17 An extensive record has been developed and all of the issues have been subject to an  
18 exhaustive review at this point. Nothing can be gained, in Staff's opinion, with adding  
19 yet additional process to address issues that have already been addressed several times.

20 Qwest requests that the Commission establish "deadlines" for submission of  
21 Staff's recommended reports for Checklist Items 4 and 10, Section 272, General Terms &  
22 Conditions and Public Interest/Track A. Qwest Comments at p. 3. Staff issued its  
23 recommended report for Checklist Item 4 yesterday. If Staff is required to commit to  
24 dates for the submission of its remaining reports, it may be necessary for the Staff to  
25 request an extension of time if it cannot complete its work within the timeframe  
26 established. As all parties must recognize, this is not the only case on which the Staff is  
27 working. While this case takes a tremendous amount of Staff resources,

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1 other intervening issues often arise, such as Customer Proprietary Network Information  
2 ("CPNI") for which it becomes necessary to divert resources to address.

3 RESPECTFULLY submitted this 21<sup>st</sup> day of February, 2002.

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12 foregoing were filed this 21<sup>st</sup> day  
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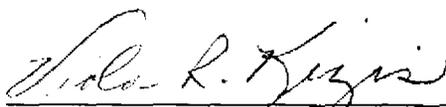
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