



0000105444

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

2002 MAR -4 P 4:41

WILLIAM A. MUNDELL
Chairman

Arizona Corporation Commission

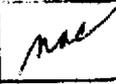
DOCKETED

ARIZONA CORPORATION COMMISSION
PROPERTY CONTROL

JIM IRVIN
Commissioner

MAR 04 2002

MARC SPITZER
Commissioner

DOCKETED BY 

IN THE MATTER OF QWEST
CORPORATION'S COMPLIANCE WITH
§ 271 OF THE
TELECOMMUNICATIONS ACT OF
1996.

DOCKET NO. T-00000B-97-0238

**QWEST'S COMMENTS ON STAFF'S FINAL REPORT ON CHECKLIST
ITEM 4 (UNBUNDLED LOOPS)**

INTRODUCTION

Qwest Corporation ("Qwest") submits these comments on Staff's Checklist Item 4 Report, issued February 20, 2002 ("Final Report"). Qwest appreciates the time and attention Staff has spent on its Final Report. For many issues, Qwest takes no issue with Staff's recommendations and agrees with the resolution Staff recommends. However, the Administrative Law Judge and Commission should reject Staff's recommendations challenged below. Staff's recommendation on Disputed Issue 2 is particularly inappropriate. Staff has accepted AT&T's "smoke and mirrors" arguments and turned an issue that related only to AT&T's request for spare facility information (a demand that Qwest met) into a demand that Qwest re-conduct the KPMG audit of Qwest's loop qualification tools or make major modifications to its Loop Facilities Assignment and Control System ("LFACS") database to provide "direct access." Staff's recommendation should be rejected for several reasons. First,

and most important, the Raw Loop Data tool already returns unfiltered, undigested information from Qwest's LFACS database. The information in LFACS is no more accurate than Qwest's Raw Loop Data tool because, as KPMG confirmed, the LFACS database is the source of loop make up information in the tool. In addition, the RLD tool permits CLECs to gather this information in fewer and more straightforward transactions. Furthermore, Qwest is continually upgrading its tools, including upgrading the Raw Loop Data tool as described in Qwest's supplementation of the record on checklist item 4 and, most recently, upgrading its other loop make up tools in IMA Release 9.0 to incorporate industry LSOG 5 recommendations.

Qwest disagrees with Staff's characterization of the KPMG evaluation. KPMG examined not only the information available to Qwest vis-à-vis CLECs but also determined that Qwest provides underlying source information at parity. This is the crux of the *UNE Remand Order's* requirements, and Qwest meets it.

The only specific piece of loop make up information that Arizona CLECs have ever identified as missing from the Raw Loop Data tool is spare facility information. Qwest affirms again that it began providing that information in August 2001. Thus, Qwest has met the only specific demand for information raised in the numerous workshops on this topic. Although no evidence has been presented that CLECs are unable to obtain loop make up information needed to qualify xDSL services from Qwest's tools, to resolve this issue, Qwest will agree in Arizona only to implement a manual process whereby CLECs may request a manual check for loop make up information if the Raw Loop Data tool or other Qwest loop qualification tools do not return loop make up information or return inconsistent loop make up information. With this added commitment, there is simply no basis to order direct access to LFACS or a duplication of the KPMG test.

Qwest comments on Disputed Issue 2 and the other recommendations Qwest challenges are set forth below.

COMMENTS

A. DISPUTED ISSUE NO. 1: Whether fiber loops or OCn loops should be at Individual Case Basis (ICB) or standard product with rates and intervals. Also, should Qwest revise its loop intervals set forth in Qwest Exhibit C? (AIL Loop-2(b)).

Qwest agrees with Staff's conclusion that the intervals in Exhibit C are integrally related to the OP-3 and OP-4 PIDs and were negotiated by the Arizona TAG participants. Staff Final Report ¶ 155. Qwest also agrees that to the extent Qwest has voluntarily reduced any interval in Exhibit C, it will carry forward that consensus to Exhibit C of the Arizona SGAT. *Id.* ¶ 163. Qwest agrees with the modification in the Final Report that deletes a requirement that Qwest incorporate any intervals it has been "ordered" to provide in other states, *id.*, for the reasons set forth in Qwest's comments on Staff's initial report on checklist item 4.

Qwest does, however, take issue with two of Staff's recommendations. First, although Qwest agrees to implement Staff's recommended revisions of Section 3.2 of Exhibit I¹ for fiber and OCn loops, Qwest believes that Staff's proposed language goes too far. Qwest notes that the participants in the General Terms and Conditions workshop *negotiated* the language for Exhibit I completely; no issue relating to language was taken to impasse. Thus, Staff has now modified consensus language the parties developed and to which no party took issue. Staff cannot undo or modify the agreement of the parties.²

Furthermore, Staff has reached out beyond the scope of this disputed loop issue to apply its recommended ICB language to dark fiber and conceivably any "ICB provisioned circuits." Final Report ¶ 162. Dark Fiber, however, was addressed in the Emerging Services workshop,

¹ Staff's Report recommends that Qwest revise Section 3.2 of the SGAT. Qwest assumes Staff means Section 3.2 of Exhibit I, the Exhibit to the SGAT that describes the ICB process. Section 3.2 of the SGAT relates to the CLEC questionnaire and appears inapposite to this issue.

² Qwest also notes that the language that Staff relies upon and that WorldCom provided in its comments was never presented in the Arizona workshop on loops. Rather, WorldCom presented it for the first time in its comments on Staff's proposed report.

and the Commission has already issued its decision on dark fiber. Staff cannot now revise the processes for dark fiber with no notice to the parties. Similarly, Staff's proposed language regarding "any ICB provisioned circuit" could be interpreted to apply to facilities beyond loops provided on an ICB basis, conceivably subloops or transport. Like dark fiber, the workshops on these issues are closed, Commission Orders have been issued, and Staff provided no notice that it intended to modify the processes that would apply to provisioning of these different checklist items.

To resolve this issue, Qwest is willing to include language substantially similar to the additional language Staff recommends to apply to the provisioning of fiber and OCn loops as defined in SGAT § 9.2.2.3.1, the issue that was actually raised in the loop workshop and addressed by Loop Issue 2(b). Therefore, Qwest would agree to incorporate in Section 3.2 of Exhibit I of the Arizona SGAT the following language:

For ICB intervals for those products and services that require negotiated project time lines for installation, such as 2/4 wire analog loop for more than twenty-five (25) loops, the Qwest representative, authorized to commit to intervals, shall meet with CLEC's representative within seven (7) business days of receipt of the request from CLEC to negotiate intervals.

For fiber and OCn loops described in Section 9.2.2.3.1 of this SGAT, Qwest shall provide CLEC information regarding the location, availability, and performance of fiber and OCn loops within five (5) business days for a records based answer or within seven (7) business days for a field based answer, after receiving a request from the CLEC. Within such time periods, Qwest shall send CLEC written confirmation of the availability of the loop. The Qwest representative authorized to commit to intervals, shall meet with CLEC's representative within seven (7) business days of receipt of the request from CLEC to negotiate intervals. Qwest shall provide its proposed provisioning intervals in all cases within 20 days.

Qwest does not believe it is appropriate to extend Staff's language any further. The parties reached consensus on Exhibit I, and Qwest has had no opportunity to evaluate or respond

to how Staff's proposed revision to this agreed-upon language would affect other checklist items that have already been addressed either by other reports or Commission Orders.

Second, Qwest takes issue with Staff's requirement that Qwest modify the interval for DS-1 loops. Staff agrees with Qwest that the intervals in the Qwest Service Interval Guide ("SIG"), upon which Exhibit C to the SGAT is based, were an integral part of the discussions for the OP-3 and OP-4 Performance Indicator Definitions ("PIDs") in the Technical Advisory Group ("TAG") collaboratives. Final Report ¶ 155. Staff also states that it believes "that any concerns over intervals should be addressed in the TAG." *Id.* Despite these recommendations, Staff then recommends that the Commission revise the intervals for DS-1 loops. DS-1 loops are one of the loop types for which the TAG participants agreed to base the OP-4 measure on parity with Qwest retail. The retail interval for DS-1 loops is nine days. Accordingly, as Ms. Lubamersky explained at the workshop, it is consistent with the retail parity comparison to set the wholesale interval to reflect the Qwest retail interval.³ Furthermore, for the past four months of reported performance results since January 2002, Qwest has provisioned DS-1 in less time -- four to eight days faster -- for CLECs than for Qwest retail. *See* www.qwest.com/wholesale/results (OP-4). Accordingly, Qwest is meeting the parity requirement that the TAG participants, including AT&T, negotiated. The FCC emphasized in its *Verizon Massachusetts Order* the importance of negotiated performance measures in demonstrating that a BOC provides CLECs a meaningful opportunity to compete:

[W]here, as here, [performance] standards are developed through open proceedings with input from both the incumbent and competing carriers, these standards can represent informed and reliable attempts to objectively approximate whether competing carriers are being served by the incumbent in substantially the same time or manner or in a way that provides them a meaningful opportunity to compete.⁴

³ May 16, 2001 Tr. at 1669-71.

⁴ Memorandum Opinion and Order, *Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon*
#1277000 v1 - Qwest's Comments on Staff's Final Report on Chklist 4
PHX/1277000.1/67817.150

Because CLECs agreed in establishing the OP-4 PID that a performance measure for the installation interval for DS-1 loops based upon parity with Qwest retail afforded them a meaningful opportunity to compete, there is no basis to negate those negotiations by modifying the Exhibit C interval for these loops.

In addition to conflicting with the PID, Staff offers no evidence in support of its revised intervals. Staff simply asserts that it believes its modified intervals are "more reasonable." However, Qwest presented unrefuted evidence that its intervals comport with those of at least one BOC that has been granted 271 approval several times.⁵ Specifically, like Qwest, Verizon offers a nine-day interval for 1 to 9 DS-1 loops; ten or more DS-1 loops have a negotiated interval.⁶ Qwest's intervals are actually more favorable because Qwest offers the nine-day interval for up to 24 DS-1 loops.⁷

Finally, modifying the Exhibit C interval as Staff proposes will deprive CLECs of certainty regarding the interval they should reasonably expect when placing orders for DS-1 loops. In the workshops in various states, CLECs emphasized that predictable and reliable intervals were of paramount importance to them.⁸ By arbitrarily imposing a shorter interval, Staff is imposing an interval that may not be achievable or reliable. Qwest has worked hard to resolve many of the interval demands raised in the workshops by, for example, reducing the interval for xDSL-I loops to mirror those for 2-wire non-loaded loops and ADSL compatible

Enterprise Solutions) And Verizon Global Networks Inc., For Authorization to Provide In-Region, InterLATA Services in Massachusetts, CC Docket No. 01-9, FCC 01-130 ¶ 13 (rel. Apr. 16, 2001) ("Verizon Massachusetts Order").

⁵ See Exhibit 5 Qwest 53. The current Verizon interval guide is available on the Verizon wholesale website. Verizon's current guide is dated February 4, 2002, and provides a nine day interval for one to nine 4-wire digital DS-1 loops and a negotiated interval for ten or more loops.

⁶ *Id.*

⁷ SGAT Exhibit C.

⁸ Exhibit 1 (CO Transcript excerpts).

loops. It also created the Quick Loop product to offer CLECs a shorter interval for conversions of existing unbundled loops with or without number portability. In each instance, Qwest weighed its ability to reduce the interval with its ability to actually meet the CLECs' expectations. Here, Qwest has held firm. The DS-1 interval is consistent with the interval Qwest offers its retail customers, Qwest is providing CLECs better than parity treatment in the last four months of performance data, and Qwest's interval is consistent with that of a BOC that has received 271 approval. No CLEC has demonstrated that this interval fails to provide CLECs a meaningful opportunity to compete. For these reasons, Qwest's current DS-1 interval is reasonable and appropriate. Qwest respectfully requests that the ALJ and the Commission uphold the current DS-1 interval in Exhibit C to the SGAT.

B. DISPUTED ISSUE NO. 2: Concerns regarding provisioning loops where Qwest uses Integrated Digital Loop Carrier (IDLC) (AIL Loop 4(b)).

As its description in the AIL reflects, this issue actually arose from AT&T's desire to receive additional assurances that Qwest has appropriate practices in place to provide unbundled loops when the end user is served over integrated digital loop carrier ("IDLC"). AT&T did not originally ask for direct access to the LFACS database or challenge the sufficiency of Qwest's loop qualification tools in the Arizona workshops. Qwest notes that the issue was not even captured on the Arizona Issues Log. Thus, this issue has been discussed, to the extent it was actually discussed in the workshops at all, in a piecemeal fashion. Rather, AT&T raised the issue in its briefing after the close of the workshop and then requested direct access to Qwest's LFACS database so that it could obtain information on spare facilities. Similarly, AT&T did not raise its demand for an "audit" of Qwest's back office systems until commenting on Staff's initial report on checklist item 4. As a result, Staff has transformed an issue that focused on Qwest's provisioning of loops when the customer is served by IDLC into a recommendation that Qwest re-perform the KPMG analysis of Qwest's loop qualification tools or give AT&T direct access to

Qwest's LFACS database. Qwest respectfully submits that both the Staff and AT&T have taken this issue to the extreme.

1. Qwest Provides Access To Loop Qualification Information From Its Back Office Systems As The *UNE Remand Order* Requires.

The obligation to provide loop make up information began with the *UNE Remand Order*.⁹ In considering this issue and the arguments of the parties, the ALJ and the Commission should not lose sight of the purpose of requiring incumbent LECs to provide loop make up information. The purpose is not, as AT&T would posit, to require incumbent LECs to provide direct, unmediated access to every single database regarding the incumbent's network for any purpose the CLEC may dream up. Rather, the FCC made clear that incumbent LECs must provide access to loop qualification information for purposes of permitting CLECs to qualify loops for xDSL services.

The FCC stated in paragraph 426 of the *UNE Remand Order* that as a pre-order function of access to OSSs, incumbent LECs must provide "access to loop qualification information." "Loop qualification information identifies the physical attributes of the loop plant (such as loop length, the presence of analog load coils and bridge taps, and the presence and type of Digital Loop Carrier) that enable carriers to determine whether the loop is capable of supporting xDSL and other advanced technologies."¹⁰ The FCC stated that incumbent LECs must provide requesting carriers with nondiscriminatory access to the same detailed loop make up information that is available to the incumbent so that requesting carriers can make their own determination about whether a loop is capable of supporting xDSL services.¹¹ In an *ex parte* to the FCC, Covad

⁹ Third Report and Order and Fourth Further Notice of Proposed Rulemaking, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, 15 FCC Rcd 3696 (Nov. 5, 1999) ("*UNE Remand Order*").

¹⁰ *Id.* ¶ 426 (footnote omitted).

¹¹ *Id.* ¶ 427.

acknowledged that the Qwest Raw Data tool provides the information the *UNE Remand Order* requires.¹²

AT&T has made much of the FCC's statement that in providing loop make up information, incumbent LECs may not "filter" or "digest" the loop make up information. AT&T has taken the FCC's straightforward statement that incumbent LECs may not "filter" loop make up information to provide information relating only to the type of xDSL service the incumbent provides and twisted it into a requirement that incumbent LECs provide direct unmediated access to all of their back office databases. This is *not* what the FCC determined.

In paragraph 428 of the *UNE Remand Order*, the FCC discussed this requirement at length.

We also agree with commenters that an incumbent must provide access to the underlying loop information and *may not filter or digest such information to provide only that information that is useful in the provision of a particular type of xDSL that the incumbent chooses to offer*. For example, SBC provides ADSL service to its customers, which has a general limitation of use for loops less than 18,000 feet. In order to determine whether a particular loop is less than 18,000 feet, SBC has developed a database used by its retail representatives that indicates only whether the loop falls into a "green, yellow, or red" category. *Under our nondiscrimination requirement, an incumbent LEC can not limit access to loop qualification information to such a "green, yellow, or red" indicator*. Instead, the incumbent LEC must provide access to the underlying loop qualification information contained in its engineering records, plant records, and other back office systems so that requesting carriers can make their own judgments about whether those loops are suitable for the services the requesting carriers seek to offer. Otherwise, incumbent LECs would be able to discriminate against other xDSL technologies in favor of their own xDSL technology.¹³

In paragraph 429, the FCC continued that "[w]e disagree . . . with Covad's unqualified request that the [FCC] require incumbent LECs to catalogue, inventory and make available to

¹² Exhibit 5 Qwest 54.

¹³ *Id.* ¶ 428 (emphasis added).

competitors loop qualification information through automated OSS even when it has no such information available to itself."¹⁴ Thus, in prohibiting incumbent LECs from "filtering" and "digesting" information, the FCC *did not* order incumbent LECs to provide direct access to their back office systems, nor did it hold that incumbents could not load loop make up information from their back office systems into databases for CLEC use. Qwest provides the requested underlying, back office system data through the Raw Loop Data tool.

Finally, the FCC stated that to the extent incumbent LECs created loop qualification databases for their own use, incumbent's must provide access to those databases "*via an electronic interface.*"¹⁵ This is exactly what Qwest has provided with the Raw Loop Data tool. Qwest has made the underlying data fields in the Loop Qualification Database available to CLECs through the Raw Loop Data tool. The requirement to provide loop qualification information is a pre-order OSS functionality and, as with any other OSS functionality, the FCC did not order direct or unmediated access to that information or the databases that contain it. To the extent Staff's Final Report rests on the notion that providing access to LFACS information via an interface is unlawful or amounts to "filtering" the loop information, Staff is incorrect. In the *Verizon Massachusetts Order*, the FCC discussed at length Verizon's existing interfaces and its efforts to create a permanent interface for access to loop make up information without any concern for the fact that Verizon will be providing access to loop make up information through its GUI and EDI interfaces, like Qwest.¹⁶ Indeed, in its *Verizon Rhode Island Order*, the FCC discussed Verizon's access to LFACS information and clearly stated that Verizon provides mediated access to loop make up information in LFACS, *not* direct access to the LFACS

¹⁴ *Id.* ¶ 429.

¹⁵ *Id.* (emphasis added).

¹⁶ *Verizon Massachusetts Order* ¶ 62.

database itself.¹⁷ Furthermore, in the *SBC Kansas/Oklahoma Order*, the FCC noted that Southwestern Bell provides access to LFACS information through its Datagate, Verigate and EDI/COBRA interfaces.¹⁸

In short, the FCC never ordered direct access to the incumbents' back office systems; rather, it required *access to the loop qualification information*, which is provided via an interface to the data.

2. Qwest Does Not Limit CLECs To Information Returned By The Retail Loop Qualification Tools.

The information provided in the Raw Loop Data tool goes beyond what is available to Qwest retail representatives using the Qwest DSL tool. The Qwest DSL tool returns a qualification status "yes/no" answer. If the answer is "yes," the tool indicates the type of Qwest DSL the facility can support. If the answer is "no," it provides a brief explanation. It provides no underlying information on the make up of the loop facility. The Raw Loop Data tool that Qwest makes available to CLECs, however, does *not* provide a "yes/no" answer. Rather, it provides the underlying loop make up information drawn directly from the Loop Qualification Database that is fed by LFACS. It does not qualify a loop for any particular type of DSL, but provides the underlying loop make up information so that CLECs can make a determination for themselves for whatever variety of DSL they choose to offer.¹⁹

¹⁷ Memorandum Opinion and Order, *Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions) And Verizon Global Networks Inc., and Verizon Select Services, Inc. for Authorization to Provide In-Region, InterLATA Services in Rhode Island*, CC Docket No. 01-324, FCC 02-63 ¶ 62 & n. 171 (Feb. 22, 2002) ("*Verizon Rhode Island Order*").

¹⁸ See *SBC Kansas/Oklahoma Order* ¶ 122 ("SWBT provides competitors access to actual loop make-up information contained in [LFACS] *through the pre-ordering interfaces Verigate, Datagate and EDI/CORBA.*") (emphasis added)).

¹⁹ See KPMG Discrete Test Report 12.7, at 12.7-3.

Furthermore, CLECs now have access to spare facility information for *both* spare facilities connected through to the Qwest switch *and* spare facility segments. IMA Release 8.0 in August 2001 added a loop status field to the RLD tool. If the facility is associated with a working telephone number, then the data would be obtained using the "Assigned Address" query, and the Loop Status would show as "WKG" for working. The "Unassigned Address" query returns the spare facility information. For this query, if the Loop Status shows "CT," it means the facility is connected through to the central office. If the Loop Status shows "PCF," it means the facility is partially connected through to the switch (i.e., a segment). Thus, Qwest now provides underlying loop make up information on spare facilities, the only specific information any CLEC identified as lacking in the tool.

3. The Raw Loop Data Tool Returns The Critical Loop Make Up Information From LFACS.

The Raw Loop Data tool draws loop make up information from the Loop Qualification Database. The Loop Qualification Database is used to provide loop make up information to both the CLEC tools and the Qwest DSL tool and draws from the LFACS database. Thus, CLECs are receiving access to loop qualification information that resides in the LFACS database. Indeed, the information in the RLD tool is based upon an electronic feed from the LFACS database.²⁰ Thus, CLECs receive loop qualification information from the LFACS database today. The Raw Loop Data tool provides the following detailed information about the loop:

²⁰ *Id.*

Field Name and Function for the IMA Raw Loop Data Tool

Field Name	Function
WCCLLI	The CLLI Code of the wire center serving the end user address. (e.g. DNVRCOMA = Denver, CO Main wire center)
MLTDIST	The distance used when a Mechanized Loop Test is performed.
TERMINAL ID	The address of the distribution point, i.e. cross-box, pedestal, etc. (e.g. X 123 Main = Cross-box address is 123 Main)
CABLE NAME	Unique designation assigned to a group of cable pair/units between two terminal points. (e.g. PG25 = there is no cable/pair. The loop is serviced by pair gain) or (e.g. 18 = Cable designation)
PAIR GAIN TYPE	The pair gain device identification nomenclature. (e.g. ISLC2T = SLC2000 Pair Gain System)
PAIR NUMBER	The identification of the specific pair within the serving cable. (e.g. 1361 = designates which pair within that cable)
LCT	Load Coil Type – The type of load coil(s) present on the loop. (e.g. H88 = 88 inductance in micro-henries [load coil is present])
LOAD POINTS AMOUNT	The number of load coils present on this segment of the facility.
BRIDGE TAP OFFSET	This data identifies the presence of Bridge Taps on a segment or sub-segment of a loop. The first character identifies the sub-segment that contains the Bridge Tap; the second character identifies the length at which the Bridge Tap appears. The length is measured in kilofeet, and is measured from the origination of the segment on which it appears. (e.g. 3 1.150 = 3rd sub-segment, there is a bridge tap that is 1.150 kilofeet long)
MAKE UP DESC.	Make Up Description – This data identifies the physical characteristics that make-up the transmission capacities of the facility. If this section of the facility contains multiple sub-segments, they will be listed in sequence from the point of origination. The first set of data includes the wire gauge and whether it is non-loaded or contains Bridge Taps, i.e. 24NL (24-gauge wire, non-loaded) or 24BT (24-gauge wire, Bridge Tap). The second set of data defines the length in kilofeet of the segment or sub-segment.

As discussed in other workshops, LFACS does not have a query function that would enable a CLEC to easily determine the loop make up of a specific customer's loop. Loop make up information is stored in LFACS by distribution terminal or cross-box, by cable range and the

facility pair number, not by individual telephone number or by address. The Raw Loop Data tool, in contrast, can be searched by telephone number or address. It returns all of the loop make up information for each segment in a single query. Furthermore, if the CLEC enters its request by address, the Raw Loop Data tool returns loop make up information for up to 24 facilities serving the address. This contrasts starkly with the tools of some BOCs that return loop make up information for only one facility.²¹

As discussed in prior briefing, LFACS does contain proprietary information, such as information on what services customers obtain. In its Final Report, Staff states that Qwest has not shown that it is permitted by law to withhold this information. Final Report ¶ 188. However, Staff begins from the wrong premise: nothing in the *UNE Remand Order* requires Qwest to provide such competitively sensitive information that is unrelated to the physical characteristics of the loop. The *UNE Remand Order* requires access to *loop qualification information* in Qwest's back office systems, it does not require unfettered access to those systems. The services that customers purchase or the identity of those customers are indisputably *not* an attribute of the loop that a CLEC needs to know to provide xDSL services. This proprietary information is just one reason why mediated access to LFACS information is what Qwest and other BOCs provide. Indeed, when this very issue was discussed in Colorado, New Edge expressed grave reservations with AT&T's demand for direct access to LFACS because of the proprietary information that the database contains.²² That discussion is attached to these Comments as Exhibit 2.

To suggest that Qwest "filters" loop make up information, AT&T quoted in its Comments Exhibit 5 Qwest 9, a description of the Colorado xDSL FOC trial process. Two things merit discussion. First, the discussion AT&T quotes is the discussion of the assignment of facilities, or

²¹ See *SBC Kansas/Oklahoma Order* ¶ 122, 128.

²² CO 5/23/01 Tr. at 145-46, 164-65.

the *provisioning* of an order, not a pre-order inquiry to determine if a loop can support xDSL services. As discussed in the workshop, Qwest uses the identical assignment process for itself as for CLECs.

Furthermore, Qwest prepared this document long before the release of IMA 8.0. Thus, whereas the trial description then said, accurately, that the Raw Loop Data tool did not have information on loops "not already connected through to a switch," it does now. With the enhancements in IMA 8.0, the Raw Loop Data tool provides information on spare facilities connected through to the switch *and* for segments. Thus, Exhibit 5 Qwest 9 shows only that Qwest responded to the CLECs concerns by adding the only missing piece of information they claimed they needed for loop qualification. It is insightful to recognize that CLECs have not identified a single loop characteristic that the Raw Loop Data tool does not provide them.

The results for OP-5 demonstrate that CLECs must be receiving reliable information on the ability of loops to provide DSL services. Specifically, the results for 2-wire non-loaded loops in Arizona since October 2001 show that CLECs have had trouble free new installations more often than Qwest retail, with the results ranging from a low of 93.65% to a high of 100%.

Because Qwest provides CLECs with the loop make up information that is necessary for loop qualification purposes, and that information permits CLECs to provide service to their end users with reliability, there is no basis to require an "audit" or to require Qwest to overhaul the LFACS database to provide direct access.

4. KPMG's Report Has Confirmed That CLECs Obtain Information From Qwest's Back Office Systems.

Qwest disagrees with Staff's characterization of the KPMG Discrete Test Report on Master Test Plan 12.7. The KPMG Report addressed the key requirements of the *UNE Remand Order*: whether loop qualification information available to Qwest and CLECs comes from the same sources, with the same accuracy, and with the same frequency of update. In developing the Master Test Plan, CLECs agreed that this was the necessary inquiry.

KPMG made several important determinations that demonstrate that Qwest provides loop qualification information consistent with the requirements of the *UNE Remand Order*. For example, in addressing the system performance and database updates, KPMG confirmed that the source for the Loop Qualification Database that feeds the Raw Loop Data tool is the LFACS database:

The LFACS database is Qwest's central repository for loop data. It serves as the source database for the loop data in the LQDB [Loop Qualification Database], which is updated with revised LFACS data on a nightly basis. The two databases are synchronized each month. As part of the loop qualification query process, the LQDB also queries a "recent changes" field in the LFACS database. If this query indicates that the LFACS information has been updated, the new LFACS information is populated into the LQDB and is used as the basis for the loop qualification query.²³

Furthermore, in evaluating whether the internal process flow used for loop qualification is consistent for retail and wholesale customers, KPMG confirmed that the internal process flows are consistent for both wholesale and retail operations, "and that the back-end systems provide consistent results for both wholesale and resale queries."²⁴ KPMG also confirmed that the database(s) used to qualify loops is the same for Qwest as it is for CLECs and that the databases are updated with the same frequency and at the same intervals.²⁵

Given these findings, it is indisputable that Qwest provides loop qualification information from its back office engineering systems and provides CLECs the same loop qualification information with the same accuracy as it provides to itself.

²³ KPMG Discrete Test Report 12.7 at 12.7-3.

²⁴ *Id.* at 12.7-10, Reference 12.7-1-4.

²⁵ *Id.* at 12.7-11, Reference 12.7-1-7.

5. To Resolve This Issue in Arizona Only, Qwest Will Agree To A Manual Process In The Unlikely Event The Raw Loop Data Tool Fails To Loop Make Up Information Or Returns Inconsistent Information.

The FCC concluded that manual access to loop information is *not* required if CLECs have access to the same information through an alternative method of access.²⁶ Unlike other BOCs that may not have mechanized access to loop make up information, there is no evidence that a manual process is necessary for CLECs to obtain loop make up information from Qwest. It is true that during the xDSL FOC trial, there were instances in which the Raw Loop Data tool returned a response of "No Working TN." However, upon investigation, Qwest determined that these responses related to nonpublished and nonlisted numbers as well as loop make up associated with Centrex or a PBX. As discussed in Qwest's Supplementation of the Record on Checklist Item 4, IMA Release 8.0 addressed each of these situations. In fact, to validate the enhancements to the tool, Qwest re-ran queries for the addresses that did not return loop make up information during the FOC trial and, for those addresses it was able to validate, Qwest obtained loop make up information.²⁷

For all the reasons discussed in these Comments, Qwest believes it is highly likely that any CLEC using Qwest's existing tools will have all of the loop make up information it needs to qualify a loop for xDSL services. However, to resolve this issue in Arizona, and Arizona only, Qwest would agree to implement a manual process to permit CLECs to obtain loop make up information in the unlikely event the Raw Loop Data tool failed to provide loop make up information for a particular address or TN or returned inconsistent information. Qwest would agree to return such information within 72 hours. As discussed below, this process is similar to

²⁶ See *Verizon Massachusetts Order* ¶ 65 (rejecting a complaint that Verizon had failed to develop a manual loop qualification process for CLECs because "[f]or the most part, the information returned through the manual loop qualification process is already provided to competitors through other loop qualification processes that are available at the pre-ordering stage").

²⁷ There were a few queries Qwest was not able to re-run because it was unable to verify the address. Upon investigation of those few orders, it appeared that the wrong city name had been used.

the process other BOCs employ. Qwest emphasizes that it makes this offer in Arizona only because Qwest strongly believes that the loop make up information returned by its tools consistently provide CLECs with all necessary loop qualification information. Given the strength of its tools, Qwest believes that such manual loop make up requests will be extraordinarily infrequent. Indeed, if CLECs do not use such a process with any regularity, Qwest reserves the right to request the elimination of this process. With this commitment, Qwest has addressed all of Staff's concerns in the Final Report.

6. Qwest's Loop Qualification Tools Compare Favorably To Those Of BOCs That Have Received 271 Approval.

Qwest's loop qualification tools meet or exceed those offered by other BOCs that have received 271 approval. The *SBC Kansas/Oklahoma Order* and the *Verizon Massachusetts Order* make clear that the variety of methods through which SBC and Verizon made loop qualification information available to CLECs was necessary because the information was not consolidated in a single database.²⁸ For example, at the time of its Massachusetts application, Verizon had in its LFACS database loop make-up information for only 10 percent of its terminal locations.²⁹ As discussed above, the discussion of Verizon's tools in the Massachusetts and Rhode Island orders makes clear that Verizon does not provide direct access to the LFACS database, but provides loop make up information from that database. Attached hereto as Exhibit 3 is a comparison of the loop make up information that Verizon's loop make up request tool returns, as described in attachments to Verizon's Rhode Island application, with the information the Raw Loop Data tool returns. As this comparison shows, Qwest returns the same information as Verizon.

²⁸ See, e.g., *Verizon Massachusetts Order* ¶ 59 ("[Verizon's] engineering query provides loop make-up information for loops not in the LFACS database"); *Kansas/Oklahoma 271 Order*, ¶ 122 ("If, however, actual loop make-up information is not available in LFACS, SWBT will automatically provide theoretical, or design, loop make-up information").

²⁹ See *Verizon Massachusetts Order* ¶ 57.

SBC also does not provide direct access to LFACS, but rather mediated access through a loop qualification tool similar to Qwest's Raw Loop Data Tool.³⁰ As discussed in the *SBC Kansas/Oklahoma Order*, SBC performs a manual process when loop make-up information for a facility is not contained in SBC's LFACS database. The SBC engineers merely investigate the loop make-up to create an LFACS record for the facility. The CLEC then has access to the loop make-up information via an email message or the mediated access to LFACS.³¹ Thus, as described in the *SBC Kansas/Oklahoma Order*, the manual process appears to simply provide the information that should have been in the LFACS database. As discussed above, Qwest will agree in Arizona only to perform a manual loop make up search in the unlikely event the Raw Loop Data tool returns no loop make up information or inconsistent information. Accordingly, Qwest's tools and processes are comparable to those of BOCs that have received 271 approval.

7. Qwest Has Introduced Further Enhancements To Its Tools To Begin Implementation of LSOG 5 Guidelines.

Qwest is continually working to improve its tools and enhance access to loop make up information. Qwest has already discussed its significant enhancements in IMA 8.0. At the end of February 2002, Qwest released IMA 9.0, which implements many industry LSOG 5 recommendations for loop qualification. This release introduces a new screen that combines the Qwest DSL and ADSL qualification tools. With this combined tool, CLECs can access loop data in yet a different format. The enhanced tool provides the local station termination (CLLI code), the presence of pair gain or DLC, the equivalent loop length (the 26-gauge equivalent loop length for the total distance from the end user to the wire center in kilofeet), remote switching unit

³⁰ See *SBC Kansas/Oklahoma Order* ¶ 122 ("SWBT provides competitors access to actual loop make-up information contained in [LFACS] through the pre-ordering interfaces *Verigate*, *Datagate* and *EDI/CORBA*." (emphasis added)); *id.* ("Once SWBT engineers complete the manual search, they will update the information in LFACS and the competing carrier can either receive the results via email or review the results in LFACS") (emphasis added)).

³¹ *Id.*

indicator, loop length type (process used to determine loop length), loop length, loop length gauge (segment loop lengths by gauge), quantity of load coils on the loop, type of load coils on the loop, insertion loss information for ADSL loops, bridge tap quantity, F1 and F2 loop composition (including presence of pair gain and Universal Digital Carrier). Thus, Qwest has further enhanced its tools to provide CLECs with yet another means of obtaining loop make up information.

8. Staff's Audit Recommendation and SGAT Language Should Be Rejected.

Having shown that it provides access to the loop make up information in its back office systems and having gone the further step to agree to a manual loop make up request process for Arizona if the Qwest tools do not return loop make up information or return inconsistent information, Qwest opposes Staff's proposed SGAT language requiring periodic "audits" of Qwest's back office systems. First, Qwest notes that no CLEC raised this request in the workshop or in the post-workshop briefs in Arizona. Rather, this demand was first made in AT&T's Comments on Staff's proposed report. Furthermore, no FCC order requires Qwest to submit to ongoing audits of its back office systems as a condition of Section 271 approval. Qwest reiterates that Section 271 proceedings are limited in scope and are not the proper forum to create new obligations.³² Moreover, Qwest has already had its loop qualification systems audited by KPMG, and KPMG found that Qwest provides CLECs with loop qualification information at parity with itself. Because Qwest will permit CLECs to make a manual request for loop make up information in the unlikely event the Qwest tools return no or inconsistent information, an audit is unnecessary.

³² Memorandum Opinion and Order, *Application of SBC Communications, Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In Region, InterLATA Services in Texas*, CC Docket No. 00-65, 15 FCC Rcd 18354, ¶ 22-26 (2000) ("*SBC Texas Order*").

Staff's SGAT language is also unworkable. A major problem with Staff's language is that it does not limit the "audit" to an audit of *loop qualification information*. Rather, it permits CLECs an open ended audit of any record or database where "loop or loop plant information" resides. The *UNE Remand Order* only requires incumbent LECs to provide loop qualification information for specific loop facilities. It does not impose an open-ended network disclosure requirement. As discussed above, Qwest's back office systems contain proprietary information for Qwest, its end users, and CLECs. Under Staff's language, however, a CLEC could conceivably demand an audit of every back office system and all the information in them.

In addition, the SGAT is a document that any Arizona CLEC can elect to execute. Under Staff's language, Qwest could be subject to audits by every CLEC that executes the SGAT every 18 months. Since it is highly unlikely that CLECs will execute the SGAT at the same time, Qwest could be subject to multiple, continuous, and seriatim audits by individual CLECs, auditing the same information over and over. Staff's language also does not require the CLEC to make any showing before demanding an audit. For example, a CLEC could request an audit even if it has never placed an order for an unbundled loop, does not provide DSL services, or has no need for additional loop qualification information.

These are just some of the important practical and competitive concerns that Staff's language presents. Because neither the *UNE Remand Order* nor any Section 271 Order requires an incumbent LEC to submit to such audits, Staff's language should be rejected. To the extent a CLEC has a request for Qwest to provide specific additional loop make up information, that request should be addressed in the CMP process where Qwest can provide a single response and all CLECs can benefit from the process. In the alternative, the SGAT should provide that the CLEC could take such requests to the Commission for resolution there. Either alternative is more workable than Staff's proposed SGAT language.

C. DISPUTED ISSUE NO. 6: Should Qwest's Spectrum Management positions be adopted? (AIL Loop 9a, 9b and 9c)

In paragraph 254 of the Final Report, Staff proposes SGAT language to address the issue of remote deployment of DSL services. According to Staff, this language is based upon language the multi-state facilitator recommended. However, Qwest notes that Staff's proposed language is slightly different and appears to be incomplete in some sentences. Below, Qwest fills in the text missing from Staff's proposed language. Qwest does not challenge this modified language with the exception of the final sentence, which is italicized below.

Where CLEC has deployed central-office based DSL services serving a reasonably defined area, Qwest must, upon request of a CLEC, take appropriate measures to mitigate the demonstrable adverse effects on such service that arise from Qwest's use of repeaters or remotely deployed DSL service in that area. It shall be presumed that the costs of such mitigation will not be chargeable to any CLEC or to any other customers. Qwest shall have the right to rebut this presumption by demonstrating to the Commission by a preponderance of the evidence that the incremental costs of mitigation would be sufficient to cause a substantial effect upon other customers (including but not limited to CLECs securing UNEs) if charged to them. Upon such a showing, the Commission may determine how to apportion responsibility for those costs, including, but not limited to CLECs taking services under this SGAT. *Notwithstanding, if Qwest must make changes to meet future NRIC and FCC standards; any costs Qwest incurs to meet these standards shall be borne solely by Qwest and shall not be passed on to the CLECs.*

Given that neither NRIC nor the FCC has adopted final spectrum recommendations, Qwest believes it is premature to preclude Qwest for seeking any cost recovery under Staff's recommended language. Neither Staff nor Qwest can predict what standards or recommendations NRIC will finally develop or what requirements the FCC will approve with respect to spectrum issues. Furthermore, neither Staff nor Qwest can predict whether any FCC rules will permit carriers to seek or share costs for spectrum requirements. To the extent FCC rules either do not prohibit incumbent LECs from seeking cost recovery or expressly permit cost recovery or cost sharing, Qwest should be permitted to seek cost recovery before the Commission. Given the uncertainty of future events, it is unfair to require Qwest to forego all

cost recovery at this time. Rather, Qwest believes the final sentence of Staff's proposed language should be stricken, and the SGAT should be neutral on this point. In the event Qwest believes it is entitled to cost recovery for future NRIC or FCC standards relating to remote deployments, it would request such cost recovery in an appropriate cost proceeding in which Staff, the parties, and the Commission can evaluate its claims. No party will be prejudiced by such an approach. Qwest agrees that it will abide by final NRIC recommendations that the FCC adopts. Staff's language, however, inappropriately requires Qwest to forego cost recovery when no final recommendations or FCC rules have been developed.

D. DISPUTED ISSUE NO. 8: Complaints regarding Qwest policy on employees who engage in anti-competitive behavior. (AIL Loop 11(d)).

Qwest appreciates the modifications that Staff has made to its proposed report regarding the allegations of "anti-competitive" conduct made in the workshop and Qwest's efforts to address and respond to Covad's concerns. Staff states that Qwest has responded to its concerns, but recommends that Qwest include "processes for the resolution of such complaints . . . in the SGAT." Final Report ¶ 282.

Qwest asserts that some modifications to Staff's recommendations are in order. The SGAT is a contractual document, which (when executed) is a binding contract between the parties that can only be changed by contractual amendment. It would be inappropriate and unwieldy, however, to attempt to dictate the process and Qwest policies for addressing allegations of "anti-competitive" behavior by Qwest employees in the SGAT. For example, Qwest needs flexibility to adapt its employee practices and policies to address different types of CLEC allegations. It also needs flexibility to deal differently with the different categories of employees that Qwest employs (such as union employees). Furthermore, Qwest needs to retain the ability to modify and improve its policies and practices. If processes are defined in the SGAT, Qwest will lose that flexibility and ability to improve its processes.

Although Qwest believes that the allegations raised in the workshop did not amount to "anti-competitive" behavior and that Qwest has demonstrated that its current policies and practices are appropriate, to resolve this issue Qwest would agree to incorporate a general process for addressing CLEC allegations of unlawful behavior in the SGAT. Specifically, Qwest would agree to add the following language to the section of the SGAT addressing cooperation between the parties.

5.29.2 If any time CLEC believes that a Qwest employee has engaged in unlawful behavior with respect to CLEC, CLEC may report the incident to the Account Team in writing, describing in detail all facts upon which CLEC's belief is based. Qwest will investigate the allegations, and within three (3) business days after Qwest has received writtent notification from the CLEC of the allegations, inform CLEC that the matter is being investigated. Qwest will keep the CLEC informed throughout the investigation and will advise CLEC of the investigation outcome. Due to confidentiality issues, Qwest may not be in a position to disclose all of the findings to CLEC. However, Qwest will provide non-confidential findings.

Qwest believes this language fully responds to Staff's request in the Final Report while ensuring that Qwest retains the flexibility to develop appropriate policies for its workplace.

CONCLUSION

Qwest requests that Staff modify its Final Report on Checklist Item 4 as set forth in these Comments.

DATED: March 4, 2002

Respectfully submitted,


Charles W. Steese
6499 E. Long Circle North
Englewood, CO 80112
(720) 488-7789

Kara M. Sacilotto
PERKINS COIE LLP
607 Fourteenth Street, N.W., Suite 800
Washington, D.C. 20005-2011
(202) 628-6600

Timothy Berg
Theresa Dwyer
FENNEMORE CRAIG
3003 North Central Avenue, Suite 2600
Phoenix, AZ 85012-2913
(602) 916-5000

ATTORNEYS FOR QWEST CORPORATION

**ORIGINAL +10 copies filed this
4th day of March, 2002:**

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

COPY delivered this day to:

Maureen A. Scott
Legal Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington St.
Phoenix, AZ 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington St.
Phoenix, AZ 85007

Lyn Farmer, Chief Administrative Law Judge
Jane Rodda, Administrative Law Judge
Hearing Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington
Phoenix, AZ 85007

Caroline Butler
Legal Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington St.
Phoenix, AZ 85007

COPY mailed this day to:

Eric S. Heath
SPRINT COMMUNICATIONS CO.
100 Spear Street, Suite 930
San Francisco, CA 94105

Thomas Campbell
LEWIS & ROCA
40 N. Central Avenue
Phoenix, AZ 85004

Joan S. Burke
OSBORN MALEDON, P.A.
2929 N. Central Ave., 21st Floor
PO Box 36379
Phoenix, AZ 85067-6379

Thomas F. Dixon
WORLD COM, INC.
707 N. 17th Street #3900
Denver, CO 80202

Scott S. Wakefield
RUCO
2828 N. Central Ave., Ste. 1200
Phoenix, AZ 85004

Michael M. Grant
Todd C. Wiley
GALLAGHER & KENNEDY
2575 E. Camelback Road
Phoenix, AZ 85016-9225

Michael Patten
ROSHKA, HEYMAN & DEWULF
400 E. Van Buren, Ste. 900
Phoenix, AZ 85004-3906

Bradley S. Carroll
COX COMMUNICATIONS
20402 North 29th Avenue
Phoenix, AZ 85027-3148

Daniel Waggoner
DAVIS, WRIGHT & TREMAINE
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101

Traci Grundon
DAVIS, WRIGHT & TREMAINE
1300 S.W. Fifth Avenue
Portland, OR 97201

Richard S. Wolters
Maria Arias-Chapleau
AT&T Law Department
1875 Lawrence Street, #1575
Denver, CO 80202

Gregory Hoffman
AT&T
795 Folsom Street, Room 2159
San Francisco, CA 94107-1243

David Kaufman
E.SPIRE COMMUNICATIONS, INC.
343 W. Manhattan Street
Santa Fe, NM 87501

Diane Bacon, Legislative Director
COMMUNICATIONS WORKERS OF AMERICA
5818 N. 7th St., Ste. 206
Phoenix, AZ 85014-5811

Philip A. Doherty
545 S. Prospect Street, Ste. 22
Burlington, VT

W. Hagood Bellinger
5312 Trowbridge Drive
Dunwoody, GA 30338

Joyce Hundley
U.S. DEPARTMENT OF JUSTICE
Antitrust Division
1401 H Street N.W. #8000
Washington, DC 20530

Andrew O. Isar
TELECOMMUNICATIONS RESELLERS ASSOC.
4312 92nd Avenue, NW
Gig Harbor, WA 98335

Raymond S. Heyman
ROSHKA, HEYMAN & DEWULF
400 N. Van Buren, Ste. 800
Phoenix, AZ 85004-3906

Thomas L. Mumaw
SNELL & WILMER
One Arizona Center
Phoenix, AZ 85004-0001

Charles Kallenbach
AMERICAN COMMUNICATIONS SVCS, INC.
131 National Business Parkway
Annapolis Junction, MD 20701

Gena Doyscher
GLOBAL CROSSING SERVICES, INC.
1221 Nicollet Mall
Minneapolis, MN 55403-2420

Andrea Harris, Senior Manager
ALLEGIANCE TELECOM INC OF ARIZONA
2101 Webster, Ste. 1580
Oakland, CA 94612

Gary L. Lane, Esq.
6902 East 1st Street, Suite 201
Scottsdale, AZ 85251

Kevin Chapman
SBC TELECOM, INC.
300 Convent Street, Room 13-Q-40
San Antonio, TX 78205

M. Andrew Andrade
TESS COMMUNICATIONS, INC.
5261 S. Quebec Street, Ste. 150
Greenwood Village, CO 80111

Richard Sampson
Z-TEL COMMUNICATIONS, INC.
601 S. Harbour Island, Ste. 220
Tampa, FL 33602

Megan Doberneck
COVAD COMMUNICATIONS COMPANY
7901 Lowry Boulevard
Denver, CO 80230

Richard P. Kolb
Vice President of Regulatory Affairs
ONE POINT COMMUNICATIONS
Two Conway Park
150 Field Drive, Ste. 300
Lake Forest, IL 60045

Janet Napolitano, Attorney General
OFFICE OF THE ATTORNEY GENERAL
1275 West Washington
Phoenix, AZ 85007

Steven J. Duffy
RIDGE & ISAACSON, P.C.
3101 North Central Ave., Ste. 1090
Phoenix, AZ 85012

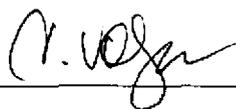


EXHIBIT 1

1

1 BEFORE THE PUBLIC UTILITIES COMMISSION
2 OF THE STATE OF COLORADO
3 Docket No. 97I-198T
4 TECHNICAL WORKSHOP 3

5 - - - - -
6

6 IN THE MATTER OF THE INVESTIGATION INTO U S WEST
7 COMMUNICATIONS, INC.'S COMPLIANCE WITH § 271(C) OF THE
7 TELECOMMUNICATIONS ACT OF 1996.
8 - - - - -

8
9

10 PURSUANT TO NOTICE to all parties of interest,
11 the above-entitled matter came on for hearing at
12 8:30 a.m, on Thursday, November 1, 2000, at 1100
13 West 116th Avenue, Westminster, Colorado, before
14 Facilitators Hagood Bellinger and Phil Doherty.

15
16
17

18 APPEARANCES
19 (AS NOTED IN THE RECORD)

20
21
22
23
24
25

EXHIBIT 1

217

1 here don't understand the definition of FOC.

2 MR. STEESE: What I heard was -- and I'm
3 not trying it pass the buck here, because I think this
4 is a topic we need to discuss.

5 I heard Minda, probably an hour ago, now,
6 say she did have some suggestions. And what I would
7 like to do is hear those suggestions; and I'm sure the
8 other people at this side of the table would, too.

9 And I'm assuming that one of the
10 suggestions is going to have to do with these FOC
11 issues. And so we -- why don't you present your
12 thoughts and we can start that discussion.

13 MR. BELLINGER: All right.

14 MS. CUTCHER: All right. I mean my very
15 simple suggestion is to provide meaningful FOCs. And I
16 don't -- I don't know how much more simple it can be.
17 In some instances -- you had asked earlier, If Qwest
18 was given 72 hours, for example, to go out and do a
19 facilities verification prior to giving us an FOC --
20 that would be helpful.

21 Other ILECs will provide us with the data
22 that says -- I mean, they have come back to us and
23 given us FOCs saying, January of -- December 31st of
24 that year. And they will come back and say the reason
25 why is because we have no facilities; there is a

EXHIBIT 1

218

1 construction job on the books and it should be finished
2 in X months.

3 So they will come back and give us a FOC
4 that has some meaning behind it. So then we can turn
5 around to our customer and say, The ILEC says they are
6 not going to be able to provision this loop for us for
7 30, 60, 90 days, whatever it is; do you still want to
8 keep your order; do you want to cancel; do you want to
9 resubmit?

10 So anything that's going to help us sell
11 more intelligently and build our customer's expectation
12 is going to be help.

13 Another suggestion that has worked
14 successfully with some other ILECs is if you give us a
15 FOC, go out on that FOC; and rather than saying,
16 Whoops, no facilities; go out and give it your best
17 shot to provision that loop for us.

18 We worked out an agreement with one ILEC
19 that says, We'll give you a window of five days. If
20 you tell us the FOC is January 3d, we're going to give
21 you until January 8th to go out and try line-and-
22 station transfers, deloading, whatever the case may
23 be -- hair swaps -- to free up a pair to try to
24 provision that loop for our customer.

25 And we found that we can manage that. We

EXHIBIT 2

1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Docket No. 97I-198T - Workshop 5

* * *

IN THE MATTER OF THE INVESTIGATION OF US WEST
COMMUNICATIONS, INC.'S COMPLIANCE WITH SS 271(c)
OF THE TELECOMMUNICATIONS ACT OF 1996.

Pursuant to continuation, the Technical Workshop
was held at 8:35 a.m., May 23, 2001, at 3898 Wadsworth
Boulevard, Lakewood, Colorado, before Facilitators
Hagood Bellinger and John Schultz.

APPEARANCES

(As noted in the transcript.)

EXHIBIT 2

145

1 information is available that may be proprietary
2 information or just what information is available?

3 MS. LISTON: Well, the LFACs database
4 contains all of the data associated with facility
5 assignments. So, to the extent that there would be a
6 New Edge pair in there, it would give you cable and
7 pair information. It would provide the data showing
8 the circuit I.D., and all of the piece-parts associated
9 with that. There the information is stored in terms of
10 who the customer is, and what pairs they are using, and
11 what the assignment is within the Central Office. So
12 if we gave access to LFACs database, then everybody
13 would have access to the information for themselves,
14 their competitors, and --

15 MS. BEWICK: Does it include information
16 such as, like what other services a particular customer
17 may have as well?

18 MS. LISTON: It would show what the
19 assignments are for that. It would show the specific
20 kinds of assignment or service that you are purchasing.

21 MS. BEWICK: If there was access to
22 LFACs, you know, let's say that New Edge had access to
23 LFACs, they would have access to, say, for instance,
24 Covad's customer base, and all of the information
25 associated with that, correct?

146

EXHIBIT 2

1 MS. LISTON: That's correct.

2 MR. WILSON: It appears that BellSouth is
3 willing to give CLECs access to their LFACs in the
4 preordering phase, actually, which is one of our other
5 issues, I believe. The other --

6 MS. SACILOTTO: What are you basing that
7 on, Ken?

8 MR. WILSON: Language that is either
9 being discussed or has been agreed on between BellSouth
10 and AT&T, at a minimum. I don't know if it's in their
11 SGAT or not, but it is in one or more agreements.

12 The other question I have is what is the
13 role of TIRKS in the assignment of facilities and the
14 ability to look at piece-parts for loops?

15 MS. LISTON: The difference between
16 LFACs -- LFACs is where the actual assignment goes,
17 cable and pair information. TIRKS is more of a design
18 of the service. So, if they have to actually design
19 service looking for, do we need to put extension
20 technology on, or do we need to put range extenders on,
21 or do we have to load it, what do we have to do to make
22 the service work. That's done within design. And
23 that's done within TIRKS. I am going to turn the rest
24 over to Jeff, who can give more detail.

25 MR. HUBBARD: Ken, TIRKS is basically

EXHIBIT 2

164

1 ground. I am not sure exactly what we want to capture
2 here.

3 MR. WILSON: I think we're going to go to
4 impasse on this. But I would also like to point out
5 that Verizon is offering access to LFACs. You can
6 check the Massachusetts orders, paragraphs 67 and 68.
7 And Southwest Bell is offering access to LFACs. You
8 can check the Kansas/Oklahoma order on page -- in
9 paragraph 122. I think LFACs has a great deal of
10 information in it that CLECs need to get access to.
11 And Qwest has access to that as well. I think there
12 are other ways to access LFACs, other than the standard
13 provisioning process, and that's why it's valuable to
14 Qwest and to CLECs.

15 MR. BELLINGER: So, you want to make -- I
16 think, you know, we have changed around a little bit
17 what the issue is. So, you want to state your issue?
18 Do we want to separate it into this issues or -- Ken, I
19 guess your issue is CLECs want access to LFACs.

20 MS. BEWICK: AT&T wants access to LFACs.

21 MR. WILSON: I think that's AT&T's issue,
22 yes.

23 MS. BEWICK: This is Penny. This whole
24 discussion gives me lot of pause. It makes me even
25 more concerned than I was before. But my belief -- and

165

EXHIBIT 2

1 I could be wrong, but I think, at the last workshop,
2 there was some discussion about the access to LFACs
3 database, and in some of the other RBOCs, and there was
4 some indication that there may be some fireballs that
5 were in some of those databases to protect some CLEC
6 proprietary information.

7 I guess my concern is, you know, I want
8 to have access to what I need in order to get service
9 for my customer effectively. What I do have a concern
10 about, other CLECs having access to a database that has
11 information that details all of the services that my
12 customers would have, and other information that I
13 consider proprietary to New Edge. So, I don't know how
14 to resolve that issue. But I would have to say, at
15 this point in time, I am not necessarily satisfied with
16 the fact that we have the same access to databases that
17 the retail side has, but I am not comfortable saying
18 that I support other CLECs having access to LFACs,
19 because, right now it appears that we have possibly the
20 ability for Qwest to chip away at my customer database,
21 and the last thing I need is the ability for every
22 other CLEC to chip away at my database.

23 So, I do have a concern about that,
24 Hagood. I couldn't say that I would agree that I think
25 that the CLECs should have access to the LFACs

EXHIBIT 3

**Loop Make-up Comparisons
Verizon vs Qwest Raw Loop Data Tool**

Verizon¹	Qwest – Raw Loop Data²
Segment Length by Gauge	Segment Lengths by Gauge
Bridge Tap Location	Bridge Tap by Segment
Bridge Tap Length	Bridge Tap Offset
Loop Composition (copper / fiber)	Loop Composition by Segment
Existence of Digital Single Subscriber Carrier (DSSC)	Existence of Universal Digital Carrier (UDC) ³
Existence of Load Coils	Existence of Load Coils by Segment
Load Coil Spacing	Existence of Load Coils by Segment ⁴
Load Coil Quantity	Load Coil Quantity
Load Coil Type	Load Coil Type
Presence of DLC	Presence of DLC by segment
	MLT Distance
	Terminal Address by Segment
	Pair Gain Type
	Cable and Pair Number by Segment

Notes:

1. Declaration of Kathleen McLean and Raymond Wierzbicki, Attachment 3, page 2.
2. It is unclear whether Verizon returns information on spare facilities. The Raw Loop Data tool contains loop make-up for spare facilities connected through to the Qwest switches and also partially connected facilities.
3. Qwest utilizes UDCs rather than DSSC used by Verizon. Basically, UDC enables one pair to support two different telephone numbers. If UDC is present rather than seeing a pair number, the Raw Loop Data will indicate the presence of the UDC.
4. The loop make-up section of the Raw Loop Data tool displays the gauge and length of the facility, if the gauge is followed by "NL," then the CLEC knows that the facility is non-loaded. Additionally, for each segment the Raw Loop Data tool displays the load coil type and the quantity for that segment.