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

RE: In the Matter of US West Communications, Inc.'s Compliance With  
Section 271 of the Telecommunications Act of 1996  
Docket Nos. T-00000A-97-0238

Dear Sir/Madam:

Enclosed for filing is an original and 13 copies of Comments of Eschelon Telecom, Inc. on the Report of the July 30-31, 2002 Workshop (Report One – Operations Support System Related Issues) in connection with the above docket.

Please feel free to contact me with any questions.

Sincerely,

Kim K. Wagner  
Senior Legal Secretary  
Eschelon Telecom, Inc.  
(612) 436-6225

Enclosures

cc: Service list (via e-mail and U.S. Mail)

**Certificate of Service**

I hereby certify that the original and 13 copies of the Comments of Eschelon Telecom, Inc. On the Report on the July 30-31, 2002 Workshop (Report One – Operations Support System Related Issues), regarding Docket No. T-00000A-97-0238, attached, were filed by e-mail and Airborne Express on March 6, 2003 with:

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Dated: March 6, 2003.

  
Kim K. Wagner

**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**

**Comments of Eschelon Telecom, Inc.  
On the Staff Report on the July 30-31, 2002  
Workshop (Report One – Operations Support  
System Related Issues)**

Eschelon Telecom, Inc. ("Eschelon") submits these Comments on the Report on the July 30-31, 2002 Workshop (Report One -- Operations Support System Related Issues) ("Staff OSS Report") filed by the Arizona Corporation Commission Staff ("Staff") on February 25, 2003 in this matter. Eschelon commends the Staff, facilitators, and consultants for their hard work. By applying their attention and expertise to Eschelon's commercial performance experience, they have been able to identify the source of problems and significant discrepancies that Eschelon could not fully explain on its own.

Eschelon does not have the same access to Qwest data, and it did not have the opportunity to develop similar expertise with respect to the workings and intent of the Performance Indicator Definitions ("PIDs") in the 271 proceedings. Eschelon did have commercial performance experience that varied from Qwest's performance claims.

Eschelon has long complained to Qwest that serious, customer affecting issues relating to conversion/installation were not being captured in the data, and therefore were not being corrected. Qwest provided denials and not solutions. Only after CGE&Y verified the existence of the problems known to Qwest and the Staff and facilitators recommended changes has progress been made. Eschelon supports these Staff recommended changes relating to service affecting performance and reporting and asks the Commission to adopt them.

Regarding UNE-E billing accuracy, Eschelon also supports the Staff recommendation and asks the Commission to adopt it. *See* Staff Report, p. 47, ¶ 216. The Staff's approach provides the proper incentive to Qwest to address the problem. UNE-E billing was not the only billing accuracy issue raised in the workshop. Eschelon also presented evidence relating to additional billing accuracy problems as to other products. *See, e.g.*, Exhibits E-9, pp. 14, 18-22, 22-24 and E-17; *see also* Staff Report, p. 15, ¶ 67.<sup>1</sup> The Commission should require Qwest to clarify (and, if necessary, revise and expand) its practices and billing accuracy measures to better capture the CLEC experience and avoid opportunities to mask performance problems. In the Minnesota 271 proceedings, the Administrative Law Judge ("ALJ") confirmed the problems with the current billing accuracy measures as applied by Qwest:

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<sup>1</sup> More recently, although the rates from the Arizona cost docket were supposed to be effective in June, Qwest did not implement those rates. Qwest finally indicated that it would implement the new rates in December. A second round of rate changes occurred in December and became effective December 12, 2002. Although the Qwest invoices should reflect the new rates, Eschelon's December 28, 2003 dated bill from Qwest continues to reflect many old rates. Eschelon had to dispute 7% of this Arizona UNE-P bill due to these inaccuracies. In addition, while performing a true up for the incorrect rates that Qwest had billed for more than five months, Qwest incorrectly debited Eschelon's account by a significant dollar amount when it should have credited the account. When including this error, 57% of that Arizona UNE-P bill was inaccurate. With respect to the January 28, 2003 dated UNE-P bill for Arizona, Qwest continued to bill incorrectly for recurring charges, local/shared transport charges, and non-recurring charges. This bill was 22% in error.

In addition, the PID measures only total dollar adjustments. No measurement is provided regarding what percentage of CLEC billing is in error. Only Qwest's adjustments to the billing are included in the PID to determine compliance. Failing to account for the amount in dispute affords the opportunity for manipulation of the error rate. The PID does not account for these adjustments in the month when the CLEC was billed. Thus, many months of errors can be hidden by making one adjustment in a single month. Similarly, the PID can be manipulated by Qwest's choice of which CLEC bill to adjust in any particular month.<sup>2</sup>

Eschelon expressed such concerns at the Arizona workshop as well. *See, e.g.*, Staff Report, p. 15, ¶ 67. As suggested by the Minnesota ALJ, the PIDs should measure the percentage of CLEC billing in error and should account for adjustments in the month when the CLEC was billed. Currently, a bill may be inaccurate for a period of many months. During this long time period, the CLEC bears the costs of the inaccurate bills and the substantial time and expense of verifying and disputing the bills. If Qwest then chooses to make one lump sum adjustment for the entire time period in one month, Qwest takes a miss in only one month, instead of the several months in which the bills were actually inaccurate.<sup>3</sup> This inflates Qwest's performance for the months for which the bill was inaccurate but Qwest did not make an adjustment. *See* Staff Report, p. 15, ¶ 67 (describing Eschelon's position).

This does not appear to be expressly allowed by the PID. Without clarification from the Commission, however, "many months of errors can be hidden by making one adjustment in a single month." *See* Minnesota ALJ Order, p. 96, ¶ 320. The Commission should clarify (and, if necessary, revise) the PID and require Qwest to make an

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<sup>2</sup> Findings of Fact, Conclusions of Law and Recommendations, Office of Administrative Hearings, *In re. Commission Investigation into Qwest's Compliance with Section 271(c)(2)(B) of the Telecommunications Act of 1996; Checklist Items 1, 2, 4, 5, 6, 11, 13, and 14*, 7-2500-14486-2, MN PUC Docket No. P-421/CI-01-1371 (Jan. 24, 2003) ("Minnesota ALJ Order") at p. 96, ¶ 320.

<sup>3</sup> If Qwest fails to provide sufficient detail when making the lump sum adjustment, this also imposes additional burdens upon the CLEC to analyze and verify the accuracy and meaning of the adjustment.

adjustment for each month for which the bills were inaccurate. Then, performance will be more accurately captured in the data and, under the Performance Assurance Plan (“PAP”), repeat errors will be captured for purposes of duration/escalation payments, as intended.

With respect to the affect of the recommendations on the status of this proceeding, Eschelon continues to maintain that the recommendations should be fully implemented before 271 approval is granted. The Staff confirms, in its Report, Eschelon’s long-standing position that there are many errors and omissions in Qwest’s reported OP-5 results. *See* Staff Report, p. 31, ¶ 139. Staff has also found that Qwest’s current PO-20 proposal “does not capture Eschelon’s issues.” *Id.* p. 34, ¶ 152. Those errors and omissions have not been corrected yet and exist today. Therefore, more is needed before Qwest can show current compliance.

In addition, the Staff has found sufficient basis for concern about missing switched access minutes to recommend a re-test of Daily Usage File (“DUF”) records. *See id.* p. 47, ¶¶ 218 & 219. The Commission should adopt this important recommendation to re-test as well.<sup>4</sup> When doing so, the Commission should ensure a re-test design that includes CLEC input and participation, as well as Commission oversight. Through its audits, for example, Eschelon has found that blindness is important to ensure that the test results are not influenced by knowledge of the pending test. Eschelon would hope to have an opportunity to provide information about such learning and areas of

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<sup>4</sup> Eschelon continues to believe that a re-test relates to Qwest’s ability to meet the checklist and thus should be conducted before 271 approval.

concern that it has identified through audits to ensure that the re-test captures these issues.<sup>5</sup>

Also, the Commission should require Qwest to add a billing PID to reflect the completeness of daily usage files. As the ALJ in Minnesota pointed out: “[T]here is not billing PID to reflect completeness of daily usage files. . . . Hence the problems that CLECs encountered with daily usage file data . . . would never have been detected from PID results.” *See* Minnesota ALJ Order, p. 97, note 489.

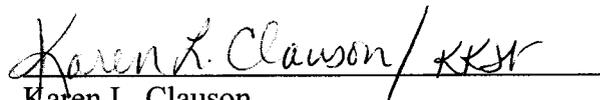
The events during and since the July 2002 workshop show that the pendency of this proceeding assists in obtaining progress on the issues. The Commission should allow the remaining work on these issues to be done while this proceeding is pending.

Eschelon appreciates the opportunity afforded by the Commission, Staff, and facilitators to present its issues, provide these Comments, and participate in these proceedings.

March 6, 2003

ESCHELON TELECOM, INC.

By:

Handwritten signature of Karen L. Clauson in cursive, with the initials "KKYR" written to the right of the signature.

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<sup>5</sup> Because Eschelon was not privy to discussions in which Qwest agreed to a re-test, Eschelon has no information as to whether such re-test design issues have been addressed.