Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Application by Qwest Communications International, Inc. for Authorization To Provide In-Region, InterLATA Services in the States of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming	)	WC Docket No. 02 - 314

MEMORANDUM OPINION AND ORDER

Adopted: December 20, 2002 **Released: December 23, 2002**

By the Commission: Commissioner Copps issuing a statement; Commissioner Adelstein not participating.

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I. INTRODUCTION

1. On September 30, 2002, Qwest Communications International, Inc. filed this multi-state application on behalf of itself and its subsidiaries, Qwest Corporation and Qwest LD Corporation (collectively "Qwest") pursuant to section 271 of the Communications Act of 1934, as amended,[1] for authority to provide in-region, interLATA service in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming ("Qwest III").[2] Previously, Qwest had filed two multistate applications for in-region, interLATA authority involving those states: (1) on June 13, 2002 for the states of Colorado, Idaho, Iowa, Nebraska, and North Dakota ("Qwest I"); and (2) on July 12, 2002, for the states of Montana, Utah, Washington, and Wyoming ("Qwest II"). In this Order, we grant Qwest's application for the nine states that are the subject of its September 30, 2002 application, based on our conclusion that Qwest has taken the statutorily required steps to open its local exchange markets in these states to competition.

2. Approval of this application, the first one granted for states in the Qwest region, would not have been possible without the extraordinary dedication and creativity displayed by the Colorado Public Utilities Commission ("Colorado Commission"), the Idaho Public Utilities Commission, ("Idaho Commission"), the Iowa Utilities Board ("Iowa Board"), the Montana Public Service Commission ("Montana Commission"), the Nebraska Public Service Commission ("Nebraska Commission"), the North Dakota Public Service Commission ("North Dakota Commission"), the Public Service Commission of Utah ("Utah Commission"), the Washington Utilities and Transportation Commission ("Washington Commission"), and the Wyoming Public Service Commission ("Wyoming Commission") (collectively "state commissions" or "commissions of the nine application states"). We recognize their outstanding commitment to the section 271 process and commend their hard work in bringing the benefits of competition to consumers in their states.

3. The Colorado Commission, Idaho Commission, Iowa Board, Montana Commission, Nebraska Commission, North Dakota Commission, Utah Commission, Washington Commission, and the Wyoming Commission each devoted a significant portion of their resources to this process over a number of years. These states, as well as others in the Qwest

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[1] We refer to the Communications Act of 1934, as amended by the Telecommunications Act of 1996 and other statutes, as "the Communications Act" or "the Act." *See* 47 U.S.C. §§ 151 *et seq*. We refer to the Telecommunications Act of 1996 as "the 1996 Act". *See* Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

[2] For the numerous e*x parte* filings Qwest has made in the instant application, we use Qwest's date references set forth in Index of *Ex Parte* Submissions and Errata, Attach. 6, Qwest III Application (Qwest *Ex Parte* Index) and Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314, Attach. 1-6 (dated Dec. 6, 2002) (Qwest Dec.6 *Ex Parte* Letter).

region, also undertook unprecedented steps to pool resources and work collaboratively in addressing section 271 issues. In particular, the Regional Oversight Committee ("ROC"), a group of state regulatory commissions in the Qwest region, including all nine states covered by this application, worked together on the design and execution of regional operations support systems ("OSS") testing. In addition, Idaho, Iowa, Montana, North Dakota, Utah and Wyoming worked with a number of other states in the Multistate Collaborative Process ("MCP") to address other section 271 issues. Moreover, in a number of instances, regulators in these states have been able to build on the work done by their fellow commissioners in other states to address issues such as pricing, for example, in an efficient manner through individual state proceedings.

4. We also commend Qwest for its extensive work in opening its local exchange markets to competition and bringing this application to fruition. In particular, we recognize the work that Qwest has undertaken in conjunction with the ROC to develop, upgrade and test its OSS and processes in a collaborative manner with competitive local exchange carriers ("LECs"). Approval of this application would not have been possible without these undertakings by Qwest in cooperation with state regulators. Notwithstanding these positive efforts, a number of troubling allegations have been raised in the record regarding such things as the existence of confidential unfiled agreements, accounting issues, and provision of in-region long-distance services without section 271 authorization. As discussed below, we approve these applications for the reasons herein. We anticipate that any past violations of the statute or our rules will be addressed expeditiously through enforcement processes at the Commission or at the State Commissions.

5. The outstanding work of the state commissions in conjunction with Qwest's extensive efforts to open its local exchange network to competition has resulted in competitive entry in each of these states. Qwest estimates that competitive LECs serve approximately 23 percent of all lines in Colorado, including 59,013 UNE-loops and 84,780 UNE-platform lines.[3] Qwest estimates that competitive LECs serve approximately 11 percent of all lines in Idaho, including about 5,606 UNE-loops and 10,515 UNE-platform lines.[4] In Iowa, Qwest estimates that competitive LECs serve approximately 18 percent of all lines, including 37,427 UNE-loops and 98,878 UNE-platform lines.[5] Qwest estimates that competitive LECs serve approximately 6 percent of all lines in Montana, including 3,111 stand alone UNE-loops and 5,085 UNE-platform lines.[6] Qwest estimates that competitive LECs serve approximately 32 percent of all lines in Nebraska, including 17,775 UNE-loops and 4,055 UNE-platform lines.[7] Qwest estimates that competitive LECs serve approximately 22 percent of lines in North Dakota, including 15,247

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[3] Qwest III Application App. A, Tab 1, Declaration of David L. Teitzel (Qwest III Teitzel Decl.) at paras. 15, 30.

[4] *Id; cf.* Idaho Commission Qwest III Hall Aff. at para. 14 (estimating that competing LECs now serve 2.3 percent of residential lines and 13.4 percent of business lines in Idaho).

[5] Qwest III Teitzel Decl. at paras. 15, 30.

[6] *Id*.

[7] *Id*.

UNE-loops and 20,078 UNE-platform lines.[8] Qwest estimates that competitive LECs serve approximately 23 percent of all lines in Utah, including about 28,137 stand alone UNE-loops and 17,667 UNE-platform lines.[9] In Washington, Qwest estimates that competitive LECs serve approximately 19 percent of all lines, including 59,207 stand alone UNE-loops and 52,346 UNE-platform lines.[10] Qwest estimates that competitive LECs serve approximately 12 percent of all lines in Wyoming, including 427 stand alone UNE-loops and 26,613 UNE-platform lines.[11]

6. We are confident that the hard work of the state commissions in conjunction with Qwest to ensure that the local exchange markets in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming are open to competition will benefit consumers by making increased competition in all telecommunications service markets possible in these states. We are also confident that the state commissions, as they address allegations of past violations of the statute and consider any future problems that may develop, will continue to ensure that Qwest meets its statutory obligations.

II. BACKGROUND

7. In the 1996 amendments to the Communications Act, Congress required that the Bell Operating Companies ("BOCs") demonstrate compliance with certain market-opening requirements contained in section 271 of the Act before providing in-region, interLATA long distance service. Congress provided for Commission review of BOC applications to provide such service in consultation with the affected state and the Attorney General.[12]

8. In our examination of this application, we rely heavily on both the individual and collaborative work done by the state commissions. The collaborative ROC process used to address OSS issues, the MCP process used by several of the states to address other section 271

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[8] *Id.*

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] The Commission has summarized the relevant statutory framework in prior orders. *See, e.g.*, *Joint Application by SBC Communications Inc., Southwestern Bell Tel. Co., and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Kansas and Oklahoma*, CC Docket No. 00-217, Memorandum Opinion and Order, 16 FCC Rcd 6237, 6241-42, paras. 7-10 (2001) (*SWBT Kansas/Oklahoma Order*), *aff'd in part, remanded in part sub nom. Sprint Communications Co. v. FCC*, 274 F.3d 549 (D.C. Cir. 2001); *Application by SBC Communications Inc., Southwestern Bell Tel. Co. 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, Memorandum Opinion and Order, 15 FCC Rcd 18354, 18359-61, paras. 8-11 (2000) (*SWBT Texas Order*); *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York*, CC Docket No. 99-295, Memorandum Opinion and Order, 15 FCC Rcd 3953, 3961-63, paras. 17-20 (1999) (*Bell Atlantic New York Order*), *aff'd*, *AT&T Corp v. FCC*, 220 F.3d 607 (D.C. Cir. 2000).

issues, as well as the individual state proceedings were open to participation by all interested parties and provide a sound foundation for our review of this application. As the Commission has previously recognized, state proceedings such as these fulfill a vitally important role in the section 271 process.[13] We summarize these proceedings in more detail below.

9. *Regional Oversight Committee and OSS Development and Testing*. In 1999, the ROC initiated a collaborative process to design and execute a third-party OSS test to ensure that Qwest's wholesale support systems would be available to competitive LECs in an open and non-discriminatory manner.[14] The ROC used an open process, with the opportunity for broad participation by interested parties, to design a collaborative governing structure, determine the overall scope of the test, select third-party testers,[15] and design a Master Test Plan ("MTP") and Performance Indicator Definitions ("PIDs").

10. In July 2000, the ROC selected KPMG Consulting, Inc. ("KPMG") and Hewlett-Packard Consulting ("HP") to conduct the third-party tests of Qwest's OSS.[16] KPMG was chosen as the test administrator, and HP was selected to serve as a "pseudo-CLEC" in the testing process.[17] The ROC also created a Technical Advisory Group ("TAG") consisting of representatives of the ROC, state commission staff, test vendors, competitive LECs, industry associations, consumer groups, and Qwest.[18] The TAG provided technical assistance and subject matter planning for the OSS test and assisted in reviewing the results of the test.[19] The TAG also sought comment and reached agreement on the performance measurements, or PIDs, to be used

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[13] *See, e.g.*, *Application of Verizon New York Inc.*, *Verizon Long Distance, Verizon Enterprise Solutions*, *Verizon Global Networks Inc., and Verizon Select Services, Inc., for Authorization to Provide In-Region, InterLATA Services in Connecticut*, CC Docket No. 01-100, Memorandum Opinion and Order, 16 FCC Rcd 14147, 14149, para. 3 (2001) (*Verizon Connecticut 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., for Authorization to Provide In-Region, InterLATA Services in Massachusetts*, CC Docket No. 01-9, Memorandum Opinion and Order, 16 FCC Rcd 8988, 8990, para. 2 (2001) (*Verizon Massachusetts Order*).

[14] Qwest I Application App. A, Tab 10, Declaration of Lynn M.V. Notarianni and Christie L. Doherty (Qwest I Notarianni/Doherty Decl.) at para. 19.

[15] Qwest I Application App. A, Tab 34, Declaration of Michael J. Williams (Qwest I Michaels Decl.) at paras. 47-53. In establishing a management structure for the test, the ROC created an Executive Committee, comprised of seven state commissioners, as well as a Steering Committee comprised of various commission staff members from each participating state commission. The Steering Committee oversaw the test process, assisted in developing and implementing the test, and was the first point of escalation for resolving test issues. The Executive Committee reviewed the overall progress of the test and made final decisions on any escalated test issues.

[16] *Id.*

[17] Qwest I Notarianni/Doherty Decl. at para. 27.

[18] *Id*. at para. 23.

[19] *Id.*

to measure Qwest's commercial performance.[20] Through collaborative workshops held in mid-2000, KPMG, with the assistance of the TAG, developed the MTP which set forth the comprehensive plan for how Qwest's OSS would be evaluated.[21]

11. As a prelude to the OSS testing, KPMG conducted a "Regional Differences Assessment" to determine whether Qwest's systems were the same region-wide, and to identify any variations from state to state. As a result of this testing, KPMG and the ROC concluded that Qwest's processes and systems were generally "materially consistent across Qwest's local service region,"[22] and that a regional test could be conducted in a manner that would produce meaningful results.[23]

12. The OSS testing conducted under the auspices of the ROC was broad-based and comprehensive. Throughout the course of the test, KPMG and HP issued 256 "Exceptions" and 242 "Observations" that documented issues of concern.[24] As the result of repeated iterations of Qwest's documentation, systems and processes as well as substantial retesting, Qwest was able to improve its wholesale support systems until only one "Observation" and 14 "Exceptions" were designated "closed /unresolved" by the conclusion of the test.[25] KPMG and HP issued Qwest's OSS Evaluation Final Report ("KPMG Final Report") addressing Qwest's OSS testing performance on May 28, 2002.

13. The ROC also retained Liberty Consulting ("Liberty") to conduct an audit of Qwest's performance data. In order to verify the integrity of Qwest commercial data, Liberty performed a data reconciliation of Qwest and competing carrier data.[26] On September 25, 2001,

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[20] *Id.* at para. 30.

[21] *Id*. at para. 28.

[22] Qwest I Notarianni/Doherty Decl. at paras. 35-36. The exceptions to this finding were that Qwest utilizes three different service order processors and billing systems. None of the commenters has alleged that this regional approach was inappropriate, or that any Qwest OSS feature is too dissimilar to permit such a region-wide evaluation. Department of Justice Qwest I Evaluation at 7.

[23] Qwest I Notarianni/Doherty Decl. at paras. 35-36 & Exhibit 4 (KPMG Regional Differences Assessment (Oct. 5, 2000)).

[24] Qwest I Notarianni/Doherty Decl. at paras. 37-39.

[25] *Id.* at para. 39 n.39.

[26] Qwest I Application Att. 5, App. D, Liberty Report. The Iowa Board states that the Liberty data reconciliation process was a long and arduous undertaking by all participants and provided adequate assurance that Qwest's performance reporting is accurate and reliable. Iowa Board Comments at 17. The process involved the ROC TAG reviewing the exceptions and observations that Liberty filed relating to the data reconciliation audit, and noting the changes Qwest implemented, before accepting Liberty's recommendation to close all of the issues. *Id.*; *see also* Qwest Application App. C, Vol. 1, Tab 16, IUB Conditional Statement Regarding Data Reconciliation of Performance Measures in the ROC OSS Test.

Liberty validated each PID measure and concluded that the commercial data were both accurate and reliable.[27]

14. *Multistate Collaborative Process*. The Idaho Commission, Iowa Board, Montana Commission, North Dakota Commission, Utah Commission, and Wyoming Commission also worked with a number of other states through the MCP to address competitive checklist items, section 272 Track A requirements, and public interest issues, including post-entry performance assurance issues.[28] The MCP included numerous collaborative workshops in which competitive LECs, Qwest and state commission staff considered and developed recommendations concerning many difficult issues. Nebraska also reviewed the MCP record, although it was not initially involved in the MCP, and it held hearings to address a number of section 271 and 272 issues.

15. *Individual State Commission Proceedings*. Each of the nine states also conducted independent proceedings to address section 271 issues. The Colorado Commission adopted the performance measures developed through the ROC, developed its own Performance Assurance Plan, and addressed a variety of other section 271 issues. The Colorado Commission also conducted extensive pricing proceedings to establish wholesale rates for unbundled network elements ("UNEs"). Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, and Washington also adopted the performance measurements and standards developed through the ROC and the Qwest Performance Assurance Plan ("QPAP").[29] Each of these states also conducted arbitrations or other proceedings to establish initial UNE rates and subsequently accepted Qwest's adjustment of core UNE rates using the new Colorado rates as benchmarks.[30] As in the prior Qwest section 271 applications, each of the commissions of application states, with the exception of the Montana Commission,[31] endorses Qwest's current application.

A. Department of Justice Evaluation

16. The Department of Justice "recommends approval of Qwest's application" for Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming, if

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[27] Qwest I Notarianni/Doherty Decl. at para. 27. The Colorado Commission also concluded that Liberty Consulting's data reconciliation demonstrated that Qwest's performance reporting was correct and reliably reflected Qwest's actual performance. Colorado Commission Comments at 41.

[28] *See* Qwest I Brief at 7; *see also* Department of Justice Evaluation at 8.

[29] The Montana Commission adopted the QPAP after review and modification. *See* Department of Justice Qwest II Evaluation at 5.

[30] *See* Department of Justice Qwest I Evaluation at 8-10; Department of Justice Qwest II Evaluation at 5-6.

[31] The Montana Commission urges us to deny Qwest's application as it pertains to the state of Montana due to a state issue, as discussed more fully below.

the Commission is able to assure itself that the concerns raised by Justice in its Evaluation have been resolved.[32] In particular, the Department of Justice states that:

> With respect to most of the issues about which the Department previously had expressed concern, Qwest's re-filed application demonstrates improvement. The Department reiterates its deference to the Commission's determination whether Qwest's pricing is appropriately cost-based and whether Qwest complies with Section 272. Moreover, the Department urges the Commission to evaluate carefully the allegations pertaining to Qwest's withholding of full information from regulators.[33]

The Department also stated that it "finds the record has improved with respect to the other issues about which it previously had expressed reservations: manual order processing, the provision of electronically auditable wholesale bills, and the testing of line-sharing orders."[34] Each of the issues raised by the Department is fully addressed by the Commission in this Order.

B. Primary Issues in Dispute

17. As in recent section 271 orders, we will not repeat here the analytical framework and particular legal showing required to establish checklist compliance with every checklist item. Rather, we rely on the legal and analytical precedent established in prior section 271 orders, and we attach comprehensive appendices containing performance data and the statutory framework for evaluating section 271 applications.[35] Our conclusions in this Order are based on

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[32] Department of Justice Qwest III Evaluation at 10. Section 271(d)(2)(A) requires us to give "substantial weight" to the Department's evaluation.

[33] *Id*. The Department's statement concerning "allegations pertaining to Qwest's withholding of full information from regulators" refers to allegations that "Qwest personnel 'diminish[ed] the visibility' of certain information [regarding a mechanized loop test ("MLT")] to Commission staff who were visiting the Qwest CLEC Coordination Center." *Id.* at 4. We address the allegations below in our discussion of Qwest's compliance with checklist item 2.

[34] *Id*. at 4.

[35] *See Application by Verizon New England Inc., Bell Atlantic Communications, Inc.* (*d/b/a Verizon Long* Distance), *NYNEX Long Distance Company* (*d/b/a Verizon Enterprise Solutions*), *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, Memorandum Opinion and Order, 17 FCC Rcd 3300, Apps. B, C, and D (2002) (*Verizon Rhode Island Order*); *Joint Application by 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 Arkansas and Missouri*, CC Docket No. 01-194, Memorandum Opinion and Order, 16 FCC Rcd 20719, Apps. B, C, and D (2001) (*SBC Arkansas/Missouri Order*); *Application of Verizon Pennsylvania Inc.*, *Verizon Long Distance*, *Verizon Enterprise Solutions*, *Verizon Global Networks Inc.*, and *Verizon Select Services Inc. for Authorization to Provide In-Region, InterLATA Services in Pennsylvania*, CC Docket No. 01-138, Memorandum Opinion and Order, 16 FCC Rcd 17419, Apps. B and C (2001) (*Verizon Pennsylvania Order*).

performance data as reported in monthly performance reports reflecting service in the most recent months before filing (June 2002 through September 2002).

18. In this application, we frequently rely on Qwest's performance in Colorado to supplement our analysis of the commercial readiness of Qwest's OSS in Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming, as well as to make determinations with respect to other checklist items. The Commission has previously found that performance data based on low volumes of orders or other transactions is not as reliable an indicator of checklist compliance as performance based on larger numbers of observations.[36] Therefore, the Commission has previously relied on current higher volumes from an "anchor state" in a prior, successful section 271 application.[37] For some of the performance data associated with this section 271 application, the volume of commercial activity in any one of the nine application states is often too low to rely upon. In this instance, the Commission is faced with a section 271 application covering multiple states from a BOC that has yet to receive approval in any state. Because the Commission has not previously approved a Qwest section 271 application that could provide an anchor state, we shall draw conclusions about Qwest's performance in a particular application state based on the performance in another application state. We note, however, that convincing commercial evidence of discriminatory treatment in a certain applicant state cannot be trumped by convincing evidence of satisfactory treatment in another.[38] Because Qwest uses the same provisioning and maintenance and repair processes in the nine states included in this application, and given the significantly higher volumes in Colorado, we find that it is appropriate to look to Qwest's performance in Colorado even though Colorado is a state included in the current application.[39]

19. We begin our analysis of Qwest's application with the threshold question of whether it qualifies for consideration under section 271(c)(1)(A) (Track A). We then discuss the checklist item that is most in controversy -- checklist item two (unbundled network elements, or UNEs).[40] Next, we address Qwest's compliance with other checklist items: one

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[36] Appendix K, para. 11.

[37] Appendix K, para. 14.

[38] Appendix K, para. 13.

[39] KPMG, in its Regional Differences Assessment (RDA), found that Qwest's order management, provisioning, maintenance and repair, and competitive LEC relationship management and infrastructure are materially consistent across the three regions. *See* Qwest I Notarianni/Doherty Decl. at para. 36. We also note that it is appropriate to look to Qwest's performance in Colorado as performance objectives for all nine states (among others) were set by the Regional Oversight Committee for both provisioning and maintenance and repair of unbundled loops. *See* Qwest I Application App A, Tab 14, Declaration of William M. Campbell (Qwest I Campbell Loops Decl.) at para. 5.

[40] We note that the United States Court of Appeals for the District of Columbia Circuit recently opined in two relevant Commission decisions, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 3696 (1999) (*UNE Remand Order*) and *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and (continued….)

(interconnection), four (unbundled local loops), five (transport), six (switching), seven (E911/Operator Services/Directory Assistance) (OS/DA), ten (databases and signaling), eleven (number portability), and fourteen (resale). The remaining checklist items are discussed briefly, as the Commission found no significant patterns of performance problems with regard to these checklist items, and they received little to no attention from commenting parties.[41] Finally, we discuss whether Qwest's requested authorization to provide in-region, long distance will be carried out in accordance with the requirements of section 272 and whether such authorization is consistent with the public interest.

III. COMPLIANCE WITH SECTION 271(c)(1)(A)

20. In order for the Commission to approve a BOC's application to provide in-region, interLATA services, the BOC must first demonstrate that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or section 271(c)(1)(B) (Track B).[42] To meet the requirements of Track A, a BOC must have interconnection agreements with one or more competing providers of "telephone exchange service . . . to residential and business subscribers."[43] In addition, the Act states that "such telephone service may be offered . . . either exclusively over [the competitor's] own telephone exchange service facilities or predominantly over [the competitor's] own telephone exchange facilities in combination with the resale of the telecommunications services of another carrier."[44] The Commission has concluded that section 271(c)(1)(A) is satisfied if one or more competing providers collectively serve residential and business subscribers,[45] and that

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Order in CC Doc. No. 98-147 and Fourth Report and Order in CC Doc. No. 96-98, 14 FCC Rcd 20912 (1999) (*Line Sharing Order*). *USTA v. FCC*, 290 F.3d 415 (D. C. Cir. 2002. The court's decision addressed both our UNE rules and our line sharing rules. The Commission is currently reviewing its UNE rules, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 16 FCC Rcd 22781 (2001) (*Triennial Review Notice*). Further, the court stated that "the *Line Sharing Order* must be vacated and remanded." *USTA v. FCC*, 290 F.3d at 429. The court also stated that it "grant[ed] the petitions for review[] and remand[ed] the *Line Sharing Order* and the *Local Competition Order* to the Commission for further consideration in accordance with the principles outlined." *Id*. at 430. On July 8, 2002, the Commission, among others, filed petitions for rehearing and suggestion for rehearing en banc with the D.C. Circuit regarding that opinion. On September 4, 2002, the D.C. Circuit denied petitions for rehearing filed by the Commission and others. *See Order*, Nos. 00-1012 and 00-1015 (D.C. Circuit, filed Sept. 4, 2002).

[41] We note that, in its comments, AT&T lists without elaboration various performance metrics missed by Qwest for particular months. *See* AT&T Qwest III Comments App., Tab F, Declaration of John F. Finnegan (AT&T Qwest III Finnegan Decl.). Because AT&T neither provides specific evidence regarding these missed metrics, nor demonstrates any harm or discrimination resulting from the misses, we do not find that the missed metrics listed by AT&T alter our conclusion that Qwest complies with all of the checklist items.

[42] 47 U.S.C. § 271(c)(1); Appendix K at paras. 15-16.

[43] *Id.*

[44] 47 U.S.C. § 271(d)(3)(A).

[45] *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Michigan*, CC Docket No. 97-137, Memorandum Opinion and Order, 12 FCC Rcd 20543, 20585, para. 85 (1997) (*Ameritech Michigan Order*); *see also Application of BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region,* (continued….)

unbundled network elements are a competing provider's "own telephone exchange service facilities" for purposes of section 271(c)(1)(A).[46] The Commission has further held that a BOC must show that at least one "competing provider" constitutes "an actual commercial alternative to the BOC,"[47] which a BOC can do by demonstrating that the provider serves "more than a *de minimis* number" of subscribers.[48] The Commission has held that Track A does not require any particular level of market penetration, and the D.C. Circuit has affirmed that the Act "imposes no volume requirements for satisfaction of Track A."[49]

21. We conclude, as did the state commissions, that Qwest satisfies the requirements of Track A.[50] With respect to these states, Qwest relies on interconnection agreements with Alltel (FKA Aliant Midwest), AT&T, AT&T Communications of the Mountain States, AT&T Communications of the Pacific Northwest, Consolidated Communications Networks, Cox Iowa Telcom, Cox Nebraska Telecom, FiberComm, Goldfield Access Networks, IdeaOne Telecom Group, Integra Telecomm of Utah, Laurens Municipal Broadband Communications Utility, Mid-

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InterLATA Services In Louisiana, CC Docket No. 98-121, Memorandum Opinion and Order, 13 FCC Rcd 20599, 20633-35, paras. 46-48 (1998)(*Second BellSouth Louisiana Order*).

[46] *Ameritech Michigan Order*, 12 FCC Rcd at 20598, para. 101.

[47] *Application by SBC Communications Inc., Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Oklahoma*, CC Docket No. 97-121, Memorandum Opinion and Order, 12 FCC Rcd 8685, 8695, para. 14 (1997) (*SWBT Oklahoma Order*).

[48] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6257, para. 42; *see also Ameritech Michigan Order* 12 FCC Rcd at 20585, para. 78.

[49] *Sprint v. FCC*, 274 F.3d at 553-54; *see also SBC Communications Inc. v. FCC*, 138 F.3d 410, 416 (D.C. Cir. 1998) ("Track A does not indicate just how much competition a provider must offer in either the business or residential markets before it is deemed a 'competing' provider.").

[50] Qwest II Application App. A, Tab 1, Declaration of Rick Hays (Qwest II Hays Decl.) at para. 74; Qwest II Application App. A, Tab 2, Declaration of Robin L. Riggs (Qwest II Riggs Decl.) at para. 27; Qwest II Application App. A, Tab 3, Declaration of Kirk R. Nelson (Qwest II Nelson Decl.) at paras. 44-46; Qwest II Application App A, Tab 4, Declaration of Michael A. Ceballos (Qwest II Ceballos Decl.) at para. 33; Qwest I Application App. A, Tab 1, Declaration of Paul R. McDaniel (Qwest I McDaniel Decl.) at paras. 70-71; Qwest I Application App. A, Tab 2, Declaration of Jim Schmit (Qwest I Schmit Decl.) at para. 21; Qwest I Application App. A, Tab 3, Declaration of Max A. Phillips (Qwest I Phillips Decl.) at para. 69; Qwest I Application App A, Tab 4, Declaration of Timothy Sandos (Qwest I Sandos Decl.) at para. 61; Qwest I Application App. A, Tab 5, Declaration of Scott A. Macintosh (Qwest I Macintosh Decl.) at para. 22; Qwest I Application App. C, Tab 5, Qwest I Idaho PUC Decision Regarding Track A, Public Interest, and Section 272 at 5-7; Qwest I Application App C, Tab 2, Nebraska Commission Recommendation on Checklist Items 3, 7, 8, 9, 10, 11, 12 and 14 at 56; Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148, 02-189 at 1-3 (dated August 1, 2002) (Qwest Aug. 1 *Ex Parte* Letter); Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148, Attach. at 1-3 (dated July 9, 2002) (Qwest July 9 *Ex Parte* Letter) Montana Commission Qwest II Comments at 11-12; Utah Commission Qwest II Comments at 5; Washington Commission Qwest II Comments at 7-8; Wyoming Commission Qwest III Comments at 5-6; Wyoming Commission Qwest II Comments at 6; Colorado Commission Qwest I Comments at 2 and 10-12; Iowa Board Qwest I Comments at 17-19; North Dakota Commission Qwest I Comments at 6, North Dakota Commission Qwest I Comments, App. at 148-54.

Rivers Telephone Cooperative, Montana Wireless, Project Mutual Telephone Cooperative, Rainier Cable, Silver Star Telephone, Spencer Municipal Communication Utility, Sunwest Communications, Time Warner Telecomm of Washington, XO Communications Idaho, XO Utah, and XO Washington in support of its Track A showing.[51]

22. In Colorado, we find that AT&T Communications of the Mountain States and Sunwest Communications each serve more than a *de minimis* number of end users predominantly over their own facilities and represent "actual commercial alternatives" to Qwest.[52] AT&T provides telephone exchange service to residential and business subscribers predominantly through its own facilities, while Sunwest Communications provides telephone exchange service to residential and business subscribers predominantly through UNE loops.[53]

23. In Idaho, we find that Project Mutual Telephone Cooperative and XO Communications Idaho each serve more than a *de minimis* number of end users predominantly over their own facilities and represent "actual commercial alternatives" to Qwest.[54] Specifically, Project Mutual Cooperative provides telephone exchange services to both residential and business subscribers through its own facilities, while XO provides telephone exchange services to business subscribers predominantly through its own facilities.[55]

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[51] Qwest III Teitzel Decl. at paras. 4-13; Qwest II Application App. L, Interconnection Agreements – Montana, Attach. 5; Qwest II Application App. L, Interconnection Agreements – Utah, Attach. 5; Qwest II Application App. L, Interconnection Agreements – Washington, Attach. 5; Qwest II Application App. L, Interconnection Agreements – Wyoming, Attach. 5; Qwest I Application at 15; Qwest I Application App. L, Interconnection Agreements – Colorado, Attach. 5; Qwest I Application App. L, Interconnection Agreements – Idaho, Attach. 5; Qwest I Application App. L, Interconnection Agreements – Iowa, Attach. 5; Qwest I Application App. L, Interconnection Agreements – Nebraska, Attach. 5; Qwest I Application App. L, Interconnection Agreements – North Dakota, Attach. 5.

[52] Qwest III Teitzel Decl. at paras. 19, 22, 30; Qwest III Teitzel Decl., Ex. DLT-Track A Supp.-CO-1 (citing confidential information); Qwest Aug. 1 *Ex Parte* Letter at 1-3; Qwest July 9 *Ex Parte* Letter, Attach. at 1-3. Qwest estimates that competing LECs now serve approximately 22.9 percent of the access lines in Colorado. Qwest III Teitzel Decl. at para. 30.

[53] Qwest III Teitzel Decl., Ex. DLT-Track A Supp.-CO-1 (citing confidential information).

[54] Qwest III Teitzel Decl. at paras. 19, 22, 30; Qwest III Teitzel Decl., Ex. DLT-Track A Supp.-ID-1 (citing confidential information); Qwest I Application App. C, Book 1, Vol. 1, Tab 5, Idaho PUC Decision Regarding Track A, Public Interest, and 272 Standards at 5-7; Idaho Commission Qwest III Comments, Carolee Hall Affidavit (Idaho Commission Qwest III Hall Aff.) at para. 7; Qwest Aug. 1 *Ex Parte* Letter at 1-3; Qwest July 9 *Ex Parte* Letter, Attach. at 1-3; Qwest III Reply at 68-69. While the Idaho Commission asserts that there are some errors in Qwest's Track A figures for Idaho, Qwest continues to meet the requirements of Track A in Idaho. The Idaho Commission includes Project Mutual Telephone and XO Idaho among their list of competitive LECs that provide local Exchange service to customers in Idaho. The Idaho Commission estimates that competing LECs now serve 2.3 percent of residential lines and 13.4 percent of business lines in Idaho. Qwest estimates that competing LECs serve approximately 10.9 percent of the access lines in Idaho. Qwest III Teitzel Decl. at para. 30; Idaho Commission Qwest III Comments at 3; Idaho Commission Qwest III Hall Aff. at para. 7.

[55] Qwest III Teitzel Decl., Ex. DLT-Track A Supp.-ID-1 (citing confidential information).

24. In Iowa, we find that Cox Iowa Telcom, FiberComm, Goldfield Access Networks, Laurens Municipal Broadband Communications Utility, and Spencer Municipal Communication Utility each serve more than a *de minimis* number of end users predominantly over their own facilities and represent "actual commercial alternatives" to Qwest.[56] Specifically, we find that FiberComm and Goldfield Access provide telephone exchange services to both residential and business subscribers using UNE loops, while Cox Iowa Telcom, Laurens Municipal Broadband Communications Utility, and Spencer Municipal Communications Utility provide telephone exchange services to both residential and business subscribers using their own facilities.[57]

25. In Montana, we find that Mid-Rivers Telephone Cooperative and Montana Wireless each serve more than a *de minimis* number of end users predominantly over their own facilities and represent "actual commercial alternatives" to Qwest.[58] Montana Wireless provides telephone exchange services to both residential and business customers predominantly through UNE loops, while Mid-Rivers Telephone Cooperative provides telephone exchange service to residential and business subscribers predominantly through its own facilities.[59]

26. In Nebraska, we find that Alltel (FKA Aliant Midwest) and Cox Nebraska Telecom each serve more than a *de minimis* number of end users predominantly over their own facilities and represent "actual commercial alternatives" to Qwest.[60] Specifically, we find that Alltel provides telephone exchange service to both residential and business customers over UNE loops and Cox Communications provides telephone exchange services to both residential and business subscribers using its own facilities.[61]

27. In North Dakota, we find that AT&T, Consolidated Communications Networks, and IdeaOne Telecom Group each serve more than a *de minimis* number of residential and business customers predominantly over their own facilities and represent "actual commercial

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[56] Qwest III Teitzel Decl. at paras. 19, 22, 30; Qwest III Teitzel Decl, Ex. DLT-Track A Supp.-IA-1 (citing confidential information); Qwest Aug. 1 *Ex Parte* Letter at 1-3; Qwest July 9 *Ex Parte* Letter, Attach. at 1-3; Qwest I Iowa Board Reply at 1-3. Qwest estimates that competing LECs now serve approximately 17.6 percent of access lines in Iowa. Qwest III Teitzel Decl. at para. 30.

[57] Qwest III Teitzel Decl, Ex. DLT-Track A Supp. -IA-1 (citing confidential information).

[58] Qwest III Teitzel Decl at paras. 19, 22, 30; Qwest III Teitzel Decl., Ex. DLT-Track A Supp.-MT-1 (citing confidential information); Qwest II Reply Comments at 4-5; Qwest Aug. 1 *Ex Parte* Letter at 1-3; Qwest July 9 E*x Parte* Letter, Attach. at 1-3. Qwest estimates that competing LECs in Montana now serve approximately 6.2 percent of access lines in Montana. Qwest III Teitzel Decl. at 20.

[59] Qwest III Teitzel Decl., Ex. DLT-Track A Supp.-MT-1 (citing confidential information).

[60] Qwest III Teitzel Decl. at paras. 19, 23 , 30; Qwest III Teitzel Decl., Ex. DLT-Track A-Supp.-NE-1 (citing confidential information); Qwest I Application, App C, Key Recommendations, Recommendations of the Nebraska Public Service Commission, Book 1,Vol 1, Tab 2, Nebraska PSC Factual Findings and Partial Verification, at 56; Qwest Aug. 1 *Ex Parte* Letter at 1-3; Qwest July 9 *Ex Parte* Letter, Attach. at 1-3. Qwest estimates that competing LECs now serve approximately 32.2 percent of access lines in Nebraska. Qwest III Teitzel Decl. at para. 30.

[61] Qwest III Teitzel Decl., Ex. DLT-Track A-Supp.-NE-1 (citing confidential information).

alternatives" to Qwest.[62] Specifically, AT&T provides telephone exchange service to business subscribers using its own facilities, while Consolidated Communications and IdeaOne Telecom Group provide telephone exchange service to both residential and business subscribers predominantly through UNE loops.[63]

28. In Utah, we find that AT&T of the Mountain States, Integra Telecom of Utah, and XO Utah each serve more than a *de minimis* number of end users predominantly over their own facilities and represent "actual commercial alternatives" to Qwest.[64] Specifically, AT&T, Integra, and XO provide telephone exchange services to both residential and business subscribers through their own facilities and UNE loops.[65]

29. In Washington, we find that AT&T Communications of the Pacific Northwest, Rainier Cable, Time Warner Telecom of Washington, and XO Washington each serve more than a *de minimis* number of end users predominantly over their own facilities and represent "actual commercial alternatives" to Qwest.[66] Specifically, we find that AT&T provides telephone exchange services to both residential and business subscribers using its own facilities, UNE loops and UNE-P, while XO provides telephone exchange services to residential and business subscribers predominantly using UNE loops and its own facilities.[67] Rainier Cable and Time Warner provide telephone exchange services to both residential and business subscribers using their own facilities.[68]

30. In Wyoming, we find that Silver Star Telephone Company serves more than a *de minimis* number of end users predominantly over its own facilities and represents an "actual

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[62] Qwest III Teitzel Decl. at paras. 19, 22, 30; Qwest III Teitzel Decl., Ex. DLT-Track A Supp.-ND-1 (citing confidential information); Qwest Aug. 1 *Ex Parte* Letter at 1-3; Qwest July 9 *Ex Parte* Letter, Attach. at 1-3. Qwest estimates that competing LECs now serve approximately 21.8 percent of access lines in North Dakota. Qwest III Teitzel Decl. at para. 30.

[63] Qwest III Teitzel Decl. at paras. 19, 22, 30; Qwest III Teitzel Decl., Ex. DLT-Track A Supp.-ND-1 (citing confidential information).

[64] Qwest III Teitzel Decl. at paras. 19, 22, 30; Qwest III Teitzel Decl., Ex. DLT-Track A Supp.-UT-1 (citing confidential information); Qwest Aug. 1 *Ex Parte* Letter at 1-3; Qwest July 9 *Ex Parte* Letter, Attach. at 1-3. Qwest estimates that competing LECs now serve approximately 22.6 percent of access lines in Utah. Qwest III Teitzel Decl. at para. 30.

[65] Qwest III Teitzel Decl., Ex. DLT-Track A Supp.-UT-1 (citing confidential information).

[66] Qwest III Teitzel Decl. at paras. 19, 22, 30; Qwest III Teitzel Decl, Ex. DLT-Track A Supp.-WA-1 (citing confidential information); Qwest Aug. 1 *Ex Parte* Letter at 1-3; Qwest July 9 *Ex Parte* Letter, Attach. at 1-3. Qwest estimates that competing LECs now serve approximately 19.1 percent of access lines in Washington. Qwest III Teitzel Decl. at para. 30.

[67] Qwest III Teitzel Decl, Ex. DLT-Track A Supp.-WA-1 (citing confidential information).

[68] *Id*.

commercial alternative" to Qwest.[69] Specifically, we find that Silver Star Telephone provides telephone exchange services to both residential and business subscribers using its own facilities.[70]

31. AT&T, Sprint, Integra, and OneEighty contend that the level of competition is insufficient or *de minimis* in the nine application states.[71] In addition, AT&T and Sprint criticize Qwest's methodology for estimating the facilities of competitive LECs that rely on their own facilities rather than UNE loops, UNE-P, or resold lines. Specifically, AT&T and Sprint argue that Qwest overestimates the number of competitive LEC lines by basing its estimate on local interconnection service trunk lines,[72] and AT&T also criticizes Qwest's use of E-911 listings as an alternative method of estimating full facilities-based access lines.[73] We address these criticisms in turn.

32. First, we reject the argument put forth by Integra, Sprint, and AT&T that Qwest should fail Track A in each of the nine states because only a limited number or a small percentage of access lines are currently served by competing LECs.[74] As we have noted in previous section 271 orders, Congress specifically declined to adopt a market share or other similar test for BOC entry into long distance.[75] And, as stated above, we find that there is an actual commercial alternative in each of the nine states serving more than a *de minimis* number of customers. Second, we disagree that Qwest's methodology for estimating competitive LECs' facilities-based lines is unreliable. In its application, Qwest estimates the number of residential and business customers receiving facilities-based service from competing LECs in each state by using three different methodologies to derive the estimated range of facilities-based access

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[69] Qwest III Teitzel Decl. at paras. 19, 22, 30; Qwest III Teitzel Decl., Ex. DLT-Track A Supp.-WY-1 (citing confidential information); Qwest Aug. 1 *Ex Parte* Letter at 1-3; Qwest July 9 *Ex Parte* Letter, Attach. at 1-3. Qwest estimates that competing LECs now serve approximately 11.6 percent of access lines in Wyoming. Qwest III Teitzel Decl. at para. 30; Wyoming Commission Qwest III Comments at 5-6.

[70] Qwest III Teitzel Decl., Ex. DLT-Track A Supp.-WY-1 (citing confidential information).

[71] AT&T Qwest II Comments at 147, 149-50; AT&T Qwest I Comments at 133-37; Integra Qwest III Comments at 7-8 (specifically in North Dakota); OneEighty Qwest II Comments at 6-7 (specifically in Montana); and Sprint Qwest III Comments at 2-3 (specifically in Idaho, Iowa, Montana, Utah, Washington, Wyoming).

[72] This method estimates the number of competitive LEC owned lines and stand alone UNE loops by multiplying the number of local interconnection service trunks by 2.75. We do not rely on this methodology in this application. AT&T Qwest II Comments at 148-49; AT&T Qwest I Comments at 134-135; Sprint Qwest III Comments at 3; Sprint Qwest II Comments at 12-13; Sprint Qwest I Comments at 11-13.

[73] AT&T Qwest II Comments at 148-49; AT&T Qwest I Comments at 134-135.

[74] AT&T Qwest II Comments at 147, 149-50; AT&T Qwest I Comments at 133-37; Integra Qwest III Comments at 7-8 (specifically in North Dakota); Sprint Qwest II Comments at 10-11; Sprint Qwest I Comments at 10-11.

[75] *See, e.g., Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 77; *Sprint v. FCC*, 274 F.3d at 553-54.

lines.[76] These methodologies have been used in previous section 271 applications that have been approved by the Commission.[77] While carriers may differ in their protocol for when to report a phone number into the E-911 database,[78] no commenter, including AT&T, has criticized Qwest's method of counting the number of white pages listings contained in its Listing Service System to estimate a competitive LEC's facilities-based access lines.[79] Qwest's Listing Service System is likely to yield a lower estimate of a competitive LEC's access lines than the E-911 methodology. We recognize that these methodologies necessarily produce estimates and may be inexact, but we find them to be reasonable and note that the carriers we rely upon have not argued that Qwest's estimate of their customers is significantly incorrect.[80]

IV. PRIMARY CHECKLIST ISSUE IN DISPUTE

A. Checklist Item 2 – Unbundled Network Elements

33. Checklist item 2 of section 271 states that a BOC must provide "[n]ondiscriminatory access to network elements in accordance with the requirements of sections

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[76] The first method sums E-911 wireline listings and UNE-P lines. Qwest reports E-911 wireline listings within Qwest's territory. The E-911 figures contain UNE loops and competitive LEC owned facilities within Qwest's territory, but do not contain access lines provided by independent LECs that have overbuilt into Qwest's territory or wireless phone numbers. The second method estimates the number of competitive-LEC owned lines and stand alone UNE loops by multiplying the number of local interconnection service trunks by 2.75. We do not rely on this methodology in this application. The third method estimates the number of competitive-LEC access lines by counting the number of white page listings in Qwest's Listing Service System. This database is updated daily to reflect additions, deletions, and changes in residential and business white page listings. Qwest only reports white page listings for competitive LECs serving customers in Qwest's territory. This method likely underestimates the number of access lines as residential customers may not list their primary or secondary lines and businesses may only list a main number. Qwest II Application App. A, Tab 5, Declaration of David L. Teitzel (Qwest II Teitzel Decl.) at paras. 33-41; Qwest II Reply Comments at 6; Qwest I Application App A, Tab 6, Declaration of David L. Teitzel (Qwest I Teitzel Decl.) at paras. 33-43; Qwest Aug. 1 *Ex Parte* Letter at 1-3; Qwest July 9 *Ex Parte* Letter, Attach. at 1-3; Department of Justice Qwest II Evaluation at 8, n.32.

[77] *See, e.g.*., BellSouth GALA II Application, Supplemental Affidavit of Elizabeth A. Stockdale at para. 8 (estimating facilities-based lines by summing E-911 and UNE-P lines); SBC Texas II Application, Affidavit of John S. Habeeb, App A at para. 24 (estimating facilities-based lines by multiplying the number of local service interconnection trunks by 2.75); Verizon Maine Application, Declaration of John A. Torre at para. 16 (estimating facilities-based lines by summing E-911 and directory listings).

[78] Qwest II Reply Comments at 6; AT&T Qwest II Comments at 148.

[79] This database is updated daily to reflect additions, deletions, and changes in residential and business white page listings for competitive LECs providing service within Qwest's region. Qwest II Teitzel Decl. at para. 39.

[80] *See Sprint v. FCC*, 274 F.3d at 562 (finding it was reasonable for the Commission to rely on the applicant's estimates for a competitive LEC's lines if the competitive LEC itself did not object to the estimate). Although Sprint disputes the access lines that Qwest attributes to it for purposes of establishing Track A compliance, the Commission has not relied upon the estimates for Sprint in any of the nine application states. Sprint Qwest II Comments at 12; Sprint Qwest I Comments at 12.

251(c)(3) and 252(d)(1)" of the Act.[81] Based on the record, we find that Qwest has satisfied the requirements of checklist item 2. In this section, we address those aspects of this checklist item that raised significant issues concerning whether Qwest's performance demonstrates compliance with the Act: (1) Operations Support Systems (OSS), particularly pre-ordering, ordering, billing, maintenance and repair, and change management; (2) provisioning of UNE combinations; and (3) UNE pricing. Aside from OSS, other UNEs that Qwest must make available under section 251(c)(3) are also listed as separate items on the competitive checklist, and are addressed below in separate sections for various checklist items, as are any provisioning issues that may be in dispute.[82]

1. OSS

34. Under checklist item 2, a BOC must demonstrate that it provides non-discriminatory access to the five OSS functions: (1) pre-ordering; (2) ordering; (3) provisioning; (4) maintenance and repair; and (5) billing.[83] In addition, a BOC must show that it provides non-discriminatory access to UNEs and that it has an adequate change management process in place to accommodate changes made to its systems.[84] We find that Qwest provides non-discriminatory access to its OSS. Consistent with prior Commission orders, we do not address each OSS element in detail where our review of the record satisfies us there is little or no dispute that Qwest meets the nondiscrimination requirements.[85] Rather, we focus our discussion on those issues in controversy, which in this instance primarily involve certain elements of Qwest's pre-ordering, ordering, billing, and change management systems and processes. We also specifically address issues related to flow-through.

a. Relevance of Qwest's Regionwide OSS

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[81] 47 U.S.C. § 271(c)(2)(B)(ii).

[82] *See* 47 U.S.C. § 271(c)(2)(B). For example, unbundled loops, transport, and switching are listed separately as checklist items iv, v, and vi.

[83] *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York*, 15 FCC Rcd 3953, 3989, para. 82 (1999) (*Bell Atlantic New York Order*), *aff'd*, *AT&T Corp. v. FCC*, 220 F.3d 607 (D.C. Cir. 2000). The Commission has defined OSS as the various systems, databases, and personnel used by incumbent LECs to provide service to their customers. *See Application by 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*, Memorandum Opinion and Order, 15 FCC Rcd 18354, 18396-97, para. 92 (2000) (*SWBT Texas Order*).

[84] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3999, para. 102 and n.277 (citations omitted).

[85] *See Application of Verizon New York Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc. and Verizon Select Services, Inc. for Authorization to Provide In-Region, InterLATA Services in Connecticut*, 16 FCC Rcd 14147, 14151, para. 9 (2001) (*Verizon Connecticut Order*).

35. Consistent with our precedent, Qwest relies in this application on evidence concerning its regionwide OSS.[86] Specifically, Qwest asserts that its OSS in the nine application states is the same as its OSS in the entire thirteen-state region that participated in the ROC test.[87] The thirteen participating states in Qwest's local service region initiated a collaborative process to design an overall plan for ensuring that Qwest's OSS and related databases and personnel are available to competing LECs in an open and nondiscriminatory manner.[88]

36. To support its claim that its OSS is the same across all states, Qwest relies on the comprehensive KPMG test. KPMG, in addition to administering the overall test, performed a regional differences assessment (RDA).[89] KPMG's RDA, released on October 5, 2000, found that Qwest's order management, provisioning, maintenance and repair, and competing LEC relationship management and infrastructure are materially consistent across the three regions.[90] Although KPMG found that Qwest's CRIS billing and service order processors (SOPs) differ by region, it noted that Qwest has standardized most of its processes across these regions.[91] Moreover, KPMG made certain adjustments to its test. Specifically, KPMG designed and scaled the third-party test to represent the environment of the thirteen states to ensure their ability to use the results in individual state proceedings.[92] Where differences within Qwest's local service regions existed (such as the CRIS billing and SOP differences), the test was modified, as appropriate, to address these regional and state differences to ensure that the ROC Third Party Test would provide a valid basis upon which each of the thirteen participating ROC states could base their respective recommendations to the Commission regarding Qwest's section 271 applications.[93] KPMG's test transaction volumes were set at levels and distributed in such a way as to produce statistically valid results given the identified differences among the regions.[94]

37. In reaching our conclusion that Qwest has demonstrated it provides nondiscriminatory access to its OSS, we rely on detailed evidence provided by Qwest in this proceeding. We base this determination on Qwest's actual performance in the nine application states. In cases of low volume, where state-specific data may thus be unreliable,[95] as discussed

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[86] *See, e.g., SWBT Kansas/Oklahoma Order* 16 FCC Rcd at 6254, para. 36.

[87] Qwest I Notarianni/Doherty Decl. at para. 63.

[88] *Id.* at para. 19.

[89] *Id.* at para. 35.

[90] *Id*. at para. 36, and Exhibit LN-OSS-4 (KPMG's RDA).

[91] *Id.*

[92] *Id.* at para. 33.

[93] *Id.* at paras. 33, 35.

[94] *Id.*

[95] As the Commission has found in previous section 271 applications, performance data based on low volumes of orders or other transactions is not as reliable an indicator of checklist compliance as performance based on larger (continued….)

above, we look to Qwest's performance in Colorado to supplement our analysis.[96] However, as the Commission has previously stated, evidence of satisfactory performance in another state cannot trump convincing evidence that an applicant fails to provide nondiscriminatory access to a network element in the application states.[97] Also consistent with our past practice, we note that in the course of our review, we look for patterns of systemic performance disparities that have resulted in competitive harm or that have otherwise denied new entrants a meaningful opportunity to compete.[98] Isolated cases of performance disparity, especially when the margin of disparity is small, generally will not result in a finding of checklist noncompliance.[99]

b. Pre-Ordering

38. As explained in previous orders, pre-ordering includes gathering and verifying the information necessary to place a new service order.[100] Given that pre-ordering represents the first exposure that a prospective customer has to a competing carrier, inferior access to the incumbent's OSS may render the competing carrier less efficient or responsive than the incumbent.[101] The applicable standard is whether the BOC provides access to its OSS that allows competitors to perform pre-ordering functions in substantially the same time and manner as the

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numbers of observations. It is thus not possible to place the same evidentiary weight upon – and draw the same types of conclusions from – performance data where volumes are low, as for data based on more robust activity. *See, e.g., SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6254, para. 36.

96 *See* Introduction above.

97 *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6254, para. 36.

98 *See Verizon Massachusetts Order*, 16 FCC Rcd at 9055-56, para. 122.

99 *Id.*

100 *Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129; *Application of BellSouth Corporation, et al., Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in South Carolina*, CC Docket No. 97-208, Memorandum Opinion and Order, 13 FCC Rcd 539, 589, para. 91 (1997) (*BellSouth South Carolina Order*); s*ee also Second BellSouth Louisiana Order,* 13 FCC Rcd at 20599-60, para. 94 (referring to "pre-ordering and ordering" collectively as "the exchange of information between telecommunications carriers about current or proposed customer products and services or unbundled network elements or some combination thereof"). In prior orders, the Commission has identified the following five pre-ordering functions: (1) customer service record (CSR) information; (2) address validation; (3) telephone number information; (4) due date information; and (5) services and feature information. *Id.*; *Application by BellSouth Corporation, et al. Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services in Louisiana*, CC Docket No. 97-231, Memorandum Opinion and Order, 13 FCC Rcd 6245, 6274, para. 47 (1998) (*First BellSouth Louisiana Order*).

101 *Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129 (citing *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20669). *See also* App. K at paras. 33-34.

BOC's retail operations.[102] For those pre-order functions that lack a retail analogue, the BOC must provide access that affords an efficient competitor a meaningful opportunity to compete.[103]

39. Based upon the evidence in the record, we find that Qwest demonstrates that it provides nondiscriminatory access to its OSS preordering functions. Specifically, as discussed below, we conclude that Qwest has shown that it provides nondiscriminatory access to its pre-ordering functions because competing carriers can: successfully build and use application-to-application interfaces that perform pre-ordering functions; consistently gain access to the OSS; receive timely responses to submitted pre-order information requests; and integrate pre-ordering and ordering interfaces.[104] Additionally, Qwest has shown that competitors have access to

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[102] *Bell Atlantic New York Order* 15 FCC Rcd at 4014, para. 129 (citing *BellSouth South Carolina Order*, 13 FCC Rcd at 619; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20655; *Ameritech Michigan Order*, 12 FCC Rcd at 20618-19).

[103] *Id.*

[104] *Id.* at 4013-14, para, 128. We reject AT&T's argument that informational issues related to the multiple UNE rate zones in Montana and Wyoming cause competitive LECs to be at a competitive disadvantage in those states. *See* AT&T Qwest II Comments at 53. The record shows that Qwest provides competing LECs with the necessary information to determine a potential customer's rate zone. Qwest's OSS, through both the GUI and EDI, includes an address validation tool, which provides competing LECs with customer addresses and associated rate zones. Also, Qwest's retail marketing agents do not have access to the inquiries placed by competing LECs by means of the GUI or EDI. *See* Qwest II Reply, App. A, Tab 8, Declaration of Jerrold L. Thompson (Qwest II Thompson Reply Decl.) at para. 55. We also reject WorldCom's assertion that Qwest does not provide the information needed to program its system in Idaho. WorldCom asserts that different universal service order codes (USOCs) are required in the northern part of Idaho than in the southern part of the state and that Qwest has been unable to direct WorldCom to the common language location identifiers (CLLI) that define the geographic boundaries between the regions. *See* WorldCom Qwest III Comments at 13. The record shows that Qwest has provided this information to WorldCom in response to WorldCom's request. *See* Qwest III Reply, App. A, Tab 17, Reply Declaration of Lynn M. V. Notarianni and Christie L. Doherty (Qwest III Notarianni/Doherty Reply Decl.) at para. 86. We also reject WorldCom's assertion that Qwest's EDI documentation errors rise to the level of checklist non-compliance. *See* WorldCom Qwest III Comments at 12-13; WorldCom Nov. 6 *Ex Parte* Letter at 9; Letter from Lori Wright, WorldCom, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed on Dec. 2, 2002) at 1 (WorldCom Dec. 2 *Ex Parte* Letter). For example, WorldCom argues that Qwest is unclear in how competing LECs should treat community names in ordering through EDI. WorldCom Nov. 6 Ex Parte Letter at 9. The record shows that using the pre-order address validation query will ensure that the order will pass all address validation edits. *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 22, 2002) at 3-4 (Qwest Nov. 22e *Ex Parte* Letter). We note that many of the EDI problems addressed by WorldCom in its Dec. 2 *Ex Parte* Letter have been closed. *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 3, 2002) at 2 (Qwest Dec. 3c *Ex Parte* Letter). Additionally, we note that that many of the EDI problems addressed by WorldCom in its Dec. 2 ex parte letter are in regard to Qwest's most recent EDI release, EDI version 11.0 (which was available to competing LECs starting Nov. 18, 2002). *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 6, 2002) (Qwest Dec. 6b *Ex Parte* Letter). We note that Qwest's change management process utilizes an extensive help-desk ticket and notification process to handle errors that may occur when implementing new software. Qwest Dec. 3c *Ex Parte* Letter at 1. We take further comfort, although we do not rely on it, in Qwest's commitment to resolve WorldCom's Trouble Ticket 6090995 through a new patch that will be available to competing LECs on December 20, 2002. *See* Letter from Hance Haney, Executive Director – (continued….)

information to determine whether loop facilities are qualified to support xDSL advanced technologies.[105]

(i) Pre-Ordering Functionality

40. The record shows that Qwest offers requesting carriers access to an application-to-application interface that enables them to perform the same pre-ordering functions that Qwest provides for its retail operations. Pre-ordering functionality is provided through Qwest's two electronic interfaces: Interconnect Mediated Access-Electronic Data Interexchange (IMA-EDI or EDI), and Interconnect Mediated Access-Graphical User Interface (IMA-GUI or GUI).[106] Competitive LECs may use either of these interfaces to submit orders for end users throughout Qwest's region.[107] Using these interfaces, competing carriers gain access to pre-ordering information, including address validation;[108] customer service records (CSR); service availability; facility availability; loop qualification (for qualifying Qwest DSL for resale and

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Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 17, 2002) at 1 (Qwest Dec. 17 *Ex Parte* Letter on Trouble Ticket 6090995).

[105] *See e.g., 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. for Authorization to Provide In-Region, InterLATA Services in Massachusetts*, 16 FCC Rcd 8988, 9013, para. 50 (2001) (*Verizon Massachusetts Order*).

[106] The Application shows that both interfaces are real-time, electronic interfaces, allowing competitive LECs to access pre-ordering, ordering, and provisioning OSS functions. The notable differences in the two interfaces are that EDI is a computer-to-computer interface, whereas GUI is human-to-computer. EDI also provides electronic access directly from a competitor's systems to Qwest's interfaces, and, thus, enables competitive LECs to integrate their own OSS with the Qwest electronic interface (in addition to integrating EDI's pre-ordering functions with its ordering functions), whereas GUI allows competitors to obtain electronic access to Qwest's OSS pre-ordering, ordering, and provisioning functionality without having to develop their own software. *See* Qwest I Notarianni/Doherty Decl. at paras. 59-65. We do not consider the Web GUI's functionality because it is a human-to-application interface. *Bell Atlantic New York Order*, 15 FCC Rcd at 4016-17, para. 133, n.385. However we observe that the GUI provides an economically efficient pre-ordering interface for low-volume carriers and new entrants. *See id.*

[107] As of the time of its application, Qwest reports that 22 competing LECs use IMA-EDI and 172 competing LECs use IMA-GUI in Qwest's 14 state region to complete pre-order transactions. *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 15, 2002) (Qwest Nov. 15d *Ex Parte* Letter) at 1; Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 9, 2002) at 1 (Qwest Dec. 9 *Ex Parte* Letter).

[108] Competitors use this function to determine if a customer's address matches the address in Qwest's OSS, and this tool is used to create a list of validated addresses that can be used to generate other pre-ordering and ordering transactions. In addition to the Address Validation query, Qwest maintains a website with files called the "Street Address Guide Area Data Files," which contain address information organized by state. Competitive LECs can access and search these files by using standard text search tools or by downloading the files to their own site and integrating the data into their own systems. *See* Qwest I Notarianni/Doherty Decl. at paras. 70-71.

unbundled loop); raw loop data; connecting facility assignment (CFA); meet point query; and access to directory listings.[109]

41. KPMG tested the functionality of Qwest's EDI interface, and concluded that it performed pre-order functions in a satisfactory manner.[110] KPMG states that the Qwest business rules detail the form, field, and value information required to submit valid pre-order inquiries.[111] For example, KPMG tested Qwest's ability to process various pre-order transactions.[112] In addition, KPMG's comparison of Qwest's retail and wholesale pre-order transactions showed functional equivalence.[113] Given that competitors have the ability to and actually are using application-to-application interfaces to complete pre-order transactions, and that Qwest's functions have been successfully tested, we conclude that Qwest provides adequate pre-order functionality.

42. Eschelon is the only commenter to raise issue with Qwest's pre-ordering functionality, alleging that a customer configuration information system (called Qhost) is sometimes disabled without notice when ordering resold DSL services.[114] We find, however, that these outages do not warrant a finding of checklist noncompliance, as Qhost is not part of the OSS system that we examine for purposes of this application. The record shows that Qhost is used by ISPs, including Qwest's own ISP, Qwest.net,[115] to obtain customer configuration

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[109] *Id*. In addition, KPMG found that Qwest satisfied its requirements for pre-ordering functionality by successfully processing 14 pre-order transaction types. KPMG Final Report at 73 (Table 12-7: Evaluation Criteria and Results) (Test 12-2-1) (Qwest Systems Provide Required Pre-ordering Functionality). KPMG tested the following transactions: validate customer address; obtain customer service record; reserve telephone numbers; determine product and feature availability; perform facility availability check; schedule appointment; obtain loop qualification information; validate customer CFA; obtain directory listings information for an existing UNE-L customer; obtain design layout record; validate meet point; cancel an appointment or reserved telephone number. *Id.* at 65 (Table 12-1) (Pre-order Test Scenarios).

[110] KPMG Final Report at 70-72.

[111] *Id.*

[112] *Id.* at 73 (Test 12-2-1) (Qwest Systems Provide Required Pre-ordering Functionality).

[113] KPMG compared the following pre-order transactions: validate customer address; obtain customer service record; reserve telephone numbers; determine product and feature availability; perform facility availability check; schedule appointment; obtain loop qualification information; and cancel an appointment or reserved TN. KPMG Final Report at 97 (Test 12-11-3) (Pre-Order and Order Capabilities Are Functionally Equivalent for Both Retail and Wholesale Services).

[114] Eschelon Qwest I Comments at 12. Eschelon asserts that the Qhost system suffered from outages on June 28, July 1, and July 2, 2002.

[115] Qwest offers DSL Internet services to subscribers under the Qwest.net brand name, and Qwest.net utilizes QHost in the same manner and receives the same services that are provided to all ISP and Business DSL Hosts, including Eschelon. *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, Executive Director-Federal Regulatory, to Marlene Dortch, Secretary, Federal Communications Commission, Docket Nos. 02-148 and 02-189 (filed Sept. 6, 2002) (Qwest Sept. 6 *Ex Parte* Letter) at 1.

information.[116] Competitive carriers, on the other hand, use IMA to order Qwest resold DSL services, and there is no evidence to suggest that there are functionality issues with IMA.[117]

(ii) Response Times and Availability

43. We find that Qwest demonstrates that it provides requesting carriers access to pre-ordering functionality in substantially the same time that it provides access to its retail operations. As expressed in past decisions, in order to compete effectively in the local exchange market, competitors must be able to perform pre-ordering functions and interact with their customers as quickly and efficiently as the incumbent.[118] Our finding of compliance in this area is principally based upon Qwest's commercial performance. Metric PO-1 measures the time it takes Qwest to respond to various requests for pre-order information, and, depending on the interface and function, the benchmark varies from 10 to 25 seconds.[119] The commercial data show that Qwest has met every benchmark for GUI and EDI in this area for each of the past 4 months.[120]

44. Qwest also demonstrates that both of its interfaces are available in a manner that affords an efficient competitor a meaningful opportunity to compete. As discussed in previous orders, an available pre-ordering interface is required for competing carriers to market their services and serve their customers, and the unavailability of an interface could directly and

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[116] Qwest I Reply, App. A, Tab 5, Declaration of Lynn M. V. Notarianni and Christie L. Doherty (Qwest I Notarianni/Doherty Reply Decl.) at para. 303. The record also shows that when Qhost is unavailable, users can obtain the same information by calling Qwest representatives at the phone number cited on the Qhost website. *See id.*

[117] *Id.*

[118] *See Bell Atlantic New York Order*, 15 FCC Rcd 4025, para. 145 (citing *BellSouth South Carolina Order*, 13 FCC Rcd at 625, 634-36; *Ameritech Michigan Order*, 12 FCC Rcd at 20616).

[119] For both the IMA-GUI and IMA-EDI interfaces, the metric tracks the time it takes Qwest to schedule appointments, inquire about service availability time, conduct facility checks, validate addresses, retrieve customer service records, and make telephone number reservation. Qwest explains that it separately tracks certain functions for the GUI interface, such as submitting responses, responding to submissions, and when applicable, accepting transactions. Qwest I Williams Decl. at paras. 96-99.

[120] *See, e.g.,* GA-1 (Gateway Availability-IMA-GUI) with a standard of 99.25 % for scheduled availability; GA-2 (Gateway Availability-IMA-EDI) with a standard of 99.25% for scheduled availability; PO-1 (Pre-order/Order Response Times) with standard response times ranging from 10 to 25 seconds; PO-3 (LSR Rejection Notice Interval) with standard response times ranging from 18 seconds for electronically submitted orders to $\leq$ 24 work week clock hours for faxed orders; and PO-5 (FOCs provided on Time) with standards ranging from 85% of all LIS trunk orders returned within 8 business days to 95% of all orders for resold services returned within 20 minutes. Our conclusion is also supported by the findings of the third-party tester. KPMG's test showed that for both the GUI and EDI interfaces, Qwest response times were satisfactory for a full range of pre-order transactions. For the performance of the GUI interface, *see* KPMG Final Report at 74-76 (IMA GUI Pre-Order Timeliness).

negatively affect a carrier's customer interaction.[121] Qwest's commercial data show that Qwest's interfaces were generally available as scheduled.[122]

(iii) Pre-Ordering and Ordering Integration

45. Consistent with state commissions examining this issue,[123] we conclude that Qwest demonstrates that its EDI interface allows competing carriers to integrate pre-ordering information into Qwest's ordering interface, as well as into the carriers' back office systems. The Commission has previously stated that the inability to integrate may place competitors at a disadvantage and significantly impact a carrier's ability to serve its customers in a timely and efficient manner.[124] In order to demonstrate compliance with checklist item 2, the BOC must enable competing carriers to transfer pre-ordering information (such as customer billing address or existing features) electronically into the carrier's own back office systems, and then transfer this information back to the BOC's ordering interface. Without an integrated system, a competing carrier would be forced to re-enter pre-ordering information manually into an ordering interface, leading to additional costs, delays, and a greater risk of error.[125] Thus, a BOC has enabled successful integration if competing carriers may, or have been able to, automatically populate information supplied by the BOC's pre-ordering systems onto an order form that will not be rejected by the BOC's OSS systems.[126]

46. The Commission has held that the ability to "parse" pre-order information successfully (*i.e.*, to divide electronic data into designated fields) is a necessary component of successful integration.[127] Our prior orders dictate that a BOC can demonstrate the ability of competitive LECs to integrate pre-ordering and ordering functions if the BOC parses the

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[121] *Bell Atlantic New York Order*, 15 FCC Rcd at 4029-30, para. 154 (citing *BellSouth South Carolina Order*, 12 FCC Rcd at 637-38, para. 180).

[122] See GA-1 through GA-4, GA-6, and GA-7.

[123] *See, e.g.,* Colorado Commission Qwest I Reply at 40; Iowa Board Qwest I Reply at 5-6; Wyoming Commission Qwest II Comments at 6.

[124] *See Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Georgia and Louisiana,* CC Docket No. 02-35, Memorandum Opinion and Order, 17 FCC Rcd 9018, 9078, para. 119 (2002) (*BellSouth Georgia/Louisiana Order*); *SWBT Texas Order*, 15 FCC Rcd at 18428-29, para. 152; *Bell Atlantic New York Order*, 15 FCC Rcd at 4019-20, para. 137.

[125] *See Bell Atlantic New York Order* 15 FCC Rcd at 4019, para. 137 (citing *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20661, 20666, 20676-77; *First BellSouth Louisiana Order*, 13 FCC Rcd at 6276-77; *BellSouth South Carolina Order*, 13 FCC Rcd at 602, 623-24, 629).

[126] *Id.*

[127] *SWBT Texas Order*, 15 FCC Rcd at 18429, para. 153. "Parsed" pre-ordering information is electronic data that are divided into fields that can be electronically transferred into other fields used in the pre-ordering and ordering process.

customer record information into identifiable fields for the competing carriers.[128] Also, if the BOC does not provide parsed pre-order information, the BOC can demonstrate that competing carriers can or have been able to successfully integrate by parsing the information themselves.[129]

47. As the Commission has explained, absent sufficient and reliable data on commercial usage,[130] we will consider the results of carrier-to-carrier testing, independent third-party testing, and internal testing in assessing the commercial readiness of a BOC's OSS.[131] In this instance, we base our conclusion that integration is achievable on evidence that Qwest parses pre-order information, as well as HP's ability to successfully integrate.[132]

48. *Parsing.* The record demonstrates that Qwest provides competitors with the necessary documentation and support to successfully integrate pre-ordering and ordering functions.[133] This information includes developer worksheets, which specify field lengths, field characteristics, and any conditions related to the usage of specific fields for specified products.[134] In addition, Qwest provides training and documentation to assist competitors in developing and

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[128] *Bell Atlantic New York Order*, 15 FCC Rcd at 4019, para. 137.

[129] A BOC that does not provide parsed pre-order information must demonstrate that competing carriers "may, or have been able to, automatically populate information supplied by the BOC's pre-ordering systems onto an order form … that will not be rejected by the BOC's OSS systems." *SWBT Texas Order*, 15 FCC Rcd at 18428-29, para. 152. Regardless of whether an applicant parses, the record must show that competitors are able to successfully integrate.

[130] The record contains several sources of commercial usage evidence. First, the record indicates that New Access, a competitive LEC operating in Colorado, Iowa, Nebraska and North Dakota, has affirmed that it has achieved pre-order/order integration through its IMA-EDI interface as of June 2002. *See* Qwest I Notarianni/Doherty Reply Decl., Ex. LN-17 (Qwest July 25 *Ex Parte* on Pre-Order/Order Integration). Moreover, the application contains letters from two software designers, Telcordia Technologies and NightFire Software, Inc., both of which explain that they have successfully developed pre-order/order integration programs for competitive LECs that are actively submitting LSRs to Qwest via its EDI interface. *See* Qwest I Notarianni/Doherty Decl., Exs. LN-OSS-12 (Jan. 28, 2002 Letter from Telcordia Technologies), and LN-OSS-13 (May 22, 2002 Letter from NightFire).

[131] *See SWBT Texas Order*, 15 FCC Rcd at 18399, para. 98 (citing *Bell Atlantic New York Order*, 15 FCC Rcd at 3992, para. 88.) *See also* App. K at para. 31.

[132] *See* Qwest I Notarianni/Doherty Decl., Exhibit LN-OSS-11 (*Hewlett-Packard's PreOrder to Order Integration Report, 271 Test Generator, Arizona Corporation Commission,* Final Version 5.0). *See generally* Letter from Sumeet Seam, Attorney for Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, Docket Nos. 02-148 and 02-189 (filed Aug. 8, 2002) (Qwest Aug. 8c *Ex Parte* Letter).

[133] Letter from Sumeet Seam, Attorney for Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, Docket 02-148 (filed July 25, 2002) (Qwest July 25b *Ex Parte* Letter) at 5-7. *See also* HP's August 6 *Ex Parte* Letter, Exhibit C (Colorado *En Banc* Hearing 6/10/02, Transcript Excerpt) at 11-12; Qwest August 8c *Ex Parte* Letter at 5.

[134] *See* Qwest July 25b *Ex Parte* Letter at 5-7. Qwest states that its own "IMA Development, Systems Test and Regression Test" teams used these same worksheets to develop, test and implement IMA in its first implementation on January 1, 1997, and have continued to use them for enhancements to IMA. *See id.* at *5.*

implementing integration capability.[135] Qwest's IMA system is based on local service ordering guidelines[136] (LSOG) for pre-order and order transactions, including rules for parsing information on pre-order transactions.[137] Qwest provides, among other things, address validation and CSR information that is parsed into identifiable fields for competitors, which separates the parsed elements returned for each pre-order transaction, and identifies the LSR field to which the particular data element relates.[138] According to the record, Qwest implementation teams are available to competitive LECs for all aspects of the EDI certification process.[139] We find that by providing competing LECs the tools necessary to integrate, in particular a parsed CSR, that Qwest has satisfied the Commission's standard for integration as articulated in the *Bell Atlantic New York Order.*[140]

49. *Third-Party Test.* The test results from HP, acting as a pseudo-competitor LEC, bolster our conclusions with respect to integration. As explained in the *SWBT Texas Order*, a persuasive third-party test provides an objective means by which to evaluate a BOC's OSS readiness.[141] HP successfully developed an EDI interface that integrated pre-order/order data,[142] and HP was able to develop pre-order/order integration capabilities using such generally available tools and documents as the developer worksheets and access to staff from Qwest's EDI implementation teams.[143] In particular, the record indicates that HP successfully integrated with

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[135] Qwest I Notarianni/Doherty Reply Decl. at para. 140.

[136] The Alliance for Telecommunications Industry Solutions (ATIS) publishes and maintains the LSOGs. The LSOG is the standard for ordering and provisioning. As explained by HP, "a provider (ILEC) may interpret these guidelines when creating specifications that define how a CLEC should order and provision service from the ILEC." *See* KPMG Final Report, App. HP-B (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 7.0*) at 2.

[137] Qwest I Notarianni/Doherty Reply Decl. at para. 140. Qwest explains that by adhering to the LSOG guidelines, its pre-order transactions are defined and parsed to the extent that the pre-order information is required to submit an order. *See id.* Qwest also explains that "OBF did not publish a document to describe how to map between pre-order and order information due to a belief that the care taken in defining and naming the fields is readily comprehensible for CLECs. For example, if the LSR required the population of an address field called Street Address Number (SANO), then the preorder address validation transaction requires the parsing and returning of the same field (SANO), so that it can be readily identified and populated on the LSR." *See id.*

[138] Qwest I Application at 116; Qwest I Notarianni/Doherty Decl. at para. 197, Exhibit LN-OSS-5 (Developer Worksheets-PreOrder); Qwest July 25b *Ex Parte* Letter at 5-7.

[139] *Id.*

[140] *See Bell Atlantic New York Order,* 15 FCC Rcd at 4019-4021, paras. 137-139. *See also* Qwest August 8c *Ex Parte* Letter at 1-3.

[141] *See SWBT Texas Order*, 15 FCC Rcd at 18399-400, para. 98 (citing *Bell Atlantic New York Order*, 15 FCC Rcd at 3992, para. 89).

[142] Qwest I Notarianni/Doherty Decl. at para. 198.

[143] *Id. See also* Letter from Geoff May, Hewlett-Packard, to Marlene Dortch, Secretary, Federal Communications Commission, Docket 02-148 (filed Aug. 6, 2002) (HP August 6 *Ex Parte* Letter). Hewlett-Packard states that each (continued….)

both Qwest's EDI release 7.0[144] and EDI release 8.0.[145] HP's test results affirm that Qwest's IMA EDI interface provides competitors with pre-order, order, and post-order information in a parsed or fielded format.[146] For both releases, HP tested thirty-four separate products and transactions.[147] In addition, for the EDI 7.0 test, HP tested data integration for three different types of transactions: pre-order to pre-order transactions involving address-related data;[148] pre-order to order transactions involving address-related data;[149] and pre-order to order transactions involving CSR information for the ordering of both resold POTS and UNE-platform POTS.[150] For both of its reports, HP concluded that it "does not feel that [there] are any issues that would prohibit a CLEC from integrating Qwest data with their internal application system(s)."[151] The

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individual data element is defined in the Qwest IMA EDI disclosure documentation with the associated business rules and format characteristics. *See id.* at 2.

[144] Qwest I Notarianni/Doherty Decl. at para. 198 and Exhibit LN-OSS-9 (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA-EDI Release 7.0, Version 1.0, April 19, 2002*). *See* Exhibit LN-OSS-9 at 40. HP achieved integration with EDI 7.0 adhering to LSOG Issue 3.

[145] Qwest I Notarianni/Doherty Decl. at para. 198 and Exhibit LN-OSS-10 (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA-EDI Release 8.0, Version 1.0, April 19, 2002*). HP achieved integration with EDI 8.0 adhering to LSOG Issue 5.

[146] HP August 6 *Ex Parte* Letter.

[147] *See* KPMG Final Report, Appendices HP-B (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA-EDI Release 7.0*) at 2, and HP-C (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA-EDI Release 8.0*) at 2. In both tests, HP tested the following 34 products and transactions: address validation; appointment availability; appointment selection; cancellation; connecting facility assignment; customer service; design layout record; facility availability; meet point; raw loop data; service availability; telephone number availability; telephone number selection; centrex 21; centrex plus; DID in only trunks; ISDN-PRI resale availability; ISDN-PRI resale trunk; listing only; local number portability; PBX; POTS; private line; shared loop; unbundled loop distribution loop; unbundled loop; unbundled loop with number portability; UNE-C Private Line; UNE-platform POTS; completion; firm order completion; jeopardy/non-fatal/fatal; LSR status; and status change inquiry-auto push. *See id.* HP explains that it successfully developed and implemented integration of the data from an Address Validation Response (AVR) into other transactions, and that its data entry application retained address information that it received from Qwest, and then used it to populate address-related fields in a number of pre-order queries, including: address validation query; customer service record query; facility availability query; service availability query; telephone number availability query; raw loop data query; and meet point query. *See also* HP August 6, 2002 *Ex Parte* Letter at 2. HP also reports that it was able to integrate address information into such order related forms as local service request, end user, resale private line, and directory listing. *See id.*

[148] KPMG Final Report, App. HP-B (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA-EDI Release 7.0*) at 38 (Table 5.1 – PCG Pre-Order to Pre-Order Integration).

[149] *Id.* at 39 (Table 5.2 – PCG Pre-Order to Order Integration); HP August 6 *Ex Parte* Letter at 1.

[150] *Id.*

[151] KPMG Final Report, App. HP-B (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA-EDI Release 7.0*) at 40, and App. HP-C (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA-EDI Release 8.0*) at 39. In both reports, HP observes that "this (continued….)

record also indicates that in a separate test, HP was able to confirm that Qwest provides competitors with the tools required to successfully develop an integrated EDI interface, and it also confirmed that competitors have the ability to integrate pre-order responses with order transactions.[152] Utilizing its integrated IMA-EDI interface, HP states that it submitted a total of 889 UNE-platform retest orders from January 2002 to April 2002.[153] Only 12.15 percent of these orders were rejected, and HP explained that these rejected orders were attributable to issues unrelated to any pre-order/order integration problems.[154]

50. We are not persuaded by the allegations made by AT&T and WorldCom that the evidence does not support a showing of carriers' ability to integrate pre-ordering/ordering functions. Generally, AT&T and WorldCom make three arguments. First, the commenters dispute the reliability of the commercial evidence.[155] Second, AT&T and WorldCom question the conclusions from HP's test results. Lastly, these commenters cite to their own experience with Qwest's OSS, which allegedly demonstrates the inability to integrate. As an initial matter, given that we do not base our finding of integration upon either the New Access or vendor letters that the commenters dispute, and instead rely on Qwest's provision of a parsed CSR and HP's successful integration results, we need not address carriers' arguments challenging the validity of these letters.

51. Turning to the HP test results, we do not agree with WorldCom's contention that during the HP test of Qwest's ability to integrate, HP found inconsistencies between pre-order and order requirements that undermine its conclusion that integration is achievable.[156] The

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does not mean that there are not issues that would have to be resolved between Qwest and the CLEC, but simply that these issues are not insurmountable." *See id.*

[152] *See* Qwest I Notarianni/Doherty Decl. at paras. 199-200 and Exhibit LN-OSS-11 (*Hewlett-Packard's Pre-Order to Order Integration Report, 271 Test Generator, Arizona Corporation Commission, Final Version 5.0*). In its summary of how well Qwest's fields conform to LSOG 3 and LSOG 5, HP concludes that "the data definitions . . . between PreOrder and Order elements . . . do not require translation, or reconfiguration of the data elements when integrating PreOrder transactions into Order transactions. Therefore, HPC's assessment is that CLECs can utilize Qwest's EDI PreOrder transactions to submit an Order without data manipulation." *See* Exhibit LN-OSS-11 at 33-34.

[153] Qwest I Notarianni/Doherty Reply Decl. at para. 138; Letter from Sumeet Seam, Attorney for Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, Docket 02-148 (filed July 29, 2002) (Qwest July 29a *Ex Parte* Letter) at 3.

[154] *See* Qwest July 29a *Ex Parte* Letter at 3. In correspondence dated July 26, 2002, from Don Perry of Hewlett-Packard Services, Consulting & Integration Division, to the ROC TAG Members, HP explains that "as described in the HP Final Report, HP integrated the address information from the pre-order transaction into the End User form. Issues not related to pre-order/order integration generated these 108 FATAL (caps in original) rejects." *See id.* at 5.

[155] AT&T and WorldCom argue that there is little evidence to support New Access' successful integration. *See* AT&T Qwest I Reply at 26-27; WorldCom Qwest I Lichtenberg Reply Decl. at para. 21.

[156] WorldCom states that these shortcomings included inconsistent business rules, inconsistent valid values, inconsistent data types, and failure to return information at the pre-order stage for several industry standard fields. *See* WorldCom Qwest I Comments, Sherry Lichtenberg Decl. (WorldCom Qwest I Lichtenberg Decl.) at para. 21.

inconsistencies HP discussed in its two reports examining the field lengths of both EDI 7.0 and EDI 8.0 do not evidence an inability to integrate.[157] For both EDI 7.0 and 8.0, KPMG found that only a minimal number of Qwest's pre-ordering and ordering data fields differed from the LSOG standard to such a degree that the discrepancy could disrupt, or "impact," the exchange of data. Moreover, because KPMG's report provides detailed information about the impacting data fields' names, form with which the data field is used, and the field's LSOG analogue, competitors can readily identify the impacting data fields. For example, HP's report for EDI 7.0 found that of the 275 data fields that are used to perform pre-order functions, only 11 were identified as impacting,[158] and of the 413 fields used for order functions, only 34 were considered to be impacting.[159] In its report for EDI 8.0, HP found that of the 274 data fields that are used to perform pre-order functions, only 16 were considered to be impacting,[160] and of the 255 fields used for order functions, only 37 were considered to be impacting.[161] These results are compelling because they constitute objective evidence that quantifies the high degree to which

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[157] *See* KPMG Final Report, Appendices HP-B (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 7.0*), and HP-C (*Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 8.0*). HP explains that in creating these reports, it "took the Qwest documentation, [and] the IMA EDI disclosure documentation, which is the official Qwest documentation for that interface [, and] compared the Qwest documentation against itself so that if [for example], you had a field that was part of an address and it was used in four or five different transactions, [HP] compared across Qwest transactions looking for consistency and format and ability to be integrated. [HP] also compared Qwest documentation against industry publications . . . ." *See also* HP August 6 *Ex Parte* Letter, Exhibit A (Colorado *En Banc* Hearing 6/10/02, Transcript Excerpt) at 6-7.

[158] *See* KPMG Final Report, App. HP-B (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 7.0*) at 16, (Table 4.10 - Pre-Order Data Integration Issues). For a detailed description of the integration issue associated with each data field, *see* KPMG Final Report, App. HP-B at 8-15, (Table 4.6 (Generic Integration Issues); Table 4.7 (Field Length Variations Across Qwest Pre-Order Forms); and Table 4.8 (Field Length Variations Between Qwest and LSOG)).

[159] *See* KPMG Final Report, App. HP-B ((*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 7.0*) at 31, (Table 4.24 – Order Data Integration Issues). For a detailed description of the integration issue associated with each data field, *see* KPMG Final Report, App. HP-B at 21-30, (Table 4.20 (Generic Integration Issues); Table 4.21 (Field Length Variations Across Qwest Order Forms); and Table 4.22 (Field Length Variations Between Qwest and LSOG)).

[160] *See* KPMG Final Report, App. HP-C (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 8.0*) at 16, (Table 4.10 -Pre-Order Data Integration Issues). For a detailed description of the integration issue associated with each data field, *see* KPMG Final Report, App. HP-C at 8-15, (Table 4.6 (Generic Integration Issues); Table 4.7 (Field Length Variations Across Qwest Pre-Order Forms); and Table 4.8 (Field Length Variations Between Qwest and LSOG)).

[161] *See* KPMG Final Report, App. HP-C (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 8.0*) at 32, (Table 4.24 – Order Data Integration Issues). For a detailed description of the integration issue associated with each data field, *see* KPMG Final Report, App. HP-C at 21-31, (Table 4.20 (Generic Integration Issues); Table 4.21 (Field Length Variations Across Qwest Order Forms); and Table 4.22 (Field Length Variations Between Qwest and LSOG)).

Qwest's data fields conform to the industry standard.[162] That is, were a competitor to use industry guidelines to model its pre-ordering and ordering data fields for use with EDI 7.0, only 4 percent of its pre-ordering fields and 8 percent of its ordering fields would have different configurations than Qwest's system. As explained by HP, "the degree to which ILECs and CLECs conform to the LSOG guidelines has a direct impact on the internal application systems of both parties. The closer each company conforms to the other, the easier it is for the CLEC and ILEC that are exchanging data to build and maintain their respective internal application systems."[163] Moreover, we have previously noted that for both reports, HP concluded that there are not any issues that would prohibit a competitive LEC from integrating Qwest data with their internal application system(s).[164]

52. We also reject WorldCom's allegations that Qwest's July 25 and July 26 *Ex Parte* letters understate the pseudo-competitive LEC's actual reject rates by reporting only the percentage of fatal rejections, and not the percentage of both fatal and non-fatal rejections,[165] and that HP's overall order reject rate as reported in the KPMG Final Report was over 30 percent.[166] WorldCom's comments would have merit if the commercial measurements that track rejection rates made this distinction. However, PO-4, which measures Qwest rejection rates and was established through a collaborative process with Qwest and its competitors, does not account for non-fatal errors. Thus, contrary to WorldCom's comments, HP's rejection rate is accurately reported. To the extent that WorldCom believes that the business rules should be changed so that PO-4 counts non-fatal rejections, it should make its request at the state level. Moreover, HP explains that these orders were not rejected due to integration problems. In regard to WorldCom's comments about HP's overall order rejection rate as reported in the KPMG report, it is true that this rate is higher than the commercial average.[167] However, KPMG's report includes rejected orders that were not necessarily linked to integration problems, but could have

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[162] Qwest I Notarianni/Doherty Reply Decl. at para. 140. The record shows that Qwest's legacy system required deviations from the LSOGs for some fields, but these deviations were evaluated to ensure conformity with the integration criteria. For example, Qwest states that "if there is a Qwest-specific field constraint on the order form and that specific field is available in a pre-order transaction, that field is parsed in the pre-order transaction in such a way that it can be readily used by the CLEC on the order. For example, if the billing name field in the OBF guidelines is 50 characters long, but Qwest's legacy systems limit the billing name to 30 characters, Qwest limited the billing name to 30 characters in order to ensure that the information can be processed through its legacy systems and provides documentation accordingly." *See id.*

[163] *See* KMPG Final Report, App. HP-B (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 7.0*) at 2; KPMG Final Report, App. HP-C (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 8.0*) at 2.

[164] *See* KPMG Final Report, Appendices HP-B (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 7.0*) at 40, and HP-C (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 8.0*) at 39.

[165] WorldCom Qwest I Lichtenberg Reply Decl. at para. 19.

[166] *Id.* at para. 20.

[167] *See* KPMG Final Report at 81 (Test 12-5-6).

been the result of test bed issues,[168] test case design issues, and interface design issues.[169] HP also states that LSR reject rates can vary by competitive LEC for numerous reasons, such as use of documented ordering processes and training; experience of customer service representative or turnover of service center staff; use of incumbent LEC or competitive LEC data entry applications and the degree of integration of these applications; adherence to business processes and rules; and validation of account and order information.[170] Thus, given the number of non-integration related factors that account for the pseudo competitive LEC's rejection rate, we do not find that the results in this area signify that underlying integration problems exist.

53. Lastly, we reject AT&T and WorldCom's comments that HP's test confirms that although it is possible for a competitive LEC to integrate, it would be unreasonably difficult.[171] HP subsequently clarified that due to clerical oversight, one of its statements was misstated, and that its report should have stated that "integration would be challenging for an information technology team *not experienced* in EDI development."[172] HP also explains that a high degree of difficulty is endemic to EDI development, and it clarified that competitors need appropriate EDI development experience in order to successfully integrate.[173] We find nothing in HP's statements to suggest that integrating with Qwest's system is any more difficult than other BOC regions or that it otherwise presents a barrier to entry. Accordingly, consistent with the Department of Justice's finding, we accept HP's conclusions that integration is possible,[174] and we find that such evidence is reliable and probative of competitors' integration abilities.[175]

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[168] For an explanation of "test bed," see KPMG Final Report at 10.

[169] *See* HP August 15 *Ex Parte* Letter at 1-2.

[170] *See id.*

[171] WorldCom Qwest I Comments at 8. WorldCom asserts that the following quote is taken from the HP Report: "a CSR to LSR parsing would be a very challenging and complex undertaking for a CLEC with an Information Technology team experienced in EDI development." *See id.* AT&T states that HP's test confirms that competitors would find it unreasonably difficult, if not impossible, to integrate. *See* AT&T Qwest I Comments at 39; AT&T Qwest I Comments, Joint Declaration of John F. Finnegan, Timothy M. Connolly, and Mitchell H. Menezes (AT&T Qwest I Finnegan/Connolly/Menezes Decl.) at para. 123.

[172] Letter from Geoff May, Hewlett-Packard, to Marlene Dortch, Secretary, Federal Communications Commission, Docket 02-148 (filed July 31, 2002) (HP July 31 *Ex Parte* Letter) at 1 (emphasis provided). Hewlett-Packard explains that "upon review of these paragraphs, HP has determined that an inadvertent typographical error occurred in the final paragraph of Section 5.3 CSR to LSR Parsing Analysis (page 37 of LN-OSS-11). This paragraph was intended to be identical to the statement in the Executive Summary Section 1.3 CSR to LSR Parsing Analysis (page 9 of LN-OSS-11), however, the word "*not*" was omitted in error in the first sentence of the last paragraph on page 37 of LN-OSS-11." *See id.*

[173] HP August 6 *Ex Parte* Letter, Exhibit C (Colorado *En Banc* Hearing 6/10/02, Transcript Excerpt) at 19.

[174] *See* Department of Justice Qwest I Evaluation at 15.

[175] *See BellSouth Georgia/Louisiana Order,* 17 FCC Rcd at 9083, para. 128.

54. *Other Alleged Deficiencies.* We find insufficient evidence in the record to support AT&T's assertions that the failure to provide a field that identifies telephone numbers for a customer's account in the service and equipment section of the CSR is a competitive barrier.[176] On the contrary, Qwest's application and the third-party test indicate that Qwest does, in fact, return working telephone numbers parsed on the CSR.[177] During its analysis of EDI 7.0, HP successfully mapped from a CSR such data as the TN, PIC, LPIC, and USOC fields, and automatically populated these fields into an LSR.[178] Thus, the evidence shows that the format and organization of Qwest's CSR allows competitors to automatically populate LSRs. The standard for integration is not that a competitor must be able to integrate the system that it uses in another BOC region with the applicant's system; rather, only that competitors have access to a BOC's OSS in substantially the same time and manner as the BOC provides to its retail operations.[179] HP's test results prove this ability, and, therefore, AT&T's issue is not the result of discriminatory action. Additionally, the record indicates that AT&T neither addressed this issue before any state commission, nor did it request a CSR format change via the change management process.

55. We also reject commenters' arguments that Qwest provides insufficient documentation or specifications about how to integrate.[180] This allegation is refuted by HP's

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[176] AT&T Qwest I Finnegan/Connolly/Menezes Decl. at para. 123, n.83. In its reply comments, AT&T argues that Qwest's failure to use the telephone number as the reference point for the service and equipment (S&E) section of the CSR prohibits competitors from integrating. AT&T contends that using the telephone number as the reference point assists competitors in locating the necessary data and populating orders. Unlike the other BOCs, AT&T argues that Qwest groups the S&E information based upon its USOC code, which is followed by a string of data. AT&T asserts that this data does not necessarily contain the telephone number associated with the USOC. Consequently, AT&T concludes that competitors have to devote too much time and resources to searching for the correct telephone number and line-based features to make using the parsed CSR worthwhile, especially for competitive LECs that intend to offer mass-marketed local exchange service. *See* AT&T Qwest I Reply at 25-26.

[177] Qwest I Notarianni/Doherty Reply Decl. at para. 139, and Qwest I Notarianni/Doherty Decl., Exhibit LN-OSS-5 (Developer Worksheets -- PreOrder) at 28.

[178] KPMG Final Report, App. HP-B (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 7.0*) at 39, (Table 5.2 – PCG Pre-Order to Order Integration).

[179] *See* App. K at paras. 34-35.

[180] *See* AT&T Qwest I Finnegan/Connolly/Menezes Decl. at para. 124; WorldCom Qwest III Comments at 12-13 (arguing that Qwest makes development of interfaces far too difficult). WorldCom also argues that there are unresolved inconsistencies between the Local Service Ordering Guide (LSOG) and the Developer Worksheets which make it difficult for competing LECs to use EDI. *See* Letter from Lori Wright, WorldCom, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 6, 2002) at 9-10. For example, WorldCom states that the Developer Worksheets are unclear on whether community names in the customer's address should be spelled out or abbreviated. *Id.* at 9. The record shows that WorldCom submitted a change request (CR) on Sept. 30, 2002 pursuant to Qwest's change management process (CMP). *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 22, 2002) at 2-5 (Qwest Nov. 22e *Ex Parte* Letter). WorldCom's CR will be addressed at the next CMP meeting. *Id.* at 3. Additionally, we note that Qwest convenes a documentation review board to review each change made to either the LSOG or the Developer Worksheets to ensure that consistent changes are made to both documents. *Id.* at 2. Finally, we note Qwest has (continued….)

explicit finding to the contrary, and by the integration materials that Qwest makes available to competitors. As described above, HP's integration report expressly states that Qwest makes the following documents available to competitors: *EDI Implementation Guidelines for Interconnect Mediated Access*,[181] and *IMA EDI Disclosure Document*,[182] both of which are downloadable from the web.[183]

56. Similarly, we find that the address verification inconsistencies that AT&T complains exist in the PREMIS and Customer Record Information System (CRIS) databases do not rise to the level of checklist noncompliance.[184] First, the record indicates that both Qwest's retail and wholesale customers are affected by the database inconsistencies.[185] The record shows that Qwest's process for migrating customers for both wholesale and retail requires that the service request contain a valid PREMIS address or the service request will not be created. Any other method of address validation, whether obtained through conversation with the customer or through another source such as CRIS, may cause the LSR to be rejected.[186] The inconsistency between the PREMIS and CRIS databases appears to be a common phenomenon in other BOC

(Continued from previous page)
responded to WorldCom's request for clarification on community names, and Qwest plans to make a change to the Developer Worksheets for IMA Release 12.0 that will more clearly specify when abbreviations should be used. *Id.* at 4.

[181] *EDI Implementation Guidelines for Interconnect Mediated Access* provides competitors with information necessary to implement EDI processing with Qwest, and defines both the implementation process and the technical guidelines required to achieve implementation. KPMG Final Report, App. HP-B (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 7.0*) at 4.

[182] The *IMA EDI Disclosure Document* defines EDI business model/processes; developer worksheets (business rules for pre-order, order and post-order; and EDI trading partner access information (data mapping examples, enveloping and general guidelines). KPMG Final Report, App. HP-B (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 7.0*) at 4.

[183] In addition, Qwest provides competitors with its technical publications, as well as its listing of USOCs and FIDS, all of which are also available online at its website. Moreover, as noted above, Qwest has a team of integration experts with whom competitors can speak as they develop integrated interfaces. KPMG Final Report, App. HP-B (*Hewlett-Packard's Pre-Order/Order Integration Field Comparison Report, Analysis of Qwest IMA EDI Release 7.0*) at 4.

[184] *See* AT&T Qwest I Comments at 40; AT&T Qwest I Finnegan/Connolly/Menezes Decl. at paras. 137-38; AT&T Qwest I Reply at 27-28. AT&T explains that it has found it necessary to obtain address information for migration orders by using the address validation tool found in Qwest's GUI interface. AT&T Qwest I Comments at 28. AT&T states that using this approach causes double data entry because entries must be made to both the LSR and its own back office systems. AT&T also asserts that the CRIS/PREMIS address "mismatch" problem is unique to the Qwest region. *See id.* at 28, n. 56. Similarly, WorldCom argues that Qwest is the only BOC to require a pre-order address query in order to keep an order from rejecting. WorldCom Qwest III Comments at 6.

[185] *See* Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189 (filed Aug. 13, 2002), Attach. at 1 (Qwest August 13f *Ex Parte* Letter).

[186] *Id.*

regions,[187] and the Commission has never required BOCs to eliminate the inconsistencies. Although we recognize that "TN migration"[188] would address the problems resulting from the inconsistency, the Commission has never imposed this requirement.[189] We note that Qwest first received a request to implement TN migration from WorldCom on June 13, 2002.[190] The competitive LEC community must prioritize this change for inclusion in a future IMA release, and it is likely that this agreed-upon change will be available with the IMA 12.0 Release scheduled to be issued on April 7, 2003.[191] We further note that Qwest's reject rates are similar

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[187] *See, e.g., SWBT Texas Order* 15 FCC Rcd at 18431-32, paras. 157, n.427; at 18442-43, para. 177; at 18580 (App. B) at para. 15. We have stated that the mismatch between the PREMIS and CRIS databases is not a problem related to parsing. Instead, it is an internal database problem. An internal database inconsistency is not fatal to an applicant, for the inconsistency may affect the BOC's retail operations as well as its wholesale customers. *See id.* at 18580 (App. B) at para. 15.

[188] TN migration means that a carrier can place an order using only the customer's telephone number.

[189] Nor, contrary to WorldCom's suggestion, does the Commission find it appropriate to mandate migration by telephone number. *See* WorldCom Qwest I Comments at 5-6; WorldCom Qwest I Lichtenberg Decl. at paras. 13-18; WorldCom Qwest I Lichtenberg Reply at paras. 5. WorldCom alleges that its high reject rate is being caused by Qwest's requirement that a customer's address be provided on CSR queries. It explains that, although it recently submitted a change request for Qwest to allow migration by name and telephone number, Qwest should have been aware of its importance to competitive LECs, as it was discussed in both the *SWBT Texas Order* and the *BellSouth Georgia/Louisiana Order*. *See* WorldCom Qwest I Lichtenberg Decl. at para. 18.

[190] Qwest I Notarianni/Doherty Reply Decl. at para. 145.

[191] *Id. See also* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, Executive Director-Federal Regulatory, to Marlene Dortch, Secretary, Federal Communications Commission, Docket Nos. 02-148 and 02-189 (filed Aug. 13, 2002) (Qwest August 13a *Ex Parte* Letter) at 2-3. Qwest explains that the change request, SCR061302 (Migrate UNE-platform Customers by TN), was prioritized as number nineteen on the priority list for IMA 12.0 implementation. The following steps are required before this change can be implemented. First, Qwest must define the business and functional specifications, and the specifications will be completed on a per CR basis, in priority order. During this phase, Qwest will discuss any CRs that have affinities (similarities in functions or software components) with the competitive LECs. Qwest will also present any complexities, changes in CR size, or other concerns that may arise during this phase. Also during this phase, competing LECs can modify or add new CRs with a request that they be added to the list of release candidates. On November 21, 2002, Qwest began the next phase in the process: presenting packaging options -- the different combinations of proposed CRs. Due to affinities in candidates, or resource constraints, some CRs may be not implemented by Qwest while new options will completed. If more than one option is available, a vote will be taken. The option with the largest number of votes will continue through the design phase of the development cycle. On December 19, 2002, participants agreed to a final list of the CRs, which include both SCR061302-01 (Migrate UNE-platform by TN) and SCR060702-01 (Migrating Customers Using the Conversion As Specified Activity Type). These change requests are scheduled for inclusion in IMA 12.0, scheduled to be made available to competing LECs on April 7, 2003. *See* Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed December 19, 2002) at 1 (Qwest Dec. 19 *Ex Parte* Letter on CRs). In August 2002, WorldCom escalated its request for both "migrate by TN" and "migrate as specified," but other competitive LECs voted against this request. *See* WorldCom Qwest III Comments at 10; Qwest III Appl., Addendum, Tab 2, at 2. As Qwest requires these change requests to be approved unanimously, they were not adopted after some competing LECs opposed the change. Qwest III Appl., Addendum, Tab 2, at 3. Although WorldCom argues that Qwest forced this result (*see* WorldCom Qwest III Comments at 10-11), we conclude that Qwest followed the documented change management procedures.

to those approved in previous section 271 applications,[192] and we expect Qwest will commit resources to prevent any problems until the permanent fix is implemented in April.

57. We also find that Qwest's return of multiple CSRs in response to CSR inquiries does not pose a barrier to competition.[193] IMA returns multiple CSRs when it encounters more than one customer account in "live" status. This situation happens when a customer requests a billing change, the final bill is still pending, and – consequently – the account remains in "live" status until the final bill is issued.[194] Since this situation is limited to only those accounts that are in between billing cycles, there are only limited chances of this problem occurring. For example, during the months of June through September 2002, multiple CSRs were returned for 3.4 to 5.2 percent of the CSR requests made via IMA EDI 8.0; 2.7 to 5.8 percent for IMA EDI 9.0; and 0 to 4.8 percent for IMA EDI 10.0.[195] The results for IMA GUI 10.0 show that 4.0 to 4.4 percent of CSR requests produced multiple CSRs.[196] The record also shows that when multiple CSRs are returned, competitors can deduce from the returned CSR fields which CSR is the correct CSR.[197] Given the low incidence of the problem and the fact that competitors can work around it, we find that competitive LECs that receive multiple CSRs in these limited circumstances are nonetheless able to submit a complete and accurate conversion LSR.

58. Notwithstanding WorldCom's assertions to the contrary, we do not find it competitively significant that Qwest requires carriers to include a customer's existing services and other pieces of information in order to process an order.[198] The record shows that in 1997

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[192] *See* discussion of reject rates in the Ordering section below.

[193] *See* WorldCom Qwest I Reply at 3; WorldCom Qwest I Lichtenberg Reply Decl. at paras. 8-10. WorldCom states that this problem occurs in approximately 10% of the cases, and that its partner in the Qwest region, Z-Tel, has had to develop the capacity to display multiple CSRs. *See id.*

[194] *See* Qwest August 13a *Ex Parte* Letter at 3.

[195] *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, Docket Nos. 02-314 (filed Nov. 15, 2002) (Qwest Nov. 15b *Ex Parte* Letter) Attach. A at 1.

[196] *Id.*

[197] *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, Docket Nos. 02-148 and 02-189 (filed Sept. 9, 2002) (Qwest Sept. 9c *Ex Parte* Letter) at 1. Qwest's IMA User's Guide provides that when a competitor receives multiple CSRs, a list of the accounts is returned. For each account, the following fields are provided: listed name; account status; billing telephone number; customer code; and several address fields (*e.g.,* house number, street name and city). *Id.* Using this information, competitive LECs determine the correct CSR. Even if information does not produce the correct CSR, the record shows that competitive LECs can also review the full CSR for each account. *Id.* A competing LEC can use a variety of fields returned on the full CSR to resolve the multiple match (*e.g.,* the reseller ID to determine account ownership or the billing tab to determine billing responsibility). *Id.*

[198] *See* WorldCom Qwest I Comments at 6; WorldCom Qwest I Reply at 3-4; WorldCom Lichtenberg Reply Decl. at paras. 11-12. WorldCom asserts that these requirements do not exist in other BOC regions. WorldCom has listed eight differences in the ordering practices in the Qwest region versus the other BOC regions, including the need to submit both existing feature information as well as feature identifiers (FIDs), which include such details (continued….)

Qwest did not have these requirements, and allowed competitors to submit service requests to convert customers "as specified." However, due to missing feature problems that consistently developed after migration, Qwest, in response to requests from competing carriers, modified its process to require a positive identification of the action to be taken for each existing feature.[199] Given that competitors asked for the elimination of the process for which WorldCom now requests re-implementation, we cannot find that WorldCom's issue is problematic for all competitors in the Qwest region. Moreover, we are heartened by the evidence showing that Z-Tel recently submitted a change request allowing "as specified" conversions,[200] and that this change is being implemented in two phases. First, effective August 15, 2002, Qwest eliminated the requirement that competitors must list the existing account's unwanted features on its LSRs.[201] The second phase, which is yet to be implemented, will eliminate the requirement that a competing LEC differentiate between features that are being retained and features that will be added. As this phase requires system changes, the competitive LECs are in the process of prioritizing this change, and it is anticipated that this agreed-upon change will be available with the release of EDI 12.0, anticipated to be issued on April 7, 2003.[202]

59. We reject WorldCom's allegation that Qwest takes too long to update CSR information.[203] The record indicates that Qwest updates the vast majority of CSRs within 3 to 5 days, and that this interval is the same for both wholesale and retail accounts.[204] In addition, contrary to WorldCom's contention, the record also shows that a supplemental order can be submitted without the CSR being first updated.[205] Thus, given that parity exists, we conclude that there is no evidence of discrimination.

60. We also reject WorldCom's arguments that separate directory listing inquiries must be done only in the Qwest region and that only in the Qwest region does the competing LEC need to access the CSR when submitting supplemental orders.[206] Our requirement is that

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about features as the "forward to" number if the customer has call forwarding. WorldCom Qwest III Comments at 4.

199 *See* Qwest I Notarianni/Doherty Reply Decl. at para. 146. *See also* Qwest August 13d, 2002 *Ex Parte* Letter at 17.

200 *See id.*; Qwest I Notarianni/Doherty Reply Decl., Exhibit CLD-22 (Change Request SCR060702).

201 *See* Qwest Aug 13f *Ex Parte* Letter at 2.

202 *Id*. For an explanation of how the change management process operates, see n. 191, below.

203 WorldCom Qwest I Lichtenberg Reply Decl. at para. 11.

204 Qwest I Notarianni/Doherty Qwest I Reply Decl. at para. 147. *See also* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 22, 2002) at 1 (Qwest Nov. 22a *Ex Parte* Letter).

205 *Id.*

206 WorldCom Qwest III Comments at 6-8.

the BOC provide nondiscriminatory access to unbundled network elements at rates, terms, and conditions that are just, reasonable, and nondiscriminatory, which is not necessarily identical in every BOC region.[207]

(iv) Access to Loop Qualification Information

61. Based on the evidence in the record, we find that Qwest provides competitive LECs with access to loop qualification information in a manner consistent with the requirements of the *UNE Remand Order.*[208] Specifically, we find that Qwest provides competitors with access to all of the same detailed information about the loop that is available to itself and in substantially the same timeframe as any of its own personnel could obtain it.[209]

62. Currently, Qwest provides carriers with various methods to obtain loop make-up information.[210] Qwest offers two primary loop qualification tools[211] through its EDI and GUI interfaces -- Unbundled Loop Qualification Tool (LQT)[212] and the Raw Loop Data Tool (RLDT).[213] These tools provide loop qualification information based upon, but not limited to,

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[207] *See* App. K at para. 26.

[208] *In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 15 FCC Rcd 3696 (1999) (*UNE Remand Order*). The Commission's rules require Qwest to provide competitors all available information in its databases or internal records, in the same time intervals that it is available to any Qwest personnel, regardless of whether Qwest retail personnel have access to such information. *UNE Remand Order*, 15 FCC Rcd at 3885-87, paras. 427-31.

[209] *Verizon Massachusetts Order,* 16 FCC Rcd at 9016-17, para. 54. *See also* App. K at para. 35.

[210] *See* Qwest I Application at 115; Qwest I Notarianni/Doherty Decl. at para. 109.

[211] Qwest I Notarianni/Doherty Reply Decl. at para. 41 and Exhibit LN-1 (Data Elements in Loop Qualification Tools). Qwest also offers a third tool, the DSL for Resale tool. This tool "qualifies working loops by telephone number or address so that a CLEC can determine whether resale of Qwest DSL is available. This tool accesses the QCity/QServ database, which is the same loop qualification tool used by Qwest's Retail representatives." The tool "provides the capacity for a CLEC to request automatic re-qualification of the telephone number that received a 'No' response on a periodic basis to determine if there has been a change in qualification status. If a loop becomes available at a latter date, the CLEC is notified." *See* Qwest I Notarianni/Doherty Decl. at para. 110.

[212] The LQT "is used to determine if loops that meet the technical requirements defined for the ADSL-compatible loop product are available. This tool returns two levels of data to the CLEC. First, the query returns a loop qualification tab, which provides loop status (whether facilities qualify or not, whether a construction job, a bona fide request, or conditioning is required, and if the loop is too long), a loop qualification message that contains some loop information (*i.e.,* the telephone number or circuit; loop length; bridge tap length; the type of facility; the load type, if any; and the insertion loss calculated at 196 kilohertz frequency with 135 ohm terminations), and finally the loop product availability code to indicate which products are available. The second set of data provided is behind the loop data tab. This information is based upon LSOG 5 guidelines, and it details 12 different data points and descriptive values to assist the CLEC in qualifying loops. Some of the data points included are loop length, pair gain presence, presence of bridged tap or load coils, loop composition and remote switching unit indicator." *See* Qwest I Notarianni/Doherty Decl. at para. 111.

[213] The Raw Loop Data tool is able to provide "CLECs with the necessary loop make-up information to allow them to make a determination of whether a loop qualifies for the specific DSL service they wish to provide utilizing (continued….)

customer address or telephone numbers. The record shows that these tools provide the underlying information only,[214] and once a competitor obtains loop make-up information, it can apply its own DSL qualification algorithm to the underlying make-up information to make a determination of loop suitability.[215] These tools provide information on more than 90 percent of Qwest's loops.[216] In addition, Qwest states that it has implemented a manual process to permit competitive LECs to obtain loop make-up information within 48 hours in the event the automated tools provide incomplete information.[217] Thus, competitors can request loop make-up information either through Qwest's mechanized tools, or request that Qwest perform a manual search of its paper records to determine whether a loop is capable of supporting advanced technologies.[218]

63. Qwest has shown that both its RLDT as well as its Unbundled Loop Qualification Tool use the same underlying database as Qwest retail.[219] Competing LECs, as well as Qwest retail, access information on loop make-up from the Loop Qualification Database (LQDB) which is generated from the information that resides in the Loop Facilities Assignment & Control System (LFACS).[220] The RLDT, using information from LFACS, returns loop qualification information to competing LECs, including loop length, presence of bridged taps and load coils, and whether there is a digital loop carrier all the way to the customer drop.[221] Information on loop length can be obtained from the LQDB in one of two ways: the "Makeup Information" field or the "MLT Distance" field. The information in the "Makeup Information" field contains information on loop length from engineering records.[222] The information contained in the LQDB is refreshed each day for approximately 60 wire centers. Over a period of approximately one

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Qwest's two-wire or four-wire Non-Loaded Loop products. This tool provides information about loop make-up characteristics, including: address, telephone number or circuit ID, CLLI code, terminal ID, Load Coils, Bridged Tap, Wire Gauge, and Cable and Pair make up. A CLEC may request loop make-up information for up to 24 loops or telephone numbers per query." *See* Qwest I Notarianni/Doherty Decl. at para. 112. There are two types of RLDT: a web-based version and an IMA-based version. *See* Qwest III Notarianni/Doherty Reply Decl. at para. 17.

[214] *See* Qwest I Application at 115.

[215] *See* Qwest I Notarianni/Doherty Reply Decl. at para. 41.

[216] *See id.* at para. 109, n. 133. *See also* Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, Docket Nos. 02-148 and 02-189 (filed Aug. 13, 2002) (Qwest August 13d *Ex Parte* Letter) at 8.

[217] Qwest I Notarianni/Doherty Decl. at para. 117.

[218] *See SWBT Kansas/Oklahoma Order,* 16 FCC Rcd at 6293-94, para. 122.

[219] *See* Qwest Nov. 7d *Ex Parte* Letter at App. A.

[220] *Id.* at Attach., 14.

[221] *Id.* at Attach., 4-5.

[222] During 2001, Qwest added feeder and distribution loop make-up information to the LFACS database. This information is returned by the RLDT under the "Makeup Description" field of the RLDT. *Id.* at 40-41

month, all of Qwest wire centers are refreshed. As part of the refresh process, the MLT Distance information in the RLDT is also refreshed.[223] Qwest considers the information contained in the "Makeup Information" field to be more accurate.[224]

64. Commercial performance data indicate that Qwest is meeting its requirements to provide loop qualification information in a timely and accurate fashion. Qwest has met or exceeded the pre-order response time benchmarks (≤ 20 seconds) in all nine states in the past four months for providing competitive LECs with access to Unbundled Loop Qualification information, as well as making Qwest DSL for Resale available.[225] KPMG also conducted a "Loop Qualification Process Evaluation."[226] This test covered 11 separate evaluation criteria,[227]

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[223] Qwest III Notarianni/Doherty Reply Decl. at paras. 40-42. Qwest uses the Mediacc's Automated Loop Testing (MALT) process to extract MLT distance. *Id.* 37-42. MALT is an application that performs a mechanized MLT on telephone numbers, but returns only limited information, including loop length in feet. When the MLT distance is returned for the telephone number that was identified as the specific serving terminal during the MALT application, it is applied to all loops in that serving terminal, adjusting the MLT distance based on a number of factors, such as the wire-center and the distance band, to account for inherent inaccuracies of MLT distance values. *Id.* at para. 42. LFACS refreshes the loop make-up information in LQDB by wire center on a rolling monthly basis. In other words, some of the wire centers are updated in each nightly refresh run, with the entire set of wire centers completing within a 30 day calendar period. Qwest Nov. 7d *Ex Parte* Letter Attach. at 6-7.

[224] Qwest III Notarianni/Doherty Reply Decl. at 41.

[225] Qwest I Notarianni/Doherty Decl. at paras. 118-129. *See also* PO-1A-7 (Pre-Order Resp. Times, Loop Qual Tools, Avg Sec), requiring ≤ 20 seconds between query and response for pre-order transactions relating to the loop qualifications tools submitted via GUI ; PO-1B-7(Pre-Order Resp. Times, Loop Qual Tools, Avg Sec), requiring ≤ 20 seconds between query and response for pre-order transactions relating to the loop qualifications tools submitted via EDI; PO-1A-8 (Pre-Order Resp. Times, Resale of Qwest DSL Qual, Avg Sec.), requiring ≤ 20 seconds between query and response for pre-order transactions relating to Resale of Qwest DSL submitted via GUI; and PO-1B-8 (Pre-Order Resp. Times, Resale of Qwest DSL Qual, Avg Sec.), requiring ≤ 20 seconds between query and response for pre-order transactions relating to Resale of Qwest DSL submitted via EDI.

[226] KPMG Final Report at 120. KPMG described the evaluation as "a review of the Digital Subscriber Line (DSL) loop qualification processes and procedures developed and employed by Qwest to support both retail and wholesale customers. Operational analysis techniques were used to determine if parity exists in the design, implementation, and use of Qwest's loop qualification process. Additionally, the Loop Qualification Evaluation assessed remedial options available for both the retail and wholesale processes." *Id.* (footnote omitted) During this evaluation, KPMG did not place substantial reliance upon information provided by competitive LECs. *See* Letter from Peter Rohrbach, Attorney for Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148 (filed Aug. 27, 2002) (Qwest August 27e *Ex Parte* Letter).

[227] The 11 evaluation criteria were: 1) End-user information that is required prior to the submission of a loop qualification is the same for wholesale and retail orders (Test 12.7-1-1); 2) Loop qualification query process is consistent for retail and wholesale customers (Test 12.7-1-2); 3) Processes and procedures are defined for addressing errors regarding loop qualifications in the retail and wholesale environments (Test 12.7-1-3); 4) Qwest's internal process flow used for loop qualification is consistent for retail and wholesale customers (Test 12.7-1-4); 5) Qwest contact information is readily available for retail and wholesale customers (Test 12.7-1-5); 6) The customer receives confirmation of the completion of a loop qualification, or can access the status of loop qualifications (Test 12.7-1-6); 7) Systems and processes are in place to allow wholesale and retail loop qualification queries to be performed using the customer address (Test 12.7-1-7); 8) Loop qualification response types that are provided are consistent between retail and wholesale customers (Test 12.7-1-8); 9) The escalation process for loop qualifications (continued….)

and Qwest satisfied them all. Generally, the test found that Qwest's retail and wholesale processes were consistent for providing pre-order loop qualification information, assembling pre-order responses, escalating problems, and providing thorough and capable management.[228]

65. We reject the arguments made by Covad and AT&T that Qwest's processes for providing loop make-up information violate our *UNE Remand Order*.[229] First, both commenters generally state that the RLDT's information is unreliable and inaccurate, and that competitors do not have equal access to all of Qwest's loop qualification information. Second, these commenters raise issues surrounding MLT testing. Specifically, they ask for access to mechanized loop testing (MLT) at the pre-order stage to correct alleged deficiencies in the RLDT. Further, commenters argue that the fact that Qwest conducts mechanized loop testing (MLT) at the provisioning stage indicates that critical information about the characteristics of these loops is being withheld from competing LECs.[230] Third, commenters maintain that Qwest has not discharged its duty to act in absolute truth and candor before this Commission because it diminished the visibility of MLT at the provisioning stage during regulators' visits. We address these objections in turn.

66. *Reliability and Accuracy of the RLDT's Loop Qualification Information.* Covad states that it tested the accuracy of the RLDT in Colorado and found a number of failures.[231] Moreover, Covad argues that the RLDT produces "false positive" and "false negative" responses.[232] Covad also states that the RLDT returns varying degrees of information depending on the type of validation method used,[233] and that it receives inconsistent information about loops where pair gain is on the line. AT&T states that the RLDT does not contain information on loop conditioning and spare facilities that are not connected to the Qwest switch.[234] Similarly, Covad

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is consistent for retail and wholesale customers (Test 12.7-1-9); 10) The capacity management process for loop qualification is consistent for retail and wholesale customers (Test 12.7-1-10); and 11) Loop qualification performance measurement processes are consistent for retail and wholesale operations (Test 12.7-1-11). *See* KPMG Final Report at 126-132.

228 KPMG Final Report at 125-132 (Test 12.7) (Loop Qualification Process Evaluation).

229 *See generally* AT&T Qwest I Comments at 39-40; AT&T Qwest III Comments at 50-57; AT&T Qwest I Finnegan/Connolly/Menezes Decl. at paras. 125-129; Covad Qwest I Comments at 13-22; Covad Qwest III Comments at 5-21.

230 AT&T Qwest III Comments at 53-57; Covad Qwest III Comments at 15-21. WorldCom Nov. 6 *Ex Parte* Letter at 13.

231 *See* Covad Qwest I Comments at 19-20.

232 *Id*.

233 *Id.* at 21.

234 AT&T Qwest I Finnegan/Connolly/Menezes Decl. at para. 127; AT&T Qwest I Reply at 28.

states that Qwest regularly skipped updating loop qualification information for the databases that supply the RLDT and other wholesale loop qualification tools.[235]

67. In addition, AT&T argues that Qwest is using its LFACS database and all other information sources without allowing competitors to do the same.[236] It also contends that Qwest does not share information that its engineers possess concerning the availability of spare facilities not connected to the Qwest switch.[237] In a similar vein, Covad states that Qwest is not sharing information that it generated when it conducted a region-wide, bulk manual loop test.[238] It also maintains that Qwest's manual, "Employee Training of LFAC Updates," states that outside plant workers may provide new "outside plant" information to either Qwest retail or to the database, implying that Qwest is bending the rules by not mandating that all new information go to the database.[239] Covad also maintains that Qwest has another, entirely separate, process for updating loop make-up information that apparently is provided only for, and to provision, Qwest retail orders.[240] Covad argues that the technicians dispatched to either provision or repair Qwest retail DSL loops send their form to the Load Resource and Allocation Center (LRAC) which has no responsibility for updating LFACS.[241]

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[235] *See* Covad Qwest I Comments at 18.

[236] *See* AT&T Qwest I Finnegan/Connolly/Menezes Decl. at para. 128 & n.89.

[237] *Id.* at paras. 127-128.

[238] *See* Covad Qwest I Comments at 19; Letter from Praveen Goyal, Senior Counsel for Government and Regulatory Affairs, Covad Communications Company, to Marlene H. Dortch, Secretary, Federal Communications Commission, WCB Docket No. 02-148 at 2-3 (filed July 23, 2002) (Covad July 23 *Ex Parte* Letter).

[239] *See* Covad Qwest I Comments at 18-19; Covad Qwest I Reply at 11.

[240] Covad Qwest III Reply at 9-11. Additionally, Covad argues that evidence in the Minnesota hearings showed that: (1) Qwest reminded its retail employees that loop qualification information might be inaccurate and that additional steps are required to confirm whether the loop can support xDSL; and (2) unlike competing LECs, Qwest employees can access information that will determine whether loops are incorrectly statused in LFACS. *See* Letter from Praveen Goyal, Covad, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 21, 2002) at 2-3 (Covad Nov. 21 *Ex Parte* Letter). The Minnesota hearings showed that Qwest employs an 11-step process in order to identify alternate facilities to provision loop requests for both retail and wholesale orders for any loop order that is not automatically assigned through LFACS. *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 6, 2002) at 3-5 (Qwest Dec. 6 *Ex Parte* Letter on loop qualification issues). Qwest does not conduct a MLT as part of this 11-step process. *Id.* at 4. For these loops that do not flow through the LFACS database, Qwest uses a manual process conducted by the Loop Provisioning Center (LPC). *Id.* Status updates that are generated by this process are incorporated into LFACS. *Id.* Additionally, the record shows that if the QCity tool used by Qwest retail DSL representatives shows that the customer does not qualify for Qwest retail DSL, the Qwest retail representative will request a manual investigation of the loop using exactly the same manual process available to competing LECs. *Id.* at 5-6.

[241] *Id.* at 9-10.

68. We reject these claims for the following reasons. As an initial matter, KPMG testing found that Qwest provided loop qualification information in a nondiscriminatory manner.[242] Specifically, the record expressly shows that both retail and wholesale personnel obtain information from the LFACS database,[243] and we find no evidence that Qwest has denied competitors' access to the information in LFACS.[244] KPMG investigated the databases to which competitors had access, and reported that they have access to LFACS and all other sources of loop make-up information in the same manner as Qwest retail representatives.[245] Although this access is not "direct," we have never required that BOCs allow direct interaction with LFACS.[246] Indeed, we do not find it reasonable to require each competitive LEC, placing orders in multiple jurisdictions, to learn the back office ordering system used by each BOC, which is what "direct access" would require.[247] We also note that evidence in the record indicates that AT&T unsuccessfully raised these same issues in the Colorado section 271 proceeding and the Multi-State proceeding.[248]

69. To the extent the RLDT does contain inaccurate or incomplete information, the Commission has previously held that any inaccuracies or omissions in a BOC's database are not discriminatory to the extent they are provided in the exact same form to both retail and wholesale

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[242] According to its Final Report, KPMG examined the DSL loop qualification processes and procedures developed and employed by Qwest to support both retail and wholesale customers, and found no evidence of discrimination. Specifically, it examined the following methods that wholesale customers can use to obtain loop qualification information: IMA tools (Qwest DSL Qualification Tool; ADSL Unbundled Loop Qualification Tool; and the RLDT); Website tools; telephone inquiry; and email or fax. It found non-discriminatory access to all these tools. *See* KPMG Final Report at 122 (Test 12.7) (Loop Qualification Process Evaluation). Moreover, a comparison of Figure 12.7-1 (Qwest Retail Loop Qualification Query Process) to Figures 12.7-2 (Wholesale Loop Qualification System Process) and 12.7-3 (Unbundled ADSL Loop Qualification Process) illustrates that both retail and wholesale customers have access to the same information sources. *See id.* at 121, 123-24.

[243] *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, Docket Nos. 02-148 and 02-189 (filed Sept. 6, 2002) (Qwest September 6 *Ex Parte* Letter) at 1.

[244] Additionally, Covad argues that KPMG did not evaluate Qwest's procedures for providing all loop qualification information. *See* Covad Qwest I Comments at 14-15; Covad July 23 *Ex Parte* Letter at 2; Covad Qwest I Reply at 8. However, Covad's comments appear misplaced. For example, KPMG found that the loop qualification process is consistent for retail and wholesale customers. *See* KPMG Final Report at 127 (Test 12.7-1-2) (Loop Qualification Query Process is Consistent for Retail and Wholesale Customers). KPMG found that wholesale customers can determine whether a loop qualifies for DSL service by e-mailing or faxing an inquiry, and that during its evaluation, it observed that wholesale representatives used various loop qualification tools, including additional process documentation. *See* KPMG Final Report at 127. *See also* Qwest August 13a *Ex Parte* Letter at 8.

[245] *See* KPMG Final Report at 124 (Test 12.7) (Loop Qualification Process Evaluation).

[246] Competing LECs do not directly access LFACS; instead, they access RLDT which contains information from LFACS. Similarly, Qwest retail representatives use QCity/QServ to access the information in LFACS.

[247] *See* Qwest I Notarianni/Doherty Reply Decl. at para. 55.

[248] *Id.* at para. 56.

customers.[249] Moreover, the Commission has declined to require incumbent LECs to catalogue, inventory, and make available to competitors loop qualification information through automated OSS even when it has no such information available to itself.[250]

70. Moreover, RLDT is not the only source of loop qualification information available to competitors. To the extent that competitors believe that information is inaccurate or not complete, Qwest will perform a manual search of its back office records, systems and databases.[251] For these reasons, we cannot find that the RLDT's alleged unreliability denies competitors a meaningful opportunity to compete. Although Covad and AT&T state that it is premature to conclude that Qwest will adequately process manual requests for loop information,[252] they do not present any evidence to undermine Qwest's claims surrounding its manual loop qualification process. We do not find that speculation about Qwest's ability to perform in the future warrants a finding of checklist noncompliance today.

71. Covad additionally asserts that it should be allowed to audit Qwest's loop qualification information to ensure parity of access and information in the future.[253] Specifically, Covad states that it should be allowed to ascertain what loop information is accessible to any Qwest employee, not just Qwest retail representatives, and that the audit right should extend to Qwest's paper records, including engineering records, back office systems and databases.[254] We note that Qwest already permits audits of its loop qualification databases in its SGAT, should a competing LEC feel the need to validate that the information being returned by the tools is comparable to the information available to Qwest.[255] Notably, Qwest has not received any such audit requests to date.[256] Given that the record indicates that Qwest's current automated and manual processes are adequate for providing access to loop qualification information in its

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249 *See Verizon Massachusetts Order*, 16 FCC Rcd at 9024, para. 66.

250 *UNE Remand Order*, 15 FCC Rcd at 3886, para. 429.

251 Qwest I Notarianni/Doherty Reply Decl. at para.70. As stated above, in addition to the automated loop qualification tools available to competing LECs, Qwest also provides competing LECs a mechanism to request a manual look-up of loop make-up data should the competing LEC find that the response the tools return is incomplete or inconsistent, or if the competing LEC questions the accuracy of the information returned. *See* Letter from R. Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 7, 2002) (Qwest Nov. 7 *Ex Parte* Letter) Attach. at 12 (citing SGAT § 9.2.2.8.6). To date, Qwest has only received five manual look-up requests (from one competing LEC) since Qwest implemented this manual process in June 2002. Qwest Nov. 7d *Ex Parte* Letter Attach. at 13.

252 *See* AT&T Qwest I Finnegan/Connolly/Menezes Decl. at para. 129.

253 *See* Covad Qwest I Comments at 16-22; Covad July 23 *Ex Parte* Letter at 3; Covad Qwest III Reply at 22-26.

254 *See* Covad Qwest I Comments at 18.

255 See Qwest Nov. 7d *Ex Parte* Letter at Attach., 12. (citing SGAT §§ 9.2.2.8 and 18)

256 *Id.*

possession, we see no need to consider expanding competitors' audit rights in the manner Covad suggests.

72. We also are not persuaded that Qwest is failing to disclose engineering information about spare facilities, given that AT&T provides no supporting evidence for its conclusory statements. Similarly, we are not persuaded that language in an employee manual giving outside plant workers the option of providing new loop information to either retail representatives or to the database demonstrates that Qwest is providing more information about its loops to its retail representatives. We also disagree with Covad's assertion that Qwest has failed to share information from the region-wide MLT. Notably, the North Dakota Commission conducted an investigation into this issue, and concluded that Qwest made the results of the test available to competitors.[257] Therefore, we conclude that there is no credible evidence to support a finding that Qwest is denying competitors' parity of access to its loop qualification information.

73. Lastly, we reject Covad's claims that competitors have to wait until the LFACS database is updated, up to 30 days after the voice is turned on, to pre-qualify a new Qwest voice customer that wants Covad data services.[258] The record shows that Qwest provides competitors the ability to pre-qualify a data customer as soon as the voice service is turned up for the customer.[259] Although in the past it may have taken longer, Qwest implemented a capability in August 2001 to permit competitors to access loop qualification information as soon as a customer's voice service was activated.[260] Specifically, this capability provides that each time LQDB receives a query for loop make-up information or qualification, it sends a query to LFACS to determine if there has been a change to LFACS for the queried telephone number or address.[261] During the third-party test, KPMG observed Qwest's use of this capability.[262]

74. *Issues Surrounding MLT.* The record shows that Qwest uses MLT in two ways: First, using the MALT process described above, Qwest populates the MLT loop length field in

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[257] *See* North Dakota Commission Qwest I Comments, Section 271 Consultative Report at 131.

[258] *See* Covad Qwest I Comments at 19-20.

[259] *See* Letter from Yaron Dori, Attorney for Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, Docket Nos. 02-148 and 02-189 (filed Aug. 16, 2002) (Qwest August 16c *Ex Parte* Letter) at 6-8.

[260] Qwest added this functionality with the 8.0 IMA Release in August 2001. *Id.* at 6-7.

[261] *Id.* A change to LFACS can occur when new service has been installed or existing service has been moved or changed. If a change has occurred and there is new or changed data in LFACS, the new or changed data in LFACS is populated in LQDB and provided in the response. The "recent changes" check assures that newly installed service will be immediately added to LQDB. *Id.* at 6-7.

[262] In sections 2.1.2 and 2.1.3 of the Test 12.7 Final Report, KPMG reported that "the LQDB . . . is updated with revised LFACS data on a nightly basis. [The LFACS and LQDB] 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." *See* KPMG Final Report at 121-22.

the RLDT.[263] This information is refreshed periodically.[264] Loop length information is necessary for competitors to determine whether the loop is capable of supporting the advanced services they wish to offer and is available from the RLDT. Second, Qwest uses MLT during the provisioning process (as well as maintenance and repair) to ensure that the intended loop is in working order.[265] During the provisioning process, the information received from MLT is used to guarantee the quality of the loop, not to determine whether the high-frequency portion of the loop is capable of supporting the advanced services that competitors want to provide.[266] The information provided by MLT that is required to qualify a loop for DSL service (*e.g.*, whether the line is capable of supporting ADSL or whether there is a digital loop carrier (DLC) all the way to the customer drop) is already provided in the RLDT.[267]

75. Commenters raise a host of issues related to Qwest's use of MLT. First, they allege that Qwest should be required to provide pre-order access to MLT so that competing LECs can verify that the loop can support the service that they intend to provide. Second, commenters contend that Qwest is violating the *UNE Remand Order* because Qwest is not providing competing LECs with nondiscriminatory access to the same detailed information about the loop that is available to the BOC through the MLT. Third, according to certain parties, the fact that Qwest does not share information about the MLT results with competing LECs is a violation of the *UNE Remand Order* because the information provided by MLT is more accurate than the information provided by Qwest in its databases. Finally, these commenters maintain that Qwest should be required to provide "post-order/pre-delivery" MLTs to competing LECs so that competitors can verify that the loop provided by Qwest is capable of supporting the advanced services they wish to offer over it. We address these arguments below.

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[263] See n.223 above.

[264] Qwest III Notarianni/Doherty Reply Decl. at para. 42

[265] Qwest Nov. 7d Ex Parte Letter, Attach. at 1-8. A MLT returns information regarding whether certain faults exist on a line, which should be resolved by submission of a repair ticket. Faults such as tip and ring imbalance, ground conditions, foreign voltages, and open conditions may also be resolved through the repair process. *See* Qwest Dec. 6 *Ex Parte* Letter at 9-10.

[266] *Id.* at 3-4. This information is cut and pasted in the circuit notes section of the Work Force Administrator (WFA). Qwest III Reply, Reply Declarations Book 1, Tab 5, Declaration of Mary Pat Chesier at paras. 6-8 (Qwest III Chesier Reply Decl.). Qwest has, and will continue to, put into place measures to ensure that access to WFA is limited to those Qwest personnel who perform or support provisioning and repair functions. Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 22, 2002) at 1-2 (Qwest Nov. 22f *Ex Parte* Letter). The limited amount of information pasted into WFA is not loop qualification information and Qwest has never used it for loop qualification purposes. *Id.* Qwest retains this information only to keep a record of the loop conversion transaction. *Id.*

[267] Qwest Nov. 7d *Ex Parte* Letter at 4.

76. We disagree with AT&T and Covad that they should be allowed to perform a pre-order MLT to verify that the loop can support the services that they intend to provide.[268] The Commission has never required pre-order access to MLT, and we decline to do so here, as several of Qwest's state commissions have also declined to do.[269] Specifically, the Commission has recognized that "MLT information is merely a small subset of . . . information . . . . [and that] the inability of competitors to access this subset of information on a pre-order basis is not fatal to [a BOC's section 271] application."[270] Further, Qwest itself does not perform MLT at the pre-order stage.[271] The fact that Qwest performs MLT testing on wholesale orders at the provisioning stage, in order to ensure that a loop is in working order before turning it over, does not mean that Qwest should be required to perform a MLT on every loop at the pre-ordering stage and provide such information to competing LECs. Accordingly, we do not find that Qwest's failure to provide a pre-order MLT warrants a finding of checklist non-compliance.

77. Second, we reject AT&T and Covad's argument that the fact that competing LECs do not have access to the information from MLTs run during the provisioning process means that Qwest is in violation of the *UNE Remand Order*.[272] Qwest performs the MLT when

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[268] *See* AT&T Qwest I Comments at 40, AT&T Qwest I Finnegan/Connolly/Menezes Decl. at paras. 130-132; Covad Qwest I Comments at 22-25; Covad July 23 *Ex Parte* Letter at 3; Covad Qwest I Reply at 12-14. Both commenters state that a MLT would allow competitors to verify the presence of digital loop carriers. Covad also argues that MLT will provide information regarding loop characteristics in the outside plant, such as "loop length, grounds, opens, foreign voltage" which would be helpful to Covad in determining whether a particular loop is capable of supporting xDSL service at the time it is ordered. *See* Covad Qwest III Reply at 18-19.

[269] We note competing LECs efforts to expand pre-order MLT access in many other venues. *See* North Dakota Qwest I Comments, Section 271 Consultative Report, at 131. AT&T requested that the North Dakota Commission require Qwest to perform a pre-order MLT. That agency declined, agreeing with the facilitator who examined the issue, concluding that "Qwest has not performed MLT for itself, except in one, broad scale program, the results of which are made available to C[ompeting] LECs," and observing that "Qwest has reason to discourage such testing because it disrupts service when it takes place." *Id.* North Dakota agreed with the conclusion that "Qwest's approach to making loop qualification information available to competing LECs does not require allowing MLT in order to provide C[ompeting] LECs nondiscriminatory treatment and a meaningful opportunity to compete," and that Qwest should not be required to make the test available unless it begins to use it for itself or affiliates. *Id. See also* Colorado Commission Qwest I Reply at 22. The Colorado Commission explains that Qwest ran a MLT on its copper loops, provided the resulting data into its RLDT, and a Colorado hearing examiner determined that Qwest was not required to do more. Colorado states that Covad raised the issue of providing a MLT again, and the Commission determined that a pre-order MLT is not required, and that Qwest does not provide one for its own retail services. *Id.*

[270] *Verizon Massachusetts Order*, 16 FCC Rcd at 9023-24, para. 65.

[271] *See, e.g.,* Letter from David Lawson, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 6, 2002) at 2 (AT&T Dec. 6 *Ex Parte* Letter); Letter from Praveen Goyal, Covad, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 21, 2002) at 1-4 (Covad Nov. 21 *Ex Parte* Letter).

[272] AT&T Dec. 6 Ex Parte Letter at 2; Covad Nov. 4 Ex Parte Letter at 2-3; Covad Nov. 21 Ex Parte Letter at 1-4. As stated above, Qwest uses MLT before provisioning any analog loop converting from Qwest dial tone to a competing LEC unbundled loop for both basic and coordinated installations. Qwest Nov. 7 *Ex Parte* Letter at 15.

provisioning loops as a diagnostic test to determine the functionality of the loop to ensure Qwest is turning over a quality circuit to competing LECs.[273] Although the MLT reveals information concerning the loop, we disagree with commenters that this information is "loop qualification information" as the Commission has defined it. Specifically, pursuant to the *UNE Remand Order*, incumbent LECs are obligated to provide competitors with information concerning whether "the loop is capable of *supporting the advanced services equipment* the requesting carrier intends to install."[274] Accordingly, loop qualification information is information concerning whether the loop can be used to provide advanced services. This is separate and distinct from information that may indicate whether a particular loop is in working order or needs to be repaired. The record indicates that the loop information produced by the MLT identified by Covad and AT&T[275] is not "loop qualification" information as the Commission has defined it nor is it necessary for loop qualification. To the extent Qwest obtains loop characteristics from its MLT at the provisioning stage that is, in fact, loop qualification information, we find that such information, such as loop length or DLC, is already available to competitors through RLDT.[276]

78. Third, we disagree with AT&T and Covad that Qwest has access to superior loop qualification information because it has access to the results of the MLT done at the provisioning

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[273] *Id.* at 2.

[274] *UNE Remand Order*, 15 FCC Rcd 3885 at para. 427 (emphasis added).

> For example, the incumbent LEC must provide to requesting carriers the following: (1) the composition of the loop material, including, but not limited to, fiber optics, copper; (2) the existence, location and type of any electronic or other equipment on the loop, including but not limited to, digital loop carrier or other remote concentration devices, feeder/distribution interfaces, bridge taps, load coils, pair-gain devices, disturbers in the same or adjacent binder groups; (3) the loop length, including the length and location of each type of transmission media; (4) the wire gauge(s) of the loop; and (5) the electrical parameters of the loop, *which may determine the suitability of the loop for various technologies*.

Id. (emphasis added). *See also* 47 C.F.R. §51.5 (Pre-ordering and Ordering).

[275] *See, e.g.,* Letter from Michael Hunseder, Counsel for AT&T, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 7, 2002), Attached Suppl. Decl. of Kenneth Wilson at para. 17 (AT&T Nov. 7 Ex Parte Letter); Covad Nov. 4 *Ex Parte* Letter at 3-4; s*ee also* Qwest Nov. 7 *Ex Parte* Letter at 3-4.

[276] Qwest Nov. 7d *Ex Parte* Letter, Attach. at 3-4. We note that Qwest's MLT capabilities are not as advanced as those of other BOCs. All other BOCs are using LC 2.0 which allows for possible DSL-specific testing (load coils, bridged taps, wideband noise) if new generation test equipment is also installed. In contrast, Qwest is using MLT LoopCare LC 1.0. *See id.* at 3. Accordingly, Qwest is not able to derive as accurate and detailed loop information as other BOCs. For example, although Qwest's MLT indicates that a digital loop carrier's equipment is present, it does not provide equipment details. In contrast, the RLDT provides information about the presence, location, type of digital loop carrier on the loop, as well as information about the presence of pair gain. *See* Qwest Nov. 7d Ex Parte Letter, Attach. at 1-7.

or repair stage.[277] To the contrary, the record reveals that, through the RLDT, competitors have access to more accurate loop qualification information than what is derived through the MLT. According to Qwest, 93.7 percent of loops in the RLDT have actual loop lengths from engineering records, whereas the MLT derives only estimated loop lengths.[278] Moreover, retail employees "use the QServ tool that informs them if Qwest DSL is available at a specific address or telephone number, [and this tool provides] far less information than is provided to competing LECs through the loop qualification tools as competing LECs receive specific detailed information on loop makeup and length of the loop."[279] We also disagree that Qwest does not provide all loop qualification information in its possession to competitors. As discussed above, we find that the information necessary for competing LECs to determine whether a loop is capable of supporting the advanced services the competing LEC wishes to offer over the loop are already contained in the RLDT.[280] For example, although Qwest also uses MLT on a regular basis as part of the MALT process, all loop length information derived from this process is inserted into LFACS and is made available to competitors in a nondiscriminatory manner.[281] In

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[277] *See, e.g.*, AT&T Nov. 7 *Ex Parte* Letter, Wilson Suppl. Decl. at paras. 18-19. AT&T and Covad allege that a MLT will show actual and current characteristics for the loop as of the date of the test, and that this information is more accurate than the information provided by Qwest through its RLDT. AT&T Nov. 7 Ex Parte Letter, Wilson Supp. Decl. at para. 17; Covad Nov. 4 *Ex Parte* Letter at 3; Covad Nov. 21 *Ex Parte* Letter at 3.. Specifically, commenters allege that MLT can provide data regarding loop qualification information like bridge taps, presence of DLC, or pair gain. AT&T Nov. 7 *Ex Parte* Letter, Wilson Decl. at para.17; Covad Nov. 4 *Ex Parte* Letter at 3; Covad Nov. 21 *Ex Parte* Letter at 3. Based on the record before us, we disagree. As noted, the record shows that Qwest's MLT capabilities are not as advanced as those of other BOCs and does not provide information on load coils, bridged taps or wideband noise. Qwest Nov. 7d *Ex Parte* Letter at 3. *See* also n.276 above. As far as the presence of DLC is concerned, we note that Qwest's "Pair Gain Type" field of the RLDT will indicate if DLC is present on the line, and if so, will identify the type of DLC for each segment of the loop. Qwest Nov. 7d *Ex Parte* Letter at 5. This information is more accurate and easier to use than the MLT results of whether there is a DLC all the way to the customer drop, which requires technical interpretation of the MLT result. *Id.* Given that Qwest's MLT does not provide additional information that would be useful for loop qualification, we conclude that Qwest has adequately demonstrated that it meets the requirements of the *UNE Remand Order*. The record shows that the "Makeup Field" in the RLDT contains current information, as the information is updated in a variety of different ways. *See* Qwest Dec. 6 *Ex Parte* Letter at 11-12. Additionally, AT&T contends that since the information obtained from provisioning MLTs is retained by Qwest, the *UNE Remand Order* requires that the information be shared with competing LECs. AT&T Dec. 6 *Ex Parte* Letter at 4. Given our conclusion that this information is not necessary for loop qualification purposes, it is inconsequential that this information is retained by Qwest in its back office systems.

[278] Qwest Nov. 15f *Ex Parte* Letter at 2. We note that the information in the RLDT comes from information in the LQDB.

[279] *Id.*

[280] *See* paras. 63-72 above. *See also* n.277 above. Using its own parameters for the type of DSL service it wishes to offer, a competing LEC can use the data returned through the RLDT to determine if the requested loop meets the technical parameters of the DSL service the competing LEC wishes to offer. *See* Qwest Nov. 7d *Ex Parte* Letter at 8.

[281] *See* Qwest I Notarianni/Doherty Reply Decl. at para. 46.

addition, Qwest shows that of the loops in the RLDT, less than 5 percent of those that are capable of having MLT-generated loop length information are missing this information.[282]

79. Finally, we reject Covad's argument that the Commission should order Qwest to provide competing LECs with access to "pre-delivery" MLTs after Covad has ordered the loop, but before it has accepted the loop, to assure quality of the loop.[283] The Commission has no such requirement, and we do not impose one here. Covad argues that Qwest should perform MLTs on line-shared loops prior to loop delivery to ensure that a loop that is capable of line-shared ADSL service is being turned over to competing LECs.[284] Although Qwest does not perform MLTs as part of the provisioning process for line-shared loops, it has several processes in place to ensure that the high-frequency portion of the loop is operational before turning it over.[285] In any event, Covad is raising issues related to loop quality rather than loop qualification.[286] Qwest is required to provide line-shared loops that do not contain ground faults or other problems that would

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[282] Qwest Nov. 15f *Ex Parte* Letter at 2. The record shows that 68.3% of loops in the RLDT currently contain MLT-generated loop length information. *Id.* Roughly 30 percent of loops are incapable of having MLT-generated loop lengths because they are connected to pair gain, are unbundled loops, are spare loops, or are in wire centers that do not have MLT capabilities. *Id.* Although Qwest does not update the RLDT (through updates to the LQDB) with the provisioning MLT-generated loop length information, Qwest states that the individually MLT-generated loop length information is not significantly different from the loop length information generated using the MALT process. *Id.* at 6.

[283] Covad argues that the information returned from an MLT would be useful to Covad at the post-order/pre-delivery stage. *See* Covad Qwest III Reply at 21-22. Similarly, AT&T argues that once Qwest runs the MLT test, that information must be made available to competing LECs. AT&T Dec. 6 *Ex Parte* Letter at 3. AT&T argues that such information about the capabilities of the loop gives Qwest an advantage, for example, in winback situations where Qwest is competing with the competing LEC currently serving a customer to obtain the customer's business. *Id.* As discussed above, however, we find that the information obtained by the provisioning MLT is not loop qualification information. Even if the information was loop qualification information, the record shows that Qwest retail personnel do not have access to this information. *See* Qwest Nov. 22f *Ex Parte* at 1-2. Qwest has presented sworn testimony that Qwest retail personnel use QCity/QServ to determine whether a loop is capable of supporting Qwest's DSL offering, and use the same manual look-up process available to competing LECs when information on a particular loop is not returned by QCity/QServ. *See* Qwest Dec. 6 *Ex Parte* Letter at 5-7. Therefore, it is not credible that this information gives Qwest a competitive advantage over competing LECs.

[284] Covad Qwest III Reply at 21.

[285] *See* Qwest Nov. 15f *Ex Parte* Letter at 3-4. Additionally, Qwest notes that MLT results during line shared loop provisioning will provide negligible information. *Id.* at 4. Faults identified through a MLT performed during the provisioning process would most likely have caused degradation to the voice frequency and have generated a trouble report from the end user customer prior to the line shared loop being provisioned. *Id.* Furthermore, Qwest performs quality assurance testing on two aspects of line shared loops during testing. First, central office wiring is tested to assure a viable data path exists between the physical demarcation with the competing LEC and the loop. *Id.* This test today is performed using an LSVT test set. *Id.* Qwest also checks that there are no load coils on the line prior to provisioning line-shared loops. *Id.* As an additional step to assure line shared loops are properly provisioned, beginning in the first Quarter of 2003, Qwest will provide router testing for requesting competing LECs. *Id.*

[286] *See* para. 74 above.

prevent line a from being used for advanced services, and we decline to dictate their business practices or to how they accomplish this. Significantly, we note Qwest's satisfactory commercial performance on provisioning quality of line-shared loops.[287] We also note that Qwest's line-sharing provisioning quality is an element of the PAP for the nine application states. Qwest will be subject to penalties if the quality of loops they provide for line-sharing deteriorates.[288]

80. *Allegations of Lack of Candor.* Finally, we are not persuaded by allegations that Qwest's actions during visits to its wholesale provisioning facility by Commission staff warrant denial of these section 271 applications. AT&T has provided a declaration from a former Qwest service representative that alleges Qwest misled the Commission, particularly during a visit by Commission staff to Qwest's Omaha wholesale provisioning facility, about Qwest's use of the MLT in the hot cut process. The declarant, Edward Stemple, alleges that "Qwest supervisors instructed the service representatives who were to be observed by the FCC to perform the cutover process without performing MLTs," even though "my co-workers and I were instructed to run an MLT for each line" in the normal course.[289] The Stemple declaration also includes as an attachment an e-mail message from "the head of [the Omaha facility]" to Qwest employees working there that states that "we made an effort to diminish the visibility to MLT during these visits for the sole purpose of protecting access to our legacy systems."[290]

81. Commenters argue that Qwest's attempts to hide MLT testing from regulators, as well as Qwest's use of MLT in the provisioning process, indicates the Commission cannot be confident that Qwest provides competitors with access to all of the loop makeup information accessible by any Qwest personnel in Qwest's back office systems.[291] We disagree. As discussed above, we find that Qwest satisfies the *UNE Remand* requirement for access to loop qualification.

82. In addition, commenters raise the issue of Qwest's candor on the issue of MLT in this proceeding.[292] Commenters allege that Qwest appears to have – at the very least – "diminish[ed] the visibility" of a particular step in its Omaha routine to protect the position

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[287] *See* Provisioning section below, addressing OP-3 and OP-4. *See also* OP-5 (New Service Installation Quality) for line sharing.

[288] See Public Interest Section, below.

[289] AT&T Qwest III Comments Tab A, Declaration of Edward F. Stemple at para. 1 (AT&T Qwest III Stemple Decl.).

[290] *Id.*

[291] AT&T Qwest III Comments at 51-58; Covad Qwest III Reply at 5-14; *see also* Letter from Praveen Goyal, Covad, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 at 2-4 (filed Nov. 4, 2002) (Covad Nov. 4 *Ex Parte* Letter).

[292] *See, e.g.,* Department of Justice Qwest III Evaluation at 4-5; AT&T Qwest III Comments at 3-5; Covad Qwest III Reply at 3-4; TouchAmerica Qwest III Reply at 4-7; AT&T Nov. 7 Ex Parte Letter at 2-3.

Qwest has taken before state and federal regulators.[293] Moreover, the Department of Justice expresses concern that Qwest sought to limit the information available to regulatory decision-makers and recommends that the Commission assure itself that it has full and accurate information with regard to this allegation.[294]

83. We find that the evidence presented by AT&T's declarant, even if true, does not directly contradict any statements made by Qwest in this proceeding's record. Qwest readily acknowledges that it performs the MLT as a part of its loop provisioning process.[295] Mr. Stemple's allegations about Qwest's use of the MLT concern neither the appropriateness of using the MLT at the pre-ordering stage, which is an issue raised by Covad, nor whether the information gathered and used in the provisioning-stage MLT is in fact loop qualification information, as alleged by AT&T. Mr. Stemple's allegations, while of potential concern, do not implicate issues that are significant in the record, nor do they have a bearing on our finding of Qwest's compliance with this checklist item. Based on the record before us, we have sufficient information pertaining to Qwest's use of the MLT that enables us to find that Qwest's loop qualification processes are nondiscriminatory. We take very seriously allegations that a carrier has willfully and intentionally taken steps to limit regulators' access to relevant information. Accordingly, we have examined particularly closely Qwest's use of the MLT process. Although we find that Qwest meets the statutory standard, we caution carriers against withholding information and will not hesitate to take action against carriers that do so.

c. Ordering

84. In this section, we address Qwest's ability to provide competing carriers with access to the OSS functions necessary for placing wholesale and resale orders. We find that Qwest demonstrates, based on the evidence in the record, that it provides nondiscriminatory access to its ordering systems.[296] Specifically, we conclude that Qwest shows that its system is able to process manually handled orders accurately.

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[293] AT&T Qwest III Stemple Decl., Attach. 1. The Qwest e-mail message from Mary Pat Chesier attached to AT&T's Stemple declaration also includes the following statement:

> CLECs have specifically asked for access to MLT. We believe this is a part of our legacy system we want to keep proprietary. As a result we don't want to bring attention to it in front of the FCC as they may have a tendency to respond to CLEC requests in a manner which may be unfavorable to us.

Id.

[294] Department of Justice Qwest III Evaluation at 4-5.

[295] Letter from R. Steven Davis, Qwest, to Marlene Dortch, Federal Communications Commission, WC Docket No. 02-314 at 5 (filed Oct. 21, 2002) (Qwest Oct. 21 Ex Parte Letter).

[296] *See* Colorado Commission Qwest I Comments at 2-3 (maintaining that the ROC OSS test demonstrates that Qwest's OSS meets the competitive checklist criteria after reviewing areas in which Qwest fell short of a passing grade); Idaho Qwest I Commission Comments at 6 (recognizing that while some areas still need improvement, the (continued….)

85. We disagree with commenters' allegations that Qwest relies too heavily on manual processing.[297] The Commission has looked to order flow-through as a potential indicator of a wide range of problems that underlie a determination of whether a BOC provides nondiscriminatory access to its OSS. Although flow-through levels may be a useful diagnostic tool, even when these levels are not high, this is not necessarily fatal to a BOC's application. A BOC may still demonstrate compliance with checklist item 2 if other evidence shows that there is nondiscriminatory access to OSS.[298] In the following discussion, we address the OSS ordering issues that the Commission previously has found relevant and probative for analyzing a BOC's ability to provide access to its ordering functions in a nondiscriminatory manner: a BOC's ability to return timely status notices such as firm order confirmation, reject, jeopardy, and service order completion notices, to process manually handled orders accurately, and to scale its system.[299]

86. As an initial matter, we disagree with Eschelon's contention that Qwest improperly included the performance of UNE-Star orders with UNE-platform orders in its performance metrics.[300] Eschelon contends that UNE-Star orders should be categorized as resale products in the performance metrics because, according to Eschelon, they are ordered, provisioned, and billed through the existing resale processes.[301] Contrary to Eschelon's

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overall record demonstrates that competing LECs have nondiscriminatory access to Qwest's OSS); Iowa Board Comments at 32; Montana Commission Qwest II Comments at 19-22; Nebraska Qwest I Commission Comments at 8; North Dakota Qwest I Commission Comments at 203; Utah Commission Qwest II Comments at 5; Wyoming Commission Qwest II Comments at 6; Washington Commission Qwest II Comments at 12-14.

[297] *See* AT&T Qwest I Comments at 40-42; Covad Qwest I Comments at 39-41; Eschelon Qwest I Comments at 6; Eschelon Qwest III Comments at 20-27; WorldCom Qwest I Comments at 10-12; WorldCom Qwest I Reply at 3-4; WorldCom Qwest I Reply, Lichtenberg Decl. at paras. 11-12, 18. WorldCom Qwest III Comments at 4-6; WorldCom Qwest III Comments, Lichtenberg Decl. at para. 10. *See also* Department of Justice Qwest III Evaluation at 5-6. Eschelon also contends that errors are created in the flow-through service order process. *See* Eschelon Qwest III Comments at 31-34.

[298] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4035, para. 162.

[299] *See Bell Atlantic New York Order,* 15 FCC Rcd at 4035, para. 163; *SWBT Texas Order,* 15 FCC Rcd at 18443-44, para. 179; *BellSouth Georgia/Louisiana Order,* 17 FCC Rcd at 9092, para. 143.

[300] Letter from Karen Clauson, Senior Director of Interconnection, Eschelon Telecom, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189, at 12 (filed Sept. 4, 2002) (Eschelon Sept. 4 *Ex Parte* Letter). UNE-Star is a product, unique to Qwest, that combines elements of resale orders and UNE-platform orders. Parties have also referred to UNE-Star as UNE-E or UNE-Eschelon or UNE-McLeod or UNE-M. These products have been purchased by Eschelon and McLeod, although they are available to other carriers as well. *See also* Eschelon Qwest III Comments at 44-47.

[301] Eschelon Qwest III Comments at 44-47. Additionally, we are troubled by the allegations of this offering as an unfiled agreement, and we note that, to the extent any past discrimination existed, affected entities may initiate enforcement action through state commission enforcement processes or this Commission in the context of a section 208 complaint proceeding. *See* Public Interest Section, Unfiled Agreements below.

contention, we note that UNE-Star has characteristics of both resale and UNE-platform orders.[302] The process of migrating customers from Qwest retail to resale is not substantially different from the process of migrating customers from Qwest retail to UNE-platform, as well.[303] Indeed, the categorization of UNE-Star orders was apparently confusing to Qwest itself:[304] Qwest originally classified UNE-Star as resale orders, but notified competing LECs in the Summary of Notes published with Qwest's October 2001 commercial performance results that it would re-categorize UNE-Star orders as UNE-platform orders in November 2001 (and retroactively to January 2001).[305] Competing LECs, including Eschelon, have thus been on notice for almost a year that Qwest reports its UNE-Star performance in the UNE-platform category. Moreover, Eschelon provides no evidence that Qwest's performance varies between resale and UNE-platform orders. In fact, an examination of Qwest's performance data shows that there are no significant performance disparities between UNE-platform performance as filed and after excluding UNE-Star orders.[306] In the absence of evidence that significant performance disparities exist between resale and UNE-platform orders, or that Qwest has violated the agreed-upon performance reporting process, we find that the categorization of UNE-Star orders as UNE-platform orders does not warrant a finding of checklist noncompliance.

(i) Order Confirmation and Reject Notices

87. We conclude that Qwest provides competing carriers with order confirmation and reject notices in a timely and nondiscriminatory manner.[307] Specifically, we find that Qwest has demonstrated that it provides mechanically processed firm order confirmations (FOCs) and reject

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[302] *See* Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189 (filed Sept. 9, 2002) at 1 (Qwest Sept. 9d *Ex Parte* Letter).

[303] *Id*. Qwest explains that the processes use the same LSR forms, with all the same fields being populated. *Id.*

[304] Qwest III Reply, App. A, Tab 15, Reply Declaration of Michael G. Williams at para. 48(Qwest III Williams Reply Decl.).

[305] Qwest III Reply at 52-53; Qwest III Williams Reply Decl. at paras. 47-48.

[306] *See* Qwest III Appl. at Tab 1 (Breakout of UNE-P Star Performance Data: Tab 15) (citing confidential version) (showing the difference between performance results for UNE-platform orders including and excluding UNE-Star orders for OP-3 (Installation Commitments Met), OP-4 (Install Intervals, Avg Days), OP-5 (New Installation Quality), and MR-8 (Trouble Rate) for resale and UNE-platform orders).

[307] *See* Iowa Board Qwest I Reply at 9 (stating that issues raised by AT&T on order status notices will be reviewed at the six-month review). The KPMG Final Test shows that overall 99% of orders either received a FOC or error response notice (in the form of a reject notice or non-fatal error notice). The breakdown by type of order shows a similar pattern, with at least 98% of each order type receiving either a FOC or error notice. *See* KPMG Final Test Table 12-15 at 118. We reject arguments from AT&T that the reject timeliness metric (PO-3) is flawed because it does not include orders that are held for lack of facilities for 30 days and then rejected. *See* AT&T Qwest I Reply at 43. We find that concerns raised by AT&T about the specifics of a performance measure are more appropriately addressed by the state commissions. We expect that the state commissions will scrutinize the increasing levels of held orders, such as line-sharing orders in Colorado and Washington.

notices in a timely manner.[308] Qwest has also demonstrated that it provides timely FOC and reject notices for those orders that are electronically submitted but require manual processing.[309] Moreover, Qwest processes manually-submitted orders in a timely manner.[310]

88. Given Qwest's strong commercial performance on FOC timeliness, we reject Covad's arguments that Qwest does not send reliable and accurate FOCs.[311] Covad questions Qwest's ability to return accurate and timely FOC notices based on the Liberty audit, which showed that two-thirds of Covad's orders were omitted from the denominator of the FOC timeliness metric.[312] Liberty concluded, however, that the exclusions for Qwest's FOC timeliness metric, including the exclusion of Covad's orders, were consistent with the description of this performance metric (*i.e.*, business rules).[313] Without more specific evidence that Qwest is inappropriately excluding Covad orders from this measure, we find that Qwest's performance on FOC timeliness satisfies the requirement of the checklist.

89. We also reject allegations that Qwest's overall reject rates indicate systemic OSS problems.[314] The Commission has previously found that high reject rates are not necessarily such

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[308] *See* PO-5A (Firm Order Confirmations On Time – Fully Electronic LSRs) with a standard of 95% of FOCs returned within 20 minutes; PO-3A-2 (LSR Rejection Notice Interval – LSRs Submitted Via IMA-GUI and Auto-Rejected); and PO-3B-2 (LSR Rejection Notice Interval – LSRs Received Via EDI and Auto-Rejected) with standards of ≤ 18 seconds. *See also* Qwest I Williams Decl. at paras. 117-123; Qwest I Notarianni/Doherty Decl. at paras. 206-250; Department of Justice Qwest I Evaluation at 18; and KPMG Final Report at 83–90.

[309] *See* PO-5B (Firm Order Confirmations On Time – Electronic/Manual LSRs) with a standard of 90% of FOCs returned within 24 hours, 48 hours or 72 hours, depending on product type; PO-3A-1 (LSR Rejection Notice Interval – LSRs Submitted Via IMA-GUI and Rejected Manually); and PO-3B-1 (LSR Rejection Notice Interval – LSRs Submitted Via EDI and Rejected Manually) with a standard of ≤ 12 business hours. Qwest has consistently met the standards set for these metrics for all nine application states.

[310] *See* PO-5C (Firm Order Confirmations On Time – Manual) with a standard of 90% of FOCs returned within 48, 72, or 96 hours, depending on product type; and PO-3C (LSR Rejection Notice Interval – LSRs Received Via Facsimile) with a standard of ≤ 24 work week clock hours (work week clock hours are 24 hours per day Monday through Friday). *See* Letter from R. Hance Haney, Executive Director-Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189, (filed Aug. 13, 2002) at 1 (Qwest Aug. 13d *Ex Parte* Letter).

[311] Covad Qwest I Comments at 43-44 (stating that the Liberty audit showed that two-thirds of Covad's orders were omitted from the denominator of PO-5); *see also* Covad Qwest I Reply at 19.

[312] Covad Qwest I Comments at 43; Covad Qwest I Reply at 19.

[313] Liberty Audit at 38 (stating conclusions regarding PO-5 data reconciliation).

[314] *See* AT&T Qwest I Comments at 9, AT&T Qwest I Finnegan/Connolly/Menezes Decl. at 149 (stating that Qwest's system rejects nearly one-half of all competing LEC orders and that the high rejection rates inflict a substantial burden because service is delayed and resubmission of orders is costly); WorldCom Qwest I Comments at 10; WorldCom Qwest I Reply at 5; WorldCom Qwest I Lichtenberg Reply at para. 2 (indicating that WorldCom's reject rates for its "Neighborhood products" offered through its partner Z-Tel are 11.4% in the SWBT region and 14.1% in the BellSouth region for the same time period, while its reject rate in the Qwest system is over 30%); Eschelon Qwest I Comments at 4 (arguing that it now receives automatic reject messages when migrating customers (continued….)

an indication.[315] We note that Qwest's reject rates are within the range the Commission has previously found to be acceptable.[316] Notably, the Department of Justice points out that reject rates in the *BellSouth Georgia/Louisiana Order* were similar to those in the Qwest region.[317] Furthermore, Qwest has shown that reject rates vary by competing LEC.[318] Because the record demonstrates that a number of competing LECs experience low reject rates, we conclude that it is inappropriate to attribute the wide range of reject rates entirely to Qwest.[319] Although we do

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under IMA release 10.0 that it did not have receive with an earlier IMA release). Qwest tracks information on reject rates, although there is no performance benchmark for these metrics. Qwest's commercial performance for June to September shows that an average of 31% of LSRs submitted over the GUI and an average of 22% of LSRs submitted over EDI were automatically rejected. *See* PO-4A-2 (LSRs received via GUI and auto-rejected) and PO-4B-2 (LSRs received via EDI and auto-rejected). For manual rejects, Qwest's commercial data show that from June to September, an average of 3% of LSRs submitted over the GUI and 5% of LSRs submitted over EDI were manually rejected. *See* PO-4A-1 (LSRs received via GUI and manually rejected) and PO-4B-1 (LSRs received via EDI and manually rejected). The third-party test also showed similar reject rates, with 20 to 25 percent of LSRs submitted through the GUI rejected, and 32 to 40 percent of LSRs submitted through EDI rejected, depending upon the service order processor (SOP) into which the LSR flowed. *See* KPMG Final Report Table 12-16 at 119. There are three SOPs corresponding to the three predecessor BOC companies that now make up Qwest: Qwest's Western Region covering Washington and Oregon, corresponding to Pacific Northwest Bell; the Central Region covering Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming, corresponding to Mountain Bell; and the Eastern Region covering Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, corresponding to Northwestern Bell. Although KPMG found that the SOPs differ, it noted that Qwest has standardized most of its processes across these three regions. *See* Qwest I Appl. Notarianni/Doherty Decl. at paras. 34-36. Of those reject notices received by KPMG, 16% of the EDI reject notices were manual rejects and 84% were auto-rejects; 34% of the GUI reject notices were manual rejects and 66% were auto-rejects. *See* KPMG Final Report Table 12-12 at 112. Because these reject rates are designed to monitor the error rate of competing LEC submissions, the rate includes rejects due to competing LEC error. Additionally, we find that Qwest has shown that the reject notice problem raised by Eschelon regarding new reject notices associated with IMA release 10.0 was corrected on July 10, 2002. *See* Eschelon Qwest I Comments at 4-6. Qwest states that it distributed a notification to all wholesale customers on July 10, 2002, informing competing LECs that the problem had been corrected. *See* Qwest I Notarianni/Doherty Reply Decl. at para. 149.

[315] *See, e.g., Bell Atlantic New York Order,* 15 FCC Rcd at 4044-45, para. 175; *BellSouth Georgia/Louisiana Order,* 17 FCC Rcd at 9091, para. 142.

[316] Bell Atlantic reported UNE average reject rates between 27 and 34% during the relevant months of its New York section 271 application. *See Bell Atlantic New York Order,* 15 FCC Rcd at 4044, para. 175, n.552.

[317] *See* Department of Justice Qwest I Evaluation at 15, n.61. We reject WorldCom's allegations that the Department of Justice was erroneously stating that reject rates in the *BellSouth Georgia/Louisiana Order* were similar to reject rates in the Qwest region for the instant application. WorldCom argues that reject rates for UNE-platform orders that are electronically submitted but fall out for manual handling are much higher in the Qwest region than in Georgia/Louisiana. *See* WorldCom Qwest I Lichtenberg Reply at para. 17. We have not required the reject rates for a particular product type to be identical across BOC regions. *See Bell Atlantic New York Order,* 15 FCC Rcd 4044, para. 175, n.552.

[318] Qwest I Notarianni/Doherty Reply Decl. at paras. 100-109.

[319] Qwest has submitted manual and automatic reject rates for competing LECs with the highest volume of orders in the nine application states submitting orders through both GUI and EDI. Those rates show a wide range, demonstrating that competing LECs with the highest volumes are able to submit orders with automatic reject rates (continued….)

not rely on it, we note that Qwest has said that it is likely that TN migration, as well as a simplified version of "migration as specified" that does not require competing LECs to list the customer's current features, will be available with the IMA 12.0 release in April 2003.[320] We believe, as we have observed in other orders, that these changes should reduce the reject rates experienced by competing LECs.[321]

90. Finally, we disagree with WorldCom's assertion that there was no third-party evaluation of Qwest's ability to identify multiple errors on an LSR.[322] The record shows that the issue of identifying and testing multiple errors was addressed as part of the Vendor Technical Conference held on May 15, 2002.[323] At that conference, HP confirmed that its test showed that returned error messages reflected all errors included on the LSR.[324] In the absence of any commercial evidence that Qwest does not return all error messages, we find that Qwest has shown that it is providing reject messages with all errors.

(ii) Jeopardy notices

91. We find that Qwest has shown that it sends timely and accurate jeopardy notices. Qwest measures the timeliness and accuracy of its jeopardy notices through two metrics: (1) the percent of late orders for which a jeopardy notice was actually sent, and (2) how far in advance of the due date a jeopardy notice was sent, regardless of whether the due date was actually missed.[325]

92. With regard to the first measure, the record shows that Qwest provides timely jeopardy notices for non-designed services, Link Interface Shelf (LIS) trunks, and UNE-platform POTS orders.[326] The record shows, however, that Qwest has failed to provide timely jeopardy

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as low as 0% and 1% and manual reject rates as low as 9% and 13%, for orders submitted via GUI and EDI respectively. *See* Letter from Hance Haney, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 5, 2002) at Attach (Qwest Dec. 5a *Ex Parte* Letter) (citing confidential version). Qwest does not track reject rates by the type of service ordered; however, we note that many of Qwest's markets have few competitors, making it difficult to make meaningful comparisons within the different services being ordered.

[320] *See* discussion above on TN migration and migration as specified. WorldCom contends that its high reject rate is being caused by the current lack of TN migration and "migration as specified. *See, e.g.*, WorldCom Qwest I Lichtenberg Decl. at para. 18.

[321] *See SWBT Texas Order*, 15 FCC Rcd at 18443, para. 178. *See also* Qwest III Reply at 35.

[322] WorldCom Qwest I Comments at 15; WorldCom Qwest I Lichtenberg Decl. at para. 56.

[323] Qwest I Reply at 38.

[324] *Id.* (citing to a transcript of ROC OSS 271 Vendor Technical Conference #3 at 153-154).

[325] *See* descriptions of PO-9 (Timely Jeopardy Notices) and PO-8 (Jeopardy Notice Interval) in ROC 271 Working PID Version 5.0 at 19-20.

[326] *See* PO-9A (Timely Jeopardy Notices – Non-Designed Services); PO-9C (Timely Jeopardy Notices – LIS Trunks); and PO-9D (Timely Jeopardy Notices – UNE-platform POTS).

notices for unbundled loops.[327] We find that Qwest's performance on unbundled loop jeopardy notices is not competitively significant because the volume of orders for unbundled loops for which Qwest actually missed the due date is very low, compared to the total volume of unbundled loop orders.[328] Given that Qwest's jeopardy performance problem affects so small a percentage of orders, we do not find that the performance disparity with respect to timely jeopardy notices for loops is an indication of a systemic problem with Qwest's OSS.[329] We also take into consideration that jeopardy notice metrics are included in Qwest's Performance Assurance Plan (PAP), which we discuss below.[330] If this situation deteriorates, we will not hesitate to take appropriate enforcement action pursuant to section 271(d)(6).[331]

93. Although Qwest's performance under the second measure, jeopardy notice interval, shows performance disparities in Colorado and Iowa, we find that these performance disparities do not indicate discriminatory access to jeopardy notices for competing LECs.[332] Specifically, Qwest has provided jeopardy notices closer to the due date for non-designed services in Colorado, and unbundled loops in Iowa than for analogous retail services.[333] We

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[327] *See* PO-9B (Timely Jeopardy Notices – Unbundled Loops) which shows the four-month average from June to September for competing LECs as 15%, 3%, 16%, 40%, 41%, 45%, 33%, 23%, and 50% versus Qwest performance of 22%, 28%, 30%, 36%, 24%, 36%, 35%, 16%, and 20% in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming, respectively. *See also* Colorado Commission Qwest I Comments, App. A at 65, Idaho Qwest I Commission at 8 (acknowledging that Qwest's performance is not at parity for this issue); Iowa Qwest I Board Reply at 9 (stating that issues raised by AT&T on order status notices will be reviewed in the six-month review). Both the Colorado and the Idaho Commissions noted that Qwest was not meeting parity for jeopardy notices and that they expect Qwest to continue to work to improve its performance in this area. Both commissions note jeopardy notice performance metrics are in the PAP. *See* Colorado Commission Qwest I Comments at 37; Idaho Qwest I Commission Comments at 8.

[328] Qwest I Williams Decl. at para. 135; Letter from Hance Haney, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 3, 2002) at Attach. (Qwest Dec. 3d *Ex Parte* Letter).

[329] We also note that in June 2002 Qwest installed an enhanced notification process in order to provide automated jeopardy notices for non-design, unbundled loops, and UNE-platform orders. *See* Qwest I Notarianni/Doherty Reply Decl. at para. 131. We note that performance in August and September shows an improvement from the previous months. See PO-9B (Timely Jeopardy Notices, UBLs and LNP) for the nine application states.

[330] *See* below Section VI.B. (Public Interest – Assurance of Future Compliance).

[331] 47 U.S.C. § 271(d)(6).

[332] *See* PO-8 (Jeopardy Notice Interval). This metric measures the average number of days lapsed between the date the customer is first notified of an order jeopardy event and the original due date of the order. It includes all orders that received jeopardy notices (with some exclusions), unlike PO-9 discussed above, which only tracks jeopardy notices in which the original due date was missed. *See* ROC 271 Working PID Version 5.0 at 19-20.

[333] *See* PO-8A (Jeopardy Notice Interval - Non-Designed Services) for Colorado reporting 3.14, 3.85, 2.43, and 1.73 days for competing LECs versus 6.08, 5.7, 5.99, and 5.68 for Qwest retail service for June through September and PO-8B (Jeopardy Notice Interval – UBL and LNPs) in Iowa, showing 3.91, 2.78, 3.67, and 5.11days for competing LECs versus 5.54, 5.26, 5.44, and 5.91 days for Qwest retail service for June through September.

note, however, that the number of jeopardy notices sent in both Colorado and Iowa is low relative to average volume of competing LEC orders for non-designed services or unbundled loop orders processed by Qwest in those states.[334] Given the small number of orders affected by these performance disparities, we conclude that these performance disparities do not warrant a finding of checklist noncompliance.

94. We disagree with WorldCom that our conclusion is undermined by commenters' references to third-party test results concerning Qwest's ability to provide jeopardy notices for resale and UNE-platform.[335] The KPMG test yielded inconclusive or negative results since only a small number of jeopardy notices was sent to KPMG.[336] The number of jeopardy notices sent to KPMG was small due to the fact that Qwest met 99 percent of its resale and UNE-platform due date commitments during the test.[337] Therefore, we reject commenters' arguments that the jeopardy notice interval and jeopardy timeliness metrics discussed above do not capture Qwest's true performance because KPMG issued "fail" or "unable to determine" decisions for these metrics.[338]

95. *Jeopardy and reject notices after FOC.* We reject contentions that the fact that Qwest sometimes sends jeopardy notices (or reject notices) after a FOC for incomplete or missing LSR information is an indication of underlying OSS problems.[339] Commenters claim that jeopardy notices are supposed to inform a competing LEC that the date for completing the order has changed from what the BOC originally promised on the FOC.[340] Qwest explains that it

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[334] *See* Letter from Hance Haney, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 4, 2002) at Attach. (Qwest Dec. 4c *Ex Parte* Letter). We note that PO-9 tracks only timely jeopardy notices for missed due dates caused by Qwest. *See* exclusions under PO-9 Timely Jeopardy Notices, ROC 271 Working PID Version 5.0 at 20.

[335] WorldCom Qwest I Comments at 14.

[336] KPMG Final Report Table V-2 at 690-692.

[337] Qwest I Notarianni/Doherty Reply Decl. at para. 132.

[338] *Id.*; *see also* KPMG Final Report Table V-2 at 690-692.

[339] AT&T Qwest I Finnegan/Connolly/Menezes Decl. at paras. 183-187; WorldCom Qwest I Comments at 13; WorldCom Qwest I Reply at 9; WorldCom Qwest I Lichtenberg Reply Decl. at para. 51; WorldCom Nov. 6 Ex Parte Letter at 11. In addition, AT&T argues that Qwest frequently assigns due dates requested by competing LECs without checking its systems to determine whether facilities are available on those dates. AT&T Comments at 43. The due date issue raised by AT&T is addressed below at para.113. The record shows that some of these jeopardy notices are due to competing LEC errors, such as duplicate LSRs being sent very close together. Some of the jeopardy notices were sent in error to competing LECs who were legitimately using an older version of IMA which had different ordering rules than the updated version. The record shows that Qwest has since clarified with its customer care personnel that competing LECs can use ordering guidelines with older versions of IMA. *See* Qwest I Notarianni/Doherty Reply Decl. at paras. 127-129 and Letter from R. Hance Haney, Executive Director-Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189, (filed Aug. 15, 2002) at 1 (Qwest Aug. 15b *Ex Parte* Letter).

[340] WorldCom Qwest I Comments at 13.

adopted the current process in response to competing LEC requests.[341] Under the current process, Qwest sends a jeopardy notice instead of a reject notice after a FOC.[342] The competing LEC then has the opportunity to supplement the order, thus avoiding the significant delay which would occur if the competing LEC had to resubmit the order. Given that Qwest modified its processes to accommodate competing carriers and Qwest's modification appears to benefit competing carriers, we are not persuaded by these two commenters' claims.

96. *Other FOC Issues.* We are also not persuaded by Covad's allegations that Qwest sends erroneous and unreliable FOCs.[343] Specifically, Covad states that on numerous orders, after receiving an initial FOC with a committed due date, Qwest sends Covad a second FOC with a new committed due date.[344] The record shows that for some of the unbundled loop products that Covad orders, Qwest sends – at Covad's request – a second FOC with a new due date to Covad when Qwest finds that facilities are unavailable.[345] The record further shows that for line-sharing products, multiple FOCs are often returned if, during the conditioning evaluation, Qwest determines that bridge taps and load coils need to be removed, since there is a fifteen-day standard interval for removing bridge taps and load coils.[346] If Qwest can complete the work early, the competing LEC receives an additional FOC with an improved due date.[347] In light of these explanations, we do not conclude that multiple FOCs sent by Qwest is an indication of discriminatory access to OSS.[348]

(iii) Service Order Completion Notices

97. Based on the evidence in the record, we find that Qwest is providing timely and accurate service order completion notices (SOCs).[349] We reject commenters' arguments that we

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[341] Qwest I Notarianni/Doherty Reply Decl. at para. 127.

[342] *Id.*

[343] Covad Qwest I Comments at 28.

[344] *Id.* Covad states that Qwest does not have the incentive to provide accurate due dates since the metric that tracks due date changes is not included in the PAP.

[345] Qwest I Notarianni/Doherty Reply Decl. at para. 121.

[346] *Id.* at paras. 120-125.

[347] *Id.*

[348] We note that Covad also argued in the Qwest I docket that it experienced more due date changes than Qwest experienced on its own. *See* Covad Qwest I Comments at 28. However, in this docket, Covad does not argue that it is currently experiencing more due date changes than Qwest.

[349] *See* PO-6A (Work Completion Notification Timeliness – All Products ordered through IMA-GUI) and PO-6B (Work Completion Notification Timeliness – All Products ordered through IMA-EDI) with a benchmark of 6 hours. This metric measures the difference between the time that the last of the service orders that comprise the competing LEC's LSR is completed in the SOP and the date and time the completion notification was transmitted (or was made available for orders submitted through the GUI) to competing LECs.

should find checklist non-compliance because Qwest has issued SOCs prior to the actual completion of line-sharing and UNE-platform orders.[350] For line-sharing orders, the record shows that Qwest has identified the problem, and has taken the necessary steps to control and correct it.[351] For SOC notices sent for UNE-platform orders, the record shows that in limited situations, Qwest may complete a service order though the order is in jeopardy status.[352] Given that this problem affects only a *de minimis* number of orders,[353] we decline to find that this issue warrants a finding of non-checklist compliance. If this problem should increase in scope, however, we will not hesitate to take enforcement action under our section 271(d)(6) authority.[354]

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[350] Covad Qwest I Comments at 26; WorldCom Qwest I Comments at 25; WorldCom Qwest III Comments at 15; WorldCom Qwest III Lichtenberg Decl. at para. 37-40; Eschelon Qwest III Comments at 17-20. The Department of Justice also noted concerns regarding SOC notifiers provided by Qwest. *See* Department of Justice Qwest III Evaluation at 5, n.22.

[351] The record shows that in January 2002, Qwest introduced additional controls, provided retraining for its technicians, and instituted a compliance checklist for these orders in the provisioning stage in an effort to ensure process adherence. Subsequently, in response to another request by Covad, Qwest began providing each central office manager with a daily report of line-sharing orders that were not completed by the assigned due date and did not receive a jeopardy code. Qwest also initiated a cross check, effective July 11, 2002, to the existing process to prevent line-sharing orders from completing prior to the installation work being properly preformed by the technician. This measure calls for identification of all line-sharing orders that are not complete by 4:00 pm local time. Inquiries into the provisioning status of the order result in either completion of the order or positive jeopardy notice to the competitor that the order may not complete on the desired completion date. Qwest I Stewart Reply Decl. at paras. 34-36; Qwest III Reply, App. A, Tab 2, Reply Declaration of Karen A. Stewart (Qwest III Stewart Reply) at 4. Qwest explains that the fix that was put in place in July 2002 will prevent the final service order from completing in the SOP. Since a SOC is generated by the last service order completing in the SOP, no SOC should be generated until the work is complete. *See* Letter from R. Hance Haney, Executive Director-Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189 at 1 (filed Aug. 30, 2002) (Qwest Aug. 30c *Ex Parte* Letter). *See also* Qwest III Stewart Reply Decl. at paras. 3-4.

[352] Qwest III Reply, App. A, Tab 17, Reply Declaration of Lynn MV Notarianni and Christy Doherty (Qwest III Notarianni/Doherty Reply Decl.) at para. 107. Qwest notes that this issue impacts less than 0.73% of service orders processed for both retail and wholesale. Qwest plans to fix the problem by the first quarter of 2003. *Id.* WorldCom also expressed concerns regarding double billing and repair issues that may stem from these "fake SOCs." *See* WorldCom Qwest III Comments at 15; WorldCom Qwest III Lichtenberg Decl. at para. 40. The record shows that double billing and repair issues do not arise because Qwest updates its billing and repair systems to reflect any change in account ownership at the time that it completes the service order. Qwest III Notarianni/Doherty Reply Decl. at para. 108.

[353] See Letter from Hance Haney, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 18, 2002) at 1 (Qwest Nov. 18b *Ex Parte* Letter).

[354] 47 U.S.C. § 271(d)(6). We note WorldCom's concern that if the volume of new UNE-platform orders increase, Qwest may increases the number of SOCs it sends for work that is not completed. See WorldCom Nov. 6 *Ex Parte* Letter at 11. We rely on competing LECs to inform the Commission in the future if this problem increases.

(iv) Processing of Manually Handled Orders

98. Based on the evidence in the record, we find that Qwest's orders are manually processed in an accurate fashion. Accuracy of manual processing is relevant to our analysis because the Commission has previously found that the timeliness and accuracy of manual processing is a more important indicator of nondiscriminatory access to OSS than the quantity of orders that are manually handled.[355] We look primarily to two metrics to determine Qwest's ability to accurately process orders – PO-20 and OP-5++.[356] PO-20 currently compares the LSR and service order fields for the customer's address, PON number, and due date of the order.[357] OP-5++ measures the troubles reported by competing LEC calls to service delivery centers due to LSR/service order mismatches for both manually and electronically processed service orders.[358] The record shows that the PO-20 accuracy rate for both unbundled loop orders and POTS orders (UNE-platform and resale) orders that are manually handled ranged from 90 percent to 97 percent from June to September 2002, which is in the range that the Commission has accepted in previous successful section 271 applications.[359] Qwest's order accuracy measured under OP-5++ shows that Qwest's accuracy rate under OP-5++ was over 99 percent in most states in July, August, and September.[360] In addition to the commercial data, we also rely on third-party tests that indicate Qwest provisioned switch features accurately.[361] These tests

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[355] *See Bell Atlantic New York Order,* 15 FCC Rcd at 4034-35, para. 162, *SWBT Texas Order,* 15 FCC Rcd at 18443-44, para. 179, and *BellSouth Georgia/Louisiana Order,* 17 FCC Rcd 9092, para. 143.

[356] This metric "Service Order Accuracy – via Call Center Data" was formerly known as OP-5++. *See* Qwest III Brief App., Tab 1 at 8. For purposes of the instant application, we will refer to it as OP-5++.

[357] *See* Qwest III Reply App. Tab 1, Exhibit 1-1 at 2.

[358] *Id.*, Exhibit 1-4 at 1.

[359] *See* PO-20 (Manual Service Order Accuracy, UNE-platform and Resale POTS) with (90.25%, 90.58, 92.78%, 96.88%), PO-20 (Manual Service Order Accuracy, UBL) with (96.46%, 95.20%, 95.16%, 94.42%) for June to September, 2002. *See also Bell Atlantic New York Order,* 15 FCC Rcd at 4043-44, paras. 173-174, nn.545, 548; *Verizon Massachusetts Order,* 16 FCC Rcd at 9032, para. 81, n.251; and *Georgia/Louisiana Order,* 17 FCC Rcd at 9103, para. 159, n.577.

[360] See OP-5++ (Service Order Accuracy – Call Center Data) reporting 99 percent or higher in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, and Washington for July, August and September, and 97 percent, 99 percent, and 95 percent in Wyoming in July, August, and September. In order to use the results of OP-5++ as a check on the accuracy of Qwest's manually handled orders, Qwest submitted the results of OP-5++ disaggregated into manually processed and electronically processed orders. *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 21, 2002) at 1-2 (Qwest Nov. 21b *Ex Parte* Letter). This disaggregation shows the accuracy of manually processed orders ranges between 98 percent and 100 percent in each of the nine states in the instant application between July and September, 2002, except for Wyoming. *Id.* We note that the accuracy of Wyoming's manually processed orders ranges from 92.5 percent to 97.9 percent in this time period. *Id.* However, the volume of orders processed in Wyoming is very small relative to the volumes processed in Colorado or Iowa. *Id.*

[361] *See* KPMG Final Test at 182-183, 186-87 (Tests 14-1-3 and 14-1-12). Eschelon argues that Qwest commits errors when performing switch translations. Eschelon Qwest III Comments at 27-33; *see also* Letter from Karen Clauson, Eschelon, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (continued….)

found that Qwest correctly provisioned switch features 99.1 percent of the time and that post-order CSR records contained the correct field inputs 97.2 percent of the time.[362]

99. We are further assured of Qwest's accuracy in manually processing orders by the results of AT&T's UNE-platform trial in Minnesota.[363] Specifically, during this trial AT&T submitted thousands of LSRs for UNE-platform orders and verified that Qwest provisioned exactly what it had ordered on the LSR, including the features on the LSR.[364] AT&T's UNE-platform trial was conducted in two phases: Phase 1 captured data from June to October 2001, and Phase 2 captured data in mid-November and December 2001.[365] We note that, although AT&T conducted this trial only in Minnesota, the results reflect Qwest's ability to accurately process orders across its region because LSRs are centrally processed by the same personnel, in the same ISC, using the same systems and processes, regardless of the state.[366] During this UNE-platform trial, AT&T found that Qwest's accuracy rate ranged from 97.81 to 99.49 percent.[367] Significantly, Qwest's accuracy rate for manually-processed orders alone ranges from 96.93 to 98.46 percent.[368]

100. In addition, Qwest's recent actions give us further assurance that it will continue to improve in this area. For example, Qwest released a system enhancement as part of IMA 10.1

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(filed Dec. 4. 2002) at 1-2 (Eschelon Dec. 4 *Ex Parte* Letter) (arguing that 13% of their recent UNE-platform orders had errors). The errors described by Eschelon are captured by OP-5++. Qwest III Notarianni/Doherty Reply Decl. at 59-61. The disaggregation of OP-5++ described in the preceding footnote shows electronic order accuracy ranging from 99.5% to 100% in the nine-state region from July to September, 2002. Qwest Nov. 21b Ex Parte Letter at 3. Given the high accuracy rates demonstrated by this disaggregation of OP-5++, we do not find that the flow-through errors described by Eschelon rise to the level of checklist noncompliance.

[362] *Id.*

[363] *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 18, 2002) at 1 (Qwest Nov. 18e *Ex Parte* Letter); Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 22, 2002) at (Qwest Nov. 22b *Ex Parte* Letter).

[364] Qwest Nov. 18e *Ex Parte* Letter at 2. AT&T even made test calls to determine if the order was provisioned correctly, including whether all of the features ordered were provisioned accurately. *Id.*

[365] Qwest Nov. 22b *Ex Parte* Letter at 2.

[366] Qwest Nov. 18e *Ex Parte* Letter at 2. Qwest's Interconnect Service Centers (ISCs), which Qwest used to process the UNE-platform orders in the Minnesota trial, operate on a regional basis. *Id.*

[367] *Id.* at 1-2.

[368] *Id.* This trial included two phases of testing: Phase One tested 1,215 UNE-platform orders that flowed through electronically and 4335 UNE-platform orders that were manually processed; Phase Two tested 1,079 electronically processed UNE-platform orders and 518 manually processed UNE-platform orders. Qwest Nov. 22b *Ex Parte* Letter at 2.

on August 17, 2002.[369] Qwest states that this enhancement addresses two of the most common errors that Qwest has found to affect its service order accuracy.[370] The system change implements edits at the point the FOC is being created by the service delivery coordinator (SDC).[371] First, the fix will require the purchase order number on the service order to match the LSR.[372] Second, the system flags for the SDC any differences between the due date on the LSR and the due date on the service order.

101. In reaching our conclusions, we note that the Department of Justice observed that the record demonstrates improvement with respect to manual order processing.[373] The Department of Justice also stated that "Qwest's fulfillment of its commitments to maintain as well as improve the accuracy of its service order processing deserves close monitoring, and its continued collection and reporting on this process will be critical to ensure the adequacy of its post-entry performance."[374] With respect to this observation, we note that Qwest filed a commitment to incorporate PO-20, one of its service order accuracy metrics, into its PAP on a regionwide basis.[375] Although we do not rely on this commitment, we find that Qwest's obligation to make payments on PO-20, based on a benchmark of 95 percent accuracy, which will become effective at the same time as the PAP, responds to the concerns expressed in the

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369 Qwest Aug. 8 *Ex Parte* Letter at 5.

370 *Id.*

371 *Id.* Qwest explains that the system retrieves all service orders that contain the purchase order number (PON) for which the SDC is creating the FOC. The system will display the service order numbers and their associated due dates. The SDC can then select the correct order to associate with each line on the FOC. If the SDC does not see all the orders he/she has created for this LSR, the SDC will go back into the SOP and review and correct the order(s) that does not have the appropriate PON. This will allow the SDC to continue with the creation of the FOC.

372 *Id.*

373 Department of Justice Qwest III Evaluation at 4.

374 *Id.* at 6.

375 *See* Letter from Yaron Dori, Counsel for Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189, at 1-2 (filed Aug. 9, 2002) (Qwest Aug. 9b *Ex Parte* Letter) (advising the Commission that it will file requests with the regulatory authorities in each of the nine states for which Qwest has pending section 271 applications asking that each authority include PO-20 in its PAP). Qwest has proposed to include these payments as a Tier 2 measure, which means that the payments will be made to the states rather than to competing LECs. *See id.* at 2. *See also* Letter from Mace J. Rosenstein, Counsel, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148 and 02-189 at 1-2 (dated August 20m, 2002) (Qwest Aug. 20m *Ex Parte* Letter). We expect that if the existing metric on service order accuracy, PO-20, proves not to be adequate for Qwest to maintain a high degree of service order accuracy, then a collaboration between Qwest, the state commissions, and the competing LECs will lead to appropriate changes in the metric.

record that competing LECs and regulators will have an ongoing process to monitor and maintain adequate performance on manually handled orders.[376]

102. We find, consistent with past orders, that the commercial data are more probative than third-party test results.[377] Therefore, we disagree with commenters that argue, based on KPMG's findings, that Qwest commits excessive errors while manually processing competing LEC orders.[378] Specifically, commenters argue that Qwest cited human errors and/or inadequate training as a source of various problems noted in 75 exceptions and observations that KPMG issued during the ROC test.[379] We are not persuaded because KPMG's findings were based on Qwest's handling of a small number of LSRs.[380]

103. We reject Covad's arguments that PO-20 is inadequate because it does not include all product types.[381] As stated above, we find that, for purposes of the instant analysis, PO-20 and the metric formerly known as OP-5++ provide us with sufficient information to assess Qwest's accuracy. We find Covad's arguments regarding the product types included by Qwest in this metric are more appropriately addressed by the state commissions, as they are in a better position to make an assessment about the specifics of this metric, including the possible addition of other products. We also reject arguments that PO-20 is a "paper tiger."[382] We note Qwest's expressed willingness to include PO-20 in the PAP and begin payments, based on a 95 percent benchmark, with the other metrics included in the PAP.[383]

104. We also disagree with commenters that claim that PO-20 is inadequate to determine service order accuracy because it does not capture manual processing errors where certain features requested on the LSRs are not provisioned.[384] Although PO-20 as currently

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[376] Qwest will face penalties for its failure to meet specified performance benchmarks, which increase depending on the severity of its error rate. *Id.* We find that this potential for performance penalties will give Qwest the incentive to continue to provision orders accurately as volumes increase.

[377] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3993, para. 89.

[378] AT&T Qwest I Comments at 41-42; Covad Qwest I Comments at 39-42; WorldCom Qwest I Comments at 11-12. As we do not rely on the Liberty audit for accuracy of manual handled orders, we do not address AT&T's argument that relying on the results of the Liberty data reconciliation for accuracy of manually handled orders is flawed because Liberty failed to confirm that Qwest's reported measures actually eliminated or reduced the rate of human error to acceptable levels. *See* AT&T Qwest I Finnegan Decl. at paras. 38-77.

[379] See AT&T Qwest I Comments at 41-42; AT&T Qwest I Finnegan/Connolly/Menezes Decl. at para. 163.

[380] Qwest I Reply at 34-35.

[381] Covad Qwest I Comments at 41-42.

[382] *Id.* at 41.

[383] *See* Qwest Aug. 9b *Ex Parte* Letter at 1-2.

[384] AT&T Qwest I Finnegan/Connolly/Menezes Decl. at para. 173; Covad Qwest I Comments at 41-42. Eschelon Qwest III Comments at 35.

measured does not include discrepancies between service and equipment fields between LSRs and service orders, as discussed above, Qwest now captures those discrepancies through OP-5++.[385] As discussed above, PO-20 coupled with OP-5++ provide us with a sufficient picture of Qwest's performance to determine Qwest is processing LSRs accurately.[386] Moreover, we note Qwest's expressed willingness to add additional fields to PO-20.[387] Specifically, Qwest has acknowledged that PO-20, as currently reported, is a starting point, and it plans to include additional fields, eliminate sampling, and mechanize data collection.[388] We find that the Long-term PID Administration (LTPA) process is the appropriate forum to address whether these fields are best included in PO-20, or continue to be measured through OP-5++.[389]

105. Finally, we reject commenters' claims that problems with OP-5 discovered through CapGemini's data reconciliation with Eschelon in Arizona rise to the level of checklist non-compliance.[390] Although Cap Gemini found that Qwest did not calculate OP-5 correctly,

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[385] *See* Qwest III Reply App., Tab 1, at 8. *See also* Qwest Nov. 13 *Ex Parte* Letter at 1-2.

[386] *See* above, para. 98.

[387] *See* Qwest I Notarianni/Doherty Reply Decl. at para. 91.

[388] *Id.*

[389] We note that the Department of Justice took no position on whether the relevant data should be included in a revised PO-20, a revised OP-5++, or some other metric. *See* Department of Justice Qwest III Evaluation at 6, n.28. We also reject arguments that OP-5++ is inadequate to determine service order accuracy since potential service order errors, corrected before provisioning, are not counted in OP-5++. *See* Eschelon Qwest III Comments at 25-27. These errors include errors found by competing LECs through their use of Qwest's pending service order notifiers (PSONs). *Id.* Eschelon argues that as competing LECs use the PSON data to identify errors before their due date, even fewer of these service order error will be reflected in Qwest's metrics, indicating that Qwest's performance has improved when competing LECs are performing quality control for Qwest. *Id.* Qwest has submitted evidence that shows that the error rate for manually handled orders was 4.49% from Sept. 15, 2002 to Oct. 15, 2002. *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 5, 2002) at 1 (Qwest Dec. 5c *Ex Parte* Letter). We agree that not including these errors discovered by competing LECs prior to the provisioning process will reduce Qwest's incentive to improve its performance. However, as we have stated previously, we find that issues related to the exact definition of the performance metrics is best left to the state commissions.

[390] *See* Eschelon Qwest III Reply Comments at 1-2; WorldCom Nov. 6 Ex Parte Letter at 10-11. The CapGemini data reconciliation showed that 1.6% of Eschelon UNE-platform customers experienced a loss of dial tone for an extended period of time. *See* WorldCom Nov. 6 *Ex Parte* Letter at 10 (citing the CapGemini Report at 30, 39-40). During August and September, Qwest tracked the incidence of this problem and found that of almost 32,000 orders processed by Qwest, only 26 experienced a loss of dial tone severe enough to warrant a call to the ISC. *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 22, 2002) at 2 (Qwest Nov. 22d *Ex Parte* Letter). We also note, although we do not rely on it, that Qwest has identified the problem and plans to implement a fix on December 29, 2002. *Id.* at 2. Additionally, commenters argued that some manual processing errors are not captured by any metric. Covad Qwest I Comments at 42 (stating that Qwest's reporting of OP-5 cannot be deemed accurate and reliable); Eschelon Qwest III Reply Comments at 1-2. We also note that Covad has claimed that OP-5 does not capture all of the troubles they report. *See* Covad Sept. 6 *Ex Parte* Letter at 1-2. However, Covad's issues regarding trouble tickets not included in OP-5 appear to be resolved. *See* Letter from Yaron Dori, Qwest, to (continued….)

CapGemini's analysis of OP-5 indicated that Qwest's performance on OP-5 for competing LECs is in parity with Qwest's retail performance.[391] Although we do not rely on it, we take additional comfort in the fact that many of the issues raised by CapGemini can be explained by historical limitations in the legacy Loop Maintenance Operation System (LMOS) that will be eliminated by a December systems release.[392] Given the totality of the circumstances, we do not find that the Qwest errors in OP-5 that CapGemini identified rise to the level of checklist non-compliance.

(v) Order Flow-Through Rate

106. We conclude, as did the commissions of the nine application states,[393] that Qwest's OSS are capable of flowing through UNE orders in a manner that affords competing carriers a meaningful opportunity to compete.[394] We also conclude that Qwest is capable of flowing through resale orders in substantially the same time and manner as it does for its own retail customer orders.[395] We note at the outset that the Commission has used flow-through rates

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Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Oct. 2, 2002) at 1-4 (Qwest Oct. 2 *Ex Parte* Letter).

[391] Cap Gemini claims that OP-5 (at least as far as Eschelon is concerned) shows new installation quality between 87.37% and 88.26% for competing LECs, versus 86.84% for Qwest retail customers. *See* Eschelon Qwest III Reply, attaching CGE&Y's Data Reconciliation Report, Draft Version 2.0, dated Oct. 24, 2002 (CapGemini Report) at 4. We also note that Eschelon disputes CapGemini's final calculation, claiming that CapGemini miscalculated the trouble rate for competing LECs, as CapGemini included conversions of existing Eschelon UNE-Star customers to UNE-platform, which were handled as a special project. *See* Eschelon Nov. 12 *Ex Parte* Letter at 2. The record shows that the business rules do not exclude conversion involving the same competing LEC. *See* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 19, 2002) at 5-6 (Qwest Nov. 19b *Ex Parte* Letter).

[392] Additional issues raised by CapGemini relate to interpretations of the business rules for OP-5, such as whether service order errors should be included in OP-5. Qwest Nov. 13 *Ex Parte* Letter at 1-2. We find that disputes about the exact definitions of performance metrics are best addressed through the states and the LTPA process. In any event, as discussed above, Qwest now has a metric which captures those ordering-related troubles reported via calls to service delivery centers, OP-5++.

[393] *See* Colorado Commission Qwest I Comments at 2; Iowa Board Qwest I Comments at 32; Idaho Commission Qwest I Comments at 6; Montana Commission Qwest II Comments at 19-22; Nebraska Qwest I Commission Comments at 8; Utah Commission Qwest II Comments at 1; Washington Commission Qwest II Comments at 14; Wyoming Commission Qwest II Comments at 6.

[394] Qwest's commercial data show, on the average, modest flow-through rates both for orders eligible for electronic flow-through as well as overall flow-through. *See* Qwest PO-2B-1 (Electronic Flow-Through for Eligible Resale LSRs Received Via GUI), and PO-2B-2 (Electronic Flow-Through for All Eligible LSRs Received Via EDI). These metrics have different standards, depending on the product type. The standards are escalating upward. By January 2003, the standards will be 95% for resale, LNP, and UNE-platform, and 85% for unbundled loops. *See also* PO-2A-1 (Electronic Flow-through for all LSRs Received via GUI) and PO-2A-2 (Electronic Flow-through for All LSRs Received Via EDI). These metrics are diagnostic only.

[395] *See* Qwest PO-2B-1 (Electronic Flow-Through for Eligible Resale LSRs Received Via GUI) showing four-month average flow-through rates ranging from 60 to 83% with a regional average of 74%, and PO-2B-2 (Electronic Flow-Through for Eligible Resale LSRs Received Via EDI), showing four-month average flow-through rates ranging from 35% to 92%, with a regional average of 80%.

as a potential indicator of a wide range of problems that underlie a determination of whether a BOC has provided nondiscriminatory access to OSS.[396] The Commission has not relied upon flow-through rates as the sole indicator of nondiscrimination, however, and thus has not limited its analysis of a BOC's ordering process to a review of its flow-through performance data. Instead, the Commission has held that factors such as a BOC's overall ability to return timely order confirmation and reject notices, accurately process manually handled orders, and scale its system are relevant and probative for analyzing a BOC's ability to provide access to its ordering functions in a nondiscriminatory manner.[397]

107. As discussed above, Qwest demonstrates that it provides timely and accurate status notifications. In addition, the evidence demonstrates that Qwest accurately processes both manual and mechanized orders.[398] Moreover, as discussed more fully below, we find that Qwest scales its system as volumes increase, and demonstrates its ability to continue to do so at reasonably foreseeable volumes. As a result, in this application, flow-through has significantly less value as an indication of the capability of Qwest's OSS.

108. Our determination that Qwest is able to scale its systems is based on third-party tests that show that Qwest is able to process orders at projected future transaction volumes.[399] KPMG examined Qwest's system responses and the timeliness of Qwest's EDI and GUI pre-order and order responses.[400] The test used projected transaction volumes simulating peak (150 percent of normal) and stress (250 percent of normal) transaction volume conditions.[401] We reject commenters' contentions that Qwest has not proven that it can scale its system.[402] Although we recognize that there has not been significant commercial usage of Qwest's system,

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[396] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4035, para. 162.

[397] *See id.* at 4035, para. 163, *SWBT Texas Order* 15 FCC Rcd at 18444, para. 179; and *BellSouth Georgia/Louisiana Order* 17 FCC Rcd at 9092, para. 143.

[398] *See supra* paras. 98-99 & n.361.

[399] *See* KPMG Final Report at 252-299 (Test 15: POP Volume Performance Test).

[400] *Id.*

[401] *Id.*

[402] Eschelon Qwest III Comments at 46-47 (arguing that the standard process for UNE-platform orders has not been "stress tested" because Eschelon's orders were UNE-Star, not UNE-platform orders); WorldCom Qwest I Comments at 1; WorldCom Qwest I Lichtenberg Decl. at paras. 4, 6 (stating that while successful section 271 applicants in the past have relied upon both a third-party test of OSS and commercial activity in at least one state in their region, Qwest has almost no commercial experience in processing UNE-platform migration orders).

in the absence of such evidence, we look to third-party tests.[403] In the instant case, these tests have demonstrated that Qwest is able to timely and accurately return FOC and reject notices.[404]

109. Commenters express three specific concerns regarding OSS flow-through rates. First, competing LECs contend that low total flow-through rates are evidence that Qwest has failed to provide nondiscriminatory access to OSS.[405] Second, commenters complain that commercial experience indicates Qwest's "achieved" flow-through rate, for orders designed to flow through, is too low.[406] Finally, commenters contend that, on conversions from Centrex to UNE-platform or resale POTS, the LSR generates multiple service orders, some of which flow through, but with other portions falling out for manual handling.[407]

110. With respect to the first argument, we disagree with commenters that we should reject Qwest's application based on its average flow-through rates or because some kinds of orders are not designed to flow-through.[408] Although Qwest's commercial data show low

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[403] *See Bell Atlantic New York Order,* 15 FCC Rcd at 3992, para. 89; *SWBT Texas Order,* 15 FCC Rcd at 18399, para. 98.

[404] KPMG Final Test at 252-299.

[405] *See* AT&T Qwest I Comments at 41; AT&T Qwest I Comments, Finnegan Decl. at paras. 135–139, 158; Covad Qwest I Comments at 40-41; WorldCom Comments at 10-11. Total flow-through (PO-2A) measures the percentage of orders that pass through an incumbent's ordering systems without the need for manual intervention. Achieved flow-through (PO-2B) measures the percentage of orders that are designed to pass through an incumbent's ordering system electronically that actually flow-through without the need for manual handling. For example, Qwest's commercial data shows, total flow-through rates of 46-64% for UNE-platform POTS, 44-69% for unbundled loops, and 65-78% for resale orders in Colorado. States with smaller volumes of transactions show flow-through rates as low as 0% for certain order types. *See* Letter from Christopher L. Killion, Counsel for Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148 (filed Aug. 19, 2002) at Attach. 1-5 (Qwest Aug. 19e *Ex Parte* Letter) (citing confidential version).

[406] WorldCom Qwest I Comments at 10-11.

[407] Eschelon Qwest I Comments at 6. This problem has caused some end-user customers to be out of service for several hours, as the disconnect portion of the order is the part of the LSR that flows through, while the new switch translation will fall to manual handling.

[408] *See* WorldCom Qwest I Comments at 11; *see also* Eschelon Qwest I Comments at 4-5 (stating that since the 10.0 release on June 17, 2002, Eschelon cannot electronically submit CLEC-to-CLEC migration orders). Specifically, WorldCom argues that KPMG's test revealed problems with Qwest's flow-through. It points out that KPMG's commercial test resulted in less than 52% of orders submitted through EDI flowing through to the SOP. WorldCom also argues that Qwest has not designed to flow through some order types – such as supplemental orders to change due dates or features – that are important and should flow through. WorldCom Qwest I Comments at 10. AT&T states that Qwest unilaterally decides which products are eligible for flow through. AT&T Qwest I Comments, Finnegan Decl at para. 138. Eschelon expresses similar concerns, particularly with regard to its conversion of certain Centrex numbers to either UNE-platform or resale that it says fail to flow through. *See* Eschelon Qwest I Comments at 6. Touch America argues that the low total flow-through numbers increase the amount of manual handling, which "permits Qwest the opportunity to make mischief by revising information at will, creating new rules of the game, and obfuscating explanations upon inquiry." *See* Touch America Qwest I Reply at 15-16. We note that Qwest has a change management process (CMP) that controls the process and speed with which changes to the ordering system are introduced. Qwest has articulated a commitment to continue to (continued….)

monthly total flow-through rates, Qwest's total flow-through rates are comparable to those of BOCs that the Commission has previously approved.[409] We also note several measures taken by Qwest to ensure continued improvement of flow-through rates. These include change requests that are scheduled to be adopted with the IMA 12.0 release (scheduled for April 2003) to install additional business process layer (BPL) edits to improve automatic rejects so that errors that currently cause LSRs to fall out for manual handling will be rejected upfront instead.[410] This will enable the competing LEC to make the correction and resubmit the LSR so it will flow through.[411] Additionally, Qwest clarified business ordering rules and competing LEC disclosure documentation with the IMA 11.0 release.[412]

111. With respect to commenters' second argument, we disagree that Qwest's low commercial flow-through rates for orders that are eligible to flow through require that we find that Qwest is not compliant with checklist item 2.[413] Commenters state that even the third-party test showed a higher failure rate for Qwest's UNE-platform transactions designed to flow-through than third-party tests for other BOCs.[414] We find that Qwest has met the flow-through benchmarks under PO-2B for most states over the past nine months.[415] At the same time,

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analyze LSRs that fail to flow through and submit proposed improvements to the CMP. *See* Qwest III Notarianni/Doherty Reply Decl. at 94.

[409] Qwest I Reply at 40 citing *Bell Atlantic New York Order* at n.512 and 569; *Verizon Massachusetts Order* at para. 49; *Verizon Rhode Island Order* at Appendix B; *Application by Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in Maine*, CC Docket No. 02-61, Memorandum Opinion and Order, 17 FCC Rcd 11659, Appendix B (2002) (*Verizon Maine Order);* and *Application by Verizon New Jersey Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in New Jersey*, WC Docket No. 02-67, Memorandum Opinion and Order, 17 FCC Rcd 12275, Appendix B (2002) (*Verizon New Jersey Order)*.

[410] Qwest I Williams Decl. at para. 116.

[411] *Id.*

[412] *Id.*

[413] AT&T Qwest I Comments, Finnegan Decl. at para. 138; Covad Qwest I Comments at 40 (stating that 67% of its flow-through eligible orders submitted via GUI and 44% via EDI fell out and were manually processed); Touch America Qwest I Reply at 15; WorldCom Qwest I Lichtenberg Decl. at para. 37.

[414] WorldCom Qwest I Comments at 9-10; WorldCom Qwest I Comments, Lichtenberg Decl. at para. 35. We note that the third-party test showed 94-96% achieved flow-through rate for resale, 95-97% for UNE-platform, 84-88% for unbundled loops, and 100% for ported numbers. KPMG Final Test at 158-168 (Tests 13-1-3, 13-1-4, 13-1-5, 13-1-6, 13-1-7, 13-1-8, 13-1-9, 13-1-10, 13-1-11).

[415] Qwest III Notarianni/Doherty Reply Decl. at para. 93. *See also* PO-2B-1 (Elec Flow-through for All Elig. UNE-platform POTS LSRs Rec'd via GUI) and PO-2B-2 (Elec Flow-through for All Elig. UNE-platform POTS LSRs Rec'd via EDI). We note that Qwest has missed the benchmark in Idaho for PO-2B-1 for LNP orders for all four months (four month average of 78%), and in Utah for LNP orders (four-month average of 72%). Qwest also (continued….)

benchmarks were raised in July 2002. Qwest missed the upwardly adjusted benchmarks, but flow-through rates have continued to improve since July.[416] We expect that Qwest's flow-through rates will improve over time as individual carriers gain experience with the OSS and Qwest conducts training for competing carriers to help improve their order submissions.[417]

112. With respect to the third argument, we find that the disconnect problems associated with conversions from Centrex 21 do not have a competitively significant effect. Qwest states that, unlike conversions where the product remains unchanged, during a conversion of Centrex 21 to a POTS service, there is a 30-second period when a customer is out of service.[418] This occurs for retail customers converting from Centrex 21 to POTS service, as well as conversions from Centrex 21 to UNE-platform or resale POTS.[419] Qwest states that a longer out-of-service period occurs in rare circumstances when lines involving hunt groups with the call forwarding feature are served by a Nortel DMS100 switch.[420] Qwest has been able to identify only two Eschelon orders that fell into this category between January and June 2002.[421] Because this outage affects so few of Eschelon's orders and is typically less than a minute in duration, we find that this issue does not rise to the level of checklist non-compliance.

(vi) Other Ordering Issues

113. *Equivalent Access to Due Dates.* We find that Qwest offers nondiscriminatory access to due dates. Although PO-15, which measures the number of due date changes per order, shows that Qwest has changed due dates for wholesale more than it has for its retail customers,[422] we do not find this discrepancy to be competitively significant. As explained above, some of the due date changes are the result of service being provisioned to its competitors ahead of schedule.

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missed the benchmark for all four months in Utah for PO-2B-1 and PO-2B-2 for POTS resale orders (four-month average of 81% for orders submitted via GUI, 47% for orders submitted via EDI). Qwest also missed the benchmark for PO-2B-2 in Wyoming for July through September (four-month average of 86%).

416 *Id.*

417 *See* Qwest I Reply at 39.

418 *See* Qwest Aug. 8a *Ex Parte* Letter at 7.

419 *See id.* Additionally, Qwest states that in order to minimize the impact to end users, these types of orders are worked between 11 PM and 6 AM.

420 *See id.*

421 *See id. See also* Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 5, 2002) at 1 (Qwest Dec. 5a *Ex Parte* Letter).

422 *See* PO-15 (Number of Due Date Changes per Order).

We therefore reject AT&T's assertion that competing LECs suffer from a higher rate of postponed installation, and that this delay causes customer dissatisfaction.[423]

d. Billing

114. Consistent with the determinations of the commissions of the nine application states, we find that Qwest provides nondiscriminatory access to its billing functions.[424] As discussed below, Qwest offers competing carriers access to a set of billing systems that are the same systems Qwest uses for its own retail operations. In combination, these billing systems provide all the information, in an appropriate format, that is necessary for competing carriers to have a meaningful opportunity to compete. Qwest's commercial performance data demonstrate its ability to provide competing carriers with service usage information in substantially the same time and manner that Qwest provides such information to itself, and with wholesale carrier bills in a manner that gives competing carriers a meaningful opportunity to compete. In sum, Qwest has met, with few exceptions, the benchmarks for timeliness, accuracy, and completeness in providing usage information and for wholesale bills.[425] Moreover, in finding that competing carriers have a meaningful opportunity to compete, we rely on third-party testing, conducted by KPMG, which found Qwest's billing system to be accurate and reliable.[426]

115. Pursuant to the Commission's prior section 271 decisions, BOCs must provide competitive LECs with two essential billing functions: (i) complete, accurate and timely reports on the service usage of competing carriers' customers and (ii) complete, accurate and timely wholesale bills in a manner that gives competing carriers a meaningful opportunity to compete.[427] Service-usage reports and wholesale bills are issued by incumbent LECs to competitive LECs for two different purposes. Service-usage reports are issued to competitive LECs that purchase UNEs, such as unbundled switching, and measure the types and amounts of incumbent LEC services used by a competitive LEC's end users.[428] In contrast, wholesale bills are issued by incumbent LECs to competitive LECs to collect compensation for the wholesale inputs, such as

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423 AT&T Qwest I Comments at 40; AT&T Qwest I Comments, Finnegan/Connolly/Menezes Decl. at paras. 139-141.

424 Colorado Commission Qwest I Comments at 44-45; Qwest I Application App. C, Recommendation of the Iowa Board Key Recommendations, Vol. 1, Tab 5 at 3; Idaho Commission Qwest I Comments at 13-14; Montana Commission Qwest II Comments at 19-22; Nebraska Commission Qwest I Comments at 2, 8-9; North Dakota Commission Qwest I Comments, Consultative Report at 281; Utah Commission Qwest II Comments at 1; Washington Commission Qwest II Comments at 14; Wyoming Commission Qwest II Comments at 6.

425 *See* BI-1 (Time to Provide Recorded Usage Records), BI-2 (Invoices Delivered within 10 Days), BI-3 (Billing Accuracy – Adjustments for Errors), and BI-4 (Billing Completeness).

426 KPMG Final Report at 15-16.

427 *Verizon Pennsylvania Order*, 16 FCC Rcd at 17427, para. 15; *Verizon Massachusetts Order*, 16 FCC Rcd at 9043-44, para. 97; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6316-17, para. 163; *Bell Atlantic New York Order*, 15 FCC Rcd at 4075, para. 226.

428 *See, e.g., Bell Atlantic New York Order*, 15 FCC Rcd at 4075, para. 226.

unbundled elements, used by competitive LECs to provide service to their end users.[429] Wholesale bills are essential because competitive LECs must monitor the costs they incur in providing services to their retail customers.[430] We discuss both elements of billing below.

(i) Service Usage

116. We find that Qwest demonstrates that it provides competing carriers with complete, accurate and timely reports on the service usage of its customers in substantially the same time and manner that it provides such information to itself.[431] Specifically, Qwest, using the same process that it uses for its own end users, collects competitive LEC end-user usage data and provides competitive LECs with a cumulative record of their customers' usage via the Daily Usage File (DUF).[432] Competitive LECs then are able to reconcile Qwest's DUF with their own usage records to ensure Qwest accurately charges them for their customers' usage.[433]

117. We reject concerns raised by commenters because they do not raise issues relevant to our section 271 analysis or do not provide enough evidence to support a finding of checklist non-compliance.[434] For example, Eschelon asserts that Qwest does not provide complete and accurate records of switched access minutes of use (MOU).[435] Eschelon asserts, and we agree, that Qwest would benefit inappropriately in two ways if this allegation were true: (1) it would deprive competitive LECs of revenue by decreasing the amount of access charges

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429 *See, e.g., Verizon Pennsylvania Order*, 16 FCC Rcd at 17425, para. 13. Qwest's wholesale bills are generally issued on a monthly basis. Qwest I Notarianni and Doherty Decl. at paras. 490-95.

430 *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6316-17, para. 163.

431 *Id.*; *SWBT Texas Order*, 15 FCC Rcd at 18461, para. 210; *Bell Atlantic New York Order*, 15 FCC Rcd at 4075, para. 226.

432 Qwest I Notarianni and Doherty Decl. at para. 516.

433 Competitive LECs may return the DUF to Qwest within 90 days of receipt for investigation of errors. *Id*. at para. 524.

434 We reject AT&T's claims that Qwest failed to provide timely DUF files for the nine application states. AT&T does not directly state that it did not receive DUFs for the application states, but instead claims that it offers local service in Colorado, Arizona and Washington and that Qwest failed initially to provide DUFs for "two of those States until 2002." AT&T Qwest I Finnegan, Connolly and Menezes Decl. at para. 116. AT&T's conclusory claims lack the specifics necessary to rebut Qwest's showing on this issue. Similarly, AT&T points to performance data from 2001 as evidence that Qwest's DUFs are incomplete or inaccurate. *Id.* at para. 224. In the instant proceeding, however, we consider only recent commercial data, beginning with June 2002, in making our decision. In addition, OneEighty claims that starting in August, 2002, it experienced a drop in the call termination records it received from Qwest. OneEighty Qwest III Comments at 14. We address issues raised by OneEighty under our discussion of checklist item number 11.

435 Eschelon Qwest I Comments at 25-26; Eschelon Qwest III Comments at 47-53. The Department of Justice indicated that it considered this allegation one that should command the Commission's attention. Department of Justice Qwest III Evaluation at 5, n.22.

they collect from IXCs; and (2) as an IXC, Qwest would pay less than it should for access.[436] Eschelon provides evidence that it undertook an independent audit in which the auditor placed test calls and later examined records received from Qwest to determine if the calls placed appear in the records.[437] The audit determined that approximately 22 percent of the call records expected were not found, and that the missing records did not appear to be caused by Eschelon's processes.[438] In addition, Eschelon provides evidence that its MOU have dropped, without change in Eschelon's usage patterns.[439] After careful consideration, we reject Eschelon's argument and find that the evidence on the record demonstrates that Qwest provides competing carriers with complete, accurate and timely reports on their customers' service usage. In particular, the record shows that Qwest reviewed the audit report and performed an internal investigation.[440] Qwest explains, first, that its review of the call records was hindered by the age of the records and lack of relevant information from Eschelon.[441] Nonetheless, Qwest demonstrates that it accounts for 97.3 percent of the records it was able to research.[442] Of note, Qwest demonstrates that some of the calls that generated the greatest percentage of "missing" call records in the audit were, in fact, calls that do not generate access records.[443] Further, Qwest provides a reasonable explanation for the drop in Eschelon's MOU over a period of months that Eschelon does not dispute on the record. Qwest demonstrates that other carriers, including Qwest, had similar drops in access records during the same time period.[444] In addition to

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[436] Eschelon Qwest III Comments at 48.

[437] Eschelon Qwest III Comments at 50-51, exhibit 39.

[438] *Id.*

[439] Eschelon Qwest III Comments at 52-53.

[440] Letter from R. Hance Haney, Executive Director – Federal Regulatory, Qwest to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 8, 2002) at 3 -8 (Qwest Nov. 8b *Ex Parte* Letter) (citing confidential version).

[441] *Id.* at 3-4.

[442] *Id.* at 4. Qwest claims that the methods used by the auditor made Qwest's investigation difficult by, for example, placing numerous calls on the same line to the same number with different calling patterns all within minutes of each other. Without Eschelon providing "connect time" in all instances, Qwest claims it was handicapped in investigating the calls. *Id.*

[443] *Id.* at 5. For example, local calls and directory assistance records do not generate switched access usage. *Id.* Qwest's investigation showed that 80.9% of the records Qwest was able to research were successfully found by the auditor; 9.2% of the records were found by Qwest in the ADUF or ODUF records provided to Eschelon; 4.3% of the records were for uncompleted calls; 1.9% of the calls did not generate automatic message accounting (AMA) records (meaning that the test calls had not been answered and accordingly, did not generate usage records); 1.0% of the calls are not call types that generate access records. Finally, Qwest found a CRIS toll guide error accounted for the missing 2.7% of the records that should have generated access records. *Id.* at 4 - 5.

[444] Qwest Nov. 8b *Ex Parte* Letter (citing confidential version). In addition, Qwest performed additional analysis and determined that a number of factors accounted for Eschelon's decreasing MOU, including: loss of the end-user to Qwest or another competitive LEC, line conversion to a loop account by Eschelon (which would no longer generate switched access), line disconnected, and lack of use on the line during the month by the end-user. *Id.* at 7.

Qwest's nondiscriminatory performance, the independent third-party test that KPMG performed provides additional assurance that Qwest's DUF is delivered in a timely and accurate manner.[445]

118. We reject AT&T's contentions that Qwest fails to provide nondiscriminatory access to its billing functions. First, although AT&T is correct that it took Qwest six times to pass KPMG's military-style test for production processes related to DUF reports, Qwest ultimately demonstrated an ability to sufficiently provide service usage files due to process improvements such as additional training.[446] During the course of the test, KPMG was also able to determine that Qwest's processes for creating and distributing the DUF files are functional, except for the aspects of the process that involve return of DUF records.[447] KPMG used the Observations and Exceptions process to communicate DUF problems to Qwest, rather than the returns process. Accordingly, KPMG was unable to determine if the DUF returns process would function appropriately in the event that a competitive LEC would choose to make such a return.[448] Thus, we rely here on the conclusions of the commissions of the nine application states, as well as that of KPMG, that Qwest demonstrates that it provides the requisite DUF functionality.[449]

(ii) Wholesale Bills

119. We find that Qwest's Customer Record and Information System ("CRIS") wholesale bills provide competitive LECs a meaningful opportunity to compete. Although Qwest provides competitive LECs with a billing format that is not an industry standard, we find

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[445] KPMG Final Report at 413 (providing the results of Test 19-1-2, stating "DUF records produced by Qwest contain field values in accordance with both EMI guidelines and expected results").

[446] *Id*. at 44-45. AT&T argues that Qwest failed KPMG's DUF tests five straight times before barely passing the sixth time and that these failures call into question the reliability of Qwest's DUF mechanisms. *Id*. at 45. We note that the purpose of KPMG's military style testing ("test until you pass") was to incent Qwest to implement systemic changes, such as additional training and software fixes, that would allow Qwest to pass. Idaho Commission Qwest I Comments at 11 ("Many of the improvements Qwest implemented to improve its performance consisted of additional training or coaching of existing personnel.").

[447] KPMG Final Report at 15-16.

[448] *Id*. at 432 (referencing Test 19.6-1-17). Specifically, because none of the events occurred that would enable, or trigger, a review of these functionalities, KPMG was unable to observe various test criteria concerning DUF. Although KPMG issued an "unable to determine" rating, KPMG was able to conclude that processes are in place for these criteria. We agree with the Colorado Commission's conclusion that, because these triggering events have a low occurrence rate, and because no objections were filed regarding KPMG's finding that Qwest's processes are in place, Qwest has adequately demonstrated that it has sufficient processes in place for each of these components. Colorado Commission Qwest I Comments at 43-44.

[449] *See, e.g., id.* at 44. We also encourage the state commissions to continue monitoring Qwest's billing performance and note, for example, that the Idaho Commission states that it will continue to monitor Qwest's performance in this area. If evidence reveals problems due to lack of inadequately trained staff, the Idaho Commission will address these issues within the periodic reviews contained in the performance plans. Idaho Commission Qwest I Comments at 10-11.

that Qwest ultimately satisfies its evidentiary burden for demonstrating that its bills are electronically auditable and, in combination with the commercial data and its DUF performance, comply with the OSS billing requirements under checklist item 2.

120. We begin our analysis with an overview of Qwest's wholesale billing systems and summarize the various steps Qwest has taken to provide competitive carriers with an auditable wholesale bill. Next, we describe the commercial performance of Qwest's wholesale billing systems. We then analyze the results of the third-party review of Qwest's billing systems. We also discuss the sufficiency of the evidence presented to demonstrate that Qwest provides complete, accurate, and timely wholesale bills.

121. *Background.* In the nine application states, Qwest utilizes the same system, CRIS, for billing resale and UNE- platform that it uses in the retail context.[450] Qwest bills resale products, such as basic business and residential services, Centrex, and PBX, through CRIS.[451] In addition, Qwest uses CRIS to bill UNE products such as unbundled loops, line sharing, sub-loops, EELs and UNE-platform.[452] Once Qwest generates a competitive LEC's wholesale bill using CRIS, Qwest is able to provide the bill electronically in either EDI or ASCII format.[453]

122. Commenters have raised a number of issues related to the ability of competitive carriers to audit wholesale bills, specifically UNE-platform bills generated by Qwest's CRIS.[454] We agree with AT&T and WorldCom that Qwest must demonstrate that it can produce a readable, auditable, and accurate wholesale bill to satisfy its nondiscrimination requirements under checklist item 2.[455] Consistent with the Commission's *Pennsylvania 271 Order*, we find that for the BOC to meet the requirement that wholesale bills are auditable, a competitive LEC must be able to receive customer bills in an electronic format that reasonably permits the

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[450] Qwest I Notarianni and Doherty Decl. at para. 491. Qwest utilizes at least two other billing systems, Integrated Access Billing System ("IABS") for a limited set of products, including Resale Frame Relay, LIS, UDIT, CCSAC, E911, as well as for recurring charges for collocation and dark fiber, and the Billing and Receivable Tracking System ("BARTS'), which is used for products and services not otherwise billed through CRIS or IABS. *Id.* at paras. 502, 513; *see also* KPMG Final Report at 8.

[451] Qwest I Notarianni and Doherty Decl. at para. 491.

[452] *Id*.

[453] *Id*. at para. 498. In addition to several traditional transmission methods for the ASCII format, such as diskette and CD ROM, for example, all three of Qwest's billing formats can be provided via Web access. *Id.*

[454] The inability to audit bills electronically impedes a competitive LEC's ability to compete in many ways. First, a competitive LEC must spend additional monetary and personnel resources reviewing complex paper bills or attempt to design software that can organize the information on the BOC's wholesale bills. Second, inaccurate bills cause a competitive LEC to expend unnecessary resources reconciling and pursuing bill corrections, to show improper overcharges as debts on its balance sheet until resolution, and to lose revenue where back-billing customers in response to an untimely wholesale bill becomes impossible as a practical matter. *Verizon Pennsylvania Order*, 16 FCC Rcd at 17431-32, para. 23.

[455] AT&T Qwest I Comments at 46; WorldCom Qwest I Lichtenberg Decl. at para. 73.

competitive LEC to manipulate the data to perform audits on a customer-by-customer basis.[456] We decline in this proceeding, however, to specify particular billing systems, such as CRIS or CABS, or electronic billing formats, such as ASCII or BOS, that a BOC must provide.[457] Instead, we describe various functionalities that, in accordance with our past section 271 decisions, BOC wholesale bills must incorporate. We then consider whether Qwest's CRIS ASCII bills possess these attributes.

123. The ability to audit Qwest's CRIS ASCII wholesale bills to ensure they are both accurate and timely represents a crucial component of OSS.[458] To make this possible, the BOC must provide the billing data in a form that enables a competitive LEC, without unreasonable expense and delay, to manipulate the data into fields that reasonably correspond with its internal records, *e.g.*, the identity of the customer accounts, services ordered, and relevant rate information. For practical purposes, the ability of competitive LECs to audit bills electronically depends on the availability of software, either directly from the BOC, commercially from a third-party vendor, or designed by an efficient competitor itself.[459] The billing format should support commonly available software that permits the competitive LEC to receive the bill via electronic interface, to compare the BOC's bill with the competitive LEC's internal records, and to prepare any inquiries for resolution by the BOC.

124. We find that Qwest's current electronic bills meet these criteria and note that the billing agent for at least one competitive LEC states that it is able to perform "detailed" electronic audits of Qwest's UNE-platform and resale bills.[460] We reject AT&T's assertion that

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[456] *Verizon Pennsylvania Order*, 16 FCC Rcd at 17428, n.51 (addressing transferability of a retail-formatted bill into a computer spreadsheet for computer auditing).

[457] *Verizon Pennsylvania Order*, 16 FCC Rcd at 17522, App. C, para. 30 (stating that national standards are not a prerequisite to the provision of access to any particular OSS function).

[458] We note that Qwest asserts that no competitive LEC raised the issue of auditability of Qwest's bills as an issue during the ROC workshops or OSS test. Letter from Yaron Dori, Counsel for Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148, at 3 (filed July 19, 2002) (Qwest July 19 *Ex Parte* Letter) (citing confidential version).

[459] *Verizon Pennsylvania Order*, 16 FCC Rcd at 17440-41, para. 36 (discussing a third-party confirmation that commercial software was available to audit Verizon's wholesale bills).

[460] Qwest I Notarianni and Doherty Reply Decl. at para. 179, Reply Exhibit CLD-32, March 12, 2002 E-Mail from Ted Bailey-BroadMargin.com to Pam Delaittre-Qwest. BroadMargin, a third-party vendor that audits Global Crossing's bill, states that it electronically receives Qwest wholesale UNE-platform and resale bills and performs detailed audits on these bills. *Id.* (stating also that Qwest's customer support staff has "been extremely helpful in resolving and answering any questions"). We reject AT&T's contention that its investigation of vendors who provide software to audit Qwest's CRIS bills demonstrates that those bills cannot be electronically audited. Letter from Amy L. Alvarez, District Manager – Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-418 and 02-189 (filed Aug. 29, 2002) at 4-6 (AT&T Aug. 29 *Ex Parte* Letter). We find AT&T's investigation results to be speculative and unconvincing. For example, AT&T's determination that the work required to audit Qwest's bills might "result in a substantial increase in the price of the software" provided by TEOCO, is not a compelling demonstration that Qwest's bills cannot be electronically audited. *See* Qwest III Application, App. Tab 5 at 8-12.

Qwest's CRIS ASCII bills only provide summarized volumes of services and their respective universal service ordering codes ("USOCs").[461] While Qwest does provide a monthly bill that summarizes the total numbers of services ordered with the respective USOCs, Qwest also provides competitive LECs with a separate bill that itemizes certain information, such as USOCs and relevant tax information, for each of the competitive LEC's relevant customer accounts.[462] We also disagree with AT&T's assertion that Qwest's bills are not auditable because they are not provided via a Carrier Access Billing System in Billing Output Specification format ("CABS BOS"). Qwest has demonstrated, as one example, that an ASCII format version of the CRIS wholesale bill can be transferred to a variety of spreadsheet applications whereby the data can be manipulated.[463] In reaching our conclusion, we note that the Department of Justice has

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[461] AT&T Qwest I Finnegan, Connolly and Menezes Decl. at para. 234. *See also* Eschelon Qwest III Reply Comments at 2-5. We reject Eschelon's assertions regarding the auditability of Qwest's CRIS bills. As discussed herein, the record demonstrates that Qwest's bills are electronically auditable. *See also* Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 13, 2002) (Qwest Dec. 13 *Ex Parte* Letter). Additionally, Eschelon fails to provide sufficient evidence to demonstrate that the complained of billing concerns are competitively significant. We also find WorldCom's claim that "it has hundreds of thousands of outstanding billing disputes open with Qwest" unpersuasive because WorldCom provides neither supporting details regarding the validity of these disputes, nor an explanation why CABS billing would resolve these billing issues. WorldCom Qwest I Lichtenberg Decl. at para. 73.

[462] Letter from Peter D. Shields, Counsel for Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148, at 2-4 (filed July 10, 2002) (Qwest July 10 *Ex Parte* Letter); Qwest July 19 *Ex Parte* Letter at 1 (citing confidential version); *see also* Qwest III Application, Att. Tab 5 at 4-5. We reject AT&T's claim that Qwest's ASCII files, specifically UNE-platform wholesale bills, are too large to import into commercially available spreadsheets. AT&T Qwest I Reply at 38. In the event competitive LEC bills contain too many lines, Qwest will provide additional segmentation of sub-accounts. Qwest I Notarianni and Doherty Reply Decl. at para. 209. We note that, although Qwest processes bills in multiple billing centers throughout its 14-state region, the record in the instant application does not reflect any meaningful differences between the bills of the nine application states. AT&T Qwest I Reply at 37 (referencing a billing dispute in Washington). Similarly, we reject AT&T's assertion that the absence of summarized charges in bills issued by Qwest's central region billing center "effectively prevents" AT&T from auditing those bills. *See* AT&T Aug. 29 *Ex Parte* Letter at 1-3. The record demonstrates that all three of Qwest's billing regions contain equivalent audit-affecting billing information and a comparable level of detail. Qwest III Application, Att. Tab 5 at 6. Additionally, AT&T's complaint regarding summary information is relevant only to paper bills; Qwest provides electronically auditable bills that contain the requested summary information. *Id.*

[463] Qwest July 19 *Ex Parte* Letter at 1 (citing confidential version); *see also* Qwest I Notarianni and Doherty Reply Decl. at para. 210. Qwest's website provides competitive LECs with documentation containing instructions on importing CRIS ASCII files into competitive LEC software. Qwest I Notarianni and Doherty Reply Decl. at para. 179, Reply Exhibit CLD-26 at 6 (providing instructions on importing the ASCII bill into spreadsheets, relational databases, and word processing software packages). Qwest's documentation states that each data element in the ASCII format is divided, or delimited, by commas and/or quote marks ("comma delimited") which then allows the competitive LEC to import the data elements into commercial software. Qwest I Notarianni and Doherty Reply Decl. at para. 179, Reply Exhibit CLD-26 at 6, 15. Seven out of eleven competitive LECs in Colorado receive their wholesale bills in ASCII format. Qwest I Notarianni and Doherty Reply Decl. at para. 181, n.223. Also, four out of four competitive LECs in Idaho, two out of four competitive LECs in Iowa, and four out of five competitive LECs in Nebraska and North Dakota receive their wholesale bills in ASCII format. *Id.*

determined that the record "support[s] a positive assessment of Qwest's wholesale billing capabilities."[464]

125. In addition, we are encouraged by the fact that Qwest has responded in good faith to competitive LEC requests to support an additional industry standard format. On April 19, 2002, Qwest announced that it would provide competitive LECs with the option of having UNE-platform bills provided in CRIS BOS format.[465] From April 19, 2002 to July 1, 2002, Qwest sought comment from competitive LECs, made subject matter experts available for question and answer sessions, provided a month-long testing window, and, on July 1, 2002, made this new format available.[466] Although we commend Qwest for making available a BOS-formatted bill, we do not rely on these bills as there is no commercial or third party evidence that Qwest's BOS bills can be successfully audited.[467] To the contrary, Qwest's introduction of BOS bills has not been problem free.[468] However, we are encouraged by Qwest's demonstrated willingness to work collaboratively with competing LECs to produce accurate and timely BOS bills.

126. Finally, although not of decisional weight, we note that Qwest has responded to the concerns raised in the record by voluntarily committing to a series of undertakings aimed at ensuring continued acceptable performance. Although we do not rely on these recent undertakings in finding that Qwest provides nondiscriminatory access to its OSS billing functions, these commitments give us additional confidence that Qwest will continue to deliver timely and accurate wholesale bills and endeavor to remedy wholesale billing disputes expeditiously. Qwest has voluntarily committed to proposing additional performance metrics for measuring billing dispute timeliness.[469] These new performance measurements, for dispute-

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[464] Department of Justice Qwest III Evaluation at 8.

[465] Qwest July 10 *Ex Parte* Letter at 2 (discussing Qwest BOS billing).

[466] *Id.* Notably, AT&T acknowledges that it transmitted BOS test files for UNE-platform during June 2002. AT&T Qwest I Finnegan, Connolly and Menezes Decl. at para. 234.

[467] WorldCom Qwest I Lichtenberg Decl. at para. 70.

[468] *See, i.e.*, AT&T Qwest III Comments at 63, App. Tab E, Finnegan/Connolly/Wilson Decl. at paras. 75-115; Qwest III Notarianni/Doherty Reply Decl at paras. 134-139; Letter from Yaron Dori, Counsel for Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148 and 02-189 (filed September 4, 2002) (Qwest Sept. 4b *Ex Parte* Letter); Letter from R. Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Oct. 11, 2002) (Qwest Oct.11a *Ex Parte* Letter).

[469] Letter from Anthony Luis Miranda, Counsel for Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148, at 1-4 (filed August 2, 2002) (Qwest August 2d *Ex Parte* Letter). Qwest has committed to submitting the proposed billing PID BI-5 to competitive LECs and state commission staff as part of the ROC's long term section 271 PID administration process. *Id.* at 3-4; *see also* Qwest I Notarianni and Doherty Reply Decl. at para. 226 (stating that "Qwest will submit the proposed PID to Long Term PID Administration").

acknowledgement timeliness[470] and dispute-resolution timeliness,[471] represent important steps in ensuring that any billing errors are resolved in a timely fashion.

(iii) Billing Performance

127. *Commercial Usage.* Qwest's performance data demonstrate its ability to provide competitive LECs with service usage information in substantially the same time and manner that Qwest provides such information to itself, as well as wholesale bills in a manner that gives competitive LECs a meaningful opportunity to compete. Qwest consistently has met, with a few minor disparities which are addressed below, the benchmarks for timeliness, accuracy, and completeness in delivering service usage information and wholesale bills.[472] In addition, in finding that competitive LECs in the nine application states have a meaningful opportunity to compete, we rely on successful third party testing of Qwest's billing systems.[473]

128. AT&T challenges the commercial reliability of Qwest's wholesale bill.[474] AT&T contends that Qwest's own reported data on billing accuracy and bill completeness confirm that Qwest falls short of its obligation to provide nondiscriminatory access.[475] Although Qwest missed the parity standard for UNE and Resale billing completeness in Colorado, Idaho, Utah,

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[470] Draft PID BI-5A measures the number of billing adjustment claims acknowledged during the month that are acknowledged within two business days after receipt. Qwest August 2d *Ex Parte* Letter at Att. 1. In June 2002, Qwest tracked this PID internally and reports a result of 90%. That figure rises to approximately 97% when one competitive LEC's results are removed from the calculation. The service representative for this competitive LEC was unaware of the 2-day acknowledgement requirement and "assumed that acknowledgement could accompany resolution within 28 calendar days." *Id.* at 2. Nonetheless, while we do not rely on Qwest's internal unaudited measurements, we are encouraged that Qwest has already begun to track its performance of BI-5. For the four-month period covering June through September 2002, Qwest missed the 95% benchmark in June and in July. Qwest's performance improved markedly in the two most recent months, where it exceeded the benchmark.

[471] Draft PID BI-5B measures the number of billing adjustment claims acknowledged during the month that are resolved within 28 days after acknowledgement. Qwest August 2d *Ex Parte* Letter at Att. 1. In June 2002, Qwest tracked draft BI-5B internally and reports that it successfully resolved 97 of 102 disputes (95%) within 28 calendar days of the acknowledgement, with an average resolution timeframe of 20.7 days. *Id.* at 3. Although we do not rely on Qwest's internal unaudited measurements, we are encouraged that Qwest has already begun to track billing dispute resolution performance and note that the record does not reflect any significant competitive LEC concerns regarding billing dispute resolution. For the four-month period covering June through September 2002, Qwest missed the 95% benchmark in June and in July. Qwest's performance improved markedly in the two most recent months, where it exceeded the benchmark.

[472] The following PIDs were used to evaluate Qwest's billing performance: BI-1 Time to Provide Recorded Usage Records; BI-2 Invoices Delivered Within 10 Days; BI-3 Billing Accuracy-Adjustment for Errors; and BI-4 Billing Completeness.

[473] KPMG Final Report at 407-80 (providing results of KPMG billing system tests).

[474] AT&T Qwest I Comments at 44.

[475] *Id*. at 46.

and Wyoming for the previous four months, the performance disparity was minimal.[476] Accordingly, we find that despite the *de minimis* difference in errors between Qwest's retail and wholesale bills, competitors have a meaningful opportunity to compete.

129. Qwest's billing accuracy performance, with few exceptions, is also sufficient.[477] Although Qwest missed the benchmark for UNE and resale billing accuracy in Washington[478] for three out of the last four months, the record demonstrates that Qwest's misses in July, August, and September in Washington were related to one time rate errors that are not likely to reoccur.[479] Qwest's other miss in Washington was *de minimis*, with Qwest performing at above 95% in June 2002. We are persuaded that these misses have been satisfactorily corrected and do not affect a competitive LEC's ability to compete.

130. We reject Eschelon's numerous assertions that Qwest's bills are not accurate.[480] As discussed above, Qwest's commercial performance demonstrates that Qwest's commercial performance is adequate. To the extent Eschelon asserts that Qwest's bills have contained "invalid rates" that are inconsistent with its interconnection agreements, Eschelon should pursue its contractual dispute resolution process or raise the issue before the appropriate state commission.[481] Finally, Eschelon's allegations regarding Qwest's "Billmate" system do not

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[476] Specifically, Qwest provides its retail customers approximately 2.05%, 1.27%, 1.98%, and 1.07% better service in this category than it provided Colorado, Idaho, Utah, and Wyoming competitive LECs, respectively. Similarly, in Iowa, and Montana, Qwest missed the same metric for two of the last four months, with the difference in performance amounting to approximately 0.79% and 0.07% in each state, respectively. BI-4A evaluates the completeness with which Qwest reflects non-recurring and recurring charges associated with completed service orders on bills.

[477] The Department of Justice states that "[o]n the whole, Qwest's commercial performance and the third-party testing has satisfied the Department that, despite limited problems, Qwest's wholesale billing meets the requirements for accuracy." Department of Justice Qwest I Evaluation at 25, n.116.

[478] In addition, Qwest missed parity for BI-3A (Billing Accuracy – Adjustments for Errors, UNEs/Resale) in Iowa, North Dakota, Nebraska, and Utah in three of the last four months. The record demonstrates that Qwest's misses in Iowa, North Dakota, and Utah were *de minimis*, with Qwest's averaging 1.59%, 1.09%, and 0.68% better performance for retail in Iowa, North Dakota, and Utah respectively, in the previous four months. In addition, Qwest's performance in Nebraska was within one percentage point of parity in two of the three months it missed. In August, 2002, Qwest demonstrates that it missed parity because it included a timely cost docket implementation in its reporting that should have been excluded. Qwest Nov. 8b *Ex Parte* Letter at 1-2.

[479] *Id.* at 2; Letter from R. Hance Haney, Executive Director – Federal Regulatory, Qwest to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 20, 2002) (Qwest Nov. 20a *Ex Parte* Letter).

[480] Eschelon Qwest I Comments at 22-24.

[481] *See id*. at 22; see also Letter from Karen L. Clauson, Senior Director of Interconnection, Eschelon Telecom Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 4, 2002) (Eschelon Dec. 4 *Ex Parte* Letter) at exh. 46 (raising similar billing issues before the Arizona Corporation Commission). Further, Eschelon's allegations regarding the bills for UNE-Eschelon/UNE-Star appear to be disputes between parties, and more appropriate for the interconnection dispute resolution process. *Id*. at 22-23. Similarly, while Eschelon argues broadly that Qwest's practice of informing competing LECs of rate changes is (continued….)

contain enough detail for this Commission to make a determination. Eschelon, for example, does not provide sufficient information regarding the data it considers necessary, but missing, from Billmate, or how the lack of such data harms Eschelon.[482]

131. *Third-Party Testing.* Our conclusions are bolstered by KPMG's third-party studies of Qwest's billing systems, processes and performance. Notably, KPMG concluded that Qwest can create and distribute bills to competitive LECs in an accurate and timely fashion.[483] Contrary to AT&T's claims that KPMG reviewed inaccurate and unreliable data,[484] we find that KPMG's data reconciliation sufficiently established the integrity of billing data.[485] KPMG's review provides relevant evidence of Qwest's billing performance to supplement the commercial performance data that Qwest has presented.

e. Change Management

(i) Change Management Process

132. In previous section 271 orders, the Commission has explained that it must review the BOC's change management procedures to determine whether these procedures afford an efficient competitor a meaningful opportunity to compete by providing sufficient access to the BOC's OSS.[486] In evaluating whether a BOC's change management plan affords an efficient competitor a meaningful opportunity to compete, we first assess whether the plan is adequate by determining whether the evidence demonstrates: (1) that information relating to the change management process is clearly organized and readily accessible to competing carriers; (2) that competing carriers had substantial input in the design and continued operation of the change management process; (3) that the change management plan defines a procedure for the timely resolution of change management disputes; (4) the availability of a stable testing environment that mirrors production; and (5) the efficacy of the documentation the BOC makes available for the purpose of building an electronic gateway.[487] After determining whether the BOC's change

(Continued from previous page)
imperfect, *see id.* at 18-19, it does not suggest that Qwest's actions violate any of its stated procedures or demonstrate that Qwest's policies deny it a meaningful opportunity to compete.

[482] *See id*. at 22.

[483] KPMG Final Report at 16.

[484] AT&T Qwest I Comments at 47-48 (arguing that Qwest's manual processing of orders negatively affected data). WorldCom claims that the data are flawed because "presumably" Qwest lacks sufficient internal checks to verify the validity of its bills. WorldCom Qwest I Comments at 18. We disagree and find that KPMG's test provides adequate assurance that Qwest's internal processes are sufficient. *See, e.g.*, KPMG Final Report at 424 (referencing 19.6-1-4).

[485] *Id*. at 19.

[486] *Bell Atlantic New York Order*, 15 FCC Rcd at 3999-4000, paras. 102-03; *SWBT Texas Order*, 15 FCC Rcd at 18403-04, paras. 106-08.

[487] *SWBT Texas Order*, 15 FCC Rcd at 18404, para. 108. We have noted previously that we are open to consideration of change management plans that differ from those already found to be compliant with the
(continued….)

management plan is adequate, we evaluate whether the BOC has demonstrated a pattern of compliance with this plan.[488]

(ii) Adequacy of the Change Management Process

133. *Organization and Accessibility*. We find that Qwest's current Change Management Process ("CMP") is clearly drafted, well organized, and accessible.[489] Qwest's CMP was created as a result of an extensive collaborative effort beginning in 1999 between Qwest and competitive LECs.[490] Beginning in July 2001, Qwest began replacing its former Co-provider Industry Change Management Process ("CICMP") with the collaboratively designed CMP.[491] Qwest's CMP is memorialized in a single document entitled "Qwest Wholesale Change Management Process Document" and is available on Qwest's website.[492] We find that Qwest, through the CMP, effectively processes and communicates to competitive LECs "any changes in Qwest's OSS interfaces and to products and processes that are within the scope of the CMP."[493]

134. *Competing Carrier Input.* We find in particular that Qwest's CMP provides competitive carriers with substantial opportunities to address Qwest-proposed changes and to

(Continued from previous page)
requirements of section 271. *Bell Atlantic New York* Order, 15 FCC Rcd at 4004, para. 111; *SWBT Texas Order*, 15 FCC Rcd at 18404, para. 109.

488 *Bell Atlantic New York* Order, 15 FCC Rcd at 3999, 4004-05, paras. 101, 112.

489 Qwest I Application App. A, Tab 11, Declaration of Dana L. Filip (Qwest I Filip Decl). at paras. 24-25; Colorado Commission Qwest I Comments at 49 (concluding that "Qwest clearly meets this element of the FCC's test").

490 Qwest I Filip Decl. at para. 4. We note that the Colorado Commission states that Qwest has in place the most comprehensive, inclusive, and forward-looking change management plan in the nation. Colorado Commission Qwest I Comments at 45.

491 KPMG Final Report at 17. Qwest's CMP distinguishes between the Systems CMP that governs changes to electronic interfaces, and the Product/Process CMP that governs changes to wholesale products and processes. *Id.*

492 Qwest I Filip Decl. at paras. 3, 24-25. The most recent draft CMP document has been available for several months on Qwest's website and is described by the Colorado Commission as being clearly written. Colorado Commission Qwest I Comments at 49. Moreover, Qwest and competing carriers jointly determined the contents of the CMP document during the redesign process. Colorado Commission Qwest I Comments at 49. The North Dakota Commission describes Qwest's CMP as clearly organized, readily accessible via Qwest's website, and containing a wealth of information including schedule of meetings and the status of requests. North Dakota Commission Qwest I Comments, Consultative Report at 172-73.

493 Qwest I Filip Decl. at para. 4. We also note that the Commission has recognized that changes that do not impact OSS interfaces are not necessarily required to be a part of a change management process. *Verizon Pennsylvania Order*, 16 FCC Rcd at 17451, para. 51 (accepting Verizon's argument that "the changes to the BOS BDT billing systems are 'back-office' OSS changes that do not impact OSS interfaces"). Nonetheless, Qwest has expanded its CMP process to include products and processes as well as changes to OSS interfaces.

initiate their own changes.[494] That is, the CMP was created with, and provides for substantial input from, competitive LECs.[495] As noted in previous section 271 applications, "a key component of an effective change management process is the existence of a forum in which both competing carriers and the BOC can work collaboratively to improve the method by which changes to the BOC's OSS are implemented."[496] Here, Qwest's CMP provides a collaborative process in which competitive LECs are closely involved.[497] We encourage Qwest to continue to collaborate with competitive LECs through this important process.[498]

135. As part of the change management process, competitive LECs and Qwest meet at least two days a month to consider changes to the CMP.[499] In addition to providing a forum for upcoming releases, competitive carriers may both discuss change requests and prioritize requests at these meetings.[500] Competitive LECs are able to initiate a change request by e-mailing a completed change request form (which is available on the CMP website with detailed instructions) to Qwest's Systems CMP Manager.[501] Qwest's CMP Manager acknowledges receipt within two business days and within two more business days is responsible for posting the request to the CMP website and returning to the request originator a detailed report

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494 Qwest I Filip Decl. at para. 4. The Nebraska Commission found that competing carriers have had, and shall continue to have, substantial opportunities for meaningful input into the design and operation of Qwest's change management process. Nebraska Commission Qwest I Comments at 7.

495 KPMG Final Report at 508 (describing the CMP collaborative process).

496 *SWBT Texas Order*, 15 FCC Rcd at 18410, para. 117.

497 In addition to the numerous opportunities, described herein, that competitive carriers have to communicate with Qwest regarding the CMP, the Colorado Commission informs us that the participants in the CMP redesign process have met in-person a total of 45 days in the last year with several carriers actively participating. Colorado Commission Qwest I Comments at 49. The Iowa Board found, in particular, that Qwest's CMP provides an effective forum for competitive LECs and Qwest to discuss and implement changes to Qwest's products, technical documentation, OSS interfaces, and processes that would result in changes to competing carrier operating procedures. Qwest I Application App. C, Vol. 1, Tab 15, IUB Conditional Statement Regarding Change Management Process Compliance at 8-9. Based on the evidence in the record, we are not persuaded by Eschelon's assertion that the change management process was "completed in a manner that precluded full review and participation, especially for small carriers." Eschelon Qwest I Comments at 27.

498 We reject AT&T's claims that Qwest has not completed the collaborative redesign process. AT&T Qwest I Finnegan/Connolly/Menezes Decl. at paras. 16-17. The issues AT&T raises -- manual work-around processes and CMP voting procedures -- have been resolved and resolution of these issues demonstrates that competitive LECs are able to successfully request changes through Qwest's CMP. Qwest I Reply at 55–56.

499 Qwest I Filip Decl. at para. 4. The minutes from these meetings are posted on Qwest's CMP website and are regularly distributed to competitive LECs. *Id.; see also* North Dakota Commission Qwest I Comments, Consultative Report at 172-73 (describing the collaborative meetings).

500 Qwest I Filip Decl. at paras. 4-5. We note that no commenter has questioned the effectiveness of the collaborative nature of this process. Nor has any commenter argued that Qwest does not adhere to the collaborative meeting schedule.

501 *Id.*

designating various Qwest subject matter experts, responsible directors, and the assigned request project manager.[502] Within eight business days of receipt of the completed change requests, Qwest holds a clarification meeting with the request originator. If the request is received within three weeks of a scheduled CMP meeting, the request is presented at the meeting.[503] Subsequently, depending on the OSS function affected by the change request, parties are invited to submit written comments and Qwest renders a decision pursuant to various defined schedules.[504] We find that by providing this defined schedule of intervals and responsible personnel, Qwest demonstrates that it provides competitive LECs with an adequate opportunity to provide substantial input in the change management process.

136. *Dispute Resolution*. Additionally, we find that the Qwest CMP provides a sufficient mechanism for resolving impasses between Qwest and competitive LECs.[505] The CMP provides a detailed process for escalations whereby a Qwest employee (Director or above) is assigned to the escalation.[506] In the event the competitive LEC wishes to further dispute an issue, there is a defined dispute resolution process which provides for arbitration, mediation, or submission to the appropriate regulatory agency.[507]

137. *Testing Environment*. We find that Qwest's Stand Alone Test Environment ("SATE") provides competing carriers with a sufficient testing environment to successfully adapt to changes in Qwest's OSS.[508] Although we recognize that SATE was not fully tested by

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[502] *Id*.

[503] *Id*. at paras. 28-29.

[504] *Id*. at paras. 51-70.

[505] *SWBT Texas Order*, 15 FCC Rcd at 18404, para. 108.

[506] Qwest I Filip Decl. at para. 91.

[507] *Id*. at paras. 91-93. The CMP also has an "exception process" whereby Qwest or a competitive LEC can request a deviation from the CMP. *Id.* at para. 48.

[508] *Bell Atlantic New York Order*, 15 FCC Rcd at 4002-03, para. 109. Prior to August 2001, Qwest supported only its Interoperability test environment for competing carriers testing an EDI interface. In response to KPMG identifying several deficiencies with Interoperability, Qwest implemented the SATE on August 1, 2001. Qwest I Notarianni and Doherty Decl. at para. 717. Due to the then relatively recent release of Version 9.0 of SATE on January 28, 2002, however, KPMG was unable to conduct a transaction-based test of SATE. Thus, KPMG was unable to conclude whether SATE supports flow-through transactions. KPMG Report at 580-81 (referencing Test 24.6-1-8 and describing Exception 3077 which was closed unresolved). Qwest asserts, however, and we agree that the addition of Virtual Interconnect Center Knowledge Initiator ("VICKI"), which provides post-order response capability, in January 2002 and flow-through capabilities in May 2002 address many of KPMG's concerns in Exception 3077. Qwest July 19 *Ex Parte* Letter at 10 (citing confidential version); *see also* Qwest I Notarianni and Doherty Decl. at para. 723. Further, we note that the Colorado Commission states that it has adequately addressed this issue in requiring a new PID, PO-19, to be added to the performance plan that will measure production mirroring. Colorado Commission Qwest I Comments at 50-52. Therefore, we examine the record to consider whether SATE incorporates the requisite functionalities and to determine whether competitive LECs are actually entering production by using SATE.

KPMG, we find that commercial activity shows that Qwest provides an adequate testing environment that mirrors production.[509]

138. Competing carrier commercial activity demonstrates that SATE currently allows carriers to successfully test their EDI interfaces in SATE and enter production.[510] Qwest states that, as of July 9, 2002, eleven competitive LECs, with an additional five through third-party vendors, have successfully tested in SATE and entered production.[511] We also note that Qwest provides competitive LECs with several tools to implement SATE, including a technical support staff, an interface testing users' group that meets regularly as part of the change management process, and extensive documentation on SATE implementation.[512]

139. We find that the record demonstrates that SATE allows competitive LECs to electronically test their OSS interfaces by submitting pre-defined test scenarios that are intended to mirror production responses.[513] We reject claims that SATE does not mirror the production environment's responses because it does not provide identical responses to all submissions.[514]

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[509] In reaching our conclusion, we note the findings of HP's review of SATE as part of the Arizona Commission's evaluation. In its evaluation, HP concluded that "the Qwest SATE is adequate to support New Release Testing by a [competitive LEC]." Qwest I Application App. A, Tab 10, Exhibit LN-OSS-77, SATE New Release Test Summary Report, at 11; *see also* Qwest I Notarianni and Doherty Decl. at para. 751 (addressing the Arizona HP test results). HP also noted that competitive LECs "appear to be successful in using SATE and many [competitive LECs] appear to be migrating to using the SATE rather than Qwest's Interoperability." *Id.* We note that HP did not, however, conduct an evaluation of production mirroring for Version 9.0. Instead, HP developed a series of recommendations aimed at ensuring that SATE remains adequate for supporting new releases. HP recommended that Qwest create additional documentation identifying business rule changes and documentation defining the resolution process for production mirror issues. *Id.* As addressed in our discussion of CMP documentation, the record reflects that Qwest has provided these documents to competitive LECs on its website.

[510] Qwest I Notarianni and Doherty Decl. at para. 740.

[511] Qwest July 19 *Ex Parte* Letter at 13; *see also* Qwest I Notarianni and Doherty Reply Decl. at para. 245. Notably, Qwest submitted a letter from a third party software vendor, Nightfire, that develops interfaces for competitive LECs. *Id.,* Attachment B. Nightfire states that it has successfully tested, for five competitive LECs, the following Qwest products in SATE: Resale POTS, Unbundled Loops, Number Portability, Loop with Number Portability, Sub Loops, Line Sharing, and UNE-P POTS. *Id.* Similarly, SWBT demonstrated that several carriers utilized its testing environment. *SWBT Texas Order*, 15 FCC Rcd at 18411-12, para. 120.

[512] Qwest I Notarianni and Doherty Decl. at para. 720; Qwest July 19 *Ex Parte* Letter at 11 (describing SATE documentation provided to competitive LECs) (citing confidential version).

[513] Qwest I Notarianni and Doherty Decl. at para. 718; Qwest July 19 *Ex Parte* Letter at 8-9 (describing the differences between SATE responses and production responses) (citing confidential version).

[514] WorldCom Qwest I Comments at 21. We also find that Qwest provides a stable testing environment because it makes no changes to the test environment (other than "bug" fixes – production support changes necessary to correct software problems that are identified during the pre-implementation testing period prior to implementing a major release) during the 30-day period prior to implementation of a new release. Qwest I Notarianni and Doherty Decl. at para. 731 (referencing KPMG's findings that Qwest makes SATE available to competitive LECs approximately 30 calendar days prior to production); Qwest Nov. 6 *Ex Parte* Letter at 3 (defining "bug"). This requirement is documented in the CMP under "Change to Existing OSS Interfaces." *Id.*

To the contrary, in the *SWBT Texas 271 Order*, the Commission held its mirroring requirement does not mandate that the testing environment provide a set of responses identical to the production environment.[515] Instead, a BOC's testing environment must perform the same key functions.[516] Here, SATE returns all IMA-EDI generated production error messages, as well as "commonly triggered" legacy system errors.[517] Qwest acknowledges that SATE does not provide identical responses to every possible scenario.[518] That is, SATE does not provide every possible error response in Qwest's legacy system, but rather provides a response that indicates the type of error submitted. Competitive LECs are then able to use Qwest's documentation to determine the cause of the error response.[519] In order for competitive LECs to determine what a particular response represents, Qwest documents and makes available all known differences between SATE and the production environment.[520] In addition, Qwest has offered to add to SATE any error message or test scenario that a competitive LEC requests.[521] Accordingly, we conclude that SATE is designed to ensure that competitive LECs' EDI interfaces can communicate with Qwest's systems regarding key functionalities and to allow real-world orders to be tested.[522]

140. Lastly, we find that Qwest provides competitive LECs with the ability to migrate to an updated version of its testing environment, *i.e.*, "versioning." In reviewing a section 271 application, the Commission looks for mechanisms to ensure the timely and effective transition from one testing environment software release to another, thus showing that competitors have a meaningful opportunity to compete.[523] Qwest's versioning process, which allows use of a prior SATE release even after implementation of a new release in order to provide flexibility on the timing of migrating to the new release, provides a sufficient mechanism to protect competing carriers from premature cut-overs and disruptive changes to their OSS interfaces.[524] Qwest

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[515] *SWBT Texas Order*, 15 FCC Rcd at 18421, para. 138.

[516] *Id*.

[517] Qwest I Notarianni and Doherty Decl. at para. 736.

[518] *Id*. at paras. 736-37.

[519] Qwest July 19 *Ex Parte* Letter at 7-8 (describing SATE legacy error messages) (citing confidential version).

[520] Qwest July 19 *Ex Parte* Letter at 11 (citing confidential version).

[521] *Id*. Qwest states that no competitive LEC has requested that any additional error messages be added to SATE. *Id.*

[522] *See* Qwest July 19 *Ex Parte* Letter at 7 (citing confidential version).

[523] *SWBT Texas Order*, 15 FCC Rcd at 18408, para. 115. While a change management process must include assurances that changes to existing OSS interfaces will not disrupt competing carriers' use of the BOC's OSS, the Commission has not required any particular safeguard. *See Bell Atlantic New York Order*, 15 FCC Rcd at 4004-05, para. 110*; SWBT Texas Order* 15 FCC Rcd at 18406, para. 112.

[524] Qwest I Notarianni and Doherty Decl. at para. 732.

makes SATE available for an extended testing period, allowing competitive LECs to test a new EDI release for thirty days prior to and, on average, six months after the introduction of the next release.[525] We encourage Qwest to continue this practice, and to accept and consider any input from competitive LECs regarding software problems they discover during testing before Qwest decides to implement a new software release.

141. We also reject claims that SATE is inadequate because it does not enable competitive LECs to test all of Qwest's products.[526] The record reflects that SATE generally allows competitive LECs to test all products that are presently being ordered and to add new products as needed.[527] Although Qwest admits that certain products are not yet available for testing in SATE,[528] SATE was collaboratively designed with competitive carriers prioritizing the products that would be initially offered.[529] The few remaining products not yet available in SATE presently are not being ordered in significant quantities by competitive LECs.[530] Moreover, competitive LECs are able to request that new products be added to SATE through the change management process.[531]

142. Similarly, we reject claims that SATE is inadequate because the directory listing function does not exist in SATE and that the test deck only includes the simplest of order types.[532] With respect to the directory listing function, Qwest explains that, contrary to WorldCom's assertion, the pre-order directory listing information is included on the SATE test

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525 *Id*.

526 *See, e.g.,* AT&T Qwest III Comments at 64-65; WorldCom Qwest I Comments at 21-22.

527 Qwest I Notarianni and Doherty Decl. at paras. 747, 765-69.

528 *Id*. at para. 766. Qwest notes that it proposed in May 2002 to add an extensive list of products to SATE, with competitive LECs showing little or no interest in adding 14 of Qwest's proposed products. *Id.* at paras. 767-68.

529 *Id*. at paras. 718, 721.

530 Qwest Nov. 6 *Ex Parte* Letter at 3.

531 We reject AT&T's argument that use of the change management process to request that new products be added to SATE denies competing LECs an opportunity to compete. AT&T Qwest III Comments at 65, App. Tab E, Declaration of John Finnegan, Timothy Connolly and Kenneth Wilson at paras. 118-119 (AT&T Qwest III Finnegan/Connolly/Wilson Decl.). As discussed herein, we find that Qwest's change management process provides competitive LECs an opportunity to request changes to Qwest's OSS. Qwest explains that it reached a compromise with AT&T on September 30, 2002 which mandates that Qwest use a threshold of 100 EDI transactions in the production environment during the previous 12 months to calculate which products to add to SATE. This issue and compromise is an impasse issue that is pending before the Arizona Corporation Commission. Qwest III Notarianni & Doherty Reply Decl. at para. 166. *See also* Qwest Nov. 6 *Ex Parte* Letter. Accordingly, AT&T's concerns should be minimized as Qwest will automatically be adding frequently ordered products, without need to resort to the change management process.

532 WorldCom Qwest III Comments at 16; Letter from Lori Wright, Associate Counsel, WorldCom, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 6, 2002) at 5,12 (WorldCom Nov. 6 *Ex Parte* Letter).

scenario CSR, thus allowing competitive LECs to test ordering functionality related to directory listings.[533] In addition, Qwest added the capability of running the pre-order test listings reconciliation query to SATE in IMA release 11.0 on October 19, 2002, pursuant to a change request prioritized through the CMP.[534] Finally, although WorldCom's request with respect to directory listing information was only added in October, 2002, competing LECs are also able to test the facilities based directory listing capability through the Interoperability test environment.[535]

143. With respect to WorldCom's concerns regarding test scenarios, we conclude that the record demonstrates that Qwest's practice of adding test scenarios for competing LECs upon request adequately addresses WorldCom's concern. The record demonstrates that Qwest's practice of adding test scenarios for competing LECs upon request allows competing LECs to test scenarios based on their individual business needs, while ensuring that the data document is not constantly changing.[536] WorldCom asserts that this practice results in harm to competitive LECs because they may be unaware that such test scenarios exist and bear the consequences in production.[537] We find, however, that the record belies this concern; competitive LECs were aware of this approach and agreed to it, indicating that other LECs do not share WorldCom's concern.[538] We are also comforted by Qwest's practice of adding test scenarios that are requested by multiple competitive LECs to the test deck.

144. *Documentation Adequacy.* As discussed above in the section addressing *Organization and Accessibility* of the CMP, we find that Qwest provides sufficient

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[533] Qwest III Notarianni & Doherty Reply Decl. at para. 169. See also Letter from R. Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 14, 2002) (Qwest Nov. 14a *Ex Parte* Letter). In fact, WorldCom ultimately determined that it could obtain directory listing information in the manner described by Qwest. However, WorldCom asserts that Qwest's method for obtaining directory listing information requires that WorldCom develop "complex logic" and that such a process would be difficult, expensive, and time consuming. WorldCom Nov. 6 *Ex Parte* Letter at 5. Accordingly, we find that Qwest does make directory listing information available to competitive LECs in a nondiscriminatory manner. Although WorldCom alleges that Qwest's manner of making such information available may cause competitive LECs to incur development expenses, WorldCom presents no evidence that such costs are competitively significant or discriminatory.

[534] Qwest III Notarianni & Doherty Reply Decl. at para. 168.

[535] *Id*. Indeed, the record demonstrates that several competing LECs have used the Interoperability test environment for testing Facility Based Directory Listings and are in production for these products. *Id*. at n. 262.

[536] Qwest states that it currently does not add test scenarios that are requested by a single competitive LEC to the current or future SATE versions, which would make such test scenarios available to all competitive LECs, because the infinite number of test scenarios threatens to clutter the SATE Data Document with unnecessary test scenarios created at the request of individual competitive LECs. *Id*. at paras. 171-172. *See also* Qwest Nov. 6 *Ex Parte* Letter at 1-2.

[537] WorldCom Qwest III Comments at 17.

[538] Qwest Nov. 6 *Ex Parte* Letter at 2.

documentation to allow competitive LECs to design their OSS interfaces. We agree with the Colorado Commission that the documentation supplied to competing carriers by Qwest is robust.[539] Qwest provides competing carriers with an EDI development process, interface specifications, technical specifications, change notifications and an actual walk-through if requested.[540] We base our decision that Qwest provides adequate documentation in large part on Qwest's demonstration, discussed above, that several competitive carriers are using electronic interfaces in production.

(iii) Adherence to the Change Management Process

145. We find that Qwest demonstrates that it adequately adheres to the CMP.[541] Although KPMG did not perform a third-party test of Qwest's adherence to its CMP, we rely on the findings of the commissions of the nine application states in finding that Qwest follows its documented processes. As in previous section 271 decisions, we consider whether the BOC accepts change requests, whether the BOC adheres to its CMP by demonstrating it implements change requests prioritized by competing carriers, and whether the BOC establishes a pattern of compliance with its CMP's intervals for notification of system changes.[542]

146. In reaching our conclusion, we rely on the findings of the state commissions, which closely participated in the CMP process. According to the evidence, Qwest conducts monthly meetings with competing carriers, tracks and documents change requests, discusses its responses during the monthly CMP meetings, modifies responses based on competing carrier input when appropriate, and provides competing carriers web-based access to change requests and related documentation.[543]

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[539] Colorado Commission Qwest I Comments at 52.

[540] *Id*. We recognize that, because discussions between Qwest and competitive LECs regarding CMP changes are ongoing and will continue to be for the foreseeable future, KPMG was unable to review certain aspects of CMP, which were either too new, or not yet mature enough to evaluate. KPMG Final Report at 17. Accordingly, KPMG was not able to verify that Qwest has defined and documented all aspects of the new CMP. *Id.*

[541] The Colorado Commission concluded that Qwest's CMP is sufficiently in place and documented. Colorado Commission Qwest I Comments at 48. The Colorado Commission argues that, although KPMG could not determine, due to ongoing redesign negotiations, whether the CMP was fully implemented or documented, Qwest has already implemented and posted to its website processes that go beyond any change management process previously approved by this Commission. *Id*.

[542] *BellSouth Georgia/Louisiana Order* at paras. 192-96.

[543] North Dakota Commission Qwest I Comments, Consultative Report at 174. Further, the North Dakota Commission found that Qwest has developed and maintains a competing carrier and Qwest CMP point of contact list and has established a pattern of quickly implementing the agreements reached in the redesign process. *Id*.; *see also* Department of Justice Qwest I Evaluation at 26 n.122 (stating "no [competitive LEC] has alleged with specificity any Qwest failure to meet a CMP-mandated, [competitive LEC]-affecting deadline since establishment of the revised CMP").

147. We reject commenters' contentions that, because certain parts of the change management process were revised earlier this year, Qwest has not had an adequate opportunity to demonstrate a pattern of compliance.[544] In light of the robust change management process that has been collaboratively designed, and the fact that Qwest has met each milestone to date regarding implementation of the CMP,[545] we find that competitive LECs have a sufficient opportunity to participate in the change management process.[546] We base our decision here on the analysis of the commissions of the nine application states, the commercial performance data indicating that Qwest is successfully processing change requests, and the fact that Qwest has an adequate notification process in place, both through its website and through its monthly meetings.[547] We also rely on KPMG's conclusions that CMP responsibilities and activities are defined,[548] the CMP is in place and documented,[549] a framework exists to evaluate, categorize,

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[544] WorldCom Qwest I Comments at 19. *See also* Eschelon Qwest I Comments at 28. We note, however, that WorldCom recognizes that Qwest has "significantly improved" its CMP. WorldCom Qwest I Lichtenberg Decl. at paras. 3, 74-79 (recognizing that Qwest "has worked with CLECs in the last two years to significantly improve its OSS and to develop a third-party test of that OSS"). Although KPMG was unable to evaluate Qwest's adherence to three criteria measuring the implementation of the product and process change management process, the Colorado Commission's evaluation of these criteria since April 2002 found that Qwest adheres to this process. Colorado Commission Qwest I Comments at 48 (referencing test criteria 23-2-7, 23-2-8, and 23-2-9). We reject AT&T's claims that Qwest has not adhered to the CMP by failing to notify competitive LECs of Qwest's ability to provision ISDN loops with pair gain. AT&T Qwest I Finnegan/Connolly/Menezes Decl. at paras. 70-72. We find that this issue, at most, represents an isolated error on Qwest's part and, further, appears to have been sufficiently resolved. We also reject AT&T's claims regarding NC/NCI codes, local service freezes, and DUF returns. AT&T claims that these issues reflect a failure by Qwest to follow the CMP, yet AT&T does not identify which states these issues involve and, further, AT&T makes only general references to what part of the CMP Qwest violates. AT&T Qwest I Finnegan/Connolly/Menezes Decl. at paras. 73-82. We find that these issues are isolated incidents and appear to all have been resolved in a timely fashion. *Id.*

[545] Qwest I Filip Decl. at para. 144.

[546] *Id*. at paras. 143-44. AT&T claims that many of Qwest's milestones are "ministerial" and thus irrelevant to a finding of compliance. AT&T Qwest I Finnegan/Connolly/Menezes Decl. at paras. 48. We disagree, however, and find that many of the milestones that AT&T criticizes, such as conducting scheduled meetings, and diligently following each part of the change request process, are indeed the type of milestones we consider. *Id.* at 47. AT&T appears to ask us to reject these milestones because they do not demonstrate or reflect the "effectiveness" of such meetings. *Id.* at para. 49. To the contrary, there has been no objective measure proposed on this record that would capture the "effectiveness" of a meeting as AT&T apparently envisions. Moreover, the record does not reflect any contention that the meetings were not an appropriate part of the implementation of the change management process. Instead, we note that Qwest's CMP has a robust dispute resolution process that allows competitive LECs to escalate issues that are not effectively or adequately addressed at change request meetings. Further, in light of the state commissions' active participation in this process to date, we find it instructive that no commission has indicated that Qwest's milestones were insufficient.

[547] Qwest I Filip Decl. at para. 145. Qwest has conducted change management meetings with competitive LECs at least once a month since 1999. *Id.* at para. 147. Qwest distributes change request notifications at these meetings and also, since August 2001, posts the minutes of these meetings on its website. *Id.*

[548] KPMG Final Report at 513 (referencing Test 23-1-1).

and prioritize proposed changes,[550] the CMP includes procedures for allowing input from all interested parties,[551] and the CMP defines intervals for considering and notifying customers about proposed changes.[552] Lastly, we agree with the Department of Justice's conclusion that Qwest has demonstrated its compliance with the basic CMP elements that have been in place for more than nine months, as well as the procedures implemented after April 1, 2002.[553]

148. We reject claims that Qwest's actions over the course of the past few months demonstrate that Qwest does not adhere to its CMP.[554] Qwest, in fact, agrees that one of the instances cited by WorldCom was a violation of its CMP,[555] but persuasively argues that isolated instances of noncompliance with CMP are not sufficient to undercut the overall strong performance Qwest has demonstrated.[556] In addition, Qwest has met the benchmark for the relevant PID for each of the previous four months.[557]

149. We also reject claims that the CMP must be finalized before we can review a BOC's compliance. As of September 30, 2002, when the instant applications were filed, only small details remained to be discussed in the redesign process.[558] We agree with the Iowa Board that even though final language is not complete and the CMP is not perfected, the change management process is, by its very nature an evolving and dynamic process.[559] For purposes of

(Continued from previous page)

[549] KPMG Final Report at 514 (referencing Test 23-1-2). KPMG was able to observe, through change requests submitted by both Qwest and competitive LECs, all four types of system changes: regulatory; industry guideline; Qwest-originated; and competitive LEC-originated. *Id.*

[550] KPMG Final Report at 514-15 (referencing Test 23-1-3).

[551] KPMG Final Report at 516 (referencing Test 23-1-4).

[552] KPMG Final Report at 517 (referencing Test 23-1-5). KPMG also concluded that documentation regarding CMP changes is properly distributed. KPMG Final Report at 517-18 (referencing Test 23-1-6).

[553] Department of Justice Qwest I Evaluation at 26-27 (noting that the "CMP redesign and implementation is a dynamic process"). From June through September 2002, Qwest met over 100% of the milestones for processing Qwest-originated product and process change requests. Qwest III Reply App. A, Tab 18, Reply Declaration of Dana L. Filip (Qwest III Filip Reply Decl). at para. 6; Letter from R. Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket. No. 02-314 at 1 (filed Nov. 12, 2002) (Qwest Nov. 12a *Ex Parte* Letter). From June through September 2002, Qwest met 100% of the milestones for processing competitive LEC-initiated product and process change requests. Qwest III Filip Reply Decl. at para. 6; Qwest Nov. 12a *Ex Parte* Letter at 2.

[554] WorldCom Qwest II Reply Comments at 13-15; WorldCom Qwest III Comments at 18.

[555] *See* Qwest III Filip Reply Decl. at para. 12.

[556] *Id*. at para. 8.

[557] PO-16: Timely Release Notifications.

[558] Qwest III Filip Reply Decl. at para. 5.

[559] Qwest I Application App. C, Vol. 1, Tab 15, IUB Conditional Statement Regarding Change Management Process Compliance at 8-9; *see also* Department of Justice Qwest I Evaluation at 26.

this section 271 analysis, we find Qwest has presented a complete and organized CMP that is readily accessible to competing carriers in Qwest's SGAT and on Qwest's website.[560]

150. *Accepting Change Requests*. Qwest also demonstrates that it validates change requests for acceptance into the process in a timely manner and in accordance with the intervals specified in the CMP. Qwest notes that it has met 98% of its commitments in processing product and process change requests since November 2001.[561] Between June 1 and September 30, 2002, Qwest processed 60 OSS interface change requests.[562] During the same period, Qwest processed 16 competitive LEC-initiated product and process change requests.[563]

151. *Implementation of Prioritized Changes.* We also find that Qwest adheres to the CMP in part because Qwest demonstrates that it promptly implements change requests prioritized by competing carriers through the CMP.[564] We find that, as language was agreed to between Qwest and competitive carriers during the redesign process, this language was promptly added to the CMP and implemented by Qwest in a timely fashion.[565] We find that the bulk of the change management provisions have been in place for months and Qwest has adhered to these provisions.[566]

152. *Notification Adequacy and Timeliness*. We find that Qwest has established a pattern of compliance with the intervals established in the CMP for notification of a variety of

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[560] *Id*. Qwest maintains the most recent version of the change management process on its website and continues to file monthly change management status reports with the Iowa Board on meetings held with competing carriers to redesign the process. Iowa Board Qwest I Comments at 38-39.

[561] Qwest I Filip Decl. at para. 144.

[562] Qwest Nov. 12a *Ex Parte* Letter at 2.

[563] *Id*.

[564] The Colorado Commission found that Qwest adheres to the change management process, specifically with regard to defining standards for the prioritization system and for severity coding under test criterion 23-1-8. Colorado Commission Qwest I Comments at 47. Although KPMG reached an "unable to determine" result regarding this test, the Colorado Commission found that Qwest and the competing carriers have in fact sufficiently prioritized the IMA releases 10.0 and 11.0, and that the change in classification of change requests did not affect the prioritization process. Colorado Commission Qwest I Comments at 47. The Colorado Commission also notes that the Colorado performance plan has a 100% benchmark for initial and subsequent release notifications, carrying daily penalties ranging from $50 – 200 per day. *Id*. at 46-47. Qwest has met the benchmark in all of the previous four months for timely release notifications. *See* PO-16 (Timely Release Notifications).

[565] Because the CMP revision process is uniform across the nine application states, we rely on the finding of the Colorado Commission that Qwest demonstrates that it revises and implements changes to the CMP in a timely fashion. Colorado Commission Qwest I Comments at 52. The Colorado Commission also finds that Qwest has continued to follow the basic prioritization process for IMA releases 10.0 and 11.0. *Id.*

[566] Colorado Commission Qwest I Comments at 52-53.

system changes.[567] The commercial data reflect that Qwest has adequate performance with regard to timeliness of release notifications. In addition, Qwest has made significant improvements to its tracking and release notification internal procedures by designating a project manager to ensure release notifications are tracked and issued on a timely basis.[568]

f. Maintenance and Repair

153. Based on the evidence in the record, we conclude, as did the nine state commissions, that Qwest provides nondiscriminatory access to its maintenance and repair OSS functions.[569] We find that Qwest has "deployed the necessary interfaces, systems, and personnel to enable requesting carriers to access the same maintenance and repair functions" that Qwest provides itself.[570] Competing carriers have access to these functions in substantially the same time and manner as Qwest's retail operations, and with an equivalent level of quality.[571] Qwest demonstrates that competitive LECs have equivalent access to the same information as Qwest retail representatives[572] and the same access to maintenance and repair functionality as Qwest's retail operations.[573] Below, we briefly discuss how the commercial data[574] and the findings of

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567 The Commission's prior section 271 orders recognize the importance of a BOC's provision of timely, complete, and accurate notice of alterations to its systems and processes and, therefore, the Commission requires that a BOC have "established a pattern of compliance with the relevant notification and documentation intervals in its Change Agreement." *SWBT Texas Order*, 15 FCC Rcd at 18415, para. 126.

568 Qwest I Filip Decl. at para. 162-63. These new procedures became effective on April 1, 2002 with all subsequent release notifications being issued on a timely basis.

569 *See, e.g.*, Montana Commission Qwest II Comments at 19-23; Utah Commission Qwest II Comments at 1; Washington Commission Qwest II Comments at 1, 33 (recommending approval of application generally; the Washington Commission Comments do not specifically address maintenance and repair); Wyoming Commission Qwest II Comments at 6.

570 *Bell Atlantic New York Order*, 15 FCC Rcd at 4067, para. 211.

571 *Bell Atlantic New York Order*, 15 FCC Rcd at 4067, para. 211.

572 We reject any claims that Qwest must provide an application-to-application maintenance and repair interface. The Commission raised concerns in the *BellSouth Second Louisiana Order* about the importance of integrating maintenance and repair databases. *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20694-96, paras. 149-52. More recently, however, the Commission found that "a BOC is not required, for the purpose of satisfying checklist item 2, to implement an application-to-application interface for maintenance and repair functions – provided it demonstrates that it provides equivalent access to its maintenance and repair functions in another manner." *Bell Atlantic New York Order*, 15 FCC Rcd at 4068, para. 215; *SWBT Texas Order*, 15 FCC Rcd at 18458 n.565. Nonetheless, while we do not require an application-to-application maintenance and repair interface here because Qwest provides equivalent access, we are encouraged by the Iowa Board's finding that Qwest maintains a test environment that is more than sufficient to enable competing carriers to successfully test their electronic interfaces with Qwest's maintenance and repair functions prior to production. Qwest I Application App. C, Vol. 1, Tab 15, IUB Conditional Statement Regarding Change Management Process Compliance at 16-18.

573 *See Bell Atlantic New York Order*, 15 FCC Rcd at 4069-70, para. 215.

574 We note that, in its comments, AT&T lists without elaboration various performance metrics missed by Qwest for particular months. *See* Section 1, *supra*. Because AT&T neither provides specific evidence regarding these (continued….)

KPMG's third-party test demonstrate that Qwest's systems are functional and provide service to competitive LECs in a nondiscriminatory manner.[575]

154. *Commercial Data*. We conclude that the commercial data demonstrate that Qwest addresses trouble complaints for competing carriers in substantially the same time and manner that it addresses complaints from its own retail customers.[576] We base our conclusion on the fact that, for the months June through September 2002, Qwest missed few parity performance measures. Qwest's overall performance in promptly clearing out-of-service orders, clearing troubles in a timely fashion,[577] responding to customer calls on a timely basis,[578] restoring service,[579] and meeting repair appointments[580] indicates that Qwest performs these functions in substantially the same time and manner for both competitive LECs and Qwest's retail customers. We also note that the record reflects very few complaints from competitive LECs regarding Qwest's maintenance and repair performance.[581]

155. *Third Party Test.* The results of the Third Party Test demonstrate that Qwest is capable of providing competing LECs with maintenance and repair services in a

(Continued from previous page)
missed metrics, nor demonstrates any harm or discrimination resulting from the misses, we do no find that the missed metrics listed by AT&T alter our conclusion that Qwest provides nondiscriminatory access to its maintenance and repair functions.

575 *See* KPMG Final Report at 16.

576 *Bell Atlantic New York Order*, 15 FCC Rcd at 4072, paras. 220-22.

577 MR-3 (Out of Service Cleared within 24 Hours); MR-4 (All Troubles Cleared within 48 Hours); MR-5 (All Troubles Cleared within 4 Hours).

578 MR-2 (Calls Answered within 20 Seconds – Interconnect Repair Center).

579 MR-6 (Mean Time to Restore).

580 MR-9 (Repair Appointments Met).

581 *But see* WorldCom Qwest I Comments at 16 (arguing that Qwest's "region wide" UNE-P repair performance is unsatisfactory). *See also* Eschelon Qwest I Comments at 9, arguing that Qwest is not prepared to deal with DSL repair issues. In particular, Eschelon claims that "Qwest has said it does not have back end system records containing the DSL technical information needed for repair of Centron/Centrex Plus lines with DSL." *Id.* However, the record indicates that Qwest developed a manual process to address this problem and that a change management request submitted by Eschelon for a mechanized solution is being investigated by Qwest. Qwest I Simpson Reply Decl. at paras. 3-5; Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189 (filed August 19, 2002) (Qwest August 19a *Ex Parte* Letter). Eschelon observes that Qwest's manual workaround is only for orders on a going forward basis and that Qwest has not offered a solution for Eschelon's customers that already have DSL. Eschelon Qwest III Comments at 39. However, Qwest explains that it currently has approximately 20 accounts in service that meet the parameters of Eschelon's concern, and all of those accounts contain the required DSL information. Letter from R. Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-314 (filed Oct. 11, 2002) (Qwest Oct. 11d *Ex Parte* Letter). Accordingly, we find that Eschelon's concern is adequately addressed by Qwest and does not present a competitively significant problem.

nondiscriminatory manner.[582] Although KPMG identified four exceptions during its review that were closed as unresolved,[583] for the reasons discussed below, we find that none of these issues is competitively significant. First, KPMG noted that in the end-to-end trouble reporting process, problems arose involving the accuracy of closeout codes describing the nature and location of the UNE-P and Resale POTS repairs placed on trouble tickets by Qwest field technicians.[584] Qwest asserts, and we agree, that its performance rises to a satisfactory level when the trouble ticket's narrative field is viewed in conjunction with the closeout code.[585] That is, a proper determination regarding the nature and location of the trouble is far more likely to occur when the narrative description is taken into consideration. In addition, Qwest has instituted an internal audit process and additional training of its technicians to improve coding of trouble tickets.[586] In view of the rise in Qwest's performance when the narrative field is considered and its corrective actions, we find that Qwest's performance in this category, which involves an identical process for both retail and wholesale customers, provides competitive carriers with the same quality service Qwest provides itself.[587]

156. Similarly, KPMG found that Qwest's maintenance and repair records reflected UNE-P, Resale, and Centrex 21 repair information that was inconsistent with the nature of the actual faults introduced by KPMG.[588] In this "troubles" category, which is measured by a KPMG-set 95 percent standard, Qwest successfully repaired these services 92.28 percent of the time. We agree, however, with Qwest's assertion that the relevant consideration in this category is whether the repair process is identical for its retail and wholesale customers.[589] We find the process that KPMG reviewed is identical for competitive LECs and Qwest retail customers.[590] Moreover, we find Qwest's miss of less than 3 percent in comparison to KPMG's benchmark to be *de minimis* and competitively insignificant.

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582 Qwest I Application at 125-126; KPMG Report at 319-337, 344-345, 351-355, 363-385, 390-406, 658-667.

583 These four exceptions relate to Qwest's trouble reporting process.

584 Qwest I Application at 126; KPMG Final Report at 353-54 (referencing Test 18-6-1 and Exception 3055). We note that there was no PID (ROC established measure) for the test; KPMG established the 95% benchmark.

585 Qwest I Application at 126. Qwest's performance in this category rises from 88% to over 95% when the narrative field is considered. *Id.*

586 Qwest I Notarianni and Doherty Decl. at paras. 474-75.

587 We note the conclusion of the Idaho Commission that the correct information is usually contained in the narrative field. Idaho Commission Qwest I Comments at 10. While the Idaho Commission supports additional ongoing improvements in this area, it found that the current performance does not appear to prevent a competing carrier from having a meaningful opportunity to compete. *Id.*

588 Qwest I Application at 126-27; KPMG Final Report at 355 (referencing Test 18-7-1 and Exception 3058).

589 Qwest I Notarianni and Doherty Decl. at paras. 462, 479-80.

590 *Id*.

157. In addition, we find that the final two exceptions issued by KPMG, Exception 3053 where Qwest incorrectly entered only one out of ten total DS1 circuit trouble "close-out" codes, and Exception 3107 where Qwest missed the 24-second benchmark for processing non-design edit transactions by three seconds, to be *de minimis* in nature and not competitively significant.[591]

158. We reject AT&T's claim that Qwest fails to process competing carriers' trouble reports in a timely manner, that Qwest's fails to provide an adequate rate of successful repairs, and that Qwest fails to maintain adequate repair records for competing carriers.[592] We also reject AT&T's claim that Qwest fails to provide adequate access to maintenance and repair functions because its trouble rates for UNE-P customers are higher than for its own customers. As discussed herein, the commercial evidence demonstrates that Qwest has missed few measures and, further, that the differences in performance for the missed measures are not competitively significant.

159. Finally, Eschelon raises a series of complaints about Qwest's maintenance and repair capabilities, none of which rises to the level of an adverse checklist finding. Eschelon claims that, for unbundled loops, Qwest does not include circuit identification information in Eschelon's bills for maintenance and repair charges.[593] The resulting effect, Eschelon claims, is that if Eschelon has multiple trouble tickets for the same circuit identification number it is unable to itemize maintenance and repair charges for each trouble.[594] Because Eschelon does not provide any evidence that this practice is either discriminatory or unreasonable under our precedent, and because it does not appear that any coding errors are involved, we are unable to find such a practice, if true, to be competitively significant. Rather, it appears that this is an issue more appropriately addressed by submitting a change request to Qwest's change management process.

160. Eschelon also claims that Qwest fails to provide a statement of time, materials and charges at the time repair work is completed, as it does for its own customers.[595] Again, we find that Eschelon fails to demonstrate that this process is discriminatory or competitively significant, particularly given that Qwest offers a process for disputing repair bills and is currently considering a process change request submitted by Eschelon on this subject.[596] Eschelon also contends that Qwest closes tickets with the incorrect cause and disposition

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591 Qwest I Application at 127; Qwest I Notarianni and Doherty Decl. at paras. 462, 479-80.

592 AT&T Qwest I Comments at 44.

593 Eschelon Qwest I Comments at 14.

594 *Id.*

595 *Id*. at 12-13.

596 Qwest III Application at 39; Qwest I Notarianni & Doherty Reply Decl. at para. 167.

codes.[597] Eschelon claims, without providing any additional information or detail, that bill verification becomes "virtually impossible" for bills that Eschelon considers "untimely."[598] In addition, Eschelon contends that many erroneous "NTFs" are charged to the competitive LEC.[599] Eschelon does not demonstrate that Qwest's billing result is competitively significant. To the contrary, Qwest states that "less than 0.1% of Qwest's wholesale billing is associated with" maintenance and repair charges."[600] Qwest further explains that it does not issue bills that are over 45 days old.[601] Eschelon's remaining issues similarly do not rise to the level of checklist non-compliance.[602]

g. Provisioning

161. Based on the evidence in the record and in accordance with the findings of the nine state commissions,[603] we find that Qwest provisions competitive LEC orders for UNE-platform and resale services in a nondiscriminatory manner in the nine application states.[604] Below, we briefly discuss Qwest commercial performance and KPMG's third-party test with regard to provisioning.

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[597] Eschelon Qwest III Comments at 40-41. Eschelon states that for the week of September 9, 2002, 42 percent of design tickets Qwest coded as NTF were incorrectly coded. *Id.* Qwest states that its coding accuracy for the week of September 9, 2002 was 97 percent for total design troubles reported by Eschelon. Qwest III Application at 38. Given Eschelon's provision of what appears to be raw data (some of it regarding states not relevant to this proceeding) without additional explanation or supporting analysis (*see* Eschelon Qwest III Comments at Exhibit 36), we do not find evidence that Qwest makes coding errors that are discriminatory or competitively significant - particularly in light of KPMG's finding that Qwest adequately handled design trouble tickets during the third party test. *See* Qwest III Application at 38.

[598] Eschelon Qwest I Comments at 14; Eschelon Qwest III Comments at 42.

[599] Eschelon Qwest III Comments at 41-42.

[600] Qwest I Notarianni & Doherty Reply Decl. at para. 238.

[601] *Id*.

[602] Eschelon also asserts that Qwest leaves branded billing statements with Eschelon's end users. *See* Eschelon Qwest I Comments at 13. Finally, in related issues, Eschelon complains about Qwest's policy regarding "optional" testing and associated charges. Eschelon Qwest I Comments at 15-16. However, Eschelon fails to demonstrate that Qwest's actions are unreasonable or to explain why Qwest's billing dispute resolution provides an inadequate remedy. Similarly, Eschelon complains, without providing any specific instances or details that "Qwest will not accept charges from Eschelon for testing that Eschelon conducts for Qwest." Eschelon Qwest I Comments at 16; Eschelon Qwest II Comments at 28. As the Commission has stated previously, it will not consider allegations in a section 271 proceeding that are not pleaded with specificity.

[603] *See* Colorado Commission Qwest I Comments at 15-17; Idaho Commission Qwest I Comments at 5-12; Iowa Board Qwest I Comments at 27-41; Montana Commission Qwest II Comments at 17-23; Nebraska Commission Qwest I Comments at 9; North Dakota Commission Qwest I Comments at 16; Utah Commission Qwest II Comments at 1; Washington Commission Qwest II Comments at 12; Wyoming Commission Qwest II Comments at 6.

[604] Provisioning of loops is covered under checklist item 4 discussion, *infra*.

(i) Commercial Data

162. We find that the commercial data demonstrate that Qwest provides nondiscriminatory access to UNE combos, UNE-platform, and resale. Qwest's wholesale performance reflects few missed benchmarks, with the few misses generally occurring in low volume categories.[605] Based on the evidence in the record, we reject AT&T's claim that Qwest is unable to provision orders for EELs adequately.[606] Although Qwest missed the benchmark for Colorado EELs installation commitments for all four months,[607] we find that the performance disparities do not appear to be competitively significant. When we consider the relatively small number of missed installations that cause Qwest to miss this benchmark in combination with Qwest's improved performance, we find that Qwest meets it obligation here.[608] Moreover, we are encouraged by the Colorado Commission's commitment to closely monitor Qwest's EELs performance.[609] Should Qwest's performance in this area deteriorate, we will pursue appropriate enforcement action.

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605 *See* OP-3 (Installation Commitments Met), OP-4 (Installation Interval), OP-5 (New Service Installation Quality), OP-6A (Delayed Days for Non-Facility Reasons), and OP-6B (Delayed Days for Facility Reasons) for resale, UNE-platform, UNE-platform Centrex orders, and UNE combos in the nine-state region. We note that Qwest missed the parity standard for Washington for OP-5 (New Service Installation Quality) in June, July, August, and September for resale business lines, and in July for resale Centrex lines. However, we note that competing LEC volumes for resale Centrex in Washington are less than 10 in every month. Although there are significant volumes of resold business lines in Washington associated with the OP-5 misses, Qwest has noted these troubles and is addressing them. *See* Letter from Hance Haney, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 18, 2002) (Qwest Nov. 18c E*x Parte* Letter) at 1-2. For example, Qwest has noted that 23% of the OP-5 trouble tickets are troubles associated with a non-inward line activity, such as billing-only type orders, that should not be captured in OP-5. *Id.* at 2. The metric will not include these troubles starting in November. *Id.* Other issues relating to OP-5 are discussed in the ordering section *supra*.

606 *See* AT&T Qwest I Comments at 43, AT&T Qwest III Comments App. Tab F, Declaration of John F. Finnegan at paras. 49-51, 66, 100, 107.

607 OP-3 (Installation Commitments Met, EELs). With a benchmark of 90%, Qwest's performance in Colorado for OP-3 is 87.34%, 80.15%, 82.90%, and 88.82% in June through September, 2002. Qwest also failed to meet the benchmark for this PID in Idaho and Utah in July, August, and September with Idaho showing (80%, 84.62%, 86.67%) and Utah showing (85.71%, 71.43%, 81.82 %). Qwest also missed in June and July in Washington (75%, 70%). However, the volume of orders in these states is less than 20 in any month.

608 As the Commission has found in previous section 271 applications, performance data based on low volumes of orders or other transactions is not as reliable an indicator of checklist compliance as performance based on larger numbers of observations. It is thus not possible to place the same evidentiary weight upon – and draw the same types of conclusions from – performance data where volumes are low, as for data based on more robust activity. *See, e.g., SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6254, para. 36.

609 Colorado Commission Qwest I Comments at 41-42. In addition, we note that Qwest recently instituted corrective measures which include retraining of its personnel and revisions to the methods and procedures documentation that are used by central office and field technicians. Qwest I Application, App. A, Tab 9, Declaration of Karen A. Stewart and Lori Simpson (Qwest I Stewart/Simpson Decl.) at paras. 95-96.

163. We reject claims that Qwest's wholesale provisioning intervals for UNE-platform orders are discriminatory.[610] Although Qwest misses the provisioning interval in several states,[611] we do not rely on Qwest's performance under the average completed interval metric as a measure of Qwest's timeliness in provisioning resale or UNE-platform Centrex. Instead, we conclude, as we have in prior section 271 orders,[612] that the missed appointment metric (or installation commitments met metric, as it is called in the Qwest territory), which Qwest passed in most months in the nine application states for both dispatch and non-dispatch UNE-platform Centrex orders, is a more reliable indicator of provisioning timeliness. Installation commitments met measures Qwest's performance in provisioning UNE-platform Centrex at the scheduled time that competitive LECs request.[613] Based on the installation commitments met data, we find that Qwest meets its obligation with respect to timely UNE-platform Centrex provisioning.

164. We reject AT&T's arguments that Qwest does not provide nondiscriminatory access to unbundled network elements because of its policies relating to the building of new facilities to serve customers.[614] AT&T argues that Qwest's policy of refusing to build new facilities necessary to provision a competing LEC's UNE order as well as Qwest's ability to cancel a competing LEC's order if Qwest concludes that facilities are not available is discriminatory.[615] We find that Qwest's policy on its obligation to build is comparable to policies we have accepted in previous successful section 271 applications.[616] The record shows

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[610] AT&T Qwest I Comments at 43; AT&T Qwest I Finnegan/Connolly/Menezes Decl. at para. 141; AT&T Qwest II Comments at 44; AT&T Qwest III Comments at 81.

[611] Qwest missed the dispatch installation interval for resale Centrex in Wyoming in July, August, and September. *See* OP-4 (Installation Interval, Centrex) showing 5 days to install for competing LECs versus 2.88 days for Qwest retail customers (July); 5.5 days to install for competing LECs versus 2.71 days for Qwest retail customers (Aug.); and 5 days to install for competing LECs versus 3.29 days for Qwest retail customers (Sept.). In Colorado, Qwest missed the non-dispatch installation interval for UNE-platform Centrex in June (4.63 days versus 1 day) and July (4.01 days versus 0.88 days). In Wyoming, Qwest missed the non-dispatch installation interval for UNE-platform Centrex in July (5.5 days versus 2.88 days), August (5.48 days versus 2.71 days), and September (4.29 days versus 3.29 days). *See* OP-4 (Installation Interval, UNE-platform Centrex) in Colorado and Wyoming. OP-4 measures the timeliness of Qwest's installation of services for customers, focusing on the average time to install service. *See* ROC 271 Working PID Version 5.0 at 30.

[612] *See Verizon New Jersey Order,* 17 FCC Rcd at 12342-43, para. 138; *see also Verizon Massachusetts Order*, 16 FCC Rcd at 9038-39, para. 92; *Bell Atlantic New York Order*, 15 FCC Rcd at 4061-66, paras. 202-210.

[613] We note that Qwest did miss the parity standard for OP-3 (Installation Commitments Met, Centrex) in Washington and Iowa for resale Centrex and resale Centrex 21, in one month of the previous four. However, the competitive LEC volumes were below 10 in both states when the parity standard was missed, and Qwest's overall four-month performance demonstrates Qwest's overall compliance. *See* OP-3 (Installation Commitments Met, Centrex) in Washington and Iowa.

[614] *See* AT&T Qwest I Comments at 81-85; AT&T Qwest II Comments at 106-109; AT&T Qwest III Comments at 81. *See* related arguments concerning building to an interconnection point in Checklist Item 1 below.

[615] AT&T Qwest II Comments at 106-109.

[616] *See, e.g.*, *Verizon Pennsylvania Order*, 16 FCC Rcd at 17469-70 at paras. 91-92.

that Qwest attempts to locate compatible facilities for competing LECs, performs incremental facility work to make UNEs available, and will hold competing LEC orders for a reasonable period of time.[617]

(ii) Third-Party Test

165. Our conclusions concerning Qwest's ability to provision UNE-platform and resale services in a nondiscriminatory manner are not undermined by the results of the KPMG test which found disparity in installation intervals provided for competing LECs versus Qwest retail customers.[618] Although Qwest concedes its failure to meet KPMG's criteria, Qwest argues that the Commission should rely on the commercial data as evidence of Qwest meeting its obligation to install competing LEC services in a nondiscriminatory manner.[619] We agree and find that Qwest's commercial performance, in combination with Qwest's recent changes and otherwise satisfactory overall performance in the third-party test, sufficiently demonstrates that Qwest meets its nondiscrimination obligation.[620]

(iii) Other Provisioning Issues

166. *DSL Disconnects.* We find that the record shows that the DSL disconnect problems raised by Eschelon, which have since been fixed, do not have a competitively

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[617] Qwest I Reply at 74. Additionally, § 9.1.2.1.2 of Qwest's SGAT states that "If cable capacity is available, Qwest will complete incremental facility work (*i.e.* conditioning, place a drop, add a Network Interface Device, card existing subscriber Loop carrier systems at the Central Office and remote terminal, add Central Office tie pairs, add field cross jumpers) in order to complete facilities to the Customer premises." Furthermore, the Commission is currently reconsidering the extent of an incumbent's obligation to provide access to certain unbundled network elements in its Triennial Review. *See Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01- 338; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket 96- 98; *Deployment of Wireline Services Offering Advanced Telecommunications Capability,* CC Docket No. 98-147, Notice of Proposed Rulemaking, FCC 01-361, 16 FCC Rcd 22781 (2001) (*Triennial Review*).

[618] Qwest missed installation intervals for UNE-platform. KPMG Final Report at 198 (referencing Test 14-1-36 and Exception 3086); WorldCom Qwest I Comments at 16 (citing tests 14-1-34 and 14-1-36); WorldCom Qwest I Lichtenberg Decl. at paras. 57-56. Qwest, in its East region took an average of 2.8 days to install 145 orders tested, as compared with 1.5 days for retail installation. KPMG Final Report at 198. In Qwest's Central region, Qwest took an average of 2.6 days to install 140 orders tested, as compared to 2.1 days for retail installation. *Id*. In the Western Region, Qwest took an average of 2.9 days to install 141 orders tested, as compared to 2.2 days for retail installation. *Id.*

[619] We reject WorldCom's request that Qwest be required to complete UNE-platform orders on the same day that they are received by Qwest. WorldCom Qwest I Comments at 15. Qwest complies with the intervals and benchmarks that were established through the collaborative ROC process, and that is sufficient for purposes of the instant application.

[620] *See Bell Atlantic New York Order,* 15 FCC Rcd at 3993, para. 89; *SWBT Texas Order,* 15 FCC Rcd at 18399-18400, para. 98.

significant effect.[621] Eschelon has to resubmit DSL orders only on the infrequent occasion that the customer record does not show that the customer currently has DSL.[622] If any disconnects in error do occur, Qwest has committed to respond promptly and efficiently to restore such outages.[623]

167. Additionally, the record shows that the problem of DSL service disconnection before voice service occurs for both Qwest DSL and wholesale DSL disconnection orders.[624] Qwest states that it is currently investigating alternative solutions that would allow the DSL service to remain functional until the time the voice service is converted to UNE-platform.[625] The record shows that Qwest cannot currently force its systems to work the Qwest DSL service "disconnection" order at the same time as the "new installation" order is worked. This constraint applies to both retail and wholesale DSL disconnection orders, whether the disconnection order is to truly disconnect service, or is part of a move of service to a new address, or is part of a conversion to another local service provider.[626] Because there does not appear to be discriminatory treatment between Qwest retail and competing LEC services, we do not find that this problem rises to the level of checklist non-compliance.

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621 *See* Eschelon Qwest I Comments at 10-12; Qwest Aug. 13b *Ex Parte* Letter at 2. Eschelon argues that when it converts a customer from Qwest or converts its own customer from resale POTS or Centrex to UNE-platform, Qwest at times either disconnects the customer's DSL in error or disconnects the customer's DSL early, leaving the customer without DSL. Eschelon Qwest I Comments at 10-12. Qwest has shown that it has modified internal procedures to ensure these disconnects in error do not occur. As of July 11, 2002, Qwest's representatives have been advised to include the FID "ADSL" after the access line USOC on conversion service orders to ensure appropriate assignments are retained for Qwest DSL. Qwest found that without the ADSL FID, the service order may be completed without the DSL service, which results in DSL disconnects in error. Qwest reviewed 133 conversion orders after July 11, 2002, and found that no disconnection of Qwest DSL in error occurred when the ADSL FID was used. *See* Qwest Aug. 13b *Ex Parte* Letter at 2

622 *See* Letter from R. Hance Haney, Executive Director-Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189 (filed Aug. 14, 2002) at 21 (Qwest Aug. 14 *Ex Parte* Letter). Additionally, Qwest states that there was only a single instance that Eschelon did need to submit an LSR. *See* Qwest Aug. 23a *Ex Parte* Letter at Attach.

623 Qwest I Simpson Reply Decl. at para. 10. We note that Eschelon argues that Qwest has not provided competing LECs with a written process that ensures that same day escalations will continue after section 271 approval is granted when the DSL is disconnected in error. *See* Eschelon Qwest III Comments at 40. However, the record shows that the escalation process is documented on Qwest's website. *See* Qwest III Reply, App. A, Tab 1, Reply Declaration of Lori A. Simpson at para. 10 (Qwest III Lori Simpson Reply). Qwest has stated that it will maintain processes or procedures that it has implemented in response to this issue until and unless such processes or procedures are no longer necessary or are replaced with other such processes or procedures that address the issue. *Id.*

624 Qwest III Lori Simpson Reply Decl. at para. 11.

625 *Id.*

626 *Id.*

168. *Loss and Completion Report Issues.* Eschelon alleges that Qwest discriminates between competing LECs and itself because Qwest provides to its retail operations accurate customer loss information, but such information is not provided to competing LECs.[627] In particular, Eschelon complains that the loss reports received from Qwest "do not provide [competing] LECs with the intended ability to identify which customers have left the [competing] LEC for another carrier."[628] The record demonstrates that Qwest has adequately addressed this concern by modifying the loss and completion reports to allow competing LECs to distinguish between end users that move to a different provider and those end users that are changing products but not changing providers.[629] We note that the information provided by Qwest, in combination with information Eschelon has about its own customers, would allow Eschelon to distinguish between customers it lost, and those for whom it has recently requested a change. Accordingly, although Eschelon complains about the format of Qwest's reports and the ease with which it can use them, it has not shown that Qwest fails to provide it with necessary information.

h. UNE Combinations

169. In order to satisfy section 271(c)(2)(B)(ii), a BOC must demonstrate that it provides nondiscriminatory access to network elements in a manner that allows requesting carriers to combine such elements and that the BOC does not separate already combined elements, except at the specific request of the competing carrier.[630] We conclude, as did the commissions of the nine application states, that Qwest meets its obligation to provide access to UNE combinations in compliance with Commission rules.[631]

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[627] Eschelon Qwest I Comments at 17.

[628] *Id.*

[629] Letter from Hance Haney, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189 at 10 (filed Aug. 13, 2002) (Qwest Aug. 13d *Ex Parte* Letter).

[630] 47 U.S.C. § 271(c)(2)(B)(ii); 47 C.F.R. § 51.313(b). Overturning a 1997 decision of the Eighth Circuit Court of Appeals, on May 13, 2002, the U.S. Supreme Court upheld sections 51.315(c)-(f) of the Commission's rules, which, subject to certain limitations, require incumbent LECs to provide combinations of unbundled network elements "not ordinarily combined in the incumbent LEC's network" and to "combine unbundled network elements with the elements possessed by the requesting telecommunications carrier." *Verizon Communications, Inc. v. FCC*, 122 S. Ct. 1646 (2002). In a prior decision, the Supreme Court upheld the Commission's authority to adopt sections 51.315(a)-(b) of the Commission's rules, which establish the general obligation of an incumbent LEC to provide combinations of network elements and require an incumbent LEC not to separate requested elements that it currently combines, except upon request. *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366, 385, 393-95 (1999). We note that other unbundled network elements are required pursuant to the checklist, but we discuss them in the context of other checklist items.

[631] *See, e.g.,* Nebraska Commission Qwest III Comments at 1; Iowa Board Qwest III Comments at 1-2; Colorado Commission Qwest I Comments at 15; Montana Commission Qwest II Comments at 17-19; Wyoming Commission Qwest III Comments at 2.

170. We reject Eschelon's claim that Qwest interferes with Eschelon's customers by way of a Qwest-initiated project to increase copper availability.[632] Eschelon claims that a problem occurs with conversions of customers to Eschelon using UNE-P and resale, *i.e.*, on orders that do not otherwise generally require a dispatch.[633] Eschelon claims that Qwest nonetheless dispatches a technician to change cable and pair, and instead of the expected seamless conversion, a Qwest technician appears and informs the competitive LEC's customer that the technician is going to take down that customer's service.[634] Based on the record before us, we do not have adequate evidence in this proceeding to make a finding of discrimination with regard to these installations. We will monitor Qwest's actions following release of this decision, however, to ensure that Qwest complies with the conditions of approval in this order.

171. We also reject AT&T's claim that Qwest's Colorado SGAT allows Qwest to unlawfully restrict UNE combinations by imposing EEL-like restrictions on all UNEs.[635] Specifically, AT&T claims that Qwest's Colorado SGAT is discriminatory in that Qwest refuses to connect UNE combinations to certain offerings such as "voice messaging, DSL, Access Services, Private Lines, resold services, and other services that [the Colorado Commission] or the FCC expressly prohibit to be connected to UNE combinations."[636] We find, however, because there are no examples in the record of Qwest unlawfully imposing UNE restrictions, and additionally that this SGAT language is expressly limited in scope to the restrictions permitted under the Commission's rules, that there is no evidence of discrimination.

2. Pricing of Unbundled Network Elements

a. Introduction

172. Checklist item two of section 271 states that a BOC must provide "nondiscriminatory access to network elements in accordance with sections 251(c)(3) and 252(d)(1)" of the Act.[637] Section 251(c)(3) requires incumbent LECs to provide "nondiscriminatory access to network elements on an unbundled basis at any technically feasible

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632 Eschelon Qwest I Comments at 7-8; Eschelon Qwest II Comments at 19.

633 Eschelon Qwest I Comments at 7-8.

634 *Id*. at 8.

635 AT&T Qwest I Comments at 88. We note that AT&T discusses the SGAT language and does not provide any examples of Qwest actually imposing EEL-like restrictions on all UNEs. *Id.* The dispute between AT&T and Qwest apparently stems from a proceeding at the Colorado Commission, in which Qwest argued that the Commission's commingling prohibition for tariffed special access services, *i.e.*, the EELs restriction, extends to all UNEs. Colorado Commission Qwest I Comments at 17. The hearing commissioner, however, disagreed and instead found that the prohibition applies only to loop-transport combinations. *Id.* Qwest subsequently modified its SGAT to provide that UNEs may be connected to what Qwest calls "finished services" unless it is expressly prohibited by existing state or federal rules. *Id.*

636 AT&T Qwest I Comments at 88 (citing Colorado SGAT § 9.23.1.2.2).

637 47 U.S.C. § 271(c)(2)(B)(ii).

point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[638] Section 252(d)(1) provides that a state commission's determination of the just and reasonable rates for network elements, must be nondiscriminatory, based on the cost of providing the network elements, and may include a reasonable profit.[639] Pursuant to this statutory mandate, the Commission has determined that prices for UNEs must be based on the total element long run incremental cost (TELRIC) of providing those elements.[640]

173. In applying the Commission's TELRIC pricing principles in this application, we do not conduct a *de novo* review of a state's pricing determinations.[641] We will, however, reject an application if "basic TELRIC principles are violated or the state commission makes clear errors in factual findings on matters so substantial that the end result falls outside the range that the reasonable application of TELRIC principles would produce."[642] We note that different states may reach different results that are each within the range of what a reasonable application of TELRIC principles would produce. Accordingly, an input rejected elsewhere might be reasonable under the specific circumstances here.

174. Based on the evidence in the record before us, we find that Qwest's UNE rates in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming are just, reasonable, and nondiscriminatory, and are in accordance with section 252(d)(1). Thus, Qwest's UNE rates in these states satisfy checklist item two.

b. Overarching Issues

175. Qwest has taken a different approach to pricing issues compared to other BOCs whose applications we previously have approved under section 271. Qwest made a series of voluntary rate reductions in Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming prior to filing its section 271 applications. Those reductions were specifically calculated to produce rates that would enable those states to pass a benchmark comparison to rates in Colorado. Qwest made further reductions to certain rates during the course of this

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638 47 U.S.C. § 251(c)(3).

639 47 U.S.C. § 252(d)(1).

640 *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996,* CC Docket No. 96-98, First Report and Order, 11 FCC Rcd 15499, 15844-47, paras. 674-79 (1996) (*Local Competition First Report and Order*) (subsequent history omitted); 47 C.F.R. §§ 51.501-51.515 (2001). The Supreme Court has recently upheld the Commission's forward-looking pricing methodology in determining the costs of UNEs. *Verizon Communications, Inc. v. FCC*, 122 S. Ct. 1646, 1679 (2002).

641 *Verizon Pennsylvania Order*, 16 FCC Rcd at 17453, para. 55 (citations omitted). *See also Sprint v. FCC*, 274 F.3d 549, 556 (D.C. Cir. 2001) ("When the Commission adjudicates § 271 applications, it does not – and cannot – conduct *de novo* review of state rate-setting determinations. Instead, it makes a general assessment of compliance with TELRIC principles.").

642 *Verizon Pennsylvania Order,* 16 FCC Rcd at 17453, para. 55 (citations omitted).

proceeding.[643] We discuss below the details of Qwest's rate proceedings in each state, as well as issues related to the benchmarking process. In this section, we discuss a number of concerns raised by the parties with respect to how Qwest has presented the applications, as well as other challenges that are not specific to any of the states in this application.

176. *Complete-as-Filed Rule.* We waive the complete-as-filed requirement on our own motion pursuant to section 1.3 of the Commission's rules to the limited extent necessary to consider rate reductions taken by Qwest during the course of this proceeding.[644] The Commission maintains certain procedural requirements governing BOC section 271 applications.[645] In particular, the complete-as-filed requirement provides that when an applicant files new information after the comment date, the Commission reserves the right to re-start the 90-day review period or to accord such information no weight in determining section 271 compliance.[646]

177. This rule provides interested parties with a fair opportunity to comment on the BOC's application, to ensure that the Attorney General and the state commissions can fulfill their statutory consultative roles, and to afford the Commission adequate time to evaluate the record.[647] The Commission can waive its procedural rules, however, if "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."[648]

178. We find that a waiver is appropriate in these circumstances. Qwest has changed its rates subsequent to filing its applications.[649] In prior cases in which the Commission has considered post-filing rate changes, our primary concern has been to ensure that "this is not a situation where a BOC has attempted to maintain high rates only to lower them voluntarily at the

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643 *See* Letter from David L. Sieradzki, Counsel for Qwest Communications International, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Oct. 7, 2002) (Qwest Oct. 7 Pricing *Ex Parte* Letter); Letter from David L. Sieradzki, Counsel for Qwest Communications International Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314, Attachs. (filed Nov. 12, 2002) (Qwest Nov. 12 *Ex Parte* Letter).

644 47 C.F.R. § 1.3 (2001).

645 *See Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, 16 FCC Rcd 6923 (Comm. Carr. Bur. 2001).

646 *See Verizon Rhode Island Order*, 17 FCC Rcd at 3306, para. 8; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6247, para. 21.

647 *See Verizon Rhode Island Order*, 17 FCC Rcd at 3305-06, para. 7; *Ameritech Michigan Order*, 12 FCC Rcd at 20572-73, paras. 52-54.

648 *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969). *See also* 47 U.S.C. § 154(j); 47 C.F.R. § 1.3 (2001).

649 *See* Qwest Oct. 7 Pricing *Ex Parte* Letter at Attach. 1 (summarizing rate reductions to be filed with state commissions after the September 30th filing date of Qwest's section 271 applications).

eleventh hour in order to gain section 271 approval."[650] We find no evidence that Qwest has engaged in this type of gamesmanship in this case. Qwest explained that it took voluntary rate reductions prior to filing its applications with the Commission, and that it had done so with the intent of benchmarking the rates in Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming to TELRIC-compliant rates in Colorado.[651] We find that these pre-filing reductions constitute evidence of Qwest's good faith effort to present TELRIC-compliant rates at the time of filing. As explained below, we find that Qwest's post-filing rate reductions were an appropriate response to concerns identified by parties in this proceeding.

179. Another major concern that we have identified in prior cases where rates have changed during a proceeding is that interested parties be afforded a sufficient opportunity to review the new rates, and that the analytical burden of doing so is not too great in light of the time constraints inherent in the section 271 application process.[652] Again, we find no cause for concern with respect to Qwest's post-filing rate reductions. Qwest specifically identified all of its post-filing rate changes on day seven of the 90-day period, more than a week before comments were due on the application,[653] and it filed revised statements of generally available terms (SGATs) the same week the comments were filed.[654] In prior cases we have considered rate reductions made much later in the 90-day application cycle.[655] We also find that the burden associated with analyzing the new rates was not significant. Although Qwest made changes to its SGATs in all eight states, it provided a summary sheet that identified all the relevant rate changes before the comments were due.[656]

180. Finally, in prior cases we have found cause to grant a waiver of the complete-as-filed rule where the changes in rates are responsive to criticisms in the record, as compared to

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650 *Verizon Rhode Island Order*, 17 FCC Rcd at 3307, para. 9.

651 Qwest II Application at 159-62; Qwest I Application at 149.

652 *Verizon Rhode Island Order*, 17 FCC Rcd at 3308, paras. 10-11.

653 Qwest Oct. 7 Pricing *Ex Parte* Letter at Attach. 1.

654 Qwest III Reply Comments, Tab 14, Reply Declaration of Jerrold L. Thompson and Thomas R. Freeberg, Cost-Based Rates for Unbundled Network Elements and Interconnection, para. 4 n.6 (stating that revised SGAT Exhibit A's were filed with the state commissions between October 16-18, 2002) (Qwest III Thompson/Freeberg Reply Decl.); Qwest Nov. 12 *Ex Parte* Letter at Attachs.

655 *See, e.g. Verizon Rhode Island Order*, 17 FCC Rcd at 3306-10, paras. 8-17 (considering changes in rates filed on day 80 of the application); *SWBT Kansas/Oklahoma Order* 16 FCC Rcd at 6247-49, paras. 22-26 (considering changes in rates filed on day 63 of the application); *Application by Verizon New England Inc., Verizon Delaware Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in New Hampshire and Delaware*, WC Docket No. 02-157, Memorandum Opinion and Order, 17 FCC Rcd 18660, 18666-67, para. 11 (2002) (*Verizon Delaware/New Hampshire Order*) (considering changes in rates filed on day 64 of the application).

656 Qwest Oct. 7 Pricing *Ex Parte* Letter at Attach. 1.

new information that "consists of additional arguments or information" concerning current pricing.[657] The rate reductions made by Qwest in this case satisfy this standard. The changes were responsive to arguments in the record of Qwest's prior section 271 applications,[658] and in each case the effect of the rate change was to reduce the prices that competitive LECs will pay for unbundled network elements. We find that it is fully consistent with our precedent under section 271 to consider this type of responsive information without requiring the BOC to make a new filing.

181. *Timing*. In prior cases in which we have applied a benchmark analysis, the "anchor" state had already received section 271 approval prior to the filing of the application for the benchmark state.[659] Some parties in this case argue that Qwest's departure from that practice, i.e., its decision to file simultaneously the anchor state (Colorado) and eight benchmark states (Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming), should be rejected because it prejudices parties that oppose the applications.[660] We disagree. Parties to this docket were not prevented from making arguments about the prices established in individual states, nor were they prevented from making arguments about the benchmarking process. Other than the condensed time frame, this is no different than if an application for Colorado had been filed first and approved before the other eight states. Although Qwest's decision to file its first nine states simultaneously has resulted in a substantial work load for parties and for the Commission, we do not think any party has been prejudiced by the simultaneous consideration of the anchor state and the benchmark states.

182. *SGAT Billing*. Eschelon argues that, when a charge is not included in Eschelon and Qwest's interconnection agreement, Qwest improperly charges SGAT rates that have not been approved by the state commissions, even though Eschelon has not opted in to Qwest's SGATs.[661] Instead, Eschelon argues that Qwest should either negotiate a rate pursuant to its interconnection agreements with Eschelon, obtain state commission approval for the rates, or reach agreement on using state commission-approved cost models and processes to calculate these rates.[662] Eschelon requests that the Commission "state whether an [incumbent] LEC may

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657 *Verizon Rhode Island Order*, 17 FCC Rcd at 3308-09, para. 12.

658 *See* AT&T Qwest II Comments at 55, Tab C, Declaration of Michael R. Lieberman and Brian F. Pitkin, paras. 21, 24 (AT&T Qwest II Lieberman/Pitkin Decl.) (arguing that Qwest's switching rates in rural states should be benchmarked against Colorado's rates exclusive of transport and tandem-switching).

659 *Verizon Rhode Island Order*, 17 FCC Rcd at 3320, para. 39; *SWBT Kansas/Oklahoma Order* 16 FCC Rcd at 6276, para. 82.

660 Integra Qwest III Comments at 5-6; OneEighty Qwest III Comments at 4-5; AT&T Qwest II Comments at 85-95; OneEighty Qwest II Comments at 4; AT&T Qwest I Comments at 49; Integra Qwest I Comments at 5.

661 Eschelon Qwest III Comments at 43 n.54; Eschelon Qwest II Comments at 33; Eschelon Qwest I Comments at 20.

662 Eschelon Qwest III Comments at 43 n.54; Eschelon Qwest II Comments at 33; Eschelon Qwest I Comments at 20.

unilaterally impose on a [competitive] LEC that has not opted in to an SGAT a rate that has not been approved in a commission cost docket or using the commission approved cost model."[663] In response, Qwest notes that the claims raised by Eschelon represent company-specific billing disputes that should not affect a finding of overall compliance with section 271.[664] We find that Eschelon's allegations amount to a contract dispute regarding whether Qwest is billing Eschelon pursuant to their interconnection agreement. Such disputes are best resolved by the state commissions and should not be decided by the Commission in a section 271 proceeding.[665]

183. *Discrimination*. AT&T argues that Qwest is not in compliance with the nondiscrimination requirements of our pricing rules because certain favored parties have been able to purchase UNEs at discounted rates.[666] We address this argument in the public interest section below.[667] AT&T also argues that the fact that Qwest was willing to provide UNEs at lower rates to favored parties demonstrates that the higher rates available under Qwest's SGATs are in excess of forward-looking cost.[668] The basis for this argument is that it would never be in a carrier's interest to provide UNEs at a rate less than a TELRIC-based rate.[669] As evidence, AT&T identifies one agreement in which Qwest purportedly agreed to provide a competitive LEC with a "flat 10 percent discount on all purchases."[670] Even if we assume that AT&T's characterization of this agreement is accurate, the agreement identified by AT&T was terminated before Qwest filed its section 271 application, and before Qwest made its most recent rate reductions.[671] On the record before us, we find no evidence that Qwest is providing UNEs at

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[663] *Ex Parte* Comments of Eschelon Telecom, Inc. in Opposition to the Consolidated Application of Qwest Communications International Inc. for Authority to Provide In-Region, InterLATA Services in Colorado, Idaho, Iowa, Nebraska and North Dakota, WC Docket No. 02-148, 51 (filed Aug. 15, 2002) (Eschelon Aug. 15 *Ex Parte* Comments).

[664] Qwest II Reply at 52; Qwest I Reply at 51.

[665] *Verizon New Jersey Order*, 17 FCC Rcd at 12357, para. 159; *Application by Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in Vermont*, CC Docket No. 00-65, Memorandum Opinion and Order, 17 FCC Rcd 7625, 7658, para. 58 (2002) (*Verizon Vermont Order*); *SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88.

[666] AT&T Qwest III Comments at 42; AT&T Qwest II Comments at 28-29; AT&T Qwest I Comments at 27-28.

[667] Part VII.C., *infra*.

[668] AT&T Qwest II Comments at 29; AT&T Qwest I Comments at 28.

[669] AT&T Qwest II Comments at 29; AT&T Qwest I Comments at 28.

[670] AT&T Qwest II Comments at 28-29; AT&T Qwest I Comments at 28.

[671] *See* Letter from Peter A. Rohrbach, Counsel for Qwest Communications International Inc., to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148 and 02-189, at 1-2 (filed Aug. 13, 2002) (Qwest Aug. 13 *Ex Parte* Letter) (08/13/02e); Qwest Nov. 12 *Ex Parte* Letter at Attachs. AT&T raised its price discrimination claim before Qwest had finished reducing its rates, therefore it is possible that the new UNE rates are less than the prior rates with the 10 percent discount.

rates below those contained in its SGATs, and therefore no basis to find that the SGAT rates exceed TELRIC-compliant levels. Even if Qwest provided rates below those in its SGATs, this does not demonstrate that the SGAT rates are outside of the TELRIC range.

184. *Price Squeeze*. AT&T, OneEighty, and WorldCom make the argument that residential competition is not economically viable in portions of the states under review in this application because of the narrow margins available to competitors that provide service through the UNE platform (UNE-P).[672] Not only do they argue that this is a violation of the public interest section, AT&T also argues that it violates the nondiscriminatory pricing requirement in checklist item two.[673] We disagree. Section 252 requires that UNEs be priced on the basis of cost, and our analysis of Qwest's rates for purposes of this checklist requirement is intended to determine whether those rates are cost-based in accordance with this statutory requirement. The potential revenues that can be generated from purchasing UNEs, and the resulting margin, are irrelevant for purposes of assessing a carrier's compliance with this checklist item. We address the details of the price squeeze argument in the public interest section below.[674]

185. *Old Cost Data*. AT&T argues that the cost studies relied on by several of the state commissions in the benchmark states used data from 1998 or earlier, therefore rates set using these data cannot be TELRIC-based today.[675] As discussed below, prior to filing its section 271 application with the Commission, Qwest voluntarily reduced many of its recurring charges and non-recurring charges (NRCs) in the application states below the rates set by the state commissions.[676] In addition, and as discussed more fully below, we evaluate Qwest's rates through a benchmark comparison to rates in Colorado that we find to be TELRIC-compliant.[677] Given that we do not rely on the state commission-set rates in states other than Colorado, we need not address AT&T's argument on this matter.

c. Colorado

(i) Background

[672] AT&T Qwest III Comments at 78-79; OneEighty Qwest III Comments at 5-6; WorldCom Qwest III Comments at 26; AT&T Qwest II Comments at 52-53, 95-96; OneEighty Qwest II Comments at 5-6; WorldCom Qwest II Comments at 35-36; AT&T Qwest I Comments at 69-71; WorldCom Qwest I Comments at 32-34.

[673] AT&T Qwest III Comments at 78; AT&T Qwest II Comments at 52-53, 95-96; AT&T Qwest I Comments at 69-70.

[674] Part VII.A., *infra*.

[675] *See* AT&T Qwest II Comments at 60 (cost proceedings in Montana, Utah, Washington, and Wyoming took place in 1997 and 1998 and relied on earlier data); AT&T Qwest III Comments, Tab G, Declaration of Natalie J. Baker, Arleen M. Starr, and Douglass Denney, para. 13 (AT&T Qwest III Baker/Starr/Denney Decl.) (Iowa prices based on a record from 1996-97); AT&T Qwest III Baker/Starr/Denney Decl. at para. 25 (Idaho rates are stale); AT&T Qwest III Baker/Starr/Denney Decl. at para. 55 (North Dakota rates last arbitrated in 1997).

[676] Qwest II Application at 159-62; Qwest I Application at 149, 163-67.

[677] Part IV.A.2.d.(ii)(c), *infra*.

186. The Colorado Commission conducted two extensive cost proceedings in developing rates for interconnection and unbundled network elements. The Colorado Commission first set permanent rates in 1997 in Docket No. 96S-331T.[678] The Colorado Commission revisited those rates, and established additional rates, in its review of Qwest's SGAT in Docket No. 99A-577T, concluding in 2002.[679]

187. *Docket No. 96S-331T*. The Colorado Commission initiated Docket No. 96S-331T on July 1, 1996, to consider tariffs proposed by Qwest. More than a dozen parties participated in the case. The Commission held eight days of hearings, including live cross-examination of witnesses.[680] The Colorado Commission issued an order adopting rates in Docket No. 96S-331T on July 28, 1997. The Colorado Commission did not select a specific cost model to use in calculating rates, although it stated that all the cost studies submitted by the parties were consistent with TELRIC principles.[681]

188. *Docket No. 99A-577T*. Qwest filed its SGAT with the Colorado Commission on November 30, 1999 in Docket No. 99A-577T. Qwest filed cost studies in support of its proposed rates and responded to hundreds of discovery requests. Phase I of the proceeding ultimately involved "thousands of pages of filed testimony, hundreds of exhibits, two full weeks of hearings and several computer-generated models with thousands of input variables."[682]

189. The Colorado Commission issued an order in Docket No. 99A-577T on December 21, 2001. The Colorado Commission made clear its intention to apply TELRIC principles in its decision. Specifically, the Colorado Commission stated that "[d]isputes about TELRIC as a pricing methodology . . . are immaterial to our deliberation here. Our duty is to follow the FCC's TELRIC mandate."[683] The Colorado Commission relied primarily on the HAI Model submitted by competitive LECs in establishing recurring charges for UNEs, although it

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[678] *Investigation and Suspension of Tariff Sheets filed by U S WEST Communications, Inc., with Advice Letter No. 2617, Regarding Tariffs for Interconnection, Local Termination, Unbundling and Resale of Services*, Docket No. 96S-331T, Decision No. C97-739 (Colo. PUC 1997) (*Colorado 331T Order*).

[679] *U S WEST Communications, Inc.'s Statement of Generally Available Terms and Conditions*, Docket No. 99A-577T, Decision No. C01-1302 (Colo. PUC Dec. 21, 2001) (*Colorado Pricing Order*). The Colorado Commission subsequently made changes to the rates established in the *Colorado Pricing Order* in two separate orders on reconsideration. *See U S WEST Communications, Inc.'s Statement of Generally Available Terms and Conditions*, Docket No. 99A-577T, Decision No. C02-409 (Colo. PUC Apr. 17, 2002) (*Colorado Pricing Reconsideration Order*); Decision No. C02-636 (Colo. PUC June 6, 2002) (*Colorado Pricing Further Reconsideration Order*).

[680] Qwest I Application at 9.

[681] *Colorado 331T Order* at 36-37.

[682] *Colorado Pricing Order* at 4.

[683] *Colorado Pricing Order* at 10. *See also Colorado Pricing Reconsideration Order* at 4 ("Finally, this RRR decision endeavors to make the wholesale rates more accurately TELRIC by modifying cost model inputs to better estimate the forward-looking costs that an efficient telecommunications provider will incur.").

relied on Qwest's cost studies to establish NRCs and collocation rates.[684] In deciding on inputs for the HAI Model, the Colorado Commission relied on a number of assumptions that it described as "aggressive," which Qwest asserts had the effect of lowering UNE rates below those that an efficient carrier would incur today.[685]

190. Qwest states that its SGAT includes rates for a small number of products and services that have not yet been addressed by the Colorado Commission. In addition, some rates set by the Colorado Commission are identified as interim rates.[686] The Colorado Commission has stated that it will adopt rates for these products and services in Phase II of Docket No. 99A-577T.[687]

(ii) Recurring Charges

191. In setting recurring charges for UNEs, the Colorado Commission relied primarily on the HAI model advocated by AT&T, WorldCom and XO Communications.[688] The Colorado Commission then selected inputs for the model based on its judgment of the costs an efficient provider would expect to incur on a forward-looking basis, based on the record before it.[689]

192. AT&T argues that the loop and switching rates established by the Colorado Commission exceed the rates that would be produced by a proper application of the Commission's TELRIC requirements.[690] Specifically, AT&T challenges five of the loop inputs selected by the Colorado Commission in running the HAI model, and three of the switching inputs.[691] Covad challenges the Colorado Commission's decision to establish a positive recurring

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[684] *Colorado Pricing Order* at 38-40; *Colorado Pricing Reconsideration Order* at 26 (clarifying that Qwest's LoopMod cost model was used only as a secondary "check" on the HAI results and was not used to derive any rates).

[685] Qwest I Application at 22 (citing *Colorado Pricing Reconsideration Order* at 31).

[686] Although identified as "interim," these rates are not subject to a retroactive true-up based on future rates established by the Colorado Commission. Accordingly, these rates are the effective rates in Colorado for the indefinite future. *See Colorado Pricing Reconsideration Order* at 11-12.

[687] *See Colorado Pricing Reconsideration Order* at 10-11; *Colorado Pricing Further Reconsideration Order* at 12, 15.

[688] *Colorado Pricing Order* at 38-39; *Colorado Pricing Reconsideration Order* at 26.

[689] *Colorado Pricing Order* at 12; *Colorado Pricing Reconsideration Order* at 27.

[690] AT&T Qwest III Comments at 69, 70-73; AT&T Qwest I Comments at 50.

[691] AT&T Qwest III Comments, Tab I, Joint Declaration of Dean Fassett and Robert Mercer at paras. 29-64 (AT&T Qwest III Fassett/Mercer Decl.), Tab H, Joint Declaration of Richard Chandler and Robert Mercer at paras. 23-42 (AT&T Qwest III Chandler/Mercer Decl.); AT&T Qwest I Comments, Tab F, Joint Declaration of Dean Fassett and Robert Mercer, paras. 14-18 (AT&T Qwest I Fassett/Mercer Decl.); Declaration of Richard Chandler and Robert Mercer at para. 15 (AT&T Qwest I Chandler/Mercer Decl.).

charge for the high-frequency portion of the loop.[692] For the reasons explained below, we conclude that the recurring charges adopted by the Colorado Commission are consistent with TELRIC principles and meet the requirements of checklist item two.[693]

(a) Loop

193. *Plant Mix*. The HAI model includes inputs that allow the user to decide what portion of plant is placed on aerial structures, underground (in conduit) or buried in trenches (without conduit). As a general matter, according to AT&T, aerial placement is the least expensive and underground placement is the most expensive.[694] AT&T asserts that the Colorado Commission selected a plant mix that included too little aerial plant and too much underground plant. Specifically, the Colorado Commission assumes 20 percent of facilities would be placed on aerial structures, rather than the 28.9 percent advocated by AT&T or the 12.3 percent advocated by Qwest. In addition, rather than assigning the 8.9 percent difference (between AT&T's proposal and the figure selected by the Colorado Commission) to buried placement, the next least expensive method of placement, the Colorado Commission assigned half to buried and half to underground. AT&T asserts that this TELRIC error has the effect of overstating loop rates by $0.48 per month.[695]

194. In deciding to assume 20 percent aerial plant, the Colorado Commission rejected a lower percentage submitted by Qwest. At the same time, the Colorado Commission found that the default number in the HAI model neglected the public's aesthetic preference for buried plant.[696] The Colorado Commission explained that the plant mix inputs it adopted "reflect our judgment of the forward-looking plant mix for the various types of plant."[697] In response to AT&T's assertion that the Colorado Commission improperly distributed the difference of 8.9 percent between buried and underground placement, the Colorado Commission explained that it did not merely "split the difference," but instead it selected different sets of inputs for four different classifications of outside plant, based on information provided in the record.[698] Based

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692 Covad Qwest III Comments at 3; Covad Qwest I Comments at 5.

693 We find that the recurring charges in Colorado comply with section 252(d)(2) on their own merit and not based on a comparison to any other state. We take comfort, however, in the fact that the rates established by the Colorado Commission are in the range of rates in states that have already received section 271 approval. For example, accounting for cost differences between states, loop rates in Colorado are 1 percent higher than loop rates in Texas, while non-loop rates are 10 percent less than non-loop rates in Texas (using our "standard assumptions" regarding minutes-of-use and traffic patterns.) See Part IV.A.2.d.(ii)(b)(i) below for a discussion of the use of standard assumptions in comparing non-loop rates.

694 AT&T Qwest I Comments at 63; AT&T Qwest III Fassett/Mercer Decl. at para. 30.

695 AT&T Qwest I Comments at 64; AT&T Qwest III Fassett/Mercer Decl. at para. 38.

696 *Colorado Pricing Reconsideration Order* at 31.

697 *Colorado Pricing Further Reconsideration Order* at 8.

698 *Id.* at 7-8.

on the analysis performed by the Colorado Commission with regard to this fact-specific issue, we find no clear error in its decision with respect to plant mix.

195. *Placement Costs*. Placement costs are the costs associated with placing cable, such as trenching, boring or plowing. In its initial pricing decision, the Colorado Commission adopted the competitive LECs' position that the cost of plowing would not exceed $0.80 per foot.[699] On reconsideration, the Colorado Commission increased this rate to $1.30 per foot.[700] AT&T states that the Colorado Commission erred in its decision to increase the plowing rate to $1.30 per foot. According to AT&T, Qwest proposed an average plowing cost based on a study that had been prepared previously by AT&T's expert witness, but not submitted by AT&T in the Colorado pricing docket. AT&T states that, under TELRIC, the Colorado Commission should have selected the lowest price identified in the study, not the average price, for performing this activity.[701] In addition, AT&T states that the contracts in the study relied on by Qwest were for limited projects, rather than large projects, and overstate the cost of reconstructing an entire network.[702] The effect of these errors, AT&T asserts, is to overstate loop costs by $0.09 per month.[703]

196. In its second reconsideration order, the Colorado Commission notes that the "record contains extensive evidence from the parties regarding the appropriate assumptions for cable placement costs."[704] The Colorado Commission made clear that its "chosen input reflects our best judgment of the accurate forward-looking cost for cable placement."[705] The Colorado Commission appropriately recognized that diverse soil conditions exist in Colorado and it adopted different costs in different density zones to reflect this fact.[706] To the extent Qwest's proposal of $1.44 per foot was based on construction in difficult terrain, the Colorado Commission reduced this figure to reflect that the HAI model already includes a multiplier for difficult terrain.[707] Given the analysis of this fact-intensive issue by the Colorado Commission, we find no clear violation of TELRIC requirements.

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699 AT&T Qwest III Fassett/Mercer Decl. at para. 39; AT&T Qwest I Fassett/Mercer Decl. at para. 36; *Colorado Pricing Order* at 45.

700 *Colorado Pricing Reconsideration Order* at 20.

701 AT&T Qwest III Fassett/Mercer Decl. at para. 44; AT&T Qwest I Fassett/Mercer Decl. at para. 41.

702 AT&T Qwest III Fassett/Mercer Decl. at paras. 45-46; AT&T Qwest I Fassett/Mercer Decl. at paras. 42-43.

703 AT&T Qwest III Fassett/Mercer Decl. at para. 47; AT&T Qwest I Fassett/Mercer Decl. at para. 44.

704 *Colorado Pricing Further Reconsideration Order* at 5.

705 *Id.* at 5.

706 *Colorado Pricing Reconsideration Order* at 30.

707 *Id.*

197. *Drop Lengths*. Drop length is the length of wire from a pole-mounted terminal or buried pedestal to a customer's premises. AT&T submitted evidence to the Colorado Commission that the average statewide drop length would not exceed 69 feet. Qwest proposed an average drop length of 136 feet. The Colorado Commission rejected both proposals and found that "an average (statewide) drop length of 75 feet is a reasonable middle ground that gives recognition to the flaws of both proposals."[708] On reconsideration, the Colorado Commission concluded that it had "underestimated the average drop lengths in the least dense zones," and it adopted a new set of drop lengths with a statewide average of 87.2 feet.[709] AT&T states that the Colorado Commission erred in its initial selection of 75 feet, and the subsequent increase to 87.2 feet.[710] AT&T asserts that the Colorado Commission's explanation on reconsideration – that the 75-foot estimate did not reflect longer drop lengths in rural areas – is unsupported in the record and inconsistent with the fact that the initial 75-foot estimate was based on Qwest's embedded network.[711] According to AT&T, the effect of this error is to overstate loop costs by $0.10 per month.

198. In its second reconsideration order, the Colorado Commission explained more fully the basis for its decision. Specifically, the Colorado Commission explained that the evidence submitted by Qwest demonstrated that there was a wide variation in drop lengths among the different density zones.[712] Although the Colorado Commission accepted Qwest's evidence on the variability in drop lengths, it did not accept the actual distances proposed by Qwest on the grounds that Qwest's proposal did not adequately reflect the presence of multi-tenant units.[713] We find no clear error in the manner in which the Colorado Commission weighed the evidence before it and selected the drop length input to be used in the model.

199. *Strand Distance*. According to AT&T, the HAI model uses a measure called "strand distance" to ensure that the distribution route distance calculated by the model matches the amount of distribution route distance actually required to connect actual customer locations.[714] The model includes a strand distance normalization (SDN) option, which AT&T describes as a mechanism similar to the Minimum Spanning Tree (MST) approach utilized by the Commission's Synthesis Model.[715] AT&T states that the Colorado Commission improperly turned off the SDN option when it ran the HAI model, which caused the model to assume

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708 *Colorado Pricing Order* at 43.

709 *Colorado Pricing Reconsideration Order* at 42-43.

710 AT&T Qwest III Fassett/Mercer Decl. at paras. 59-60; AT&T Qwest I Fassett/Mercer Decl. at paras. 56-57.

711 AT&T Qwest III Fassett/Mercer Decl. at para. 59; AT&T Qwest I Fassett/Mercer Decl. at para. 56.

712 *Colorado Pricing Further Reconsideration Order* at 9.

713 *Colorado Pricing Order* at 43.

714 AT&T Qwest III Fassett/Mercer Decl. at para. 48; AT&T Qwest I Fassett/Mercer Decl. at para. 45.

715 AT&T Qwest III Fassett/Mercer Decl. at para. 49; AT&T Qwest I Fassett/Mercer Decl. at para. 46.

incorrectly that customers are spread uniformly throughout each cluster, rather than concentrated around schools, office parks and other areas.[716] In its comments, AT&T stated that the effect of this alleged error is to increase loop rates by $0.62 per month.[717]

200. AT&T also states that the Colorado Commission's decision to turn off the SDN option "substantially distorts" the deaveraging process.[718] As a result, only 5 percent of lines are in zone 1, as compared to almost 60 percent if the SDN option is turned on.[719] AT&T states that this approach is inconsistent with Colorado's demographics because only four wire centers in downtown Denver are in zone 1, while all the other wire centers in the Denver metropolitan area are in zone 2.[720] According to AT&T, the effect of this error is to raise the average loop rate for customers who should be in zone 1 (with the SDN option turned on) by $1.63 per line.[721] Qwest responds that the Colorado Commission reasonably declined to use the MST approach.[722] Similarly, Qwest argues that AT&T's deaveraging claim should be rejected because the Colorado Commission's approach is reasonable and TELRIC-compliant.[723] Qwest further notes that, in any event, the Colorado Commission will re-examine issues related to AT&T's claim during the upcoming phase of its UNE pricing proceeding.[724]

201. In its first pricing order, the Colorado Commission explained its decision not to use the MST algorithm in the HAI model. Specifically, the Colorado Commission found that "customer placement based on MST is not representative of the real world considerations that are properly taken into account in a TELRIC study. Despite the scorched node approach, TELRIC does not require ignoring other real world limitations or sources of network placement cost such as buildings, rivers, lakes, etc."[725] AT&T did not request reconsideration on this particular issue, and it does not appear that it raised the deaveraging issue at all. We find that the standard applied by the Colorado Commission is not inconsistent with TELRIC requirements and we find no clear error in its decision not to use the SDN option. The Colorado Commission

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716 AT&T Qwest III Fassett/Mercer Decl. at para. 50; AT&T Qwest I Fassett/Mercer Decl. at para. 47.

717 AT&T Qwest III Fassett/Mercer Decl. at para. 51; AT&T Qwest I Fassett/Mercer Decl. at para. 48.

718 AT&T Qwest III Fassett/Mercer Decl. at paras. 65-72.

719 AT&T Qwest III Fassett/Mercer Decl. at para. 68; AT&T Qwest I Reply, Reply Declaration of Dean Fassett and Robert Mercer at para. 7 (AT&T Qwest I Fassett/Mercer Reply Decl.).

720 AT&T Qwest III Fassett/Mercer Decl. at para. 69; AT&T Qwest I Fassett/Mercer Reply Decl. at para. 8.

721 AT&T Qwest III Fassett/Mercer Decl. at para. 70; AT&T Qwest I Fassett/Mercer Reply Decl. at para. 9.

722 Qwest III Thompson/Freeberg Reply Decl. at paras. 15-16.

723 Qwest III Thompson/Freeberg Reply Decl. at para. 16.

724 *Id.*

725 *Colorado Pricing Order* at 42.

is considering loop deaveraging issues in Phase II of its cost proceeding, and we encourage AT&T to raise this issue with the Colorado Commission during that proceeding.

202. *Network Operations Expense*. Network operations expense represents Qwest's costs associated with specific operations activities. According to AT&T, the network operations expense factor in the HAI model is used to reduce the current level of network operations expense in order to recognize TELRIC-compliant forward-looking savings.[726] AT&T asserts that the Colorado Commission committed clear error when it adopted Qwest's proposed 100 percent network operations factor, which assumes that Qwest will achieve no expense reductions on a forward-looking basis. AT&T identifies a number of specific expense accounts that should be reduced in a forward-looking environment.[727]

203. In its initial pricing decision, the Colorado Commission selected the 100 percent network operations expense factor advocated by Qwest, and rejected the 50 percent factor advocated by the competitive LECs.[728] The Colorado Commission found that the competitive LECs had not provided adequate support on the record for the proposition that Qwest would incur only half its current expenses in a forward-looking environment. Contrary to AT&T's assertions, the Colorado Commission did "agree that there should be some degree of recognition that the utilization of forward-looking technologies will likely reduce future Network Operations Expense."[729] Specifically, the Colorado Commission reduced network operations expense by applying a 4 percent productivity (net of inflation) factor to bring 1999 expenses forward to 2001.[730] Based on the Colorado Commission's assessment of the record before it, we find no clear error in the manner in which the Colorado Commission calculated network operations expense.

204. Nor are we persuaded by AT&T's argument that the Colorado Commission "appears" to have been "misled" by Qwest concerning adoption of a lower network operations expense factor than AT&T advocates.[731] AT&T asserts that the Colorado Commission adopted a per-line network operations expense additive that is more than double the additives proposed by either AT&T or Qwest.[732] Qwest responds that AT&T mischaracterized Qwest's position with

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[726] AT&T Qwest III Fassett/Mercer Decl. at para. 61; AT&T Qwest I Fassett/Mercer Decl. at para. 58.

[727] AT&T Qwest III Fassett/Mercer Decl. at para. 63; AT&T Qwest I Fassett/Mercer Decl. at paras. 60-64.

[728] *Colorado Pricing Order* at 62-63.

[729] *Id.* at 63.

[730] *Id.* at 63, 71.

[731] *See* AT&T Qwest III Comments at 71-73, Tab K, Declaration of Douglas Denney at paras. 8-14 (AT&T Qwest III Denney Decl.); Letter from Alan C. Geolot, Counsel for AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 12, 2002) (AT&T Nov. 12 *Ex Parte* Letter) at Attach. Supplemental Declaration of Douglas Denney (AT&T Supp. Denney Decl.).

[732] AT&T Qwest III Comments at 72-73; AT&T Qwest III Denney Decl. at paras. 10-11; AT&T Nov. 12 *Ex Parte* Letter at AT&T Supp. Denney Decl., paras. 5-6.

respect to Colorado loop costs. Qwest had proposed its own loop cost model, which treated network operating expense as a percentage factor applied to direct investment amounts.[733] In the alternative, if the Colorado Commission adopted use of the HAI Model, Qwest opposed use of a 50 percent network operations expense adjustment, arguing that its current costs already reflect the efficiencies of a modern network.[734] As discussed above, the Colorado Commission rejected AT&T's proposed 50 percent adjustment, but felt some adjustment was appropriate, so it applied a 4 percent adjustment to reflect anticipated productivity improvements, offset by inflation.[735] Therefore, it does not appear that the Colorado Commission was "misled," but that it made a reasonable decision based on the record before it on this issue.

(b) Switching

205. In the *Colorado Pricing Order*, the Colorado Commission elected to retain the switching rates it adopted in 1997 in the 331T proceeding.[736] The competitive LECs requested reconsideration of that decision, and in response Qwest stated that it was willing to set switching rates using the HAI model, as proposed by the competitive LECs, provided that six specific input adjustments were made. The Colorado Commission adopted Qwest's proposal, noting that the proposed reductions were supported by the evidentiary record in the case.[737] The competitive LECs again sought reconsideration, and in response Qwest proposed rates that included only four of its original input adjustments. The Colorado Commission again adopted Qwest's proposal, subject to reexamination in its upcoming Phase II proceeding.[738] Before filing its current section 271 application, and in response to comments from AT&T, Qwest voluntarily reduced its Colorado port rate by eliminating a $0.38 vertical features software cost additive.[739] AT&T now challenges the Colorado Commission's decision on two grounds.

206. *Fill Factor*. The HAI model proposed by the competitive LECs included a 94 percent fill factor for switching. In the Qwest proposal ultimately adopted by the Commission,

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[733] Qwest III Thompson/Freeberg Reply Decl. at para. 10.

[734] Qwest III Thompson/Freeberg Reply Decl. at para. 11.

[735] Qwest III Thompson/Freeberg Reply Decl. at para. 12.

[736] *Colorado Pricing Order* at 79. The port rate adopted in 1998 was $1.78 per month and the usage rate was $0.00283 per minute.

[737] *Colorado Pricing Reconsideration Order* at 6-7.

[738] *Colorado Pricing Further Reconsideration Order* at 12.

[739] Qwest I Reply at 96-97; Letter from David L. Sieradzki, Counsel for Qwest Communications International, Inc., to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148 (filed Aug. 8, 2002) (Qwest Aug. 8 Pricing *Ex Parte* Letter) (08/08/02d). Because Qwest established switching rates in the other eight states based on a benchmark to Colorado, Qwest also reduced switching rates in those states. Qwest I Reply, Reply Declaration of Jerrold L. Thompson, Cost-Based Rates for Unbundled Network Elements and Interconnection, para. 79 (Qwest I Thompson Reply Decl.).

the fill factor is set at 82.5 percent.[740] AT&T states that the reduction in the fill factor from 94 percent to 82.5 percent is unjustified. Specifically, AT&T states that Qwest's argument that a lower fill factor is needed to cover increases in demand ignores the fact that the HAI model includes a default maximum line size of 80,000 lines per switch, even though switches have the capacity to serve at least 100,000 lines.[741] The result of this error, according to AT&T, is to inflate switching costs by 8.6 percent.[742]

207. Although the Colorado Commission did not provide an analysis of this specific issue, it did note in the *Colorado Pricing Reconsideration Order* that there was evidence on the record supporting Qwest's first compromise proposal.[743] Specifically, Qwest submitted testimony, and made its witness available for cross-examination, explaining the basis for its proposal to use a fill factor of less than 94 percent.[744] Based on this record evidence, we do not think the Colorado Commission committed TELRIC error in adopting the second Qwest compromise proposal with the 82.5 percent fill factor. Furthermore, Qwest has provided additional material in this proceeding that demonstrates why a fill factor of 94 percent may not be sufficient.[745]

208. *Port/Usage Split*. In their proposed run of the HAI model, the competitive LECs urged the Colorado Commission to allocate 60 percent of switch costs to flat-rate port charges and 40 percent to per-minute usage charges. One of the adjustments advocated by Qwest, and adopted by the Colorado Commission, was to change this allocation so that 30 percent of switch costs are allocated to ports and 70 percent are allocated to usage. AT&T asserts that the Colorado Commission's decision to accept Qwest's proposal to use a 30/70 split in allocating switch costs between port and usage does not reflect the realities of a forward-looking network. Because most of the costs of a switch occur at the time it is placed in operation and do not vary

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740 *Colorado Pricing Further Reconsideration Order* at 12.

741 AT&T Qwest III Chandler/Mercer Decl. at para. 31; AT&T Qwest I Chandler/Mercer Decl. at para. 28.

742 AT&T Qwest III Chandler/Mercer Decl. at para. 32; AT&T Qwest I Chandler/Mercer Decl. at para. 29.

743 *Colorado Pricing Reconsideration Order* at 7 n.2.

744 *U S WEST Communications, Inc.'s Statement of Generally Available Terms and Conditions*, Docket No. 99A-577T, Rebuttal and Cross Answer Testimony of Robert Brigham at 142-54 (July 20, 2001).

745 Qwest I Thompson Reply Decl. at paras. 30-36. For example, Qwest argues that a 94 percent fill factor would not provide sufficient capacity to leave lines connected after a customer terminates service ("warm dial tone"). Qwest also explained that the 80,000 line maximum switch size in the HAI model does not justify the use of a higher fill factor because this input only affects the fixed component of switch investment, not the variable (per-line) component of switch investment. *Id*. at para. 36. For example, rather than calculate the cost of a single switch serving 90,000 lines, the model would spread those lines over two switches. This increases the fixed cost (by adding the fixed investment of a second switch), but the variable cost still is calculated based on 90,000 lines. The 80,000 line maximum therefore has little impact on the switching cost in Colorado because: (1) variable costs represent 82 percent of per-line switch costs on an average switch; and (2) only a handful of switches are large enough to be split by the model. *Id*.

with usage, AT&T argues that a 60/40 split would be more appropriate.[746] According to AT&T, the effect of this error is to increase switching usage costs by 75 percent, thereby deterring competitive LECs from serving high-usage customers.[747]

209. AT&T is correct in stating that our TELRIC rules establish the general principle that costs should be recovered in the manner in which they are incurred.[748] The Commission has not, however, interpreted this principle to mandate a particular allocation of switch costs between flat-rate port charges and per-minute usage charges. To the contrary, we previously have approved section 271 applications in which the state commission adopted the same 30/70 split used by the Colorado Commission.[749] Accordingly, we find that the decision by the Colorado Commission to adopt a 30/70 split does not constitute a TELRIC error.[750]

(c) Line Sharing

210. The *Colorado Pricing Order* established a rate of $4.89 per month for the High Frequency Portion of the Loop (HFPL) that carriers purchase under the Commission's line sharing requirements.[751] In setting this rate, the Colorado Commission applied an imputation test to determine whether Qwest's charges for retail DSL service cover the direct cost of the service plus an imputation of the wholesale price Qwest charges for the HFPL.[752] In applying that test, the Colorado Commission found that Qwest's retail price of $29.95 "is far above a reasonable estimate of Qwest's direct costs for providing HFPL and our proposed wholesale price."[753]

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[746] AT&T Qwest III Chandler/Mercer Decl. at paras. 36-37; AT&T Qwest I Chandler/Mercer Decl. at paras. 33-34.

[747] AT&T Qwest III Chandler/Mercer Decl. at para. 41; AT&T Qwest I Chandler/Mercer Decl. at para. 37.

[748] *See Local Competition First Report and Order*, 11 FCC Rcd at 15874, para. 743.

[749] *Verizon Maine Order* at para. 29. AT&T attempts to distinguish the Maine decision on the ground that the Maine Commission provided a more extensive analysis in support of its decision. Although AT&T is correct that the Colorado Commission did not provide an extensive analysis of this specific issue, Qwest filed testimony in support of this adjustment and the Colorado Commission referenced that testimony in the *Colorado Pricing Reconsideration Order*. Although a more complete discussion by the Colorado Commission would have been helpful, we do not find that the absence of such a discussion on this issue means that we should second-guess a state decision that is consistent with our prior decisions.

[750] As to AT&T's argument that Qwest's allocation of costs between port and usage charges has the effect of making high-usage customers less attractive to competitive carriers, we note that it also would seem to make low-usage customers more attractive. Given the suggestion elsewhere in AT&T's comments that it plans to serve all customers (i.e., to enter markets on a state-wide basis), we do not see how AT&T is harmed by the port/usage allocation adopted by the Colorado Commission. AT&T Qwest I Comments at 141, Declaration of Michael Lieberman, para. 20 (AT&T Qwest I Lieberman Decl.).

[751] *Colorado Pricing Order* at 114-18.

[752] *Colorado Pricing Order* at 117-18.

[753] *Id.* at 118.

Covad requested reconsideration of this decision, and the Colorado Commission affirmed its initial decision.[754] Covad again requested reconsideration, and in response Qwest expressed its willingness to provide the HFPL at a rate of zero on a temporary basis. The Colorado Commission rejected Qwest's proposal to provide the HFPL at a rate of zero and retained the $4.89 rate in Qwest's SGAT.[755] On August 5, 2002, Qwest filed an amended SGAT with the Colorado Commission reducing the HFPL rate in zone 1 and zone 2 on an interim basis, pending a final decision on deaveraging of loop rates in Phase II of the 577T docket.[756] Covad argues that the Colorado Commission's decision to set a positive rate for the HFPL violates the *Line Sharing Order,* our TELRIC pricing requirements and the nondiscrimination provisions of the Act.

211. Covad argues that the Colorado Commission's decision to establish a $4.89 monthly charge for the HFPL violates the Commission's *Line Sharing Order*. According to Covad, "Qwest must be required to set the price for the [HFPL] at the same price Qwest continues to charge itself: $0."[757] Covad relies on the section of the *Line Sharing Order* in which the Commission stated that "states may require that incumbent LECs charge no more to competitive LECs for access to shared local loops than the amount of loop costs the incumbent LEC allocated to ADSL services when it established its interstate retail rates for those services."[758] According to Covad, Qwest has acknowledged that it does not include any loop costs in its filed cost studies supporting its federal tariffs for retail DSL service,[759] and therefore any rate in excess of zero violates our rules.

212. We agree that the Colorado Commission did not follow the *Line Sharing Order*'s guidelines for pricing the HFPL. As mentioned, the *Line Sharing Order* announced that "states may require that incumbent LECs charge no more to competitive LECs for access to shared local loops than the amount of loop costs the incumbent LEC allocated to ADSL services when it established its interstate retail rates for those services."[760] The use of the term "may" could suggest that the rule is permissive – that states have discretion to adopt a different pricing rule. On the other hand, however, the *Line Sharing Order* uses language that suggests the Commission meant to impose a mandatory rule. For example, the Commission stated that "[b]y *requiring* incumbent LECs to provide access to the shared local loops for no more than they allocate to their own xDSL services, the price squeeze may be redressed by ensuring competitive LECs and ILECs incur the same cost for access to the bandwidth required to provide xDSL

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754 *Colorado Pricing Reconsideration Order* at 87-88.

755 *Colorado Pricing Further Reconsideration Order* at 17-18.

756 The HFPL rate is now $1.82 in zone 1 and $3.80 in zone 2. *See* Qwest Aug. 8 Pricing *Ex Parte* Letter (08/08/02d).

757 Covad Qwest I Comments at 5. *See also* Covad Qwest III Comments at 3.

758 *Line Sharing Order*, 14 FCC Rcd at 20975-76, para. 139.

759 Covad Qwest III Comments at 8-9; Covad Qwest I Comments at 8.

760 *Line Sharing Order*, 14 FCC Rcd at 20975, para. 138.

services."[761] In fact, in a subsequent order, the Commission stated that the pricing rule was required. Characterizing the *Line Sharing Order*'s pricing rule as mandatory, the Commission stated in the *CALLS Order* that "[t]he *Line Sharing Order* concluded that states should not permit incumbent LECs to charge more to competitive LECs for access to shared local loops than the amount of loop costs the incumbent LEC allocated to ADSL services when it established its interstate retail rates for those services."[762]

213. Because the Commission has not conclusively determined whether the HFPL guidelines are required, we decline to do so in the context of this section 271 proceeding. The Commission has typically deferred resolution of such novel issues to separate proceedings.[763] We intend to address this issue in our pending proceeding on line sharing. We expect that Qwest, working with the Colorado Commission, will adjust its HFPL rate or its retail DSL tariff, if necessary, to comply with the rules the Commission adopts in the pending proceeding.

(iii) Non-Recurring Charges

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[761] *Line Sharing Order*, 14 FCC Rcd at 20976, para. 141 (emphasis added). In addition, under the *Local Competition First Report and Order*, states already had discretion to adopt this pricing rule. There, the Commission stated that states could – but did not have to – require that incumbent LECs charge no more to competitive LECs for access to unbundled elements than the amount they charged at retail for services using the same elements. *Local Competition First Report and Order*, 11 FCC Rcd at 15920, para. 850. Yet the *Line Sharing Order* spends four pages discussing how the HFPL should be priced, which seems odd if it meant only to re-emphasize the point already established in the *Local Competition First Report and Order*.

[762] *Access Charge Reform*, Sixth Report and Order in CC Docket Nos. 96-262 and 94-1, Report and Order in CC Docket No. 99-249, Eleventh Report and Order in CC Docket No. 96-45, 15 FCC Rcd 12962, 13001, para. 98 (2000) (*CALLS Order*). At the same time, we note that all of the Commission's line sharing rules, including the HFPL pricing guidelines, were held invalid by the United States Court of Appeals for the D.C. Circuit. *See United States Telecom Ass'n v. FCC*, 290 F.3d 415, 429 (D.C. Cir. 2002). Indeed, the court determined that these rules "must be vacated," and these rules would no longer be in effect but for the court's decision to stay the vacatur of the *Line Sharing Order* until January 2, 2003. *See id.*; *USTA v. FCC*, No. 00-1012, Order (D.C. Cir., filed Sept. 4, 2002). The Commission has recently sought an additional extension of this stay until February 20, 2003. The Commission is currently considering line sharing in a pending proceeding. *See Triennial Review Notice*, 16 FCC Rcd at 22805-06, paras. 53-54.

[763] *See*, *e.g.*, *SBC Arkansas/Missouri Order*, 16 FCC Rcd at 20759-60, para. 82; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17470, para. 92 ("As we have stated in other section 271 orders, new interpretative disputes concerning the precise content of an incumbent LEC's obligations to its competitors, disputes that our rules have not yet addressed and that do not involve *per se* violations of the Act or our rules, are not appropriately dealt with in the context of a section 271 proceeding."), para. 97 (concerning resale of DSL in combination with UNE-platform voice service) and para. 100 (concerning single points of interconnection). *See also Verizon Massachusetts Order*, 16 FCC Rcd at 8993, para. 10; *SWBT Texas Order*, 15 FCC Rcd at 18366, para. 23. Courts have held that the Commission is not required to solve all ambiguities in the context of a section 271 proceeding. *See, e.g.*, *Bell Atlantic New York Order*, 15 FCC Rcd at 4117-4124, paras. 316-336, *aff'd AT&T v. FCC*, 220 F.3d 607, 622-625 (D.C. Cir. 2000) (agreeing with the Commission that "the statute is ambiguous with respect to the precise issue [nondiscriminatory access to DSL loops]" and upholding the Commission's decision not to require a separate evidentiary showing with respect to DSL loops).

214. The NRCs established by the Colorado Commission in the *Colorado Pricing Order* were derived from the cost model submitted by Qwest. Qwest's model calculates NRCs by identifying each individual element of an activity, determining how many minutes it takes to accomplish each element, multiplying that figure by how often the element is likely to occur, and finally multiplying the resulting number of minutes by the appropriate labor rate.[764] The competitive LECs sought reconsideration of the Colorado Commission's initial decision with respect to NRCs, and in the *Colorado Pricing Reconsideration Order* the Colorado Commission reduced the frequency estimates for a number of activities, which resulted in reductions in the NRCs.[765]

215. Notwithstanding these reductions, AT&T argues that the NRCs established by the Colorado Commission are not consistent with TELRIC requirements. AT&T identifies three principal flaws in the Colorado Commission's analysis: activities and time estimates that are not sufficiently forward-looking, recovery of costs that should be recovered through recurring charges, and recovery of disconnect costs as part of installation charges.[766] As proof that the Colorado Commission committed clear TELRIC error, AT&T attempts to show that the NRCs in Colorado are significantly higher than charges for comparable activities in other states that have received section 271 approval.[767]

216. *Forward-Looking vs. Actual*. AT&T argues that the NRC study adopted by the Colorado Commission reflects activities and time estimates that are not sufficiently forward-looking. Specifically, AT&T states that the Qwest study reflects the costs of several manual activities that would, and currently can, be performed electronically.[768] AT&T also states that the Qwest study assumes an unreasonably high level of fallout (10 percent) and that a much lower fallout rate (2 percent) is appropriate for forward-looking OSS.[769] AT&T states that the NRC study approved by the Colorado Commission improperly develops time estimates for each activity based on the opinion of a single subject matter expert, which is neither objective nor statistically valid.[770] The result, AT&T asserts, is that the time estimates for numerous activities are overstated.

217. We find that the arguments advanced by AT&T are not sufficient to demonstrate that the Colorado Commission committed clear TELRIC error. The Colorado Commission was presented with two cost studies that offered extremely different opinions of the activities that are

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764 Qwest I Thompson Reply Decl. at para. 21.

765 *Colorado Pricing Reconsideration Order* at 61-62.

766 AT&T Qwest I Comments at 62.

767 *Id.* at 61-62.

768 AT&T Qwest I Comments, Declaration of Thomas Weiss at paras. 17-19 (AT&T Qwest I Weiss Decl.).

769 *Id.* at paras. 32-33.

770 *Id.* at paras. 20-26.

necessary in a forward-looking environment, and the time and frequency associated with each activity. The Colorado Commission selected the Qwest cost study, but in its first reconsideration order the Colorado Commission made a number of adjustments to the frequencies to make them more forward-looking, as requested by the competitive LECs.[771] Based on the record before it, the Colorado Commission was required to make a significant number of highly fact-specific decisions. We are reluctant to interfere with state commissions with respect to these decisions, and we find that AT&T has not provided sufficient reason for us to do so here.

218. *Disconnect Costs*. AT&T states that the Colorado Commission erred by allowing Qwest to include disconnection costs in its installation NRCs.[772] According to AT&T, these costs should be recovered at the time they are incurred, if they are incurred at all. To the extent that Qwest has concerns about non-payment, AT&T states that the situation with respect to wholesale customers is distinguishable from the situation for retail customers, and there are other means by which Qwest can address the potential for non-payment by wholesale customers.[773]

219. As a conceptual matter, we do not find the decision by the Colorado Commission to allow Qwest to recover disconnection costs at the time of installation is necessarily a violation of TELRIC. As the parties note, recovery of disconnect costs at the time of installation is a well-established practice with respect to retail customers. Although AT&T may be correct that there are differences between retail and wholesale customers, we find that it is for the states to decide in the first instance the most appropriate manner of balancing the competitive LEC interest in reducing up-front charges with the need to protect incumbent LECs against the risk of non-payment by wholesale customers.[774] Where, as here, the state commission has engaged in a reasoned analysis of the merits of allowing an incumbent LEC to recover these costs at the time of installation,[775] we will not interfere with that decision.

220. A second concern advanced by AT&T is that the level of the disconnect costs included in the installation NRCs overstates the costs associated with disconnection because in most cases Qwest leaves facilities in place when a customer terminates service.[776] Qwest disputes this argument, noting that, in the case of non-platform UNE loops, the customer's loop would always have to be disconnected from the competitive LEC's switch on the date that the competitive LEC's service ended.[777] For UNE-P loops, Qwest agrees that it leaves the

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[771] *Colorado Pricing Reconsideration Order* at 61-62.

[772] AT&T Qwest I Weiss Decl. at para. 11.

[773] *Id.* at para. 13.

[774] *Local Competition First Report and Order*, 11 FCC Rcd at 15875-76, paras. 749-51 (giving states discretion with respect to recovery of non-recurring costs).

[775] *Colorado Pricing Order* at 57; *Colorado Pricing Reconsideration Order* at 64-65.

[776] AT&T Qwest I Weiss Decl. at para. 14.

[777] Qwest I Thompson Reply Decl. at para. 16.

connection in place where there is a high degree of dedicated inside plant. For this reason, however, Qwest significantly reduces disconnection costs included in the UNE-P installation NRC.[778] As with other aspects of NRCs, we defer to the Colorado Commission on this issue. The Colorado Commission was presented with evidence from Qwest and the competitive LECs with respect to the time and frequency of various activities, including disconnect activities, and we are reluctant to interfere with the manner in which the Colorado Commission assessed the record before it. Although there are elements of the Colorado Commission's approach that raise questions, such as the failure to consider reducing the disconnect costs based on the time value of money,[779] overall we find that the Colorado Commission appropriately considered this issue in setting installation NRCs, and there were no clear TELRIC errors.

221. *Recovery Through Recurring Charges*. AT&T states that the Colorado Commission erred by allowing Qwest to recover the costs of certain activities through NRCs, even though the activities produce a benefit that will last for longer than one year and should be recovered through recurring charges.[780] AT&T also states that Qwest's NRCs include cost loading, such as product management and sales expenses, that should not be attributed to non-recurring functions.

222. The Commission's TELRIC rules provide general guidance with respect to whether costs should be recovered through recurring charges or NRCs, but they do not specifically address the issue raised by AT&T.[781] While we prohibit states from permitting incumbent LECs to recover recurring costs through NRCs, AT&T has not argued that any of the costs Qwest seeks to recover through NRCs are in fact recurring costs. Rather, AT&T is arguing that these non-recurring costs are more appropriately recovered through a recurring charge because of the nature of the cost (i.e., because the benefit lasts longer than one year).[782] Our rules do give states the authority to require that non-recurring costs be recovered through recurring charges, but we have not mandated such treatment for any particular type of non-recurring cost.[783] Accordingly, we find that the decisions made by the Colorado Commission on these issues are within the discretion of the state commissions under our TELRIC rules.

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[778] Qwest I Thompson Reply Decl. at para. 17.

[779] For example, the Nebraska Commission included only 60 percent of disconnect costs in installation rates to reflect the fact that a customer may stay with the competitive LEC, and it discounted the cost over a five-year period to reflect that competitive LECs are paying today for activities that will be performed at some time in the future. *See Nebraska Pricing Order* at 48.

[780] AT&T Qwest I Weiss Decl. at paras. 34-35.

[781] 47 C.F.R. § 51.507(e) (2001); *Local Competition First Report and Order*, 11 FCC Rcd at 15875-76, paras. 749-51.

[782] AT&T Qwest I Weiss Decl. at para. 35.

[783] 47 C.F.R. § 51.507(e) (2001); *Local Competition First Report and Order*, 11 FCC Rcd at 15875-76, paras. 749-51.

223. We also disagree with AT&T's argument that the Colorado Commission committed clear TELRIC error by including cost loadings as part of NRCs. The Commission's rules specifically allow for recovery of forward-looking common costs, and there is no prohibition on recovering common costs through NRCs, as long as the total recovery does not exceed the forward-looking economic cost associated with an element.[784] As with the argument that certain costs should be recovered on a recurring basis, the position advocated by AT&T would extend our TELRIC rules beyond what they presently require. Therefore we defer to the decision made by the Colorado Commission.

224. *Comparison to Other States*. AT&T states that the NRCs approved by the Colorado Commission are well in excess of comparable NRCs in states that have received section 271 approval. For example, AT&T states that Qwest charges $171.88 for coordinated installation with testing (a "hot cut") while Verizon charges $4.07 in Pennsylvania and $35 in New York and New Jersey.[785] AT&T states that this is an "apples-to-apples" comparison because the Qwest and Verizon NRCs both include testing. Similarly, AT&T states that Qwest charges $55.27 for a basic installation. According to AT&T, the corresponding rates in New York, New Jersey, Pennsylvania, and Georgia are $0.13, $23.15, $3.01, and $34.22 respectively.[786]

225. Qwest makes a number of points in response. First, Qwest provided information demonstrating that its rate for a hot cut is $59.81, and that this charge includes the same testing that Verizon provides with its hot cut.[787] According to Qwest, the $171.88 charge referenced by AT&T includes specialized testing that goes beyond what is provided with a basic hot cut.[788] In support of its position that the $59.81 charge is the relevant charge for comparison purposes, Qwest notes that in 2001 in Colorado, only 17 percent of all orders for installed loops included a competitive LEC request for cooperative testing, while the remaining 83 percent of orders did not include cooperative testing.[789] Based on this evidence, we agree with Qwest that its $59.81 charge is the NRC for a hot cut and the appropriate charge to consider for purposes of comparison to hot cut NRCs in states that already have obtained section 271 authority.

226. In its application, Qwest included an exhibit demonstrating that its $59.81 hot cut NRC was comparable to rates in previously approved states (primarily SWBT states).[790] Qwest

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[784] 47 C.F.R. § 51.505(c) (2001); 47 C.F.R. § 51.507(e) (2001).

[785] AT&T Qwest I Comments at 61.

[786] *Id.*

[787] Qwest I Thompson Reply Decl. at para. 7.

[788] *Id.* at para. 5.

[789] *Id.* at para. 9.

[790] Qwest I Application, App. A, Tab 29, Declaration of Jerrold L. Thompson, Cost-Based Rates for Unbundled Network Elements and Interconnection in Colorado, Ex. JLT-CO-4 (Qwest I Thompson Colorado Decl.).

argues that the charges AT&T identifies from other states do not include the same functionality as Qwest provides in its installation charges. For example, Qwest demonstrates that the $0.13 NRC for New York cited by AT&T only includes provisioning costs, and does not include service order charges or central office wiring.[791] In its reply comments, Qwest provided additional information showing that its hot cut NRC compares favorably to similar NRCs in previously-approved states.[792]

227. AT&T argues that we should compare Qwest's hot cut NRC only with the comparable charges in Verizon states.[793] According to AT&T, competitive LECs only recently became concerned with hot cut charges and the comparisons relied on by Qwest are to states where the issue was not heavily litigated.[794] AT&T's suggestion that competitive LECs were unconcerned with the hot cuts in the SWBT states is inaccurate. Various aspects of the hot cut issue were litigated in most of these states, both at the state level and before this Commission in section 271 applications.[795] In conclusion, we find that Qwest's hot cut NRC is comparable to NRCs in other states for similar activities and is consistent with our TELRIC requirements.

d. Benchmark States

(i) TELRIC Analyses

228. In each of the eight benchmark states – Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming – Qwest, until recently, provided UNEs at rates established by the state commission in an arbitration or generic cost proceeding. Shortly before filing its section 271 application with the Commission, Qwest voluntarily reduced its recurring charges for loop and non-loop UNEs in each of the eight states, as well as many of its NRCs. Qwest reduced these rates with the specific intent of passing a benchmark comparison to rates in Colorado.[796] Qwest also argues, however, that the current rates are TELRIC-compliant because they are lower than the TELRIC-complaint rates established by the states.[797] In this section of

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[791] *See* Letter from David L. Sieradzki, Counsel, Qwest Communications International, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148 at 19 (filed July 22, 2002) (Qwest July 22 *Ex Parte* Letter).

[792] Qwest I Thompson Reply Decl., Reply Ex. JLT-1.

[793] AT&T Qwest I Reply at 56-57.

[794] *Id.*

[795] *SWBT Texas Order*, 15 FCC Rcd at 18486-95, paras. 259-77; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6336-40, paras. 200-07.

[796] With respect to NRCs, Qwest reduced its installation NRCs to levels equal to the charges established by the Colorado Commission in recognition of the fact that the benchmark process, which reflects cost differences between states, has not been applied to NRCs. Qwest I Application at 166.

[797] Qwest II Application at 160 ("The State Commissions of Montana , Utah, Washington and Wyoming each conducted pricing proceedings that were intended to, and did, produce TELRIC-compliant rates."); Qwest I (continued….)

the order, we describe the relevant state proceedings, and identify challenges to Qwest's claim that rates established in the state commission proceedings comply with our TELRIC pricing requirements. In the end, we need not decide whether the earlier state proceedings produced TELRIC-compliant rates, because we find that Qwest's current, voluntarily-reduced rates benchmark to the rates in Colorado. We do, however, resolve certain issues with respect to rates not included in our benchmark analysis, such as NRCs.

(a) Idaho

229. *Background.* The process leading to Qwest's current rates in Idaho began in a 1997 interconnection arbitration proceeding with AT&T. In this proceeding, the parties engaged in extensive discovery, briefing and the presentation of evidence at multiple arbitration hearings. The Arbitrator appointed by the Idaho Commission issued several orders resolving areas of dispute.[798] With respect to pricing, the Arbitrator adopted the Hatfield Cost Model, making adjustments to certain inputs and assumptions. The Arbitrator deemed the rates interim, noting that permanent UNE prices would be established in a separate UNE cost proceeding.[799] The Idaho Commission reviewed and modified the Arbitrator's orders after allowing additional opportunity for briefing and oral argument.[800] The rates established in this interconnection arbitration and approved on an interim basis by the Idaho Commission form the basis of Qwest's initial SGAT filed with the Idaho Commission. The Idaho Commission is currently conducting a separate cost proceeding to establish permanent UNE rates which it expects to complete before the end of this year.[801]

(Continued from previous page)
Application at 162 ("The regulatory agencies for Idaho, Iowa, Nebraska and North Dakota each conducted thorough pricing proceedings that were intended to, and did, produce TELRIC-compliant rates.").

[798] *See* Qwest I Application App. A, Tab 30, Declaration of Jerrold L. Thompson, Cost-Based Rates for Unbundled Network Elements and Interconnection in Idaho, paras. 3-4 (Qwest I Thompson Idaho Decl.).

[799] *See id.* at paras. 7-19. *See also AT&T Communications of the Mountain States, Inc. Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 of the Rates, Terms and Conditions of Interconnection with US West*, Case No. USW-T-96-15/ATT-T-96-2, First Arbitration Order at 38 (Idaho PUC Mar. 24, 1997) (*Idaho Commission First Arbitration Order*); *AT&T Communications of the Mountain States, Inc. Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 of the Rates, Terms and Conditions of Interconnection with US West*, Case No. USW-T-96-15/ATT-T-96-2, Second Arbitration Order at 41-42 (Idaho PUC June 6, 1997) (*Idaho Commission Second Arbitration Order*).

[800] *See AT&T Communications of the Mountain States, Inc. Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 of the Rates, Terms and Conditions of Interconnection with US West*, Case No. USW-T-96-15/ATT-T-96-2, Order No. 27050 (Idaho PUC July 16, 1997) (*Idaho Commission July 16 Arbitration Order*); *AT&T Communications of the Mountain States, Inc. Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 of the Rates, Terms and Conditions of Interconnection with US West*, Case No. USW-T-96-15/ATT-T-96-2, Order No. 27236 (Idaho PUC Dec. 1, 1997) (*Idaho Commission Dec.1 Arbitration Order*).

[801] *See* Idaho Commission Qwest I Comments at 4. *See also* Idaho Commission Qwest III Comments (adopting and incorporating by reference its Qwest I Comments).

230. On February 8, 2000, the Idaho Commission opened a separate proceeding to assess Qwest's compliance with the Commission's section 271 requirements.[802] On April 19, 2002, the Idaho Commission issued an order stating that "[t]here is no evidence showing that Qwest's UNE prices reached through an arbitration that occurred four years ago satisfy current FCC TELRIC pricing requirements," and that: "[t]he lack of UNE prices for Qwest remains a gap in Qwest's record for compliance with Section 271 requirements."[803] Subsequently, on May 24, 2002, Qwest filed a revised SGAT with the Idaho Commission in which it made voluntary rate reductions based on its benchmark analysis against rates established by the Colorado Commission.[804] On June 10, 2002, the Idaho Commission issued an order observing, without elaboration, that the revised prices for unbundled loops and local switching are "based on TELRIC prices established by the Colorado Commission" and concluding that "[i]n the words of AT&T, the resulting price adjustments are 'closer to being TELRIC compliant.'"[805] The Idaho Commission states that it "is satisfied with the interim UNE rates filed by Qwest [in Qwest's May 24, 2002 SGAT] and expects to complete its UNE cost docket to establish permanent TELRIC rates before the end of the year."[806] On this basis, the Idaho Commission recommended that the Commission approve Qwest's section 271 application on July 3, 2002.[807] In an effort to address concerns raised by competitive LECs and the Department of Justice, Qwest made further rate reductions on August 5, 2002 and on October 16, 2002.[808]

231. *Discussion.* AT&T raises a number of concerns regarding Qwest's rates in Idaho established in the 1997 interconnection arbitration proceeding. AT&T specifically challenges the structure sharing assumptions and common cost factor used in the 1997 arbitration to establish loop and switching rates. With respect to structure sharing assumptions, AT&T argues that those adopted by the Arbitrator – 33 percent for aerial cable, 50 percent for buried cable, and 90 percent for underground cable – are "at odds with the forward-looking costs of an efficient provider" and conflict with the Commission's determination in the *Inputs Order*.[809] With

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802 *See US West Communications, Inc.'s Motion for an Alternative Procedure to Manage its Section 271 Application*, Case No. USW-T-00-3, Order at 2 (Idaho PUC Apr. 19, 2002) (*Idaho Commission Apr. 19 Section 271 Order*).

803 *See id.* at 11.

804 Qwest I Thompson Idaho Decl. at para. 6. *See also US West Communications, Inc.'s Motion for an Alternative Procedure to Manage its Section 271 Application*, Case No. USW-T-00-3, Order at 7 (Idaho PUC June 10, 2002) (*Idaho Commission June 10 Section 271 Order*).

805 *Idaho Commission June 10 Section 271 Order* at 7.

806 Idaho Commission Qwest I Comments at 4.

807 *See* Idaho Commission Qwest I Comments at 14.

808 *See* Qwest Aug. 8 Pricing *Ex Parte* Letter, Idaho Attach. (08/08/02d); Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest Nov. 12 *Ex Parte* Letter, Idaho Attach.

809 *See* AT&T Qwest III Baker/Starr/Denney Decl. at para. 31; AT&T Qwest I Comments, Tab C, Declaration of Natalie J. Baker, Arleen M. Starr, and Douglas Denny at para. 31 (AT&T Qwest I Baker/Starr/Denny Decl.).

respect to common cost factor, AT&T argues that the 13 percent common cost factor set by the Arbitrator is far above forward-looking levels as evidenced by the fact that the average BOC (including Qwest) had an overhead of 10.5 percent in 1998 and 8.3 percent in 2000.[810] AT&T also argues that Qwest's 1997 loop and switching costs are not TELRIC-compliant because loop and switching costs have declined since 1997 due to the substantial growth in demand for local telecommunications services that has occurred since that time.[811]

232. AT&T also challenges Qwest's 1997 loop rates on the basis that they were not geographically deaveraged in accordance with the Commission's regulations.[812] Although the rates established by the Arbitrator in Qwest's 1997 interconnection arbitration with AT&T were not deaveraged, Qwest subsequently deaveraged its rates into three zones in compliance with Commission regulations and in coordination with the Idaho Commission staff. Therefore, because Qwest is now in compliance with Commission deaveraging regulations, and because the rates proposed by Qwest in this proceeding are deaveraged accordingly, the Arbitrator's decision not to deaverage rates in 1997 is not of concern in this proceeding. Because the rates before us were derived by benchmarking to new rates ordered in Colorado, we conclude that it is unnecessary to determine whether the Idaho Commission committed TELRIC errors in establishing UNE rates in the 1997 interconnection arbitration proceeding between Qwest and AT&T.

(b) Iowa

233. *Background.* In 1996, the Iowa Board conducted an arbitration proceeding involving Qwest, MCI and AT&T, under section 252(b) of the 1996 Act. In a preliminary arbitration decision, the Iowa Board established interconnection and UNE rates using rates proposed by AT&T (and accepted by MCI).[813] The Iowa Board made two additional pricing decisions in its final arbitration decision. First, the Iowa Board set collocation rates at levels that it had determined in a pre-1996 Qwest cost docket. Second, the Iowa Board did not require Qwest to provide zone pricing for loop and subloop rates.[814]

234. At the outset of the above-described arbitration proceeding, Qwest filed a tariff as required in response to a requirement that it file a local network interconnection tariff, using total

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[810] *See* AT&T Qwest III Baker/Starr/Denney Decl. at para. 32; AT&T Qwest I Baker/Starr/Denney Decl. at para. 32.

[811] *See* AT&T Qwest I Comments at 54; AT&T Qwest I Lieberman Decl. at paras. 15-19.

[812] *See* AT&T Qwest III Baker/Starr/Denney Decl. at para. 30; AT&T Qwest I Baker/Starr/Denny Decl. at para. 30.

[813] Qwest I Application App. A, Tab 31, Declaration of Jerrold L. Thompson, Cost-Based Rates for Unbundled Network Elements in Iowa, at para. 6 (Qwest I Thompson Iowa Decl.) (citing *Arbitration of AT&T Communications of the Midwest, Inc., and MCI Metro Access Transmission Services, Inc. and U S WEST, Communications, Inc.,* Docket Nos. ARB-96-1 and ARB-96-2, Preliminary Arbitration Decision at 2 (Iowa Util. Bd. Oct. 18, 1996)).

[814] Qwest I Thompson Iowa Decl. at para. 7 (citing *Iowa Board Final Arbitration Decision* at 8, 11-12).

service long-run incremental cost methodology (TSLRIC), containing UNE and interconnection charges.[815] When parties filed objections, the Iowa Board suspended Qwest's tariff and docketed it as Docket No. RPU-96-9. This docket lasted nearly two years and yielded two decisions that "include[d] a detailed analysis of the pricing issues presented to the Board, including the cost model to be used as the basis for pricing decisions, the key inputs to be used with that model, and the treatment of non-recurring costs."[816] While the Iowa Board subsequently deaveraged rates by defining three geographic areas, it refused to reconsider its previous UNE pricing determinations.[817]

235. On May 16 and May 21, 2002, Qwest voluntarily lowered its rates in Iowa in anticipation of filing its section 271 application.[818] AT&T opposed Qwest's tariff revisions on the ground that they added "many" UNEs that might cause competitive LECs to pay higher overall wholesale rates, and voiced concern that the Exhibit A filed with Qwest's updated SGAT was inconsistent with Qwest's filed tariff because "there appeared to be many additional rate elements which are not contained in the [prior tariff, the] revised Iowa Tariff No. 5."[819] The Iowa Consumer Advocate objected because Qwest had not explained "whether and how the proposed rates [were] cost-based."[820] Despite these arguments, the Iowa Board approved Qwest's voluntary reductions, effective June 7, 2002, and noted that the lower rates would immediately benefit competitive LECs currently purchasing relevant services from Qwest.[821] The Iowa Board also noted that Qwest's new UNE rates appeared to be less than, or equal to, rates previously approved by the Iowa Board, with the exception of NRCs for DS3-type facilities.[822] On June 10, 2002, Qwest filed an updated SGAT setting forth new rates derived through benchmarking to Colorado rates. The Iowa Board found those rates to be in compliance with certain "conditional statements" the Iowa Board had issued to resolve impasse issues identified during a multi-state

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815 Qwest I Thompson Iowa Decl. at para. 8 (citing Tariff TF-95-280 (filed July 18, 1995)).

816 Qwest I Thompson Iowa Decl. at para. 9 (citing *US West Communications, Inc.*, Docket No. RPU-96-9, Final Decision and Order, 14-15 (Iowa Util. Bd. Apr. 23, 1998) (*Iowa Board 1998 Pricing Order*) and *U S West Communications, Inc.*, Docket No. 96-9, Order Granting Rehearing in Part for Purposes of Clarification and Correction (Iowa Util. Bd. June 12, 1998)).

817 *See Order Sustaining Objections to Consideration of Certain Remand Issues*, Docket No. RPU-00-1, 9-10 (Iowa Util. Bd. Aug. 2, 2000). *See also* Qwest I Thompson Iowa Decl. at para. 13.

818 *Qwest Corporation*, Docket No. TF-02-202, Order Approving Tariff, 1 (Iowa Util Bd. June 7, 2002) (*Iowa Board Rate-Reduction Order*).

819 *Iowa Board Rate-Reduction Order* at 2.

820 *Id.*

821 *Id.* at 4. The Iowa Board further noted that "there [was] no apparent harm in permitting these lower rates to become effective as of June 7, 2002." *Id.*

822 *Iowa Board Rate-Reduction Order* at 4.

collaborative process concerning Qwest's anticipated section 271 application.[823] The Iowa Board also concluded that Qwest had adequately addressed each of the section 271 requirements and recommended that the Commission approve Qwest's section 271 application.[824] Qwest filed additional rate reductions on August 5, 2002, and on October 18, 2002, in response to concerns raised by commenters.[825]

236. *Discussion.* AT&T raises a number of concerns regarding Qwest's rates established in the Iowa Board's cost proceeding. AT&T generally claims that the Iowa Board "set rates for loop, switching and other critical elements on the basis of Qwest's 'actual' costs rather than efficient forward-looking costs as TELRIC requires."[826] More specifically, AT&T claims that Iowa's loop rates are inflated because loop-related costs have fallen 22 percent since the Iowa Board, using old data, held its cost proceedings.[827] AT&T argues that, even had the Iowa Board applied TELRIC principles, the cost proceedings relied on old data, and that, since these proceedings, Qwest's switching costs have fallen by 25 percent.[828] As noted above, because the rates before us were derived by benchmarking to the new rates ordered in Colorado, we conclude that it is unnecessary to determine whether the Iowa Board committed TELRIC errors in its cost proceeding.

(c) Montana

237. *Background.* The Montana Commission initially established interim rates for UNEs, interconnection and collocation in 1997 as part of its decisions in the arbitration between AT&T and Qwest.[829] The Montana Commission generally relied on the Hatfield Model

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[823] *See U S West Communications, Inc., a/k/a Qwest Corporation*, Docket Nos. INU-00-2 & SPU-00-11, Final Statement Regarding Qwest Corporation's Compliance with 47 U.S.C. §§ 271 and 272 Requirements at 7 (Iowa Util. Bd. June 12, 2002).

[824] Iowa Board Qwest I Comments at 1. *See also* Iowa Board Qwest III Comments at 1 (adopting by reference its Qwest I Comments).

[825] *See* Qwest Aug. 8 Pricing *Ex Parte* Letter (08/08/02); Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest Nov. 12 *Ex Parte* Letter, Iowa Attach.

[826] AT&T Qwest III Baker/Starr/Denny Decl. at para. 12; AT&T Qwest I Baker/Starr/Denney Decl. at paras. 12-14.

[827] AT&T Qwest I Comments at 54 (citing AT&T Qwest I Lieberman Decl. at Table 4).

[828] AT&T Qwest I Comments at 54 (citing AT&T Qwest I Lieberman Decl. at Table 6).

[829] *The Petition of AT&T Communications of the Mountain States, Inc. Pursuant to 47 U.S.C. Section 252(b) for Arbitration of Rates, Terms and Conditions of Interconnection with U S West Communications, Inc.*, Montana Commission Docket No. D96.11.200, Arbitration Decision and Order, Order No. 5961b at 29-30, 43-49, 78-87, 92 (March 20, 1997) (*Montana Arbitration Order*), Order on Petitions for Reconsideration, Order No. 5961c at 20, 22, 28-31, 38-44, 48 (July 9, 1997) (*Montana Arbitration Reconsideration Order*); Qwest II Application App. A, Tab 28, Declaration of Jerrold L. Thompson, Cost-Based Rates for Unbundled Network Elements and Interconnection in Montana, para. 3 (Qwest II Thompson Montana Decl.); AT&T Qwest II Comments at 75-76.

sponsored by AT&T, with some input adjustments, for setting UNE rates, and on the Qwest cost model for setting collocation rates.[830] The Montana Commission found that the cost studies filed by both Qwest and AT&T were flawed.[831] The recurring loop rate in this proceeding was not deaveraged, but was set as a statewide-average rate.[832] In this proceeding, the Montana Commission stated that it would establish permanent rates in a future proceeding.[833]

238. The Montana Commission established deaveraged loop rates in December 2000.[834] The Montana Commission adopted a rate deaveraging structure proposed by Qwest, in which four rate zones were established. These rate zones were based on distance from each wire center, resulting in four concentric rate zones around each wire center.[835]

239. On July 24, 2000, the Montana Commission initiated a cost docket to establish permanent UNE, interconnection and collocation rates.[836] The Montana Consumer Counsel and several small competitive LECs intervened in the docket.[837] On June 6, 2001, after testimony had been filed in the cost docket, Qwest, Montana Wireless, Touch America, Avista and the Montana Consumer Counsel entered into a stipulation setting rates.[838] Loop rates were deaveraged pursuant to the methodology established in the *Montana Deaveraging Order*.[839] The Montana

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[830] *Montana Arbitration Reconsideration Order* at 42-44. *See also* Qwest II Thompson Montana Decl. at para. 3; AT&T Qwest II Comments at 75-76.

[831] *Montana Arbitration Order* at 81-83. *See also* AT&T Qwest II Comments at 76.

[832] *Montana Arbitration Order* at 83. *See also* AT&T Qwest II Comments at 76-77.

[833] *Montana Arbitration Order* at 81-82. *See also* AT&T Qwest II Comments at 76.

[834] *Implementation of 47 C.F.R. § 51.507(f), Establishing Different Rates for Network Elements in Different Geographic Areas Within the State*, Montana Commission Docket Nos. D99.12.277, D96.11.200, Final Order, Order Nos. 6227b, 5961j (Dec. 18, 2000) (*Montana Deaveraging Order*). *See also* Qwest II Thompson Montana Decl. at para. 4.

[835] *Montana Deaveraging Order* at 10-11, 20-21. *See also* AT&T Qwest II Comments at 77.

[836] Qwest II Thompson Montana Decl. at para. 5; Montana Commission Qwest II Comments at 4.

[837] *Filing by Qwest Corporation, f/k/a U S West Communications, Inc. to Determine Wholesale Discounts, Prices for Unbundled Network Elements, Collocation, Line Sharing, and Related Matters*, Montana Commission Docket No. D2000.6.89, Final Order on Stipulation, Order No. 6260b at 2 (Oct. 12, 2001) (*Montana Rate Stipulation Order*). The competitive LECs participating in the docket included ASCENT, Avista, McLeodUSA, Montana Wireless, New Edge Networks, Touch America and Western Wireless. AT&T and WorldCom did not participate in this proceeding.

[838] *Montana Rate Stipulation Order* at 2-4. *See also* Qwest II Thompson Montana Decl. at paras. 6-7; Montana Commission Qwest II Comments at 56; AT&T Qwest II Comments at 78.

[839] *Montana Rate Stipulation Order*, Attach. at 2.

Commission conditionally approved the stipulation, expressly reserving its right to review the rates in the section 271 review proceeding.[840]

240. In its review of Qwest's section 271 application, the Montana Commission found that there was "no evidence to conclude that Qwest's [originally proposed] estimated loop UNE rate of $40.75 or the 33 percent lower stipulated rate is not within the range of reasonable TELRIC values."[841] The Montana Commission noted that it has yet to pronounce judgment on numerous pricing issues, including approximately 100 UNE rate elements in Qwest's SGAT.[842] The Montana Commission required Qwest to initiate a new, generic cost docket to cure these potential pricing deficiencies,[843] and Qwest did so on July 8, 2002.[844]

241. On July 9, 2002, Qwest reduced its loop, switch port, local switching usage and shared transport recurring rates pursuant to its benchmark analysis of UNE rates in Colorado, as well as certain installation non-recurring rates based on a comparison to Colorado rates, and revised its SGAT to incorporate these lower rates.[845] The Montana Commission allowed these revised rates to go into effect on July 10, 2002.[846] Qwest revised its Montana SGAT to reflect further rate reductions on August 30, 2002 and on October 17, 2002.[847] The Montana Commission conditioned its recommendation that the Commission grant Qwest's section 271 application upon Qwest's filing of a new revenue requirement and rate design case to mitigate concerns about a possible price squeeze between Qwest's retail intrastate toll rates and intrastate

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[840] *Montana Rate Stipulation Order* at 3-4. *See also* Qwest II Thompson Montana Decl. at para. 7; Montana Commission Qwest II Comments at 4-5, 56; AT&T Qwest II Comments at 78.

[841] *The Investigation into Qwest Corporation's Compliance with Section 271 of the Telecommunications Act of 1996*, Montana Commission Docket No. D2000.5.70, Final Report on Qwest's Compliance with the Public Interest Requirement at 14-15 (July 5, 2002) (*Montana Commission Public Interest Report*); Montana Commission Qwest II Comments at 56-57.

[842] *Montana Commission Public Interest Report* at 47-50.

[843] *Montana Commission Public Interest Report* at 47-50; Montana Commission Qwest II Comments at 4-5, 56-57.

[844] Montana Commission Qwest II Comments at 4-5; Letter from Peter A. Rohrbach, Mace J. Rosenstein and Brad C. Ceutsch, Attorneys for Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-189, Attach. 3 para. 23 (July 29, 2002) (revising Qwest II Thompson Montana Decl. at para. 23) (Qwest July 29 *Ex Parte* Letter) (07/29/02e).

[845] Qwest II Thompson Montana Decl. at paras. 13-23; *The Review of Qwest Communications' Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996*, Montana Commission Docket No. D2000.6.80, Order No. 6425 at 1 (July 9, 2002) (*Montana Commission SGAT Order*).

[846] *Montana Commission SGAT Order* at 1.

[847] Letter from R. Hance Haney, Executive Director—Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189, Montana Attach. (filed Aug. 30, 2002) (Qwest Aug. 30 Pricing *Ex Parte* Letter) (08/30/02d); Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest Nov. 12 *Ex Parte* Letter, Montana Attach.

access charges.[848] On October 15, 2002, the Montana Commission filed comments on Qwest's refiled section 271 application, noting that Qwest had failed to file the required intrastate case and recommending that the Commission, therefore, deny Qwest's application.[849] We discuss the Montana Commission's price squeeze concerns in the public interest section below.

242. *Discussion.* OneEighty and AT&T claim that the UNE rates in Montana are not TELRIC-compliant, and therefore that the Commission should reject Qwest's section 271 application for Montana.[850] First, OneEighty argues that Qwest's average loop rate in Montana of $23.72 is higher than the national average loop rate of $13.43.[851] Second, OneEighty claims that the Montana Commission's failure to evaluate the UNE rates in a contested proceeding requires that the Commission reject the section 271 application for Montana.[852] Similarly, AT&T claims that the Montana Commission never affirmatively found the UNE rates to be TELRIC-compliant, and therefore the Commission has no independent basis (absent benchmarking) to conclude that the rates comply with TELRIC.[853] The Montana Commission, moreover, noted that it had not ruled on numerous pricing issues.[854] Therefore, it required Qwest to initiate a new cost docket.[855]

243. To comply with checklist item two of section 271, an incumbent LEC must provide UNEs at rates and terms that are just, reasonable, and nondiscriminatory, and that allow the incumbent LEC to recover a reasonable profit.[856] OneEighty's comparison between UNE loop rates in one state and a national average of UNE loop rates does not address whether the rates in a specific state are just, reasonable, and nondiscriminatory. Rather it simply compares

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848 Montana Commission Qwest II Comments at 5-7.

849 Montana Commission Qwest III Comments at 1.

850 *See* OneEighty Qwest III Comments at 3; AT&T Qwest II Comments at 75-79; OneEighty Qwest II Comments at 4-5.

851 OneEighty Qwest III Comments at 5; OneEighty Qwest II Comments at 4-5. Integra similarly argues that Qwest's average UNE loop rate in Washington of $14.56 is too high as compared to the national average loop rate of $13.43. Integra Qwest III Comments at 14-15; Integra Qwest II Comments at 9-10. Both OneEighty and Integra rely on the "Survey of Unbundled Network Element Prices in the United States (Updated July 1, 2002)", available at URLs: http://www.nrri.ohio-state.edu/programs/telecommunications.html and http://www.cad.state.wv.us/Intro%20to@20Matrix.htm#N_1_, as the source for the nationwide average UNE loop rate.

852 OneEighty Qwest III Comments at 2-3; OneEighty Qwest II Comments at 2-3.

853 AT&T Qwest II Comments at 75-79. *See also* AT&T Qwest III Fassett/Mercer Decl. at para. 123 (loop rates); AT&T Qwest III Chandler/Mercer Decl. at para. 71 (switching rates).

854 *Montana Commission Public Interest Report* at 47-50; Montana Commission Qwest II Comments at 4-5.

855 *Montana Commission Public Interest Report* at 50; Montana Commission Qwest II Comments at 4-5, 56.

856 47 U.S.C. § 271(c)(2)(B)(ii) (citing 47 U.S.C. §§ 251(c)(3) and 252(d)(1)).

rates in absolute terms, ignoring any cost differences between states.[857] Under the Commission's TELRIC analysis, we would expect that UNE loop rates in a state would exceed the national average if the forward-looking costs to provide access to unbundled loops in that state exceed those same costs on a national average. Indeed, this is the very sort of comparison that the Commission's benchmark analysis is designed to perform.[858] Therefore, we reject OneEighty's assertion that we must deny Qwest's section 271 application because the Montana UNE loop rates exceed the national average.[859]

244. As AT&T and OneEighty point out, however, the Montana Commission has yet to perform a full UNE cost analysis. Therefore, we are not able to rely on the underlying state analysis to determine that the rates contained in Qwest's Montana SGAT are TELRIC-compliant. Although Qwest contends that the stipulated rates adopted in the *Montana Rate Stipulation Order* are TELRIC-compliant,[860] we agree with AT&T that the Montana Commission did not make such a finding.[861] Qwest, however, does not rely on the stipulated recurring rates for loops, shared transport, and switching, but instead relies on voluntarily-reduced UNE rates benchmarked to Colorado rates, which the Montana Commission permitted to take effect on July 10, 2002, and which were further adjusted by Qwest on August 30, 2002 and on October 17, 2002.[862] Therefore, because we base our determination of compliance with checklist item two on the current rates, we need not decide the question of whether the stipulated rates in Montana are TELRIC-compliant. Rather, we review the current loop, shared transport, and switching charges Qwest now relies on to satisfy checklist item two using our benchmark analysis.[863] Because we are relying on these comparisons to Colorado costs and rates to determine whether Montana UNE rates are within the reasonable range of TELRIC, we disagree with OneEighty that the lack of TELRIC evaluation at the state level requires a rejection of Qwest's section 271 application in Montana.[864] Indeed, this is the same approach we took in evaluating switching rates in Rhode Island, which had been set without a rate proceeding.[865]

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857 *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6277-6278, para. 84.

858 *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6277-6278, para. 84. *See also* Part IV.A.2.d.(ii)(c), *infra*.

859 The same reasoning we apply here in analyzing Qwest's UNE loop rates in Montana also applies to Integra's allegations that Qwest's UNE loop rates in Washington improperly exceed the national average. *See infra,* para. 262; Integra Qwest III Comments at 14-15; Integra Qwest II Comments at 9-10.

860 Qwest II Application at 161.

861 *Montana Rate Stipulation Order* at 1-5 and attached stipulation.

862 Qwest Aug. 30 Pricing *Ex Parte* Letter at Attach. (Montana SGAT) (08/30/02d); Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest Nov. 12 *Ex Parte* Letter, Montana Attach.

863 Part IV.A.2.d.(ii)(c), *infra*.

864 *Application by 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 Arkansas and Missouri*, 16 FCC Rcd (continued….)

(d) Nebraska

245. *Background.* In September 1996, the Nebraska Commission opened a docket to investigate cost studies and establish rates for interconnection, UNEs, and resale services for Qwest.[866] On April 17, 2001, the Nebraska Commission opened a separate docket to receive evidence on the same issues because the commission was concerned that the evidence in the previous docket was stale.[867] The Nebraska Commission allowed any interested parties to participate by filing cost models or methodologies, briefs, plans or recommendations regarding the pricing of UNE loops.[868] The Nebraska Commission divided the proceeding into three phases and received evidence and conducted hearings on August 8 and 9, September 19 and October 16, 2001.[869] After each phase, the Nebraska Commission reviewed and considered evidence and testimony presented by the parties.[870]

246. The Nebraska Commission issued a final order on April 23, 2002, that established rates to become effective prior to August 8, 2002.[871] On May 3, 2002, Qwest submitted a compliance filing reflecting adjustments mandated by the Nebraska Commission's April 23, 2002 order.[872] On May 24, 2002, Qwest filed a revised SGAT with rates set forth in Exhibit A.[873] On May 31, 2002, Qwest filed a substitute Exhibit A which included: (1) rates established by the Nebraska Commission in the UNE cost docket; (2) proposed rate reductions for several UNEs and local interconnection service elements previously established in the UNE cost docket; and (3) proposed rates for new UNEs developed subsequent to Qwest's proposed rate filing in the

(Continued from previous page)
20719, 20746-20747, 20752, paras. 56-57, 68 (2001) (*SBC Arkansas/Missouri Order*); *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6277-6279, paras. 84-89.

865 *Verizon Rhode Island Order*, 17 FCC Rcd at 3316, 3319, paras. 29, 36. *See also Verizon Maine Order*, 17 FCC Rcd at 11678-80, paras. 31-33; *SBC Arkansas/Missouri Order*, 16 FCC Rcd at 20744, 20751-20752, paras. 52, 67-68.

866 *The Commission, on its Own Motion, to Investigate Cost Studies to Establish Qwest Corporation's Rates for Interconnection, Unbundled Network Elements, Transport and Termination, and Resale*, Application No. C-2516/PI-49, Order at 3 (Nebraska PSC Apr. 23, 2002) (*Nebraska Commission April 23 Cost Order*).

867 *See id*. at 4. *See also* Nebraska Commission Qwest I Comments at 6.

868 *See Nebraska Commission April 23 Cost Order* at 4.

869 *Id.* at 5.

870 *Id.*

871 *Id.* at 59. *See also The Commission, on its Own Motion, to Investigate Cost Studies to Establish Qwest Corporation's Rates for Interconnection, Unbundled Network Elements, Transport and Termination, and Resale*, Application No. C-2516/PI-49, Order, 1 (Nebraska PSC June 5, 2002) (*Nebraska Commission June 5 Cost Order*).

872 *Nebraska Commission June 5 Cost Order* at 1.

873 Nebraska Commission Qwest I Comments at 6.

UNE cost docket.[874] On June 5, 2002, the Nebraska Commission approved these rates and permitted them to go into effect as of June 7, 2002, with the caveat that the rates for new UNEs would be subject to review in a separate cost proceeding.[875] In an effort to address concerns raised by competitive LECs and the Department of Justice, Qwest made further rate reductions on August 5, 2002, and on October 18, 2002.[876] The Nebraska Commission advised the Commission that it believes that Qwest has adequately addressed the section 271 requirements in Nebraska and recommends that the Commission grant Qwest's section 271 application.[877]

247. *Discussion*. The Nebraska Commission approved the rates set forth in the May 31, 2002 amendment to the May 24, 2002 SGAT noting that "[t]he lower rates create no apparent harm and may actually provide a benefit to Qwest's wholesale customers through the opportunity to have lower rates."[878] The Nebraska Commission further noted that new rates contained in the May 24, 2002 SGAT would be subject to comment by interested parties and review by the Nebraska Commission.[879] AT&T raises a number of concerns regarding Qwest's rates established by the Nebraska Commission in its recent cost proceeding. The Nebraska Commission determined that three cost models presented in the proceeding – the HCPM, BCPM and HAI – are TELRIC-compliant, and the Nebraska Commission took the average of the loop rates produced by the three models in setting loop rates for each zone in Nebraska.[880] AT&T states that the Nebraska Commission erred in relying on the BCPM.[881] AT&T argues that the BCPM is fully discredited and that the Commission criticized the BCPM's loop cost calculation methodology in its *Platform Order,* and rejected several of the BCPM's key inputs in its *Platform Order* and *Inputs Order*. AT&T argues that by averaging in the rates of a flawed cost model, the Nebraska Commission produced excessive, non-TELRIC-compliant loop rates.[882] For non-loop UNE rates, AT&T states that the Nebraska Commission erred in relying on Qwest's proprietary model, the ICM, which is not appropriately forward-looking and allows Qwest to

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874 *Id*. at 6-7.

875 *Nebraska Commission June 5 Cost Order* at 3.

876 Qwest Aug. 8 Pricing *Ex Parte* Letter, Nebraska Attach.; Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest Nov. 12 *Ex Parte* Letter, Nebraska Attach.

877 Nebraska Commission Qwest I Comments at 8. *See also* Nebraska Commission Qwest III Comments at 2 (readopting and reaffirming its Qwest I Comments).

878 *Nebraska Commission June 5 Cost Order* at 3.

879 *See id*. at 2-3.

880 *See Nebraska Commission April 23 Cost Order* at 12-13, 21-22.

881 *See* AT&T Qwest I Comments at 7, 56-58; AT&T Qwest III Baker/Starr/Denny Decl. at paras. 35-40.

882 *See* AT&T Qwest III Baker/Starr/Denney Decl. at para. 39-40; AT&T Qwest I Baker/Starr/Denny Decl. at para. 37.

recover actual costs of switching and interoffice transmission UNEs.[883] AT&T also states that certain default inputs are patently excessive and do not produce TELRIC-compliant rates. Specifically, AT&T challenges the inflation and overhead factors used in the cost model to establish switching rates.[884] As with the other benchmark states, we conclude that it is unnecessary to evaluate whether the Nebraska Commission committed TELRIC errors in establishing these recurring rates because the rates before us were derived by benchmarking to new rates ordered in Colorado.

(e) North Dakota

248. *Background.* Qwest's UNE prices in North Dakota, with the exception of deaveraged 2-wire unbundled loop UNE prices, originally were developed through arbitration between AT&T and Qwest.[885] AT&T proposed using the Hatfield model Version 2.2 and Qwest proposed using another model (the RLCAP model) that was based on Qwest's existing network, to provide estimates of the costs of unbundled loops, unbundled ports, and other network features.[886] The Arbitrator used the Hatfield Model cost estimates for the base line and adjusted these estimates using certain Qwest assumptions for inputs in the Hatfield Model that the Arbitrator believed were appropriate. The Arbitrator required that AT&T recalculate the Hatfield model using some of Qwest's assumptions and the results of the recalculation would serve as the interim TELRIC in North Dakota.[887] The arbitrated interconnection agreement was approved by the North Dakota Commission as interim rates subject to true-up upon the completion of a subsequent cost proceeding in 1997.[888]

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[883] *See* AT&T Qwest III Baker/Starr/Denny Decl. at paras. 41-42; AT&T Qwest I Baker/Starr/Denney Decl. at 41-42.

[884] *See* AT&T Qwest III Baker/Starr/Denney Decl. at para. 42-7; AT&T Qwest I Baker/Starr/Denny Decl. at para. 42.

[885] *See AT&T Communications of the Midwest Inc. Interconnection Arbitration Application*, Case No. PU-453-96-497, Order Approving Arbitrated Agreement (North Dakota PSC June 23, 1997); *Consultative Report of the North Dakota Public Service Commission,* Case No. PU-314-97-193, 261 (North Dakota PSC July 1, 2002) (*North Dakota Commission Consultative Report*).

[886] *See AT&T Communications of the Midwest Inc. Interconnection Arbitration Application*, Case No. PU-453-96-497, Arbitrator's Decision (North Dakota PSC Mar. 26, 1997). *See also North Dakota Commission Consultative Report* at 262.

[887] *See North Dakota Commission Consultative Report* at 262.

[888] *Id. See also AT&T Communications of the Midwest Inc. Interconnection Arbitration Application,* Case No. PU-453-93-497, Order Approving Arbitrated Agreement (North Dakota PSC June 23, 1997). On January 8, 1997, the North Dakota Commission opened Case No. PU-314-97-12 to determine the permanent rates for UNEs. Even though no permanent rates were determined in that proceeding, the North Dakota Commission considered the deaveraging of the existing interim prices for UNEs. The Case No. PU-314-97-12 was closed on March 28, 2001 without further determination. *See North Dakota Commission Consultative Report* at 263.

249. In 2000, the North Dakota Commission approved a three-zone interim rate structure for 2-wire loops, based on a joint stipulation filed by interested parties, without adopting any particular cost methodology or price deaveraging mechanism.[889] On June 9, 2000, Qwest filed an SGAT, including all the interim prices set previously in the AT&T arbitration and the deaveraging docket, with the North Dakota Commission and the rates became effective by the operation of law on August 8, 2000.[890] On July 10, 2001 in response to a Qwest petition requesting the review of its SGAT prices for interconnection, network elements and resale services, the North Dakota Commission opened a new cost proceeding.[891] In this proceeding, Qwest proposes prices based on the use of its Integrated Cost Model (ICM) and other cost models.[892] On May 16, 2002, Qwest filed a revised SGAT, setting forth new lower rates for interconnection, UNEs and resale derived by benchmarking to new rates ordered in Colorado. The North Dakota Commission allowed the new rates to go into effect on June 7, 2002, and stated that it will establish a procedural schedule in the new cost investigation in the near future.[893] The North Dakota Commission permitted rates set forth in the May 16, 2002 SGAT to go into effect noting that all rates will be reviewed in the North Dakota Commission's new cost proceeding. Qwest further reduced its rates and filed a revised SGAT on October 16, 2002.[894] The North Dakota Commission filed comments recommending that the Commission grant Qwest's section 271 application.[895]

250. *Discussion.* AT&T raises a number of concerns regarding Qwest's rates established in the 1997 interconnection arbitration in North Dakota. AT&T argues that North Dakota's arbitrated rates cannot be found TELRIC-compliant on their own merits. Specifically, AT&T argues that these rates were interim rates, subject to true-up, established on the basis of old cost data, and have never been adjusted to reflect changes in Qwest's costs since 1997.[896] AT&T also argues that the arbitrated rates violate TELRIC because the North Dakota Commission relied on several of Qwest's unsupported claims in determining the appropriate cost

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[889] *See* Qwest I Application App. A, Tab. 33, Declaration of Jerrold L. Thompson, Cost-Based Rates for Unbundled Network Elements in North Dakota, para. 17 (Qwest I Thompson North Dakota Decl.); *US West Communications, Inc. Interconnection/Wholesale Price Investigation*, Case No. PU-314-97-12, Findings of Fact, Conclusions of Law and Order (North Dakota PSC Apr. 27, 2000) (*North Dakota Commission Geographic Deaveraging Order*).

[890] Qwest I Thompson North Dakota Decl. at para. 7.

[891] *See North Dakota Commission Consultative Report* at 264.

[892] *Id.*

[893] *Id*. at 260 and 264. *See also* North Dakota Commission Qwest I Comments at 2.

[894] Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest Nov. 12 *Ex Parte* Letter, North Dakota Attach.

[895] North Dakota Commission Qwest I Comments at 7-8. *See also* North Dakota Commission Qwest III Comments at 1 (reaffirming and incorporating by reference its Qwest I Comments).

[896] AT&T Qwest I Comments at 58-59; AT&T Qwest III Baker/Starr/Denney Decl. at paras. 55-60; AT&T Qwest I Baker/Starr/Denney Decl at paras. 55-60.

of capital.[897] Because the rates before us were derived by benchmarking to new rates ordered in Colorado, we conclude that it is unnecessary to determine whether the North Dakota Commission committed TELRIC errors in the 1997 arbitration proceeding.

251. We also conclude that, based on the record before us, it is unnecessary to wait for the North Dakota Commission first to review the benchmarked rates to determine whether the prices charged to competitive LECs are just and reasonable, as proposed by Integra.[898] A state commission's full review of the prices, before our review of a section 271 application, is not a prerequisite for granting section 271 authority, or to fulfill our obligations under section 271. If we can conclude that rates are comparable to rates in another state that we have found has properly applied TELRIC, we do not need to require prior state review as a condition of granting section 271 authority.

(f) Utah

252. *Background.* In June 1999, the Utah Commission set permanent rates for unbundled loops and non-loop UNEs by averaging the costs derived from AT&T's HAI cost model and Qwest's ICM.[899] In averaging the results of the two models, the Utah Commission concluded that neither model was satisfactory by itself.[900] The Utah Commission set rates for a number of other network UNEs, such as subloop elements (Network Interface Device, Loop Distribution, Loop Feeder, and Loop Concentrator/Digital Loop Carrier), local switch ports, unbundled local switching, and unbundled tandem switching, by a similar averaging of HAI and ICM costs.[901] The Utah Commission required vertical features (which it referred to as "Feature Groups") to be priced as a separate rate element, rather than including vertical features in the rate for the local switch port.[902] Finally, the Utah Commission geographically deaveraged prices for loops and unbundled switching, based on classifying Utah wire centers as urban, suburban or rural.[903]

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[897] AT&T Qwest I Comments at 58-59; AT&T Qwest III Baker/Starr/Denney Decl. at para. 57; AT&T Qwest I Baker/Starr/Denney Decl. at para. 57.

[898] Integra Qwest III Comments at 3; Integra Qwest I Comments at 3.

[899] *Investigation into Collocation and Expanded Interconnection, Phase III, Part C: USWC's Unbundled Network Element TELRIC Costs and Prices,* Docket No. 94-999-01, Report and Order (Pub. Serv. Comm'n of Ut. 1999) (*1999 Utah UNE Pricing Order*). Phase I of the docket dealt with the setting of wholesale prices for resale services based on avoided retail costs. Phase II set interim rates for unbundled loops.

[900] *Id.* at 6.

[901] *Id.* at 8-9.

[902] *Id*. at 8-9. The Utah Commission set the statewide average price for Feature Group 1 and Feature Group 2 at $0.77 and $3.71, respectively.

[903] *Id.* at 8. For this deaveraging, the Utah Commission accepted the classification of Utah wire centers, based on the relationship of the host to the remote switch, proposed by the parties in a Joint Exhibit in the docket.

253. In June 2002, the Utah Commission set rates for NRCs and recurring charges not addressed previously.[904] The Utah Commission found AT&T's NRC cost model to be flawed, so it set NRCs based on Qwest's model with some adjustments.[905] The Utah Commission found that Qwest incurs the same costs in providing unbundled dedicated interoffice transport (UDIT) between two Qwest central offices as it does for entrance facilities linking a competitive LEC point of presence to a Qwest office, therefore it required Qwest to either remove the entrance facility charge or set the same price for both entrance facility and UDIT.[906] The Utah Commission also set the rate for line sharing (i.e., use of the high frequency portion of the loop) at $0.00, because it found that Qwest recovers all of its loop costs from the loop rates set in the *1999 Utah UNE Pricing Order*.[907]

254. In late 2001, the Utah Commission initiated a new UNE pricing investigation. On June 11, 2002, the Utah Commission announced that the docket would again look at cost models and recurring charges for most unbundled loop and non-loop UNEs.[908] This proceeding is currently ongoing.[909]

255. On July 2, 2002, in anticipation of filing its section 271 application, Qwest voluntarily reduced rates for a number of UNEs in Utah, based on a benchmark analysis to Colorado UNE rates.[910] Qwest reduced the recurring rates for all vertical features to $0.00.[911] Qwest did not reduce Utah NRCs because they were lower than the corresponding rates set by the Colorado Commission.[912] The Utah Commission allowed these benchmark reductions to

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[904] *Application of Qwest Corporation for Commission Determination of Prices for Wholesale Facilities and Services*, Docket No. 00-049-105, Order (Pub. Serv. Comm'n of Ut. 2002) (*2002 Utah UNE Pricing Order*).

[905] *2002 Utah UNE Pricing Order* at 9-11. The Utah Commission required Qwest to use the 26.7 percent general overhead factor the Utah Commission had set in Docket No. 00-049-106. The Utah Commission also reduced Qwest's labor price estimates by 40 percent and its total installation factor from 200 to 125 percent, while increasing Qwest's flow-through percentages from 85 to 90 percent. The Utah Commission ordered Qwest to remove disconnection charges from its installation NRCs.

[906] *2002 Utah UNE Pricing Order* at 21. Qwest elected to remove the entrance facility charge from its Utah SGAT.

[907] *Id.* at 15-16.

[908] *Determination of the Cost of the Unbundled Loop of Qwest Corporation,* Docket No. 01-049-85, Procedural Order (Pub. Serv. Comm'n of Utah 2002).

[909] The Utah Commission has already received party-sponsored cost models and testimony; hearings are scheduled for November 19-21, 2002. *Id.* at 2.

[910] Qwest II Application App. A, Tab 29, Declaration of Jerrold L. Thompson, Cost-Based Rates for Unbundled Network Elements and Interconnection in Utah, paras. 37-47 (Qwest II Thompson Utah Decl.).

[911] *Id.* at para. 45.

[912] *Id*. at para. 46.

become effective on July 10, 2002.[913] Based on the record before it, the Utah Commission filed comments stating that it believes that Qwest has met the requirements of section 271, which includes the pricing requirement for UNEs under checklist item two.[914] On August 30, 2002 and October 16, 2002, Qwest revised its Utah SGAT to reflect further rate reductions.[915]

256. *Discussion.* AT&T argues that the Utah UNE loop and switching rates are significantly overstated because the Utah Commission did not use a TELRIC-compliant cost model to set them.[916] Specifically, AT&T notes that the Utah Commission "arbitrarily set rates on the basis of the simple average of the costs calculated by the HAI model and [Qwest's] embedded ICM model."[917] AT&T further notes that the Utah Commission had found AT&T's HAI model to be "appropriately forward looking," but did not rely solely on it because of concerns regarding its use of proxies to determine some customer locations.[918] AT&T observes that the Utah Commission found that Qwest's ICM "does not produce a forward-looking economically efficient network," relies on embedded costs and that it yields "overstated" rates.[919] AT&T contends that the Utah Commission's averaging of HAI-derived costs with ICM-derived costs only slightly reduced the overstatement of costs produced by using the non-TELRIC-compliant ICM.[920] Indeed, AT&T asserts that the TELRIC errors inflate Qwest's loop rates by more than $2.00.[921] AT&T further argues that federal courts have concluded that state commission processes that set rates by averaging non-TELRIC-compliant cost studies cannot yield TELRIC-based rates.[922] Integra goes further, arguing that by voluntarily reducing the loop

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[913] *Application of Qwest Corporation for Approval of Compliance with 47 U.S.C. § 271(d)(2)(B)*, Docket No. 00-049-08, Final Order Regarding Qwest § 271 Compliance, 4 (Pub. Serv. Comm'n of Utah 2002).

[914] Utah Commission Qwest II Comments at 5. *See also* Utah Commission Qwest III Comments at 1 (adopting and incorporating by reference its Qwest II Comments).

[915] Qwest Aug. 30 Pricing *Ex Parte* Letter at Attach. (Utah SGAT) (08/30/02d); Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest Nov. 12 *Ex Parte* Letter, Utah Attach.

[916] AT&T Qwest II Comments at 72-77; AT&T Qwest III Chandler/Mercer Decl. at para. 62.

[917] AT&T Qwest II Comments. at 73; AT&T Qwest III Chandler/Mercer Decl. at para. 63 (both citing *1999 Utah UNE Pricing Order* at 7).

[918] AT&T Qwest II Comments at 73; AT&T Qwest III Chandler/Mercer Decl. at para. 62 (both citing *1999 Utah UNE Pricing Order* at 7).

[919] AT&T Qwest II Comments at 72; AT&T Qwest III Chandler/Mercer Decl. at para. 59 (both citing *1999 Utah UNE Pricing Order* at 6).

[920] AT&T Qwest II Comments at 73.

[921] AT&T Qwest II Comments at 52.

[922] AT&T Qwest II Comments at 74, Tab F, Declaration of Richard Chandler and Robert Mercer, para. 36 (AT&T Qwest II Chandler/Mercer Decl.); AT&T Qwest III Chandler/Mercer Decl. at para. 64 (both citing *AT&T of N.J. v. Bell Atlantic-N.J.*, Civ. No. 97-5762 (KSH), slip op. (D.N.J. June 6, 2000)).

rates under its benchmark analysis, Qwest has effectively admitted that the Utah loop rates are not TELRIC-compliant.[923]

257. AT&T also asserts that the Utah UNE rate for switch ports allows Qwest to over-recover some of its costs.[924] AT&T notes that the Utah Commission set charges for vertical features (referred to as "Feature Group 1" and "Feature Group 2") separate from the port charge,[925] even though the HAI cost model, on which the switching rates were based in part, incorporates vertical features in the functionality of the port and, thus, are included in the HAI port rate.[926] Indeed, AT&T argues that Qwest has admitted that the HAI includes vertical features by stating in its Qwest I reply that it cannot "refute AT&T's assertion that there is no need for the $0.38 adjustment that was incorporated into Qwest's Colorado switch rate in order to recover the cost of applications software used to provide vertical features."[927] AT&T argues that, given the amount of the charge, $3.71 per port for the most popular Feature Group 2, this over-recovery significantly disadvantages competitive LECs.[928] AT&T notes that Qwest has removed its separate vertical features charge from its Colorado rates and should do so in Utah as well.[929]

258. Qwest argues in its application that the loop and non-loop rates set by the Utah Commission are TELRIC-compliant,[930] but Qwest does not rely on those rates in this application.[931] Rather, Qwest relies on the voluntarily-reduced rates it filed with the Utah Commission on July 2, 2002, and the revised rates filed on August 30, 2002 and October 16, 2002.[932] With respect to its switching rates, Qwest reduced the charge for all vertical features to

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923 Integra Qwest II Comments at 4.

924 AT&T Qwest II Comments at 74; AT&T Qwest III Chandler/Mercer Decl. at para. 65.

925 AT&T Qwest II Comments at 74 (citing *1999 Utah UNE Pricing Order* at 11, Table A).

926 AT&T Qwest II Comments at 74; AT&T Qwest III Chandler/Mercer Decl. at para. 65 (both citing AT&T's Post-Hearing Brief in Docket No. 94-999-01 at 21 (filed Feb. 17, 1999)).

927 AT&T Qwest III Chandler/Mercer Decl. at para. 65 (quoting Qwest I Thompson Reply Decl. at para. 38). AT&T states that Qwest's reply declaration recognizes that the switch maintenance factor used in the HAI model, 0.0558, is greater than the actual ARMIS-derived value of 0.04209 for Qwest in Colorado. AT&T further asserts that the contrast between the two values is even greater in Utah, where the ARMIS-based value is 0.01272, which is less than one-fourth the default value (also 0.0558) in the HAI model.

928 AT&T Qwest II Comments at 74; AT&T Qwest III Chandler/Mercer Decl. at para. 65. *See also 1999 Utah UNE Pricing Order* at 9.

929 AT&T Qwest III Chandler/Mercer Decl. at para. 65.

930 Qwest II Thompson Utah Decl. at para. 37.

931 *See* Qwest II Thompson Utah Decl. at paras. 40-45. *See* also Qwest Sixth Revised SGAT, Ex. A: Utah Rates.

932 Qwest II Thompson Utah Decl. at para. 37; Qwest Aug. 30 Pricing *Ex Parte* Letter (08/30/02d); Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest Nov. 12 *Ex Parte* Letter, Utah Attach.

$0.00.[933] In performing its benchmark analysis, Qwest states that it used a statewide average Utah port rate of $0.91.[934] Because we base our determination of compliance with checklist item two on Qwest's current, reduced rates, we need not decide whether the Utah Commission committed TELRIC errors. Rather, we review the current loop and switching charges Qwest now relies on to satisfy checklist item two using our benchmark analysis.[935]

(g) Washington

259. *Background.* The Washington Commission initiated a generic cost proceeding on November 21, 1996.[936] The Washington Commission conducted this proceeding in three phases: Phase I examined UNE costs and the wholesale discount applicable to resold services; Phase II addressed common costs and other loadings to establish permanent UNE rates, collocation rates and the recovery of certain OSS costs; and Phase III focused on deaveraging loop rates into five pricing zones.[937] More than twenty parties participated in the proceeding, which included extensive evidentiary hearings with cross-examination of witnesses.[938] The Washington Commission found that, while the models submitted by the parties, the RLCAP, Hatfield and BCPM models, each used TELRIC methods, each contained shortcomings.[939] The Washington Commission relied on an average of the adjusted results of the RLCAP, Hatfield, and BCPM models to determine loop costs, and of the Hatfield and Qwest models for tandem switching.[940] For local switching and analog ports, the Washington Commission relied on a Federal

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933 Qwest II Thompson Utah Decl. at para. 45. *See also* Qwest's Sixth Revised SGAT, Ex. A: Utah Rates, Section 9.11.2, at 12-13.

934 *Id.* Qwest notes that the Utah Commission actually set deaveraged urban, suburban and rural port charges of $0.89, $0.90 and $1.02, respectively. *See* Qwest SGAT, Ex. A: Utah Rates, Section 9.11.1, at 11. *See also 1999 UNE Pricing Order* at 9, Table A.

935 Part IV.A.2.d.(ii)(c), *infra*.

936 *Pricing Proceeding for Interconnection, Unbundled Elements, Transport and Termination, and Resale*, Docket Nos. UT-960369, UT-960370, Order Instituting Investigations (Wash. UTC 1996).

937 *Pricing Proceeding for Interconnection, Unbundled Elements, Transport and Termination, and Resale*, Docket Nos. UT-960369, UT-960370, Eighth Supplemental Order at 2 (Wash. UTC 1998) (*Washington Commission 8th Supp. Pricing Order*); *Pricing Proceeding for Interconnection, Unbundled Elements, Transport and Termination, and Resale*, Docket Nos. UT-960369, 960370, 960371, Twenty-fourth Supplemental Order at 4 (Wash. UTC 2000) (*Washington Commission 24th Supp. Pricing Order*).

938 Qwest II Application App. A, Tab 30, Declaration of Jerrold L. Thompson, Cost-Based Rates for Unbundled Network Elements and Interconnection in Washington, para. 6 (Qwest II Thompson Washington Decl.).

939 *Washington Commission 8th Supp. Pricing Order* at 14-15.

940 *Washington Commission 8th Supp. Pricing Order* at 53-54, *Pricing Proceeding for Interconnection, Unbundled Elements, Transport and Termination, and Resale*, Docket Nos. UT-960369, 960370, 960371, Ninth Supplemental Order on Clarification at 7 (Wash. UTC 1998).

Communications Commission staff analysis of switching costs.[941] The Washington Commission accepted Qwest's NRC cost studies, with some adjustments.[942]

260. On February 17, 2000, the Washington Commission established an additional, concurrent docket to address cost and pricing issues that had not been addressed in other dockets, as well as new issues arising from more recent Commission orders, such as the *UNE Remand Order* and the *Line Sharing Order*.[943] Sixteen different parties participated in this docket by filing opening and reply comments, propounding and responding to discovery requests, and conducting cross-examination of witnesses in hearings.[944]

261. On June 11, 2002, Qwest filed a revised SGAT and tariffs that included reductions to loop rates under Qwest's benchmark analysis, and reductions to certain NRCs.[945] Qwest did not reduce the switch port, local switching usage, and shared transport rates in Washington because the combination of these rates was lower than in the anchor state of Colorado, and so would already meet a benchmark test with Colorado.[946] The Washington Commission allowed these rates to go into effect on July 10, 2002.[947] On August 30, 2002, and October 16, 2002, Qwest revised its Washington SGAT to reflect further rate reductions.[948] In its comments on Qwest's application, the Washington Commission asserts that Qwest has satisfied the requirements of checklist item two and, therefore, recommends that the Commission grant Qwest's section 271 application.[949]

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941 *Washington Commission 8th Supp. Pricing Order* at 64.

942 *Washington Commission 8th Supp. Pricing Order* at 87-92.

943 *See Continued Costing and Pricing of Unbundled Network Elements, Transport, and Termination*, Docket No. UT-003013, Thirteenth Supplemental Order (Wash. UTC 2001) (*Washington 13th Supp. Pricing Order*).

944 *See* Qwest II Thompson Washington Decl. at para. 8.

945 Qwest II Thompson Washington Decl. at paras. 9, 36.

946 *Id.* at para. 36.

947 On June 20, 2002, the Washington Commission issued an order setting forth additional requirements to be reflected by Qwest in a revised SGAT. *Investigation into US West Communications, Inc.'s Compliance with Section 271 of the Telecommunications Act of 1996*, Docket Nos. UT-003022, UT-003040, 37th Supplemental Order at 33 (Wash. UTC 2002). Qwest filed a revised SGAT on June 25, 2002, and the Washington Commission approved Qwest's request to let the SGAT become effective on July 10, 2002. *Investigation into US West Communications, Inc.'s Compliance with Section 271 of the Telecommunications Act of 1996*, Docket Nos. UT-003022, UT-003040, 39th Supplemental Order at 7, 13 (Wash. UTC 2002).

948 Qwest Aug. 30 Pricing *Ex Parte* Letter at Attach. (Washington SGAT) (08/30/02d); Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest Nov. 12 *Ex Parte* Letter, Washington Attach.

949 Washington Commission Qwest II Comments at 12. *See also* Washington Commission Qwest III Comments at 2 (incorporating by reference its Qwest II Comments).

262. *Discussion.* AT&T argues that the Washington Commission did not adopt any of the three loop models presented, finding that they were not "open, reliable, and economically sound," but instead adjusted some inputs and averaged the three models' results to derive loop costs.[950] AT&T also alleges that the Washington Commission did not explain its method of averaging the loop cost model results, and the loop cost adopted by the Washington Commission was higher than any of the three individual models' results.[951] Integra's argument that Washington's loop rates exceed the national average is identical to OneEighty's argument with respect to Montana's loop rates, so we reject it for the same reasons set forth above.[952]

263. AT&T also challenges Qwest's Washington switching rates, stating that for Qwest, the Washington Commission adopted, in its May 11, 1998 order, GTE's 1995 embedded switching cost estimate with no forward-looking adjustment, and no time-of-purchase adjustment to make the number representative of the then-current price.[953] AT&T also argues that the switching cost figure adopted by the Washington Commission erroneously assumes a fixed cost for all switch sizes.[954] According to AT&T, switch costs, when expressed per line, fall as a function of switch size, because a sizeable "getting started" cost can be spread over a greater number of lines.[955] AT&T states that, on average, Qwest's switches are larger and serve more lines than Verizon's switches in Washington.[956] Furthermore, AT&T asserts that, except for the very smallest switches, the per-line costs adopted by the HAI Model and the Commission's Synthesis Model are well below the $150 amount adopted for Qwest by the Washington Commission.[957]

264. Although Qwest asserts that the rates set by the Washington Commission are TELRIC-compliant,[958] it does not rely on those loop rates in this proceeding. Rather, Qwest relies on voluntarily-reduced loop rates filed with the Washington Commission on August 30,

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950 AT&T Qwest II Comments at 62-65; AT&T Qwest III Fassett/Mercer Decl. at paras. 76-84; AT&T Qwest II Comments, Tab E, Joint Declaration of Dean Fassett and Robert Mercer, paras. 16-24 (AT&T Qwest II Fassett/Mercer Decl.).

951 AT&T Qwest II Comments at 65-66; AT&T Qwest III Fassett/Mercer Decl. at paras. 85-86; AT&T Qwest II Fassett/Mercer Decl. at paras. 25-26.

952 Integra Qwest III Comments at 14-15; Integra Qwest II Comments at 9-10. *See* paras. 242-43, *supra*.

953 AT&T Qwest II Comments at 70; AT&T Qwest III Chandler/Mercer Decl. at para. 52; AT&T Qwest II Chandler/Mercer Decl. at paras. 23-24.

954 AT&T Qwest III Chandler/Mercer Decl. at para. 53; AT&T Qwest II Chandler/Mercer Decl. at paras. 25-26.

955 AT&T Qwest III Chandler/Mercer Decl. at para. 53; AT&T Qwest II Chandler/Mercer Decl. at paras. 25-26.

956 AT&T Qwest III Chandler/Mercer Decl. at para. 53; AT&T Qwest II Chandler/Mercer Decl. at para. 25.

957 AT&T Qwest III Chandler/Mercer Decl at paras. 53-54; AT&T Qwest II Chandler/Mercer Decl. at para. 26.

958 *See* Qwest II Application at 159-60.

2002.[959] Because we base our determination of compliance with checklist item two on the current rates, we need not decide the question of whether Qwest's Washington loop rates set in the state proceeding are TELRIC-compliant. Instead, we review the current Washington loop rates and non-loop rates using our benchmark analysis.[960]

(h) Wyoming

265. *Background.* On November 22, 1996, AT&T filed a petition with the Wyoming Commission for arbitration to establish rates for interconnection, UNEs, and resale pursuant to section 252 of the Communications Act, as amended.[961] On April 23, 1997, the Wyoming Commission issued an order establishing interim rates at the average of rates generated by AT&T's and Qwest's cost models, after adjusting for certain cost inputs.[962]

266. In a rehearing order issued on March 22, 1999, the Wyoming Commission adopted Qwest's proposed rate structure, which consists of four concentric zones around each central office, and adopted Qwest's RLCAP model.[963] On June 30, 1999, the Wyoming Commission issued a further rehearing order reaffirming these decisions, and clarifying that it approved the entire suite of cost models that Qwest used to develop its UNE costs.[964]

267. On July 31, 2001, Qwest initiated a generic cost proceeding before the Wyoming Commission.[965] AT&T, Contact Communications, and the Consumer Advocate Staff intervened, although AT&T withdrew without filing testimony.[966] On June 19, 2002, Qwest, Contact

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[959] *See* Qwest II Application at 163; Qwest II Thompson Washington Decl. at paras. 36-43.

[960] Part IV.A.2.d.(ii)(c), *infra*.

[961] *See* Qwest II Application App. A, Tab 31, Declaration of Jerrold L. Thompson, Cost-Based Rates for Unbundled Network Elements and Interconnection in Wyoming, para. 3 (Qwest II Thompson Wyoming Decl.).

[962] *See Arbitration by the Public Service Commission of an Interconnection Agreement between U S West Communications, Inc., and AT&T Communications of the Mountain States, Inc., under 47 USC § 252*, Docket Nos. 70000-TF-319 and 72000-TF-96-95, Order, 19-20 (Wyoming Commission 1997) (*Wyoming Arbitration Order*).

[963] *See Arbitration by the Public Service Commission of an Interconnection Agreement between U S West Communications, Inc., and AT&T Communications of the Mountain States, Inc., under 47 USC § 252*, Docket Nos. 70000-TF-319 and 72000-TF-96-95, Order on Rehearing, 41 (Wyoming Commission 1999) (*Wyoming Rehearing Order*).

[964] *See Arbitration by the Public Service Commission of an Interconnection Agreement between U S West Communications, Inc., and AT&T Communications of the Mountain States, Inc., under 47 USC § 252*, Docket Nos. 70000-TF-319 and 72000-TF-96-95, Order on Petitions for Rehearing of U S West Communications, Inc., and AT&T Communications of the Mountain States, Inc., and Amending Previous Orders, 21 (Wyoming Commission 1999) (*Wyoming Further Rehearing Order*).

[965] *See* Qwest II Thompson Wyoming Decl. at para. 4. *See also Qwest's Request to Open an Unbundled Network Elements TELRIC Cost Docket*, Docket No. 7000-TA-01-700 (Record No. 6768), Stipulation and Agreement dated June 19, 2002, 1 (*Wyoming Stipulation Agreement*).

[966] *See* Qwest II Thompson Wyoming Decl. at para. 4.

Communications, and the Consumer Advocate Staff settled outstanding disputes by stipulation.[967] The parties jointly adopted UNE and interconnection rates proposed by the Consumer Advocate Staff, and stipulated to collocation rates and certain NRCs relating to loop provisioning that mirror the rates established by the Colorado Commission.[968] Qwest also stipulated that it would file new rates within two years with the Wyoming Commission for approval.[969] On June 28, 2002, the Wyoming Commission approved the stipulation agreement and adopted the stipulated rates as TELRIC-compliant in its regular open meeting.[970] The approved stipulation retained the Wyoming Commission's earlier adopted concentric zone deaveraging scheme.[971]

268. On July 1, 2002, Qwest filed revised SGAT rates in compliance with the stipulation agreement, and voluntarily reduced five non-loop rates to meet a benchmark comparison with the rates established by the Colorado Commission.[972] On July 9, 2002, the Wyoming Commission approved the SGAT, with the exception of certain rates that were not addressed in the stipulation agreement, as TELRIC-compliant.[973] The Wyoming Commission allowed these rates to go into effect as of July 10, 2002.[974] On August 29, 2002 and October 16, 2002, Qwest revised its Wyoming SGAT to reflect further rate reductions.[975] The Wyoming Commission found that Qwest met the pricing requirements for UNEs under checklist item two and recommended that the Commission grant Qwest's section 271 application.[976]

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967 *Wyoming Stipulation Agreement* at 5.

968 Qwest II Thompson Wyoming Decl. at para. 6.

969 *Wyoming Stipulation Agreement* at 3.

970 A*pplication of Qwest Corporation Regarding Relief Under Section 271Process and Approval of its Statement of Generally Available Terms*, Docket No. 7000-TA-00-599 (Record No. 5920), Order on SGAT Compliance, 1 (Wyoming Commission 2002) (*Wyoming Order on SGAT Compliance*).

971 Qwest II Thompson Wyoming Decl. at para. 11.

972 Qwest II Thompson Wyoming Decl. at para. 10. The rate elements are End Office Call Termination: per minute of use; Tandem Switched transport: Tandem Switching, per minute of use; Shared Transport: per minute of use – TELRIC based rate; Local Tandem Switching: per minute of use; and Local Switching: Local Usage: per minute of use. *See Wyoming Order on SGAT Compliance* at 2.

973 *Wyoming Order on SGAT Compliance* at 2. Certain rates in the Wyoming SGAT were not addressed in the *Wyoming Stipulation Agreement*, and the Wyoming Commission stated that it expresses no opinion about the TELRIC-compliance of these rates. *See* Wyoming Commission Qwest II Comments at 7. *See also* "footnote 1" identifier of the Wyoming SGAT, Ex. A dated July 1, 2002.

974 *Wyoming Order on SGAT Compliance* at 3.

975 Qwest Aug. 30 Pricing *Ex Parte* Letter at Attach. (Wyoming SGAT) (08/30/02d); Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest Nov. 12 *Ex Parte* Letter, Wyoming Attach.

976 Wyoming Commission Qwest II Comments at 7. *See also* Wyoming Commission Qwest III Comments at 1-2 (adopting and incorporating by reference its Qwest II Comments).

269. *Discussion.* AT&T asserts that Wyoming's recurring loop and switching charges are not TELRIC-compliant.[977] AT&T contends that Wyoming's UNE loop rates are inflated because the Wyoming Commission improperly adopted Qwest's RLCAP cost model.[978] According to AT&T, this model replicates Qwest's embedded network costs, rather than relying on forward-looking network costs, and is a "black-box," filled with inaccessible and unverifiable Qwest-specific information.[979] As support, AT&T asserts that the Wyoming Commission seemingly reversed its earlier decision that rejected RLCAP after acknowledging that the model relies on Qwest's embedded costs.[980] Furthermore, AT&T asserts that the RLCAP model accommodates the allegedly improper deaveraging scheme that the Wyoming Commission also adopted.[981]

270. AT&T also asserts that the Wyoming switching rates are non-TELRIC compliant because the Wyoming Commission improperly adopted Qwest's switching model (SCM) that calculates investments associated with switching based on Qwest's embedded costs.[982] AT&T states that critical investment inputs are buried in password-protected database files and the SCM does not show fundamental calculations used to compute switching investments.[983] AT&T further asserts that Qwest's last-minute reduced rates are not TELRIC-compliant because the Wyoming Commission failed to conduct any adversarial proceeding or make any findings concerning their compliance with TELRIC, and these reductions demonstrate that Qwest recognizes that its switching rates are inflated.[984]

271. Qwest states that its UNE rates are TELRIC-compliant.[985] The Wyoming Commission states that the generic cost proceeding involved thousands of pages of cost studies and testimony from Qwest and intervening parties to establish TELRIC rates.[986] We note that

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977 AT&T Qwest II Comments at 81-85.

978 AT&T Qwest II Comments at 81-84; AT&T Qwest III Fassett/Mercer Decl. at paras. 104-122; AT&T Qwest II Fassett/Mercer Decl. at paras. 41-58.

979 AT&T Qwest II Comments at 81, 83-84; AT&T Qwest III Fassett/Mercer Decl. at para. 105; AT&T Qwest II Fassett/Mercer Decl. at paras. 45-57.

980 AT&T Qwest II Comments at 83; AT&T Qwest III Fassett/Mercer Decl. at 105, 114; AT&T Qwest II Fassett/Mercer Decl. at paras. 54-58.

981 AT&T Qwest II Comments at 83-84; AT&T Qwest III Fassett/Mercer Decl. at paras. 113-117; AT&T Qwest II Fassett/Mercer Decl. at paras. 53-57. We discuss the Wyoming deaveraging scheme at Part IV.A.2.d.(i)(i), *infra*.

982 AT&T Qwest II Comments at 49, 85; AT&T Qwest III Chandler/Mercer Decl. at para. 67-68; AT&T Qwest II Chandler/Mercer Decl. at paras. 39-40.

983 AT&T Qwest III Chandler/Mercer Decl. at para. 67; AT&T Qwest II Chandler/Mercer Decl. at paras. 39-40.

984 AT&T Qwest II Comments at 85; AT&T Qwest III Chandler/Mercer Decl. at para. 69; AT&T Qwest II Chandler/Mercer Decl. at para. 41.

985 Qwest II Thompson Wyoming Decl. at para. 2.

986 Wyoming Commission Qwest II Reply at 2.

Qwest's Wyoming loop rates are mainly stipulated rates resulting from that proceeding, and the current Wyoming switching rates include stipulated rates and certain voluntarily-reduced rates that Qwest filed with the Wyoming Commission on July 1, 2002 and revised on August 29, 2002, and October 16, 2002, to meet a benchmark test with the Colorado rates.[987] As discussed below, however, these rates pass a benchmark analysis and fall within the reasonable range of rates that a TELRIC-based proceeding would produce.[988]

(i) Deaveraged Rate Zones

272. AT&T asserts that the deaveraged rate zones in Montana and Wyoming are not cost-based, and the Department of Justice urges the Commission to take notice of the unusual rate zones in these states.[989] The deaveraged rate zones in these states are based on the distance of a customer from the wire center, and consist of four concentric circles around each wire center.[990] AT&T argues that the Montana and Wyoming state commissions did not adopt deaveraged zones to reflect the density-based cost differences between urban, suburban and rural wire centers as contemplated by the Commission's rules.[991] Because the customer costs of a wire center vary significantly with physical location and demographic characteristics, AT&T contends that Qwest's Montana and Wyoming loop rates are not cost-based in compliance with checklist item two.[992] AT&T further argues that the Commission's benchmarking analysis aggregates UNE rates for all UNE zones, so benchmarking does not reveal TELRIC errors in the deaveraging process.[993]

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[987] *Wyoming Order on SGAT Compliance* at 2-3. *See also* Qwest II Thompson Wyoming Decl. at para. 12; Qwest Aug. 30 Pricing *Ex Parte* Letter (08/30/02d); Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest Nov. 12 *Ex Parte* Letter, Wyoming Attach. The Wyoming Commission states that only five non-loop rates were "accepted as benchmarks" that were not part of the Wyoming TELRIC (generic cost) proceeding. *See* Wyoming Commission Qwest II Reply at 3. There were also 38 elements out of more than 900 elements, approximately three percent of Qwest's total rates for interconnection, collocation, wholesale discounts and UNEs, that were not specifically addressed by the Wyoming Commission. *See* Wyoming Commission Qwest II Reply at 4. *See also* "footnote 1" identifier of the Wyoming SGAT, Ex. A.

[988] Part IV.A.2.d.(ii)(c), *infra*.

[989] Department of Justice Qwest II Evaluation at 20-21; AT&T Qwest II Comments at 54, 77, 83; AT&T Qwest III Fassett/Mercer Decl. at paras. 113, 125; AT&T Qwest II Fassett/Mercer Decl. at paras. 53, 65; AT&T Qwest II Lieberman/Pitkin at para. 7.

[990] AT&T Qwest II Comments at 77, 83; AT&T Qwest III Fassett/Mercer Decl. at paras. 113, 125; AT&T Qwest II Fassett/Mercer Decl. at paras. 53, 65.

[991] AT&T Qwest II Comments at 54, 77, 83; AT&T Qwest III Fassett/Mercer Decl. at paras. 113, 124 (citing 47 C.F.R. § 51.507(f)); AT&T Qwest II Fassett/Mercer Decl. at paras. 53, 65 (citing 47 C.F.R. § 51.507(f)).

[992] AT&T Qwest II Comments at 54; AT&T Qwest II Lieberman/Pitkin Decl. at para. 7.

[993] AT&T Qwest II Comments at 54; AT&T Qwest II Lieberman/Pitkin Decl. at para. 7.

273. In response, Qwest argues that distance from the wire center and density are the most significant factors driving loop costs, and in states with relatively few high-density areas, such as Montana and Wyoming, it is appropriate to base rate zones on distance.[994] According to Qwest, density-based rate zones do not account for the distance-based differences in loop costs within a given wire center, or differences in costs between wire centers in the same zones.[995] Qwest asserts that the distance-based rate zones in Montana and Wyoming, however, account for cost differences in both distance and density.[996] Qwest argues that in sparsely-populated, rural states such as Montana and Wyoming where one switch may serve a large community, the density of the serving area tends to decrease as the distance from the wire center increases.[997] Therefore Qwest claims that the distance-based rate zones also reflect density cost differences, while density-based rate zones would not reflect distance-related costs.[998] In addition to this implicit density-based component, Qwest notes that the Wyoming Commission added an explicit density-based component to the rate zones in that state.[999] The Wyoming Commission established pricing zones with different distances based on the population densities of the wire centers.[1000] Qwest also notes that the Commission's former Common Carrier Bureau (now the Wireline Competition Bureau) granted a waiver to allow the calculation of universal service support on the basis of the distance-based rate zones in Wyoming.[1001]

274. We disagree with AT&T that the rate zone structures in Montana and Wyoming violate our rules. Section 51.507(f) allows state commissions to rely on density-related zone pricing plans, "or other such cost-related zone plans established pursuant to state law."[1002] Therefore, AT&T is incorrect in asserting that rate zones must be based on density. Further, Qwest has adequately demonstrated that zones based on distance are cost-related. As Qwest explains in its reply, the two primary factors that drive loop costs are density of customers within

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[994] Qwest II Reply at 99; Qwest II Reply, Reply Declaration of Jerrold L. Thompson, Cost-Based Rates for Unbundled Network Elements and Interconnection, para. 45 (Qwest II Thompson Reply Decl.).

[995] Qwest II Thompson Reply Decl. at para. 46.

[996] Qwest II Thompson Reply Decl. at para. 47.

[997] Qwest II Thompson Reply Decl. at paras. 47-48.

[998] Qwest II Thompson Reply Decl. at paras. 47-48.

[999] Qwest II Thompson Reply Decl. at para. 49.

[1000] In wire centers with greater population densities (determined based on the number of lines served by the switch), the Wyoming Commission established pricing zones based on longer distances than in smaller, less dense wire centers. The zones will have smaller widths for switches that serve fewer lines and will have larger widths for switches that serve more lines. Qwest II Thompson Reply Decl. at paras. 49-50.

[1001] Qwest II Reply at 99-100 n.72; Qwest II Thompson Reply Decl. at para. 54 (citing *Wyoming Public Service Commission*, CC Docket No. 96-45, Order, 16 FCC Rcd 5350 (Comm. Carr. Bur. 2001)).

[1002] 47 C.F.R. § 51.507(f) (2001).

an area, and customers' distance from the wire center.[1003] AT&T agrees that distance from the wire center is an important factor in determining loop costs.[1004] We find that the distance-based rate zone structures adopted by the Montana and Wyoming Commissions are cost-related as required by our rules.

275. AT&T argues that, because the Commission's benchmark analysis examines aggregate loop costs, it does not account for errors in disaggregating those costs among rate zones.[1005] Specifically, AT&T asserts that Qwest's deaveraging methodology in Montana and Wyoming artificially inflates the costs of higher-density areas by averaging them with costs of more rural areas.[1006] First, we note that, unless each loop is priced individually, any method of deaveraging contains some amount of averaging higher and lower cost loops. The more traditional density-based rate zones average different loop costs within wire centers,[1007] and average the different costs between wire centers in the same zones. Second, we find that the Wyoming Commission took both distance and density into account in establishing different zone sizes. Indeed, because the Wyoming Commission took both factors into account, it is possible that Wyoming's rate deaveraging zones may even be more closely tied to cost than are density-based zones. Finally, although the Montana Commission did not provide the same safeguards as did the Wyoming Commission to account for cost differences based on wire center densities, we find that the statewide average loop rates in Montana are cost-based pursuant to a benchmark comparison with Colorado, and, as discussed above, the Montana rate zone structure is cost-related as required by our rules. Therefore, even if the Montana Commission could have adopted a deaveraging method that better reflected differences in loop costs, the current rate zone structure complies with our rules.[1008]

(j) Line Sharing

276. Qwest charges positive rates for the HFPL that carriers purchase under the Commission's line sharing requirements in three of the benchmark states, Montana, Washington and Wyoming.[1009] Qwest filed amendments to its SGATs in Montana and Wyoming on August

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[1003] Qwest II Thompson Reply Decl. at para. 45.

[1004] AT&T Qwest II Reply, Declaration of Brian F. Pitkin at para. 6 (AT&T Qwest II Pitkin Reply Decl.).

[1005] AT&T Qwest II Comments at 54; AT&T Qwest II Lieberman/Pitkin Decl. at para. 7.

[1006] AT&T Qwest II Pitkin Reply Decl. at para. 7.

[1007] For example, if two customers are in the same wire center, but one is 500 feet from the central office while the other is 12,000 feet away, a density-based rate zone structure will establish identical loop rates for the two, even though the cost of serving the first customer is significantly less than the cost of serving the second customer.

[1008] Because some universal service support is distributed on a different disaggregated basis, we note that even though Montana's rate zone structure complies with our rules, it creates arbitrage opportunities for competitive LECs in certain high-cost wire centers.

[1009] *See* Qwest II Thompson Montana Decl. at para. 12; Qwest II Thompson Washington Decl. at para. 35; Qwest II Thompson Wyoming Decl. at para. 9.

30, 2002 and August 29, 2002, respectively, so that the average HFPL rates are at or below the Colorado HFPL rate, and are deaveraged across zones.[1010] In Washington, Qwest reduced its HFPL rate from $4.00 to $2.00, but did not deaverage the rate.[1011] Covad and WorldCom argue that, as in Colorado, Qwest's positive HFPL charges in these states violate the *Line Sharing Order* and our TELRIC pricing requirements.[1012] For the reasons stated above in our discussion of the positive HFPL rate in Colorado, we decline to reach these arguments in the context of a section 271 application and we intend to address this issue in our pending proceeding on line sharing.[1013]

(k) Non-Recurring Charges

277. AT&T argues that Qwest's NRCs in the benchmark states are based on the same NRC model on which Qwest's Colorado NRCs are based.[1014] AT&T argues that Qwest's NRC model contains TELRIC errors, including (1) improper collection of disconnect charges as part of installation charges; (2) recovery of costs for manual work that should be performed electronically; (3) recovery of unnecessary costs; (4) reliance on improper time estimates; (5) recovery of non-recurring costs that should be collected as recurring charges; and (6) allocation of network-related costs that are not properly attributable to NRCs.[1015] AT&T's raises the same arguments here that we have already rejected with respect to Qwest's Colorado NRCs.[1016] We found that the Colorado Commission's use of the model to set NRCs resulted in TELRIC-based rates.[1017] In the instant application, Qwest relies on a comparison of its NRCs in the benchmark states to the Colorado NRCs.[1018] We find this comparison reasonable, and AT&T has not produced any evidence that it is not. Therefore, because we have determined that the Colorado NRCs are consistent with TELRIC requirements, and because the rates for NRCs in Montana,

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[1010] *See* Qwest Aug. 30 Pricing *Ex Parte* Letter at Attach. (08/30/02d). In Montana, Qwest reduced the HFPL rate to $4.76 in zone 1 and $4.89 in zones 2 through 4. In Wyoming, Qwest reduced the HFPL rate to $4.16 in the base rate area and retained the $4.89 rate in zones 1 through 3.

[1011] *See* Qwest III Application, Tab 10 at 4; Qwest Nov. 12 *Ex Parte* Letter, Washington Attach.

[1012] Covad Qwest III Comments at 3; Covad Qwest II Comments at 3; WorldCom Qwest II Reply at 19-20.

[1013] *See* Part IV.A.2.c.(ii)(c), *supra*.

[1014] AT&T Qwest II Comments at 70, 75; AT&T Comments, Tab G, Declaration of Thomas H. Weiss, para. 8 (AT&T Qwest II Weiss Decl.). *See also* AT&T Qwest III Comments, Tab J, Declaration of Thomas H. Weiss (AT&T Qwest III Weiss Decl.) (stating that his testimony in the Qwest II declaration remains accurate).

[1015] AT&T Qwest II Weiss Decl. at paras. 11-36.

[1016] *See* Part IV.A.2.c.(iii), *supra*.

[1017] *See* Part IV.A.2.c.(iii), *supra*.

[1018] Qwest II Application at 165; Qwest II Thompson Montana Decl. at para. 15; Qwest II Thompson Utah Decl. at para. 46; Qwest II Thompson Washington Decl. at paras. 47-48; Qwest II Thompson Wyoming Decl. at para. 17.

Utah, Washington, and Wyoming are comparable to the rates for NRCs in Colorado, we reject AT&T's arguments and reach the same conclusion with respect to the NRCs in these states.[1019]

278. AT&T also challenges Qwest's NRCs in Nebraska. AT&T asserts that the Nebraska Commission improperly calculated NRCs by relying on embedded costs, specifically, by multiplying the amount of time Qwest's employees spend on a particular activity (using largely manual processes), by the existing labor rate.[1020] AT&T argues that the Nebraska Commission improperly labeled NRCs forward-looking finding that they "reflect all planned improvements due to additional mechanization of the service order process."[1021] AT&T states that the Federal District Court in Delaware rejected such an argument in *Bell Atlantic-Delaware, Inc. v. McMahon*.[1022] AT&T argues that this precedent and TELRIC principles require a "blank slate approach that disregards Qwest's existing processes and looks to determine the 'most efficient, currently available' methods for provisioning UNEs."[1023] AT&T also asserts that the Nebraska Commission improperly included 60 percent of the costs of disconnecting a competitive LEC customer in its initial billing charge.[1024] AT&T argues that the effect of including these costs is to create a huge competitive disadvantage in winning the customer in the first place.[1025] Specifically, AT&T opposes recovery of any disconnection charge as part of an initial billing charge. AT&T argues that imposing such charges creates a barrier to entry.

279. AT&T's challenges to the NRCs established in Nebraska are similar to arguments raised with respect to NRCs in Colorado. As we concluded in our discussion of Colorado NRCs, we will examine state decisions to determine if there are clear TELRIC errors, but we typically will defer to a state commission's assessment of the record before it with respect to detailed factual determinations, such as how many minutes a particular activity should take or how frequently it will occur. In its April 23, 2002 order, the Nebraska Commission took steps to minimize the impact of disconnection costs on competitive LECs, such as reducing the costs by 40 percent to reflect the fact that a customer may stay with a competitive LEC, and discounting the costs over five years to reflect the time value of money.[1026] In any event, in Qwest's May 31,

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[1019] AT&T Qwest II Weiss Decl. at paras. 38-44. *See* Part IV.A.2.c.(iii), *supra*.

[1020] AT&T Qwest III Baker/Starr/Denney Decl. at para. 49; AT&T Qwest I Baker/Starr/Denny Decl. at para 49.

[1021] AT&T Qwest III Baker/Starr/Denney Decl. at para. 49; AT&T Qwest I Baker/Starr/Denney Decl. at para. 49 (both citing, *Nebraska Commission April 23 Cost Order* at paras. 179-180).

[1022] 80 F. Supp. 2d 218, 250-51 (D. Del. 2000); AT&T Qwest III Baker/Starr/Denney Decl. at para. 50; AT&T Qwest I Baker/Starr/Denny Decl at para. 50.

[1023] AT&T Qwest III Baker/Starr/Denney Decl. at para. 52; AT&T Qwest I Baker/Starr/Denney Decl. at para. 52. *See also* AT&T Qwest I Weiss Decl. at para. 17 ("A TELRIC-compliant non-recurring cost study would compute NRCs on the most efficient forward-looking technology available to the ILEC.").

[1024] AT&T Qwest III Baker/Starr/Denney Decl. at para 53; AT&T Qwest I Baker/Starr/Denney Decl. at para. 53.

[1025] AT&T Qwest III Baker/Starr/Denney Decl. at para. 53; AT&T Qwest I Baker/Starr/Denney Decl. at para. 53; AT&T Qwest I Weiss Decl. at para. 12.

[1026] *See Nebraska Commission April 23 Cost Order* at 48.

2002 amendment to its May 24, 2002 SGAT, Qwest reduced certain installation NRCs to the levels adopted by the Colorado Commission for corresponding services.[1027] Because we find that the Colorado NRCs are consistent with TELRIC requirements, we reach a similar conclusion with respect to the Nebraska NRCs. Similarly, in discussing the issue of disconnection costs in Colorado, we stated that states have discretion in protecting incumbent LECs against the risk of non-payment by competitive LECs.[1028] Thus, we conclude that recovering disconnection costs at the time of installation is not necessarily a TELRIC violation.[1029]

(ii) Benchmark Analysis

(a) Introduction

280. The comments raise a number of concerns with respect to the ratesetting process in Iowa, Idaho, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming. As noted above, we will not reject an application "because isolated factual findings by a commission might be different from what we might have found if we were arbitrating the matter. . . ."[1030] Rather, when a state commission does not apply TELRIC principles or does so improperly (e.g., the state commission made a major methodological mistake or used an incorrect input or several smaller mistakes or incorrect inputs that collectively could render rates outside the reasonable range that TELRIC would permit), we will look to rates in other section 271-approved states to see if the rates nonetheless fall within the range that a reasonable TELRIC-based rate proceeding would produce.[1031]

281. With respect to rates for the loop and switching-related elements, the Commission has used its Synthesis Model to take into account the differences in the underlying costs between the applicant state and the comparison state.[1032] To determine whether a comparison with a particular state is reasonable, the Commission will consider whether the two states have a common BOC; whether the two states have geographic similarities; whether the two states have similar, although not necessarily identical, rate structures for comparison purposes; and whether

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[1027] *See* Qwest I Application App. A., Tab 32, Declaration of Jerrold L. Thompson, Cost-Based Rates for Unbundled Network Elements and Interconnection in Nebraska, para. 39 (Qwest I Thompson Nebraska Decl.).

[1028] *See* Part IV.A.2.c.(iii), *supra*.

[1029] *See id.*

[1030] *Bell Atlantic New York Order*, 15 FCC Rcd at 4084, para. 244, *aff'd, AT&T Corp v. FCC*, 220 F.3d at 615-16.

[1031] *See Verizon Rhode Island Order*, 17 FCC Rcd at 3320, para. 38; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17456-57, para. 63; *see also SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6276, para. 82.

[1032] *See Verizon Massachusetts Order*, 16 FCC Rcd at 9000, para. 22; *SBC Arkansas/Missouri Order*, 16 FCC Rcd at 20746, para. 57; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 65; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6277, para. 84.

the Commission has already found the rates in the comparison state to be TELRIC-compliant.[1033] For elements or services not included in the Synthesis Model, such as collocation or NRCs, the Commission compares rates in the applicant state to rates in an approved state to ensure that the rates in the applicant state are in the range that TELRIC would be expected to produce.[1034] If the rates in the applicant state do not pass a benchmark analysis or other comparison, and if "basic TELRIC principles are violated or the state commission makes clear errors in factual findings on matters so substantial that the end result falls outside the range that the reasonable application of TELRIC principles would produce," then we will reject the application.[1035]

282. The Commission's benchmark process considers separately the reasonableness of loop and non-loop rates.[1036] When we benchmark both loop and non-loop rates, both sets of rates are benchmarked to the same anchor state's rates.[1037] Key non-loop rate elements (line port, end office switch usage, transport, and signaling) are benchmarked collectively, rather than rate element by rate element.[1038] We have allowed use of both standard and state-specific assumptions regarding minutes of use (MOUs) in performing the non-loop rate benchmark analysis.[1039] The Commission has not used a benchmark analysis to review NRCs, but it has compared NRC costs between states.[1040] We have followed a similar approach with respect to charges for a Daily Usage File (DUF).[1041] We consider these items outside of the benchmark

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[1033] *See Verizon Rhode Island Order*, 17 FCC Rcd at 3320, para. 38; *SBC Arkansas/Missouri Order* 16 FCC Rcd at 20746, para. 56; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 63; *Verizon Massachusetts Order*, 16 FCC Rcd at 9002, para. 28; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6276, para. 82. We note, however, that in the *Verizon Pennsylvania Order*, we found that several of these criteria should be treated as indicia of the reasonableness of the comparison. *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 64.

[1034] *See SBC Arkansas/Missouri Order*, 16 FCC Rcd at 20755-56, paras. 74-75; *Verizon New Jersey Order*, 17 FCC Rcd at 12303-04, para. 66.

[1035] *Verizon Pennsylvania Order*, 16 FCC Rcd at 17453, para. 55.

[1036] *Verizon Pennsylvania Order,* 16 FCC Rcd at 17458, para. 67; *Verizon Maine Order,* 17 FCC Rcd at 11673, para. 25; *SBC Arkansas/Missouri Order,* 16 FCC Rcd at 20747, para 58; *Verizon Rhode Island Order,* 17 FCC Rcd at 3320, para. 40.

[1037] *SBC Arkansas/Missouri Order,* 16 FCC Rcd at 20747, para. 58; *Verizon Rhode Island Order,* 17 FCC Rcd at 3320-21, para. 40. In other words, we do not benchmark loop rates to one state and non-loop rates to a different state.

[1038] *Verizon New Jersey Order,* 17 FCC Rcd at 12297, para. 52.

[1039] *Verizon Rhode Island Order,* 17 FCC Rcd at 3327, para. 55 n. 149; *Verizon New Jersey Order,* 17 FCC Rcd at 12297-98, para. 53.

[1040] *SBC Arkansas/Missouri Order,* 16 FCC Rcd at 20755-56, paras. 74-75; *Verizon New Jersey Order,* 17 FCC Rcd at 12303-04, para. 66.

[1041] *See BellSouth Georgia/Louisiana Order,* 17 FCC Rcd at 9062, para. 86.

process because the Synthesis Model does not consider underlying costs associated with these items.[1042]

283. Qwest voluntarily reduced its rates in Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming prior to filing its application, and made further reductions in revised SGATs that were filed October 16-18, 2002.[1043] These reductions were calculated to produce rates that would satisfy a benchmark comparison to the rates in Colorado. Notwithstanding these reductions, a number of parties argue that Qwest has not performed the benchmarking analysis properly, and the rates it relies on here do not pass a benchmark comparison to Colorado. We address these arguments below.

(b) Challenges to Benchmarking

(i) Standard vs. State-Specific Usage

284. Qwest states that it followed the Commission's standard benchmarking methodology to develop a composite per-line rate for the non-loop portion of the UNE platform (UNE-P) for Colorado and each of the other states, combining per-line and usage-sensitive rate elements.[1044] Both WorldCom and AT&T challenge this approach, arguing that Qwest should have used state-specific data in its benchmark analysis. WorldCom argues that Qwest's assumption of 1200 originating and terminating local minutes, and 370 toll and access minutes is inconsistent with the Commission's prior benchmark analyses.[1045] Specifically, WorldCom argues that computation of a non-loop benchmark requires a combination of several rate elements with different demand units, yet Qwest uses a constant set of demand in all states. WorldCom claims that this contradicts the Commission's use of state-specific demand data in New York and New Jersey.[1046]

285. Similarly, AT&T argues that Qwest's non-loop benchmark analysis is flawed because it is based on national average "minutes of use" (MOU) estimates.[1047] AT&T contends that the *Verizon New Jersey Order* rejected arguments that a benchmarking analysis should be

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[1042] *Verizon Pennsylvania Order,* 16 FCC Rcd at 17458, para. 65 n.248.

[1043] Qwest III Thompson/Freeberg Reply Decl. at para. 4 n.6; Qwest Oct. 7 Pricing *Ex Parte* Letter.

[1044] Qwest II Application at 164; Qwest I Application at 165.

[1045] WorldCom Qwest II Comments at 32 and n.31; WorldCom Qwest I Comments at 31 n.13. *See also* WorldCom Qwest III Comments at 25-26 (incorporating same argument).

[1046] WorldCom Qwest II Comments at 32 (citing *Verizon New Jersey Order,* 17 FCC Rcd at 12297-98, para. 53); WorldCom Qwest I Comments at 31 (citing *Verizon New Jersey Order,* 17 FCC Rcd at 12297-98, para. 53). *See also* WorldCom Qwest III Comments at 25-26 (incorporating same argument).

[1047] AT&T Qwest III Comments at 73-76; AT&T Qwest II Comments at 55-58; AT&T Qwest I Comments at 52; AT&T Qwest III Comments, Tab L, Declaration of Michael R. Lieberman and Brian F. Pitkin, paras. 8-13 (AT&T Qwest III Lieberman/Pitkin Decl.); AT&T Qwest II Lieberman/Pitkin Decl. at para. 10; AT&T Qwest I Lieberman Decl. at para. 12.

based on national averages.[1048] AT&T claims that Qwest has state-specific MOU data and must use them, otherwise Qwest could unilaterally determine which MOU data to use in its benchmark analysis.[1049] AT&T claims that the Commission has determined that state-specific data more accurately reflect relative cost and rate differences among states.[1050] AT&T proposes that the Commission conduct its benchmarking analysis using state-specific MOU data where available, and standard MOU estimates where state-specific data is not available.[1051] AT&T argues that a benchmarking analysis using state-specific MOU estimates yields switching rates in five states, and total non-loop rates in two states, that fail the Commission's benchmarking test.[1052]

286. AT&T and WorldCom are correct that the *Verizon New Jersey Order* identified a number of reasons why the use of state-specific data might be appropriate in conducting a benchmark analysis. The Commission noted, for example, that state commissions may establish rates by dividing a carrier's costs by state-specific estimates of demand, and therefore we concluded the use of state-specific data was appropriate for purposes of comparing New Jersey rates with New York rates.[1053] The *Verizon New Jersey Order* did not, however, mandate the use of state-specific data or establish only a limited exception to such a requirement. We specifically stated that there might be other reasons to use standard assumptions, including, but not limited to, the absence of the relevant state-specific data.[1054] Indeed, in prior section 271 decisions we have allowed carriers to use either state-specific data or standard assumptions for the purpose of demonstrating that a particular set of rates is in the range that a proper application of TELRIC principles would produce.[1055] Implicit in these decisions is the notion that neither TELRIC generally, nor benchmarking in particular, is an exact science. The fact that Qwest's rates might be lower in some states had it used state-specific data in calculating its rates does not in itself mean that rates calculated using standard assumptions are outside the range that TELRIC would produce.

[1048] AT&T Qwest I Comments at 52-53.

[1049] AT&T Qwest III Comments at 75-76; AT&T Qwest II Comments at 57; AT&T Qwest I Comments at 53.

[1050] AT&T Qwest III Comments at 75-76; AT&T Qwest II Comments at 57; AT&T Qwest I Comments at 53.

[1051] *See* AT&T Qwest III Comments at 75. State-specific data delineating the number or percentages of originating and terminating intraLATA toll, intrastate interLATA, and interstate interLATA minutes per line per month, broken down on an intra-switch, inter-switch, and tandem-routed basis, is not available. Qwest II Application at 164 n.79.

[1052] AT&T Qwest III Comments at 73-76; AT&T Qwest III Lieberman/Pitkin Decl. at paras. 8-20.

[1053] *Verizon New Jersey Order,* 17 FCC Rcd at 12297-98, para. 53.

[1054] *Id*.

[1055] *See id.* (applying state-specific assumptions); *Verizon Maine Order,* 17 FCC Rcd at 11679-80, para. 33 (applying standard assumptions).

287. In light of the benefits of using state-specific data that we identified in the *Verizon New Jersey Order*, the question in this case is whether Qwest has provided sufficient support for its decision to use standard assumptions. We conclude that it has. As an initial matter, Qwest has stated that it will use standard assumptions for all benchmark states in its region.[1056] Qwest argues that while Verizon filed section 271 applications for single states *seriatim* (or at most, two states simultaneously), Qwest from the beginning made clear its intent to file section 271 applications for as many of its fourteen states as possible within a short time period.[1057] Qwest states that the use of standardized assumptions is the most straightforward and predictable approach for such region-wide analysis, and will best avoid controversy over which state-specific data to use in the analysis.[1058] We agree with Qwest that the use of standard assumptions simplifies the comparison of switching rates across multiple states.

288. AT&T argues that allowing a BOC to choose whether it will use state-specific data or standard assumptions gives the BOC "unilateral power" to select the approach that is most beneficial. In this case, we are convinced that the use of standard assumptions is not an effort by Qwest to "game" the system. In fact, the use of standard assumptions may be necessary for certain states in this region, due to the distortive effect that sales of exchanges can have on a benchmark analysis.[1059] In addition, Qwest has demonstrated that in some of these states the use of standard assumptions will result in lower rates than would the use of state-specific data.[1060] Qwest conducted this analysis by comparing the approach used in its applications (i.e., the Commission's standardized assumptions for both MOU and traffic pattern data) and the "hybrid" approach advocated by AT&T and WorldCom (i.e., mixing state-specific MOUs with the Commission's standardized assumptions for traffic patterns.)[1061] Conducting these analyses using three separate years of state-specific MOU data, Qwest determined that use of the Commission's standardized assumptions for both MOUs and traffic patterns (as compared with the use of AT&T and WorldCom's hybrid approach) produced lower benchmarks in eight, four, and five of Qwest's thirteen states for the years 1999, 2000, and 2001, respectively.[1062]

[1056] *See* Qwest I Thompson Reply Decl. at para. 84; Qwest July 22 *Ex Parte* Letter at 4.

[1057] *See* Qwest I Thompson Reply Decl. at para. 84; Qwest July 22 *Ex Parte* Letter at 4.

[1058] *See* Qwest I Thompson Reply Decl. at para. 84; Qwest July 22 *Ex Parte* Letter at 4.

[1059] I.e., in North Dakota, Qwest's exchange sales resulted in MOU data that included traffic from lines no longer present in the line counts, thereby creating a mismatch of data. Qwest I Thompson Reply Decl. at para. 88. Similarly, Qwest's exchange sales in Idaho, Iowa, and Utah may have artificially lowered the benchmark rates in these states when state-specific MOU data are used.

[1060] *See* Qwest I Thompson Reply Decl. at para. 86-88; Qwest July 22 *Ex Parte* Letter at 4.

[1061] *See* Qwest I Thompson Reply Decl. at para. 86, Reply Ex. JLT-7; Qwest July 22 *Ex Parte* Letter at 4.

[1062] *See* Qwest I Thompson Reply Decl. at para. 87. *See also* Qwest July 22 *Ex Parte* Letter at 4 (slightly different results, but supporting Qwest's conclusions).

289. WorldCom takes issue with "Qwest's implicit claim that the use of standard assumptions throughout its region would result in roughly the same rates overall" because the use of state-specific minutes would require large rate reductions in five states, Montana, Nebraska, North Dakota, Utah, and Washington, but only *de minimis* increases in the other three states, Idaho, Iowa, and Wyoming.[1063] We note that WorldCom's analysis was conducted prior to Qwest's recent rate reductions, therefore it is not clear how the rate changes would affect WorldCom's analysis. Qwest provided information about these rate changes on day seven of this 90-day application period, therefore, WorldCom has had ample time to update its analysis. Because WorldCom has not updated this information in light of the current rates, we cannot rely on WorldCom's analysis.

290. We also agree with Qwest that the certainty associated with our standard assumptions is beneficial. In this case, Qwest has stated that it does not possess state-specific data on traffic patterns, such as interswitch versus intraswitch calls.[1064] Qwest asserts that while standardized data regarding traffic patterns and state-specific data regarding total MOUs could be combined in theory, such an approach would not necessarily be valid.[1065] We are concerned that requiring an applicant to mix state-specific MOU data and standard assumptions regarding other elements of the analysis (e.g., percentage of intraswitch calls) introduces unnecessary complexity without any demonstrated increase in the accuracy of the results.[1066]

(ii) Rate Structure/Charges to be Included

291. *Non-Recurring OSS Charges.* AT&T challenges several of Qwest's OSS NRCs, including an increased NRC from $0.36 to $1.38 in Iowa, a $14.44 and a $1.41 charge per order in Montana, a $14.65 and a $2.52 charge in Nebraska, and a $3.49 charge in North Dakota.[1067] AT&T argues, "Qwest bears the burden of proving that its OSS costs are in fact appropriately recovered as a one-time expense, and that the new NRC is TELRIC-compliant."[1068] Further,

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[1063] *See* WorldCom Qwest II Comments at 35; WorldCom Qwest I Reply, Reply Declaration of Chris Frentrup, para. 7 (WorldCom Qwest I Frentrup Reply Decl.).

[1064] Qwest I Thompson Reply Decl. at para. 81.

[1065] Qwest I Thompson Reply Decl. at paras. 81-83.

[1066] *Id.* at 3-4 (AT&T's "mix and match methodology is based on subjective selection and undocumented data," "combines apples and oranges," and is "less reliable than either consistent use of standardized assumptions or consistent use of actual state-specific data (when the complete set of information is available).").

[1067] AT&T Qwest I Comments at 52; AT&T Qwest II Lieberman/Pitkin Decl. at para. 26; AT&T Qwest I Lieberman Decl. at para. 10 and Ex. A-1.

[1068] AT&T Qwest I Reply, Reply Declaration of Michael Lieberman, para. 13 (AT&T Qwest I Lieberman Reply Decl.).

AT&T asserts that Qwest must explain why these OSS NRCs are appropriate in some of its states, but not in others.[1069]

292. In response, Qwest explained that it is not actually imposing any of these NRCs at the present time, and that it only will impose such charges with affirmative approval from the state commissions.[1070] The Montana, Nebraska, and North Dakota commissions have not addressed this issue yet, and these commissions have pending cost proceedings in which AT&T and other competitive LECs may challenge Qwest's OSS charges.[1071] We believe that fact-specific determinations, such as the costs associated with providing access to OSS, are more appropriately made by the state commission in the first instance. Because the proposed NRCs are not yet being imposed by Qwest and will not be imposed until they are approved by the state commissions, we believe it is unnecessary for the Commission to address this issue here. We are confident that these state commissions will apply TELRIC principles in their review of these proposed charges.

293. The factual situation is slightly different with respect to Iowa because the Iowa Board approved Qwest's imposition of an OSS charge in its April 23, 1998 cost order.[1072] Although Qwest is not actually imposing an OSS charge at the present time, it has indicated that it plans to impose a charge of $0.36 in the near future. In addition, Qwest had proposed an additional OSS charge of $1.02, but it has stated that it will not impose any additional charge without further approval from the Iowa Board.[1073] We expect the Iowa Board to apply TELRIC principles in its review of any additional OSS charge. As to the $0.36 NRC previously approved by the Iowa Board, we trust that the Iowa Board, in its consideration of any additional OSS charges, will modify this charge if it concludes that it is not justified under TELRIC principles. Moreover, we find the amount of the charge to be *de minimis* and not to impose any type of barrier to entry. Accordingly, we do not find the previously approved, but not yet imposed, charge of $0.36 per order to constitute a checklist violation.

[1069] *Id*.

[1070] Qwest II Thompson Reply Decl. at para. 4; Letter from David L. Sieradzki, Counsel for Qwest Communications International Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148, Attach. at 2 (filed Aug. 5, 2002) (Qwest Aug. 5 Pricing *Ex Parte* Letter) (08/05/92a); Letter from David L. Sieradzki, Counsel for Qwest Communications International Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-189, Attach. at 10 (filed Aug. 15, 2002) (Qwest Aug. 15 Pricing *Ex Parte* Letter) (08/15/02c); Letter from David L. Sieradzki, Counsel for Qwest Communications International Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-189 (filed Aug. 21, 2002) (Qwest Aug. 21 Pricing *Ex Parte* Letter) (08/21/02b). Qwest also clarified that it similarly will not apply NRCs for OSS in Utah or Wyoming until those state commissions approve such charges. Qwest II Thompson Reply Decl. at para. 4.

[1071] *See* Qwest July 29 *Ex Parte* Letter (07/29/02e); *Nebraska Commission June 5 Cost Order* at 2-4; *North Dakota Commission Consultative Report* at 264; North Dakota Commission Qwest I Comments at 2.

[1072] *See* Qwest I Thompson Reply Decl. at para. 90 n.118. *See also Iowa Board 1998 Pricing Order* at 39.

[1073] *See* Qwest Aug. 8 Pricing *Ex Parte* Letter, Iowa Attach., SGAT Ex. A, § 12.1, 12.2 (08/08/02d).

294. *Grooming Charges*. At the time Qwest filed its first section 271 application, Qwest's SGAT for Nebraska included a grooming charge of $1.17 per month.[1074] AT&T states that Qwest added a new recurring rate for grooming in North Dakota of $1.35. AT&T states that Qwest's benchmarking analysis is flawed because Qwest failed to account for these grooming charges. If these charges are included in the benchmark analysis, AT&T argues that both states would have higher loop rates than Colorado.[1075]

295. Qwest argues that grooming charges are akin to daily usage file (DUF) charges that the Commission has not included in the benchmark comparisons in prior section 271 proceedings.[1076] In order to minimize controversy over this issue and ensure comparability, Qwest subsequently reduced its grooming charges in Nebraska and North Dakota.[1077] These new grooming charges were derived by multiplying the grooming charge in Colorado ($2.06) by the proportion of loops served by IDLC (9 percent).[1078] Because Qwest's reduced grooming charges are plainly comparable to those in Colorado, we find no TELRIC violation as a result of these charges, whether they are considered as part of the benchmark analysis or separately.

296. Integra argues that Qwest, in performing its benchmark analysis, improperly compared the Washington UNE-P loop rate, rather than the stand-alone UNE loop rate, to the Colorado stand-alone UNE loop rate.[1079] Integra claims that the Washington UNE-P loop rate is lower than the Washington stand-alone loop rate, and therefore the difference between the Washington rate and the Colorado rate is smaller and the benchmarked Washington loop rate is too high.[1080] We note that the stand-alone UNE loop rate in Colorado does not include a grooming charge, but that the stand-alone UNE loop rate in Washington includes a $0.55 grooming charge.[1081] This charge is not included in the Washington UNE-P loop rate. Therefore,

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[1074] Grooming charges recover "the incremental costs that would be incurred by the [incumbent] LEC, with integrated digital loop carrier [IDLC], to separate a DS-1 signal into individual DS-0 analog signals if the [competitive] LEC is unwilling to take a full DS-1 digital signal from the [incumbent] LEC switch to its collocation area." *See* AT&T Qwest I Lieberman Decl. at para. 10 n.5.

[1075] Colorado has a grooming charge of $2.06, but it only applies to loops that are actually groomed.

[1076] *See* Qwest I Thompson Reply Decl. at para. 93 (citing *BellSouth Georgia/Louisiana Order,* 17 FCC Rcd at 9062, para. 86). Qwest further argues that even if it were appropriate to account for grooming costs in the benchmark analysis, doing so would not produce significantly different loop rates among the states. *See* Qwest I Thompson Reply Decl. at para. 93.

[1077] Qwest reduced 2-wire and 4-wire grooming charges to $0.19 and $0.38 in Nebraska and North Dakota. *See* Qwest Aug. 8 Pricing *Ex Parte* Letter, Nebraska and North Dakota Atts., Section 9.2.1 (08/08/02d).

[1078] *See* Qwest I Thompson Reply Decl. at paras. 95-97.

[1079] Integra Qwest III Comments at 12-14; Integra Qwest II Comments at 7-9.

[1080] Integra Qwest III Comments at 12; Integra Qwest II Comments at 7-8.

[1081] *See* Qwest II Thompson Washington Decl. at para. 18; Qwest II Thompson Reply Decl. at para. 42.

when performing a benchmark analysis, Qwest appropriately compared the Colorado and Washington loop rates that exclude grooming charges.

297. Using the same methodology it used to adjust the grooming charges in Nebraska and North Dakota, Qwest reduced the Washington stand-alone loop rate so that the difference between it and the UNE-P loop rate is now $0.19.[1082] Because Qwest's reduced stand-alone loop rate in Washington is comparable to the sum of the loop rate plus the grooming charge in Colorado, we find no TELRIC violation as a result of this charge, whether this charge is considered part of the benchmark analysis or separately.[1083]

298. *Cross-connect Charges*. In its comments on the Qwest I section 271 application, AT&T states that Qwest added cross-connect charges in certain, unspecified Qwest I states.[1084] AT&T argues that Qwest's benchmarking analysis is flawed because Qwest failed to account for these cross-connect charges.[1085]

299. Qwest states that it did not add new cross-connect charges in its May 24, 2002 SGAT.[1086] A review of AT&T's own exhibit on this issue reflects that Qwest's cross-connect charges were not added by Qwest in its May 24, 2002 SGATs and thus, previously were approved by the Iowa, Idaho, Nebraska and North Dakota commissions.[1087] In its reply comments, Qwest argues that the cross-connect charge is a "collocation-related rate that is associated with establishing a cross-connection for the [competitive] LEC from the intermediate distribution frame to the main distribution frame."[1088] Because the charge is collocation-related and not loop-related, Qwest asserts that it would be inappropriate to include this rate in a loop-rate comparison.[1089]

300. The cross-connect charges in these states are all within pennies of the Colorado charge, which is not challenged here. As discussed in the benchmarking analysis discussion below, including these charges in the benchmark analysis would not cause Qwest to fall out of compliance with this checklist item. Alternatively, if we considered these charges as part of

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[1082] *See* Qwest II Thompson Reply Decl. at paras. 40-43 (*citing* Qwest I Thompson Reply Decl. at para. 97); Qwest Aug. 15 Pricing *Ex Parte* Letter, Attach. at 10 (08/15/02c).

[1083] *See* Qwest Aug. 30 Pricing *Ex Parte* Letter at Attach. (Washington SGAT) (08/30/02d).

[1084] *See* AT&T Qwest I Comments at 8, 49 and 52; AT&T Qwest I Lieberman Decl. at para. 10, Ex. A-1.

[1085] *See id.*

[1086] *See* Qwest I Thompson Reply Decl. at para. 90 n.118.

[1087] *See* AT&T Qwest I Lieberman Decl. Ex. A-1.

[1088] Qwest I Thompson Reply Decl. at para. 92.

[1089] *See* Qwest I Thompson Reply Decl. at para. 92. Qwest notes that, in any event, Qwest's cross-connect charges are essentially equivalent in all states in the benchmarking analysis, and thus have almost no impact on the benchmarking analysis. *See id*.

collocation, as Qwest advocates, we also would find no TELRIC violation because there is so little difference between these charges and the charge in Colorado.

(iii) Benchmarking Criteria

301. Integra and OneEighty argue that Qwest has not demonstrated that Colorado is an appropriate state against which to benchmark rates in the states of Montana, North Dakota, Utah, and Washington.[1090] Integra and OneEighty claim that the Commission established a four-part test to determine when benchmarking is appropriate: (1) the states have the same BOC; (2) geographic similarities exist between the states; (3) rate structure similarities exist between the states; and (4) the Commission has found the rates in the comparison state to be reasonable.[1091] Integra and OneEighty allege that, other than showing that the same BOC serves these states, Qwest has not demonstrated any of the necessary criteria.[1092] Qwest responds by claiming that each criterion is satisfied and that the Commission has previously found that the only criterion that unequivocally must be satisfied is that the rates in the comparison state are reasonable.[1093]

302. We find that Colorado is a permissible state for comparison purposes.[1094] In the *Verizon Pennsylvania Order*, the Commission determined that the only mandatory benchmarking criterion is that the comparison state's rates must be found to be reasonable.[1095] The remaining criteria are not absolute requirements, but rather "should be treated as indicia of the reasonableness of the comparison."[1096] Notably, after reaching this determination, the

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[1090] Integra Qwest III Comments at 2, 5-6 (North Dakota, Utah, and Washington); OneEighty Qwest III Comments at 4-5; Integra Qwest II Comments at 5-7 (Utah and Washington); OneEighty Qwest II Comments at 4 (Montana). Because neither Integra nor OneEighty discuss rates in any of the other Qwest states in this application, our discussion only includes Montana, North Dakota, Utah, and Washington. The substance of the analysis, however, applies equally to the applicability of benchmarking in the other states.

[1091] Integra Qwest III Comments at 5-6 (citing *Verizon Pennsylvania Order*, 16 FCC Rcd at 17456-17457, para. 63); OneEighty Qwest III Comments at 4-5 (citing same); Integra Qwest II Comments at 5-7 (citing same); OneEighty Qwest II Comments at 4 (citing same).

[1092] Integra Qwest III Comments at 5-6; OneEighty Qwest III Comments at 4-5; Integra Qwest II Comments at 5; OneEighty Qwest II Comments at 4.

[1093] Qwest II Reply at 91-92 n.67 (*citing Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 64); Qwest II Thompson Reply Decl. at paras. 8-10.

[1094] As a preliminary matter, we note that while Integra and OneEighty allege that Qwest failed to demonstrate that it satisfies three of the benchmarking criteria, neither commenter introduced factual evidence of any kind, including evidence showing that Colorado is an inappropriate state to anchor the benchmarking analysis. *See Updated Section 271 Filing Requirements Public Notice*, 16 FCC Rcd 6923. Nevertheless, to ensure the completeness of this order, we address the substance of the commenters' claim.

[1095] *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 64. *See also* Qwest II Reply at 91-92 n.67; Qwest II Thompson Reply Decl. at para. 9 (citing same).

[1096] *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 64. *See also* Qwest II Reply at 91-92 n.67; Qwest II Thompson Reply Decl. at para. 9 (citing same).

Commission approved the use of a state as the benchmark state when only three of the four criteria were met.[1097]

303. Contrary to the assertions of Integra and OneEighty, the Commission has determined that the rates in Colorado are reasonable.[1098] Accordingly, Qwest's reliance on Colorado as the anchor state satisfies our sole mandatory benchmarking criterion. Qwest, moreover, satisfies at least two of the other three criteria. Qwest is the BOC in Colorado, Montana, North Dakota, Utah, and Washington, and, contrary to the commenters' claims, Qwest has similar wholesale rate structures in Colorado and in Montana, North Dakota, Utah, and Washington.[1099] On the final criterion, geographic similarity between the states, Qwest claims that all of the states in this application are geographically similar because they are collectively contiguous, located in the western United States, and are large states with geographically dispersed populations.[1100] We note that the Commission has repeatedly found that the Synthesis Model provides a reasonable basis for comparing cost differences between states.[1101] In this instance, therefore, we find that Colorado is a reasonable anchor state for benchmark comparisons of the other application states.[1102]

(iv) "Bottom Up" Approach

304. Integra and OneEighty argue that UNE rates must be established by the state commission from the "bottom up," based on the BOC's forward-looking costs, plus a reasonable profit.[1103] Because the rates in Montana, North Dakota, Utah, and Washington were established

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[1097] *See Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 64.

[1098] *See* Part IV.A.2.c., *supra.*

[1099] *Compare* Qwest Aug. 8 Pricing *Ex Parte* Letter (08/08/02d) *with* Qwest Aug. 30 Pricing *Ex Parte* Letter at Attach. (state SGATs) (08/30/02d).

[1100] Qwest II Reply at 91-92 n.67; Qwest II Thompson Reply Decl. at para. 8.

[1101] *See, e.g., Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Ninth Report and Order and Eighteenth Order on Reconsideration, 14 FCC Rcd at 20456, para. 42 (1999) (*Universal Service Ninth Report and Order*), *aff'd in pertinent part and rev'd in part on other grounds*, *Qwest Corp. v. FCC*, 258 F.3d 1191 (10th Cir. 2001).

[1102] *See Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 64. Furthermore, we note that the D.C. Circuit has afforded the Commission "special deference" in examining whether state rates are TELRIC-compliant in a section 271 proceeding. *AT&T Corp. v. FCC*, 220 F.3d 607, 616 (D.C. Cir. 2000); *WorldCom, Inc. v. FCC*, 308 F.3d 1 (D.C. Cir. 2002).

[1103] Integra Qwest III Comments at 4, 11 (citing *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9180, para. 287); OneEighty Qwest III Comments at 4, 11(citing same); Integra Qwest II Comments at 3-4 (citing same); OneEighty Qwest II Comments at 3-4 (citing same).

using a benchmarking analysis rather than a bottom-up analysis, Integra and OneEighty claim that Qwest's benchmarking efforts do not show that its rates conform to TELRIC.[1104]

305. In evaluating section 271 applications, the Commission examines rates to determine if they fall within the range that a reasonable TELRIC-based rate proceeding would produce.[1105] When a state commission does not apply TELRIC principles or does so improperly, we apply our benchmark analysis to determine whether the rates fall within the reasonable range that TELRIC would permit, an approach that has been upheld on appeal. "To create a distinction between properly derived cost-based rates and rates that were equal to them . . . 'would promote form over substance, which, given the imprecise nature of setting TELRIC-based pricing, is wholly unnecessary.'"[1106] Here, we have found the anchor state's rates to be TELRIC-compliant. Therefore, it is appropriate to conduct a benchmark analysis to review the remaining states' rates.

(v) Temporary Rates in Utah

306. AT&T expresses concern that the UNE rate reductions Qwest made in Utah on July 2, 2002 are only temporary, for purposes of obtaining section 271 approval, and that Qwest will subsequently raise them to their previous, non-TELRIC-compliant levels.[1107] AT&T asserts that, in the ongoing Utah UNE rate proceeding, Qwest has "proposed to set rates that are at the same levels as the rates that were in place prior to the [July 2] reductions."[1108] On June 21, 2002, Qwest submitted direct testimony, in which it asked the Utah Commission to set UNE rates on the basis of Qwest's cost model.[1109] In its application, Qwest states that it has committed to keep the lower rates in effect until the Utah Commission establishes different rates in a cost docket; Qwest and a given competitive LEC negotiate mutually-acceptable, lower rates; or a change in law triggers a rate change.[1110]

307. The existence of a pending UNE rate investigation in Utah does not lead us to conclude that Qwest's current Utah rates are impermissibly temporary. As we have noted

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[1104] Integra Qwest III Comments at 3-4, 11 (North Dakota and Washington); OneEighty Qwest II Comments at 3-4 (Montana); Integra Qwest II Comments at 3-4, 6-7 (Utah and Washington); OneEighty Qwest II Comments at 3-4 (Montana). Neither Integra nor OneEighty makes any comments regarding the other application states.

[1105] *See, e.g.*, *Verizon Rhode Island Order*, 17 FCC Rcd at 3315, para. 27.

[1106] *Sprint v. FCC*, 274 F.3d 549, 561 (D.C. Cir. 2001) (*quoting SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6276, para. 82). *See also Verizon Rhode Island Order*, 17 FCC Rcd at 3319-3320, paras. 37-38; *Verizon Pennsylvania Order* at 17456-17457, para. 63. *See also WorldCom Inc. v. FCC*, 308 F.3d 1 (D.C. Cir. 2002) (the Commission may accept states' rates based on a benchmark analysis without independently examining those rates).

[1107] AT&T Qwest II Comments at 50.

[1108] *Id.*

[1109] Qwest Aug. 21 Pricing *Ex Parte* Letter at Attach. (08/21/02b).

[1110] Qwest II Thompson Utah Decl. at para. 38.

previously, we perform our section 271 analysis on the rates before us.[1111] If we find these rates to be TELRIC-compliant, then Qwest has met its obligation to price UNEs in compliance with checklist item two. If, in the future, Qwest were to raise those rates above the range that a reasonable application of TELRIC principles would produce, Qwest would, arguably, contravene the requirements of section 271. We cannot now assume that the proposed rates Qwest has filed with the Utah Commission are not cost-justified or that, if they are not justified, that the Utah Commission would approve them. Section 271 provides a mechanism, section 271(d)(6)(B), to challenge any UNE rates as not being TELRIC-based.[1112] Under section 271(d)(6)(A), the Commission has the authority to review future Qwest rate increases and, upon determining that such increases are not TELRIC-based in compliance with checklist item two, the Commission may suspend or revoke Qwest's section 271 authority or impose other penalties.[1113]

(vi) Benchmarking Switching on a Stand-Alone Basis

308. AT&T argues that the Synthesis Model overstates transport and tandem switching costs, and thus aggregate non-loop costs, in less densely populated states relative to more densely populated areas, and therefore the Commission should exclude transport and tandem switching from its benchmark analysis of non-loop elements.[1114] AT&T claims that such an approach, and the use of state-specific MOU data, demonstrates that Montana, Nebraska, North Dakota, Washington, and Wyoming non-loop rates exceed Colorado non-loop rates on a cost-adjusted basis.[1115] Also using its own analysis (with state-specific MOUs), AT&T further concludes that Qwest's Montana and Wyoming switching rates do not pass a benchmark comparison with Colorado's switching rates.[1116] AT&T also argues that TELRIC rates are calculated on the basis of individual elements and that Qwest must show that the rates for *each* of its UNEs complies with TELRIC principles.[1117] According to AT&T, because Qwest's

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[1111] *See BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9066-67, para. 97 (citing *Verizon Rhode Island Order*, 17 FCC Rcd at 3317, para. 31).

[1112] 47 U.S.C. § 271(d)(6)(B).

[1113] 47 U.S.C. § 271(d)(6)(A).

[1114] *See* AT&T Qwest III Comments at 76-77; AT&T Qwest III Lieberman/Pitkin Decl. at paras. 14-20.

[1115] AT&T Qwest III Comments at 77; AT&T Qwest III Lieberman/Pitkin Decl. at para. 20. AT&T claims that a "properly applied" non-loop benchmarking analysis using state-specific MOUs demonstrates that Qwest's North Dakota and Washington cost-adjusted non-loop rates exceed those of Colorado. AT&T Qwest III Lieberman/Pitkin Decl. at para. 13.

[1116] AT&T Qwest II Comments at 59; AT&T Qwest II Lieberman/Pitkin Decl. at paras. 22-25; AT&T Qwest II Reply at 56.

[1117] AT&T Qwest II Comments at 59-60; AT&T Qwest II Reply at 56 n.190. In support of its argument that the Commission must look at the rates for each individual element, AT&T cites section 252(d)(1), which states that a BOC's rates for a network element comply with checklist item two only if they are "based on the cost . . . of providing . . . *the* network element." AT&T Qwest II Comments at 59 (citing 47 U.S.C. § 252(d)(1)) (emphasis in AT&T Qwest II Comments).

switching rates cannot be justified based on a valid benchmark comparison, Qwest must prove that its Montana and Wyoming switching rates are TELRIC-compliant using a stand-alone analysis, which Qwest has failed to do.[1118]

309. We note that, in response to AT&T's argument, Qwest has voluntarily lowered its switching usage rates in seven states (Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, and Wyoming), and reduced its transport rate in Washington.[1119] After these reductions, in each state Qwest's switching rates and transport rates separately, as well as its aggregated non-loop rates, benchmark to the corresponding Colorado rates, using standard MOU assumptions.[1120] Therefore, AT&T's argument regarding benchmarking the switching elements separately from transport is moot.

(c) Analysis

310. Having determined that the Colorado rates are appropriate rates for the benchmark comparison, we compare Qwest's Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming rates to the Colorado rates under our benchmark analysis, using our standard assumptions for weighting rates.[1121] As shown in the tables below, we compare the difference between the benchmark state's rates and Colorado's rates to the difference between the benchmark state's and Colorado's costs according to the Synthesis Model. We compare rates and costs for loops and for aggregated non-loop elements. We have also compared rates and costs for the switching elements[1122] and for transport separately.[1123] Because the percentage differences between Qwest's Colorado rates and the benchmark state rates do not exceed the percentage differences between Qwest's Colorado costs and the benchmark state's costs according to the Synthesis Model, we find that Qwest's rates in Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming satisfy our benchmark analysis.

[1118] AT&T Qwest II Comments at 58-60; AT&T Qwest II Reply at 57-58.

[1119] Qwest Oct. 7 Pricing *Ex Parte* Letter at Attach. 1; Letter from David L. Sieradzki, Counsel for Qwest Communications International Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314, Attach. 4 (filed Oct. 11, 2002) (Qwest Oct. 11 Pricing *Ex Parte* Letter).

[1120] Part IV.A.2.d.(ii)(c), *infra*.

[1121] S*ee Verizon Pennsylvania Order*, 16 FCC Rcd at 17458, para. 65 (describing our standard assumptions).

[1122] Qwest's switching element rates, excluding transport rates, include rates for the port, unbundled switching usage, and signaling.

[1123] AT&T's analysis is premised on the use of state-specific MOU data, where available, and standard assumptions where the data is not available. As discussed above in Part IV.A.2.d.(ii)(b)(i), we have declined to require Qwest to use AT&T's MOU assumptions, and find that use of standard MOU assumptions is appropriate. Using standard assumptions, Qwest's switching element rates and transport rates benchmark to the corresponding Colorado rates.

Loop Analysis[1124]		
State vs. Colorado	Rates Percentage Difference	Synthesis Model Costs Percentage Difference
Idaho vs. Colorado	28%	28%
Iowa vs. Colorado	1%	1%
Montana vs. Colorado	50%	50%
Nebraska vs. Colorado	10%	10%
North Dakota vs. Colorado	3%	3%
Utah vs. Colorado	(18%)	(18%)
Washington vs. Colorado	(12%)	(12%)
Wyoming vs. Colorado	48%	71%

Non-Loop Analysis		
State vs. Colorado	Rates Percentage Difference	Synthesis Model Costs Percentage Difference
Idaho vs. Colorado	(8%)	1%
Iowa vs. Colorado	(2%)	2%
Montana vs. Colorado	5%	50%
Nebraska vs. Colorado	7%	28%
North Dakota vs. Colorado	(4%)	10%
Utah vs. Colorado	(9%)	(8%)
Washington vs. Colorado	(20%)	(14%)
Wyoming vs. Colorado	(4%)	26%

Switching Elements Analysis		
State vs. Colorado	Rates Percentage Difference	Synthesis Model Costs Percentage Difference
Idaho vs. Colorado	(9%)	(7%)
Iowa vs. Colorado	(3%)	(1%)
Montana vs. Colorado	7%	7%
Nebraska vs. Colorado	9%	9%
North Dakota vs. Colorado	(4%)	(3%)
Utah vs. Colorado	(9%)	(8%)
Washington vs. Colorado	(17%)	(12%)

[1124] If cross-connect charges were included, the results would be as follows: Qwest's loop rates in Idaho, Iowa, Nebraska and North Dakota are higher than Qwest's loop rates in Colorado by 26.5 percent, 0.5 percent, 10.2 percent, and 2.7 percent, respectively. Comparing the costs, we find that the Idaho, Iowa, Nebraska and North Dakota loop costs are higher than the Colorado loop costs by 28.8 percent, 3.9 percent, 10.5 percent, and 12.2 percent, respectively. Because the percentage differences between Qwest's Colorado loop rates and Qwest's loop rates in each of the other states do not exceed the percentage differences between Qwest's loop costs in Colorado and Qwest's costs in each of the other states, we conclude that Qwest's Idaho, Iowa, Nebraska and North Dakota recurring loop rates satisfy our benchmark analysis.

Wyoming vs. Colorado	(4%)	(4%)

Transport Analysis		
State vs. Colorado	Rates Percentage Difference	Synthesis Model Costs Percentage Difference
Idaho vs. Colorado	0%	69%
Iowa vs. Colorado	0%	29%
Montana vs. Colorado	0%	393%
Nebraska vs. Colorado	0%	182%
North Dakota vs. Colorado	0%	111%
Utah vs. Colorado	(11%)	(7%)
Washington vs. Colorado	(32%)	(31%)
Wyoming vs. Colorado	0%	264%

311. These conclusions eliminate any remaining concerns as to whether Qwest's Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming UNE rates fall within a range of rates that a reasonable application of TELRIC would produce. For the foregoing reasons, we find that Qwest has demonstrated that its Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming UNE rates satisfy the requirements of checklist item two.

V. OTHER CHECKLIST ITEMS

A. Checklist Item 1 – Interconnection

312. Section 271(c)(2)(B)(i) requires a BOC to provide equal-in-quality interconnection on terms and conditions that are just, reasonable, and nondiscriminatory in accordance with the requirements of sections 251 and 252.[1125] Based on our review of the record, we conclude, as did each state commission,[1126] that Qwest complies with the requirements of this checklist item.[1127] In reaching this conclusion, we have examined Qwest's performance in

[1125] 47 U.S.C. § 271(c)(2)(B)(i); *see also* Appendix K at paras. 17-24.

[1126] Qwest I Colorado Commission Comments at 13-15; Qwest I Idaho Commission Comments at 14; Qwest I Iowa Commission Comments at 24; Qwest II Montana Commission Comments at 13-17; Qwest I Nebraska Commission Comments at 8; Qwest I North Dakota Commission Comments at 46, 64; Qwest II Utah Commission Comments at 1; Qwest II Washington Commission Comments at 11-12; Qwest II Wyoming Commission Comments at 2.

[1127] Qwest II Application App. A., Tab 6, Declaration of Thomas R. Freeberg (Qwest II Freeberg-Interconnection Decl.) at paras. 13-112; Qwest I Application App. A., Tab 7, Declaration of Thomas R. Freeberg (Qwest I Freeberg-Interconnection Decl.) at paras. 13-142.

providing collocation and interconnection trunks to competing carriers, as we have done in prior section 271 proceedings.[1128]

313. *Interconnection Quality and Timeliness*. We find, based on the record, that Qwest's performance for trunk blockage satisfies its statutory obligations regarding interconnection quality and timeliness.[1129] Although AT&T claims that Qwest's trunk blockage performance could be indirectly affected "if CLECs did not contain their growth" as a result of Qwest's trunk forecasting policies, AT&T does not contend that Qwest's performance is currently affected in this manner.[1130] Accordingly, we dismiss AT&T's comments in this regard as speculative.

314. *Collocation*. We conclude that Qwest meets its collocation obligations.[1131] Eschelon, however, asserts that Qwest's collocation performance is inadequate due to its refusal to provide "off-site adjacent collocation."[1132] Without elaborating, Eschelon cites to correspondence between Qwest and Eschelon regarding an impasse on collocation issues,[1133] in which Eschelon "proposes that Qwest permit Eschelon to collocate on property next to Qwest's premises."[1134] Eschelon's unsupported assertion here is insufficient to establish a violation of this checklist item as Qwest's SGATs specifically require Qwest to permit competitive LECs to place equipment in adjacent facilities when space is unavailable in the Qwest premise and provide "physical Collocation services and facilities."[1135] In addition, to the extent that Eschelon is asking Qwest to provide collocation space in or on a third party's property, the Commission's

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[1128] *See*, *e.g.*, *BellSouth Georgia/Louisiana Order*, FCC 02-147, 17 FCC Rcd at 9133-9137, paras. 201-206; *Verizon Massachusetts Order*, 16 FCC Rcd at 9092-95, 9098, paras. 183-87, 195.

[1129] *See* 47 U.S.C. § 271(c)(2)(B)(i).

[1130] *See* AT&T August 21, 2002 *Ex Parte* Letter at 2. We further discuss Qwest's trunk forecasting policies below. AT&T also notes that the NI-1 PID is deficient as a performance measure in that it "is an aggregate blocking number, which can hide serious blocking problems on individual trunks." AT&T August 21, 2002 *Ex Parte* Letter at 2. We reject AT&T's concern here and note that the development of the commercial performance measurements was subject to participation by all interested parties.

[1131] We also conclude that Qwest provides legally binding terms and conditions for collocation in its interconnection agreements and SGATs. *See* Colorado SGAT § 8.0; Idaho SGAT § 8.0; Iowa SGAT § 8.0; Montana SGAT § 8.0; Nebraska SGAT § 8.0; North Dakota SGAT § 8.0; Utah SGAT § 8.0; Washington SGAT § 8.0; and Wyoming SGAT § 8.0. S*ee also* Qwest II Application App. A., Tab 7, Declaration of Margaret S. Bumgarner (Qwest II Bumgarner Collocation Decl.) at para. 15; Qwest I Application App. A., Tab 8, Declaration of Margaret S. Bumgarner (Qwest I Bumgarner-Collocation Decl.) at para. 15.

[1132] Eschelon Qwest II Comments at 41-42; Eschelon Qwest I Comments at 27.

[1133] Eschelon Qwest II Comments at 42, Ex. 13; Eschelon Qwest I Comments at 27, Ex. 6 at 1.

[1134] Eschelon Qwest II Comments at 42, Ex. 13; Eschelon Comments at 27, Ex. 6 at 1.

[1135] Colorado SGAT § 8.1.1.6; Idaho SGAT § 8.1.1.6; Iowa SGAT § 8.1.1.6; Montana SGAT § 8.1.1.6; Nebraska SGAT § 8.1.1.6; North Dakota SGAT § 8.1.1.6; Utah SGAT § 8.1.1.6; Washington SGAT § 8.1.1.6; and Wyoming SGAT § 8.1.1.6.

rules state that "[a]n incumbent LEC must make available . . . collocation in adjacent controlled environmental vaults, controlled environmental huts, or similar structures *located at the incumbent LEC premises*."[1136] Consequently, we find Eschelon's argument here unavailing.

315. *Interconnection Terms*.[1137] AT&T claims that Qwest imposes a 50-mile limitation on interconnection trunking that unlawfully limits a competitive LEC's ability to choose its own point of interconnection.[1138] We disagree, and find that Qwest provides competing LECs with interconnection arrangements that satisfy the Commission's rules. AT&T objects to language contained in Qwest's SGATs in the application states regarding Qwest's provisioning of direct trunked transport (DTT) (*i.e.,* transport between two Qwest switches).[1139] Specifically, if facilities are not available, and the distance between the switches is greater than 50 miles, then (depending on the specific language in each state) the competing LEC may have to pay a portion of the construction costs.[1140] AT&T states that this policy compromises a competitive LEC's ability to choose its own point of interconnection because "it must either pay for the expansion of Qwest's network, or it must build to a meet-point and establish a point of interconnection that it does not necessarily want or need."[1141] AT&T also argues that it is Qwest's responsibility to carry traffic to and from a competing LEC's point of interconnection, and to build whatever additional trunking is necessary to meet those obligations.[1142]

[1136] 47 C.F.R. § 51.323(k)(3)(emphasis added).

[1137] AT&T argues that Qwest's "entrance facility" charges are "anticompetitive and inconsistent with the statute's requirement that the rates for interconnection be nondiscriminatory, just, and reasonable." AT&T Qwest II Wilson Decl. at para. 7; AT&T Qwest I Wilson Decl. at para. 7. In particular, AT&T claims that Qwest's flat-rated and non-distance sensitive entrance facility is really a loop charge and is unlawful because it fails to reflect the way these costs are incurred. *Id*. at paras. 9-10. AT&T's concerns are addressed in our discussion of unbundled local transport under checklist item 5 below, where we conclude that Qwest's policies do not represent a violation of our existing rules.

[1138] *See* AT&T Qwest II Wilson Decl. at para. 38; AT&T Qwest I Wilson Decl. at para. 36.

[1139] *See* AT&T Qwest II Wilson Decl. at para. 35; AT&T Qwest I Wilson Decl. at para. 33; Colorado SGAT § 7.2.2.1.5; Idaho SGAT § 7.2.2.1.5; Iowa SGAT § 7.2.2.1.5; Nebraska SGAT § 7.2.2.1.5; North Dakota SGAT § 7.2.2.1.5; Utah SGAT § 7.2.2.1.5; Washington SGAT § 7.2.2.1.5; and Wyoming SGAT § 7.2.2.1.5. The Montana SGAT contains no 50-mile limitation on direct trunked transport.

[1140] In Colorado, Iowa, and Washington, Qwest will construct the facilities and charge the competing LEC half the cost, or will require the competing LEC to build to a meet-point. *See* Qwest I Reply Declaration of Thomas R. Freeberg (Qwest I Freeberg-Interconnection Reply Decl.) at para. 24; Colorado SGAT § 7.2.2.1.5; Iowa SGAT § 7.2.2.1.5; and Washington SGAT § 7.2.2.1.5. In Idaho, Nebraska, North Dakota, Utah, and Wyoming, when the parties cannot agree on a cost-sharing arrangement, the issue may be submitted to the particular state commission for resolution. *See* Qwest I Freeberg-Interconnection Reply Decl. at para. 23; Idaho SGAT § 7.2.2.1.5; Nebraska SGAT § 7.2.2.1.5; North Dakota SGAT § 7.2.2.1.5; Utah SGAT § 7.2.2.1.5; and Wyoming SGAT § 7.2.2.1.5.

[1141] AT&T Qwest II Wilson Decl. at para. 38; AT&T Qwest I Wilson Decl. at para. 36.

[1142] AT&T Qwest II Wilson Decl. at para. 37; AT&T Qwest I Wilson Decl. at para. 35.

316. Except in Montana, each of the state commissions have approved Qwest's SGAT language.[1143] We note that these states approved cost-sharing only where existing facilities are unavailable and where the trunk length is greater than 50 miles. We also note that the issue presented by AT&T—which party should bear the costs of transport to distant POIs—is an open issue in a pending rulemaking proceeding before this Commission.[1144] In light of the states' approval and because the issue is open in our *Intercarrier Compensation NPRM*, we find that Qwest's cost-sharing approach does not violate our rules and thus does not warrant a finding of checklist noncompliance.[1145]

317. We also reject AT&T's contention that, in seven of the nine application states (excluding Colorado and Washington), terms in Qwest's SGATs are unlawful and discriminatory in that they prohibit competitive LECs from combining local and toll traffic onto a single trunk group.[1146] The Utah SGAT allows for the combining of traffic that AT&T seeks.[1147] In Montana, AT&T's interconnection agreement with Qwest contemplates the combining of traffic on interconnection trunks.[1148] In Wyoming, Qwest states that its SGAT is nondiscriminatory because Qwest has long maintained one set of trunk groups to carry exchange access traffic for interexchange carriers and a second set for its own local traffic.[1149] Although Qwest's SGATs in Idaho, Iowa, Nebraska, and North Dakota prohibit the combination of local exchange service traffic with switched access traffic on the same trunk group,[1150] existing interconnection agreements in those states between Qwest and competitive LECs that do not prohibit such combinations are available for adoption by other competitive LECs under section 252(i) of the

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[1143] Qwest II Freeberg-Interconnection Reply Decl. at paras. 23-24; Qwest I Freeberg-Interconnection Reply Decl. at paras. 23-24.

[1144] Developing a Unified Intercarrier Compensation Regime, FCC 01-132, *Notice of Proposed Rule Making*, 16 FCC Rcd 9610, 9652, para. 114 (2001).

[1145] *See Verizon Pennsylvania Order*, FCC 01-269, 16 FCC Rcd 17419, 17474-14475, para. 100 (2001) (noting that the *Intercarrier Compensation* rulemaking proceeding would resolve certain financial responsibility issues). We note, however, that Qwest will have to comply with any rule adopted in the *Intercarrier Compensation* proceeding to remain in compliance with section 271.

[1146] AT&T Qwest III Comments at 80; AT&T Qwest II Wilson Decl. at paras. 13-14; AT&T Qwest I Wilson Decl. at paras. 26-28.

[1147] Qwest II Freeberg-Interconnection Reply Decl. at para. 18; Qwest II Reply at 67; Utah SGAT § 7.2.2.9.3.2.

[1148] Qwest II Reply at 67; Qwest II Freeberg-Interconnection Reply Decl. at 19; Qwest II Application App. L, Qwest/AT&T Montana Interconnection Agreement, Attach. 5 at § 8.2.1 ("If Local Traffic and Toll Traffic are combined into one (1) group, AT&T shall provide a measure of the amount of Local and Toll traffic relevant for billing purposes to US WEST.").

[1149] Qwest II Reply at 67; Qwest II Freeberg-Interconnection Reply Decl. at para 20.

[1150] Idaho SGAT § 7.2.2.9.3.2; Iowa SGAT § 7.2.2.9.3.2; Nebraska SGAT § 7.2.2.9.3.2; North Dakota SGAT § 7.2.2.9.3.2.

Commission's rules.[1151] Consequently, we find that AT&T's allegations here do not establish that Qwest has failed to meet its obligation to provide nondiscriminatory access to interconnection.

318. Similarly, we find no merit in AT&T's assertion that Qwest fails to provide reasonable and nondiscriminatory terms for interconnection because it does not permit competitive LECs to use the same facilities for both private line and interconnection trunks. AT&T states that it leases special access facilities (also called private line facilities), such as DS3 or OCn, from Qwest to transport end-user traffic directly to the competitive LEC wire center.[1152] AT&T alleges that while Qwest allows AT&T to use the private line facility for interconnection, it charges for the facility as if the facility were entirely private line.[1153]

319. We find that AT&T is actually challenging Qwest's policy involving its tariffed private line service. As we have explained in prior section 271 orders, the terms and conditions of special access services such as this are not properly the subject of a section 271 inquiry.[1154] We do not believe that checklist compliance is intended to encompass the provision of tariffed interstate access services simply because these services use some form of the same physical facilities as a checklist item.[1155] Nevertheless, to the extent that parties are experiencing problems in the provisioning of special access services ordered from Qwest's federal tariffs, we note that these issues are appropriately addressed in the Commission's section 208 complaint process.[1156]

320. *Other Issues*. AT&T also takes issue with the trunk forecasting and utilization provisions found in Qwest's SGATs.[1157] Specifically, AT&T states that it is "unreasonable and discriminatory" for Qwest to require a construction deposit before building competitive LEC-

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[1151] Qwest I Freeberg-Interconnection Reply Decl. at paras. 17-19; Qwest I Freeberg-Interconnection Decl. at paras 17-19.

[1152] AT&T Qwest III Comments at 80; AT&T Qwest II Wilson Decl. at para. 32; AT&T Qwest I Wilson Decl. at para 30.

[1153] AT&T Qwest II Wilson Decl. at para. 32; AT&T Qwest I Wilson Decl. at para 30.

[1154] *See SBC Texas Order*, 15 FCC Rcd at 18520, para. 335; *Bell Atlantic New York Order*, 15 FCC Rcd at 4126-27, para. 340.

[1155] *See SBC Texas Order*, 15 FCC Rcd at 18520, para. 335; *Bell Atlantic New York Order,* 15 FCC Rcd at 4126-27, para. 340.

[1156] *See SWBT Texas Order*, 15 FCC Rcd at 18520, para. 335; *Bell Atlantic New York Order*, 15 FCC Rcd at 4127, para. 341.

[1157] AT&T Qwest III Comments at 80; AT&T Qwest II Wilson Decl. at para. 14; AT&T Qwest I Wilson Decl. at para. 13; AT&T August 21, 2002 *Ex Parte* Letter. PageData also references an agreement involving US West/New Vector. PageData Reply at 5. Qwest states that it has explained in proceedings before the Idaho Commission that this agreement is not designed for paging interconnection. Qwest III Reply at 61, n.69.

requested local interconnection service (LIS) trunks.[1158] The deposit would be forfeited if the competitive LEC's utilization does not reach fifty percent of the forecasted amount within six months.[1159] We do not find that Qwest's trunk forecasting and utilization policies run afoul of our requirements for this particular checklist item. In addition, AT&T has provided no evidence that Qwest's policies here have resulted in decreased trunk blockage performance.[1160] We also note that the Colorado Commission has found that Qwest should be allowed to require a deposit as a form of protection against the "over forecasting" of trunks.[1161]

321. Except in Washington, AT&T also criticizes Qwest for its policy of unilaterally reclaiming trunks from competitive LECs where usage is less than fifty percent of that forecasted for any consecutive three-month period.[1162] Qwest states that while trunk reductions may occur when there is a need for such facilities, Qwest reclaims such trunks only after the competitive LEC has agreed to the reduction.[1163] We find Qwest's policy, particularly in light of its explanation that it would work closely with an affected competitive LEC prior to taking any action, to be reasonable. We further note that no competing LEC, including AT&T, has alleged that it has been specifically harmed by Qwest's policy, and that a unilateral reclamation of trunks by Qwest has not occurred in any of the application states.[1164]

322. *Interconnection Pricing*. Checklist item one requires a BOC to provide "interconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)."[1165] Section 251(c)(2) requires incumbent LECs to provide interconnection "at any technically

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[1158] AT&T Qwest II Wilson Decl. at para. 17; AT&T Qwest I Wilson Decl at para 16. The deposit is only required whenever competitive LEC forecasts exceed Qwest forecasts and when in each of the preceding eighteen months, the trunks required by a competitive LEC constitute less than fifty percent of trunks in service. *See* Qwest II Freeberg-Interconnection Reply Decl. at 4-5, paras. 8-9; Qwest I Freeberg-Interconnection Reply Decl. at 4-5, paras. 8-9. *See also* Colorado SGAT § 7.2.2.8.6.1; Iowa SGAT § 7.2.2.8.6.1; Idaho SGAT § 7.2.2.8.6.1, Nebraska SGAT § 7.2.2.8.6.1; North Dakota SGAT § 7.2.2.8.6.1; Montana SGAT § 7.2.2.8.6.1; Utah SGAT § 7.2.2.8.6.1; Washington SGAT § 7.2.2.8.6-7.2.2.8.6.1; and Wyoming SGAT § 7.2.2.8.6.1.

[1159] AT&T Qwest II Wilson Decl. at para. 16; AT&T Qwest I Wilson Decl. at para. 15.

[1160] *See* NI-1 (Trunk Blocking).

[1161] Qwest I Colorado Commission Comments at 14.

[1162] AT&T Qwest II Wilson Decl. at para. 23; AT&T Qwest I Wilson Decl. at para. 25. *See* Colorado SGAT § 7.2.2.8.13; Idaho SGAT § 7.2.2.8.13; Iowa SGAT § 7.2.2.8.13; Nebraska SGAT § 7.2.2.8.13; North Dakota SGAT § 7.2.2.8.13; Montana SGAT § 7.2.2.8.13; Utah SGAT § 7.2.2.8.13; and Wyoming SGAT § 7.2.2.8.13. In Washington, a competitive LEC may prevent Qwest from reclaiming unused facilities by providing reasons why it needs to retain the excess capacity. Washington SGAT § 7.2.2.8.13.

[1163] *See* Qwest II Freeberg-Interconnection Reply Decl. at para. 14; Qwest I Freeberg-Interconnection Reply Decl. at para 13.

[1164] *See* Qwest II Freeberg-Interconnection Reply Decl. at para 14; Qwest I Freeberg-Interconnection Reply Decl. at para. 13.

[1165] 47 U.S.C. § 271(c)(2)(B)(i).

feasible point within the carrier's network . . . on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[1166] Section 252(d)(1) requires state determinations regarding the rates, terms, and conditions of interconnection to be based on cost and to be nondiscriminatory, and allows the rates to include a reasonable profit.[1167] The Commission's pricing rules require, among other things, that in order to comply with its collocation obligations, an incumbent LEC provide collocation at prices that are based on TELRIC.[1168]

323. Level 3 contends that Qwest violates checklist item one by requiring Level 3 to pay Qwest for the interconnection facilities that transport Qwest-originated traffic to Level 3 for termination.[1169] Level 3 alleges that Qwest violates the Commission's interconnection rules by excluding Internet traffic originated by Qwest end users in calculating the relative use of the shared facilities carrying that traffic to Level 3 for termination. Specifically, Level 3 argues that, although the Commission concluded that Internet traffic is not subject to reciprocal compensation, it did not alter other regulatory obligations of the originating LEC, including the obligation to carry traffic to a single point of interconnection.[1170] Furthermore, Level 3 claims that the plain language of section 51.703(b) of the Commission's rules prohibits Qwest from imposing such charges.[1171] According to Level 3, Qwest's policy of excluding Internet traffic when calculating its relative use of shared transport facilities requires Level 3 to bear the cost of transport for Qwest-originated calls.[1172]

324. In response, Qwest claims that the dispute should be decided under checklist item 13, where we have previously determined that Internet traffic is not subject to the reciprocal compensation provisions of sections 251(b)(5) and 252(d)(2) of the Act.[1173] Qwest contends that the Commission's rules that exempt Internet-related traffic for reciprocal compensation purposes also exempt such traffic in the calculation of relative use. Specifically, Qwest claims that section 51.709(b) of the Commission's rules establishes that Internet traffic should be excluded from the relative use calculations that determine Qwest's proportionate financial responsibility for its

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[1166] *Id*. § 251(c)(2).

[1167] *Id*. § 252(d)(1).

[1168] *See* 47 C.F.R. §§ 51.501-07, 51.509(g) (2001); *Local Competition First Report and Order*, 11 FCC Rcd at 15812-16, 15844-61, 15874-76, 15912, paras. 618-29, 674-712, 743-51, 826.

[1169] Level 3 Qwest III Comments at 1.

[1170] Level 3 Qwest III Comments at 7 (citing *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Intercarrier Compensation for ISP-Bound Traffic*, CC Docket Nos. 96-98 and 99-68, Order on Remand and Report and Order, 16 FCC Rcd 9151, 9187, para. 78 n.149 (2001) (*ISP Remand Order*)).

[1171] Level 3 Qwest III Reply at 2.

[1172] Level 3 Qwest III Comments at 5.

[1173] Qwest III Thompson/Freeberg Reply Decl. at para. 29; *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9173, para. 272.

interconnection trunks.[1174] Qwest states that, under this rule, carriers allocate the costs for the interconnection trunks connecting their networks based on the amount of traffic each carrier originates over the trunks.[1175] Furthermore, Qwest claims this traffic excludes interstate or intrastate exchange access by virtue of section 51.701(b)(1).[1176] Because Internet traffic is interstate access, Qwest claims it is excluded from the determination of relative use of interconnection trunks.[1177]

325. We recognize that the relative use issue has been arbitrated by Level 3 and Qwest before various state commissions with different outcomes, and is the subject of two court proceedings.[1178] As we noted in the *SWBT Texas Order*, the 1996 Act authorizes the state commissions to resolve specific carrier-to-carrier disputes, and it authorizes federal courts to ensure that the results of the state arbitration process are consistent with federal law.[1179] We find that this issue is part of a carrier-to-carrier dispute that is appropriately addressed through state commission and federal court proceedings. Moreover, the Commission has not clearly addressed the issue raised here – the treatment of Internet-related traffic in the intercarrier allocation of shared facilities costs.[1180] Level 3 relies on footnote 149 of the *ISP Remand Order*, which provides, "This interim regime affects only the intercarrier *compensation* (*i.e.*, the rates) applicable to the delivery of ISP-bound traffic. It does not alter carriers' other obligations under our Part 51 rules, 47 C.F.R. Part 51, or existing interconnection agreements, such as obligations to transport traffic to points of interconnection."[1181] This language suggests that the Commission was concerned only with the intercarrier compensation *rate* for ISP-bound traffic and did not intend to alter any other obligations. On the other hand, Qwest relies on section 51.701(b)(1), which the Commission revised so as to exclude "information access" (ISP-bound traffic) from the scope of subpart H of part 51 of the Commission's rules.[1182] Subpart H includes section

[1174] Qwest III Thompson/Freeberg Reply Decl. at para. 30.

[1175] *Id.*

[1176] *Id.*

[1177] *Id.*

[1178] Level 3 Qwest II Comments at 2. The Arizona Commission decided in favor of Level 3, while the Colorado and Oregon commissions decided for Qwest. Level 3 has appealed the Oregon and Colorado state commission decisions on relative use to the relevant federal district courts. *See id*. n.2. Level 3 is also engaged in arbitration proceedings with Qwest in Minnesota, Washington, New Mexico, and Nebraska on this issue. The Administrative Law Judge presiding over the Minnesota arbitration proceeding has decided that relative use is not covered under reciprocal compensation rules. Letter from Staci L. Pies, Director, Federal Regulatory Affairs, Level 3 Communications, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314, Attach. (filed Nov. 5, 2002) (Level 3 Nov. 5 *Ex Parte* Letter).

[1179] *SWBT Texas Order*, 15 FCC Rcd at 18541, para. 383.

[1180] *See ISP Remand Order*, 16 FCC Rcd at 9169-72, 9187, paras. 35, 36, 39, 42-43.

[1181] *ISP Remand Order*, 16 FCC Rcd at 9187, para. 78 n.149 (emphasis in original).

[1182] 47 C.F.R. § 51.701(b)(1) (2001).

51.703(b), upon which Level 3 relies.[1183] It is not clear, therefore, whether the rule section relied upon by Level 3 (section 51.703(b)) represents "compensation" obligations that were modified by the *ISP Remand Order*, or whether they are "other obligations under out Part 51 rules" that were unaffected by the *ISP Remand Order*. As we previously stated, "new interpretive disputes concerning the precise content of an incumbent LEC's obligations to its competitors, disputes that our rules have not yet addressed and that do not involve *per se* violations of the Act or our rules, are not appropriately dealt with in the context of a section 271 proceeding."[1184] We note that Level 3 may raise these issues in another Commission proceeding, such as the *Intercarrier Compensation NPRM*, which would provide a more appropriate forum for Level 3's concerns.[1185] Therefore, we decline to find Qwest out of compliance with checklist item one on this basis.

326. In two states, Idaho and Nebraska, AT&T asserts that the collocation rates set by the state commissions do not comply with TELRIC requirements. In Idaho, AT&T states that the Arbitrator expressly disclaimed setting TELRIC-compliant collocation charges and set interim rates based on Qwest's tariff rates for collocation because neither Qwest nor AT&T "proposed collocation prices that [were] supported by sound cost analysis."[1186]

327. In Nebraska, AT&T asserts that the Nebraska Commission erroneously adopted Qwest's proposed rates despite expressing concerns about Qwest's cost study, and absent a finding of TELRIC compliance.[1187] According to AT&T, the Nebraska Commission noted, among other deficiencies, that certain costs such as engineering may be incurred once but charged to more than one job, thereby allowing for multiple recovery.[1188] Nonetheless, the Nebraska Commission adopted Qwest's proposed rates as a "starting point for determining the appropriate TELRIC compliant rates."[1189] Qwest notes that AT&T did not challenge the collocation rates proposed by Qwest during the state proceeding, nor did it seek reconsideration of the Nebraska Commission's decision.[1190] Although we prefer that parties raise their concerns to the state in the first instance, in this case AT&T is alerting the Commission to findings made

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[1183] 47 C.F.R. § 51.703(b) (2001).

[1184] *Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Alabama, Kentucky, Mississippi, North Carolina, and South Carolina*, WC Docket No. 02-150, Memorandum Opinion and Order, 17 FCC Rcd 17595, 17721-22, para. 227 (2002) (*BellSouth Multistate Order*) (quoting *Verizon Pennsylvania Order*, 16 FCC Rcd at 17470, para. 92).

[1185] *Intercarrier Compensation NPRM*, 16 FCC Rcd 9610; Qwest III Thompson/Freeberg Reply Decl. at para. 31 n. 63.

[1186] AT&T Qwest I Baker/Starr/Denney Decl. at para. 33; *Idaho First Arbitration Order* at 34.

[1187] AT&T Qwest I Baker/Starr/Denney Decl. at para. 54.

[1188] *Nebraska April 23 Cost Order* at 53.

[1189] *Nebraska April 23 Cost Order* at 53.

[1190] Qwest I Thompson Reply Decl. at 63 n.132.

by the state commission and therefore it is appropriate for us to consider these claims.

328. We have concerns about the manner in which collocation rates were established in both of these states. A review of the Idaho record reveals that, while the Arbitrator initially adopted Qwest's tariff rates for collocation subject to a true-up provision, subsequently the Arbitrator reduced these rates to the levels proposed by Qwest in the arbitration proceeding.[1191] In any event, it appears that neither the Arbitrator nor the Idaho Commission made a determination that Qwest's collocation rates are TELRIC-compliant. In Nebraska, we believe the concerns identified by the Nebraska Commission about Qwest's cost study raise doubts as to whether the process used to establish rates was TELRIC-compliant.

329. Where the process used by a state commission may not be consistent with TELRIC, the Commission nevertheless may approve rates that are in the range of rates that a proper application of TELRIC would produce. In this case, we perform a facial comparison of the collocation rates in Nebraska and Idaho to the rates in Colorado, which were thoroughly litigated before the Colorado Commission and are not challenged here. As noted by Qwest, there is no reason to believe that there are significant differences in collocation costs among Qwest's states. Specifically, the types of facilities to be constructed do not vary by state, and Qwest has centralized procurement and standard vendor contracts across its region.[1192] No commenter has demonstrated that cost differences between Colorado, on the one hand, and Nebraska and Idaho, on the other hand, undermine the usefulness of such a comparison.

330. Qwest has provided evidence comparing the rates it charges for collocation in Nebraska and Idaho to the rates in Colorado. For Nebraska, Qwest demonstrates that the total NRCs are substantially less than the total NRCs in Colorado, and the recurring rates are less than the corresponding rates in Colorado, with the exception of charges for power consumption.[1193] Because the Nebraska Commission has expressed its willingness to reconsider Qwest's collocation rates, and because the substantially lower NRCs more than compensate for the slightly higher recurring charges, we do not believe that the power charges in Nebraska require us to find that Qwest is not in compliance with this checklist item.[1194] We encourage the Nebraska Commission to focus on this issue in any future proceeding regarding collocation rates.

331. The comparison is similar with respect to Idaho, in that the total NRCs are less than the total NRCs in Colorado, but the recurring charges for power consumption are much

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[1191] *Idaho Fifth Arbitration Order* at 6-7.

[1192] *See* Qwest Aug. 5 Pricing *Ex Parte* Letter at 4 (08/05/02a).

[1193] Qwest I Thompson Reply Decl. at Ex. JLT-9.

[1194] The NRCs for cageless collocation are $37,085 in Nebraska, as compared to $44,216 in Colorado. The NRCs for caged collocation are $56,993 in Nebraska, as compared to $66,019 in Colorado. *See* Qwest I Thompson Reply Decl. at Ex. JLT-9. In contrast to these significant differences, the total recurring charges in Nebraska are only $115 per month higher than Colorado for cageless collocation, and only $31 per month higher for caged collocation. *Id*.

higher than those for Colorado.[1195] Qwest explains that the rates in its SGAT were ordered by the Idaho Commission in its arbitration with AT&T in 1997, and that it has proposed significantly lower rates in the pending Idaho cost docket.[1196] On August 5, 2002, Qwest filed a revised SGAT with the Idaho Commission that offers the lower rates proposed in the cost docket on a going-forward basis.[1197] Based on this reduction, we conclude that the collocation rates in Idaho are comparable to Colorado and therefore consistent with our TELRIC requirements.

332. OneEighty challenges Qwest's NRCs for engineering in collocation facilities in Montana. OneEighty states that Qwest violated checklist item one by imposing unjust, unreasonable, and discriminatory charges for allowing OneEighty to put cable between two bays.[1198] Specifically, OneEighty challenges Qwest's imposition of a $1,043 CLEC to CLEC Quote Preparation Fee (QPF) and a $3,735 Design Engineering & Installation – No Cables flat charge.[1199] OneEighty claims that Qwest's actual work that formed the basis for imposing these charges on OneEighty consisted of approximately fifteen minutes of measuring in the collocation space and noting the results in a spreadsheet.[1200] OneEighty notes that charges for "engineering labor, per half hour" elsewhere in Qwest's Montana SGAT reflect engineering rates of about $35.00.[1201] OneEighty also claims that Qwest's imposition of two $3,500 charges for changing the name of its predecessor to its name on the same two collocation facilities is unreasonable and discriminatory.[1202]

333. In response, Qwest states that the charges were agreed upon, included in the stipulation signed by Avista, a company acquired by OneEighty, and approved by the Montana Commission.[1203] Qwest contends that provisioning of this service includes many other activities than those identified by OneEighty, and that the rates are TELRIC-compliant.[1204] Nevertheless, Qwest has recently implemented an augment QPF in Montana that offers collocation augments to a competitive LEC's facilities at lower rates than those charged to OneEighty for this service.[1205] In regard to the name change charge, Qwest responds that this "change of

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[1195] Qwest I Thompson Reply Decl. at Ex. JLT-9.

[1196] *Id.*

[1197] *See* Qwest Aug. 8 Pricing *Ex Parte* Letter (08/08/02d).

[1198] *See* OneEighty Qwest II Comments at 7-8.

[1199] *See id.*

[1200] *See id.*

[1201] *See id*. at 8.

[1202] *See id*.

[1203] Qwest II Thompson Reply Decl. at para. 66.

[1204] *Id*.

[1205] *See* Qwest Aug. 30 Pricing *Ex Parte* Letter at 3 (08/30/02d).

responsibility" was not a standard service at the time of the request, but that OneEighty negotiated an amendment to its agreement for a lower rate, and is entitled to a credit for the difference from the quoted amount.[1206]

334. On August 29, 2002, Qwest filed a revised SGAT in Montana to include the new augment fee.[1207] We find that these measures address OneEighty's concerns regarding the collocation engineering charges. We also find that the issues regarding the name change, or "change of responsibility" rates and credit are part of a carrier-to-carrier dispute that is being resolved by the Montana Commission.

B. Checklist Item 4 – Unbundled Local Loops

335. Section 271(c)(2)(B)(iv) of the Act requires that a BOC provide "[l]ocal loop transmission from the central office to the customer's premises, unbundled from local switching or other services."[1208] Based on the evidence in the record, we conclude, as did the commissions of the nine application states, that Qwest provides unbundled local loops in accordance with the requirements of section 271 and our rules.[1209] Our conclusion is based on our review of Qwest's performance for all loop types – which include, as in past section 271 orders, voice grade loops, xDSL-capable loops, and high capacity loops – as well as hot cut provisioning and our review of Qwest's processes for line sharing and line splitting.[1210] As of September 30, 2002, competitors have acquired from Qwest and placed into use approximately 63,546 stand-alone unbundled loops in Colorado,[1211] 5,882 stand-alone unbundled loops in Idaho,[1212] 44,946 stand-

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[1206] Qwest II Thompson Reply Decl. at para. 66. Qwest asserts that OneEighty negotiated a rate of $2,721 for the "change of responsibility" service. This rate has been reviewed by the competitive LECs participating in the Change Management Process in Montana.

[1207] *See* Qwest Aug. 30 Pricing *Ex Parte* Letter, (08/30/02d). Currently, the "Augment Quote Preparation Fee" is $1,412.96 in Montana.

[1208] 47 U.S.C. § 271(c)(2)(B)(iv); *see also* Appendix K at paras. 48-52 (regarding requirements under checklist item four).

[1209] *See* Colorado Commission Comments at 21; Idaho Commission Comments at 14; Iowa Board Comments at 44-45; Montana Commission Comments at 28-29; Nebraska Commission Comments at 5; North Dakota Commission Comments at 5; Utah Commission Comments at 1; Washington Commission Comments at 19; Wyoming Commission Comments at 7-8. The Department of Justice concluded that Qwest has succeeded in opening its local markets in the applicant states in many respects. *See* Department of Justice Qwest I Evaluation at 2, 33; Department of Justice Qwest II Evaluation at 2, 21. The Department of Justice further concluded that the record has improved with respect to issues about which it previously expressed some reservation, and it recommended approval of Qwest's application, subject to the Commission's assuring itself that all concerns raised have been resolved. *See* Department of Justice Qwest III Evaluation at 4, 10.

[1210] We note that our review encompasses Qwest's performance and processes for all loop types, but as noted below, our discussion does not address every aspect of Qwest's loop performance where our review of the record satisfies us that Qwest's performance is in compliance with the applicable parity and benchmark measures.

[1211] *See* Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 at 2 (dated November 7c, 2002) (Qwest (continued….)

alone unbundled loops in Iowa,[1213] 3,293 stand-alone unbundled loops in Montana,[1214] 18,662 stand-alone unbundled loops in Nebraska,[1215] 16,742 stand-alone unbundled loops in North Dakota,[1216] 31,290 stand-alone unbundled loops in Utah,[1217] 61,190 stand-alone unbundled loops in Washington,[1218] and 486 stand-alone unbundled loops in Wyoming.[1219]

336. Consistent with the Commission's prior section 271 orders, we do not address every aspect of Qwest's loop performance where our review of the record satisfies us that Qwest's performance is in compliance with the parity and benchmark measures established in the nine application states.[1220] Instead, we focus our discussion on those areas where the record indicates discrepancies in performance between Qwest and its competitors. In making our

(Continued from previous page)
Nov. 7c *Ex Parte* Letter). In Colorado, as of September 30, 2002, Qwest had in service 53,138 unbundled voice grade analog loops, 9,322 xDSL-capable loops, 1,086 high capacity loops, and 5,855 unbundled shared loops. *See id.* at 2, 3.

[1212] *See* Qwest Nov. 7c *Ex Parte* Letter at 2. In Idaho, as of September 30, 2002, Qwest had in service 5,271 unbundled voice grade analog loops, 576 xDSL-capable loops, 35 high capacity loops, and 4 unbundled shared loops. *See id.* at 2, 3.

[1213] *See* Qwest Nov. 7c *Ex Parte* Letter at 2. In Iowa, as of September 30, 2002, Qwest had in service 42,998 unbundled voice-grade analog loops, 1,916 xDSL-capable loops, 32 high capacity loops, and 312 unbundled shared loops. *See id.* at 2, 3.

[1214] *See* Qwest Nov. 7c *Ex Parte* Letter at 2. In Montana, as of September 30, 2002, Qwest had in service 1,725 unbundled voice grade analog loops, 1,351 xDSL-capable loops, 217 high capacity loops, and 309 unbundled shared loops. *See id.* at 2, 3.

[1215] *See* Qwest Nov. 7c *Ex Parte* Letter at 2. In Nebraska, as of September 30, 2002, Qwest had in service 16,465 unbundled voice grade analog loops, 2,180 xDSL-capable loops, 17 high capacity loops, and 126 unbundled shared loops. *See id.* at 2, 3.

[1216] *See* Qwest Nov. 7c *Ex Parte* Letter at 2. In North Dakota, as of September 30, 2002, Qwest had in service 12,704 unbundled voice grade analog loops, 3,951 xDSL-capable loops, 87 high capacity loops, and no unbundled shared loops. *See id.* at 2, 3.

[1217] *See* Qwest Nov. 7c *Ex Parte* Letter at 2. In Utah, as of September 30, 2002, Qwest had in service 27,352 unbundled voice grade analog loops, 3,677 xDSL-capable loops, 261 high capacity loops, and 1,858 unbundled shared loops. *See id.* at 2, 3.

[1218] *See* Qwest Nov. 7c *Ex Parte* Letter at 2. In Washington, as of September 30, 2002, Qwest had in service 47,186 unbundled voice grade analog loops, 10,941 xDSL-capable loops, 3,063 high capacity loops, and 5,850 unbundled shared loops. *See id.* at 2, 3.

[1219] *See* Qwest Nov. 7c *Ex Parte* Letter at 2. In Wyoming, as of September 30, 2002, Qwest had in service 5 unbundled voice grade analog loops, 475 xDSL-capable loops, 6 high capacity loops, and 95 unbundled shared loops. *See id.* at 2, 3.

[1220] *See, e.g., Application by Verizon New York, Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in Connecticut*, Memorandum and Order, 16 FCC Rcd 14147, 14151-52, para. 9 (2001) (*Verizon Connecticut Order*).

assessment, we review performance measurements comparable to those the Commission has relied upon in prior section 271 orders, primarily those associated with measuring the timeliness and quality of loop provisioning and loop maintenance and repair.[1221] As in past section 271 proceedings, in the course of our review, we look for patterns of systemic performance disparities that have resulted in competitive harm or that have otherwise denied new entrants a meaningful opportunity to compete.[1222] Isolated cases of performance disparity, especially when the margin of disparity is small, generally will not result in a finding of checklist noncompliance.[1223]

337. Finally, we note that order volumes with respect to certain categories of loops, or order volumes with respect to a specific metric for a certain category of loop, in a given month for one or more of the states included in this application may be too low to provide a meaningful result.[1224] As such, we may look to Qwest's performance in Colorado, where volumes are generally higher,[1225] to inform our analysis.

338. *Voice Grade Loops*. We find that Qwest provisions voice grade loops to competitors in a nondiscriminatory manner.[1226] Touch America argues that Qwest fails to achieve parity under the delayed days metric, which measures the average number of days that late orders are completed beyond the committed due date.[1227] We note, however, that Qwest only misses the parity standard in Colorado and Iowa for two of the relevant months from June

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[1221] *See Application by 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., for Authorization to Provide In-Region, InterLATA Services in Massachusetts*, Memorandum Opinion and Order, 16 FCC Rcd 8988, 9078-89, para. 162 (2001) (*Verizon Massachusetts Order*).

[1222] *See Verizon Massachusetts Order*, 16 FCC Rcd at 9055-56, para. 122.

[1223] *See Verizon Massachusetts Order*, 16 FCC Rcd at 9055-56, para. 122.

[1224] Specifically, we note that order volumes are extremely low in Iowa and North Dakota for the Installation Commitments Met metric for conditioned loops. *See* Iowa OP-3 (Installation Commitments Met); North Dakota OP-3 (Installation Commitments Met).

[1225] *See generally* Colorado OP-3 (Installation Commitments Met); OP-4 (Average Installation Interval); OP-5 (New Service Installation Quality); MR-3 (Out of Service Cleared Within 24 Hours); MR-4 (All Troubles Cleared Within 48 Hours); MR-6 (Mean Time to Restore); MR-7 (Repair Repeat Report Rate); and MR-8 (Trouble Rate).

[1226] In the nine states included in this application, Qwest generally has met the benchmark and parity standards for provisioning quality, and the quality and timeliness of maintenance and repair functions. *See generally* OP-5 (New Service Installation Quality); MR-3 (Out of Service Cleared Within 24 Hours); MR-4 (All Troubles Cleared Within 48 Hours); MR-6 (Mean Time to Restore); MR-7 (Repair Repeat Report Rate); and MR-8 (Trouble Rate) for voice grade loops.

[1227] *See* Touch America Qwest II Comments at Exhibit A, A-3; Qwest III Comments at 26.

to September, with performance improving to parity in September.[1228] As such, we disagree that Qwest has failed to achieve parity for the delayed days metric.

339. *xDSL-Capable Loops*. Qwest also demonstrates that it provides xDSL-capable loops in a nondiscriminatory manner. Touch America argues, however, that for several months Qwest fails to meet parity under the new installation quality measure for a subcategory of xDSL loops provided in Washington – ISDN capable loops.[1229] Although Qwest does miss parity under this measure for two months during the relevant period, we note that Qwest's performance improves to parity later during the relevant period.[1230] We also note that Qwest achieved parity under this measure for all relevant months with respect to 2-wire non-loaded loops, which constitute the majority of xDSL loops ordered by competitive LECs in Washington.[1231] We therefore find that Qwest performance with regard to ISDN loops in Washington does not result in a finding of checklist noncompliance. Eschelon asserts that 21 percent of its new DSL installations in September resulted in a repair before the DSL service would function for the end-user customer.[1232] Although the record is unclear regarding Eschelon's figures for the total percentage of troubles for new DSL installations, we find that Eschelon's assertions are not reflected in Qwest's general performance for new service installation quality.[1233] We therefore find that Eschelon's allegations do not result in a finding of checklist noncompliance. Finally, we recognize that Qwest does not meet parity for some

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[1228] *See* OP-6A (Delayed Days) for analog loops, indicating a disparity in Colorado in July and August, with average competitive LEC results of 7.95 and 8.44 days, and Qwest results of 4.26 and 4.61 days. *See also* OP-6A (Delayed Days) for analog loops, indicating a disparity in Iowa in July and August, with average competitive LEC results of 4.2 and 13.56 days, and Qwest results of 2.51 and 3.44 days. Qwest argues that these disparities should be evaluated in light of Qwest's performance under the primary installation metrics traditionally reviewed by the Commission. Qwest I Campbell Loops Decl. at para. 75. As stated above, isolated cases of performance disparity generally will not warrant a finding of checklist noncompliance.

[1229] *See* Touch America Qwest II Comments at Exhibit A, A-3. *See also* OP-5 (New Service Installation Quality) for ISDN capable loops in Washington, indicating a disparity in June and July with competitive LEC trouble free installation results of 88.17% and 92.39% compared to Qwest results of 96.23% and 98.02% respectively. Qwest states that its commercial performance under this metric was adversely affected by low provisioning volumes in June and July, and by the inclusion of trouble tickets in the OP-5 metric where Qwest's network was found not to be the cause of the trouble. *See* Qwest Nov. 7c *Ex Parte* Letter at 5. Qwest further notes that its performance improves to 91.40% in June, and 94.57% in July, when tickets are removed where the line tested ok, or no trouble was found. *Id*.

[1230] S*ee also* OP-5 (New Service Installation Quality) for ISDN capable loops in Washington.

[1231] Qwest states that 2-wire non-loaded loops comprise approximately 60 percent of the xDSL-capable loops ordered by competitive LECs in Washington. Qwest II Application App. A, Tab 13, Declaration of William M. Campbell (Qwest II Campbell Loops Decl.) at para. 81. *See* OP-5 (New Service Installation Quality) for 2-wire non-loaded loops in Washington.

[1232] Eschelon Qwest III Comments at 38-39.

[1233] See Qwest III Application Reply, Tab 1, Reply Declaration of Lori A. Simpson (Qwest III Lori Simpson Reply Decl.) at para. 7 (showing that Eschelon's trouble rate for new DSL installations is only 7.1 percent).

months with respect to installation commitments met for conditioned loops.[1234] However, we do not find these performance disparities to be competitively significant.[1235]

340. With respect to maintenance and repair, Touch America notes that Qwest fails to achieve parity for several months under a measure of repair and maintenance quality that is similar to a measure we have relied upon in prior section 271 orders.[1236] Although Qwest's performance under the trouble rate metric in Iowa and Washington, in particular, indicates a disparity for several months with regard to ISDN-capable loops, we do not find that this disparity warrants a finding of checklist non-compliance. Given the evidence in all of these states of nondiscriminatory performance under this metric for other categories of xDSL-capable loops, and the relatively low competitive LEC trouble rate and slight disparity observed for the ISDN subcategory of xDSL loops, we find that these disparities are not competitively significant.[1237] We note that Qwest also fails to achieve parity in Colorado and Montana for some months during the relevant period under the mean time to restore metric.[1238] We note,

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[1234] *See generally* OP-3 (Installation Commitments Met) for conditioned loops in Colorado, Iowa, North Dakota and Nebraska, indicating a disparity for two months each.

[1235] Although Qwest missed the 90% benchmark for installation commitments met for two months in Iowa, North Dakota, and Nebraska, the volumes of unbundled loops ordered in those states are very small. *See* OP-3 (Installation Commitments Met) for conditioned loops in Iowa, North Dakota and Nebraska. In addition, if we look to Qwest's performance in Colorado, we note that Qwest missed the benchmark in September, but its performance for the previous three months showed no serious deficiencies. *See* OP-3 (Installation Commitments Met) for conditioned loops in Colorado.

[1236] *See* Touch America Qwest II Comments at Exhibit A, A-3; *see also* MR-8 (Trouble Rate) for ISDN-capable loops in Colorado, indicating a disparity in June and August with competitive LEC rates of 2.29% and 2.26% and Qwest rates of 1.31% and 1.69%; MR-8 (Trouble Rate) for ISDN-capable loops in Iowa, indicating a disparity in June, August and September with competitive LEC rates of 2.32%, 3.63%, and 1.84% and Qwest rates of 1.11%, 0.64% and 1.03%; MR-8 (Trouble Rate) for ISDN-capable loops in Montana, indicating a disparity in June and September with competitive LEC rates of 4.08% and 7.94% and Qwest rates of 0.75% and 1.13%; MR-8 (Trouble Rate) for ISDN-capable loops in Nebraska, indicating a disparity in August and September with competitive LEC rates of 1.67% and 1.17% and Qwest rates of 0.92% and 0.47%; MR-8 (Trouble Rate) for ISDN-capable loops in Utah, indicating a disparity in June and August, with competitive LEC rates of 1.70% and 2.93% and Qwest rates of 1.00% and 1.07% respectively; MR-8 (Trouble Rate) for ISDN-capable loops in Washington, indicating a disparity in June, July and August, with competitive LEC rates of 1.67%, 1.34%, and 1.33% and Qwest rates of 0.92%, 0.96%, and 0.99% respectively.

[1237] Qwest argues that some of these observed performance disparities are mitigated by the fact that the competitive LEC trouble rate was never higher than 2% during the relevant period. Qwest II Campbell Loops Decl. at paras. 82 (regarding performance in Washington). While troubles for competitive LECs in Colorado, Iowa and Utah were reported slightly more often for competitive LECs than for Qwest's retail customers, and sometimes at rates higher than 2%, the average in these states for the relevant period shows that this is still less than 3% of the time, which we have found to be acceptable in past section 271 orders. *See Verizon Maine Order*, 17 FCC Rcd at 11691, para. 49 n.209.

[1238] *See* MR-6 (Mean Time to Restore) for 2-wire non-loaded loops in Colorado, indicating a disparity in June and July with competitive LEC durations of 2:43 and 3:17, and Qwest durations of 1:51 and 2:14; MR-6 (Mean Time to Restore) for ISDN loops in Colorado, indicating a disparity in June and July with competitive LEC durations of 3:17 and 3:00, and Qwest durations of 1:51 and 2:14; MR-6 (Mean Time to Restore) for 2-wire non-
(continued….)

however, that for most of the months missed in Colorado, the disparity was close to only one hour and thus not competitively significant, and that low competitive LEC volumes observed in Montana during those months make it difficult to draw strong conclusions regarding this data. We will monitor Qwest's performance after approval. If this situation deteriorates, we will not hesitate to take appropriate enforcement action pursuant to section 271(d)(6).

341. *High Capacity Loops*. Qwest demonstrates that it provides high capacity loops in a nondiscriminatory manner.[1239] Touch America, however, points out that Qwest does not achieve parity for several months under measures of maintenance and repair timeliness and quality.[1240] With respect to maintenance and repair timeliness, Qwest argues that in spite of the disparity under the mean time to restore metric, the average mean time to repair competitive LEC high capacity loops during the relevant period was still within the four hour target for such

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loaded loops in Montana, indicating a disparity in June and July with competitive LEC durations of 4:00 and 2:30, and Qwest durations of 1:46 and 1:03, but with low competitive LEC volumes of 9 and 7 in June and July; MR-6 (Mean Time to Restore) for ISDN loops in Montana, indicating a disparity in July and September with competitive LEC durations of 3:38 and 2:44, and Qwest durations of 1:03 and 1:27, but with low competitive LEC volumes of 2 and 5 respectively.

[1239] *See generally* OP-3 (Installation Commitments Met), OP-4 (Average Installation Interval), and OP-5 (New Service Installation Quality) for DS-1 capable loops. From June through September, Qwest achieved parity performance under these metrics in all relevant states, except for Colorado and Iowa under OP-5 (Qwest missed in August with Colorado competitive LEC and Qwest results of 84.38% and 89.49%, and Iowa results (with a low competitive LEC volume of 5) of 60% and 93.69% respectively. *See also* OP-6A (Delayed Days for Non-Facility Reasons) for DS-1 capable loops, indicating parity performance in all relevant states except for Washington in June, where the delay for competitive LECs was recorded at 26.28 days compared to 14.4 days for Qwest.

[1240] *See* Touch America Qwest II Comments at Exhibit A, A-4; *see also* MR-6 (Mean Time to Restore) for DS-1 capable loops in Washington, indicating a disparity in June with a competitive LEC result in hours and minutes of 2:43 compared to a Qwest result of 1:59; MR-8 (Trouble Rate) for DS-1 capable loops in Utah, indicating a disparity in June and August, with competitive LEC rates of 4.19% and 3.97%, and Qwest rates of 1.97% and 1.79% respectively; MR-8 (Trouble Rate) for DS-1 capable loops in Washington, indicating a disparity in June, July, and August with competitive LEC rates of 2.60%, 2.47%, and 2.19%, and Qwest rates of 1.75%, 1.87%, and 1.64% respectively. We also note that there are some disparities under maintenance and repair measures that Touch America does not specifically reference. *See* MR-5 (All Troubles Cleared Within 4 Hours) for DS-1 capable loops in Colorado, Iowa, Montana and North Dakota, indicating a disparity for only one month during the relevant period in each state; MR-6 (Mean Time to Restore) for DS-1 capable loops in Colorado, indicating a disparity in June and July with competitive LEC results in hours and minutes of 3:36 and 2:29, compared to Qwest results of 1:57 and 1:58; MR-6 (Mean Time to Restore) for DS-1 capable loops in North Dakota, indicating a disparity in September with a competitive LEC result in hours and minutes of 16:40 (with low volume), compared to a Qwest result of 2:29; MR-6 (Mean Time to Restore) for DS-1 capable loops in Utah, indicating a disparity in July with a competitive LEC result in hours and minutes of 6:01, compared to a Qwest result of 2:22; MR-8 (Trouble Rate) for DS-1 capable loops in Colorado, indicating a disparity in June, July, August and September, with competitive LEC rates of 6.76%, 6.60%, 6.74% and 5.48%, and Qwest rates of 2.47%, 2.87%, 2.84%, and 2.56% respectively; and MR-8 (Trouble Rate) for DS-1 capable loops in Iowa, Idaho, Montana, and North Dakota, indicating a disparity for only one month during the relevant period in each state.

services.[1241] In addition, with respect to maintenance and repair quality, Qwest submits that a contributing factor to the disparity under the trouble rate metric is the disproportionate number of legitimate "no trouble found" (NTF) trouble reports received from competitive LECs.[1242] According to Qwest, when the performance results are recalculated to exclude trouble reports for which no troubles are found, the trouble rates for competitive LECs are lower than the trouble rates before the recalculation.[1243] We recognize that some of the competitive LEC troubles reported under the trouble report rate may not entirely be attributed to Qwest's performance. Given Qwest's nondiscriminatory performance for all other categories of loops, and further recognizing that high capacity loops make up a very small percentage of overall loop orders in all of the relevant states,[1244] we find that Qwest's performance with respect to high capacity loops does not warrant a finding of checklist non-compliance.[1245]

[1241] *See, e.g.,* Qwest II Campbell Loops Decl. at para. 86. Qwest also cites to its performance under the metric measuring the rate at which trouble reports are cleared within the standard estimate for those services (MR-5 (All Troubles Cleared Within 4 Hours)). *See, e.g.,* Qwest II Campbell Loops Decl. at para. 86.

[1242] *See, e.g.,* Qwest I Williams Decl. at para. 213; Qwest II Campbell Loops Decl. at para. 86. Qwest states, for example, that for high capacity loops in Washington, it receives nearly two times as many NTF tickets from competitive LECs than for its retail comparative. *See* Qwest II Campbell Loops Decl. at para. 86; *see also* Qwest I Williams Decl. at para. 213.

[1243] *See, e.g.,* Qwest I Campbell Loops Decl. at para. 85. Qwest has developed the MR-8* PID to track this trend. Qwest I Williams Decl. at para. 213. The MR-8* PID calculates the trouble rate by excluding all trouble reports that were originally coded to NTF because no trouble was found, and which after the first report was closed, received no other trouble report within 30 days of the original report. *Id*. We recognize that Covad challenges the accuracy of any data produced pursuant to the "*" PIDs, and argues that they have not been audited by a third party. *See* Covad Qwest I Comments at 33; Covad Qwest II Comments at 42-43. We note, however, that Qwest has stated that while the ROC TAG could not reach agreement on adopting the "*" PID approach for Qwest's modified versions of three PIDs, OP-5*, MR-7* and MR-8*, these results are reported as additional information to help explain apparent disparities, and to provide evidence that the apparent disparities are not due to discrimination. *See* Letter from R. Hance Haney, Executive Director - Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189 at 1 (dated August 29b, 2002) (Qwest Aug. 29b *Ex Parte* Letter). Qwest submits that these "*" PIDs provide data results where competitive LECs may be partially responsible for the troubles. *See* Qwest I Williams Decl. at para. 20. Thus, we find it appropriate to consider the adjusted results from the modified PIDs as part of Qwest's performance data. Qwest's performance for competitive LECs in Colorado under the MR-8* metric does appear to improve slightly in June and July with competitive LEC rates of 5.19% and 5.64% and Qwest rates of 1.58% and 1.84%. Performance in Utah under the MR-8* metric appears to improve slightly under available data for June with a competitive LEC rate of 2.02% and a Qwest rate of 1.38%. Qwest's performance in Washington under the MR-8* metric also indicates lower competitive LEC trouble rates under available data for June and July with competitive LEC rates of 1.96% and 1.72% compared to Qwest rates of 1.08% and 1.20%. *See* MR-8* (Trouble Rate) for DS-1 capable loops in Colorado, Utah and Washington.

[1244] As of September 30, 2002, Qwest had provisioned 1,086 high capacity loops in Colorado, which is approximately 1.7% of the total loops Qwest has in service for competitive LECs in Colorado. *See* Nov. 7c *Ex Parte* Letter at 2. Qwest had in service 35 high capacity loops in Idaho, 32 high capacity loops in Iowa, 17 high capacity loops in Nebraska, and 87 high capacity loops in North Dakota. High capacity loops comprise less than 1% (0.6%, 0.07%, 0.09%, and 0.5%, respectively) of the loops Qwest has in service for competitive LECs in those states. *See id*. Qwest also shows that, as of September 30, 2002, high capacity loops only represent approximately (continued….)

342. *Line Sharing and Line Splitting*. We find that Qwest demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop, and access to network elements necessary for competing carriers to provide line splitting.[1246] Qwest provides line sharing pursuant to its SGAT and state-approved interconnection agreements.[1247] According to Qwest, as of September 30, 2002, it had in service approximately 5,855 unbundled shared loops in Colorado, 4 unbundled shared loops in Idaho, 312 unbundled shared loops in Iowa, 309 unbundled shared loops in Montana, 126 unbundled shared loops in Nebraska, no unbundled shared loops in North Dakota, 1,858 unbundled shared loops in Utah, 5,850 unbundled shared loops in Washington, and 95 unbundled shared loops in Wyoming.[1248]

343. Both Covad and Touch America argue that Qwest's performance under measures of maintenance and repair timeliness reveals multiple disparities.[1249] We recognize that Qwest's performance with regard to the line sharing maintenance and repair measure – the All Troubles Cleared Within 24 hours metric – is out of parity for some months in Colorado, Utah and Washington,[1250] but we do not find that these disparities warrant a finding of checklist

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6.6% of the total competitive LEC loops in service in Montana, 0.8% in Utah, 5.0% in Washington, and 1.2% in Wyoming. *See id*. Qwest also states that, other than in Idaho where Qwest has one DS-3 loop in service, DS-1 loops comprise all of the unbundled high capacity loops in service in the applicant states. *Id*.

[1245] *See, e.g., Application by Verizon New Jersey Inc, Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization to Provide In-Region, InterLATA Services in New Jersey*, WC Docket No. 02-67, Memorandum Opinion and Order, 17 FCC Rcd 12275, 12349, at para. 150 (2002) (*Verizon New Jersey Order*).

[1246] As discussed in footnote 39, *supra*, the D.C. Circuit recently stated that "the *Line Sharing Order* must be vacated and remanded." *USTA v. FCC*, 290 F.3d 415, 429. The court also stated that it "grant[ed] the petitions for review[] and remand[ed] the *Line Sharing Order*…to the Commission for further consideration in accordance with the principles outlined." Id. at 430. On September 4, 2002, the D.C. Circuit denied petitions for rehearing filed by the Commission and others. *See Order*, Nos. 00-1012 and 00-1015 (D.C. Circuit, filed Sept. 4, 2002). The court's mandate has been stayed until January 2, 2003, leaving the *Line Sharing Order* in effect. We are addressing the line sharing rules as part of our *Triennial Review Proceeding*. *See Triennial Review Notice*, 16 FCC Rcd at 22805, paras. 53-54.

[1247] *See* Qwest I Stewart Line Sharing/Line Splitting Decl. at para. 2; Qwest II Application App. A, Tab 14, Declaration of Karen A. Stewart (Qwest II Stewart Line Sharing/Line Splitting Decl.) at para. 2.

[1248] *See* Nov. 7c *Ex Parte* Letter at 3.

[1249] *See* Covad Qwest II Comments at 42-43; Touch America Qwest II Comments at Exhibit A, A-5.

[1250] *See* MR-3 (Out of Service Cleared Within 24 Hours) for line sharing requiring dispatch in Utah, indicating a disparity in June, August and September with competitive LEC rates of 0%, 50.00%, and 66.67%, and Qwest rates of 90.18%, 90.59%, and 88.33%, but with low competitive LEC volumes of 1 and 4 in June and August, and a volume of 15 in September; MR-3 (Out of Service Cleared Within 24 Hours) for line sharing requiring dispatch in Washington, indicating a disparity in July, August, and September with competitive LEC rates of 42.86%, 76.92%, and 71.43%, and Qwest rates of 90.77%, 92.31%, and 92.93, but with relatively low competitive LEC volumes of 7, 13, and 7 respectively. *See also* MR-3 (Out of Service Cleared Within 24 Hours) for line sharing requiring dispatch in Colorado, indicating a disparity in July and September with competitive LEC rates of 46.15% and 71.43%, and Qwest rates of 92.09% and 91.84%, but with a relatively low competitive LEC volume of 13 in July; MR-3 (Out of (continued….)

noncompliance given the relatively low volumes observed during these months and the difficulties associated with drawing strong conclusions based on low volumes of data.

344. We note that Qwest's performance with regard to two other line-sharing maintenance and repair measures – the All Troubles Cleared Within 48 Hours and the Mean Time to Restore metrics – is also out of parity for some recent months in Colorado, Utah and Washington. First, the All Troubles Cleared Within 48 Hours metric shows that Qwest missed the parity standard for two of the relevant months in Colorado, Utah, and Washington.[1251] Next, Qwest's performance for the Mean Time to Restore metric indicates that Qwest missed parity for dispatch orders for two of the relevant months in Colorado and Utah,[1252] and for three of the relevant months in Washington.[1253]

345. With respect to its maintenance and repair problems under the All Troubles Cleared Within 48 Hours metric, Qwest contends that all of the restoration interval and mean time to restore measures in Washington are adversely affected by occurrences beyond its

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Service Cleared Within 24 Hours) for line sharing not requiring dispatch in Colorado, indicating a disparity in June and September with competitive LEC rates of 62.50% and 84%, and Qwest rates of 96.70% and 96.42%, but with a low competitive LEC volume of 8 in June; MR-3 (Out of Service Cleared Within 24 Hours) for line sharing not requiring dispatch in Utah, indicating a disparity in July and September with competitive LEC rates of 66.67% and 83.33%, and Qwest rates of 95.58% and 96.88%, but with relatively low competitive LEC volumes of 9 and 18.

[1251] *See* MR-4 (All Troubles Cleared Within 48 Hours) for non-dispatch line sharing in Colorado, indicating a disparity in August and September, with competitive LEC rates of 96.43% and 90.20%, and Qwest rates of 99.80% and 99.55% respectively; MR-4 (All Troubles Cleared Within 48 Hours) for non-dispatch line sharing in Utah, indicating a disparity in July and September, with competitive LEC rates of 92.86% and 84.21%, and Qwest rates of 99.58% and 99.86% respectively; MR-4 (All Troubles Cleared Within 48 Hours) for line sharing requiring dispatch in Washington, indicating a disparity in June and July, with competitive LEC rates of 72.73% and 87.50%, and Qwest rates of 98.37% and 97.67% respectively; MR-4 (All Troubles Cleared Within 48 Hours) for non-dispatch line sharing in Washington, indicating a disparity in June and July, with competitive LEC rates of 95.24% and 94.44%, and Qwest rates of 99.65% and 99.70% respectively.

[1252] *See* MR-6 (Mean Time to Restore) for line sharing requiring dispatch in Colorado, indicating a disparity in June and July, with competitive LEC average times of 19:46 and 1:03:32, and Qwest average times of 14:51 and 14:37 respectively; MR-6 (Mean Time to Restore) for line sharing not requiring dispatch in Colorado, indicating a disparity in June and September, with competitive LEC average times of 9:53 and 15:21, and Qwest average times of 6:17 and 6:22 respectively; MR-6 (Mean Time to Restore) for line sharing requiring dispatch in Utah, indicating a disparity in June and July, with competitive LEC average times of 1:12:39 and 1:04:38, and Qwest average times of 15:58 and 16:51 respectively, but with low volumes of 10 and 9; MR-6 (Mean Time to Restore) for line sharing not requiring dispatch in Utah, indicating a disparity in July and September, with competitive LEC average times of 13:08 and 13:58, and Qwest average times of 7:48 and 7:44 respectively, but with relatively low volumes of 14 and 19 respectively.

[1253] *See* MR-6 (Mean Time to Restore) for line sharing requiring dispatch in Washington, indicating a disparity in June, July, and August, with competitive LEC average times of 1:13:49, 1:15:47, and 21:31, and Qwest average times of 13:37, 14:40, and 14:03 respectively.

control.[1254] Specifically, Qwest claims that a prominent data local exchange carrier in Washington makes requests for "future" repair work as opposed to immediate repairs approximately 10% of the time, and that this waiting time is included in these measures and inappropriately attributed to Qwest's performance in providing timely maintenance and repair services.[1255] For example, Qwest shows that for non-dispatch orders in September, 33 of the 119 (27.7%) trouble reports were competitive LEC requests for future appointments, and that the competitive LEC requested a hold time of greater than 48 hours for 9 of the 33 requests for future repairs, thus making it impossible for Qwest to meet the 48-hour objective under the All Troubles Cleared Within 48 Hours metric.[1256] We agree that the disparity in Qwest's performance under these measures may not always be attributed to Qwest, and that in some instances the recorded disparity does not appear to be competitively significant. Therefore, we decline to find that these disparities warrant a finding of checklist noncompliance. We will monitor Qwest's performance after approval. If this situation deteriorates, we will not hesitate to take appropriate enforcement action pursuant to section 271(d)(6).

346. With respect to Qwest's performance under the Mean Time to Restore metric, Qwest contends that it is commonplace for shared lines to receive a higher percentage of trouble reports than other loops due to the shared lines' unique characteristic of providing both voice and data on the same circuit, and that many of these troubles are for other than "out-of-service" situations.[1257] For example, Qwest states that in January 2002, it received 52 competitive LEC trouble reports for line-shared loops that did not require a technician dispatch and of these reports, only 18 (35%) were for "out-of-service" situations.[1258] The retail comparison for line shared loops, however, is an aggregate of residential and business POTS, and for Qwest retail, 52% of the troubles reported in January were "out-of-service" situations.[1259] Since "out-of-service" situations have a higher priority in the repair queue than non-"out-of-service" situations, a higher percentage of Qwest retail trouble reports had a higher priority.[1260] Thus,

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[1254] *See* Qwest II Stewart Line Sharing/Line Splitting Decl. at para. 48. *See also* MR-3 (Out of Service Cleared Within 24 Hours) for line sharing , MR-4 (All Troubles Cleared Within 48 Hours) for line sharing, MR-6 (Mean Time to Restore) for line sharing.

[1255] *See* Qwest II Stewart Line Sharing/Line Splitting Decl. at para. 48. *See also* Letter from Hance Haney, Executive Director - Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189 (dated August 20g, 2002) (Qwest Aug. 20g *Ex Parte* Letter).

[1256] *See* Nov. 7c *Ex Parte* Letter at 5.

[1257] *See* Qwest I Stewart Line Sharing/Line Splitting Decl. at para. 46; *see also* Qwest I Williams Decl. at para. 248.

[1258] *See* Qwest I Stewart Line Sharing/Line Splitting Decl. at para. 46; *see also* Qwest I Williams Decl. at para. 248.

[1259] *See* Qwest I Stewart Line Sharing/Line Splitting Decl. at para. 46; *see also* Qwest I Williams Decl. at para. 248.

[1260] *See* Qwest I Stewart Line Sharing/Line Splitting Decl. at para. 46; *see also* Qwest I Williams Decl. at para. 248, Letter from Yaron Dori, Counsel to Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-148 at 23 (dated July 19, 2002) (Qwest July 19 *Ex Parte* Letter).

Qwest demonstrates why the mean time to restore was often shorter for its retail comparison than for competitive LECs.[1261] Furthermore, Qwest argues that when its mean time to restore performance for competitive LECs in Washington is averaged for both dispatch and non-dispatch orders, it still manages to clear competitive LEC troubles on average within the 24 hour objective for clearing out line-shared loop troubles.[1262] In light of these explanations, and given Qwest's nondiscriminatory performance under other line sharing maintenance and repair metrics,[1263] we find that Qwest's performance under these metrics does not warrant a finding of noncompliance with checklist item 4. We will monitor Qwest's performance after approval. If this situation deteriorates, we will not hesitate to take appropriate enforcement action pursuant to section 271(d)(6).

347. Covad also argues that maintenance and repair performance for line shared loops would improve if Qwest provided competitive LECs with the same "router test" for end-to-end data continuity that Qwest provides for its own customers as part of the provisioning process.[1264] Specifically, Covad states that many of the line shared loop orders for which it receives a service order completion notice suffer from missing or incomplete cross-connects in the central office that would be detected by use of the router test, and could be corrected prior to delivery

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[1261] Covad asserts that Qwest's explanation, as stated in Karen Stewart's Declaration, regarding Qwest's trouble rate and mean time to restore measures, is contradicted by an earlier testimony made by another Qwest witness, Michael Williams, during a state proceeding. According to Covad, Michael Williams, in response to AT&T and Covad's questions regarding how Qwest defined "out of service" for data or line-shared loops, stated that Qwest had changed its procedure to treat all line-shared trouble reports as "out of service" reports. In light of the Williams testimony, Covad argues that all line-shared loop UNE trouble tickets should be coded as "out of service" reports and given priority in the repair queue. Thus, Covad asserts that Stewart's declaration regarding Qwest's trouble reports performance is inaccurate and inapplicable as an explanation. *See* Covad Qwest I Comments at 33. In response, Qwest states that Covad misinterpreted Michael Williams' statement. According to Qwest, while Michael Williams' statement that all line-shared loop trouble reports will be treated as "out of service" reports is true, he also stated that the policy change would take place via the change management process. The change management process was originally intended to begin in March or April of 2002. Qwest stated that, due to delay, it began a notice period for the change on July 26, 2002. *See* Letter from Yaron Dori, Counsel to Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-148 at 23 (filed July 19, 2002) (Qwest July 19 *Ex Parte* Letter); *see also* Qwest I Stewart Reply Decl. at paras. 44-50. According to Qwest, this agreement under the change management process became effective July 29, 2002. *See* Qwest Nov. 7c *Ex Parte* Letter at 3-4. We note that no misses were reported in September under this measure for line sharing requiring dispatch. *See* MR-6 (Mean Time to Restore) for line sharing requiring dispatch in the applicant states.

[1262] *See* Qwest II Stewart Line Sharing/Line Splitting Decl. at para. 47. As noted above, Qwest also argues that requests for future appointments adversely affect its performance under the restoration interval and mean time to restore measures. *See supra* at para. 345. For example, Qwest states that 27.7% of the trouble reports in September were requests for future appointments with hold times of more than 24 hours, and that when the time attributed to these future requests is removed, Qwest's average mean time to repair for those tickets would be reduced from 33 hours and 15 minutes, to 1 hour and 40 minutes. *See* Qwest Nov. 7c *Ex Parte* Letter at 4-5.

[1263] *See generally* MR-7 (Repair Repeat Report Rate); MR-8 (Trouble Rate) for line shared loops in the applicant states. We note that Qwest missed parity for two months in Colorado under MR-7, but improved to parity performance in August and September. *See* MR-7 (Repair Repeat Report Rate) for nondispatch line shared loops.

[1264] *See* Covad Qwest II Comments at 18-23, 43. *See also* Touch America Qwest III Comments at 25-26.

of the line shared loop.[1265] Covad explains that its request in this proceeding for access to router testing is designed to ensure that the loop has been properly provisioned and is a good loop upon delivery, whereas its request for a pre-order MLT is designed and limited to addressing deficiencies and inaccuracies in loop makeup information.[1266] Qwest states that it has recently agreed to develop a router testing option as part of its line shared loop provisioning process, and that it has not proposed a charge for this testing, though it reserves the right to propose alternate rate structures for line sharing in future rate proceedings.[1267] Qwest plans to implement this testing option by the first quarter of 2003.[1268] Covad states that it is encouraged by Qwest's commitment to provide router testing, and that it is continuing to work with Qwest to make sure that router testing will be provided in all central offices where Qwest provides router testing for itself, and at no additional charge as part of Qwest's obligation to provide non-discriminatory access to a working loop.[1269] As noted above, we find that Qwest's overall performance with respect to maintenance and repair of line shared loops is nondiscriminatory. While the Commission has no requirement for router testing, we are encouraged that Qwest's decision to implement a router testing option may help to ensure continued improvement in Qwest's provisioning performance for line shared loops.[1270]

348. *Network Interface Devices*. We find that Qwest demonstrates that it provides nondiscriminatory access to network interface devices (NIDs).[1271] We disagree with AT&T's allegation of discriminatory access to NIDs. AT&T contends that Qwest denies competitive LECs nondiscriminatory access to NIDs because Qwest does not permit the removal of its unused loops from the network protector side of the NID in order to make room for a

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[1265] *See* Covad Qwest II Comments at 19, 22.

[1266] *See* Covad Qwest II Comments at 35 n.53.

[1267] Qwest III Application Addendum, Tab 9 at 1-2; Qwest III Stewart Reply Decl. at para.5.

[1268] Qwest III Application Addendum, Tab 9 at 1-2; Qwest III Stewart Reply Decl. at para.6. Touch America argues that the Commission should not accept Qwest's promise of future action regarding implementation of the router test. Touch America Qwest III Comments at 25-26.

[1269] Covad Qwest III Comments at 2, n.2.

[1270] The Department of Justice agrees that Qwest's accommodation of Covad's requests would be responsive to the Department's concern that competitive LECs have nondiscriminatory access to router testing. *See* Department of Justice Qwest III Evaluation at 8.

[1271] Qwest allows requesting competitive LECs to connect their own loop facilities to on-premises wiring through Qwest's NID or at any other technically feasible point. *See* Qwest I Stewart NIDs/Subloops Decl. at para. 3; Qwest II Application App. A, Tab 15, Declaration of Karen A. Stewart (Qwest II Stewart NIDs/Subloops Decl.) at para. 3. Qwest states that, to date, it has not received any orders for stand-alone unbundled NIDs in its region, but it stands ready to provision stand-alone NIDs upon request. *See* Qwest I Stewart NIDs/Subloops Decl. at para. 4; Qwest II Stewart NIDs/Subloops Decl. at para. 4 (where Qwest states that it has provisioned NIDs to competitive LECs in conjunction with loops and subloops).

competitive LEC to attach its own loops.[1272] According to AT&T, this issue arises in the context of AT&T's cable telephony offerings, where AT&T provides its own loops to a multi-tenant building.[1273] In such cases, the multi-tenant building often has covenants that prohibit competitors from installing additional NIDs.[1274] Thus, AT&T argues that it is unable to serve its customer because Qwest's unused loops remain attached to the only available terminals.[1275] According to Qwest, this issue was previously challenged in the Colorado, Idaho, Iowa, Nebraska, and North Dakota state proceedings, and the state commissions all found that the safety concerns with wire removal are valid, and thus approved Qwest's policy.[1276] We find Qwest's practice here to be reasonable given these state commissions' exhaustive review and their unanimous conclusions regarding the impact of Qwest's policy in the application states.

349. *Other Issues*. AT&T contends that Qwest discriminates against competitive LECs that order UNEs requiring construction of new facilities before installation.[1277] Specifically, AT&T claims that if a competitive LEC orders an unbundled loop and the facilities are not currently available, Qwest will build the loop only "if Qwest would be legally obligated to build such facilities to meet its Provider of Last Resort obligation to provide basic Local Exchange Service or its Eligible Telecommunications Carrier obligations to provide primary basic Local Exchange Service."[1278] AT&T, however, does not provide any specific instances in which Qwest's policy has prevented competitive LECs from obtaining or serving customers. Qwest states that it provides UNEs, including loops, for competitive LECs where facilities are available, and that it meets its obligations under the Act and Commission orders by implementing its procedures from the SGAT when the facilities are not currently available.[1279]

[1272] *See* AT&T Qwest I Comments at 103; AT&T Qwest II Comments at 118-119. Under Qwest's SGAT, neither the competitive LEC nor Qwest is allowed to remove the other party's loop facilities from the other party's NID. *See* SGAT § 9.5.2.1.

[1273] *See* AT&T Qwest I Comments at 103; AT&T Qwest II Comments at 118-119.

[1274] *See* AT&T Qwest I Comments at 103; AT&T Qwest II Comments at 118-119.

[1275] *See* AT&T Qwest I Comments at 103; AT&T Qwest II Comments at 118-119.

[1276] *See* Qwest I Stewart NIDs/Subloops Decl. at para 12. During the proceeding in Colorado, the Staff recommended, and the Hearing Commissioner determined, that "Qwest's determination that the capping off of its drop wire is an unsafe practice that Qwest is not willing to accept is a reasonable decision within the bounds of utility management discretion." *See* Colorado Staff's Final Report on the Fifth Workshop, Checklist Items 2, 4 and 11 (Volume V-A, Impasse Issues) February 8, 2002.

[1277] *See* AT&T Qwest I Comments at 82.

[1278] *See* AT&T Qwest I Comments at 82; *see also* SGAT § 9.1.2.1. The SGAT in Colorado, however, requires Qwest to build facilities whenever it would build for itself. *See* Colorado SGAT § 9.19. AT&T argues that Qwest's policy is discriminatory and violates the requirements of section 251(c). *See* AT&T Qwest I Comments at 84.

[1279] *See* Qwest I Campbell Loops Decl. at para. 62; *see also* SGAT §§ 9.1.2.1.3, 9.1.2.1.3.1., 9.1.2.1.3.2., and 9.2.2.16. for Qwest's procedure for unbundled loops when no compatible facilities are available. The Eighth Circuit has previously concluded that "subsection 251(c)(3) implicitly requires unbundled access only to an incumbent LECs's existing network—not to a yet unbuilt superior one." *See Iowa Util. Bd. v. FCC*, 120 F.3d 753, (continued….)

According to Qwest, it follows procedures intended to provide facilities to the requesting competitive LEC.[1280] Absent additional information, we are not convinced that Qwest's policy has denied competitive LECs a meaningful opportunity to compete to date. Accordingly, we decline to find that this allegation warrants a finding of checklist noncompliance.

C. Checklist Item 5 – Unbundled Local Transport

350. Section 271(c)(2)(B)(v) of the competitive checklist requires a BOC to provide "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services."[1281] Based on our review of the record, we conclude, as did each state commission, that Qwest complies with the requirements of this checklist item.[1282]

351. We reject AT&T's concern with the way Qwest charges for unbundled local transport in Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, and Wyoming.[1283] In particular, AT&T alleges that Qwest's different classification of unbundled dedicated interoffice transport (UDIT) and extended unbundled dedicated interoffice transport (EUDIT)[1284] facilities is baseless and serves only to raise the cost of transport to competitive LECs.[1285] UDIT is a flat-rated charge that is based on distance and applies to dedicated transport between Qwest's wire

(Continued from previous page)

813 (8th Cir. 1997). We also note that we do not require incumbent LECs to construct new transport facilities to meet specific competitive LEC demand requirements for facilities that the incumbent LEC has not deployed for its own use. *See UNE Remand Order*, 15 FCC Rcd at 3843, para. 324.

[1280] Qwest says that if a competitive LEC requests an unbundled loop and no compatible facilities exist, a 5-step procedure takes place in an effort to provide the facilities to the requesting competitive LEC. *See* Qwest I Campbell Loops Decl. at para. 60-61. Qwest explains that if compatible facilities are still not available, it holds the order for 30 business days and continues to attempt to assign compatible facilities. *See* Qwest I Campbell Loops Decl. at para. 60; *see also* SGAT § 9.2.2.16. If, after the 30 business days, compatible facilities are still unavailable, Qwest will then reject the order and inform the competitive LEC that no compatible facilities exist. *See* Qwest I Campbell Loops Decl. at para. 60. After 30 days, the competitive LEC may submit a second order and Qwest will continue to attempt to assign compatible facilities for another 30-day period. *See id.*

[1281] 47 U.S.C. § 271(c)(2)(B)(v); *see also* Appendix K at para. 53.

[1282] *See* Qwest II Application App. A, Tab 16, Declaration of Karen A. Stewart (Qwest II Stewart Transport Decl.) at para. 7; Qwest I Application App. A, Tab 17, Declaration of Karen A. Stewart (Qwest I Stewart Transport Decl.) at paras. 6-51; Colorado Commission Comments at 21-22; Idaho Commission Comments at 13-14; Iowa Commission Comments at 46; Montana Commission Comments at 30; Nebraska Commission Comments at 8; North Dakota Commission Comments at 137-144; Utah Commission Comments at 5-6; Washington Commission Comments at 21; Wyoming Commission Comments at 8, para 17.

[1283] AT&T Qwest III Comments at 81; AT&T Qwest II Comments at 114; AT&T Qwest II Wilson Decl. at paras. 57-63; AT&T Qwest I Wilson Decl. at paras. 56-62.

[1284] AT&T advances a similar argument with respect to the pricing of entrance facilities. Qwest clarified that EUDIT and entrance facilities are the same thing and these are not two separate pricing issues. *See, e.g.*, Qwest I Thompson Reply Decl. at para. 106.

[1285] AT&T Qwest II Comments at 114-116; AT&T Qwest II Wilson Decl. at para. 57; AT&T Qwest I Wilson Decl. at para. 56.

centers, end offices, or tandem switches in the same LATA and state.[1286] EUDIT is a flat-rated, *non-distance sensitive* charge that is defined as "the portion of transport between a competitive LEC wire center and a Qwest wire center."[1287] AT&T alleges that Qwest's EUDIT charges are unlawful because they fail to reflect the way costs are incurred.[1288]

352. As discussed in the UNE pricing section above, we generally defer to the states with respect to UNE pricing, unless we conclude that the state has made a clear error in applying our TELRIC rules. We find no such error with respect to the decision in these seven states to permit Qwest to impose flat-rated non-distance sensitive charges for connections between a Qwest switch and a competitive LEC switch. While AT&T is correct that the Commission "requires dedicated transport to be recovered through a flat-rated charge,"[1289] the Commission's TELRIC rules do not specify that such charges must be based on distance.[1290] Qwest also notes that the Commission has approved a number of section 271 applications in states that have used a similar rate structure.[1291]

353. We also dismiss AT&T's argument that the charge for the link between a competitive LEC switch and a Qwest switch should be recovered in the same manner as links between Qwest switches, because there is "no economic or engineering difference whatsoever" between these two types of facilities.[1292] In response, Qwest argues that there are both economic differences and engineering differences that warrant a different rate structure and different rates. Specifically, Qwest argues that there are economies of scale and scope that reduce the per-trunk cost for trunks between Qwest offices.[1293] Qwest also argues that it is more likely that additional electronics will be needed for links to competitive LEC offices.[1294] AT&T has not refuted these arguments, and therefore provides no reason for the Commission not to defer to the decisions made by the state commissions on this issue.

354. We further reject AT&T's claims that "QC and QCC are now part of a merged firm that is integrating its operations," and that at least to some extent, QCC is a "successor or

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[1286] Qwest II Stewart Transport Decl. at para. 9 n.16; Qwest I Stewart Transport Decl. at para. 9 n.15.

[1287] Qwest II Stewart Transport Decl. at para. 9 n.16; Qwest I Stewart Transport Decl. at para. 9 n.15.

[1288] AT&T Qwest II Wilson Decl. at para. 10; AT&T Qwest I Wilson Decl. at para. 10.

[1289] AT&T Qwest II Wilson Decl. at para. 58; AT&T Qwest I Wilson Decl. at para. 57.

[1290] 47 C.F.R. § 51.509(c) (2001).

[1291] *See, e.g., SWBT Texas Order*, 15 FCC Rcd at 18392, para. 82; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17476, para. 104.

[1292] AT&T Qwest II Wilson Decl. at para. 60; AT&T Qwest I Wilson Decl. at para. 59.

[1293] Qwest I Thompson Reply Decl. at paras. 110-111.

[1294] Qwest I Thompson Reply Decl. at para. 111 n.139.

assign" of QC under section 251(h).[1295] On the basis of the record before us, we do not find QCC or any other Qwest affiliate to be a successor or assign of QC, and therefore Qwest is not discriminating in denying unbundled access to affiliate-owned facilities. Qwest affirms that QC has not transferred any assets to any affiliate, that no affiliate of QC has continued QC's business without interruption or substantial change, and that no affiliate of QC has stepped into the shoes of QC.[1296] AT&T notes that the Colorado Commission has directed Qwest to amend its SGAT to offer unbundled access to any QCC dark fiber to which QC has access rights, out of concern about the parent's access to the affiliate's dark fiber.[1297] Nonetheless, AT&T does not suggest that the Colorado Commission found QCC to be a successor or assign of QC, or that Qwest had failed to meet its unbundling obligations under section 251(c)(3). Based on the foregoing, then, we find no evidence in the record that warrants a finding of checklist noncompliance in this area. If, in the future, we receive evidence that Qwest is merging its incumbent LEC operations with QCC or that any affiliate is becoming a successor to QC, we will expect Qwest to extend the unbundling obligations accordingly.

355. We also find AT&T's argument that Qwest offers discriminatory and inferior access to dark fiber without merit.[1298] AT&T claims that when Qwest provides dark fiber to its own customers, it guarantees that it will maintain transmission performance at the designed transmission parameters and will restore the fibers if they fall below the design standard.[1299] AT&T further claims that for competitive LECs, Qwest considers a fiber as good when there is "optical continuity" regardless of performance.[1300] We note that Qwest withdrew the retail dark fiber offering cited by AT&T for new customers several years ago.[1301] Consequently, Qwest no longer provides any new dark fiber arrangements under its federal tariff and its retail dark fiber product is grandfathered.[1302] Qwest further notes that continuity is the standard required for both unbundled dark fiber and the grandfathered retail dark fiber product and that neither the

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[1295] AT&T Qwest I Comments at 85-86.

[1296] Qwest I Reply Comments at 81.

[1297] AT&T points to the Colorado Staff's conclusion that "[a]s it is occurring today, and as it continues into the future, the merged entities' facilities are becoming operationally integrated, and it is becoming virtually impossible to distinguish between fiber routes used exclusively for long distance or data services, and fiber routes that contain fibers used for transport of local exchange services." AT&T Qwest I Comments at 87-88 (quoting Colorado Staff Report on Emerging Services at 9 (Jan. 10, 2002)). Colorado directed Qwest to amend its Colorado SGAT to offer unbundled access to any QCC dark fiber to which QC has access rights. Qwest I Reply Comments at 82 (citing Colorado SGAT § 9.7.1).

[1298] AT&T Qwest II Comments at 118.

[1299] *Id.*

[1300] *Id.*

[1301] Qwest II Stewart Transport Reply Decl. at 15, para. 28 (stating that Qwest withdrew the offering cited by AT&T on June 10, 1994).

[1302] *Id.*

grandfathered retail nor the unbundled dark fiber technical publications states that the fiber has a certain level requirement for attenuation.[1303]

356. Finally, we reject AT&T's argument that Qwest unlawfully denies access to dark fiber by applying the local use restrictions test that the Commission has adopted for loop-transport combinations ("enhanced extended links," or "EELs") already combined in the incumbent LECs' network.[1304] AT&T argues that the local use restrictions have no possible application to dark fiber, because competitive LECs always light and generally combine unbundled dark fiber themselves.[1305] As a result, AT&T believes that Qwest's application of the local use restriction to dark fiber loop-transport combinations is unlawful.[1306] However, where a competitive LEC procures a dark fiber loop UNE and a dark fiber transport UNE and combines these elements itself, Qwest is in agreement with AT&T that no local usage restriction applies.[1307] Rather, Qwest only applies the local usage restriction to dark fiber where Qwest itself has combined a dark fiber loop with dark fiber transport to create a "dark fiber EEL."[1308] We find that all existing combinations of loops and transport combined by an incumbent LEC, whether lit or not, are within the scope of the local usage restrictions.[1309] We are thus satisfied that Qwest complies with this checklist item.

D. Checklist Item 6 –Unbundled Local Switching

357. Section 271(c)(2)(B)(vi) of the 1996 Act requires a BOC to provide "[l]ocal switching unbundled from transport, local loop transmission, or other services."[1310] To satisfy its

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[1303] *Id.* at 16, para. 31.

[1304] AT&T Qwest I Comments at 102 (citing SGATs § 9.7.2.9 ("CLEC shall not use UDF [unbundled dark fiber] that is part of a loop-transport combination, as a substitute for special or switched Access Services, except to the extent CLEC provides a 'significant amount of local exchange traffic' to its End Users over the UDF as set forth by the FCC")); AT&T Qwest II Wilson Decl. at 30, para. 64. The Commission's local use restriction prevents an interexchange carrier (IXC) from converting special access services to combinations of unbundled loop and transport network elements, unless such combinations are used to provide a significant amount of local exchange service. Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, FCC 99-370, *Supplemental Order*, 15 FCC Rcd 1760, para. 2 (1999).

[1305] AT&T Qwest I Comments at 102.

[1306] AT&T Qwest I Comments at 103.

[1307] Qwest August 15 *Ex Parte* Letter at 1.

[1308] Upon request, Qwest will combine a dark fiber loop with dark fiber transport in the serving wire center of the loop. Qwest can combine these UNEs via a Fiber Distribution Panel or other facility without lighting the dark fiber. To light the dark fiber EEL, the competitive LEC would then have to place electronics at the end-user's premises and at a distant central office. Qwest August 15 *Ex Parte* Letter at 1-2.

[1309] We note that the Multistate Facilitator reached the same conclusion. *See* Multistate Facilitator's Report on Emerging Services at 57 (finding "no doubt that a loop-transport combination that includes dark fiber remains a loop-transport combination").

[1310] 47 U.S.C. § 271(c)(2)(B)(vi); *see also* Appendix K at paras. 54-56.

obligations under this subsection, an applicant must demonstrate compliance with Commission rules relating to unbundled local switching.[1311] Specifically, Qwest demonstrates that it provides: (1) line-side and trunk-side facilities; [1312] (2) basic switching functions;[1313] (3) vertical features;[1314] (4) customized routing; [1315] (5) shared trunk ports; [1316] (6) unbundled tandem switching;[1317] (7) usage information for billing exchange access; [1318] and (8) usage information for billing for

[1311] *See* 47 C.F.R. § 51.319(c); *see also SWBT Texas Order*, 15 FCC Rcd at 18520-22, paras. 336-38.

[1312] Line-side facilities include, but are not limited to, the connection between a loop termination at a main distribution frame, and a switch line card. Trunk-side facilities include, but are not limited to, the connection between trunk termination at a trunk-side cross-connect panel and a switch trunk card. *Second BellSouth Louisiana Order,* 13 FCC Rcd at 20724 nn.679-80. *See also* Qwest II Application App. A, Tab 17, Declaration of Lori A. Simpson and Karen A. Stewart (Qwest II Simpson/Stewart Decl.) at para. 17; Qwest I Simpson/Stewart Decl. at para. 17.

[1313] The basic switching function includes, but is not limited to: connecting lines to lines; lines to trunks; trunks to lines; trunks to trunks; as well as the same basic capabilities that are available to the BOC's customers, such as a telephone number, directory listing, dial tone, signaling, and access to 911, operator services, and directory assistance. *Second BellSouth Louisiana Order,* 13 FCC Rcd at 20726 n.690. *See also* Qwest II Simpson/Stewart Decl. at para. 18; Qwest I Simpson/Stewart Decl. at para. 18.

[1314] Vertical features provide end users with various services such as custom calling, call waiting, call forwarding, caller ID, and Centrex. *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20726, para. 216. *See also* Qwest II Simpson/Stewart Decl. at para. 26; Qwest I Simpson/Stewart Decl. at para. 26.

[1315] Customized routing permits requesting carriers to designate the particular outgoing trunks associated with unbundled switching provided by the incumbent that will carry certain classes of traffic originating from requesting carriers' customers. *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20728-29, para. 221. Customized routing is also referred to as selective routing. *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20728 n.704. *See also* Qwest II Simpson/Stewart Decl. at para. 38; Qwest I Simpson/Stewart Decl. at para. 38.

[1316] *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Interconnection between Local Exchange carriers and Commercial Mobile Radio Service* Providers, CC Docket Nos. 96-98 and 95-185, Third Order on Reconsideration and Further Notice of Proposed Rulemaking, 12 FCC Rcd 12460, 12475-80, paras. 25-30 (1997) (*Local Competition Third Reconsideration Order*)*; Ameritech Michigan Order*, 12 FCC Rcd at 20716-17, paras. 327-29; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20732, para. 228. *See also* Qwest II Simpson/Stewart Decl. at para. 37; Qwest I Simpson/Stewart Decl. at para. 37.

[1317] The requirement to provide unbundled tandem switching includes: (i) trunk-connect facilities, including but not limited to the connection between trunk termination at a cross-connect panel and a switch trunk card; (ii) the base switching function of connecting trunks to trunks; and (iii) the functions that are centralized in tandem switches (as distinguished from separate end-office switches), including, but not limited to, call recording, the routing of calls to operator services, and signaling conversion features. *Second BellSouth Louisiana Order,* 13 FCC Rcd at 20733 n.732. *See also* Qwest II Simpson/Stewart Decl. at para. 41; Qwest I Simpson/Stewart Decl. at para. 41.

[1318] *See Second BellSouth Louisiana Order,* 13 FCC Rcd at 20733-35, paras. 230-31; *see also* Qwest II Simpson/Stewart Decl. at paras. 44-46; Qwest I Simpson/Stewart Decl. at paras. 44-46.

reciprocal compensation.[1319] Based on our review of the record, we conclude, as did each of the state commissions,[1320] that Qwest complies with this checklist item.[1321]

358. Qwest's compliance is challenged by AT&T, WorldCom, and Eschelon, but we reject these challenges.[1322] AT&T alleges that Qwest fails to provide unbundled local switching in two respects.[1323] First, AT&T claims that Qwest fails to provide unbundled packet switching on a nondiscriminatory basis because it provides competitive LECs with only the lowest quality packet switching, Unspecified Bit Rate ("UBR"), while providing its retail customers five grades of packet switching.[1324] AT&T argues that Qwest must offer competitive LECs the same grades of packet switching that Qwest offers to its retail customers.[1325] Qwest explains that its retail DSL service offering (which, it argues, is its only context in which it offers unbundled packet switching when the Commission's four-prong UNE packet-switching rules are not met[1326]) provides only for UBR transmission.[1327] Qwest states that it offers other grades of packet switching to customers ordering other types of services, such as its Cell Relay Service, but not to its retail DSL customers.[1328] Accordingly, based on Qwest's description of its service offerings, we find that Qwest provides its DSL retail service in a nondiscriminatory manner. We,

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[1319] *See Second BellSouth Louisiana Order,* 13 FCC Rcd at 20735-37, paras. 232-34; *see also* Qwest II Simpson/Stewart Decl. at para. 47; Qwest I Simpson/Stewart Decl. at para. 47.

[1320] *See* Colorado Commission Qwest I Comments at 22; Idaho Commission Qwest I Comments at 4; Iowa Board Qwest I Comments at 48; Nebraska Qwest I Commission Comments 8; North Dakota Qwest I Commission Comments at 5; Washington Commission Qwest II Comments at 22; Montana Public Service Commission Qwest II Comments at 30-31; Wyoming Commission Qwest II Comments at 8; Utah Commission Qwest II Comments at 5. *See also* Qwest III Application at 2; Qwest II Application at 84-86; Qwest I Application at 3; Colorado Commission Qwest I Reply at 24.

[1321] Qwest II Application at 84-86; Qwest I Application at 77-79; Qwest II Simpson/Stewart Decl. at 3-71; Qwest I Simpson/Stewart Decl. at paras. 3-72.

[1322] Although related to unbundled local switching, we discuss WorldCom's challenge to Qwest's compliance with the custom routing of OS/DA calls under Directory Assistance/Operator Services because the issue was raised as a violation of section 271(c)(2)(B)(vii). *See supra* Part IV.E.2.

[1323] AT&T Qwest II Comments at 112-114; AT&T Qwest I Comments at 94-99.

[1324] AT&T Qwest II Comments at 113-114; AT&T Qwest I Comments at 98-99; AT&T Qwest I Wilson Decl. at paras. 71-74.

[1325] AT&T Qwest II Comments at 113-114; AT&T Qwest I Comments at 98-99; AT&T Qwest I Wilson Decl. at paras. 71-74.

[1326] 47 C.F.R. § 51.319(c)(5).

[1327] *See* Qwest II Reply Declaration of Karen A. Stewart (Qwest II Stewart Reply Decl.) at paras. 62-63; Qwest I Stewart Reply Decl. at para. 54-55.

[1328] *See* Qwest II Stewart Reply Decl. at paras. 62-69; Qwest I Stewart Reply Decl. at paras. 54-57. We also note that, based on Qwest's representation in its declarations, competing LECs may obtain these services offering transmission at other bit rates for resale at a wholesale discount.

therefore, reject AT&T's argument. Moreover, we find that Qwest offers competitive LECs unbundled packet switching in a nondiscriminatory manner when the conditions established by the Commission in the *UNE Remand Order* are met.[1329] We also note that Qwest makes available to competitive LECs the option of requesting other types of bit rates using Qwest's bona fide request process.[1330]

359. We also conclude that Qwest has properly implemented the Commission's rule 51.319(c)(2), under which an incumbent LEC may be excused from providing unbundled local circuit switching in certain high-density areas to end users with "four or more lines."[1331] In the initial Qwest section 271 applications, AT&T challenged Qwest's policy on this issue as inconsistent with the Commission's rules.[1332] On September 25, 2002, before it filed the instant application, Qwest modified its prior policy implementing the switching carveout exception to conform to the *Virginia Arbitration Order*.[1333] Qwest subsequently memorialized its modified policy through the filing of a revised SGAT in two of the three states in Qwest's region where the switching carveout exception applies: in Colorado on October 28, 2002; in Utah on October 31, 2002. For the third state, Washington, pursuant to a decision by the Washington Commission, Qwest has had in place since June 25, 2002 an SGAT that complies with federal rules.[1334]

360. Under Qwest's revised policy, Qwest has committed to applying the switching carveout exception only in cases where there are four or more lines per customer location.[1335] We conclude that this policy is consistent with the Commission's rules, because the Commission distinguished high-volume customers from those residential and small business customers for

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[1329] *See* Qwest II Stewart Reply Decl. at paras. 64-66; Qwest I Stewart Reply Decl. at paras. 56-57. *See also UNE Remand Order*, 15 FCC Rcd at 3838-3839, para. 313; 47 C.F.R. § 51.319(c)(5).

[1330] *See* Qwest II Stewart Reply Decl. at 64-65; Qwest I Stewart Reply Decl. at paras. 56-57; *see also* 47 C.F.R. § 51.319(c)(2).

[1331] 47 C.F. R. § 51.319. This rule is known as the "switching carveout exception".

[1332] *See* AT&T Qwest II Comments at 112-113; AT&T Qwest I Comments at 95-98; AT&T Qwest I Wilson Decl. at para. 69 (maintaining that Qwest did not correctly interpret the Commission's "switching carveout exception" because it counted customers' lines on a "per wire center" basis).

[1333] *Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia, Inc. and for Expedited Arbitration, et al.,* CC Docket No. 00-218, *Memorandum Opinion and Order*, DA 02-1731 at 173-178, paras. 355-363 (July 17, 2002) (*Virginia Arbitration Order*) (emphasis added). *See also* Qwest III Application, Tab 11 (confirming that its policy was revised effective September 25, 2002).

[1334] *See* Letter from Hance Haney, Executive Director-Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed November 14d, 2002) (*Qwest Nov. 14d Ex Parte*).

[1335] Qwest III Application, Tab 11.

whom unbundled local switching would continue to be available in the *UNE Remand Order*.[1336] High-volume customers are more likely to have four or more lines per location, as opposed to residential and small business customers, who are less likely to have four or more lines at a single location. In addition, the Commission in the *UNE Remand Order* focused on the various costs avoided through the purchase of local switching, such as the costs associated with collocation and hot cuts, which are largely a function of customer location.

361. In assessing Qwest's compliance with checklist item 6, we waive our "complete when filed" rule to consider the revised legal commitment established by Qwest to implement the "switching carveout exception." We find that the interests our standard procedural requirements are designed to protect are not affected by our consideration of Qwest's recent SGAT filings addressing the legal commitment. There are a number of special circumstances that support the granting of this waiver. Qwest modified its policy, effective September 25, 2002, and clarified its modification on the record early in the 90-day statutory period for the Commission's consideration of the instant application.[1337] As such, parties were afforded a sufficient opportunity to comment on Qwest's modified policy during the specified comment cycle and could avail themselves of the terms retroactive to September 25, 2002, prior to the filing of the instant section 271 application. Moreover, Qwest modified its policy immediately after the issuance of the Bureau order and demonstrated good faith in its efforts to comply with the Commission's rules. We find that to not consider Qwest's SGAT filing would elevate form over substance. As a practical matter, no parties have been denied unbundled local circuit-switching, as Qwest maintains that it has never enforced the switching carveout in the three states where the exception applies. Finally, we find that Qwest's filing of revised SGATs is a straightforward step that has already been taken and does not constitute a promise of future action. For these reasons, we find that the circumstances present in this instance warrant a waiver of our procedural requirements, and allow consideration of Qwest's revised legal commitment to implement the "switching carveout exception."

362. We also conclude that Eschelon's assertions regarding tandem switch failures are insufficient to rebut Qwest's evidence showing compliance with the requirements of this checklist item.[1338] While we are concerned that such outages can have an adverse affect on competitive LECs, the present record does not reflect a systemic problem. Rather it appears that the tandem switch failures represented a series of isolated outages.[1339]

E. Checklist Item 7 – 911/E911 Access & Directory Assistance/Operator Services

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[1336] *See UNE Remand* Order, 15 FCC Rcd at 3830-31, para. 297.

[1337] *See* Qwest Application, Tab 11.

[1338] *See* Eschelon Qwest II Comments at 44-46; Eschelon Qwest I Comments at 28.

[1339] We note that only seven outages occurring over a nine month period were reported by Eschelon and there have been no recent allegation of outages. No other commenter reported a similar problem.

1. 911 and E911 Access

363. Section 271(c)(2)(B)(vii) of the Act requires a BOC to provide "[n]on discriminatory access to 911 and E911 services."[1340] Qwest must provide competitors with access to its 911 and E911 services in the same manner that it provides such access to itself, *i.e.*, at parity.[1341] Specifically, the BOC "must maintain the 911 database entries for competing LECs with the same accuracy and reliability that it maintains the database entries for its own customers."[1342] We find, as did the commissions of the nine application states,[1343] that Qwest provides nondiscriminatory access to 911 and E911 services. We note that no commenter challenges Qwest's compliance with this aspect of checklist item 7.

2. Directory Assistance / Operator Services

364. Section 271(c)(2)(B)(vii)(II) and section 271(c)(2)(B)(vii)(III) require a BOC to provide nondiscriminatory access to "directory assistance services to allow the other carrier's customers to obtain telephone numbers" and "operator call completion services," respectively.[1344] Additionally, section 251(b)(3) of the 1996 Act imposes on each LEC "the duty to permit all [competing providers of telephone exchange service and telephone toll service] to have nondiscriminatory access to . . . operator services, directory assistance, and directory listing, with no unreasonable dialing delays."[1345] Qwest provides competitive LECs access to the same directory assistance services and operator services that it provides to Qwest's retail customers.[1346] Qwest's processes for providing directory assistance services and operator services are designed to ensure competitive LECs that all calls are handled in the same manner regardless of whether

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[1340] 47 U.S.C. § 271(c)(2)(B)(vii); s*ee also* Appendix K at paras. 57-58.

[1341] *Bell Atlantic New York Order*, 15 FCC Rcd at 4130-31, para. 349 (citing *Ameritech Michigan Order*, 12 FCC Rcd at 20679, para. 256).

[1342] *Ameritech Michigan Order*, 12 FCC Rcd at 20679, para. 256.

[1343] *See* Colorado Commission Qwest I Comments at 12; Idaho Commission Qwest I Comments at 4; Iowa Board Qwest I Comments at 50; Montana Commission Qwest II Comments at 32; Nebraska Commission Qwest I Comments at 8; North Dakota Commission Qwest I Comments at 5; Utah Commission Qwest II Comments at 5; Wyoming Commission Qwest II Comments at 8.

[1344] 47 U.S.C. § 271(c)(2)(B)(vii)(II)-(III). *See also Bell Atlantic New York Order*, 15 FCC Rcd at 4131, para. 351.

[1345] 47 U.S.C. § 251(b)(3). We have previously held that a BOC must be in compliance with section 251(b)(3) in order to satisfy sections 271(c)(2)(B)(vii)(II) and (III). *See Second BellSouth Louisiana Order*, 13 FCC Rcd at 20740, n.763. *See also Bell Atlantic New York Order*, 15 FCC Rcd at 4132-33, para 352.

[1346] Qwest II Application at 89-91; Qwest I Application at 82-83. *See also* Qwest II Applications App. A, Tab 19, Declaration of Lori A. Simpson (Qwest II Simpson-OS/DA Decl.) at para. 4; Qwest I Application App. A, Tab 20, Declaration of Lori A. Simpson (Qwest I Simpson-DA/OS Decl.) at para. 4.

they are originated by a competitive LEC's customers or by Qwest's customers.[1347] Qwest also provides branding for competitive LECs that purchase operator services and directory assistance from Qwest.[1348] Based on our review of the record, we conclude, as did each of the state commissions,[1349] that Qwest offers nondiscriminatory access to its directory assistance services and operator services (OS/DA).[1350]

365. We reject WorldCom's allegations that Qwest refuses to provide customized routing as required by Commission precedent.[1351] Specifically, WorldCom seeks to carry OS/DA traffic over its existing Feature Group D trunks.[1352] WorldCom maintains that Qwest requires that it purchase "unique" Feature Group D trunks dedicated to OS/DA traffic.[1353] Qwest states that this requirement is supported by the terms and conditions of the interconnection agreements.[1354] The Commission has previously addressed customized routing in the *Second BellSouth Louisiana Order*, finding that if it is technically feasible for the incumbent LEC to offer a particular customized routing arrangement, failure to do so would be a violation of section 251(c)(3) of the Act.[1355] We find that Qwest's general customized routing offering in its

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[1347] Qwest II Application at 89-91; Qwest I Application at 82-83. *See also* Qwest II Simpson-OS/DA Decl. at para. 4; Qwest I Simpson-DA/OS Decl. at para. 4.

[1348] Qwest II Application at 89-91; Qwest I Application at 82-83. *See also* Qwest II Simpson-OS/DA Decl. at para. 4; Qwest I Simpson-DA/OS Decl. at para. 4.

[1349] *See* Colorado Commission Comments at 12; Idaho Commission Comments at 4; Iowa Board Comments at 74; Montana Commission Comments at 32; Nebraska Commission Comments at 8; North Dakota Commission Comments at 8; Utah Commission Comments at 5; Wyoming Commission Comments at 8.

[1350] *See* Qwest II Application at 89-91; Qwest I Application at 82-83. *See also* Qwest II Simpson-OS/DA Decl. at paras. 3-72; Qwest I Simpson-OS/DA Decl. at paras. 3-79.

[1351] *See* WorldCom Qwest III Comments at 26; WorldCom Qwest II Comments at 36-40; WorldCom Qwest I Comments at 34-37; WorldCom Qwest II Reply at 21-23; WorldCom Qwest I Reply at 19-20; Letter from Lori E. Wright, Associate Counsel-Federal Advocacy, WorldCom, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189 (dated August 19, 2002) (WorldCom August 19, *Ex Parte*). Customized Routing is a function provided by the switch and is included in the requirements addressed under checklist item 6. *See also* 47 C.F.R. § 51.319(c)(1)(iii)(B). This issue is discussed in this section because WorldCom raises it as a violation of checklist item 7 rather than as a violation of checklist item 6.

[1352] WorldCom Qwest II Comments at 36-37; WorldCom Qwest I Comments at 35. *See also* WorldCom Qwest II Reply at 21-23; WorldCom Qwest I Reply at 19.

[1353] WorldCom Qwest II Comments at 36-37; WorldCom Qwest I Comments at 35. *See also* WorldCom Qwest II Reply at 21-23; WorldCom Qwest I Reply at 19.

[1354] Qwest II Reply Declarations Tab 3, Reply Declaration of Lori A. Simpson (Qwest II Simpson-OS/DA Reply Decl.) at paras. 47-48; Qwest I Reply Declarations Tab 3, Reply Declaration of Lori A. Simpson (Qwest Simpson-OS/DA Reply Decl.) at paras. 29-30.

[1355] *See Second BellSouth Louisiana Order*, 13 FCC Rcd at 20731-20732, paras. 226-227. The Commission also recognized that all incumbent LECs must make network modifications as necessary to accommodate interconnection or access to network elements.

SGAT complies with our rules because it allows competitive LECs to have customers' calls routed as Qwest's customers' calls are, or to choose customized routing to the extent it is technically feasible.[1356] This offering is available to all competing LECs, including WorldCom. The fact that WorldCom is dissatisfied with its current contract,[1357] which contains the language regarding "unique" trunks, does not rise to the level of a checklist violation, particularly in light of Qwest's SGAT offering. Therefore, consistent with Commission precedent,[1358] we decline to resolve this matter within the context of this section 271 proceeding.[1359]

F. Checklist Item 10 – Databases and Signaling

366. Section 271(c)(2)(B)(x) of the 1996 Act requires a BOC to provide "nondiscriminatory access to databases and associated signaling necessary for call routing and completion."[1360] Qwest states that it provides competitive LECs in each of the application states with unbundled, nondiscriminatory access to its signaling network, including signaling links and transfer points, and to Qwest's call-related databases and service management systems.[1361] Based on the evidence in the record, we find, as did each of the commissions in the nine application states, that Qwest complies with the requirements of checklist item 10.[1362]

367. We reject Touch America's contentions that, because Qwest allegedly discriminated against Touch America in the context of the U S WEST-Qwest merger divestiture

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[1356] Qwest II Simpson OS/DA Decl. at paras. 3-22; Qwest I Simpson OS/DA Decl. at paras. 3-22. *See, e.g.,* Qwest Application App. B, Vol. 1, Tab 2, Colorado Statement of Generally Available Terms (Colorado SGAT) at § 9.12.

[1357] *See* WorldCom Qwest II Comments at 36-40; WorldCom Qwest I Comments at 34-37. *See also* WorldCom Qwest II Reply at 21-23; WorldCom Qwest II Reply at 19-20.

[1358] *See SWBT Texas Order,* 15 FCC Rcd at 18389-18390, paras. 77-78 (rejecting AT&T's claim that its rights under section 251 were not fully reflected in its contract, relying instead on SWBT's contract with WorldCom to find checklist compliance).

[1359] We reject Qwest's assertion, raised in its reply comments, that WorldCom's customized routing request is actually a 411 presubscription since the record is inconclusive on this issue and it would best be resolved in state proceedings. *See* Qwest II Simpson-OS/DA Reply Decl. at paras. 41-50; Qwest I Simpson-OS/DA Reply Decl. at paras. 23-32. We also note that Qwest states its willingness to work with WorldCom to pursue a workable solution for both parties. *See* Qwest II Simpson-OS/DA Reply Decl. paras. 40-41; Qwest I Simpson-OS/DA Reply Decl. at paras. 31-32.

[1360] 47 U.S.C. § 271(c)(2)(B)(x); *see also* Appendix K at para. 62.

[1361] *See* Qwest II Application App. A, Tab 22, Declaration of Margaret S. Bumgarner (Qwest II Bumgarner-Signal Decl.) at para. 4; Qwest I Application App. A., Tab 23, Declaration of Margaret S. Bumgarner (Qwest I Bumgarner-Signal Decl.) at para. 4.

[1362] *See* Montana Commission Qwest II Comments at 6; Utah Commission Qwest II Comments at 6; Washington Commission Qwest II Comments at 22-23; Wyoming Commission Qwest II Comments at 9; Colorado Commission Qwest I Comments at 23-24; Idaho Commission Qwest I Comments at 11; Iowa Board Qwest I Comments at 53-54; North Dakota Commission Qwest I Comments at 4-5; and Nebraska Commission Qwest I Comments at 1.

with respect to access to databases, Qwest will similarly "discriminate" against other competing carriers.[1363] Touch America's dispute is particular to the U S WEST-Qwest merger and is being addressed by the Commission in a separate proceeding.[1364] We conclude that Touch America's speculative claims about Qwest's future conduct does not warrant a finding that Qwest fails to comply with this checklist item. No other commenter challenges Qwest's compliance with this checklist item.

G. Checklist Item 11 – Number Portability

368. Section 271(c)(2)(B) of the Act requires a BOC to comply with the number portability regulations adopted by the Commission pursuant to section 251.[1365] Section 251(b)(2) requires all LECs "to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission."[1366] Qwest states that it satisfies the requirements of checklist item 11 as it complies with the Commission's (a) long term number portability ("LNP") implementation schedule; (b) performance criteria; (c) technical, operational, architectural and administrative requirements and (d) cost recovery rules for number portability.[1367] Based on the evidence in the record, we conclude, as did each of the nine state commissions, that Qwest has satisfied the requirements of checklist item 11.[1368]

369. Only one commenter, OneEighty, offers comments on this checklist item, which we reject for the following reasons. OneEighty alleges that Qwest lacks an adequate system of internal controls to manage number portability, which led to over 6,000 of OneEighty's Montana business customers losing service for three and a half hours in June 2002, and another outage the

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[1363] *See* Touch America Qwest II Comments at 11-13; Touch America Qwest I Comments at 10; Touch America Qwest II Reply at 12-13; Touch America Qwest I Reply at 14.

[1364] *Touch America, Inc. v. Qwest Communications International Inc., et al.*, File No. EB-02-MD-004 (February 11, 2002) (revised and refiled March 1, 2002); *Touch America, Inc. v. Qwest Communications International Inc., et al.*, File No. EB-02-MD-003 (February 8, 2002).

[1365] 47 U.S.C. § 271(c)(2)(B)(xi); *see also* Appendix K at para. 63.

[1366] 47 U.S.C. § 251(b)(2).

[1367] Qwest II Application App. A., Tab 23, Declaration of Margaret S. Bumgarner at para. 3; Qwest I Application App. A., Tab 24, Declaration of Margaret S. Bumgarner at para. 3.

[1368] Colorado Commission Qwest III Comments; Idaho Commission Qwest III Comments; Iowa Commission Qwest III Comments; Montana Commission Qwest III Comments; Nebraska Commission Qwest III Comments; North Dakota Commission Qwest III Comments; Utah Commission Qwest III Comments; Washington Commission Qwest III Comments; and Wyoming Commission Qwest III Comments.

following month.[1369] Both OneEighty and Qwest agree the July outage is directly related to the June outage.[1370] Accordingly, the outages are addressed jointly.

370. A review of the events leading up to the June and July outages do not demonstrate that Qwest's actions or inaction directly caused or exacerbated the outages. The events in question involve a North American Numbering Plan Administration ("NANPA") administrator and a mistake made with respect to an area code/exchange ("NPA/NXX"). A prospective subsidiary of OneEighty sent an order to the NANPA administrator to change the name and revenue accounting office for the NPA/NXX from the subsidiary to OneEighty.[1371] The NANPA administrator mistakenly processed the transfer order as an order to cancel the subsidiary's use of this NPA/NXX, causing the OneEighty outages.[1372] In accordance with the industry's guidelines, NANPA put the subsidiary/OneEighty and Qwest on notice that the NPA/NXX would be cancelled, a month prior to the outage.[1373] Thus, despite the initial error by the NANPA administrator, OneEighty had ample notice of the mistakenly processed order, yet it apparently failed to take expeditious corrective action. In addition, the Qwest Account Service Manager contacted OneEighty prior to performing the work that resulted in the outage.[1374]

371. We recognize that careful coordination between carriers and NANPA is essential to ensure that mistakes of this kind do not lead to customer outages. The evidence in the record, however, does not support a finding that Qwest's process, or its specific actions relating to these incidents, warrant a finding of checklist noncompliance. The service disruptions arose from an error by the NANPA administrator, rather than Qwest's failure to provide portability in compliance with the Act.

[1369] OneEighty Qwest III Comments at 9-14; OneEighty Qwest II Comments at 9-12.

[1370] *See* OneEighty Qwest II Comments at 9-12; Letter from Hance Haney, Attorney, Qwest II to Marlene H. Dortch, Secretary, Federal Communications Commission at 3, WCB Docket No. 02-189 (dated August 20b, 2002) (*Qwest II August 20b* E*x Parte*).

[1371] OneEighty Qwest III Comments at 10; OneEighty Qwest II Comments at 10.

[1372] Avista Communications, in anticipation of becoming an operating subsidiary of OneEighty, sent an order to the NANPA administrator, NeuStar, to change the name and revenue accounting office for the NPA/NXX 406/294 from Avista to OneEighty. NeuStar mistakenly processed the order as an order to cancel Avista's use of this NPA/NXX and notified Qwest, as the service provider that had ported 406/294 numbers, that it must either assume the 406/294 NPA/NXX or number changes would have to be done for the customers. OneEighty Qwest II Comments at 10; OneEighty Qwest III Comments at 10.

[1373] On May 22, 2002 NANPA issued a "Central Office Code (NXX) Assignment Request – Part 3" form that was sent to both the original code holder, Avista, and to the new code assignee, Qwest, with an effective date of July 13, 2002, pursuant to NANPA's Code Return procedures, § 4.d. Accordingly, the Assignment Request – Part 3 form provided OneEighty with approximately one month (between May 22nd and June 25th) to correct the mistaken order and avoid the outage. *See* Qwest II August 20b *Ex Parte* Letter at 2-3.

[1374] Furthermore, the Qwest Account Service Manager, assigned to OneEighty, provided some additional notice to OneEighty with a courtesy call, advising them that Qwest was beginning the activation of the returned code 406-294. *See* Qwest II August 20b E*x Parte* Letter at 1.

372. OneEighty contends that one result of the outages was a drop in call termination records from Qwest. It argues that a drop in call termination records between late June and late August 2002 is a basis for a determination of checklist noncompliance.[1375] OneEighty states that it immediately notified Qwest of the problem. Upon investigation, Qwest determined that the record problem was not region-wide but rather specific to OneEighty. Indeed, Qwest later concluded, and OneEighty concurs, that the record drop was the result of the outages.[1376] Given the mistake of the NANPA administrator and the background of these outages, we do not find Qwest to be noncompliant with this checklist item.

H. Checklist Item 14 – Resale

373. Section 271(c)(2)(B)(xiv) of the Act requires that a BOC make "telecommunications services . . . available for resale in accordance with the requirements of section 251(c)(4) and section 252(d)(3)."[1377] Based on the record, we conclude, as did the state commissions of each of the nine application states,[1378] that Qwest satisfies the requirements of this checklist item.[1379]

[1375] OneEighty Qwest III Comments at 14-15.

[1376] OneEighty Qwest III Comments at 14-15.

[1377] 47 U.S.C. § 271(c)(2)(B)(xiv); *see also* Appendix K at para. 67.

[1378] Colorado Commission Qwest I Comments at 26; Idaho Commission Qwest I Comments at 4; Iowa Commission Qwest I Comments at 61; Nebraska Commission Qwest I Comments at 8; North Dakota Commission Qwest I Comments at 5; Montana Commission Qwest II Comments at 45; Utah Commission Qwest II Comments at 5; Washington Commission Qwest II Comments at 25; Wyoming Commission Qwest II Comments at 9.

[1379] Qwest recognizes that it has a concrete and specific legal obligation through its SGAT and state-approved interconnection agreements to make its retail services available for resale to competing carriers at wholesale rates. Qwest III Application at 2; Qwest II Application at 111; Qwest I Application at 105; Qwest II Application App. A, Tab 26, Declaration of Lori A. Simpson (Qwest II Simpson-Resale Decl.) at para. 3; Qwest I Application App. A, Tab 27, Declaration of Lori A. Simpson (Qwest I Simpson-Resale Decl.) at para. 3. Qwest provisions resale lines in a timely manner, consistently meeting the benchmarks for installation commitments met with the exception of Washington. See discussion above in the provisioning section. PID: OP-3, June 2002-September 2002 (Installation Commitments Met). Competitors also experienced low trouble rates, with limited exceptions, from June through September 2002. We note that even where the trouble rate benchmarks were not met during this period, Qwest demonstrated consistent performance improvements month over month. PID: MR-8, June 2002-September 2002 (Trouble Rate). Moreover, Qwest meets its obligation here because the evidence demonstrates that Qwest consistently repairs competitive LEC troubles in a timely fashion. Accordingly, we also find that Qwest demonstrates that it provides maintenance and repair for resale lines in a manner that affords competitors a meaningful opportunity to compete. Specifically, the commercial data shows that, in at least four out of five months for all categories of resale service, Qwest passed both the mean time to restore metric, and the repair repeat report metric. PID: MR-6, June 2002-September 2002 (Mean Time to Restore); PID: MR-7, June 2002-September 2002 (Repair Repeat Report Rate).

374. We reject the challenges raised by commenters that Qwest does not meet checklist item 14 requirements with respect to DSL.[1380] AT&T asserts that Qwest has not satisfied its resale obligations because it does not offer for resale the volume-discounted DSL-based services that it provides to the Microsoft Network LLC (MSN), an Internet service provider (ISP).[1381] AT&T alleges that an investigation by the Minnesota Department of Commerce has revealed that Qwest is not only selling DSL services to MSN pursuant to its tariff, but is also providing typical retailing functions, including marketing, billing, and collection pursuant to contract arrangements with MSN.[1382]

375. As an initial matter, we note that Qwest makes a retail DSL offering available for resale under section 251(c)(4).[1383] AT&T's argument focuses on whether Qwest's tariffed DSL transmission offering to ISPs that already is discounted based on volume additionally should be subject to a section 251(c)(4) wholesale discount.[1384] We disagree with AT&T that the *AOL Bulk Services Order*[1385] requires a finding that Qwest's contractual arrangements for marketing, billing and collection services with one ISP, MSN, obligates it to make its bulk DSL transmission offering to ISPs available to other carriers at a further wholesale discount under section 251(c)(4).

[1380] "When considering commenters' filing in opposition to the BOC's application, we look for evidence that the BOC's policies, procedures, or capabilities preclude it from satisfying the requirements of the checklist item. Mere unsupported evidence in opposition will not suffice." *SBC Texas Order,* 15 FCC Rcd at 18375, para. 50.

[1381] AT&T Qwest II Comments at 119-121; AT&T Qwest II Reply at 63; AT&T Qwest I Comments at 104; AT&T Qwest I Reply at 63. AT&T also challenged whether Qwest provides nondiscriminatory access to packet switching. We address the issue under checklist item 6, unbundled local switching.

[1382] AT&T Qwest II Comments at 119; AT&T Qwest I Comments at 105.

[1383] Qwest II Application at 112-13; Qwest I Application at 106; Qwest I Reply at 88; Qwest II Simpson-Resale Reply Decl. at para. 25; Qwest I Simpson-Resale Reply Decl. at para. 33; Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 at 1 (filed November 18f, 2002) (*Qwest Nov. 18f Ex Parte*).

[1384] Bulk discounts range from 11 to 32 percent based on volumes that ISPs are required to maintain. *See* Qwest Tariff F.C.C. No. 1, 2nd Revised Page 8-310.5 and 1st Revised Page 8-310.6. State wholesale discounts range from 14.74 to 19.37 percent. *See* Letter from David L. Sieradzki, Counsel for Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 at 1-2 (filed November 12c, 2002) (*Qwest Nov. 12c Ex Parte* Letter) (citing to the applicable discounts in Qwest's SGATs).

[1385] *See Deployment of Wireline Services Offering Advanced Telecommunications Capability,* CC Docket No. 98-147, Second Report and Order, 14 FCC Rcd 19237 (1999) (*AOL Bulk Services Order*). The *AOL Bulk Services Order* concluded that "advanced telecommunications services sold to ISPs as an input component to the ISPs' retail Internet service offering shall not be considered to be telecommunications services offered on a retail basis that incumbent LECs must make available for resale at wholesale rates to requesting telecommunications carriers." *See also* 47 C.F.R. § 51.605(c).

376. It is undisputed that Qwest is a marketing, billing and collection agent for MSN.[1386] It appears on this record that MSN is purchasing a DSL transmission service on a wholesale basis for inclusion in its high-speed Internet access service and that the customer-care functions provided by Qwest are performed in connection with MSN's provision of that information service.[1387] AT&T has not shown that the customer-care functions provided by Qwest transform the wholesale DSL transmission service that Qwest provides to MSN into a retail telecommunications service within the meaning of section 251(c)(4). We note that there currently is a proceeding pending before the Commission regarding Qwest's contractual arrangements with MSN.[1388] Additionally, the Commission currently has pending before it a rulemaking proceeding which addresses related issues.[1389] It is possible we could reach a different conclusion in the future based on additional facts not before us in this proceeding.[1390] To the extent that any commenter believes that the contractual arrangement between Qwest and MSN violates the Commission's rules or the Act, those issues are more appropriately presented to the Commission in a section 208 complaint proceeding.[1391]

[1386] Qwest II Reply at 86-88; Qwest I Reply at 88; Qwest II Simpson-Resale Reply Decl. at para. 53; Qwest I Simpson-Resale Reply Decl. at para. 35.

[1387] *See* Qwest II Reply at 86; Qwest I Reply at 88 ("Qwest serves as MSN's marketing and billing agent with respect to the bundled DSL *information* service that MSN sells to end users.") (*emphasis in original*). *See also* Qwest II Simpson-Resale Reply Decl. at para. 52; Qwest I Simpson-Resale Reply Decl. at para. 35 ("Qwest has a billing and collection arrangement with MSN whereby the MSN Broadband service appears on the Qwest bill."); Qwest II Simpson-Resale Reply Decl. at para. 53; Qwest I Simpson-Resale Reply Decl. at para. 35 ("[A]ny interactions that Qwest may have with the end user consumers of MSN's DSL *information service* could not logically transform the separate bulk DSL transmission service that Qwest sells to MSN into a 'retail' service.") (*emphasis in original*).

[1388] *Petition for Declaratory Ruling, Petition of Qwest Corporation for Declaratory Ruling Clarifying that the Wholesale DSL Services Qwest Provides to MSN are not "Retail" Services Subject to Resale under Section 251(c)(4) of the Act,* WC Docket No. 02-77, filed Apr. 3, 2002.

[1389] *In the Matter of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, *Universal Service Obligations of Broadband, Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements,* Notice of Proposed Rulemaking, 17 FCC Rcd 3019 (2002).

[1390] *See SWBT Kansas/Oklahoma Order,* 16 FCC Rcd at 6355, para. 230 ("As we have found in past section 271 proceedings, the section 271 process simply could not function if we were required to resolve every interpretive dispute about the precise content of an incumbent LEC's obligations to its competitors, including fact-intensive interpretive disputes."). *See also SWBT Kansas/Oklahoma Order* 16 FCC Rcd at 6246, para. 19 ("[T]here will inevitably be, in any section 271 proceeding, new and unresolved interpretive disputes about the precise content of an incumbent LEC's obligations to its competitors – disputes that our rules have not yet addressed and that do not involve *per se* violations of self-executing requirements of the Act. The section 271 process simply could not function as Congress intended if we were generally required to resolve all such disputes as a precondition to granting a section 271 application.") (*citing American Tel. and Tel. Co. v. FCC*, 220 F.3d 607, 631 (D.C. Cir. 2000); *SWBT Texas Order* at 15 FCC Rcd at 18366-18367, paras. 25-26.

[1391] ISPs that believe Qwest is engaging in discriminatory or otherwise unlawful conduct, for example, under our *Computer III* rules, may file a complaint with the appropriate state authority or this Commission.

377. We also reject AT&T's allegation that Qwest denies competitive LECs nondiscriminatory access to network elements because it converts misdirected maintenance and repair calls into opportunities for winning back competitive LECs' customers.[1392] AT&T maintains that while competitive LECs are allowed to engage in this practice, Qwest's ability to do so should be restricted, given its dominance and significantly more opportunities to win back customers.[1393] In response, Qwest maintains that to prevent it from marketing on such calls would be an impermissible restriction on free speech.[1394] We find that the record is inconclusive as to whether an anticompetitive effect has actually resulted from this practice. Moreover, we note that the Colorado Commission has found that Qwest should not be prohibited from marketing its services during misdirected calls.[1395] We further note that any use by Qwest of customer proprietary network information ("CPNI") generated by customers of competitive LECs to market to customers during misdirected calls would likely run afoul of section 222(b) of the Telecommunications Act,[1396] and our rules governing retention marketing.[1397] However, the record does not reflect allegations that such uses of CPNI are occurring. To the extent that a party believes that a carrier is engaging anticompetitive or prohibited behavior, the section 208 complaint process can be utilized to address fact-specific issues.

378. Other commenters raise issues challenging Qwest's unwillingness to make services available for resale at wholesale rates. The Payphone Associations argue that Qwest does not make Public Access Lines (PALs)[1398] available for resale in all of the applications states.[1399] Specifically, the Payphone Associations allege that Qwest's SGAT in Colorado offers a 0% discount on public access lines (PALs) in Colorado, and that Qwest does not even list

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[1392] AT&T Qwest I Comments at 91. Misdirected maintenance and repair calls refer to calls placed in error to Qwest by competitive LEC customers seeking maintenance and repair support. *See* Iowa Board Reply at 23 (noting that issue does not apply in Iowa).

[1393] AT&T Qwest I Comments at 91.

[1394] Qwest I Simpson-Resale Reply Decl. at para. 22.

[1395] Qwest I Application App. C, Vol. 3, Tab 10 at 96-104, Colorado Commission Hearing Commission Volume IIA Resolution Decision.

[1396] 47 U.S.C § 222(b).

[1397] *See Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as Amended; 2000 Biennial Regulatory Review – Review of Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, Third Report and Order and Third Further Notice of Proposed Rulemaking, CC Docket Nos. 96-115, 96-149, 00-257, FCC 02-214, paras.131-134 and Orders cited therein.

[1398] We use the term Public Access Lines in this discussion to be consistent with the terminology of the Colorado SGAT. We note, however, that the Payphone Associations use the terms Payphone Access Lines and Pay telephone access lines to denote the same lines. *See* Payphone Associations Qwest I Comments at 3 & n.5.

[1399] *See* Payphone Associations Qwest I Comments at 2 n.3.

PALs as being available for resale in North Dakota and Nebraska.[1400] In response, Qwest maintains that PALs are available for resale in all states within its region.[1401] Qwest states that section 6.1.1 of its SGAT provides that all telecommunications services offered "at retail" to end users that are not telecommunications carriers are available for resale.[1402] Qwest also notes that the SGAT for each state lists services not available for resale in Section 6.2.2, and PAL is not listed there.[1403] As to Colorado, Qwest states that the 0% discount was the result of a decision by the Colorado Commission in its first cost docket.[1404] In that docket, Qwest presented evidence that it would not avoid any costs in making PALs available for resale because payphone lines are managed by the same business group that manages competitive LECs – same billing systems, same collections activities, same people.[1405] The state payphone association in that case proposed a discount between 18% and 30% but it did not use an avoided cost methodology.[1406] Based on the record before it, we do not find that the Colorado Commission acted unreasonably in establishing a 0% discount for payphone lines. Accordingly, we conclude that Qwest's resale policies as it relates to PALs comply with the requirements of checklist item 14.

I. Remaining Checklist Items

379. In addition to showing compliance with the statutory requirements discussed above, an applicant for section 271 authority must demonstrate that it complies with checklist item 3 (poles, ducts, and conduits), item 8 (white pages), item 9 (numbering administration), item 12 (local dialing parity), and item 13 (reciprocal compensation). Based on the evidence in this record, we conclude, as did each of the state commissions that Qwest complies with the

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[1400] *Id.* at 2-3, n.3.

[1401] Qwest I Reply at 90-91; Qwest II Simpson-Resale Reply Decl. at paras. 54-56; Qwest I Simpson-Resale Reply Decl. at paras. 44-47. Qwest also states that in Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, and Washington it will clarify in its SGATs the resale discounts that apply to PALs. *See* Qwest II Simpson-Resale Reply Decl. at para. 56; Qwest I Simpson-Resale Reply Decl. at para. 47.

[1402] Qwest I Reply at 90-91; Qwest II Simpson-Resale Reply Decl. at para. 54; Qwest I Simpson-Resale Reply Decl. at para. 44.

[1403] Qwest II Simpson Resale Decl. at para. 55; Qwest I Simpson Resale Decl. at para. 45.

[1404] Letter from David L. Sieradzki, Counsel for Qwest Communications International, Inc., to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148 at 4 (dated July 24b, 2002) (Qwest July 24b *Ex Parte)*.

[1405] *Investigation and Suspension of Tariff Sheets filed by U S WEST Communications, Inc., with Advice Letter No. 2617, Regarding Tariffs for Interconnection, Local Termination, Unbundling and Resale of Services*, Docket No. 96S-331T, Rebuttal Testimony of Brian Johnson on behalf of U S WEST Communications, Inc. at 68 (Mar. 28, 1997).

[1406] *Investigation and Suspension of Tariff Sheets filed by U S WEST Communications, Inc., with Advice Letter No. 2617, Regarding Tariffs for Interconnection, Local Termination, Unbundling and Resale of Services*, Docket No. 96S-331T, Direct Testimony of Richard Hodges on behalf of the Colorado Payphone Association at 6-7 (Feb. 21, 1997).

requirements of all of the checklist items: 3, 8, 9, 12, and 13.[1407] None of the commenting parties challenge Qwest's compliance with these items.

VI. SECTION 272 COMPLIANCE

A. Background

380. Section 271(d)(3)(B) requires that the Commission shall not approve a BOC's application to provide interLATA services unless the BOC demonstrates that the "requested authorization will be carried out in accordance with the requirements of section 272."[1408] The Commission set standards for compliance with section 272 in the *Accounting Safeguards Order* and the *Non-Accounting Safeguards Order*.[1409] Together, these safeguards discourage and facilitate the detection of improper cost allocation and cross-subsidization between the BOC and its section 272 affiliate.[1410] In addition, these safeguards ensure that BOCs do not discriminate in favor of their section 272 affiliates.[1411] As the Commission stated in prior section 271 orders, compliance with section 272 is "of crucial importance" because the structural, transactional, and nondiscrimination safeguards of section 272 seek to ensure that BOCs compete on a level playing field.[1412] Based on the record, we conclude that Qwest and Qwest LD Corp. ("QLDC"), its section 272 affiliate, have demonstrated compliance with the requirements of section 272.

381. As noted above, Qwest previously filed multi-state applications on behalf of itself and its subsidiaries, Qwest Corporation ("QC"), the BOC, and Qwest Communications Corporation ("QCC"), its designated separate section 272 affiliate, to provide originating in-

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[1407] Colorado Commission Qwest III Comments; Idaho Commission Qwest III Comments; Iowa Commission Qwest III Comments; Montana Commission Qwest III Comments; Nebraska Commission Qwest III Comments; North Dakota Qwest III Commission Comments; Utah Commission Qwest III Comments; Washington Commission Qwest III Comments; and Wyoming Commission Qwest III Comments.

[1408] 47 U.S.C. § 271(d)(3)(B); *see also* Appendix K.

[1409] *See Implementation of the Accounting Safeguards Under the Telecommunications Act of 1996*, CC Docket No. 96-150, Report and Order, 11 FCC Rcd 17539 (1996) (*Accounting Safeguards Order*), Second Order On Reconsideration, FCC 00-9 (rel. Jan. 18, 2000); *Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 21905 (1996) (*Non-Accounting Safeguards Order*); First Order on Reconsideration, 12 FCC Rcd 2297 (1997), Second Order on Reconsideration, 12 FCC Rcd 8653 (1997), *aff'd sub nom. Bell Atlantic Tel. Cos. v. FCC*, 131 F.3d 1044 (D.C. Cir. 1997), Third Order on Reconsideration, FCC 99-242 (rel. Oct. 4, 1999).

[1410] *See Non-Accounting Safeguards Order*, 11 FCC Rcd at 21914, para. 15; *Accounting Safeguards Order*, 11 FCC Rcd at 17550, para. 24; *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346.

[1411] *See Non-Accounting Safeguards Order*, 11 FCC Rcd at 21914, paras. 15-16; *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346.

[1412] *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346; *see SWBT Texas Order*, 15 FCC Rcd at 18549, para. 395.

region interLATA services in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming.[1413] In its initial applications, Qwest stated that its section 272 affiliate for those applications, QCC, maintained its books, records, and accounts in accordance with Generally Accepted Accounting Principles ("GAAP"), and that all transactions between QCC and QC, the BOC, were accounted for in compliance with GAAP.[1414]

382. Subsequent to the initial filing, however, Qwest disclosed that both internal and third party reviews of Qwest's accounting practices were underway, and that certain recently discovered accounting transactions rendered Qwest unable to certify whether certain of its financial statements were consistent with GAAP.[1415] On September 10, 2002, Qwest withdrew its section 271 applications.

383. Subsequently, Qwest formed a new section 272 affiliate, QLDC, and filed the instant application on September 30, 2002. QLDC is a switchless reseller, which is a wholly-owned subsidiary of Qwest Services Corporation, which, in turn, is a wholly-owned subsidiary of QCII.[1416]

384. Consistent with our approach to other BOC applications under section 271, our judgment about Qwest's compliance with section 272 is a predictive one, as required by section 271(d)(3)(B) of the Act.[1417] Specifically, our task is to determine whether Qwest's section 272

[1413] *See* 47 U.S.C. § 272 (a)(2)(B)(ii).

[1414] Qwest I Application App. A, Tab 37, Declaration of Judith L. Brunsting (Qwest I Brunsting Decl.) at para. 29 ("The 272 Affiliate follows Generally Accepted Accounting Principles ("GAAP"), as adopted by the FCC in Docket 96-150."); Qwest I Application App. A, Tab 38, Declaration of Marie E. Schwartz (Qwest I Schwartz Decl.) at para. 48 ("The BOC's books records, records and accounts are maintained in accordance with USOA, Part 32.27, and Part 64.901, Allocation of Costs."). GAAP is that common set of accounting concepts, standards, procedures, and conventions that are recognized by the accounting profession as a whole and upon which most enterprises base their external financial statements and reports. GAAP is incorporated into the Commission's Uniform System of Accounts to the extent that regulatory considerations allow. *See* 47 C.F.R. § 32.1.

[1415] Letter from Oren G. Shaffer, Vice Chairman and Chief Financial Officer, Qwest Communications International Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148 and 02-189, at 1-2 (filed August 20, 2002) (Qwest August 20k *Ex Parte* Letter). Qwest stated that the transactions subject to adjustment involve third-party optical capacity and equipment sales, improper recording of expenses, and improper booking of revenues from Qwest's yellow pages operations, *i.e.*, transactions that Qwest claimed do not involve transactions between Qwest and QCC. Qwest later clarified that only QCII was unable to certify its financial statements, since there are no certified financial statements for QCC. Qwest I Supplemental Comments on Accounting Issues at 3, n.7.

[1416] Qwest III Application at 10.

[1417] Several courts have addressed the Commission's discretion to make predictive judgments. In different contexts, the United States Supreme Court has recognized that the Commission must necessarily make difficult predictive judgments in order to implement certain provisions of the Communications Act. *See FCC v. WNCN Listeners Guild*, 450 U.S. 582, 594-96 (1981) (recognizing that the Commission's decisions must sometimes rest on judgment and prediction rather than pure factual determinations) (citing *FCC v. Nat'l Citizens Comm. for Broadcasting*, 436 U.S. 775, 813-14 (1978)); *NAACP v. FCC*, 682 F.2d 993 (D.C. Cir. 1982) ("greater discretion is given administrative bodies when their decisions are based upon judgmental or predictive conclusions"); s*ee also* (continued….)

affiliate, QLDC, will be complying with this requirement on the date of authorization, and thereafter. In making that predictive judgment, we are informed by the past and current actions of QLDC, including, as addressed more fully below, measures taken by Qwest that affect our predictive analysis. We focus our discussion on those areas where commenters challenge Qwest's compliance with these requirements. For the reasons discussed below, based on the record, we conclude that Qwest has demonstrated that it will comply with the requirements of section 272. We address each section 272 requirement below.

B. Discussion

385. Before turning to the specific requirements of section 272 and our implementing rules, we address the argument that QLDC is a sham corporation that will not actually be providing interLATA service upon grant of section 272 approval.[1418] As set forth below, we conclude that Qwest has adequately demonstrated that QLDC will be the entity providing in-region, interLATA service originating in the nine states that are the subject of this application.[1419]

386. The Commission affords BOCs considerable flexibility in how they structure their section 272 affiliates. The Commission's rules do not mandate how many employees, or the amount of capitalization, the section 272 affiliate must have prior to section 271 approval.[1420] Our rules do not require a BOC to be a facilities-based provider of interLATA service. Each BOC is free to structure its operations consistent with its own business needs, so long as it complies with the statute and our rules. Here, Qwest adequately demonstrates that QLDC is, in fact, a separate

(Continued from previous page)
Pub. Util. Comm'n of State of Cal. v. F.E.R.C., 24 F.3d 275, 281 (D.C. Cir. 1994) (acknowledging that predictions regarding the actions of regulated entities are the type of judgments that courts routinely leave to administrative agencies). Indeed, we note that determining whether a BOC's section 271 application meets the requirements of the competitive checklist, the requirements of section 272, and is consistent with the public interest, convenience and necessity requires the Commission to engage in highly complex, fact-intensive analyses. *See* 47 U.S.C. § 271(d)(3).

[1418] AT&T and Touch America allege that QLDC is a "sham" corporation that will be "merged" with QCC immediately after approval. AT&T Qwest III Comments at 18-20; Touch America Qwest III Comments at 3-4; *see also* AT&T November 7 *Ex Parte* letter at 3.

[1419] *Cf. AT&T Corp. v. U S WEST Corp*., 13 FCC Rcd 21465-66, para. 37 ("*Qwest Teaming Order*"), *aff'd sub nom. U.S. West Communications, Inc. v. FCC*, 177 F.3d 1057 (D.C. Cir. 1999), *cert. denied,* 528 U.S. 1188 (2000). In the *Qwest Teaming Order*, the Commission considered the totality of the circumstances, rather than focusing on any one particular activity, in assessing whether the BOC was providing interLATA service within the meaning of section 271. *Id.* In making its determination, the Commission considered several factors, including whether the BOC was effectively holding itself out as a provider of long distance service, and whether the BOC was performing activities and functions that were typically performed by those who are legally or contractually responsible for providing interLATA service to the public. *Id.* Similarly, we consider, for purposes of this section 271 application, the totality of the circumstances in determining whether QLDC is the entity that will be providing originating in-region, interLATA service.

[1420] We also note that the Commission has not previously required that the BOC applicant have any particular number of, other than a minimum of one, section 272 affiliates. *See, e.g., Bell Atlantic New York Order,* 15 FCC Rcd at 4153-54, para. 405 (addressing Bell Atlantic New York's three section 272 affiliates); *see also SWBT Texas Order*, 15 FCC Rcd at 18548-50, para. 398 (addressing SWBT Texas's single section 272 affiliate).

section 272 affiliate that will, following grant of Qwest's application, provide interexchange service in compliance with section 272. Qwest provides evidence that QLDC has applied for state operating authorizations,[1421] and that QLDC has contracted with WorldCom to resell services.[1422] We, therefore, are not persuaded that Qwest intends for QCC (the proposed section 272 affiliate from the initial applications), not QLDC, to actually conduct operations as the section 272 affiliate. In the event that Qwest does "merge" QLDC with another entity in the future, Qwest must, of course, comply with all of the Commission's rules.[1423] We plan to monitor this situation closely, and may investigate Qwest's compliance with our rules should the circumstances warrant. If QLDC is merged with an entity that is not GAAP compliant or otherwise violates the Commission's relevant section 272 rules, we are prepared to take appropriate enforcement action under section 271(d)(6).

1. Structural, Transactional, and Accounting Requirements of Section 272

387. *Section 272(b)(1) – Operate Independently.* Based on the evidence in the record, we conclude that QC and QLDC, Qwest's section 272 affiliate, comply with section 272(b)(1).[1424] The Commission has interpreted the "operate independently" requirement to impose four important restrictions on the ownership and operations of a BOC and its section 272 affiliate: (1) no joint ownership of switching and transmission facilities; (2) no joint ownership of the land and buildings on which switching and transmission facilities are located; (3) no provision by the BOC (or other non-section 272 affiliate) of operation, installation, and maintenance services (OI&M) with respect to the section 272 affiliate's facilities; and (4) no provision of OI&M by the section 272 affiliate with respect to the BOC's facilities.[1425]

388. Qwest maintains that QLDC and QC do not and will not jointly own telecommunications transmission and switching facilities, or the land and buildings on which

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[1421] We note that the Commission's rules do not require the section 272 affiliate to be licensed/certified by a state at the time of either the filing or approval of the BOC's section 271 application. However, we take comfort in, but do not rely upon, Qwest's efforts to obtain appropriate state authorizations. We fully expect that Qwest will not offer interLATA services in a particular state without obtaining the necessary regulatory approvals for that state. Qwest III Application at 7-8.

[1422] Qwest III Reply at 7-8; Qwest III Reply App. A, Tab 12, Reply Declaration of Judith L. Brunsting (Qwest III Brunsting Reply Decl.) at paras. 2, 5.

[1423] Qwest III Application at 9-10, n.11; Qwest III Application App. A, Tab 2, Declaration of Judith L. Brunsting (Qwest III Brunsting Decl.) at paras. 19-20; Qwest III Application App. A, Tab 3, Declaration of Marie E. Schwartz (Qwest III Schwartz Decl.) at paras. 21-24.

[1424] Qwest III Application at 10-13; Qwest III Brunsting Decl. at paras. 19-20; Qwest III Schwartz Decl. at paras. 21-24.

[1425] 47 C.F.R. §§ 53.203(a)-(c); *see Non-Accounting Safeguards Order*, 11 FCC Rcd at 21981-82, para. 158; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20787, para. 325.

such facilities are located.[1426] QLDC asserts that it does not provide QC with OI&M services in connection with Qwest's switching and transmission facilities.[1427] Furthermore, QC and QLDC have committed to comply with the requirements of section 272 and the *Non-Accounting Safeguards Order* for as long as those rules are in place.[1428] No party disputes these specific showings. Based on the record before us, we conclude that Qwest has adequately demonstrated compliance with the "operate independently" requirement.

389. *Section 272(b)(2) – Books, Records and Accounts.* Based on the evidence in the record, we find that Qwest has demonstrated that it will comply with the requirement that its section 272 affiliate "shall maintain books, records, and accounts in a manner prescribed by the Commission which shall be separate from the books, records and accounts maintained by the [BOCs]."[1429] In the *Accounting Safeguards Order*, the Commission determined that the section 272 affiliates must maintain their books, records, and accounts in accordance with GAAP.[1430] Qwest states that its newly formed section 272 affiliate maintains its books, records, and accounts in accordance with GAAP.[1431] There is no persuasive evidence in the record to the contrary.

390. Because QLDC has a limited prior financial history due to its recent formation, we rely in large part on Qwest's implementation of extensive controls designed to prevent, detect, and correct any accounting irregularities in the future.[1432] Specifically, since early July 2002, Qwest has enhanced its internal controls over compliance. In particular, QCII's CFO has required and reviewed regular reports from KPMG and the Senior Vice President.[1433] In addition to generally increasing the staffing of the accounting group, Qwest's CFO has also retained approximately 20 experienced consultants in order to ensure sufficient resources to properly

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[1426] Qwest III Application at 10; Qwest III Brunsting Decl. at para. 19; Qwest III Schwartz Decl. at para. 21.

[1427] Qwest III Brunsting Decl. at para. 19. Correspondingly, QC states that neither it nor any other Qwest affiliate performs any OI&M services related to any QLDC switching and transmission facilities, nor will it do so as long as a restriction applies. Qwest III Application at 10 (noting that QLDC is presently a switchless reseller).

[1428] Qwest III Brunsting Decl. at para. 6; Qwest III Schwartz Decl. at paras. 5-14.

[1429] 47 U.S.C. § 271(b)(2); 47 C.F.R. § 53.203(b).

[1430] *Accounting Safeguards Order,* 11 FCC Rcd at 17617, para. 170. GAAP is that common set of accounting concepts, standards, procedures, and conventions that are recognized by the accounting profession as a whole and upon which most enterprises base their external financial statements and reports. The Commission reasoned that GAAP would result in a uniform audit trail at minimum cost, and would impose a degree of uniformity on the affiliates. *Id.*

[1431] Qwest III Brunsting Decl. at para. 21.

[1432] Qwest III Application at 11-12.

[1433] Qwest III Application at 11; Qwest III Reply at 15; Qwest August 26c *Ex Parte* Letter at 2; Qwest I Supplemental Comments on Accounting Issues at 15-17. Furthermore, Qwest's CFO "has also approved the elevation of the controller function to [that of Senior Vice President]." *Id.*

account for new transactions.[1434] Also, a new "Projects and Analysis Group" has been created that is responsible for "establishing and managing the accuracy of QCII's books, records, and accounts and implementing internal control enhancements."[1435]

391. Moreover, we note that the accounting concerns in Qwest's prior section 271 applications are not present here. In Qwest's initial applications, Qwest revealed that certain transactions involving its designated section 272 affiliate were subject to restatement.[1436] Here, in addition to the evidence of the mechanisms, procedures and controls that QC and QLDC have in place to ensure compliance, there is no evidence in the record suggesting that QLDC's financial statements are subject to accounting irregularities.

392. Contrary to the allegations of AT&T and Touch America, we do not think the underlying purposes of our section 272 accounting and audit requirements would be well served by focusing on the fact that certain past transactions conducted by QCC, which is not the section 272 affiliate for purposes of this application, may need to be restated.[1437] Our evaluation necessarily is informed by the underlying purpose of section 272(b)(2) and the specific requirement – namely, compliance with GAAP by the section 272 affiliate – the Commission adopted to implement that statutory provision. A principal reason that the Commission adopted this requirement was to ensure that the company would have accounting records in a format that would result in "a uniform audit trail."[1438] An important use for such an audit trail is so the Commission can determine whether any impermissible cross-subsidization between the BOC and its section 272 affiliate has occurred.[1439] In other words, maintaining books, records, and accounts in accordance with GAAP is required as a means to the ultimate goals of ensuring that the BOC does not misallocate its costs in a way that favors its section 272 affiliate and that all transactions between the BOC and its section 272 affiliate occur on an arm's length basis once section 271 approval is granted. As stated above, because we are confident QLDC's books, records, and accounts will be maintained separate from the BOC and in accordance with GAAP on a forward-going basis, the underlying purpose of section 272(b)(2) will be satisfied. Accordingly, while we are generally concerned about, and may address in other proceedings, the accounting discrepancies, alleged by AT&T and Touch America, of other affiliates in the Qwest

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[1434] Qwest III Application at 11; *see also* Qwest III Reply at 15-16.

[1435] Qwest III Reply at 15.

[1436] Qwest August 20k *Ex Parte* Letter.

[1437] For example, AT&T has asserted that because Qwest acknowledges that there is a broad ongoing investigation of its accounting practices, the Commission lacks sufficient basis to conclude that QLDC's accounting practices will comply with the requirements of section 272. AT&T Qwest III Comments at 25.

[1438] *Accounting Safeguards Order*, 11 FCC Rcd at 17617, para. 170.

[1439] *See id.* at para. 243 (finding with respect to analogous concerns posed by section 274 information services affiliates that "[a] requirement of GAAP imposes a set of uniform accounting principles. Such uniformity will assist the Commission in ensuring that transactions between 'separated' affiliates or joint ventures required under section 274 and their affiliated BOCs are conducted 'in a manner consistent with such independence'….").

corporate family, such as QCC, we do not address those allegations here because there is not adequate evidence in the record to suggest that they have a bearing on the relationship between the BOC and its designated section 272 affiliate.

393. We, therefore, reject AT&T's argument that Qwest is unable to demonstrate current and future compliance with this Commission's GAAP requirements because Qwest has informed the Securities and Exchange Commission ("SEC") that Qwest is unable to state when internal and third party investigations and remedial actions will be completed.[1440] In the instant case, the record contains no evidence that QLDC has, either in the past or present, improperly accounted for transactions. We find that QLDC has shown that it has implemented adequate policies and controls that ensure GAAP compliance today and on a going-forward basis. We expect to examine Qwest's compliance with these requirements in the section 272(d) biennial audit. To the extent the audit results reveal any potential noncompliance, Qwest could be subject to appropriate enforcement action.

394. Lastly, we take comfort in the fact that Qwest is, on its own initiative, taking the necessary steps both to evaluate its past accounting policies and practices, as well as to restate the financial statements, if necessary, of all Qwest entities. Qwest has replaced its top management team since the filing of its first application and has hired a new independent auditor, KPMG LLP, to conduct a comprehensive examination of QCII's financial statements.[1441] Further, Qwest has committed to conducting a transparent internal analysis of past accounting practices and expeditiously filing audited financial statements for the parent corporation.[1442] Given the current pending SEC investigation, and Qwest's aggressive responses to past accounting improprieties, Qwest has demonstrated that the current management will continue to take proactive measures to ensure that all transactions involving QLDC will be recorded in its books, accounts, and records in accordance with GAAP. To do otherwise would potentially expose Qwest to consequences far more severe than denial of this section 271 application.

395. *Section 272(b)(3) – Separate Officers, Directors, and Employees*. Based on the evidence in the record, Qwest has demonstrated that it will comply with the "separate officers, directors, and employees" requirement of section 272(b)(3).[1443] In the *Ameritech Michigan Order*, the Commission emphasized that section 272(b)(3) requires the BOC and its section 272 affiliate to have independent management. The Commission concluded that the BOC and its affiliate must appoint a separate board of directors if the corporations are wholly-owned subsidiaries of the

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[1440] AT&T Qwest I Supplemental Comments on Accounting Issues at 2.

[1441] Qwest August 26c *Ex Parte* Letter at 2; *see also* Qwest Supplemental Comments on Accounting Issues at 15-17.

[1442] Qwest August 26c *Ex Parte* Letter at 2.

[1443] Qwest III Application at 12; Qwest III Brunsting Decl. at paras. 22-24; Qwest III Schwartz Decl. at paras. 33-39.

same parent corporation, and applicable state law imputes the responsibilities of directors for the wholly-owned subsidiary to the shareholders of the parent corporation.[1444]

396. We disagree with AT&T that Qwest cannot meet its burden under section 272(b)(3) because "QLDC is merely a shell, with an insignificant number of its own employees, and entirely dependent upon the services of employees of QC and other Qwest affiliates."[1445] The Commission has never specified a minimum number of employees that a section 272 affiliate must have. The Commission has previously found that a comparison of officer and director lists and payrolls, which Qwest provides, can be used to demonstrate that the BOC and its section 272 affiliate have separate employees.[1446] Furthermore, the record indicates that employees and directors are not shared by the companies in any manner.[1447] Qwest states that no employees have ever been loaned between QC and QLDC and a policy is in place to prohibit exchanges of employees.[1448] In addition, QC and QLDC have implemented training on the requirements of section 272[1449] and have employees certify that they understand and will comply with the requirements, particularly the limitations on the disclosure of confidential information.[1450] In sum, the record reflects that QC and QLDC have established multiple procedures and controls to ensure compliance with the requirements of this section.

397. *Section 272(b)(5) – Affiliate Transactions*. Based on our review of Qwest's application, we conclude that Qwest demonstrates that it will comply with the public disclosure requirements of section 272(b)(5) for transactions between QC, the BOC, and QLDC, its section 272 affiliate. Section 272(b)(5) requires that a section 272 affiliate conduct all transactions with its affiliated BOC on an arm's length basis.[1451] In addition, the statute requires section 272 affiliates to reduce all such transactions to writing and make them available for public inspection.[1452] Consistent with the Commission's *Accounting Safeguards Order*, Qwest must

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[1444] *Ameritech Michigan Order,* 12 FCC Rcd at 20728-32, paras. 353-62.

[1445] AT&T Qwest III Comments at 32. AT&T also asserts that Qwest fails to meet the requirements of section 272(b)(3) because it makes no representation regarding whether employees originated with the BOC, "but passed through QCC before landing at QLDC." AT&T Qwest III Comments at 33. The Commission's rules only address current sharing/transferring of employees directly between the BOC and the section 272 affiliate. *See Non-Accounting Safeguards Order*, 11 FCC Rcd at 21990-91, para. 178.

[1446] *See Bell Atlantic New York Order,* 15 FCC Rcd at 4155, n.1261.

[1447] Qwest III Application at 12; Qwest III Brunsting Decl. at para. 22-24.

[1448] Qwest III Brunsting Decl. at para. 22; Qwest III Schwartz Decl. at para. 33.

[1449] Qwest III Brunsting Decl. at para. 22; Qwest III Schwartz Decl. at para. 36.

[1450] Qwest III Schwartz Decl. at para. 36, Exhibit MES-QC-15.

[1451] 47 U.S.C. § 272(b)(5); 47 C.F.R. § 53.203(e).

[1452] Section 272(b)(5) states that the section 272 affiliate "shall conduct *all* transactions with the [BOC] of which it is an affiliate on an arm's length basis with *any such* transactions reduced to writing and available for public inspection." 47 U.S.C. § 272(b)(5) (emphasis added).

ensure that all transactions between its section 272 affiliate, QLDC, and any affiliated BOC are posted on the company's Internet homepage within 10 days of the transaction.[1453] To ensure that all affiliate transactions occur at arm's length, Qwest must also abide by the Commission's affiliate transactions rules.[1454]

398. We find that QLDC will comply with the public disclosure requirement of section 272(b)(5). AT&T argues that Qwest has failed to post all transactions between QC and QLDC on the Internet, and that Qwest fails to provide sufficient detail of such transactions.[1455] The record, however, demonstrates that Qwest provides adequate details of each transaction in accordance with the Commission's requirements, and furthermore, that Qwest has several safeguards in place to ensure compliance with section 272(b)(5), including all posting requirements.[1456] Moreover, the section 272(d) biennial audit requirement should ensure that QLDC continues to provide adequate descriptions of its posted transactions. Inadequate descriptions, if any, will be identified in the audit, and disclosed in the subsequent audit report, which could subject Qwest to enforcement action.

399. We also conclude that Qwest complies with the Commission's rules regarding the pricing, and the posting of such prices, of transactions between QC and QLDC. AT&T asserts that Qwest violates the affiliate transaction rules, which require QC and QLDC to conduct all transactions with each other on an arm's length basis, by improperly using the "prevailing company price" method for valuing certain transactions between QC and QLDC.[1457] Specifically, AT&T claims that QC and QLDC price their joint-marketing services agreement using the prevailing company price method, despite never having sold such services to "even one unaffiliated third party."[1458] Although AT&T is correct in stating that Qwest's application identifies prevailing company price as the valuation method for all current QLDC transactions, Qwest explains that it has not posted a work order (and the accompanying rate) for actual joint-marketing services because it has yet to receive section 271 approval.[1459] Qwest states that when

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[1453] *See Accounting Safeguards Order*, 11 FCC Rcd at 17593-94, para. 122; *Ameritech Michigan Order*, 12 FCC Rcd at 20734-37, paras. 366-73; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20790-95, paras. 332-39.

[1454] 47 C.F.R. § 32.27; *Accounting Safeguards Order*, 11 FCC Rcd at 17620, para. 176; *see Second BellSouth Louisiana Order*, 13 FCC Rcd at 20790-95, paras. 332-39. The Commission's affiliate transactions rules require BOCs to report transactions between regulated and nonregulated affiliates, and to value the cost of affiliate transactions in accordance with a hierarchy of valuation techniques.

[1455] AT&T Qwest III Comments at 37; AT&T Qwest III Selwyn Decl. at 26-28. Qwest acknowledges discrepancies with past disclosures for transactions between QC and QCC (the section 272 affiliate for the previous applications). Qwest I Schwartz Decl. at paras. 19-27.

[1456] Qwest III Application at 13; Qwest III Brunsting Decl. at paras. 29-39; Qwest III Schwartz Supplemental Decl. at paras. 44-57.

[1457] AT&T Qwest III Comments at 33-34.

[1458] AT&T Qwest III Comments at 35.

[1459] Qwest III Reply at 20, n.23. Qwest states that it uses the prevailing company price method when it makes the same service available to third parties at the same price provided to its section 272 affiliate, regardless of whether (continued….)

it does post a work order between QC and QLDC for joint-marketing services, *i.e.*, post-approval of Qwest's application, it will properly value the costs of such joint-marketing services at the higher of fair market value or fully distributed cost.[1460] Should Qwest do otherwise, we are prepared to take appropriate enforcement action under section 271(d)(6).

400. *Section 272(c)(2) – Accounting Principles.* Based on the evidence in the record, the Qwest BOC, QC, demonstrates that it accounts for all transactions with its section 272 affiliate in accordance with the accounting principles designated or approved by the Commission.[1461] In the *Accounting Safeguards Order*, the Commission concluded that complying with the Part 32 affiliate transactions rules satisfies the accounting requirements of section 272(c)(2), which pertain to the BOC's "dealings" with its separate affiliate.[1462] AT&T argues that because other "members of the Qwest corporate family" are revising their accounting practices, this demonstrates a "complete breakdown in accounting control systems" which prevents the Commission from making a reasoned finding that QC properly accounts for transactions with QLDC.[1463] We find, however, that the record in this proceeding indicates that QC has implemented the necessary controls to ensure that all transactions with QLDC are recorded in accordance with accounting principles designated or approved by the Commission.[1464] There is no evidence in the record to support the conclusion that QC does not comply with the requirements of section 272(c)(2).

401. Qwest's disclosure of certain past accounting problems does not affect our conclusion that Qwest complies with section 272(c)(2). The record demonstrates that QC properly accounts for and publicly discloses transactions between the BOC and the section 272 affiliate, and that it will continue to do so.[1465] Based on the evidence before us, there is no

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third parties actually choose to purchase such services from Qwest. Qwest III Reply at 19; *see Accounting Safeguards Order*, 11 FCC Rcd at 17601, para. 137.

[1460] Qwest III Reply at 20 n.23. We also reject AT&T's claims that Qwest has not properly made the details of transactions between the BOC and QLDC available for public inspection. AT&T Qwest III Comments at 36-37. The record demonstrates that Qwest, with the exception of confidential information which is available at Qwest's headquarters to third parties under a non-disclosure agreement, properly posts on the Internet sufficient details of all relevant master service agreements, work orders, and individual agreements. Qwest III Reply at 24-26. Similarly, we reject AT&T's claims that Qwest improperly "backdates" agreements between QC and QLDC. AT&T Qwest III Comments at 36. Qwest demonstrates that it makes services available to unaffiliated entities within 10 days of executing a transaction in compliance with the Commission's rules. Qwest III Reply at 26 (citing *Accounting Safeguards Order*, 11 FCC Rcd at 17593-94, para. 122).

[1461] Qwest III Application at 13-14; Qwest III Schwartz Supplemental Decl. at paras 59-64.

[1462] 47 C.F.R. § 32.27; *Accounting Safeguards Order*, 11 FCC Rcd at 17618, para. 170; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20795-96, para. 340.

[1463] AT&T Qwest III Comments at 23-28.

[1464] Qwest III Schwartz Decl. at para. 64.

[1465] Qwest III Schwartz Supplemental Decl. at para 64.

indication that Qwest's showing of compliance with section 32.27 is deficient. We reject AT&T's assertion that Qwest has made only "paper promises" that its inter-affiliate transactions comply with GAAP.[1466] Simply put, the relevant requirement for purposes of section 272(c)(2) is whether QC is complying with the Commission's affiliate transaction rules. As noted above, Qwest has submitted several verified declarations expressly stating that QC presently accounts for these transactions in compliance with our affiliate transaction rules.[1467] We expect to examine Qwest's compliance with these requirements in the section 272(d) biennial audit. To the extent the audit results reveal any potential noncompliance, Qwest could be subject to appropriate enforcement action.

a. Nondiscrimination Safeguards of Section 272

402. *Section 272(c)(1) – Nondiscrimination Safeguards.* Based on the evidence in the record, we conclude that Qwest demonstrates that QC will comply with section 272(c)(1), which prohibits a BOC from discriminating in favor of its section 272 affiliate in the "provision or procurement of goods, services, facilities, and information, or in the establishment of standards."[1468] The Commission's nondiscrimination safeguards require a BOC to, among other things, "provide to unaffiliated entities the same goods, services, facilities, and information that it provides to its section 272 affiliate at the same rates, terms, and conditions."[1469]

[1466] AT&T Qwest III Comments at 14.

[1467] Qwest III Schwartz Supplemental Decl. at paras. 59-64; *see also* Qwest August 26c *Ex Parte* Letter at 1-2. In the initial applications, Qwest hired an independent accountant, KPMG, to conduct an attestation review of QCII's management assertion that transactions between QC and QCC comply with section 32.27 of the Commission's rules. Qwest Supplemental Comments on Accounting Issues, KPMG Independent Accountant's Report. KPMG's "Report of Management on Transactions between Qwest Corporation and Qwest Communications Corporation" states: "Based on our review, nothing came to our attention that caused us to believe that management's assertion … is not fairly stated, in all material respects, based on Section 32.27 ..." *Id.* On November 22, 2002, KPMG withdrew its attestation report, stating that its conclusions regarding transactions between QC and QCC could "no longer be relied upon." Letter from Jim Bickell, KPMG, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314, at 1 (filed November 22, 2002). In response, AT&T now argues that Qwest's application must be denied because KPMG's withdrawal is evidence that Qwest cannot comply with section 272. Letter from C. Frederick Beckner III, Counsel for AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314, at 1 (filed December 4, 2002). We disagree with AT&T and, as discussed herein, find that QC and QLDC comply with the Commission's rules. Moreover, KPMG's determinations with regard to QC's relationship with QCC are not relevant here because QCC is not the section 272 affiliate for the instant application.

[1468] 47 U.S.C. § 272(c)(1); *Non-Accounting Safeguards Order*, 11 FCC Rcd at 21997-17, paras. 194-236; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20796-803, paras. 341-55. The Commission found that the nondiscrimination safeguards extend to any good, service, facility, or information that a BOC provides to its section 272 affiliate, including administrative services and other non-telecommunications goods and services. *Non-Accounting Safeguards Order*, 11 FCC Rcd at 22003-07, paras. 210-17.

[1469] *Non-Accounting Safeguards Order*, 11 FCC Rcd at 22000-01, para. 202.

403. Nothing in the record before us indicates that QC has discriminated in favor of its section 272 affiliate.[1470] We are not persuaded by the unsupported assertions made by AT&T that QLDC has improper access to confidential Qwest information.[1471] Qwest states that QC requires the section 272 affiliate and other interexchange carriers to contact its IXC Wholesale Account Team to obtain services, whether requesting standard or non-standard services.[1472] To ensure compliance with the nondiscriminatory provisions of section 272, a process for product/service/information requests has been established so that the section 272 Compliance Oversight Team can assess all requests.[1473] We find that the record demonstrates that Qwest has implemented the necessary controls to prevent the improper sharing of confidential information between the BOC and the section 272 affiliate. We expect to examine Qwest's compliance with these requirements in the section 272(d) biennial audit. To the extent the audit results reveal any potential noncompliance, Qwest could be subject to appropriate enforcement action.

b. Joint Marketing Requirements of Section 272

404. *Section 272(g)(1) – Affiliate Sales of Telephone Exchange Access Services.* Section 272(g)(1) states that "[a] Bell operating company affiliate required by this section may not market or sell telephone exchange services provided by the Bell operating company unless that company permits other entities offering the same or similar service to market and sell its telephone exchange services."[1474] We conclude that Qwest has demonstrated that QLDC will comply with the joint marketing provisions of section 272(g)(1).[1475] We disagree with AT&T that Qwest's showing on this issue is deficient.[1476] To the contrary, Qwest demonstrates that QC currently complies with the joint marketing requirements and will not market or sell in-region, long distance services until it is authorized to do so.[1477] Moreover, Qwest describes, in detail, the

[1470] Moreover, nothing in the record before us indicates that QC has engaged in preferential treatment in payment terms for its section 272 affiliate. To the extent any issues in this area should arise in the future, we expect them to be identified in the course of the section 272(b)(5) biennial audit. To the extent QC does provide preferential treatment to its section 272 affiliate, we would pursue appropriate enforcement action.

[1471] AT&T Qwest III Comments at 38-39.

[1472] Qwest III Schwartz Decl. at para. 59.

[1473] Qwest III Schwartz Decl. at para. 59, Exhibit MES-QC-8 (denoting that the process flow is applicable to QLDC requests and those made by third parties).

[1474] 47 U.S.C. § 272(g)(1).

[1475] Qwest III Brunsting Decl. at paras. 40-46; Qwest III Schwartz Decl. at paras. 73-76.

[1476] AT&T presents no evidence that undermines our predictive judgment that Qwest will comply with the joint marketing requirements of section 272(g). AT&T Qwest III Comments at 39. Although AT&T does reference a finding by a Minnesota ALJ of premature marketing of QCC's services, Qwest alleges that QC was not a party to the sale of QCC's services and, accordingly, there was no violation of section 271(g)(1). Qwest I Reply App. A, Tab 11, Declaration of Marie E. Schwartz (Qwest I Schwartz Reply Decl.) at para. 3. At any rate, we note that this finding was not made by an ALJ of one of the applicant states and, thus, is not relevant to the present application.

[1477] Qwest III Schwartz Decl. at para. 80.

annual compliance training efforts that are designed to ensure that QC and QLDC employees are aware of the section 272 requirements and understand how to comply with them.[1478]

405. *Section 272(g)(2) – Bell Operating Company Sales of Affiliate Services.* We conclude that Qwest demonstrates that QC will comply with section 272(g)(2), which prevents a BOC from marketing or selling within its region any interLATA service provided by a section 272 affiliate absent authorization obtained pursuant to section 271(d).[1479] We note that Touch America, in the previous Qwest section 271 applications asserted that Qwest offers "lit capacity IRUs" and other services through its affiliate without section 271 authority.[1480] This matter is the subject of a formal complaint filed with the Commission's Enforcement Bureau.[1481] Because this issue is before the Commission in another proceeding, and no other party has raised it, we do not address this matter further.

VII. PUBLIC INTEREST ANALYSIS

406. Apart from determining whether a BOC satisfies the competitive checklist and will comply with section 272, Congress directed the Commission to assess whether the requested authorization would be consistent with the public interest, convenience, and necessity.[1482] At the same time, section 271(d)(4) of the Act states that "[t]he Commission may not, by rule or otherwise, limit or extend the terms used in the competitive checklist set forth in subsection (c)(2)(B)."[1483] Accordingly, although the Commission must make a separate determination that approval of a section 271 application is "consistent with the public interest, convenience, and necessity," it may neither limit nor extend the terms of the competitive checklist of section 271(c)(2)(B). Thus, the Commission views the public interest requirement as an opportunity to review the circumstances presented by the application to ensure that no other relevant factors exist that would frustrate the congressional intent that markets be open, as required by the competitive checklist, and that entry will serve the public interest as Congress expected.

407. We conclude that approval of this application is consistent with the public interest. From our extensive review of the competitive checklist, which embodies the critical elements of market entry under the Act, we find that barriers to competitive entry in the application states' local exchange markets have been removed, and that these local exchange markets are open to competition. We further find that the record confirms the Commission's view that BOC entry into the long distance market will benefit consumers and competition if the

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[1478] Qwest III Brunsting Decl. at para. 47-50; Qwest III Schwartz Decl. at paras. 77-85.

[1479] Qwest III Application at 15; Qwest III Brunsting Decl. at paras. 40-45; Qwest III Schwartz Supplemental Decl. at paras. 73-76; s*ee also* 47 U.S.C. § 272(g)(2).

[1480] Touch America Qwest I Comments at 12-14.

[1481] *See* Touch America v. Qwest, EB-02-MD-003 (filed February 8, 2002).

[1482] 47 U.S.C. § 271(d)(3)(C); Appendix K, paras. 70-71.

[1483] 47 U.S.C. § 271(d)(4).

relevant local exchange market is open to competition consistent with the competitive checklist.[1484]

408. We disagree with commenters that assert that we must, under our public interest standard, consider a variety of other factors as evidence that the local market is not yet truly open to competition, despite checklist compliance.[1485] For example, AT&T and Sprint argue that low levels of entry in the application states indicate that the application is not in the public interest.[1486] We note that Congress specifically declined to adopt a market share or other similar test for BOC entry into long distance.[1487] Given an affirmative showing that the competitive checklist has been satisfied, low customer volumes or the failure of any number of companies to enter the market in and of themselves do not necessarily undermine that showing. As the Commission has stated in previous section 271 orders, factors beyond the control of the BOC, such as individual competitive LEC entry strategies, can explain low levels of residential competition.[1488]

A. Price Squeeze Analysis

409. In our review of a section 271 application, the public interest requirement is an opportunity to review the circumstances presented by the application to ensure that no other relevant factors exist that would frustrate the congressional intent that markets be open, as required by the competitive checklist, and that entry will therefore serve the public interest as Congress expected.[1489] Both AT&T and WorldCom contend that Qwest's section 271 application should be denied on public interest grounds because the margins available to new entrants are insufficient to cover an efficient carrier's internal costs of entry. Specifically, WorldCom contends that it cannot profitably enter the residential telephone market in all nine states using UNE-P because Qwest's UNE rates prevent profitable statewide residential competition.[1490] AT&T argues that residential-market entry through UNE-P is not economically feasible in Idaho,

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[1484] *See SWBT Texas Order*, 15 FCC Rcd at 18558-89, para. 419.

[1485] Those factors include the level of competitive LEC market share, the financial strength of competitive LECs, and the failure of other BOCs to enter the market in the application states. *See, e.g.,* AT&T Qwest II Comments at 132; AT&T Qwest I Comments at 118-119, 135-37; Sprint Qwest II Comments at 4-5, 7, 9-12; Sprint Qwest I Comments at 3-11.

[1486] AT&T Qwest II Comments at 132; AT&T Qwest I Comments at 118, 135-37; Sprint Qwest II Comments at 10-11; Sprint Qwest I Comments at 10.

[1487] *See, e.g., Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 77; *Sprint v. FCC*, 274 F.3d at 553-54.

[1488] *See Verizon Pennsylvania Order*, 16 FCC Rcd 17487, para. 126.

[1489] *See Bell Atlantic New York Order,* 15 FCC Rcd at 4161-62, paras. 423-24.

[1490] WorldCom Qwest III Comments at 26, Attach. A; WorldCom Qwest II Comments at 35-36; WorldCom Qwest I Comments at 32-34. *See also* WorldCom Qwest I Reply at 18.

Iowa, Montana and Washington.[1491] OneEighty also opposes Qwest's application based on price squeeze concerns.[1492] OneEighty contends that Qwest's deaveraged UNE loop rates exclude OneEighty from the residential lines and many of the business lines in Montana.[1493] In response, Qwest has offered its own margin analysis to show that entry is economically feasible in all nine states.[1494] We find that there is no evidence to conclude that Qwest's UNE rates impede local competition such that granting Qwest's section 271 application would contravene the public interest.[1495]

1. Input Cost and Revenue Assumptions

410. The factual information necessary to conduct a price squeeze analysis is highly complex. Courts have recognized the particular difficulty of conducting a price squeeze inquiry in a regulated industry.[1496] Such difficulty is exemplified by the competing analyses proffered by AT&T, WorldCom and Qwest in this case. The key elements – input costs, revenues, and internal costs – depend on numerous variables, only some of which are reflected in the analyses. Qwest, AT&T, and WorldCom each assume different input costs and different revenues in each pricing zone within each state. We note that WorldCom's analysis reflects only one mode of entry, UNE-P, while AT&T indicates that its calculation optimizes other possible competitive LEC entry strategies such as resale.[1497]

411. A comparison of Qwest's, AT&T's, and WorldCom's assumptions demonstrates a range of estimates as to the potential cost and revenue opportunities available to a new entrant. The parties' line assumptions differ from each other in certain states and in certain zones. With

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[1491] AT&T Qwest III Comments at 79; AT&T Qwest III Lieberman/Pitkin Decl. at para. 21; AT&T Qwest II Lieberman/Pitkin Decl. at para. 27; AT&T Qwest I Lieberman Decl. at para. 27; AT&T Qwest II Pitkin Reply Decl. at para. 18; AT&T Qwest I Lieberman Reply Decl. at para. 32. Initially AT&T also alleged that there was a price squeeze in North Dakota and Wyoming. *See* AT&T Qwest I Comments at 69-71. AT&T, however, no longer contends that a price squeeze exists in these states. *See* Letter from Christopher T. Shenk, Sidley, Austin Brown & Wood LLP, to Marlene H. Dortch, Secretary, Federal Communication Commission, WC Docket No. 02-148, Declaration of Brian F. Pitkin on behalf of AT&T Corp. (filed Aug. 23 2002) (AT&T Aug. 23 *Ex Parte* Letter).

[1492] OneEighty Qwest III Comments at 5-6; OneEighty Qwest II Comments at 5-6.

[1493] OneEighty Qwest III Comments at 5-6; OneEighty Qwest II Comments at 5-6.

[1494] *See, e.g.*, Qwest II Thompson Montana Decl. at paras. 24-31, Ex. JLT-MT-6; Qwest II Thompson Utah Decl. at paras. 48-53, Ex. JLT-UT-6; Qwest II Thompson Washington Decl. at paras. 50-55, Ex. JLT-WA-6; Qwest II Thompson Wyoming Decl. at paras. 19-24, Ex. JLT-WY-6; Qwest I Thompson Colorado Decl. at paras. 113-118, Ex. JLT-CO-5; Qwest II Thompson Reply Decl. at paras. 68-100, Ex. JLT-12.

[1495] *WorldCom, Inc v. FCC*, 308 F.3d 1 (D.C. Cir. 2002) (citing *Anaheim v FERC*, 941 F.2d 1234, 1238 (D.C. Cir. 1991)).

[1496] *Concord Massachusetts v. Boston Edison Co.,* 915 F.2d 17 (1st Cir. 1990).

[1497] *See* AT&T Qwest II Comments at 96; WorldCom Qwest II Comments at 35-36, Ex. A; WorldCom Qwest I Comments at 32-34; AT&T Qwest II Lieberman/Pitkin Decl. at paras. 50-52; AT&T Qwest I Lieberman Reply Decl. at para. 30.

respect to input cost, for example, the parties make different assumptions about average minutes of use (MOU), which affects the cost of purchasing the switching component of UNE-P, the amortization of NRCs, access charges, and DUF rates.[1498] On the revenue side, the parties also make different assumptions about resale revenues, interLATA and intraLATA toll revenue, and subscriber line charges.[1499] WorldCom does not consider revenues available from the universal service fund,[1500] and neither AT&T nor WorldCom considers revenue from services other than traditional voice services, even though UNEs provide competitive LECs the ability to offer additional services not offered by the incumbent LEC.[1501]

2. Internal Cost Assumptions

412. As we have noted previously, conducting a price squeeze analysis requires consideration of what constitutes a "sufficient" profit margin.[1502] AT&T and WorldCom assert that they require $10 of margin to be profitable. Specifically, AT&T provides data that purports to show that a competitive LEC will incur at least $10 in internal costs per line per month to enter the residential market, even taking into account the possible economies of scale, efficiencies, and savings of a large and efficient market competitor.[1503] AT&T's analysis includes data from other companies that provide bundled communications services including cable, telephony, and broadband Internet.[1504] WorldCom provides no new evidence in this docket to support its assertion.[1505] Qwest contends that the resale margin established by each relevant state commission

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[1498] *Compare e.g.,* AT&T Qwest III Lieberman/Pitkin Decl., Ex. B *and* WorldCom Qwest III Comments, Attach. A *and* Qwest III Application, Tab 10; Letter from David L. Sieradzki, Counsel for Qwest Communications International Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 5, 2002) (Qwest Nov. 5 Pricing *Ex Parte* Letter); Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest July 22 *Ex Parte* Letter.

[1499] *Compare* AT&T Qwest III Lieberman/Pitkin Decl., Ex. B *and* WorldCom Qwest III Comments, Attach. A *and* Qwest III Application, Tab 10; Qwest Nov. 5 Pricing *Ex Parte* Letter; Qwest Oct. 7 Pricing *Ex Parte* Letter; Qwest July 22 *Ex Parte* Letter.

[1500] *See SBC Arkansas/Missouri Order,* 16 FCC Rcd at 20751, para. 66.

[1501] *See Local Competition First Report and Order,* 11 FCC Rcd at 15646-47, para. 292 ("section 251(c)(3) requires incumbent LECs to provide requesting carriers with all of the functionalities of a particular element, so that requesting carriers can provide any telecommunications services that can be offered by means of the element.").

[1502] *Verizon Vermont Order*, 17 FCC Rcd at 7664, para.70; *Verizon Massachusetts Order,* 16 FCC Rcd at 9008-09, para. 41.

[1503] AT&T Qwest II Comments, Tab D, Declaration of Steve Bickley, para. 1 (AT&T Qwest II Bickley Decl.); AT&T Qwest I Comments, Tab G, Declaration of Steve Bickley, para. 2 (AT&T Qwest I Bickley Decl.); AT&T Nov. 12 *Ex Parte* Letter, Declaration of Arthur S. Menko (AT&T Menko Decl.), and Declaration of Jerry L. Auriemma and P. Clark Santos (AT&T Auriemma and Santos Decl.).

[1504] *See* AT&T Nov. 12 *Ex Parte* Letter, AT&T Menko Decl. at paras. 6-8.

[1505] WorldCom Qwest II Comments at 35-36; WorldCom Qwest I Comments at 32-34. WorldCom cites the Huffman Declaration filed by WorldCom in the Verizon Vermont section 271 proceeding to support its allegation that a minimum margin of $10 is necessary to cover its internal costs. *See* WorldCom Comments, Declaration of (continued….)

that is required under the "avoided cost" standard under section 252(d)(3) of the Act is the most appropriate indication of necessary margin because it is designed precisely to determine internal costs associated with retail.[1506]

413. Although we do not decide what constitutes a "sufficient" margin, we are not persuaded by AT&T's analysis that an efficient carrier requires a margin of at least $10 per line to enter the residential market. Even though AT&T purports to consider some of the factors that we identified in our *Verizon Vermont Order* and other orders as relevant to the internal costs of an efficient competitor, we still find AT&T's analysis lacking. First, we find that AT&T provides us with insufficient information to make a judgment about its internal costs or the relationship between its internal costs and those of an "efficient competitor." Second, AT&T does not adequately explain why its figures represent those of an "efficient competitor."[1507] Finally, AT&T purports to provide a breakdown of the internal costs that an efficient new entrant would have to recover when entering local markets, but fails to provide adequate "cost or other data," as set forth in our *Verizon Vermont Order*, to verify these figures.[1508] The internal cost data of other companies that AT&T provides include the internal cost of providing bundled communications services (e.g., bundled cable, telephony, and high speed Internet services), while AT&T's margin analyses include only revenues from local telephone service.[1509] AT&T does not provide any evidence that a company incurs the same internal cost (e.g., customer care costs) regardless of whether it provides basic local telephone services or other services such as high speed Internet or cable telephony.[1510] Accordingly, we find unpersuasive AT&T's data reflecting cost structures from various companies. Based on the record, we cannot reasonably conclude that an efficient competitive LEC needs at least $10 of margin to provide local telephone service. Our experience from previous section 271 proceedings shows that parties may be able to enter the local telephone

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Vijetha Huffman, CC Docket No. 02-7 (filed Feb. 6, 2002). We rejected this evidence in the *Verizon Vermont Order* as deficient. *See Verizon Vermont Order,* 17 FCC Rcd at 7664, para.70.

[1506] Qwest III Thompson/Freeberg Reply Decl. at para. 28. *See also* Qwest II Thompson Reply Decl. at para. 92; Qwest July 22 *Ex Parte* Letter at 29.

[1507] *Verizon Vermont Order*, 17 FCC Rcd at 7664, para. 70.

[1508] *See* AT&T Qwest II Bickley Decl.; AT&T Qwest I Bickley Decl. *See also Verizon Vermont Order*, 17 FCC Rcd at 7664, para. 70.

[1509] *See* AT&T Nov. 12 *Ex Parte* Letter, AT&T Menko Decl. at paras. 2-21; AT&T Qwest III Lieberman/Pitkin Decl., Ex. B-1(ID, IA, MT, and WA).

[1510] *See* AT&T Nov. 12 *Ex Parte* Letter, AT&T Menko Decl., and AT&T Auriemma and Santos Decl. AT&T provides data on the overall internal costs of certain companies. The overall internal costs of these companies include the costs of providing services other than basic telephone service. AT&T treats each separate service offering to a customer as a separate connection. AT&T takes the total overall internal cost of each company and divides it equally over the number of connections provided to each customer to determine the internal monthly cost per each connection, or service. *See* AT&T Nov. 12 *Ex Parte* Letter, AT&T Menko Decl. at para. 10. We note that this method has no logical nexus to the actual internal costs of providing cable, Internet, or basic telephone service.

market even where it has been alleged that the available margins were less than $10.[1511] WorldCom, for example is offering its "Neighborhood" local service package in Colorado, Iowa, North Dakota, Washington, and Utah, even though it alleges that there is a price squeeze in these states.[1512] Furthermore, WorldCom's own data, filed in a previous section 271 proceeding, shows that the "minimally acceptable" UNE-P margin for WorldCom is substantially lower than $10 and falls between $5 to $7 based on its actual entry decisions.[1513] At a minimum, this data suggests there are factors other than those presented in the competitive LECs' margin analyses that are relevant to a competitive LEC's entry decision. These entry decisions also cast further doubt on AT&T's and WorldCom's estimates of an "efficient" competitive LEC's internal costs, and their analyses of potential margins available to competitive LECs in the states subject to this proceeding.

3. Public Interest Considerations

414. Consistent with our statutory obligations, we must consider the existence and scope of an alleged price squeeze along with all relevant public interest factors. Important public interest benefits are associated with approval of a section 271 application once an applicant has fully implemented the competitive checklist. The opening of the local market, and the entry of the BOC into the interLATA market, leads to increased competition for all services. This competition, in turn, should foster efficiencies, innovations, and competitive pricing for communications services. A party alleging a price squeeze must show that the consequences of the price squeeze undermine these benefits.

415. In addition, in weighing any price squeeze allegation, we must consider whether the price squeeze is the result of a state commission policy to keep rates affordable in high-cost areas. As we stated in the *Verizon Vermont Order*, it is possible that a lack of profitability in entering the residential market may be the result of subsidized local residential rates in one or more zones, and not the fact that UNE rates are at an inappropriate point in the TELRIC range.[1514] AT&T asserts that this type of implicit subsidy is fundamentally incompatible with efficient competition and should be a basis for rejecting a section 271 application.[1515] We do not believe

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[1511] *See, e.g., BellSouth Multistate Order,* 17 FCC Rcd at 17755-57, paras. 284, 286-287*; Verizon Delaware/New Hampshire Order*, 17 FCC Rcd at 18748-50, paras. 157-58; *Verizon New Jersey Order,* 17 FCC Rcd at 12360-61, para. 172.

[1512] In Iowa, for example, WorldCom's analysis alleges that the gross margin in the lowest cost zone is $5.77.

[1513] *See* Letter from Keith L. Seat, Senior Counsel Federal Law and Public Policy, WorldCom, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 00-176, Attach. at 2-4 (filed Nov. 30, 2000) (WorldCom Massachusetts *Ex Parte* Letter).

[1514] *Verizon Vermont Order*, 17 FCC Rcd at 7663-7664, paras. 68-69. The United States Court of Appeals for the District of Columbia Circuit noted this argument as a potential basis for declining to find a price squeeze. The court did not address this argument because the Commission did not rely on it in the underlying *SWBT Kansas/Oklahoma Order*. *Sprint v. FCC*, 274 F.3d at 555. *See also BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9179-81, paras. 286-289; *Verizon Delaware/New Hampshire Order,* 17 FCC Rcd at 18751, para. 161.

[1515] AT&T Qwest II Reply at 153-154; AT&T Qwest I Reply at 60-61.

that conclusion can be drawn so absolutely. State commissions have jurisdiction over retail as well as wholesale prices.[1516] It may be that until states rebalance residential rates, or make high-cost subsidies explicit and portable, UNE-P may not provide a viable means of entry for certain areas in some states. That fact, however, needs to be weighed against competing public policy interests, such as ensuring availability and affordability of local telephone services in rural areas and the benefit to consumers from the BOC's entry into the interLATA market. Given the complex and competing public policy interests at stake, we do not think that we can conclude that the existence of subsidies in rural areas in itself is a circumstance that requires a finding that section 271 authorization would not be in the public interest.[1517]

4. State-by-State Analysis

416. In this section we analyze the various price squeeze claims advanced by the parties. In evaluating the public interest implications of a price squeeze allegation, we will consider the scope of the alleged price squeeze. For example, allegations of a statewide price squeeze for business and residential customers raise far greater concern than an alleged price squeeze that is limited to particular geographic areas, particular types of customers, or particular entry strategies. The fact that competitive LECs have entered "low-margin" states confirms that the possibility of a price squeeze in limited portions of a state does not necessarily impede local competition such that granting Qwest's section 271 application would contravene the public interest.[1518]

417. The speculative nature of any price squeeze allegation also affects the weight we give such allegations in our public interest analysis. The type of margin analysis proffered by AT&T and WorldCom in this case is simply an educated guess about what might happen if a competitive LEC chose to enter a particular part of the state using a particular entry strategy. As discussed above, there are many variables not reflected in these analyses, and much uncertainty about those variables that are included. We find that, in most cases, this type of evidence is far less reliable than hard evidence about the actual experience of competitive LECs.

a. Colorado

418. WorldCom asserts that a price squeeze exists in Colorado, but it concedes that the minimum gross margin is $15.86 in zone 1 (6 percent of the residential lines) and $9.46 in zone 2 (75 percent of the residential lines).[1519] In the remaining zone, covering 19 percent of the

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[1516] For this reason, we think these issues are best presented to the state commission in the first instance.

[1517] *See Verizon Delaware/New Hampshire Order,* 17 FCC Rcd at 18751, para. 161.

[1518] *WorldCom, Inc. v. FCC*, 308 F.3d 1 (D.C. Cir. 2002) (citing *Anaheim v FERC*, 941 F.2d 1234, 1238 (D.C. Cir. 1991)).

[1519] *See* Letter from Lori E. Wright, Associate Counsel, Federal Advocacy, WorldCom, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148 (filed Aug. 13, 2002) (WorldCom Aug. 13 *Ex Parte* Letter).

residential lines, WorldCom alleges a negative gross margin. A similar argument was advanced by AT&T before the Colorado Commission in the 577T UNE pricing docket. The Colorado Commission reviewed the record in that case and concluded that "we reject the notion that our adopted rates will likely lend to a price squeeze and will not enable competitive LECs to enter the local exchange market through the purchase of UNEs from Qwest."[1520]

419. We agree with the decision of the Colorado Commission on this issue. In zones 1 and 2, we find that the margins are sufficient for an efficient competitor and that there is no price squeeze in these zones. As to zone 3, we have stated previously that a negative margin for the provision of residential service in high-cost areas using UNE-P is insufficient to support a finding that TELRIC rates substantially impede local competition.[1521] WorldCom's analysis fails to consider resale, which we previously have held should be considered in this type of analysis.[1522] Furthermore, WorldCom assumes that average end users will order only one vertical feature, even though it is presently competing in Colorado with an offering that includes five features.[1523] Based on this evidence, and consistent with the finding of the Colorado Commission, we are not persuaded that Qwest's Colorado UNE rates impede local competition in Colorado such that granting Qwest's section 271 application would contravene the public interest.

b. Idaho

420. AT&T and WorldCom both allege that a price squeeze exists in Idaho. In zone 1, which covers at least half of the residential lines in Idaho, WorldCom's analysis yields a margin of only $6.95, while AT&T's analysis yields a significantly higher margin, close to the $10 that AT&T and WorldCom claim is necessary for entry.[1524] Both margins are above the level that has supported competitive entry in other states.[1525] For these reasons, we find that there is no price squeeze in zone 1. For the remaining zones in Idaho, WorldCom alleges various negative gross margins.[1526] AT&T's analysis, however, yields positive margins, taking into account resale.[1527] We have previously stated that resale should be considered in a margin analysis, which WorldCom has not done in this case. Consequently, we do not consider the negative gross

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[1520] *Colorado Pricing Reconsideration Order* at 22.

[1521] *See Verizon Vermont Order*, 17 FCC Rcd at 7663, para. 68.

[1522] *See id*.

[1523] WorldCom Qwest I Comments at 33. We also note that AT&T, for example, offers residential telephony service through its broadband cable facilities in Colorado.

[1524] There is disagreement among the parties as to the percentage of lines in zone 1, with estimates ranging from 50 percent to 59 percent. *See* WorldCom Qwest III Comments, Attach. A; AT&T Qwest III Lieberman/Pitkin Decl., Ex. B-1(ID).

[1525] *See* note 1511, *supra*.

[1526] *See* WorldCom Qwest III Comments, Attach. A.

[1527] AT&T Qwest III Lieberman/Pitkin Decl., Ex. B-1(ID).

margins alleged by WorldCom to be relevant.

421. In the *Verizon Vermont Order*, we concluded that there was no price squeeze because competitive entry was economically feasible in portions of the state, and because of certain deficiencies in the margin analyses provided by the competitive LECs.[1528] We reach a similar conclusion with respect to Idaho. With respect to the alleged gross margins in zone 2 and zone 3, the record does not contain any evidence that these margins are the result of setting the UNE rate too high in the TELRIC range. Rather, the more likely explanation is that low margins in these zones are the result of subsidized local residential rates.[1529] Furthermore, AT&T and WorldCom have failed to establish that the alleged price squeeze in zones 2 and 3 forecloses entry in the other half of the state. AT&T contends that a statewide margin of $7.53 is available in this state.[1530] As stated above, this statewide margin is higher than the level that has supported competitive entry in other states.[1531] Accordingly, we are not persuaded that Qwest's Idaho UNE rates impede local competition in Idaho such that granting Qwest's section 271 application would contravene the public interest.

c. Nebraska

422. In Nebraska, WorldCom concedes that the minimum gross margin in zone 1 (81 percent of the residential lines) is $14.87.[1532] We find that a price squeeze is not present in this zone. For the remaining zones, covering 19 percent of the residential lines, WorldCom alleges negative gross margins. We have previously stated that resale should be considered in a margin analysis, which WorldCom has not done in this case. Consequently, we do not consider the negative gross margins alleged by WorldCom to be relevant. Nevertheless, using WorldCom's own estimates, we note that a statewide average gross margin of $8.92 is available in this state, a level that exceeds what has supported competitive entry in other states.[1533] In addition, facilities-based competitive LECs serve a significant share of the market in this state.[1534] Accordingly, we are not persuaded that Qwest's Nebraska UNE rates impede local competition in Nebraska such that granting Qwest's section 271 application would contravene the public interest.

d. North Dakota

423. Only WorldCom alleges that a price squeeze exists in North Dakota. While

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[1528] *Verizon Vermont Order*, 17 FCC Rcd at 7663-65, paras. 68-73.

[1529] *Id.* at 7663-7664, paras. 68-69.

[1530] AT&T Qwest III Comments at 86.

[1531] *See* note 1511, *supra*.

[1532] *See* WorldCom Qwest III Comments, Attach. A.

[1533] *See* note 1511, *supra*.

[1534] *See* Department of Justice Qwest I Evaluation at 12.

AT&T previously alleged that there was a price squeeze in North Dakota,[1535] it no longer does so.[1536] In zone 1 (88 percent of the residential lines), WorldCom's analysis yields a margin of $13.27. For the remaining zones (12 percent of the residential lines), WorldCom alleges gross margins ranging from negative to $4.00.[1537] As discussed above, WorldCom's analysis fails to consider resale, which we previously have held should be considered in this type of analysis.[1538] WorldCom also fails to explain why its current margin analysis yields lower margins than its previous one, even though WorldCom has reflected additional cost reductions Qwest has made in its local switching usage rate.[1539] Furthermore, WorldCom recently has entered the local market in North Dakota, and it projects a statewide margin of $10.74 using a UNE-P entry strategy.[1540] We find that this constitutes ample evidence that Qwest's North Dakota UNE rates does not impede local competition in North Dakota such that granting Qwest's section 271 application would contravene the public interest.

e. Utah

424. WorldCom asserts that a price squeeze exists in Utah. WorldCom claims a statewide average gross margin of $4.96, with a gross margin of $6.40 in zone 1 (72 percent of residential lines) and $3.43 in zone 2 (17 percent of residential lines).[1541] In the remaining zone, which covers 11 percent of residential lines in the state, WorldCom alleges a gross margin of negative $2.31.[1542]

425. WorldCom's analysis is lacking in several respects. First, WorldCom fails to consider other means of competitive entry such as resale.[1543] Second, WorldCom fails to explain why Qwest's most recent cost reductions negatively affect WorldCom's margin analysis, and result in lower margins than its previous analysis.[1544] Finally, WorldCom assumes that average end users will order only one vertical feature, even though it is currently competing in Utah with

[1535] *See* AT&T Qwest I Comments at 69-71.

[1536] *See* AT&T Aug. 23 *Ex Parte* Letter, Pitkin Reply Decl.

[1537] *See* WorldCom Qwest III Comments, Attach. A. We note that even though Qwest has reduced its rates in North Dakota since WorldCom's previous gross margin analysis, WorldCom's previous gross margin analysis yields higher margins than the current one. WorldCom does not explain why such cost reductions affect negatively its profit margin. *Compare* WorldCom Qwest III Comments, Attach. A *to* WorldCom Aug. 13 *Ex Parte* Letter.

[1538] *See Verizon Vermont Order*, 17 FCC Rcd at 7663, para. 68.

[1539] *Compare* WorldCom Qwest III Comments, Attach. A *to* WorldCom Aug. 13 *Ex Parte* Letter.

[1540] WorldCom Qwest III Comments, Attach. A.

[1541] *See* WorldCom Qwest III Comments, Attach. A.

[1542] WorldCom Qwest III Comments, Attach. A.

[1543] *See Verizon Vermont Order*, 17 FCC Rcd at 7663, para. 68.

[1544] *Compare* WorldCom Qwest III Comments, Attach. A *to* WorldCom Qwest II Comments at Ex. A.

an offering that includes five features.[1545] Therefore, we do not consider WorldCom's gross margins to be sufficiently complete to support a finding of a price squeeze. AT&T, which does not allege that a price squeeze currently exists in Utah, proffers a statewide gross margin of $10.06, with deaveraged gross margins of $12.67 in zone 1, $9.46 in zone 2, and $2.29 in zone 3, for Utah.[1546] Similarly, Qwest asserts a gross margin of $11.75 in zone 1, $8.70 in zone 2 and $2.91 in zone 3.[1547] We find that the gross margins proffered by AT&T and Qwest, which show that a price squeeze is not present in Utah, reflect more accurately the Utah competitive residential market. Based on the record, we are not persuaded that Qwest's Utah UNE rates impede local competition in Utah such that granting Qwest's section 271 application would contravene the public interest.

f. Washington

426. Both AT&T and WorldCom allege that a price squeeze exists in Washington. We note that Washington contains five deaveraged zones. In zones 1 to 4, which cover 60 percent of Washington, WorldCom's analysis yields a margin of $13.74, $8.80, $7.39, and $5.84 respectively.[1548] AT&T's analysis shows a brighter prospect for market entry, with gross margins (utilizing UNE-P, and excluding toll revenue) of $15.65 for zone 1, $10.68 for zone 2, $9.27 for zone 3, and $7.72 for zone 4.[1549] For zone 5, which covers 40 percent of the residential lines, WorldCom alleges a gross margin of $1.09, while AT&T alleges a margin of $2.97 (including resale but excluding toll revenues).[1550]

427. As stated above, we find it significant that WorldCom did not address any of the factors that we identified in past orders as relevant to a price squeeze analysis. For all the reasons that we found that WorldCom did not prove a price squeeze in all the other states in this proceeding, we find WorldCom does not prove a price squeeze in Washington, and we will not consider its analysis further. Based on AT&T's analysis, an average margin of $10 is available in zones 1 to 4 covering 60 percent of residential lines. Accordingly, we find that there is no price squeeze present in Washington for zones 1 to 4. As for the low margin available in zone 5, we have previously determined that a low margin in a portion of the residential lines alone is

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[1545] Qwest II Thompson Reply Decl. at para. 74

[1546] AT&T's gross margins account for UNE-P and resale, but exclude intraLATA toll and interLATA toll revenue. *See* AT&T Qwest II Lieberman/Pitkin Decl. at paras. 52-53. Adding revenues from toll contributions significantly improves this statewide margin. *See id*. at Ex. D. Also, this analysis does not reflect Qwest's recent rate reductions.

[1547] *See* Qwest II Thompson Reply Decl. at Ex. JLT-12. Qwest's analysis also does not reflect its recent rate reductions.

[1548] WorldCom Qwest III Comments, Attach. A. The parties disagree as to the percentage of lines in zones 1, 2, 3, and 4. AT&T's and Qwest's analyses indicate that zones 1 to 4, in the aggregate, encompass 60 percent of the lines, while WorldCom's analysis indicates that zones 1 to 4 encompass 67 percent of the lines.

[1549] AT&T Qwest III Lieberman/Pitkin Decl. at Ex. B-1(WA).

[1550] WorldCom Qwest III Comments, Attach. A; AT&T Qwest III Lieberman/Pitkin Decl. at Ex. B-1 (WA).

insufficient to support a finding that the local market is substantially foreclosed to competitive entry.[1551] We also find that AT&T's alleged statewide average margin of $6.76 (excluding toll revenues)[1552] is higher than the margin that has supported UNE-P entry in other states.[1553] Furthermore, we note that WorldCom has been able to enter the Washington market in certain areas with its premium-priced local service offering despite this alleged price squeeze.[1554] Based on the record, we are not persuaded that Qwest's Washington UNE rates impede local competition in Washington such that granting Qwest's section 271 application would contravene the public interest.

g. Wyoming

428. WorldCom is the only party that alleges that a price squeeze exists in Wyoming. WorldCom alleges gross margins of $11.02 in the Base Rate Area (74 percent of residential lines).[1555] We find that a price squeeze is not present in this zone based on WorldCom's own analysis. WorldCom alleges gross margins of $3.99 in zone 1 (13 percent of residential lines), and $0.80 in zone 2 (5 percent of residential lines), with a negative gross margin in the remaining zone (8 percent of residential lines).[1556] We have previously stated that resale should be considered in a margin analysis, which WorldCom has not done in this case. Consequently, we do not consider the negative gross margins alleged by WorldCom to be relevant. Despite WorldCom's failure to consider resale, we note that a statewide average gross margin of $7.99 is available in this state, using WorldCom's own analysis. The $7.99 gross margin is considerably higher than the margins that have supported UNE-P entry in some states.[1557] Based on this evidence, we are not persuaded that Qwest's Wyoming UNE rates impede local competition in Wyoming such that granting Qwest's section 271 application would contravene the public interest.

h. Iowa

429. Both AT&T and WorldCom assert that a price squeeze exists in Iowa. In zone 1,

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[1551] *See Verizon Vermont Order*, 17 FCC Rcd at 7662-63, paras. 67-68; *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9179-80, paras. 286-87.

[1552] The margin improves significantly if toll revenue is included. AT&T Qwest III Lieberman/Pitkin Decl. at Ex. B-2 (WA) (confidential).

[1553] *See* note 1511, *supra*.

[1554] WorldCom Qwest II Comments at 35.

[1555] *See* WorldCom Qwest III Comments, Attach. A. Initially AT&T also alleged that UNE-P entry is not economically feasible in Wyoming. *See* AT&T Qwest II Comments at 96-155. AT&T, however, no longer contends that UNE-P entry is not economically feasible in this state. *See* AT&T Qwest III Comments at 78-79 and 86; AT&T Qwest III Lieberman/Pitkin Decl. at para. 21.

[1556] *See* WorldCom Qwest III Comments, Attach. A.

[1557] *See* note 1511, *supra.*

which covers 28 percent of the residential lines in Iowa, WorldCom alleges a margin of $5.05.[1558] WorldCom states that the margin in zone 2 (56 percent of the residential lines) is $2.62 and that there is a negative gross margin in zone 3 (16 percent of the residential lines). We have previously stated that resale should be considered in a margin analysis, which WorldCom has not done in this case. Consequently, we do not consider the negative gross margins alleged by WorldCom to be relevant. AT&T's analysis yields a margin of $7.36 in zone 1, and a margin of $4.62 in the remaining zones (including resale but excluding intraLATA and interLATA toll revenues).[1559]

430. When intraLATA and interLATA toll revenues are included, we note that AT&T's own analysis shows that the statewide average gross margin exceeds the margins that have supported UNE-P entry in other states.[1560] Further, the record does not contain any evidence that these margins are the result of setting the UNE rate too high in the TELRIC range. Rather, the more likely explanation is that low margins in zones 2 and 3 are the result of subsidized local residential rates.[1561] We note that Qwest's data show that margins available to competitive LECs serving high-end customers with premium features packages (20 percent of residential lines) are $23.93, $21.48, and $10.23 in zones 1, 2, and 3 respectively.[1562]

431. Notwithstanding the alleged relatively low margins, Iowa has one of the highest levels of UNE-P based competition.[1563] We note that WorldCom has entered the local market in this state through UNE-P. Furthermore, the record indicates that competitive LECs are serving approximately 14,611 residential lines (1.9 percent) and 95,828 business lines (26.8 percent) using UNE-P in this state.[1564] In total, competitive LECs, the majority of which are facilities-based, have already captured a total of 65,599 residential lines out of 796,044 (8.4 percent) and

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[1558] We note that even though Qwest has reduced its rates in Iowa since WorldCom's previous gross margin analysis, WorldCom's previous gross margin analysis yields higher margins than the current one. WorldCom does not explain why such cost reductions affect negatively its profit margin. *Compare* WorldCom Qwest III Comments, Attach. A *to* WorldCom Aug. 13 *Ex Parte* Letter.

[1559] AT&T Qwest III Lieberman/Pitkin Decl., Ex. B-1(IA). The margins improve significantly if toll revenue is included. *See* Letter from Amy L. Alvarez, District Manager Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314, Attach. (filed Nov. 1, 2002) (AT&T Nov. 1 *Ex Parte* Letter) (confidential).

[1560] *See* note 1511, *supra*.

[1561] *Verizon Vermont Order*, 17 FCC Rcd at 7663-7664, paras. 68-69. *See also* Qwest Nov. 5 Pricing *Ex Parte* Letter.

[1562] *See* Qwest Nov. 5 Pricing *Ex Parte* Letter.

[1563] *See* Qwest I Teitzel Decl. at Ex. DLT-Track A/PI-GEN-2, p. 60. *See also* Department of Justice Qwest I Evaluation at 12.

[1564] *See* Department of Justice Qwest I Evaluation at 12.

135,875 business lines out of 357,568 (38 percent).[1565] We note that the margins available to competitive LECs were even lower in Iowa before Qwest reduced its UNE-P rates. We believe that Qwest's newly-lowered UNE-P rates will only enhance this competitive environment. For these reasons, we are not persuaded that Qwest's Iowa UNE rates impede local competition in Iowa such that granting Qwest's section 271 application would contravene the public interest.

i. Montana

432. *Montana Wholesale UNE/Retail Rates Price Squeeze.* One Eighty, WorldCom and AT&T allege that a price squeeze exists in Montana. OneEighty contends that UNE loop rates are $23.10, $23.90, $27.13, and $29.29 in zones 1, 2, 3, and 4 respectively, but the basic residential rate is $16.73 throughout Montana.[1566] OneEighty, however, submits an incomplete margin analysis that neglects to account for switch port, switching usage, and transport costs, as well as revenue other than basic service that is available to competitive LECs. We therefore cannot rely on OneEighty's analysis. In the base rate area (78 percent of the residential lines), WorldCom alleges a margin of $2.20.[1567] WorldCom alleges margins from positive to negative in the remaining zones (22 percent of the residential lines).[1568] As stated above, WorldCom's analysis fails to consider some of the factors that we identified in our *Verizon Vermont Order* and other orders as relevant to a price squeeze analysis (such as the effect of including a resale entry strategy; the internal costs of an efficient competitor; and other revenues that may be available to competitors, such as toll revenues and federal universal service fund revenues). WorldCom's margin analysis also understates the revenue available in the outer zones. Consequently, we do not consider the gross margins alleged by WorldCom to be relevant.

433. AT&T's analysis yields a margin of $6.33 (excluding intraLATA and interLATA toll revenues) in the base rate area and margins ranging from $6.28 to $5.89 (excluding intraLATA and interLATA toll revenues) in the remaining zones.[1569] AT&T's analysis also yields a statewide average gross margin of $6.28 (excluding toll contributions).[1570] We note that the margins in all the zones are above the margins that have supported UNE-P entry in other states.[1571]

[1565] *Id.* The market share of residential resale and business resale is 1.3 percent and 1.8 percent respectively. Facilities-based competitive LECs are serving 5.2 percent of residential lines and 9.3 percent of business lines in this state.

[1566] OneEighty Qwest III Comments at 5-6.

[1567] WorldCom Qwest III Comments, Attach. A.

[1568] WorldCom Qwest III Comments, Attach. A.

[1569] AT&T Qwest III Lieberman/Pitkin Decl., Ex. B-1(MT). These margins improve significantly if toll revenue is included. *See* AT&T Qwest III Lieberman/Pitkin Decl., Ex. B-2(MT) (confidential).

[1570] AT&T Qwest III Lieberman/Pitkin Decl., Ex. B-1(MT); AT&T Qwest III Lieberman/Pitkin Decl., Ex. B-2(MT) (AT&T's margins including toll revenues) (confidential).

[1571] *See* note 1511, *supra*. *Cf.* AT&T Qwest III Lieberman/Pitkin Decl., Ex. B-2(MT) (AT&T's margins including toll revenues) (confidential).

Furthermore, Qwest's data show that margins available to competitive LECs serving high-end customers with premium features packages (22 percent of residential lines) are over $17 in all zones.[1572] In addition, approximately 12 percent of Montana's lines have significant revenue opportunities due to the availability of high-cost universal service fund support.[1573] The record also shows that competitive LECs have captured already an estimated 4.4 percent of the residential market in Montana, with competitive LECs serving at least 11,512 residential lines.[1574] Accordingly, we find that the record does not support a finding that the margins available to competitive LECs in Montana impede the local competition. If there is any difficulty entering the residential market profitably through UNE-P in certain areas, it is possible that this difficulty may be the result of subsidized local residential rates in one or more zones, and not due to UNE rates being at an inappropriate point in the TELRIC range. In many states, particularly rural states, higher business rates subsidize some residential rates, and consequently, certain residential services are priced below cost.[1575] The Montana Commission acknowledges that "its retail and wholesale rates are, in part, the basis of this price squeeze dilemma [competitive] LECs face,"[1576] but the Montana Commission does not recommend denial of Qwest's section 271 application on the basis of a price squeeze between "wholesale loop UNE rates and retail basis exchange service rates."[1577] Indeed, it would not serve the public interest to deny a section 271 application simply because local telephone rates are low to ensure that the communications services are affordable for all consumers.[1578] As we concluded in the *Verizon Vermont Order*, if UNE rates are priced at

[1572] *See* Qwest Oct. 7 Pricing *Ex Parte* Letter.

[1573] The 12 percent amount is based on line counts from Montana Commission Docket No. D.20006.89. *See* Qwest Aug. 15 Pricing *Ex Parte* Letter, Attach. at 4 (08/15/02C). The Montana universal service support per line is based on the Universal Service Administrative Company's (USAC's) report for the third quarter of 2002. *See* Federal Universal Service Support Mechanisms Fund Size Projections for the Third Quarter 2001 and Contributions Base for the Third Quarter 2002, App. HC 11, High Cost Model Support by Wire Center, 47-49 (Third Quarter 2002 USAC Report). We included all lines in wire centers that are projected to receive between $5.72 and $50.75 of monthly universal service support per line. We note that, for example, Mid-Rivers Telephone Cooperative has established a presence in some high-cost service areas of Montana that receive universal service support. Mid-Rivers is projected to receive high-cost universal service support in Fairview, Terry, and Wilbaux. *See* Third Quarter 2002 USAC Report, App. HC 11 at 48-49. As of February 5, 2002, Mid-Rivers is estimated to serve 97 percent of the residential and business lines in Terry. *See* Qwest II Teitzel Decl. at Ex. DLT-Track A/PI-MT-4.

[1574] The 4.4 percent estimate is derived from the "CLEC Entry by State" chart provided in the Department of Justice Evaluation. *See* Department of Justice Qwest II Evaluation at 8. We take the 5,272 residential lines served by facilities-based competitive LECs that were not accounted for in the E-911 database, but confirmed through the white pages listings, and divide this number by the total residential lines of 260,389, resulting in 2.0 percent. We added the 2.0 percent for facilities-based competitive LEC residential market share and the 2.4 percent resale share, resulting in 4.4 percent. *See id*. at n.32.

[1575] *See Verizon Vermont Order*, 17 FCC Rcd at 7663, para. 68.

[1576] *See Montana Commission Public Interest Report* at 15.

[1577] *See* Montana Commission Qwest II Comments at 9.

[1578] *Verizon Vermont Order*, 17 FCC Rcd at 7664, para. 68. *See also* Qwest Oct. 7 Pricing *Ex Parte* Letter.

cost, we believe competitors will have the opportunity to make competitive entry.[1579]

434. For these reasons, we are not persuaded that Qwest's Montana UNE rates impede local competition in Montana such that granting Qwest's section 271 application would contravene the public interest.

435. AT&T also argues that a proper price squeeze analysis would assess whether "the challenged conduct has exerted any anticompetitive effects."[1580] We note that it is difficult to determine accurately a forward-looking assessment of any anticompetitive effect that a rate might have absent a showing that the rate is unlawful or not cost-based. Most price squeeze analyses, in other contexts, are hindsight, not forward-looking, assessments of the prices and their effect on competition during a period in which those prices were in effect.[1581] As discussed above, it is not "self-evident" that the rates we find TELRIC-compliant today create a price squeeze that will adversely affect competition.[1582] The rates are newly adopted, and it is difficult to predict whether these rates will have any anticompetitive effect in the relevant markets in the future. Absent a clear showing that the rates before us are high in the TELRIC range, and the available margins are below the level that allowed competitive entry in other states, it will be difficult to justify a finding of a price squeeze that is likely to impede local competition enough to render section 271 approval in contravention of the public interest. As discussed above, Iowa has allegedly low margins but significant competitive entry. Nothing in the record supports a finding that the margins available to competitive LECs in Montana will cause a price squeeze that frustrates the congressional intent that markets be open, as required by the competitive checklist, and that Qwest's entry in the long distance market will therefore not serve the public interest as Congress expected.[1583] We believe that any future allegation that the disparity between wholesale and retail rates causes an anticompetitive effect in Montana would be most appropriately reviewed by the Montana Commission because the state commission has authority to adjust both wholesale and retail rates. We note, however, that, pursuant to section 271(d)(6)(A), the Commission can review BOCs' actions after approval of their 271 applications if competitors allege that the BOCs' actions are impeding local competition.[1584]

436. As support for its contention that Qwest's UNE rates create a price squeeze, AT&T cites the Montana Commission's concern about a price squeeze between intrastate retail

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[1579] *Verizon Vermont Order*, 17 FCC Rcd at 7664, para. 68.

[1580] AT&T Qwest III Reply at 44 (quoting *Anaheim v. FERC*, 941 F.2d 1234, 1238 (D.C. Cir. 1991)).

[1581] *See Anaheim,* 941 F.2d at 1247-48 (explaining the procedure under which the Federal Energy Regulatory Commission reviews price squeeze allegations, and holding that the anticompetitive effects resulting from a price squeeze are a function of the magnitude and the duration of the price discrimination).

[1582] *See Anaheim*, 941 F.2d at 1249 (citing *Federal Trade Comm'n v. Morton Salt Co.*, 334 U.S. 37, 50 (1948)).

[1583] Even if we assume that, in the past, there was a disparity between wholesale and retail rates sufficient to cause an anticompetitive effect in Montana, Qwest's reductions of its wholesale rates remedy this situation.

[1584] *See* 47 U. S. C. § 271(d)(6).

toll rates and intrastate access charge rates.[1585] We address this price squeeze issue below.[1586] We disagree with AT&T that the Montana Commission's concern over the relative differences between intrastate toll rates and intrastate access charge rates demonstrates the existence of a price squeeze in the local market. In reviewing Qwest's UNE rates under the public interest analysis, we examine whether a price squeeze exists between Qwest's wholesale UNE rates and the state's retail rates. As part of this analysis, we take into account available sources of revenue, including intrastate toll rates and access charges. As discussed above, we do not find the existence of a price squeeze in Montana between UNE rates and retail rates. Therefore, any potential price squeeze that may exist between intrastate toll and access charge rates does not impede local competition in Montana such that granting Qwest's section 271 application would contravene the public interest.

437. *Montana Intrastate Toll/Access Rates Price Squeeze*. In its comments on Qwest's prior section 271 application, the Montana Commission states that there is a price squeeze between Qwest's Montana retail intrastate toll rates and intrastate carrier access charge rates that disadvantages Qwest's competitors in both the toll and local markets in Montana.[1587] According to the Montana Commission, this price squeeze constitutes an "unusual circumstance" that would make Qwest's entry in the long distance market contrary to the public interest.[1588] The Montana Commission, however, found that Qwest could mitigate this price squeeze by filing a revenue requirements and rate design case by October 1, 2002, and this mitigation would allow the commission to recommend approval of Qwest's section 271 application.[1589] Qwest did not file a revenue requirements and rate design case, instead filing a letter with the Montana Commission proposing an industry-wide, collaborative review of access charges.[1590] Therefore, the Montana Commission recommends denial of Qwest's current section 271 application based on Qwest's refusal to comply with the state commission's condition to mitigate this price squeeze.[1591] AT&T asserts that the Montana Commission's finding of a price squeeze indicates that there have been anticompetitive effects, and therefore granting Qwest's section 271 application would not be in the public interest.[1592]

438. Qwest contends that there is no nexus between intrastate access rates and the public interest issue implicated by section 271, and that intraLATA, intrastate access charge rate

[1585] AT&T Qwest III Reply at 42-44.

[1586] *See* paras. 437-439, *infra*.

[1587] Montana Commission Qwest II Comments at 5-7.

[1588] Montana Commission Qwest II Comments at 7.

[1589] *Id*.

[1590] Qwest Oct. 11 Pricing *Ex Parte* at Attach. 3.

[1591] Montana Commission Qwest III Comments at 2-3.

[1592] AT&T Qwest III Reply at 43-44 (citing *WorldCom, Inc. v. FCC*, 308 F.3d 1 (D.C. Cir. 2002)).

rebalancing should involve all LECs in Montana to address the alleged price squeeze.[1593] The Montana Consumer Counsel asserts that the Montana Commission is empowered by state law to regulate toll rates and access charge rates, and that commission should do so independent of a section 271 application review.[1594]

439. We find that the price squeeze allegation raised by the Montana Commission does not relate to the openness of the local telecommunications market to competition within the scope of section 271 of the Act. Therefore, we do not deny Qwest's section 271 application for failure to comply with the public interest on this basis. While we encourage states to establish cost-based intrastate access rates, we agree with Qwest and the Montana Consumer Counsel that their establishment is not a precondition to section 271 approval.[1595] We do not have jurisdiction to set intrastate intraLATA access charges or intrastate long distance toll rates, and our review of these rates in a section 271 application is limited to their role in any potential wholesale UNE rate/retail rate price squeeze.[1596] Jurisdiction to set intraLATA, intrastate toll rates and access charge rates rests solely with the Montana Commission. The price squeeze alleged by the Montana Commission is in the intrastate intraLATA toll market, where Qwest already is authorized to provide service. Denying Qwest's section 271 application would not address the alleged price squeeze in the intrastate intraLATA toll market. Accordingly, this alleged price squeeze, and any potential violation of state regulations by Qwest's failure to file a revenue requirements and rate design case, are within the Montana Commission's authority and ability to address, and are more appropriately addressed by that commission.

B. Assurance of Future Compliance

440. As set forth below, we find that the performance assurance plans (PAP) that will be in place in the nine states provide assurance that the local market will remain open after Qwest receives section 271 authorization in the nine application states. We find that these plans fall within a zone of reasonableness and are likely to provide incentives that are sufficient to foster post-entry checklist compliance. In prior orders, the Commission has explained that one factor it may consider as part of its public interest analysis is whether a BOC would have adequate incentives to continue to satisfy the requirements of section 271 after entering the long distance market.[1597] Although it is not a requirement for section 271 authority that a BOC be subject to such performance assurance mechanisms, the Commission previously has stated that the existence of a satisfactory performance monitoring and enforcement mechanism would be

[1593] Qwest III Thompson/Freeberg Reply Decl. at paras. 19-20 (citing Commissioner Rowe's dissenting statement in the Montana Commission Qwest III Comments).

[1594] Montana Consumer Counsel Qwest III Reply at 2; Montana Consumer Counsel Qwest II Reply at 2-4.

[1595] *See* Qwest II Application at 191-92; Qwest Aug. 15 Pricing *Ex Parte* Letter at 18. *See also* Montana Consumer Counsel Qwest II Reply at 2-3.

[1596] *See* para. 436, *supra* (discussing our review of intrastate toll rates and access charges in the local market price squeeze analysis).

[1597] *See, e.g., Verizon Pennsylvania Order*, 16 FCC Rcd at 17487-88, para. 127.

probative evidence that the BOC will continue to meet its section 271 obligations after a grant of such authority.[1598] The nine state PAPs, in combination with the respective commission's active oversight of its PAP, and these commissions' stated intent to undertake comprehensive reviews to determine whether modifications are necessary, provide additional assurance the local market in the five application states will remain open.[1599]

441. In prior section 271 orders, the Commission has generally reviewed plans modeled after either the New York or the Texas plans.[1600] However, the Commission has also approved plans that are not modeled on either of those two plans.[1601] In this case, the Colorado PAP was designed principally by a Special Master for the Colorado Commission with input from Qwest and other parties.[1602] The Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming PAPs, on the other hand, were developed in a multi-state review

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[1598] *Ameritech Michigan Order*, 12 FCC Rcd at 20748-50, paras. 393-398. We note that in all of the previous applications that the Commission has granted to date, the applicant was subject to an enforcement plan administered by the relevant state commission to protect against backsliding after BOC entry into the long-distance market. These mechanisms are generally administered by state commissions and derive from authority the states have under state law or under the federal Act. As such, these mechanisms can serve as critical complements to the Commission's authority to preserve checklist compliance pursuant to section 271(d)(6).

[1599] The Wyoming Commission did not endorse the Wyoming PAP because of what it deemed to be several shortcomings in the PAP. As discussed later in this section, we find that the shortcomings identified by the Wyoming Commission do not diminish the assurances provided by the Wyoming PAP. Qwest II Application, App. E, Qwest Performance Assurance Plans, Tab 1, Montana Performance Assurance Plan at 22-25 (Montana PAP), Qwest II Application, App. E, Tab 2, Utah Performance Assurance Plan at 19-20 (Utah PAP), Qwest II Application, App. E, Tab 3, Washington Performance Assurance Plan at 19-20 (Washington PAP); Qwest II Application, App. E, Tab 4, Wyoming Performance Assurance Plan at 19-20 (Wyoming PAP); Qwest I Application, Appendix E, Qwest Performance Assurance Plans, Tab 1, Colorado Performance Assurance Plan at 22-25 (Colorado PAP); Qwest I Application, App. E, Qwest Performance Assurance Plans, Tab 2, Idaho Performance Assurance Plan at 14, 19-20 (Idaho PAP); Qwest I Application, App. E, Qwest Performance Assurance Plans, Tab 3, Iowa Performance Assurance Plan at 14, 19-20 (Iowa PAP); Qwest I Application, App. E, Qwest Performance Assurance Plans, Tab 4, Nebraska Performance Assurance Plan at 14, 19-20 (Nebraska PAP); Qwest I Application, App., Qwest Performance Assurance Plans, Vol 1 Tab 5, North Dakota Performance Assurance Plan at 15, 21-22 (North Dakota PAP); Colorado Commission Qwest I Comments at 59; Colorado Commission Qwest I Reply at 48; Idaho Commission Qwest I Comments a 13-14; Iowa Board Qwest I Comments at 70; Montana Commission Qwest II Comments at 52-53; Nebraska Commission Qwest I Comments at 5 (citing Nebraska Commission QPAP Decision (http://www.nol.org/home/NPSC/C-1830APAP04-23-02.PDF) at 15-16); North Dakota Commission Qwest I Comments, Appendix at 236-39; Washington Commission Qwest II Comments at 29-31; Wyoming Commission Qwest II Comments at 17.

[1600] *See, e.g., Verizon Connecticut Order*, 16 FCC Rcd at 14181, para. 76; *Verizon Massachusetts Order*, 16 FCC Rcd at 9120, para. 238; *SWBT Texas Order*, 15 FCC Rcd at 18560, para. 421; *Bell Atlantic New York Order*, 15 FCC Rcd at 4166-67, para. 433.

[1601] *See Verizon Pennsylvania Order*, 16 FCC Rcd at 17488-89, paras. 128-129.

[1602] Qwest I Application App. A, Tab 35, Declaration of Mark S. Reynolds-Colorado (Qwest I Reynolds-Colorado Decl.) at paras. 2-4.

process that began with the SBC Texas PAP.[1603] Following the multi-state review process, the state commissions in each of these states separately received comment from parties and held either hearings or oral arguments on their PAPs.[1604] We note that eight of the nine state commissions have approved the PAP proposed in their states, which will go into effect with approval of this application. While the Wyoming Commission did not endorse the Wyoming PAP,[1605] finding several shortcomings, we note that the Wyoming PAP is similar in all relevant respects to the other PAPs filed in the current application.[1606] For the reasons discussed below, we find that the shortcomings identified by the Wyoming Commission do not diminish the assurances provided by the Wyoming PAP. Moreover, we note that the Wyoming Commission has deferred to this Commission to determine the form the Wyoming PAP should take.[1607] We also note that Qwest has offered the Wyoming PAP to all competitors as part of its SGAT.[1608] There is nothing to suggest that the Wyoming Commission will not implement and enforce the Wyoming PAP.

442. We conclude that the nine application states' respective PAPs provide incentives to foster post-entry checklist compliance. As in prior section 271 orders, our conclusions are based on a review of several key elements in the performance remedy plan: total liability at risk in the plan; performance measurement and standards definitions; structure of the plan; self-executing nature of remedies in the plan; data validation and audit procedures in the plan; and accounting requirements.[1609] The structure of these plans is similar to tiered plans that the

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[1603] Qwest II Application App. A, Tab 33, Declaration of Mark S. Reynolds on the Performance Assurance Plans (Qwest II Reynolds-PAP Decl.) at paras. 4-16; Qwest I Application App. A, Tab 36, Declaration of Mark S. Reynolds-Multistate (Qwest I Reynolds-Multistate Decl.) at paras. 4-6.

[1604] Qwest II Reynolds-PAP Decl. at paras. 7-16; Qwest I Reynolds-Colorado Decl. at paras. 3-5; Qwest I Reynolds-Multistate Decl. at para. 6.

[1605] We note that even though the Wyoming Commission rejected the PAP, they recommend approval of Qwest's section 271 application in Wyoming. Wyoming Commission Qwest III Comments at 6; Wyoming Commission Qwest II Comments at 11-13, 17.

[1606] Qwest II Reply at 112 (discussing similarities between the cap in the Wyoming PAP and the caps in the Montana, Iowa and Nebraska PAPs); Qwest II Reynolds-PAP Decl. at paras. 23-27 (discussing the similarities in the review provisions in the Wyoming PAP, Nebraska PAP, and SWBT's Texas PAP), paras. 42-46 (discussing similarities between the billing metric penalties in the Wyoming PAP and the Colorado PAP and SWBT Texas PAP); paras. 57-58 (discussing similarities between the limitations provision in the Wyoming PAP and the corresponding sections of the Colorado, Nebraska and Washington PAPs). The de-escalation provision in the Wyoming PAP is identical or similar to the corresponding provision in the Idaho, Iowa, Montana, North Dakota, Nebraska, Washington, and Utah PAP. Idaho PAP section 6.2.1; Iowa PAP section 6.2.1; Montana PAP section 6.2.1; Nebraska PAP section 6.2.1; North Dakota PAP section 6.2.1; Utah PAP section 6.2.1; Washington PAP 6.2.1; Wyoming PAP section 6.2.1

[1607] Wyoming Commission Qwest III Comments at 6; Wyoming Commission Qwest II Comments at 17.

[1608] Qwest II Application, App. B, Statement of Generally Available Terms and Conditions, Ex. K.

[1609] *See, e.g.*, *Verizon Massachusetts Order*, 16 FCC Rcd at 9121-24, paras. 240-47; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6377-81, paras. 273-78.

Commission has approved.[1610] In general, the Tier 1 payments accrue to competitive LECs and Tier 2 payments accrue to a state fund.[1611] The PAPs vary in the amount at risk, but are in line with those the Commission has considered before.[1612] The amount of credits and payments due to competitive LECs under these PAPs increase with the duration of a failure to meet performance standards.[1613] The PAPs include provisions for continuing review of the PAP by the

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[1610] *See, e.g.*, SBC Texas Application, Dysart Affidavit, Attach. H. In all of the PAPs, Qwest is in conformance with benchmark measures when the monthly performance equals or exceeds the benchmark. For parity standards, the Colorado PAP uses a statistical methodology using a modified z-test and permutation testing. In addition, the Colorado PAP uses predetermined variance factors to determine conforming performance for some Tier 1 measurements. These predetermined variance factors are based on a modified z-test statistical methodology. For parity standards, the PAPs in place in Montana, Iowa, Idaho, Nebraska, North Dakota, Utah, Washington, and Wyoming use a modified z-test or permutation test depending upon the number of observations. Qwest I Reynolds-Colorado Decl. at paras. 18-22; Qwest I Reynolds-Multistate Decl. at paras. 9-10; Qwest II Reynolds-PAP Decl. at paras. 48-53. Colorado PAP sections 2-5; Idaho PAP sections 2-5; Iowa PAP sections 2-5; Montana PAP sections 2-7; Nebraska PAP sections 2-5; North Dakota PAP sections 2-5; Utah PAP sections 2-7, Washington PAP sections 2-7, Wyoming PAP sections 2-7; Colorado Commission Qwest I Comments at 55.

[1611] Qwest I Reynolds-Colorado Decl. at paras. 6, 19-20; Qwest I Reynolds-Multistate Decl. at paras. 9, 20-23; Qwest II Reynolds-PAP Decl. at paras. 39-47; Colorado PAP sections 2, 7 and 8; Idaho PAP sections 2, 6, and 7; Iowa PAP section 2, 6, and 7; Montana PAP sections 2, 6, and 7; Nebraska PAP section 2, 6, and 7; North Dakota PAP sections 2, 6, and 7; Nebraska PAP sections 2, 6, and 7; Utah PAP sections 2, 6, and 7; Washington PAP sections 2, 6, and 7; Wyoming PAP sections 2, 6, and 7. The North Dakota Commission reports that the North Dakota Legislature must approve a budget allocation for the North Dakota Commission to utilize Tier payments made by Qwest for the North Dakota Commission to monitor Qwest's performance. A proposal has been put forth for this budget allocation. The North Dakota Commission believes that if the legislation is adopted with the proposed emergency clause, the fund could become available before the usual effective date for adopted legislation (August 1, 2003). Letter from Anthony T. Clark, Susan E. Wefald, and Leo M. Reinbold, Commissioners, North Dakota Commission, to Ms. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 at 1 (dated Oct. 31, 2002). Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 at 1-2 (dated Oct. 31a 2002).

[1612] The Colorado PAP has an annual cap of $100 million (36 percent of Qwest's ARMIS net return in Colorado) and provides an opportunity for the Colorado Commission to open a proceeding to review the cap if necessary. The Idaho, Montana, North Dakota, Utah, Washington, and Wyoming PAPs each have a cap that places 36 percent of Qwest's net return in these states at risk. The Nebraska and Iowa PAPs each have procedural caps of 24 percent which can be increased to 44 percent of Qwest's ARMIS net return in each of these states. The Utah PAP may be increased to a maximum cap of 48 percent, and the Montana and Wyoming PAP can be increased upon Commission action. Qwest II Reynolds-PAP Decl. at paras. 23-27; Qwest I Reynolds-Colorado Decl. at para. 8; Qwest I Reynolds-Multistate Decl. at para 13; Colorado PAP section 11; Idaho PAP section 12; Iowa PAP section 12; Montana PAP section 12; Nebraska PAP section 12; North Dakota PAP section 12; Utah PAP section 12, Washington PAP section 12, Wyoming PAP section 12. In comparison, the BellSouth Louisiana PAP has a $59 million procedural cap or 20 percent of BellSouth's net revenue. *BellSouth GALA Order* 17 FCC Rcd at 9184, para. 296.

[1613] Each PAP has a provision for Tier 1 payments to escalate for continuing non-conformance. Payments in the Colorado PAP are also affected by the severity of a missed standard. Qwest II Reynolds-PAP Decl. at paras. 39-46; Qwest I Reynolds-Colorado Decl. at paras. 18-20; Qwest I Reynolds-Multistate Decl. at paras. 20-23; Colorado PAP sections 7-9; Idaho PAP section 6; Iowa PAP sections 6; Montana PAP section 6; Nebraska PAP section 6; North Dakota PAP section 6; Utah PAP section 6; Washington PAP section 6; Wyoming PAP section 6.

state commission.[1614] We also note that the PAPs include provisions for audits and that impose penalties on Qwest for submitting incomplete or revised reports and/or reports found to require revision.[1615]

443. As the Commission has stated in prior orders, the PAP is not the only means of ensuring that a BOC continues to provide nondiscriminatory service to competing carriers.[1616] In addition to the monetary payments at stake under each plan, we believe Qwest faces other consequences if it fails to sustain an acceptable level of service to competing carriers, including enforcement provisions in interconnection agreements, federal enforcement action pursuant to section 271(d)(6), and remedies associated with antitrust and other legal actions.

444. We disagree with commenters that argue that the PAPs will not deter backsliding due to a variety of deficiencies: (1) omission of critical measures (*e.g.*, service order accuracy and functional acknowledgements);[1617] (2) limits on the ability of the state commission to modify the PAP;[1618] (3) limitations on the ability of competitive LECs in Idaho and Iowa to seek remedies in other forums;[1619] (4) unreliable and inaccurate data; [1620] and (5) the lack of an approved PAP in Wyoming. [1621] As we have noted above, states may create plans that ultimately vary in their strengths and weaknesses as tools for post-section 271 authority monitoring and enforcement. We address the issues raised in the comments in turn.

445. First, we find that the PAPs under review here are comprehensive. We further note that state commissions have the ability to incorporate new measures into their PAPs at

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[1614] Colorado PAP section 18; Idaho PAP section 16; Iowa PAP section 16; Montana PAP section 16; Nebraska PAP section 16; North Dakota PAP section 16; Utah PAP section 16; Washington PAP section 16; Wyoming PAP section 16.

[1615] Qwest II Reynolds-PAP Decl. at para. 21; Qwest I Reynolds-Colorado Decl. at para. 26; Qwest I Reynolds-Multistate Decl. at paras. 33-34; Colorado PAP section 13-14; Idaho PAP sections 14-15; Iowa PAP sections 14-15; Montana PAP sections 14-15; Nebraska PAP sections 14-15; North Dakota PAP sections 14-15; Utah PAP sections 14-15; Washington PAP sections 14-15; Wyoming PAP sections 14-15.

[1616] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4165, para. 430; *SWBT Texas Order*, 15 FCC Rcd at 18560, para. 421; *Verizon Pennsylvania Order* 16 FCC Rcd at 17489, para. 130.

[1617] AT&T Qwest II Comments at 157; AT&T Qwest I Comments at 144; AT&T Qwest II Finnegan Decl. at paras. 204-05; AT&T Qwest I Finnegan Decl. at paras. 223-24; Eschelon Qwest II Comments 12-13.

[1618] AT&T Qwest II Comments at 157; AT&T Qwest I Comments at 145-6; AT&T Qwest II Finnegan Decl. at paras. 234-42 (specifically the Montana and Washington PAPs); AT&T Qwest I Finnegan Decl. at paras. 236-50; Touch America Qwest II Comments at 34 (general comment about the PAPs); Touch America Qwest I Comments at 30.

[1619] AT&T Qwest I Comments at 145; AT&T Qwest I Finnegan Decl. at paras. 225-35.

[1620] AT&T Qwest II Comments at 157; AT&T Qwest I Comments at 114; AT&T Qwest II Finnegan Decl. at paras. 201-03; AT&T Qwest I Finnegan Decl. at paras. 220-01.

[1621] AT&T Qwest II Comments at 157-58; AT&T Qwest II Finnegan Decl. at paras. 206-33.

future reviews to the extent "critical measures" need to be added to the plans.[1622] Furthermore, we believe the multi-state collaborative process will continue post-section 271 approval and will likely address these issues.[1623] We note that competitive LECs have been involved in the development of these plans,[1624] and we anticipate that they will provide input in those forums which will review the plans in the future. Qwest has proposed a service order accuracy performance measure;[1625] we anticipate that a collaboratively developed service order accuracy measure will ultimately be included in the PAPs.[1626]

446. Second, we find that the current language in the PAPs does not unduly limit the state commissions' ability to change their respective PAPs.[1627] As the Commission has noted previously, the ability of state commissions to modify or update measurements is an important feature because it allows the PAP to reflect changes in the telecommunications industry and in individual states.[1628] Touch America contends that the Commission should clarify that the

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[1622] Qwest II Reynolds-PAP Decl. at paras. 32, 35; Qwest II Reply at 115-16; Qwest I Reply at 117-18; Colorado PAP section 18; Idaho PAP section 16; Iowa PAP section 16; Montana PAP section 16; Nebraska PAP section 16; North Dakota PAP section 16; Utah PAP section 16; Washington PAP section 16; Wyoming PAP section 16. OneEighty requests clarification of the penalties for network outages under Qwest's Performance Assurance Plan. Specifically, OneEighty believes that Qwest's Performance Assurance Plan penalty for outages should be revised to reflect whether a "per occurrence payment" requires a payment "per line" or "per global outage." We find that this issue can be more appropriately dealt with during the six-month review process rather than within the context of a section 271 application. OneEighty Qwest III Comments at 17-18; OneEighty Qwest II Comments at 16-17; OneEighty Qwest I Comments at 6-7.

[1623] Letter from Melissa Newman, Vice President-Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148, Attach. at 1-11 (dated July 17, 2002) (Qwest July 17b *Ex Parte* Letter).

[1624] Qwest II Reynolds-PAP Decl. at paras. 4-16; Qwest I Reynolds-Colorado Decl. at paras. 3-5; Qwest I Reynolds-Multistate Decl. at paras. 4-6.

[1625] Qwest Aug. 20m *Ex Parte* Letter at 1-2.

[1626] *See e.g.* Eschelon Qwest III Comments at 34-37; Nebraska Commission Qwest III Comments at 2; North Dakota Commission Qwest III Comments at 1; Wyoming Commission Qwest III Comments at 3-4.

[1627] Qwest II Reynolds-PAP Decl. at para. 33 (noting that the SWBT Texas PAP requires "mutual agreement" of SBC and the competitive LEC before an existing measurement can be changed); Qwest II Reply at 113 (Qwest argues nothing in the Wyoming PAP precludes the Wyoming Commission from reviewing the PAP), 115-116 (arguing that the Montana and Washington PAPs do not impede the ability of the Washington or Montana Commission to enforce and supervise the PAP); Colorado PAP section 18; Idaho PAP section 16; Iowa PAP section 16; Nebraska PAP section 16; North Dakota PAP section 16. The Wyoming Commission reads the review provision in the Wyoming PAP as potentially limiting their ability to change the PAP and permitting Qwest to argue that changes to the PAP outside of the six-month process would not be incorporated into agreements between Qwest and competitive LECs. We read the Wyoming PAP review provision, however, to permit the Wyoming Commission to change the PAP and require that agreements between Qwest and competitive LECs would incorporate changes in the PAP. AT&T Qwest II Comments at 158-59 (focusing on the review provisions in the Washington PAP and Montana PAP); Wyoming Commission Qwest II Comments at 12.

[1628] *SWBT Texas Order,* 15 FCC Rcd at 18563, para. 425.

Commission or state regulatory authority maintain change control over any part of the PAP, regardless of whether Qwest agrees with the change or not.[1629] AT&T contends that the Iowa Board will be limited in its ability to modify the PAP in place in Iowa,[1630] and that the Washington and Montana PAPs explicitly permit Qwest to challenge the authority of the state to make any changes to the plan.[1631] While the Iowa PAP allows Qwest to appeal changes to the PAP, the PAP explicitly envisions a process allowing for changes to the PAP.[1632] The Montana Commission plans to review and consider the sections of the PAP which cause AT&T concern about the Montana PAP.[1633] The Washington Commission argues they approved the language which raises concern for AT&T to ensure that a court would not conclude that Qwest has waived its right to challenge the Washington Commission's jurisdiction to modify the PAP.[1634] With regard to Touch America's complaint, the Commission has found before that PAPs are administered by state commissions and derive from authority the states have under state law or under the federal Act.[1635]

447. Third, we find that the competitive LECs have the ability to seek remedies other than through the PAPs adopted by state commissions. AT&T contends that the Iowa and Idaho PAPs foreclose competitive LECs from pursuing non-contractual remedies.[1636] With regard to the Iowa PAP, the Iowa Board disagrees with AT&T's interpretation, instead finding that Qwest's modifications to the PAP in response to comments by AT&T and Liberty would not foreclose competitive LECs from non-contractual legal and regulatory remedies.[1637] With regard to the Idaho PAP, the Idaho Commission asserts that Qwest has conceded that competitive LECs are not precluded by the PAP from the recovery of non-contractual remedies. Only those remedies that would duplicate those available under a contractual claim are precluded.[1638] As we

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[1629] Touch America Qwest II Comments at 34.

[1630] AT&T Qwest I Comments at 146; AT&T Qwest I Finnegan Decl. at paras. 236-50; AT&T Qwest I Reply at 71 n.210.

[1631] AT&T Qwest II Comments at 158-59; AT&T Qwest II Finnegan Decl. at paras. 234-47; AT&T Qwest I Reply at 71 n.210.

[1632] Iowa PAP section 16; Qwest I Reply at 119.

[1633] Letter from Amy L. Alvarez, District Manager, Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-189, Attach. at 2 (dated August 23, 2002).

[1634] Washington Commission Qwest II Comments at 30-31.

[1635] *Verizon New York Order*, 15 FCC Rcd at 4164, n.1316.

[1636] AT&T Qwest I Comments at 145; AT&T Qwest I Finnegan Decl. at paras. 225-35; AT&T Qwest I Reply at 71 n.210.

[1637] Qwest I Application App. C, Vol. 1, Tab 9, Iowa Board Conditional Statement Regarding Qwest Performance Assurance Plan at 32-36.

[1638] Idaho Commission Qwest I Comments at 13; Qwest I Reply at 118-19.

have noted above, states have latitude to create plans that ultimately vary in their strengths and weaknesses as tools for post-section 271 authority monitoring and enforcement.

448. Fourth, AT&T argues that the public interest cannot be met because there is no performance plan in place in Wyoming,[1639] and the Wyoming Commission found that the Wyoming PAP was non-compliant with its orders in five areas (the overall cap,[1640] the limitations on remedies,[1641] the review process,[1642] the de-escalation of payments,[1643] and the cap on payments for billing measurements).[1644] We conclude these concerns do not warrant rejection of this application.

449. We find the five provisions at issue in the Wyoming PAP to be reasonable, and that this PAP provides us with assurances of Qwest's future compliance with its section 271 obligations. The provisions at issue are consistent with some provisions in the Texas PAP, and are similar or identical to provisions in the other PAPs filed in the instant application. We also note that one of the provisions in which we find reassurance is the review provision in the Wyoming PAP. We read the review provision as permitting the Wyoming Commission to initiate a proceeding on its own motion at any time, to review and evaluate the PAP, to change the PAP, and to add measures and provisions to assist it in monitoring and enforcing the specific needs of consumers in Wyoming.[1645] Moreover, to the extent the PAP is offered as an attachment

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[1639] AT&T Qwest II Comments at 157.

[1640] The Wyoming Commission finds the cap on Tier 1 and Tier 2 payments to be unfair, complex, and administratively burdensome. In addition, the Wyoming Commission disagrees with the limitations and procedures for changing the caps. Wyoming Commission Qwest II Comments at 11, 14; AT&T Qwest II Finnegan Decl. at paras. 218-23.

[1641] The Wyoming Commission disagrees with the limitations on remedies section, which substitutes the PAP for service quality rules, and the limitations on competitive LECs to file suits to seek additional damages for poor Qwest performance. Wyoming Commission Qwest II Comments at 12.

[1642] The Wyoming Commission requested that Qwest delete the phrase, "consistent with any independent authority under law" in the description of the Wyoming Commission's involvement in ordering changes to the PAP. In addition, the Wyoming Commission was concerned language in this section could imply that changes made outside of the six month review process would not modify the PAP. Wyoming Commission Qwest II Comments at 12; AT&T Qwest II Finnegan Decl. at paras. 224-33.

[1643] The Wyoming Commission ordered that the amount of a payment for nonconforming performance by Qwest should stay at the level to which it escalated prior to Qwest's provision of conforming performance ("sticky duration"). Wyoming Commission Qwest II Comments at 13.

[1644] The Wyoming Commission disagrees with the provision which carves out an exception for three billing measurements and places a $30,000 measurement cap on each of these measures. Wyoming Commission Qwest II Comments at 13; AT&T Qwest II Finnegan Decl. at para. 223.

[1645] Wyoming Commission Qwest II Comments at 12. Section 16.1 of the Wyoming proposed PAP states that, "Every six months, beginning six months after the effective date of Section 271 approval by the FCC for the state of Wyoming, Qwest or CLECs may request the Commission to initiate a proceeding, or the Commission may initiate a proceeding on its own motion at any time, to review and evaluate the QPAP and, after notice and hearing and in accordance with the Wyoming Administrative Procedures Act and consistent with other rights of the parties, the (continued….)

to Qwest's interconnection agreements, the Wyoming Commission has the authority to take action to change the PAP. Thus, we find that the review provision found in the PAP filed as part of this application will permit the Wyoming Commission to have active oversight of the PAP and allow it to undertake comprehensive reviews to determine whether modifications are necessary.

450. We address the other provisions at issue in the Wyoming PAP in turn. While the Wyoming Commission has expressed concern about the existence of an overall cap on liability under the plan,[1646] as well as a monthly cap on payments for billing measures, we do not find that these caps would substantially reduce the effectiveness of the PAP. Indeed, we recognize that we have approved PAPs with caps on several prior occasions.[1647] The Wyoming Commission is also concerned with the language in the Wyoming PAP which limits remedies available to competitive LECs. We note that the language in the Wyoming PAP is the same as the language in the Nebraska PAP.[1648] Further, the Wyoming Commission objected to the provision in the Wyoming PAP that would allow penalties to de-escalate after a month of good performance.[1649] Again, the record does not support a finding that this provision is unreasonable or would

(Continued from previous page)
Commission thereafter may make changes to the QPAP consistent with any independent authority under law. Qwest and CLEC agree that no new performance measurement shall be added to this QPAP that has not been subject to observation as a diagnostic measurement for a period of 6 months unless ordered otherwise by the Commission, after notice and hearing. Any changes made at the six-month review pursuant to this section shall apply to and modify this agreement between Qwest and CLEC."

[1646] Wyoming Commission Qwest II Comments at 11,13-14.

[1647] *See, e.g.*, *BellSouth Georgia/Louisiana Order,* 17 FCC Rcd at 9184, para. 296. Qwest II Reynolds-PAP Decl. at paras. 23-27 (discussing similarities between the overall cap in the Wyoming PAP and the caps in the Montana, Iowa and Nebraska PAPs), paras. 42-46 (discussing similarities between the billing metric penalties in the Wyoming PAP and the Colorado PAP, and the SWBT Texas PAP). We note that this billing measures cap provision creates a total potential liability of up to $90,000 per competitive LEC per month, and thus creates a larger potential liability than similar PAPs in the instant application (*e.g.*, Iowa, North Dakota, Utah, and Washington). Iowa PAP section 6.2.2; North Dakota section 6.2.2; Utah PAP section 6.2.2; Washington PAP section 6.2.2, Wyoming PAP section 6.2.2 *See also* SWTB Texas PAP, Sections 8 and 13.

[1648] Wyoming PAP sections 13.6, 13.6.1 and 13.62; Nebraska PAP, sections 13.6, 13.6.1 and 13.6.2. Qwest II Reynolds-PAP Decl. at paras. 57-58 (discussing similarities between the limitations provision in the Wyoming PAP and the corresponding sections of the Colorado, Nebraska and Washington PAPs).

[1649] In the Wyoming PAP, the escalation of payments for consecutive months on non-conforming service is matched month for month with de-escalation of payments for every month of conforming services. Consider the following example: Qwest misses a performance standard from January to April, meets the performance standard in May, and misses the performance standard in June. Qwest will make payments that escalate from January to April. Qwest will make no payment in May, but Qwest's payment for poor performance in June will be made as if Qwest had failed to provide compliant performance for three consecutive months. (Wyoming PAP section 6.2.2).

diminish the effectiveness of the plan, and we note that the other PAPs filed in these applications have identical or similar provisions.[1650]

451. We recognize that states may create plans that ultimately vary in their strengths and weaknesses for tools for post-section 271 authority monitoring and enforcement; thus we defer to the Wyoming Commission to determine the form of the provisions necessary in Wyoming. We conclude that the Wyoming Commission has requested modifications to the Wyoming PAP, and that these modifications can be sought within the Wyoming PAP's review provision. With the guidance provided in this order, we expect the Wyoming Commission will adopt a PAP. We recommend that the Wyoming Commission take action to adopt a PAP as soon as possible.

452. Finally, we disagree with AT&T's contention that the PAPs will be ineffective at deterring poor performance. AT&T contends that the PAPs will be ineffective at deterring poor performance because Qwest's data are inaccurate and unreliable.[1651] The PAPs filed in this application have provisions for late, inaccurate, or incomplete performance reports.[1652] Moreover, we take further comfort in the proposals by the ROC to support an ongoing multi-state collaborative to address post-section 271-related issues (including an audit program).[1653] We find that, at least for purposes of this application, Qwest's performance data are generally reliable and reflective of Qwest's wholesale performance.[1654]

C. Unfiled Interconnection Agreements

453. Notwithstanding our concern about discrimination in interconnection agreements and potential violations of the Act as a result, we find that Qwest's previous failure to file certain interconnection agreements with the application states does not warrant a denial of this application. As discussed below, we conclude that concerns about any potential ongoing checklist violation (or discrimination) are met by Qwest's submission of agreements to the commissions of the application states pursuant to section 252 and by each state acting on

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[1650] We agree with Qwest that the de-escalation structure in the Qwest PAP provides a greater incentive for the RBOC to provide compliant performance than other plans that have been submitted in section 271 applications that have been approved by this Commission. Qwest II Reynolds-PAP Decl. at paras. 39-46.

[1651] AT&T Qwest II Comments at 157; AT&T Qwest I Comments at 114; AT&T Qwest II Finnegan Decl. at paras. 201-03; AT&T Qwest I Finnegan Decl. at paras. 220-02.

[1652] Qwest II Reynolds-PAP Decl. at paras. 59-60; Qwest I Reply at 116-17; Colorado PAP Sections 13-14; Idaho PAP Sections 14-15; Iowa PAP Sections 14-15; Montana PAP sections 14-15; Nebraska PAP Sections 14-15; North Dakota PAP Sections 14-15; Utah PAP sections 14-15; Washington PAP sections 14-15; Wyoming PAP sections 14-15.

[1653] Qwest I Reply at 28-29; Letter from Melissa Newman, Vice President Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-189, Attach. (dated July 18, 2002) at 2-3 (Qwest July 18b *Ex Parte* Letter); Iowa Board Qwest I Reply at 8-9.

[1654] Iowa Board Qwest I Reply at 33-34. *See supra*, Section II.A for further discussion.

Qwest's submission of those agreements. Although this record does not demonstrate ongoing discrimination, parties remain free to present other evidence of ongoing discrimination, for example, through state commission enforcement processes or to this Commission in the context of a section 208 complaint proceeding. Further, to the extent any past discrimination existed, we anticipate that any violations of the statute or our rules will be addressed expeditiously through federal and state complaint and investigation proceedings. To this end, we note that a number of state commissions have already begun investigations of these agreements.

1. Background

454. *Regulatory Proceedings and Qwest Responses*. This issue first arose when the Minnesota Department of Commerce filed with the Minnesota Public Utilities Commission (Minnesota Commission) a complaint against Qwest on February 14, 2002, citing eleven agreements that it argues should have been filed with the Minnesota Commission for approval.[1655] The Minnesota Commission docketed this complaint and assigned it to an administrative law judge.[1656]

455. In response to the investigation in Minnesota, Qwest filed letters with the state commissions of eight of the nine application states explaining that, while it did not consider the eleven agreements at issue in Minnesota to be interconnection agreements that must be filed under section 252, it was submitting copies of those agreements involving competitive LECs operating in that particular state.[1657] Qwest provided the same information to the Wyoming Commission in a motion to deny an AT&T request for investigation.[1658] In addition, in seven of

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[1655] AT&T Qwest I Comments at 18, Attach. 2 (*Second Amended Verified Complaint, In the Matter of the Complaint of the Minnesota Department of Commerce Against Qwest Corporation Regarding Unfiled Agreements, Minnesota Public Utilities Commission*, Docket No. P-421/C-02-197 (June 2002)). According to the second amended complaint, the Minnesota Department's investigation began on June 21, 2001, when it sent an information request to Qwest asking that it provide all unfiled agreements with competitive LECs entered into by Qwest over the last five years. *See id.* at 5.

[1656] On September 20, 2002, the administrative law judge released a recommended order finding twenty five violations in twelve agreements. On November 1, 2002, the Minnesota Commission adopted the recommended order. *See* In the Matter of the Complaint of the Minnesota Department of Commerce Against Qwest Corporation Regarding Unfiled Agreements, Order Adopting ALJ's Report and Establishing Comment Period Regarding Remedies, Minnesota Public Utilities Commission, Docket No. P-421/C-02-197 (November 1, 2002). The Minnesota Commission held hearings on penalties on November 19, 2002.

[1657] *See* Letter from Peter Rohrbach, Counsel, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed November 15, 2002) (Qwest Nov. 15e *Ex Parte* Letter) (attaching letters to the commissions of Montana, Utah and Washington; attaching a motion to deny an AT&T request for investigation in which Qwest provided the same information to the Wyoming Commission); Letter from Melissa E. Newman, Vice President-Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148 (dated Aug. 26, 2002) (Qwest Aug. 26a *Ex Parte* Letter) (attaching letters, minus attachments, to the commissions of the five Qwest I application states).

[1658] *See* Qwest Nov. 15e *Ex Parte* Letter (attaching a motion to deny an AT&T request for investigation in which Qwest provided the same information to the Wyoming Commission).

the eight letters, Qwest contended that, although it did not believe that the attached agreements it was submitting were section 252 interconnection agreements, should the state commission determine otherwise, "then those agreements may be approved as interconnection agreements" in that state.[1659]

456. On April 23, 2002 Qwest filed a petition for declaratory ruling with the Commission seeking a ruling on which types of negotiated contractual arrangements between incumbent LECs and competitive LECs are subject to the mandatory filing and state commission approval requirements of section 252(a)(1).[1660] Prior to the Commission's ruling on Qwest's petition for declaratory ruling, Qwest informed all the state commissions in its region of its new policy of filing all "contracts, agreements or letters of understanding" between Qwest and competitive LECs that "create obligations to meet the requirements of Section 251(b) or (c) on a going forward basis."[1661] Moreover, Qwest announced the formation of a committee consisting of six senior managers involved with wholesale agreements to ensure that its new policy is applied and that any Commission decision is implemented fully and completely.[1662]

457. *Qwest Supplemental Proposal.* During the pendency of its original section 271 application, Qwest presented a proposal that it argued would alleviate the concerns expressed by commenters regarding Qwest's failure to file some interconnection agreements with the

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[1659] *See, e.g.,* Qwest Nov. 15e *Ex Parte* Letter; Qwest Aug. 26a *Ex Parte* Letter. We note that the Colorado Commission letter was in response to a staff audit request for documents and the Iowa Board had already begun its investigation of this matter. *See id.* (letters to the Colorado Commission and the Iowa Board).

[1660] *Petition for Declaratory Ruling of Qwest Communications International Inc.*, WC Docket No. 02-89, at 3 (April 23, 2002) (*Qwest Section 252 Petition*). The Commission issued a public notice for this proceeding on April 29, 2002. *Qwest Communications International, Inc. Petition for Declaratory Ruling On the Scope of the Duty to File and Obtain Prior Approval of Negotiated Contractual Arrangements Under Section 252(a)(1),* Public Notice, WC Docket No. 02-89, DA 02-976 (April 29, 2002). The record closed on June 20, 2002. *Qwest Communications International, Inc. Petition for Declaratory Ruling On the Scope of the Duty to File and Obtain Prior Approval of Negotiated Contractual Arrangements Under Section 252(a)*, Public Notice, WC Docket 02-89, DA 02-1363 (June 11, 2002) (Order granting extension of date by which to file reply comments). AT&T, Focal and Pac-West Telecomm (filing jointly), Mpower, New Edge, PageData, Touch America, and WorldCom, as well as the Iowa Board, the Minnesota Department of Commerce, and the New Mexico Attorney General and Iowa Office of Consumer Advocate (filing jointly) submitted initial comments. Reply comments were filed by ALTS, Association of Communications Enterprises, AT&T, the Minnesota Department of Commerce, PageData, Qwest, Verizon, VoiceStream Wireless and WorldCom.

[1661] *See, e.g.,* Letter from Peter A. Rohrbach, Mace J. Rosenstein, Yaron Dori, Attorneys for Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-148 (filed Aug. 13, 2002) (attaching letters to the commissions of the application states that were inadvertently omitted from the Larry Brotherson Reply Declaration submitted in support of Qwest's reply) (Qwest Aug. 13 Erratum).

[1662] Qwest III Reply at 59 ("[I]n May 2002, Qwest instituted new management review procedures for contracts with CLECs and applied a standard under which it has been filing all new contracts, agreements, and letters of understanding negotiated with CLECs that create obligations in connection with Sections 251(b) or (c), no matter the nature or scope of such obligations."); Qwest II Reply at 140-142; Qwest I Reply at 130-132; see also Qwest III Reply Declarations, Tab 16, Reply Decl. Of Larry B. Brotherson (Qwest III Brotherson Reply Decl. at para.7; Qwest I Brotherson Decl. At paras. 7-8.

appropriate state commissions.[1663] Among other things, Qwest reiterated its May 2002 proposal made to state commissions in its region (*i.e.,* filing all future contracts that create obligations in connection with sections 251(b) or (c) and creating a senior committee to enforce compliance with the above-mentioned policy).[1664] Pursuant to its proposal, on August 21 and August 22, 2002, Qwest submitted all previously unfiled agreements, insofar as the agreements contain "provisions creating on-going obligations that relate to Section 251(b) or (c) which have not been terminated or superseded by agreement, commission order, or otherwise[,]" with the state commissions of the applicable states where it had pending 271 applications, except in the state of Iowa. In Iowa, Qwest had made filings on July 29, 2002 in compliance with previous orders of the Iowa Board.[1665] Qwest asked the respective commissions to approve the agreements "to the extent any active provisions of such agreements relate to Section 251(b) or (c)" and make the agreements available to other competitive LECs under section 252(i).[1666] Qwest posted these agreements on its web site and made each agreement available on an "opt-in" basis to competitive LECs operating in the state in which the specific agreement applies.[1667] In addition, Qwest has sent competitive LECs operating in its region an advisory notice that the competitive LECs can look to Qwest's web site for the previously unfiled agreements.[1668]

458. On August 21, 2002, the Commission requested comments on Qwest's supplemental proposal.[1669] The state commissions of Colorado, Idaho, Montana, Nebraska, North

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[1663] Letter from Melissa E. Newman, Vice President-Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 02-148 and 02-189, at 1 (dated August 20, 2002) (Qwest Aug. 20l *Ex Parte* Letter on Unfiled Agreements).

[1664] Qwest Aug. 20l *Ex Parte* Letter on Unfiled Agreements at 2; Qwest August 27 *Ex Parte* Letter on Unfiled Agreements at 13; Qwest II Reply at 141.

[1665] Qwest Aug. 20l *Ex Parte* Letter on Unfiled Agreements; Letter from Peter Rohrbach, Counsel, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, CC Docket Nos. 02-148, 02-189 at 2 (dated September 5b, 2002) (Qwest September 5b *Ex Parte* Letter); Qwest II Reply at 142. *See also* Qwest III Application, Addendum 13 at 1.

[1666] Qwest II Reply at 142; Qwest Aug. 20l *Ex Parte* Letter on Unfiled Agreements. According to Qwest, to reduce confusion, Qwest stated that it was marking those terms and provisions in the agreements that "Qwest believes relate to Section 251(b) or (c) services, and have not been terminated or superseded…"

[1667] Qwest Nov. 15e *Ex Parte* Letter on Unfiled Agreements at 2; Qwest September 5 *Ex Parte* Letter at 2. *See also* Qwest Aug. 20l *Ex Parte* Letter on Unfiled Agreements at 4. Qwest states that "[s]hould a state commission later conclude that a particular agreement did not have to be filed as a matter of law under Section 252, Qwest nevertheless will honor 'opt-in' contracts made with CLECs prior to that decision." Qwest Aug. 20l *Ex Parte* Letter on Unfiled Agreements at 3; Qwest II Reply at 143-144.

[1668] Qwest Nov. 15e *Ex Parte* Letter (attaching notice to competitive LECs); Qwest Aug. 20l *Ex Parte* Letter on Unfiled Agreements at 4; Qwest II Reply at 144.

[1669] *Comments Requested in Connection with Qwest's Section 271 Application for Colorado, Idaho, Iowa, Nebraska and North Dakota*, Public Notice, DA 02-2065 (Aug. 21, 2002). Supplemental comments were filed on August 28, 2002, by AT&T, Touch America, and WorldCom; the state commissions of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Oregon, and Washington; and the Minnesota Department of Commerce. (continued….)

Dakota, Oregon and Washington acknowledged that Qwest had filed agreements with them pursuant to Qwest's August 20, 2002 *ex parte* letter. No state commission withdrew support from Qwest's application on the basis of unfiled agreements.[1670] AT&T argues that Qwest's proposed filing standard is underinclusive[1671] and, in any event, Qwest did not adhere to its own standard set forth in its August 20, 2002 *ex parte* letter because it failed to file at least nine agreements for state commission approval.[1672] The parties also argue that Qwest's act of filing previously unfiled agreements with state commissions does not address the deficiencies in the record from both the nonparticipation of certain competitive LECs and KPMG's reliance on information and performance data from competitive LECs that had unfiled agreements with Qwest.[1673] In reply, Qwest disputes the parties' assertions that it has not complied with its own standard, set forth in its August 20, 2002 *ex parte* letter, by failing to post on its website certain agreements and contends that the standard it has implemented is, in fact, over-inclusive.[1674]

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Supplemental replies were filed on August 30, 2002, by Qwest, AT&T, Touch America, the Iowa Board, and the Nebraska Commission.

[1670] *See* Colorado Supplemental Qwest I Comments at 1; Idaho Supplemental Qwest I Comments at 1 (stating that Qwest's filing of agreements with it should not affect the Commission's consideration of Qwest's section 271 application); Iowa Board Supplemental Qwest I Comments at 5; Montana Commission Supplemental Qwest I Comments at 1-2 (stating that Qwest filed seven agreements on August 22 that will be reviewed under the Montana Commission's approval process for agreements and amendments); Nebraska Supplemental Qwest I Reply at 1; North Dakota Supplemental Qwest I Comments at 2-3 (stating that the issue being examined by the Commission in this comment period has remedies that are better implemented outside of the section 271 process and that the record did not warrant a denial recommendation on Qwest's section 271 application); Oregon Commission Supplemental Qwest I Comments at 1 (stating that any impropriety related to failure to file the contracts in question was not significant enough to cause delay in making an affirmative 271 recommendation); Washington Commission Supplemental Qwest I Comments at 2 (stating that the unfiled agreements should be dealt with separately from the 271 process); Utah Qwest II Comments (supporting Qwest's section 271 application); Washington Commission Qwest II Comments at 32 (stating that they were not persuaded "that the unfiled agreements or ongoing investigations have affected whether the local market is open to competition"); Wyoming Commission Qwest II Comments at 16 (declining to make a public interest investigation into the unfiled agreements).

[1671] AT&T Supplemental Qwest I Comments at 24-25, 36 (arguing that Qwest's proposal contains filing exceptions for "settlements" and "bankruptcy" that have no basis in the statute). AT&T also contends that Qwest has not provided any explanation of how it applied its new standard to determine whether particular unfiled agreements create ongoing obligations related to section 251(b) or (c). *Id.* at 28. In its comments, WorldCom similarly questions Qwest's decision not to make settlement agreements available and notes that many of the agreements posted on Qwest's web site are termed "settlement agreements." WorldCom Supplemental Qwest I Comments at 11.

[1672] AT&T Supplemental Comments at 31-34. *See also id.*, Wilson Supplemental Qwest I Decl. at para. 11. WorldCom also argues that Qwest has not filed an agreement that allegedly guarantees the execution of a separate oral agreement. WorldCom Supplemental Qwest I Comments at 12-13.

[1673] AT&T Supplemental Qwest I Comments at 38-46; WorldCom Supplemental Qwest I Comments at 16-21; Touch America Supplemental Qwest I Comments at 5-6.

[1674] Qwest I Supplemental Reply at 25-30 (arguing that the agreements cited by AT&T in its supplemental comments have been either posted on its website in accordance with its interim opt-in plan, terminated, contain Minnesota-specific provisions, or have been filed as amendments to interconnection agreements). *See also* Qwest Sept. 5b *Ex Parte* Letter on Unfiled Agreements at 3-4. Qwest also contends that its exclusion of settlements of
(continued….)

Finally, Qwest argues that its performance measurement results demonstrate that Qwest has not discriminated in favor of carriers that had entered into previously unfiled agreements with it[1675] and that both state commissions and the Department of Justice concluded that the collaborative section 271 process was unimpaired by the nonparticipation of certain competitive LECs.[1676]

459. *Declaratory Order*. On October 4, 2002, after Qwest withdrew its initial 271 applications, the Commission released a memorandum opinion and order granting in part and denying in part Qwest's petition.[1677] In the Declaratory Order, we found that an agreement that creates an ongoing obligation pertaining to resale, number portability, dialing parity, access to rights-of-way, reciprocal compensation, interconnection, unbundled network elements, or collocation is an interconnection agreement that must be filed pursuant to section 252(a)(1).[1678] We found that, unless the information is generally available to carriers, agreements addressing dispute resolution and escalation provisions relating to the obligations set forth in sections 251(b) and (c) are appropriately deemed interconnection agreements.[1679] We stated that settlement agreements that simply provide for backward-looking consideration that do not affect an incumbent LEC's ongoing obligations relating to section 251 need not be filed.[1680] In addition, we found that forms completed by carriers to obtain service pursuant to terms and conditions set forth in an interconnection agreement do not constitute either an amendment to that interconnection agreement or a new interconnection agreement that must be filed under section 252(a)(1).[1681] We also found that agreements with bankrupt competitors that are entered into at the direction of a bankruptcy court or trustee and do not otherwise change the terms and conditions of the underlying interconnection agreement are not interconnection agreements or amendments to interconnection agreements that must be filed under section 252(a)(1).[1682]

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historical disputes is consistent with both Commission precedent and the positions of other parties to the state proceedings. Qwest I Supplemental Reply at 29-30.

[1675] Qwest I Supplemental Reply at 34-38. *See also* Qwest Aug. 27 *Ex Parte* Letter on Unfiled Agreements.

[1676] Qwest I Supplemental Reply at 38-40. Qwest also notes that the state commissions in Qwest's region conducted over 300 days of workshops during which each checklist issue was fully explored. *Id.* at 41.

[1677] *Qwest Communications International, Inc. Petition for Declaratory Ruling On the Scope of the Duty to File and Obtain Prior Approval of Negotiated Contractual Arrangements Under Section 252(a)(1), Memorandum Opinion and Order*, WC Docket No. 02-89, FCC 02-276 (October 4, 2002) (Declaratory Order).

[1678] *Id.* at para. 8.

[1679] *Id.* at para. 9.

[1680] *Id.* at para. 12.

[1681] *Id.* at para. 13.

[1682] Id. at para. 14.

Further, we stated our belief that the state commissions should be responsible for applying, in the first instance, the statutory interpretation set forth in the Declaratory Order.[1683]

460. *State Proceedings*. State commissions in the Qwest region are at various stages in their investigations of this issue. The status of the nine application states' proceedings are detailed below.

461. *Colorado*. The Colorado Commission reviewed sixteen contracts Qwest filed on August 21 and 22, 2002.[1684] On October 16, 2002, the Colorado Commission adopted an order opening a docket and setting a procedural schedule for a formal investigation into Qwest unfiled agreements.[1685] On October 18, 2002, the Colorado Commission derived a provisional definition of an interconnection agreement to review the sixteen contracts.[1686] The Commission found that all sixteen agreements filed by Qwest met its definitional requirement of an interconnection agreement.[1687] On November 13, 2002, the Colorado Commission approved two of the sixteen previously unfiled interconnection agreements, rejected twelve Qwest interconnection agreements "due to provisions that violate the public policy" and rejected two agreements "as incomplete."[1688] In its comments in this proceeding, the Colorado Commission urges the Commission to grant the Qwest 271 application, "at least insofar as it applies to Colorado,

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[1683] *Id.* at para. 7.

[1684] Colorado Commission Qwest III Comments at 3; Qwest III Brotherson Reply Decl., Att. A at 1.

[1685] *In the Matter of the Investigation into Unfiled Agreements Executed by Qwest Corporation*, Docket No. 02I-572T, Decision No. C0.-1214, Adopted Date October 16, 2002.

[1686] *See* Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket 02-314, 1-2 (filed November 18, 2002); *Order Denying Certain Amendments to Interconnection Agreements and Granting Certain Amendments*, Before the Public Utilities Commission of the State of Colorado, Docket Nos. 96A-287T, 97T-507, 98T-042, 98T-519, 99T-040, 99T-067, 99T-598, 00T-064, 00T-277, 01T-013, 01T-019, Decision No. C02-1295 at 5 (adopted Nov. 13, 2002) (Colorado Commission Order).

[1687] *Id.* at 6.

[1688] *Order Denying Certain Amendments to Interconnection Agreements and Granting Certain Amendments*, Before the Public Utilities Commission of the State of Colorado, Docket Nos. 96A-287T, 97T-507, 98T-042, 98T-519, 99T-040, 99T-067, 99T-598, 00T-064, 00T-277, 01T-013, 01T-019, Decision No. C02-1295 at 7 (adopted Nov. 13, 2002) (Colorado Commission Unfiled Agreements Order). The Colorado Commission found that twelve of the denied agreements "all contain confidential provisions that are an essential element of the respective agreements, or redact essential financial information from the filed agreement." *Id.* at 10. The Colorado Commission concluded that "[b]ecause the confidentiality clauses are bound inextricably to the whole, these agreements must be denied in whole." *Id.* at 10-11. Furthermore, the Colorado Commission found that "7 of these 12 agreements also contain an arrangement between Qwest and the representative CLEC that the CLEC will withdraw from the US WEST/Qwest merger proceeding or the Qwest § 271 proceeding." *Id.* at 11. Finally, with respect to the two other agreements that were denied as incomplete, the Colorado Commission found that "[w]ithout the entire agreement and all attachments before us, we cannot make a finding that the requirements of Rule 5.7.2 have been met." *Id*. at 13.

without further delay."[1689] The Colorado Commission will address the issue of any past discrimination in a separate proceeding.[1690]

462. In its Qwest I comments, the Colorado Commission addressed both the KPMG OSS test data issue, and the argument that the regulatory process has been compromised by the nonparticipation of some competitive LECs, as raised by AT&T at a May workshop.[1691] With respect to the first issue, according to the Colorado Commission, it solicited any information about the unfiled agreements upon which it might conclude that it should delay its determination of Qwest's OSS compliance.[1692] However, no competitive LEC submitted any information and, as a result of its inquiry, the Colorado Commission concluded "that there was nothing in the record to support a finding that the OSS test data are corrupted."[1693] The Colorado Commission also considered the argument that nonparticipation tainted the process, but determined that further delay in the section 271 process was unwarranted, and that any violations of the law could be litigated in a separate docket.[1694] In reaching this conclusion, the Colorado Commission noted that Qwest voluntarily "made available copies of all contracts, agreements, and letters of understanding with competitive LECs creating forward-looking obligations, to meet the requirements of § 252(a)(1)."[1695]

463. *Idaho*. Qwest filed six contracts with the Idaho Commission on August 21, 2002.[1696] In addition, the Idaho Commission consolidated an additional amendment to an interconnection agreement with the applications for approval of the previous six contracts.[1697] On November 19, 2002, the Idaho Commission adopted an order approving all seven agreements,[1698] and striking the confidentiality provisions from those agreements.[1699] The Idaho

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[1689] Colorado Commission Qwest III Addendum to Reply at 2.

[1690] In the Matter of the Investigation into Unfiled Agreements Executed by Qwest Corporation, Order Opening Docket and Setting Procedural Schedule, Public Utilities Commission of the State of Colorado, Docket No. 02I-572T (Adopted October 16, 2002).

[1691] Colorado Commission Qwest I Comments at 39-40, 63-65.

[1692] *Id*. at 40.

[1693] *Id*. at 40-41; *see also* Colorado Commission Qwest I Reply at 45.

[1694] Colorado Commission Qwest I Comments at 64-65; Colorado Commission Qwest I Reply at 45-46.

[1695] Colorado Commission Qwest I Comments at 64; Colorado Commission Qwest I Reply at 45-46.

[1696] Qwest III Brotherson Reply Decl., Att. A at 2; Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed November 21, 2002) (Qwest Nov. 21a *Ex Parte* Letter) attachment at 3.

[1697] Qwest III Brotherson Reply Decl., Att. A at 2.

[1698] In the Matter of the Application of Qwest Corporation for Approval of Amendments to Interconnection Agreements for the State of Idaho Pursuant to 47 U.S.C. § 252(e), Idaho Public Utilities Commission, Case No. QWE-T-02-17, Order No. 29154 (November 19, 2002) (Idaho Commission Unfiled Agreements Order).

Commission determined during the pendency of the prior section 271 application that it would not open an independent investigation into unfiled agreements because insufficient facts were presented to justify an investigation, and noted that the matter was pending before the Commission.[1700]

464. *Iowa*. The Iowa Board has issued a final order regarding the unfiled agreements.[1701] In a May 29, 2002 order making tentative findings, the Iowa Board defined an interconnection agreement that must be filed pursuant to section 252(a)(1) as "a negotiated or arbitrated contractual arrangement between an ILEC and a CLEC that is binding; relates to interconnection, services, or network elements, pursuant to § 251, or defines or affects the prospective interconnection relationship between two LECs."[1702] The Iowa Board then analyzed three Qwest-provided agreements involving competitive LECs operating in Iowa that were previously identified by the Minnesota Department of Commerce in that agency's complaint against Qwest.[1703] The Iowa Board concluded that Qwest had violated section 252, as well as a

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[1699] *Id.*

[1700] Idaho Commission Qwest III Comments at 1 (incorporating its Qwest I filings); Idaho Commission Qwest I Comments at 13. We note that other states in Qwest's region are investigating this issue. For example, in June, the staff of the Arizona Corporation Commission ("Arizona Commission") released a draft recommendation defining "interconnection agreements" for the purposes of section 252 and determined that 25 of 100 previously unfiled agreements should have been filed with the Arizona Commission. *See* AT&T Qwest I Comments, Attach. 4 (*Qwest Corporation's Compliance with Section 252(e) of the Telecommunications Act of 1996*, Staff Report and Recommendation, Docket No. RT-00000F-02-0271, at 1, 7-17 (June 7, 2002)). Staff issued a supplemental report on August 14, 2002, recommending that the Arizona Commission open a sub-docket to the state section 271 docket to address allegations that Qwest interfered with the section 271 proceeding. *See* WorldCom Supplemental Qwest I Comments, Attach. C (*Qwest Corporation's Compliance with Section 252(e) of the Telecommunications Act of 1996*, Supplemental Staff Report and Recommendation, Docket No. RT-00000F-02-0271, at 11 (Aug. 14, 2002)). The Oregon Public Utility Commission declined to reopen the record in its section 271 proceeding "to consider the evidence of Qwest improprieties" because the allegations raised by the parties are not Oregon-specific; other jurisdictions in the Qwest region have chosen not to delay the conclusion of their section 271 proceedings; and the Department of Justice has recommended that the Commission grant Qwest section 271 authority despite the proffered information. *See* Qwest Aug. 22 *Ex Parte* Letter on Unfiled Agreements, Attach. 9 (*Investigation into the Entry of Qwest Corporation, f/k/a US West Communications, Inc., into In-Region, InterLATA Services under Section 271 of the Telecommunications Act of 1996*, Final Recommendation Report of the Commission, Docket No. UM 823, at 19 (Aug. 19, 2002)).

[1701] The Iowa Board opened a separate (non-section 271) docket to consider a complaint letter filed by AT&T against Qwest on February 27, 2002. *See* AT&T Comments, Attach. 3 (*AT&T Corporation v. Qwest Corporation*, Order Making Tentative Findings, Giving Notice for Purposes of Civil Penalties, and Granting Opportunity to Request Hearing, IUB Docket No. FCU-02-2, at 2-3 (May 29, 2002) (*Iowa Board Section 252 Order*)).

[1702] *Iowa Board Section 252 Order* at 8.

[1703] *Id.* at 2. These three agreements consist of two McLeod agreements that amended terms of existing interconnection agreements by establishing final rates following closure of the Qwest/US WEST merger and modifying dispute resolution procedures, as well as one Covad agreement that included provisions addressing performance standards for ordering and provisioning. *See Iowa Board Section 252 Order* at 9-15.

state rule, by failing to file the agreements with the Board.[1704] It ordered Qwest to submit within 60 days any remaining unfiled interconnection agreements, as defined by the Iowa Board, involving competitive LECs operating in Iowa and informed Qwest that it would impose civil penalties for future violations.[1705] That order became final on June 18, 2002, subsequent to the initial filing of the section 271 applications for Colorado, Idaho, Iowa, Nebraska and North Dakota on June 11, 2002. Pursuant to the now-finalized *Iowa Board Section 252 Order*, Qwest filed 14 agreements (including the three agreements already reviewed) that met the standard for an interconnection agreement set forth by the Iowa Board.[1706] The Iowa Board approved those 14 agreements on August 27 and 30, 2002.[1707] Qwest also submitted an additional 19 agreements that it asserted did not have to be filed because they are not encompassed within the Iowa Board's definition of an interconnection agreement; rather, it was submitting them in the interests of full disclosure and so that the Iowa Board may examine Qwest's evaluations of the Iowa Board's standards to each of the competitive LEC agreements.[1708] The Iowa Board subsequently agreed with Qwest, determining that these 19 agreements were not negotiated interconnection agreements under section 251 and therefore did not need to be published.[1709]

465. According to the Iowa Board, no party presented evidence that would indicate that, even with the absence of certain competitive LECs, the section 271 process in Iowa was not complete or exhaustive with respect to the checklist items.[1710] In denying motions filed by AT&T and the Iowa Office of Consumer Advocate to "import the unfiled agreements into the [section 271] public interest proceedings," the Iowa Board concluded that it had already accomplished the goal of the public interest inquiry (to identify and correct problems, beyond the competitive checklist) through its separate proceeding on unfiled agreements.[1711]

[1704] *Iowa Board Section 252 Order* at 16; Qwest I Iowa Board Comments at 72. We note that all three agreements remain in effect. *See* Letter from Peter A. Rohrbach, Counsel for Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189, at 1-2 (filed Aug. 13, 2002) (Qwest Aug. 13 *Ex Parte* Letter on Unfiled Agreements).

[1705] *Iowa Board Section 252 Order* at 16; Iowa Board Qwest I Comments at 72.

[1706] *See* Iowa Board Comments Regarding Late-Filed Interconnection Agreements of Qwest Communications International, Inc. at 2 (Aug. 28, 2002) (Iowa Board Qwest I Supplemental Comments).

[1707] *Id.* at 4; Iowa Board Reply Comments Regarding Late-Filed Interconnection Agreements of Qwest Communications International, Inc. at 1 (Iowa Board Qwest I Supplemental Reply).

[1708] Iowa Board Qwest I Supplemental Comments at 3.

[1709] *Id.* at 4.

[1710] Iowa Board Qwest III Comments at 1 (incorporating its Qwest I filings); Iowa Board Qwest I Reply at 29-30.

[1711] Iowa Board Qwest I Reply at 29 (citing *Iowa Board Section 252 Order*). *See also* Letter from Hance Haney, Executive Director, Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 02-148, 02-189 (Qwest Aug. 22 *Ex Parte* Letter on Unfiled Agreements), Attach. 3 (Order to Consider Unfiled Agreements, IUB Docket Nos. INU-00-2 and SPU-00-11 (June 7, 2002) (denying AT&T and the Iowa Office of Consumer Advocate's motions)).

466. *Montana*. Qwest filed seven contracts with the Montana Commission on August 22, 2002.[1712] The Montana Commission approved four and denied three of those agreements at a meeting on November 19, 2002.[1713]

467. *Nebraska*. Qwest filed ten contracts with the Nebraska Commission on August 21, 2002.[1714] The Nebraska Commission approved those ten contracts on September 24, 2002.[1715]

[1712] Qwest III Brotherson Reply Decl., Att. A at 2-3; Qwest Nov. 21a *Ex Parte* Letter Attachment at 3. *See also* Montana Commission Qwest III Comments at 1 (incorporating its Qwest II filings); Montana Commission Supplemental Qwest I Comments at 1 (responding to the Public Notice requesting comment on Qwest's Aug. 20 *Ex Parte*).

[1713] Qwest Nov. 21a *Ex Parte* Letter Attachment at 3. *See* In the Matter of the Application of Mid-Rivers Telephone Cooperative and Qwest Corporation, Pursuant to Section 252(e) of the Telecommunications Act of 1996 for Approval of their Wireline Interconnection Agreement, Final Order on Newly Submitted Interconnection Agreement, Docket No. D97.2.19, Order No. 5981a (Dec. 18, 2002); In the Matter of the Application of Covad Communications and Qwest Corporation, Pursuant to Section 252(e) of the Telecommunications Act of 1996 for Approval of their Wireline Interconnection Agreement, Final Order on Newly Submitted Interconnection Agreement, Docket No. D99.3.68, Order No. 6175a (Dec. 18, 2002); In the Matter of the Application of DSLnet and Qwest Corporation, Pursuant to Section 252(e) of the Telecommunications Act of 1996 for Approval of their Wireline Interconnection Agreement, Final Order on Newly Submitted Interconnection Agreement, Docket No. D2000.11.196, Order No. 6334a (Dec. 18, 2002); In the Matter of the Application of McLeodUSA Telecommunications Services, Inc. and Qwest Corporation, Pursuant to Section 252(e) of the Telecommunications Act of 1996 for Approval of their Wireline Opt-In Agreement, Final Order on Newly Submitted Interconnection Agreements, Docket No. D2001.1.7, Order No. 6338a (Dec. 18, 2002) (collectively, Montana Unfiled Agreements Orders).

[1714] Qwest Nov.21a *Ex Parte* Letter Attachment at 3.

[1715] Nebraska Commission Qwest III Comments at 1-2; Qwest III Brotherson Reply Decl., Att. A at 3. *See* In the Matter of the Application of Qwest Corporation of Denver, Colorado and TCG-Omaha of Denver, Colorado, seeking approval of an unbundled network element, unbundled loop, subloop unbundling, unbundled dark fiber and network interface device amendment to their interconnection agreement previously approved in Application No. C-1379, Nebraska Public Service Commission, Application No. C-2783 (September 24, 2002); In the Matter of the Application of Qwest Corporation of Denver, Colorado seeking approval of a billing settlement agreement with McLeodUSA, Inc.., of Sioux Falls, South Dakota, Nebraska Public Service Commission, Application No. C-2785 (September 24, 2002); In the Matter of the Application of Qwest Corporation of Denver, Colorado seeking approval of an escalation procedure and business solutions agreement with McLeodUSA, Inc.., of Sioux Falls, South Dakota, Nebraska Public Service Commission, Application No. C-2786 (September 24, 2002); In the Matter of the Application of Qwest Corporation of Denver, Colorado seeking approval of a billing settlement agreement with MCI WorldCom Network Services, Inc. of Englewood, Colorado, Nebraska Public Service Commission, Application No. C-2787 (September 24, 2002); In the Matter of the Application of Qwest Corporation of Denver, Colorado seeking approval of a business escalation agreement with MCI WorldCom Network Services, Inc. of Englewood, Colorado, Nebraska Public Service Commission, Application No. C-2788 (September 24, 2002); In the Matter of the Application of Qwest Corporation of Denver, Colorado seeking approval of a settlement agreement with McLeodUSA, Inc.., of Sioux Falls, South Dakota, Nebraska Public Service Commission, Application No. C-2789 (September 24, 2002); In the Matter of the Application of Qwest Corporation of Denver, Colorado seeking approval of a facility decommissioning agreement for unbundled loop services with Covad Communications Company, of Santa Clara, California, Nebraska Public Service Commission, Application No. C-2790 (September 24, 2002); In the Matter of the Application of Qwest Corporation of Denver, Colorado seeking approval of a billing and settlement agreement and release with Aliant Midwest, Inc., d/b/a Alltel of Lincoln, Nebraska, Nebraska Public (continued….)

In its supplemental reply in the initial section 271 proceeding, the Nebraska Commission indicated that competitive LEC concerns about any prior discrimination by Qwest can be appropriately addressed by filing a formal complaint with it. The Nebraska Commission noted that when it made its initial recommendation to the Commission on July 3, 2002, it fully recognized AT&T's concern regarding competitive LEC nonparticipation.[1716]

468. *North Dakota*. On October 10, 2002, the North Dakota Commission approved three agreements filed by Qwest on August 21, 2002.[1717] The North Dakota Commission held an informal hearing on June 5, 2002 to consider a motion filed by AT&T to reopen North Dakota's section 271 Compliance Investigation.[1718] In denying AT&T's motion, the North Dakota Commission indicated that such complaints would be more appropriately considered in a separate docket under the provisions of sections 251 and 252, and in accordance with future guidance from the Commission, and not in the North Dakota Commission's section 271 Compliance Investigation.[1719]

469. *Utah*. Qwest filed eleven contracts with Utah Commission on August 21, 2002.[1720] The ninety day statutory period for regulatory review expired on November 19, 2002 and the agreements are approved interconnection agreements by operation of law.[1721]

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Service Commission, Application No. C-2791 (September 24, 2002); In the Matter of the Application of Qwest Corporation of Denver, Colorado seeking approval of a service level agreement for unbundled loop service with Covad Communications Company, of Santa Clara, California, Nebraska Public Service Commission, Application No. C-2792 (September 24, 2002); In the Matter of the Application of Qwest Corporation of Denver, Colorado seeking approval of a confidential billing settlement agreement with Global Crossing Local Services, Inc. and Global Crossing Telemanagement, Inc. of Minneapolis, Minnesota, Nebraska Public Service Commission, Application No. C-2793 (September 24, 2002); In the Matter of the Application of Qwest Corporation of Denver, Colorado seeking approval of a facility decommissioning agreement with Alltel Communications, Inc. of Lincoln, Nebraska, Nebraska Public Service Commission, Application No. C-2794 (September 24, 2002).

[1716] Nebraska Supplemental Qwest I Reply at 1 (also stating that its section 271 proceeding was "thorough and exhaustive" and Qwest's filing of previously unfiled agreements has not altered the Nebraska Commission's support for Qwest's application).

[1717] North Dakota Commission Qwest III Comments at 1; Qwest III Brotherson Reply Decl., Att. A at 3; McLeodUSA Telecommunications Services, Inc./Qwest Corporation Interconnection Agreement Amendments Application, State of North Dakota Public Service Commission, Case No. PU-2067-02-445 (October 10, 2002) (North Dakota Commission Unfiled Agreements Order).

[1718] North Dakota Commission Qwest I Comments, App. A at 268.

[1719] *Id*. *See also* Qwest Aug. 22 *Ex Parte* Letter on Unfiled Agreements, Attach. 6 (*US West Communications, Inc. Section 271 Compliance Investigation*, Transcript of Special Meeting, Case No. PU-314-97-193, at 2-6 (June 6, 2002)).

[1720] Qwest III Brotherson Reply Decl., Att. A at 3; Qwest Nov. 21a *Ex Parte* Letter Attachment at 4. *See also* North Dakota Qwest III Comments at 1 (reaffirming its prior opinion that "Qwest has met the legal standards contained in Section 271(c)(1)(A) and (B), the 14-point competitive checklist, the public interest standard, and Section 272.")

470. *Washington*. The Washington Commission approved the sixteen agreements Qwest filed with the Washington Commission on August 22, 2002.[1722] The Washington Commission declined to conduct a section 271 public interest investigation because they were not persuaded that "the unfiled agreements or ongoing investigations have affected whether the local market is open to competition."[1723]

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[1721] Qwest III Brotherson Reply Decl., Att. A at 3.

[1722] In the Matter of the Request for Approval of Negotiated Agreement Under the Telecommunications Act of 1996 between Integra Telecom of Washington, Inc., f/k/a OGC Telecomm, Ltd., d/b/a Integra Telecom and Qwest Corporation, f/k/a US West Communications, Inc., Washington Utilities and Transportation Commission, Docket No. UT-980380 (October 9, 2002); In the Matter of the Request for Approval of Negotiated Agreement Under the Telecommunications Act of 1996 between Covad Communications Company and Qwest Corporation, f/k/a US West Communications, Inc., Washington Utilities and Transportation Commission, Docket No. UT-980312 (September 25, 2002); In the Matter of the Request for Approval of Negotiated Agreement Under the Telecommunications Act of 1996 between Ernest Communications, Inc. and Qwest Corporation, f/k/a US West Communications, Inc., Washington Utilities and Transportation Commission, Docket No. UT-980396 (October 9, 2002); In the Matter of the Request for Approval of Negotiated Agreement Under the Telecommunications Act of 1996 between Eschelon Telecom of Washington, Inc., f/k/a American Telephone & Technology, Inc. and Qwest Corporation, f/k/a US West Communications, Inc., Washington Utilities and Transportation Commission, Docket No. UT-990385 (September 25, 2002); In the Matter of the Request for Approval of Negotiated Agreement Under the Telecommunications Act of 1996 between Fairpoint Communications Solutions Corp., f/k/a Fairport Communications Corp. and Qwest Corporation, f/k/a US West Communications, Inc., Washington Utilities and Transportation Commission, Docket No. UT-990343 (October 23, 2002); In the Matter of the Request for Approval of Negotiated Agreement Under the Telecommunications Act of 1996 between Global Crossing Local Services, Inc., f/k/a Frontier Local Services, Inc. and Qwest Corporation, f/k/a US West Communications, Inc., Washington Utilities and Transportation Commission, Docket No. UT-970368 (October 9, 2002); In the Matter of the Request for Approval of Negotiated Agreement Under the Telecommunications Act of 1996 between AT&T Communications of the Pacific Northwest, Inc. and Qwest Corporation, f/k/a US West Communications, Inc., Washington Utilities and Transportation Commission, Docket No. UT-960309 (September 25, 2002); In the Matter of the Request for Approval of Negotiated Agreement Under the Telecommunications Act of 1996 between MCI WorldCom Communications, Inc., f/k/a MFS Intelenet, Inc. and Qwest Corporation, f/k/a US West Communications, Inc., Washington Utilities and Transportation Commission, Docket No. UT-960323 (October 9, 2002); In the Matter of the Request for Approval of Negotiated Agreement Under the Telecommunications Act of 1996 between McLeodUSA Telecommunications Services, Inc. and Qwest Corporation, f/k/a US West Communications, Inc., Washington Utilities and Transportation Commission, Docket No. UT-993007 (September 25, 2002); In the Matter of the Request for Approval of Negotiated Agreement Under the Telecommunications Act of 1996 between SBC Telecom, Inc. and Qwest Corporation, f/k/a US West Communications, Inc., Washington Utilities and Transportation Commission, Docket No. UT-023004 (September 25, 2002); In the Matter of the Request for Approval of Negotiated Agreement Under the Telecommunications Act of 1996 between XO Washington, Inc., f/k/a Nextlink Washington, L.L.C. and Qwest Corporation, f/k/a US West Communications, Inc., Washington Utilities and Transportation Commission, Docket No. UT-960356 (October 9, 2002) (collectively Washington Commission Unfiled Agreements Orders); Qwest III Brotherson Reply Decl., Att. A at 3-4.

[1723] Washington Commission Qwest III Comments at 2 (incorporating its Qwest II filings); Washington Commission Qwest II Comments at 32, *citing* 40th Supplemental Order, para. 9. The Washington Utilities and Transportation Commission stated that it was not persuaded that the "unfiled agreements or ongoing investigations have affected whether the local market is open to competition" and affirmed its earlier decision that no party demonstrated that interconnection agreements should have been filed or are discriminatory, or that it should delay or cease its review of Qwest's section 271 compliance. *See* Qwest Aug. 22 *Ex Parte* Letter on Unfiled Agreements, (continued….)

471. *Wyoming*. The Wyoming Commission approved the four agreements Qwest filed on August 21, 2002.[1724] In its comments, the Wyoming Commission stated that there has been no evidence that any unfiled agreement "in Wyoming or elsewhere has had any specific adverse effect on Wyoming."[1725] The Wyoming Commission declined to make a section 271 public interest investigation into the unfiled agreements for several reasons: (1) there was no allegation of actual harm or wrongdoing in Wyoming; (2) the matter of what constitutes an interconnection agreement was before the Wyoming Commission; and (3) the question of harm to Wyoming was already before the Wyoming Commission in two other proceedings.[1726]

472. *Commenters.* Some commenters argue that Qwest's practice of not filing with the states certain carrier-to-carrier agreements requires a denial or a delay in approving Qwest's joint application for the following reasons: (1) the terms of these agreements violate the nondiscrimination requirements of several checklist items;[1727] (2) Qwest's failure to file interconnection agreements for state approval is a violation of section 252 and is against the public interest;[1728] (3) the regulatory process has been compromised by nonparticipation

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Attach. 2 (*Investigation Into US West Communications, Inc.'s Compliance with Section 271 of the Telecommunications Act of 1996* and *US West Communications, Inc.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996*, 40th Supplemental Order Denying Petition for Reconsideration, Docket Nos. UT-003022, UT-003040 (July 15, 2002)).

[1724] In the Matter of the Contract filing of Qwest For Authority to Enter into Negotiated Interconnection Agreements with McLeod USA, Inc. and Covad Communications Company, Public Service Commission of Wyoming, Docket Nos. 70000-TK-02-822, 70023-TK-02-48, 70071-TK-02-3 (November 14, 2002) (Wyoming Commission Unfiled Agreements Order); Qwest Nov. 21a *Ex Parte* Letter attachment at 4. *See also* Wyoming Commission Qwest III Comments at 4; Qwest III Brotherson Reply Decl., Att. A at 4.

[1725] Wyoming Commission Qwest III Comments at 4.

[1726] Wyoming Commission Qwest II Comments at 16.

[1727] AT&T Qwest III Comments at 40; AT&T Qwest II Comments at 18-19; AT&T Qwest I Comments at 15-17 (arguing that Qwest cannot demonstrate compliance with checklist items 1, 2, 3, 7, 9, 10, 12, and 14); AT&T Qwest I Reply at 10-13. AT&T also argues that Qwest's failure to file some agreements with the appropriate state commissions violates Commission rule 1.17 and thus is another independent basis for denying Qwest's application. AT&T Qwest I Reply at 15-16. 47 C.F.R. § 1.17 reads in relevant part, "No applicant, permittee or licensee shall in any response to Commission correspondence or inquiry or in any application, pleading, report or other written statement submitted to the Commission, make any misrepresentation or willful material omission bearing on any matter within the jurisdiction of the Commission."

[1728] *See, e.g.,* AT&T Qwest III Comments at 83-86; AT&T Qwest II Comments at 135-136; AT&T Qwest I Comments at 120-22; PageData Qwest III Comments at 3; Touch America Qwest III Comments at 20; Touch America Qwest II Comments at 28-29; Touch America Qwest I Comments at 24-25; WorldCom Qwest III Comments at 21, 24; Letter from Amy L. Alvarez, District Manager, Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 at 2, n.1 (filed Dec. 11, 2002). In addition, McLeod does not take a position on the lawfulness of Qwest's failure to file some agreements (some of which were agreements with McLeod) but does argue that Qwest's application is not in the public interest because Qwest has failed to abide by the terms of the agreements. McLeod Qwest I Reply at 4-5

provisions included in some of the agreements;[1729] and (4) the KPMG ROC OSS test has "no real world value" because the results included carriers that received preferential treatment from Qwest.[1730] The Department of Justice takes no position on whether Qwest's failure to file the agreements violated section 251 or 252 but it labels the allegations "serious," and urges the Commission to give the matter its "careful attention."[1731] At the same time, the Department of Justice states that it is not apparent that the remedy for such prior violations, if any, lies in this proceeding rather than in effective enforcement through separate dockets in which such matters are directly under investigation.[1732] Indeed, the Department of Justice notes that the Commission's Declaratory Order "did not preclude continuing or future state enforcement action related to these issues."[1733]

2. Discussion

473. While we are troubled by Qwest's previous failure to file certain agreements with the states, we find that this previous failure does not warrant a denial of this application. We conclude that concerns about any potential ongoing checklist violation (or discrimination) are met by Qwest's submission of agreements to the commissions of the application states pursuant to section 252 and by each state acting on Qwest's submission of those agreements.[1734] The possibility of noncompliance with section 252 on a going-forward basis, therefore, was eliminated by each state commission's approval or rejection of those agreements. In addition, we find that commenters have provided no evidence that the records developed by the state

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[1729] AT&T Qwest III Comments at 40-41; AT&T Qwest II Comments at 134-136; AT&T Qwest I Comments at 121; AT&T Qwest III Reply at 18-19, 45-46; AT&T Qwest II Reply at 9, 73-76; AT&T Qwest I Reply at 13-15, 67-71; Touch America Qwest III Comments at 19; Touch America Qwest II Comments at 24-25; Touch America Qwest I Comments at 24.

[1730] *See, e.g.,* AT&T Qwest III Comments at 41; AT&T Qwest II Comments at 48; AT&T Qwest I Comments at 28-30; AT&T Qwest III Reply at 18; AT&T Qwest II Reply at 14-16; AT&T Qwest I Reply at 14; CompTel Qwest I Comments at 13-15; Touch America Qwest III Comments at 21-22.

[1731] Department of Justice Qwest III Evaluation at 2, n.2 (stating that although the allegations were serious, the Department "did not find that they necessarily implicated its analysis of whether the local exchange markets *are* at the time of application fully and irreversibly open to competition, or that resolution and remedy of the possible Section 251 or 252 violations were required to be addressed in the pending Section 271 docket."); Department of Justice Qwest II Evaluation at 3, n.6 (restating that "the Department defers to the Commission's assessment of whether Qwest's earlier failure to file those agreements violated Sections 251 or 252"); Department of Justice Qwest I Evaluation at 3 (noting that should the Commission find a violation, sanctions may be appropriate and could include suspension or revocation of section 271 authority).

[1732] Department of Justice Qwest I Evaluation at 3. *See also* Department of Justice Qwest III Evaluation at 2, n.2.

[1733] Department of Justice Qwest III Evaluation at n.5.

[1734] Qwest Nov. 21a *Ex Parte* Letter, Attachment at 1-4; Qwest Aug. 20l *Ex Parte* Letter on Unfiled Agreements; Colorado Commission Unfiled Agreement Order; Idaho Commission Unfiled Agreements Order, Iowa Board Section 252 Order; Montana Commission Unfiled Agreements Orders; Nebraska Commission Unfiled Agreements Orders; North Dakota Commission Unfiled Agreements Order; Washington Commission Unfiled Agreements Orders; Wyoming Commission Unfiled Agreements Order.

commissions are wanting because certain competitive LECs did not participate. We also find that no commenter offered persuasive evidence that the KPMG OSS test data were compromised as a result of unfiled agreements. We address each of these conclusions in turn below.[1735]

474. *Discrimination in Violation of Section 271.* We reject arguments that Qwest does not meet the nondiscrimination requirements found in the competitive checklist because of the existence of the unfiled agreements.[1736] The existence of unfiled agreements creates some possibility that there may be discrimination, if the particular agreement at issue is an interconnection agreement and if the competitive LEC thereby receives favorable terms and conditions not available to other competitive LECs. We acknowledge the seriousness of these allegations and the impact these agreements may have on competition. We likewise acknowledge the controversy presented by the record as it has developed in the states and at this Commission. Qwest's filings with the nine state commissions prior to the filing of the instant section 271 application coupled with all nine state commissions' disposition of those filed agreements eliminate the possibility of ongoing discrimination.[1737] With respect to agreements

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[1735] We reject AT&T's argument, raised in its reply in the Qwest I and II proceedings, that Qwest's application violates Commission rule 1.17. 47 C.F.R. § 1.17. *See* AT&T Qwest II Reply at 20; AT&T Qwest I Reply at 15-16; *see also* Touch America Qwest III Comments at 22-23. We disagree that Qwest made any "willful material omission" by not including in its application the content of the unfiled agreements it entered into with certain competitive LECs. Qwest has consistently asserted in pleadings made before the Commission and state commissions that the agreements under investigation in Minnesota and other states are not, in its view, interconnection agreements. Moreover, we cannot conclude that this omission was material when Qwest filed its application. Prior to October 4, 2002, the Commission had not expressly defined the statutory term "interconnection agreement." The state commissions that expressly considered the unfiled agreements issue determined that it was not a section 271 matter. *See, e.g.,* Colorado Commission Qwest I Reply at 45 (stating that the "allegation of illicit agreements is potentially a serious issue, but it is not a serious § 271 issue"); Iowa Board Qwest I Reply at 29; North Dakota Commission Qwest I Comments, App. A at 268. Similarly, we reject McLeod's assertion that Qwest's alleged nonperformance of its unfiled agreements demonstrates that granting Qwest section 271 authority is against the public interest. The remedy for any such alleged nonperformance is best addressed in an enforcement or civil litigation context.

[1736] *See, e.g.*, AT&T Qwest III Comments at 40; AT&T Qwest II Comments at 25, 134; AT&T Qwest I Comments at 16; PageData Qwest III Comments at 3; Touch America Qwest III Comments at 20; WorldCom Qwest III Comments at 21, 24.

[1737] Qwest Nov. 21a *Ex Parte* Letter, Attachment at 1-4; Qwest Aug. 20l *Ex Parte* Letter on Unfiled Agreements; Colorado Commission Unfiled Agreement Order; Idaho Commission Unfiled Agreements Order, Iowa Board Section 252 Order; Montana Commission Unfiled Agreements Orders; Nebraska Commission Unfiled Agreements Orders; North Dakota Commission Unfiled Agreements Order; Washington Commission Unfiled Agreements Orders; Wyoming Commission Unfiled Agreements Order. Moreover, we reject the commenters' argument that Qwest has not filed all previously unfiled agreements with the state commissions. Qwest has explained persuasively that the agreements cited by the commenters either were filed, expired, terminated, superseded, did not contain ongoing section 251(b) or (c) obligations, did not concern a section 271 application state, or simply provide for backward-looking consideration that do not affect an incumbent LEC's ongoing obligations relating to section 251. *See, e.g.*, Letter from Peter Rohrbach, Qwest Counsel, to Marlene H. Dortch, Secretary, Federal Comunications Commission, WC Docket No. 02-314 (filed Dec. 20, 2002); Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 18, 2002) (attaching updated matrix in response to AT&T Dec. 11 matrix); Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications (continued….)

that a state commission has approved, competitive LECs are permitted to opt-in to those agreements.[1738] With respect to agreements that were rejected by a state, we find that there is no discrimination on a going-forward basis because the section 251 provisions therein are void as to the original parties. We find that there is no ongoing discrimination in light of all nine state commissions' disposition of these agreements.

475. Under the framework set forth in the Act, competitive carriers only are entitled to avail themselves of terms and conditions of *interconnection agreements* through the operation of section 252(i). Where a state commission has determined that the agreements filed by Qwest on or before August 22, 2002 were not interconnection agreements, then no discrimination within the meaning of sections 251, 252, or 271 has occurred because sections 251 and 252 have not been triggered with respect to those agreements. Where a state commission has determined that any previously unfiled agreement is an interconnection agreement, that determination also definitively eliminated any discrimination on a going-forward basis because competitors then were able to opt-in to any such agreement.

476. In addition, as discussed above, the Colorado Commission rejected twelve interconnection agreements "due to provisions that violate the public policy" and rejected two additional interconnection agreements "as incomplete" and the Montana Commission rejected

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Commission, WC Docket No. 02-314 (filed Dec. 18, 2002) (attaching consolidated matrix); Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 10, 2002) (Qwest Dec.10b *Ex Parte* Letter); Letter from Todd L. Lundy, Associate General Counsel, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, Att. A and Att. B, WC Docket No. 02-314 (filed December 6a, 2002) (Qwest Dec. 6a *Ex Parte* Letter); Qwest III Reply at 59 ("Qwest already has been applying a policy of making filings under Section 252 that fully encompasses the standard announced by the Commission. . . . Qwest has filed all new contracts entered into with CLECs since the spring that meet this standard. In addition, Qwest has filed all currently effective provisions on other previously unfiled contracts with CLECs involving the nine states here insofar as such provisions involve ongoing current obligations under Sections 251(b) or (c)."); Qwest III Reply at 59-61; Qwest III Brotherson Decl. at para. 18 (stating that neither the Arch nor the Paging Network agreement cited by PageData contains currently effective terms); Qwest II Brotherson Decl. at para. 15 ("Qwest has not failed to file any agreement insofar as that agreement contains currently effective obligations related to Section 251(b) or (c)"); and attachment B (agreement matrix); Letter from Hance Haney, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 at 1-2 (filed Nov. 14, 2002) (Qwest Nov. 14e *Ex Parte* Letter); Declaratory Order. *See also* Brotherson Decl. at para. 20 (while "Qwest marked the effective provisions that it believed relate to Section 251(b) and (c), Qwest submitted the entire contracts to state commissions, which were, of course, free to disagree with Qwest's determinations . . . [t]he provisions that Qwest did not mark in its submissions to state commissions and did not post on its website were only those that are no longer in effect (because they have expired or been terminated or superseded) or in no way relate to Section 251(b) and (c)"). Qwest I Supplemental Reply at 25-28; Qwest Sept. 5b *Ex Parte* Letter on Unfiled Agreements at 3-4. *See also Declaratory Order*, WC Docket No. 02-89, FCC 02-276 (October 4, 2002).

[1738] *See* Qwest Aug. 20l *Ex Parte* Letter. We note that Qwest's plan applied only to the nine states where it has section 271 applications currently pending before us. We do not address this limitation as our review of checklist compliance concerns only the nine states in the instant joint application.

three agreements.[1739] We find that the determinations of the Colorado Commission and the Montana Commission have similarly eliminated any discrimination on a going-forward basis because the section 251 provisions therein are void as to the original parties.[1740] Thus, any possible discriminatory effect of these agreements does not exist on a going-forward basis. The Colorado Commission will address the issue of any past discrimination in a separate proceeding.[1741]

477. *Section 252(a) Violation.* Based on the record before us, we reject the argument that Qwest currently violates section 252(a) and that approval of Qwest's joint application would be against the public interest.[1742] To the extent that any violation of 252(a) existed,[1743] we find that Qwest's filing of these agreements in the relevant states and each state commission's approval or rejection of those agreements cured any violation on a going-forward basis. As explained above, Qwest's filing pursuant to its proposal effectively eliminates the possibility of ongoing noncompliance with section 252. Under these circumstances, we disagree that approving the joint application is against the public interest.

[1739] *Colorado Commission Order* at 7; Qwest Nov. 21a *Ex Parte* Letter Attachment at 3. In addition, the Idaho Commission approved Qwest's previously unfiled agreements as interconnection agreements but found that the confidentiality provisions shall not be a part of those agreements. Idaho Commission Unfiled Agreements Order at 7. *See* Qwest Aug. 20l *Ex Parte* Letter on Unfiled Agreements. We note that Qwest's plan applied only to the nine states where it has section 271 applications currently pending before us. We do not comment on this limitation as our review of checklist compliance concerns only the nine states in the instant joint application.

[1740] Letter from Mana L. Jennings-Fader, Commission Counsel, Colorado Public Utilities Commission, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed November 26, 2002) (Colorado Commission November 26 *Ex Parte* Letter); Qwest Nov. 21a *Ex Parte* Letter Attachment at 3 ("The Commission did not approve three of the agreements and as a result, the provisions of those agreements relating to ongoing obligations pursuant to Section 251(b) or (c) are not in effect in Montana."). Likewise, the confidentiality provisions in the Idaho agreements are void as to the original parties. Idaho Commission Unfiled Agreements Order at 7 ("The Commission Staff and Qwest agree that the confidentiality and withdrawal provisions do not need to be a part of any of the six agreements Qwest filed on August 21, 2002, subject to Commission review and approval").

[1741] In the Matter of the Investigation into Unfiled Agreements Executed by Qwest Corporation, Order Opening Docket and Setting Procedural Schedule, Public Utilities Commission of the State of Colorado, Docket No. 02I-572T (Adopted October 16, 2002).

[1742] Our conclusion is supported by the Department of Justice in its evaluation (noting that "it is not apparent that the remedy for such prior [section 251 or 252] violations, if any, lies in these proceedings rather than in effective enforcement through dockets in which such matters are directly under investigation."). *See* Department of Justice Qwest I Evaluation at 3.

[1743] We note that in the *Iowa Board Section 252 Order*, the Iowa Board found that Qwest had violated section 252 by not filing these agreements with it earlier. The Iowa Board articulated its standard of what is an interconnection agreement for the first time in its May 2002 order. In this same order, Iowa Board established a 60-day "amnesty period" for Qwest to come into compliance with the order by filing previously negotiated agreements with it. *See Iowa Board Section 252 Order* at 16.

478. In addition, we reject the commenters' assertion that Qwest has not filed all previously unfiled agreements with the state commissions.[1744] Qwest demonstrated that the agreements mentioned by the parties either were filed, expired, terminated, superseded, did not contain ongoing section 251(b) or (c) obligations, did not concern a section 271 application state, or simply provide for backward-looking consideration that do not affect an incumbent LEC's ongoing obligations relating to section 251.[1745] We find its response to be persuasive.[1746] We

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[1744] *See, e.g.,* Letter from Mark Schneider, AT&T Counsel, to Marlene. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 19, 2002); Letter from Amy Alvarez, District Manager, Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 11, 2002) (AT&T Dec. 11 *Ex Parte* Letter) (attaching matrix); Letter from Mark D. Schneider, Counsel, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Nov. 7, 2002) (AT&T Nov. 7 *Ex Parte* Letter on unfiled agreements) (attaching matrix); AT&T Qwest III Comments at 48; AT&T Qwest III Reply at 18-22; PageData Qwest III Comments at 2 (claiming that Qwest failed to file two contracts as interconnection agreements in Idaho although it submitted those contracts in Iowa); WorldCom Qwest III Comments at 21-25; AT&T Supplemental Qwest I Comments at 31-34; AT&T Qwest III Comments Attachment 2 (agreement matrix); AT&T Qwest II Comments at 18 n.13; AT&T Qwest II Reply at 10; WorldCom Supplemental Qwest I Comments at 12-13; Letter from Lori Wright, Associate Counsel, WorldCom, to Marlene Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-314 at 13 (filed November 6, 2002) (WorldCom November 6 *Ex Parte* Letter). *See also* AT&T Qwest III Comments at 46, n.152 (claims that Qwest is limiting the provisions that a competitive LEC can pick and choose on the web site).

[1745] *See, e.g.*, Letter from Peter Rohrbach, Qwest Counsel, to Marlene H. Dortch, Secretary, Federal Comunications Commission, WC Docket No. 02-314 (filed Dec. 20, 2002); Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 18, 2002) (attaching updated matrix in response to AT&T Dec. 11 matrix); Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 18, 2002) (attaching consolidated matrix); Qwest Dec.10b *Ex Parte* Letter; Qwest Dec. 6a *Ex Parte* Letter; Qwest III Reply at 59 ("Qwest already has been applying a policy of making filings under Section 252 that fully encompasses the standard announced by the Commission. . . . Qwest has filed all new contracts entered into with CLECs since the spring that meet this standard. In addition, Qwest has filed all currently effective provisions on other previously unfiled contracts with CLECs involving the nine states here insofar as such provisions involve ongoing current obligations under Sections 251(b) or (c)."); Qwest III Reply at 59-61; Qwest III Brotherson Decl. at para. 18 (stating that neither the Arch nor the Paging Network agreement cited by PageData contains currently effective terms); Qwest II Brotherson Decl. at para. 15 ("Qwest has not failed to file any agreement insofar as that agreement contains currently effective obligations related to Section 251(b) or (c)"); and attachment B (agreement matrix); Qwest Nov. 14e *Ex Parte* Letter; Declaratory Order. *See also* Brotherson Decl. at para. 20 (while "Qwest marked the effective provisions that it believed relate to Section 251(b) and (c), Qwest submitted the entire contracts to state commissions, which were, of course, free to disagree with Qwest's determinations . . . [t]he provisions that Qwest did not mark in its submissions to state commissions and did not post on its website were only those that are no longer in effect (because they have expired or been terminated or superseded) or in no way relate to Section 251(b) and (c)"). Qwest I Supplemental Reply at 25-28; Qwest Sept. 5b *Ex Parte* Letter on Unfiled Agreements at 3-4. *See also Declaratory Order*, WC Docket No. 02-89, FCC 02-276 (October 4, 2002).

[1746] We have reviewed twelve agreements that AT&T alleges should have been filed with the state commissions under section 252. *See* Letter from Amy Alvarez, District Manager, Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314, (filed Dec. 11, 2002) (AT&T Dec. 11 *Ex Parte* Letter); Letter from Melissa E. Newman, Vice President – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. (continued….)

reject commenters' argument that Qwest has failed to file an oral agreement between Qwest and McLeod with each application state.[1747] First, we note that the existence of the agreement is in dispute.[1748] States are best equipped to resolve fact-specific issues as they arise, such as whether or not an oral agreement exists.[1749] None of the nine application states have concluded that an oral agreement exists. We further note that, "on September 16, 2002, Qwest and McLeod agreed

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13, 2002) (attaching confidential agreements). Based on the record before us, and on our review of the 12 agreements, we conclude that all but one of the 12 agreements cited by AT&T need not be filed with state commissions under the standards enunciated in the Commission's declaratory ruling. *See e.g.,* Allegiance Operator Service Agreement (dated June 19, 2000) (actually filed); Eschelon Letter from Qwest Requesting Daily Usage Information (dated Nov. 15, 2000) (terminated); McLeod Purchase Agreement (dated Oct. 26, 2000) (terminated); Allegiance Confidential Billing Settlement Agreement (dated Dec. 24, 2001) (superseded); Eschelon Settlement Agreement Letter (dated Feb. 22, 2002) (superseded); Global Crossing Settlement Agreement and Release (dated Sept. 18, 2000) (superseded); MCI WorldCom Confidential Billing Settlement Agreement (dated Dec. 14, 2000) (superseded); McLeod Confidential Settlement Document (dated Apr. 25, 2000) (superseded); McLeod Amendment to Confidential Billing Settlement Agreement (dated Oct. 26, 2000) (superseded); NextLink Confidential Billing Settlement Agreement (dated May 12, 2000) (superseded); Allegiance Directory Assistance Agreement with US West DEX, (dated December 20, 1999) (not 251-related). The remaining agreement, Qwest/Allegiance Internetwork Calling Name Delivery Service Agreement, does not appear on its face to fall within the scope of the filing requirement exceptions set forth in the Commission's declaratory ruling, and accordingly, it likely should have been filed with the states. *See* Declaratory Order at para.13. However, we find that the terms in this agreement are available through SGATs in the two relevant states, Colorado and Washington. *See* Colorado SGAT § 9.17, Washington SGAT § 9.17. *See also* Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed December 18, 2002) (attaching updated agreement matrix). While the failure to file this agreement in Washington and Colorado could subject Qwest to federal and/or state enforcement action, the terms of this agreement are in fact available to other competitive LECs, and thus no ongoing discrimination exists that would warrant denial of this section 271 application. *See also* AT&T v. FCC, 220 F.3d 607, 633 (D.C. Cir. 2000).

[1747] *See, e.g.,* AT&T Qwest III Comments at 42-46.

[1748] Qwest maintains that the agreement never existed. Qwest III Comments at 61 n.68. On the other hand, the Minnesota Commission, which is not one of the application states in the instant proceeding, found that the oral agreement did exist. In the Matter of the Complaint of the Minnesota Department of Commerce Against Qwest Corporation Regarding Unfiled Agreements, Order Adopting ALJ's Report and Establishing Comment Period Regarding Remedies, Minnesota Public Utilities Commission, Docket No. P-421/C-02-197 (November 1, 2002).

[1749] *See SWBT Kansas/Oklahoma Order,* 16 FCC Rcd at 6355, para. 230 ("As we have found in past section 271 proceedings, the section 271 process simply could not function if we were required to resolve every interpretive dispute about the precise content of an incumbent LEC's obligations to its competitors, including fact-intensive interpretive disputes."). *See also SWBT Kansas/Oklahoma Order* 16 FCC Rcd at 6246, para. 19 ("[T]here will inevitably be, in any section 271 proceeding, new and unresolved interpretive disputes about the precise content of an incumbent LEC's obligations to its competitors – disputes that our rules have not yet addressed and that do not involve *per se* violations of self-executing requirements of the Act. The section 271 process simply could not function as Congress intended if we were generally required to resolve all such disputes as a precondition to granting a section 271 application.") (*citing American Tel. and Tel. Co. v. FCC*, 220 F.3d 607, 631 (D.C. Cir. 2000); *SWBT Texas Order* at 15 FCC Rcd at 18366-18367, paras. 25-26. We also note that commenters discussed various other fact-specific findings by the Minnesota Commission, the New Mexico Commission and the Arizona Commission staff. *See, e.g.,* WorldCom Qwest III Comments at 32-35. None of those states are one of the nine application states in the instant application.

to terminate the written contract and any and all amendments without addressing whether any such oral agreement ever existed."[1750]

479. *Competitive LEC Nonparticipation.* The Commission rejects commenters' arguments that Qwest's application is not in the public interest because the nonparticipation of some competitive LECs in state section 271 proceedings allegedly undermined the regulatory process. The Colorado Commission, Iowa Board and Wyoming Commission have explicitly found that they were not presented with any evidence that could lead them to conclude that the record was incomplete or flawed, nor did the commissions of any of the other application states find the concerns raised by the unfiled agreements sufficiently severe or urgent to recommend denying or delaying approval of Qwest's application.[1751] Given that there is no persuasive evidence of specific harm in our record, we cannot conclude that the nonparticipation of some competitive LECs renders Qwest's application contrary to the public interest.[1752] In its supplemental comments in the initial section 271 proceeding, AT&T offers anecdotal hearsay concerning the lack of participation by certain carriers in workshops held in the Qwest region.[1753] Such hearsay offers an insufficient basis for us to determine that the nonparticipation of certain competitive LECs in certain state proceedings "damaged" the record filed before us.[1754]

[1750] Qwest III Reply Decl. at 61, n. 68 (*citing* Qwest III Brotherson Decl., Att. B). We also reject AT&T's argument that because the oral agreement allegedly entered into by Qwest and McLeod created ongoing obligations, "any payment made by Qwest to end that agreement would simply reflect the net present value of that forward-looking obligation." We find that the state commissions are the appropriate bodies to determine whether or not so-called "settlement agreements" exist and have ongoing obligations that may be subject to section 252(i). Declaratory Order at para. 7 (finding that the state commissions should be responsible for applying, in the first instance, the statutory interpretation set forth in the Declaratory Order).

[1751] Indeed, when presented with this argument during its section 271 proceeding, the Colorado Commission concluded that "[a]t the end of the day, no SGAT provisions would be worded differently, prices would not be adjusted, and impasse resolutions would not be modified. Such certainty is the incremental benefit of holding open, exhaustive § 271 proceedings." Colorado Commission Comments at 65. Similarly, the Iowa Board determined that "no evidence was presented that would indicate the 271 process was not complete and exhaustive with respect to checklist items, even with the absence of certain CLECs." Iowa Board Qwest I Reply at 29-30.

[1752] We note that our conclusion is consistent with that of the Department of Justice. Department of Justice Qwest III Evaluation at 2, n. 3 (incorporating its Qwest I and Qwest II Evaluations by reference); Department of Justice Qwest I Evaluation at 5 (concluding that "the fact that certain CLECs did not participate does not appear to have had a significant impact on the result").

[1753] AT&T Supplemental Qwest I Comments, Wilson Supplemental Qwest I Decl. at paras. 27-37.

[1754] We disagree with AT&T's claim that it has identified in this record specific harms to our review caused by the unfiled agreements. AT&T Supplemental Qwest I Comments at 44-45. In its supplemental declaration, AT&T declarant Wilson explains which provisions from various unfiled agreements AT&T would have sought to have included in the SGAT had those agreements been known during the state workshops. AT&T Supplemental Qwest I Comments, Wilson Supplemental Qwest I Decl. at paras. 38-40. That AT&T would have sought the inclusion of certain additional terms in the SGAT, and possibly obtained them, does nothing to undermine our findings about Qwest's checklist compliance on the record established in this proceeding.

480. *Tainted Data in OSS Test.* We reject the commenters' assertion that the KPMG test is of no "real world" value because the results were based on input from competitive LECs that received preferential treatment from Qwest.[1755] We note that both the steering and executive committees of the ROC considered and rejected reopening the test for this reason,[1756] and several of the application states also reviewed and rejected this allegation.[1757] Additionally, commenters have presented no evidence of corrupted data in our record. In general, we have relied on KPMG's findings as one factor among many, and most often have relied on actual commercial evidence. In the few instances where we rely substantially on KPMG's findings,[1758] we note that KPMG's findings were based on its own observations of Qwest's OSS designs or its observations of and data from HP, the "pseudo-CLEC," and were not based primarily on findings relating to one of the allegedly "tainted" competing LECs.[1759]

481. Our conclusions are further supported by the evaluation of the Department of Justice, which states, that it "agrees that accurate benchmarks of performance attained are

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[1755] *See* AT&T Qwest II Comments at 31; AT&T Qwest II Reply at 24; AT&T Qwest I Comments at 30; AT&T Qwest I Reply at 20; WorldCom Qwest I Comments at iv.

[1756] *See, e.g.,* AT&T Qwest I Comments, AT&T Qwest I Finnegan/Connolly/Menezes Joint Decl., Attach. 6 (Executive Committee Decision on Impasse Appeal Regarding KPMG Consulting's Further Evaluation of CLECs with Unfiled Agreements) (finding, among other things, that the sections of the OSS Final Report involving any reliance on input from these competitive LEC have been identified and that state commissions have initiated a review of the unfiled agreements).

[1757] The Colorado Commission, for example, determined that there was "nothing in the record to support a finding that the OSS test data are corrupted." Colorado Commission Qwest I Comments at 41. In response to arguments about the unavailability of carrier-specific data with which to make comparisons about discrimination between competitive LECs, the Colorado Commission responds that any competitive LEC could have compared its own, individualized performance data to the aggregated competitive LEC data to determine whether it had been disadvantaged but that no competitive LEC did this simple comparison. Colorado Commission Qwest I Comments at 41. *See also* Iowa Board Qwest I Reply at 30. Furthermore, in both its May and June reports, KPMG notes that the "vast majority" of the evaluation criteria contained in the Final Report do not use any competitive LEC participation as a data point for drawing conclusions in the Final Report. *See* AT&T Qwest I Comments, AT&T Qwest I Finnegan/Connolly/Menezes Joint Decl., Att. 2, 3.

[1758] *See, e.g.,* Sections IV.A.1.b.(i) (Pre-Ordering Functionality); IV.A.1.b.(iii) (Pre-Ordering and Ordering Integration); and IV.A.1.b.(iv) (Access to Loop Qualification), *supra*. In each of these areas, we have reasonable assurance that our reliance on the KPMG report is unaffected by whether certain competitive LECs received "preferential" treatment from Qwest. For example, when we cite to the report in finding compliance with the Commission's requirements for pre-ordering functionality, and pre-ordering and ordering integration, virtually all of the KPMG conclusions that we rely on were not based on competitive LEC-provided data. On the contrary, virtually all of Test 12.0 was based on KPMG's observation of Qwest's OSS and data provided by HP. Similarly, our conclusion that competitors have nondiscriminatory access to loop qualification information is based in part on KPMG's findings in Test 12.7. Although some of Test 12.7's conclusions were based on KPMG's observations about Qwest's interaction with competitive LECs, we did not look to those tests. Instead, we relied on the test results regarding Qwest's database design and the operation of its mechanized loop qualification tools. These test results, by their very design, would not be negatively affected by tainted competitive LEC data, were they to exist.

[1759] *See* AT&T Qwest I Comments, AT&T Qwest I Finnegan/Connolly/Menezes Joint Decl., Attach. 3.

critical, but arguably any enhanced performance caused by the allegedly preferential treatment will have resulted in higher benchmarks for Qwest to maintain."[1760] Based on the exhaustive efforts of the ROC and the participating state commissions in formulating and conducting the ROC OSS test, combined with insufficient contrary evidence in our record, the Commission rejects the argument that the ROC OSS test data are tainted.

482. *Complete-as-Filed Rule.* We waive the complete-as-filed requirement on our own motion pursuant to section 1.3 of the Commission's rules[1761] to the limited extent necessary to consider the nine application states' disposition of Qwest's submission of previously unfiled agreements for their review and, if appropriate, approval under section 252(e). The Commission maintains this procedural requirement to ensure that interested parties have a fair opportunity to comment on the BOC's application, the Attorney General and the state commission can fulfill their statutory consultative roles, and the Commission has adequate time to evaluate the record.[1762] The Commission can waive its procedural rules, however, if "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."[1763] We conclude, based on the circumstances presented here, that special circumstances warrant a waiver of our rule, and that such waiver will serve the public interest.

483. We conclude that the special circumstances before us here warrant a deviation from the general rules for consideration of late-filed information or developments that take place during the application review period.[1764] In particular, as we discuss below, we find that the interests our normal procedural requirements are designed to protect are not affected by our consideration of the nine application states' disposition of Qwest's submission of previously unfiled agreements. In addition, we conclude that consideration of the state dispositions will serve the public interest.

484. We disagree with AT&T that we do not have the discretion to waive our procedural rule and, as we discuss below, we disagree with AT&T's analysis of the factors we have considered in previous section 271 orders.[1765] It is important to note that the Commission has not established a set of factors that must be met in order for the Commission to waive this procedural rule. Indeed, by the very term "special circumstances" it is understood that the facts surrounding new information provided in any given application would be unique. Consequently,

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[1760] Department of Justice Qwest III Evaluation at 2, n.3 (incorporating its Qwest I and Qwest II Evaluations by reference); Department of Justice Qwest I Evaluation at 4-5.

[1761] 47 C.F.R. § 1.3.

[1762] *See Verizon Rhode Island Order*, 17 FCC Rcd at 3305-06, para. 7; *Ameritech Michigan Order*, 12 FCC Rcd at 20572-73, paras. 52-54.

[1763] *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969); *see also* 47 U.S.C. § 154(j); 47 C.F.R. § 1.3.

[1764] Verizon Rhode Island Order at 3306.

[1765] AT&T Supplemental Comments at 16-23.

it is within our discretion, taking into account any special circumstances, not to afford greater weight to a particular factor used by the Commission in a previous section 271 order.

485. We determine that the state actions with respect to the unfiled agreements are important to consider and are positive ones that will promote competition and serve the public interest by allowing competitors to opt-in to previously unfiled agreements under section 252(i) because the states have approved them as interconnection agreements.[1766] Furthermore, considering the nine states' disposition of Qwest's filing of interconnection agreements places a limited additional analytical burden on commenters and the Commission because the analysis of the interconnection agreements was performed by the state commissions. The concrete and limited nature of the actions taken by each state in either approving or rejecting each interconnection agreement has permitted the Commission staff to evaluate those actions within the 90-day statutory period.[1767] The Department of Justice did not comment on the states' disposition of the agreements, but stated that ""the Department defers to the Commission's assessment of whether Qwest's earlier failure to file those agreements violated Sections 251 or 252."[1768] We find that there has been adequate opportunity for comment on this new information. Indeed, Qwest filed the interconnection agreements with each application state prior to filing the instant section 271 application, giving interested parties ample opportunity to comment on this issue in the instant section 271 proceeding and in the state proceedings.[1769] Because the Commission and commenters have had sufficient time and information to evaluate the impact of these filings on Qwest's application, we see no need to restart the 90-day clock.

486. Additionally, in prior cases we have found cause to grant a waiver of the complete-as-filed rule where the new information is responsive to criticisms in the record, as compared to new information that "consists of additional arguments or information" as to why the applicant should not be required to take further action.[1770] Qwest responded to criticism in the Qwest I and Qwest II record by taking positive action to file agreements at a time when there was no Commission guidance on the definition of the statutory term "interconnection agreement."[1771] This is very different from the situation in which late-filed material consists of

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[1766] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6249, para. 24.

[1767] Verizon Rhode Island Order at 3308.

[1768] Department of Justice Qwest III Evaluation at 2, n.3 (incorporating its Qwest I and Qwest II Evaluations by reference); Department of Justice Qwest II Evaluation at 3, n. 6.

[1769] Qwest Nov. 21a *Ex Parte* Letter, Attachment at 1-4; Qwest Aug. 20l *Ex Parte* Letter on Unfiled Agreements; Colorado Commission Unfiled Agreement Order; Idaho Commission Unfiled Agreements Order, Iowa Board Section 252 Order; Montana Commission Unfiled Agreements Orders; Nebraska Commission Unfiled Agreements Orders; North Dakota Commission Unfiled Agreements Order; Washington Commission Unfiled Agreements Orders; Wyoming Commission Unfiled Agreements Order.

[1770] *Verizon Rhode Island Order*, 17 FCC Rcd at 3308-09, para. 12.

[1771] Qwest made the filings in the nine states on August 21 and 22, 2002. Qwest III Application, Addendum 13 at 1. On October 4, 2002, the Commission issued a declaratory order finding that an agreement that creates an ongoing obligation pertaining to resale, number portability, dialing parity, access to rights-of-way, reciprocal (continued….)

additional arguments or information as to why Qwest should not be required to file these agreements with the state commissions. These factors, as the Commission has found previously, can support grant of a waiver.[1772] For these reasons, we find that the circumstances present in this instance warrant waiver of our procedural requirements, and allow consideration of the disposition of Qwest's previously unfiled agreements by the nine application states.

D. Alleged Violations of Section 271

487. *Comments.* We reject commenters' arguments that alleged current violations of section 271 require a finding that Qwest's application is not in the public interest and thus must be denied.[1773] These arguments concern issues that are the subject of two complaints by Touch America pending before the Commission's Enforcement Bureau.[1774]

488. Qwest has recently disclosed several instances of provisioning long distance service without having authorization under section 271. Specifically, Qwest identified a March 2002 agreement with Cable & Wireless Plc (Cable & Wireless) where Qwest provides over 120 private line services, of which four are in-region interLATA private line services.[1775] Qwest states that it neither has received nor will accept any payments from Cable & Wireless for the four in-region interLATA private lines. Qwest asserts that it has terminated the four in-region

(Continued from previous page)
compensation, interconnection unbundled network elements, or collocation is an interconnection agreement that must be filed pursuant to section 252(a)(1). *Declaratory Order,* WC Docket No. 02-89, FCC 02-276 (October 4, 2002). Qwest filed the instant section 271 application on September 30, 2002.

[1772] *Verizon Rhode Island Order*, 17 FCC Rcd at 3308-09, para. 12.

[1773] *See, e.g.,* AT&T Qwest III Comments at 83-84; Touch America Qwest III Comments at 14-17. *See also* Letter from Jay Wilson Preston, President, Ronan Telephone Company, to Michael K. Powell, Chairman, Federal Communications Commission, et al., WC Docket Nos. 02-314, 02-189, 02-148 (filed Dec. 18, 2002). *But see* Letter from Rick Hays, State President – Montana, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 19, 2002).

[1774] *Touch America, Inc. v. Qwest Communications International Inc., et al.*, File No. EB-02-MD-004 (February 11, 2002) (revised and refiled March 1, 2002) (alleging that Qwest's divestiture of its in-region interLATA assets and customers to Touch America was a sham, and that Qwest provides in-region interLATA service in violation of section 271 and its merger conditions); *Touch America, Inc. v. Qwest Communications International Inc., et al.*, File No. EB-02-MD-003 (February 8, 2002) (arguing that Qwest's provision of "lit capacity IRUs" are prohibited in-region, interLATA services in violation of section 271). *See, e.g.,* AT&T Qwest I Comments at 125-28; CompTel Qwest I Comments at 7-12; Touch America Qwest I Comments at 12-14, 22-23; AT&T Qwest I Reply at 67; Touch America Qwest I Reply at 3-6; Letter from C. Frederick Beckner III, AT&T Counsel, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed December 6, 2002) (AT&T Dec. 6 *Ex Parte* Letter); Letter from Randall B. Lowe, Counsel for Touch America, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed December 6, 2002) (Touch America Dec. 6 *Ex Parte* Letter).

[1775] Letter from Sharon J. Devine, Associate General Counsel, Qwest, to Anthony Dale, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, and Michelle Carey, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, CC Docket No. 99-272, WC Docket No. 02-314 (filed December 3, 2002) (Qwest December 3 *Ex Parte* Letter).

interLATA private lines.[1776] Qwest also identified two leases of in-region interLATA dark fiber that Qwest did not divest prior to consummation of the merger.[1777] According to Qwest, it has terminated both leases, sold the dark fiber that was the subject of the two leases to the customer, and entered into a standard agreement to maintain the fiber for the customer. Qwest explains that it has credited the customer for all amounts paid under the lease since the date of the merger, plus interest.[1778]

489. In response to Qwest's disclosure, AT&T and Touch America request that the Commission deny the instant application.[1779] AT&T maintains that the disclosed instances involve the transportation of communications across LATA boundaries in violation of section 271.[1780] Moreover, AT&T argues that Qwest does not have adequate internal controls in place to ensure compliance with the Act and the Commission's rules.[1781]

490. We recognize that potential violations of federal telecommunications law could be relevant to the section 271 inquiry.[1782] However, based on the limited circumstances established in this record, we do not find that the allegations concerning Qwest's compliance with section 271 relate to openness of the local telecommunications markets to competition.[1783] Instead, we defer any enforcement action pending the Enforcement Bureau's investigation of this matter. Therefore, we reject the argument of AT&T and Touch America that we should deny or delay this application based on allegations concerning Qwest's compliance with 271. We note, however, that regardless of what enforcement action we may take in the future concerning these or similar allegations, BOCs are prohibited from providing long distance service in any in-region

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[1776] Letter from Melissa E. Newman, Vice President – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed December 11, 2002) ("Qwest has ceased providing all four of these private line services. Two were terminated on December 9 and the remaining two were terminated on December 10."); Qwest December 3 *Ex Parte* Letter at 1-2.

[1777] *Id.*

[1778] *Id.*

[1779] AT&T Dec. 6 *Ex Parte* Letter at 1-3; Touch America Dec. 6 *Ex Parte* Letter at 1-5; Letter from Randall B. Lowe, Touch America Counsel, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed Dec. 13, 2002) (attaching letter).

[1780] *Id.* at 1-2.

[1781] *Id*. at 3. *But see* Letter from Melissa E. Newman, Vice President – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed December 11, 2002) (describing a recently added step to Qwest's prior internal controls).

[1782] *See Verizon New Hampshire/Delaware Order*, 17 FCC Rcd at 18754-75, para. 168; *see also Verizon New Jersey Order*, 17 FCC Rcd at 12368, para. 190.

[1783] *See BellSouth Multistate Order*, 17 FCC Rcd at 17763-65, paras. 299-301; *see also Verizon New Jersey Order*, 17 FCC Rcd at 12368, para. 190.

state prior to receiving section 271 approval from the Commission for that particular state, and they must implement adequate controls to prevent such service from taking place.

E. Other Issues

491. A number of commenters argue that Qwest's application is not in the public interest because of prior judgments against Qwest.[1784] The actions by Qwest which precipitated these judgments have already been addressed by either this Commission or a state commission.[1785] Accordingly, we need not revisit these issues here. Isolated instances of misconduct over the course of the past several years do not warrant a denial of this application.

492. AT&T contends that Qwest improperly used service freezes in Iowa and Washington to stifle competition by limiting the ability of customers to switch service providers, [1786] and that Qwest used preferred interexchange carrier freezes in Colorado to stifle competition in the same manner.[1787] We note that the Iowa Board and Colorado Commission have ordered Qwest to cease these practices. In addition, we note AT&T has taken appropriate action by filing a complaint with the Washington Commission, and the Washington Commission is reviewing this complaint.[1788] Based on the record before us, we are unable to find that the alleged conduct raises public interest concerns necessitating denial of its section 271 application. Any future complaint should be filed with the state commission or this Commission, as appropriate.[1789]

[1784] AT&T notes the following prior judgments: Minnesota Administrative Law Judge finding that Qwest had violated its Interconnection Agreement with AT&T by its refusal to conduct AT&T's UNE-P test; Commission conclusion that teaming arrangement between U S West and Ameritech was unlawful; Commission conclusion that U S West's nationwide component of nonlocal directory assistance was unlawful; Commission conclusion that U S West's provision of a calling card platform that permitted its local subscribers to place long distance calls originating inside or outside of its local service area violated section 271; Qwest had used a local service freeze in Iowa and PIC freezes in Colorado prior to the merger with US WEST. Qwest II Comments at 136-40, 145-46; AT&T Qwest I Comments at 122-125. *See also* Touch America Qwest II Comments at 2-3; Touch America Qwest I Comments at 2, 18-19.

[1785] Iowa Board Qwest I Reply at 32. *See AT&T Corporation, et. al v. US WEST Communications, Inc., and Qwest Corporation*, Memorandum Opinion and Order, 13 FCC Rcd 21438 (1998); *Petition of U S WEST Communications, Inc. for a Declaratory Ruling Regarding the Provision of National Directory Assistance; Petition of US WEST Communications Inc. for Forbearance*, Memorandum Opinion and Order, 14 FCC Rcd 16252 (1999); *AT&T Corporation v. U S WEST Communications, Inc.; MCI Telecommunications Corporation, Inc. v. U S WEST Communications, Inc.*, Memorandum Opinion and Order, 16 FCC Rcd 3574 (2001).

[1786] AT&T Qwest I Comments at 131; Iowa Board Qwest I Comments at 71.

[1787] AT&T Qwest II Comments at 145-46; AT&T Qwest I Comments at 130-31. Qwest had used local service freezes in Iowa and PIC freezes in Colorado prior to the merger with US WEST.

[1788] Qwest II Application, App. C, Recommendations of the Washington Utilities and Transportation Commission, Book 2,Vol 1, Tab 20, Washington Commission 39th Supplemental Order at 91-92.

[1789] See *Verizon Pennsylvania Order,* at 17490, para. 133.

493. The Payphone Associations contend that the application is not in the public interest because Qwest has not complied with the "new services test" as clarified in the *New Services Order*.[1790] They argue that, with the exception of Colorado, Qwest has failed to comply with its obligations to file with the states rates for pay telephone access lines (PALs) that comply with the new services test, and to file at the state and federal level a cost-based rate for fraud protection.[1791] The Payphone Associations contend that Qwest has sought to stifle competition in the pay telephone market and has failed to comply with Commission orders designed to open these markets to competition.[1792] In response, Qwest states that it believes its retail rates in the application states are reasonable and, in any event, its compliance with the Commission's payphone pricing requirements is beyond the scope of this proceeding.[1793]

494. Qwest has an obligation to comply with the Commission's rules for pricing of payphone lines. We are concerned by the allegation that Qwest has been in violation of these rules over a period of five years, and that its current rates may not comply with the Commission's recent *New Services Order*. We agree with Qwest, however, that questions regarding whether its payphone rates comply with our rules cannot, and should not, be decided in the context of this section 271 application.[1794] We note that on October 8, 2002, several of the payphone associations began the process of filing a complaint on this issue with the Commission's Enforcement Bureau.[1795] The issues raised by the Payphone Associations are better addressed through our enforcement complaint processes, or by the state commissions in the first instance.

VIII. MOTIONS ON EFFECTIVE DATE OF ENTRY

495. Finally, on July 12, 2002 and July 22, 2002, Qwest filed motions requesting that the Commission take no action to delay the date on which Qwest may begin providing in-region interLATA service in the event that the Commission grants Qwest's instant 271 applications.[1796] In granting previous applications, the Commission's policy has been to order the effective date

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[1790] Payphone Associations Qwest II Comments at 1, 5-6; (citing *Wisconsin Public Service Commission*, Bureau/CPD No. 00-01, Memorandum Opinion and Order, 17 FCC Rcd 2051 (2002) (*New Services Order*)); Qwest I Comments at 2, 9 (citing same). These comments have been filed on behalf of the Arizona Payphone Association, Colorado Payphone Association, Minnesota Independent Payphone Association and Northwest Public Communications Council.

[1791] Payphone Associations Qwest II Comments at 2-3; Payphone Associations Qwest I Comments at 2-3, n.3.

[1792] Payphone Associations Qwest II Comments at 2; Payphone Associations Qwest I Comments at 2-3.

[1793] Qwest I Reply at 91, n.83; Qwest Aug. 15 Pricing *Ex Parte* Letter, Attach. at 15 (08/15/02c).

[1794] *See, e.g., Verizon New Jersey Order*, 17 FCC Rcd at 12368, para. 190 (rejecting allegations unrelated to the openness of local telecommunications markets).

[1795] Payphone Associations Qwest III Comments at Attach.

[1796] Motion of Qwest, WC Docket No. 02-189 (dated July 12, 2002) ("*Qwest II Motion*"); Motion of Qwest, WC Docket No. 02-148 (dated July 22, 2002) ("*Qwest I Motion*").

of the approval ten days from the date of the order.[1797] Qwest requests that the Commission alter this policy for this application and authorize Qwest to begin providing service upon the date of the approval of the instant application, if granted. In support of its motion, Qwest generally provides no affirmative reasons for changing the Commission's policy, other than to argue that no party "could suggest any legitimate reason for delaying" benefits to consumers.[1798]

496. We deny Qwest's motions. Qwest has provided no specific reason for deviating from the Commission's standard, consistently-followed practice of authorizing a BOC to begin providing in-region interLATA service approximately ten days from the date of the approval order. We agree with AT&T that the Commission's policy serves the purpose of providing parties an adequate opportunity to seek a stay[1799] and, accordingly, we order that the effective date of this Order shall be January 2, 2003.

IX. SECTION 271(d)(6) ENFORCEMENT AUTHORITY

497. Section 271(d)(6) of the Act requires Qwest to continue to satisfy the "conditions required for . . . approval" of its section 271 application after the Commission approves its application.[1800] Thus, the Commission has a responsibility not only to ensure that Qwest is in compliance with section 271 today, but also that it remains in compliance in the future. As the Commission has already described the post-approval enforcement framework and its section 271(d)(6) enforcement powers in detail in prior orders, it is unnecessary to do so again here.[1801]

498. Working in concert with the Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming Commissions, we intend to closely monitor Qwest's post-approval compliance for these states to ensure that Qwest does not "cease [] to meet any of the conditions required for [section 271] approval."[1802] We stand ready to exercise our various statutory enforcement powers quickly and decisively in appropriate circumstances to ensure that the local market remains open in these states. We are prepared to use our authority under section 271(d)(6) if evidence shows market opening conditions have not been maintained.

[1797] *See, e.g., SWBT Texas Order*, 15 FCC Rcd at 18568, para. 439 (approving SWBT to begin providing in-region interLATA service 10 days after the effective date of the approval).

[1798] *Qwest II Motion* at 2; *Qwest I Motion* at 2. Moreover, Qwest expressly refrains from addressing why the Commission's policy in past section 271 decisions is flawed. *Id.* ("Without commenting on the appropriateness of such action in [past 271 decisions], Qwest submits that no grounds for delay are present here.").

[1799] Opposition to Qwest's Motion, WC Docket No. 02-148 (dated August 5, 2002) ("*AT&T Motion*").

[1800] 47 U.S.C. § 271(d)(6).

[1801] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6382-84, paras. 283-85; *SWBT Texas Order,* 15 FCC Rcd at 18567-68, paras. 434-36; *Bell Atlantic New York Order,* 15 FCC Rcd at 4174, paras. 446-53.

[1802] 47 U.S.C. § 271(d)(6)(A).

499. We require Qwest to report to the Commission all nine states carrier-to-carrier performance metrics results and PAP monthly reports beginning with the first full month after the effective date of this Order, and for each month thereafter for one year unless extended by the Commission. These results and reports will allow us to review, on an ongoing basis, Qwest's performance to ensure continued compliance with the statutory requirements. We are confident that cooperative state and federal oversight and enforcement can address any backsliding that may arise with respect to Qwest's entry into these nine states.[1803]

X. CONCLUSION

500. For the reasons discussed above, we grant Qwest's joint application for authorization under section 271 of the Act to provide in-region, interLATA services in the states of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming.

XI. ORDERING CLAUSES

501. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 271 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 271, Qwest's joint application to provide in-region, interLATA service in the states of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming, filed on September 30, 2002, IS GRANTED.

502. IT IS FURTHER ORDERED that this Order SHALL BECOME EFFECTIVE January 2, 2003.

503. IT IS FURTHER ORDERED that the Motions filed by Qwest on July 12, 2002 and July 22, 2002 ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

[1803] *See, e.g., Bell Atlantic-New York, Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York,* File No. EB-00-IH-0085, Order, 15 FCC Rcd 5413 (2000) (adopting consent decree between the Commission and Bell Atlantic that included provisions for Bell Atlantic to make a voluntary payment of $3,000,000 to the United States Treasury, with additional payments if Bell Atlantic failed to meet specified performance standards and weekly reporting requirements to gauge Bell Atlantic's performance in correcting the problems associated with its electronic ordering systems).

APPENDIX A

Commenters in WC Docket No. 02-314
Qwest III

Commenters	Abbreviation
AT&T Corp.	AT&T
Colorado Pay Phone Association, Minnesota Independent Pay Phone Association and Northwest Public Communications Council	Payphone Associations
Colorado Public Utilities Commission	Colorado Commission
Covad Communications Company	Covad
Eschelon Telecom, Inc.	Eschelon
Idaho Public Service Commission	Idaho Commission
Integra Telecom Inc of North Dakota, Utah, and Washington	Integra
Iowa Utilities Board	Iowa Board
Level 3 Communications	Level 3
Montana Public Service Commission	Montana Commission
Nebraska Public Service Commission	Nebraska Commission
North Dakota Public Service Commission	North Dakota Commission
OneEighty Communications, Inc.	OneEighty
PageData	PageData
Sprint Communications Company, L.P.	Sprint
Touch America, Inc.	Touch America
Utah Public Service Commission	Utah Commission
Washington Utilities and Transportation Commission	Washington Commission
WorldCom, Inc.	WorldCom
Wyoming Public Service Commission	Wyoming Commission

Reply Commenters	Abbreviation
AT&T	
Colorado Commission	
Covad	
Eschelon	
Level 3	
Montana Consumer Counsel	Montana Consumer Counsel
PageData	
Touch America	

Commenters in WC Docket No. 02-189
Qwest II

Commenters	Abbreviation
Arizona Payphone Association, Colorado Pay Phone Association, Minnesota Independent Pay Phone Association and Northwest Public Communications Council	Payphone Associations
AT&T Corp.	AT&T
Communications Workers of America	CWA
Eschelon Telecom, Inc.	Eschelon
Integra Telecom of Utah, Inc. and Integra Telecom of Washington, Inc.	Integra
McLeodUSA Telecommunications Services, Inc.	McLeod
Montana Public Service Commission	Montana Commission
OneEighty Communications, Inc.	OneEighty
Pilgrim Telephone, Inc.	Pilgrim
Public Service Commission of Utah	Utah Commission
Sprint Communications Company, L.P	Sprint
Touch America, Inc.	Touch America
Washington Utilities and Transportation Commission	Washington Commission
WorldCom, Inc.	WorldCom
Wyoming Public Service Commission	Wyoming Commission

Reply Commenters	Abbreviation
AT&T	
Covad Communications Company	Covad
Montana Consumer Counsel	Montana Consumer Counsel
Qwest Communications International, Inc.	Qwest
Touch America	
Working Assets Funding Service, Inc.	Working Assets
WorldCom	
Wyoming Commission	

Commenters in WC Docket No. 02-148
Qwest I

Commenters	Abbreviation
AT&T Corp.	AT&T
Colorado Public Utilities Commission	Colorado Commission
Communications Workers of America	CWA
Competitive Telecommunications Association	CompTel
Covad Communications Company	Covad
Department of Justice	Department of Justice
Eschelon Telecom, Inc.	Eschelon
Idaho Public Service Commission	Idaho Commission
Integra Telecom, Inc. of North Dakota	Integra
Iowa Office of Consumer Advocate, Division of the Iowa Department of Justice	Iowa Department of Justice
Iowa Utilities Board	Iowa Board
Joint Comments: Arizona Payphone Association; Colorado Payphone Association; Minnesota Independent Payphone Association; Northwest Public Communications Council Associations	Payphone Associations
Nebraska Public Service Commission	Nebraska Commission
New Edge Communications, Inc.	New Edge
North Dakota Public Service Commission	North Dakota Commission
OneEighty Communications, Inc.	OneEighty
Sprint Communications Company, L.P.	Sprint
Touch America, Inc.	Touch America
Vanion, Inc.	Vanion
WorldCom, Inc.	WorldCom

Reply Commenters	Abbreviation
AT&T	
Colorado Commission	
Covad	
Iowa Board	
McCleodUSA Telecommunications Services, Inc.	McCleod
OneEighty	
Qwest Communications International, Inc.	Qwest
Touch America	
WorldCom	

Appendix B

Colorado Performance Metrics

The data in this appendix are taken from a letter from Hance Haney, Attorney, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-314 (filed November 15, 2002) (Qwest November 15 Ex Parte Letter) Attach. 1 (Statewide Average Performance Summary, CO, ID, IA, MT, NE, ND, UT, WA, WY, May-Sept 2002). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Ctr
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
BILLING											
BI-1	**Time to Provide Recorded Usage Records**										
BI-1A	UNEs and Resale Aggr, Avg Days		6.32	2.54	6.19	2.32	5.59	2.22	4.44	1.64	
BI-1B	Jointly-provided Switched Access, %			100%		100%		99.93%		99.95%	
BI-1C-1	[CAT11], UNEs and Resale Aggr, Avg Days		6.32	2.59	6.19	2.39	5.59	2.28	4.44	1.73	
BI-1C-2	[CAT10], UNEs and Resale Aggr, Avg Days		6.32	2.29	6.19	2.03	5.59	1.98	4.44	1.34	
BI-2	**Invoices Delivered within 10 Days**										
BI-2	All, %			100%		100%		99.99%		99.99%	
BI-3	**Billing Accuracy - Adjustments for Errors**										
BI-3A	UNEs and Resale Aggr, %		99.01%	99.74%	99.06%	99.88%	99.46%	98.59%	99.42%	99.41%	
BI-3B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-4	**Billing Completeness**										
BI-4A	UNEs and Resale Aggr, %		99.25%	97.79%	99.33%	97.32%	99.35%	97.91%	99.28%	95.71%	
BI-4B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-5	**Billing Accuracy & Claims Processing**										
BI-5A	Acknowledgment, All, %			91.30%		89.52%		100%		99.70%	
BI-5B	Resolution, All, %			90.18%		74.66%		96.38%		100%	
COLLOCATION											
CP-1	**Collocation Completion Interval**										
CP-1A	90 Calendar Days or Less, All, Avg Days			70.50		77.00		62.00			a b c d
CP-1B	91 to 120 Calendar Days, All, Avg Days					89.00					a b c d
CP-1C	121 to 150 Calendar Days, All, Avg Days			99.50		82.00		122.00		110.71	a b c d
CP-2	**Collocations Completed within Scheduled Intervals**										
CP-2B	Non-Forecasted & Late Forecasted , All, %			100%		100%		100%			a b c d
CP-2C	w/ Intervals Longer than 120 Days, All, %			100%		100%		100%		100%	a b c d
CP-3	**Collocation Feasibility Study Interval**										
CP-3	All, Avg Days			7.29		8.00		6.00		7.00	a b c d
CP-4	**Collocation Feasibility Study Commitments Met**										
CP-4	All, %			100%		100%		100%		100%	a b c d
DIRECTORY ASSISTANCE											
DA-1	**Speed of Answer - Directory Assistance**										
DA-1	Average Seconds		8.54		8.77		8.36		8.68		a b c d
DATABASE UPDATES											
DB-1	**Time to Update Databases**										

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
DB-1A	E911, Hrs:Min			5:15		4:02		2:45		1:52	
DB-1B	LIDB, Avg Sec			1.47		1.32		1.26		1.27	
DB-1C-1	Directory Listing, Avg Sec			0.09		0.11		0.09		0.11	
DB-2	**Accurate Database Updates**										
DB-2C-1	Directory Listing, %			94.21%		94.57%		94.19%		92.04%	
ELECTRONIC GATEWAY AVAILABILITY											
GA-1A	IMA-GUI, All, %			99.93%		100%		98.75%		100%	
GA-1B	IMA-GUI, Fetch-n-Stuff, %			100%		100%		100%		100%	
GA-1C	IMA-GUI, Data Arbiter, %			100%		100%		99.96%		100%	
GA-1D	IMA-GUI, SIA, %			100%		99.55%		100%		99.95%	
GA-2	IMA-EDI, %			99.93%		100%		98.26%		99.80%	
GA-3	EB-TA, %			100%		99.54%		99.31%		99.94%	
GA-4	EXACT, %			99.93%		100%		100%		100%	
GA-6	GUI - Repair, %			100%		99.50%		99.92%		100%	
GA-7	Timely Outage Resolution following Software Releases , %							100%			a b c d
MAINTENANCE AND REPAIR											
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**										
MR-2	All, %		78.59%	80.32%	78.57%	78.71%	84.85%	87.02%	86.24%	85.75%	
MR-3	**Out of Service Cleared within 24 Hours**										
MR-3	Basic Rate ISDN, %	D	100%		100%		97.74%		99.15%		a b c d
MR-3	Basic Rate ISDN, %	ND	100%		100%		99.70%		99.32%		a b c d
MR-3	Business, %	D	94.52%	100%	93.88%	94.12%	95.18%	100%	93.52%	100%	
MR-3	Business, %	ND	95.43%	100%	97.05%	100%	97.28%		97.36%	100%	a b c d
MR-3	Centrex 21, %	D	94.01%	100%	93.78%	100%	95.22%		92.85%	100%	a b c d
MR-3	Centrex 21, %	ND	93.55%		98.44%		98.16%	100%	99.24%	100%	a b c d
MR-3	Centrex, %	D	85.42%	100%	100%	100%	97.96%	100%	88.10%	50.00%	a b c d
MR-3	Centrex, %	ND	90.00%		100%		100%		95.24%		a b c d
MR-3	Line Sharing, %	D	92.34%	88.89%	92.09%	46.15%	93.77%	90.48%	91.84%	71.43%	a
MR-3	Line Sharing, %	ND	96.70%	62.50%	96.40%	88.89%	97.99%	96.43%	96.42%	84.00%	a
MR-3	PBX, %	D	96.84%	100%	92.24%		95.74%		97.83%	100%	a b c d
MR-3	PBX, %	ND	99.44%	100%	99.57%	100%	99.04%	100%	99.43%	100%	a b c d
MR-3	Qwest DSL, %		95.51%		95.30%	100%	94.10%		87.93%		a b c d
MR-3	Residence, %	D	92.06%	99.71%	91.88%	99.41%	93.59%	99.10%	91.61%	98.93%	

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-3	Residence, %	ND	96.89%	100%	96.31%	100%	98.09%	100%	96.27%	100%	
MR-3	UBL - 2-wire, %		100%	100%	100%	100%	98.84%	100%	99.24%	100%	
MR-3	UBL - ADSL Qualified, %		95.51%		95.30%		94.10%		87.93%		a b c d
MR-3	UBL Analog, %		93.15%	100%	92.84%	100%	94.42%	100%	92.51%	99.85%	
MR-3	UBL ISDN Capable, %		100%	98.65%	100%	100%	98.84%	98.39%	99.24%	100%	
MR-3	UNE-P, POTS, %	ND	96.70%	90.91%	96.40%	95.24%	97.99%	100%	96.42%	97.14%	
MR-3	UNE-P, POTS, %	D	92.34%	99.29%	92.09%	94.79%	93.77%	98.25%	91.84%	97.92%	
MR-3	UNE-P, Centrex, %	D	85.42%	98.51%	100%	98.06%	97.96%	100%	88.10%	99.42%	
MR-3	UNE-P, Centrex, %	ND	90.00%	100%	100%	98.15%	100%	97.73%	95.24%	100%	
MR-3	UNE-P, Centrex 21, %	D	94.01%	100%	93.78%	100%	95.22%	100%	92.85%	91.30%	
MR-3	UNE-P, Centrex 21, %	ND	93.55%	100%	98.44%	100%	98.16%	100%	99.24%	100%	a b c d
MR-4	**All Troubles Cleared within 48 Hours**										
MR-4	Basic Rate ISDN, %	D	100%		100%		100%		100%		a b c d
MR-4	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-4	Business, %	D	98.89%	100%	98.40%	100%	98.72%	100%	98.18%	100%	
MR-4	Business, %	ND	99.39%	100%	98.94%	100%	99.91%	100%	99.71%	100%	c d
MR-4	Centrex 21, %	D	98.43%	100%	98.12%	100%	98.27%	100%	96.64%	100%	a b c d
MR-4	Centrex 21, %	ND	98.99%	100%	99.53%	100%	100%	100%	99.66%	100%	a b c d
MR-4	Centrex, %	D	92.42%	100%	100%	100%	100%	100%	98.08%	100%	a b c d
MR-4	Centrex, %	ND	100%	100%	100%		100%		100%		a b c d
MR-4	Line Sharing, %	ND	99.45%	100%	99.16%	100%	99.80%	96.43%	99.55%	90.20%	
MR-4	Line Sharing, %	D	98.14%	96.30%	97.90%	73.08%	98.69%	100%	97.76%	92.86%	
MR-4	PBX, %	D	96.30%	100%	95.45%		98.08%		99.00%	100%	a b c d
MR-4	PBX, %	ND	100%	100%	100%	100%	99.56%	100%	99.48%	100%	a b c d
MR-4	Qwest DSL, %		98.57%		98.39%	100%	98.58%		95.61%		a b c d
MR-4	Residence, %	D	98.05%	99.75%	97.84%	100%	98.68%	100%	97.71%	99.37%	
MR-4	Residence, %	ND	99.46%	100%	99.20%	100%	99.78%	100%	99.52%	100%	
MR-4	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UBL - ADSL Qualified, %		98.57%		98.39%		98.58%		95.61%		a b c d
MR-4	UBL Analog, %		98.47%	100%	98.19%	100%	98.93%	100%	98.12%	100%	
MR-4	UBL ISDN Capable, %		100%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UNE-P, POTS, %	D	98.14%	99.43%	97.90%	98.75%	98.69%	100%	97.76%	98.83%	
MR-4	UNE-P, POTS, %	ND	99.45%	100%	99.16%	100%	99.80%	100%	99.55%	100%	
MR-4	UNE-P, Centrex, %	D	92.42%	99.27%	100%	99.67%	100%	100%	98.08%	99.56%	

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-4	UNE-P, Centrex, %	ND	100%	100%	100%	99.25%	100%	100%	100%	100%	
MR-4	UNE-P, Centrex 21, %	D	98.43%	100%	98.12%	100%	98.27%	100%	96.64%	96.77%	
MR-4	UNE-P, Centrex 21, %	ND	98.99%	100%	99.53%	100%	100%	100%	99.66%	100%	
MR-5	**All Troubles Cleared within 4 Hours**										
MR-5	DS0, %		86.76%	95.83%	84.49%	96.67%	84.83%	85.71%	73.69%	90.91%	
MR-5	DS1, %		89.93%	100%	90.69%	90.91%	89.68%	83.33%	83.19%	83.33%	d
MR-5	DS3, %		95.45%		88.24%		95.35%		88.46%		a b c d
MR-5	E911, %		100%	100%	66.67%	100%	40.00%		100%		a b c d
MR-5	EELs, %			91.18%		94.44%		87.95%		80.23%	
MR-5	Frame Relay, %		86.71%		87.36%		89.02%		82.66%	100%	a b c d
MR-5	ISDN Primary, %		96.67%	100%	91.43%	100%	80.25%	100%	92.59%	75.00%	a b c d
MR-5	LIS Trunk, %		63.16%	90.00%	85.71%	100%	88.24%	93.33%	94.12%	94.44%	a
MR-5	UBL - 4-wire, %		89.93%	100%	90.69%		89.68%	100%	83.19%	100%	a b c d
MR-5	UBL - DS1 Capable, %		89.93%	75.00%	90.69%	88.71%	89.68%	91.43%	83.19%	75.41%	
MR-5	UBL - DS3 Capable, %		95.45%		88.24%		95.35%		88.46%		a b c d
MR-5	UDIT Above DS1 Level, %		95.45%	50.00%	88.24%	0%	95.35%	100%	88.46%	100%	a b c d
MR-5	UDIT DS1, %		89.93%		90.69%	100%	89.68%		83.19%	100%	a b c d
MR-6	**Mean Time to Restore**										
MR-6	Basic Rate ISDN, Hrs:Min	D	3:21		3:16		4:46		4:19		a b c d
MR-6	Basic Rate ISDN, Hrs:Min	ND	0:57		1:17		1:41		1:51		a b c d
MR-6	Business, Hrs:Min	D	11:01	4:58	11:01	7:54	10:16	6:50	11:49	5:18	
MR-6	Business, Hrs:Min	ND	4:31	1:49	4:55	3:12	3:45	0:45	3:49	2:31	c d
MR-6	Centrex 21, Hrs:Min	D	10:16	3:09	11:06	3:11	9:54	3:14	11:03	6:17	a b c d
MR-6	Centrex 21, Hrs:Min	ND	4:25	0:45	3:58	2:41	3:30	6:35	3:14	1:16	a b c d
MR-6	Centrex, Hrs:Min	D	13:21	3:18	7:35	11:59	6:31	2:58	8:49	14:15	a b c d
MR-6	Centrex, Hrs:Min	ND	4:53	12:28	4:07		1:56		6:42		a b c d
MR-6	DS0, Hrs:Min		2:26	1:35	2:27	1:06	2:39	1:55	3:42	1:47	
MR-6	DS1, Hrs:Min		1:57	0:55	1:58	3:09	2:04	2:56	2:34	1:38	d
MR-6	DS3, Hrs:Min		2:00		1:47		1:31		2:53		a b c d
MR-6	E911, Hrs:Min		1:08	1:02	5:13	0:02	3:50		1:44		a b c d
MR-6	EELs, Hrs:Min			1:40		1:38		2:17		2:41	
MR-6	Frame Relay, Hrs:Min		2:04		2:03		2:09		2:38	1:01	a b c d
MR-6	ISDN Primary, Hrs:Min		1:18	0:09	1:39	3:52	2:29	0:46	1:44	11:02	a b c d
MR-6	Line Sharing, Hrs:Min	D	14:51	19:46	14:37	27:32	13:57	11:43	14:54	18:55	

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-6	Line Sharing, Hrs:Min	ND	6:17	9:53	7:11	8:18	6:07	8:24	6:22	15:21	
MR-6	LIS Trunk, Hrs:Min		4:33	1:34	2:37	1:24	1:50	1:11	1:54	1:20	a
MR-6	PBX, Hrs:Min	D	8:37	3:06	11:49		9:39		6:25	8:15	a b c d
MR-6	PBX, Hrs:Min	ND	2:02	2:06	1:19	1:27	2:07	1:36	2:04	1:20	a b c d
MR-6	Qwest DSL, Hrs:Min		9:05		7:14	3:00	6:43		9:33		a b c d
MR-6	Residence, Hrs:Min	D	15:19	8:17	15:02	8:42	14:24	8:59	15:17	7:50	
MR-6	Residence, Hrs:Min	ND	6:35	4:19	7:33	4:15	6:29	2:30	6:49	3:10	
MR-6	UBL - 2-wire, Hrs:Min		1:51	2:43	2:14	3:17	3:01	1:56	2:56	2:38	
MR-6	UBL - 4-wire, Hrs:Min		1:57	1:12	1:58		2:04	1:34	2:34	1:37	a b c d
MR-6	UBL - ADSL Qualified, Hrs:Min		9:05		7:14		6:43		9:33		a b c d
MR-6	UBL - DS1 Capable, Hrs:Min		1:57	3:36	1:58	2:29	2:04	2:21	2:34	3:03	
MR-6	UBL - DS3 Capable, Hrs:Min		2:00		1:47		1:31		2:53		a b c d
MR-6	UBL Analog, Hrs:Min		12:42	2:41	12:53	2:57	12:15	2:22	13:12	3:19	
MR-6	UBL ISDN Capable, Hrs:Min		1:51	3:17	2:14	3:00	3:01	3:54	2:56	2:40	
MR-6	UDIT Above DS1 Level, Hrs:Min		2:00	3:36	1:47	5:31	1:31	2:35	2:53	0:50	a b c d
MR-6	UDIT DS1, Hrs:Min		1:57		1:58	0:05	2:04		2:34	1:01	a b c d
MR-6	UNE-P, POTS, Hrs:Min	D	14:51	7:33	14:37	9:17	13:57	7:45	14:54	8:27	
MR-6	UNE-P, POTS, Hrs:Min	ND	6:17	3:59	7:11	3:40	6:07	2:17	6:22	3:11	
MR-6	UNE-P, Centrex, Hrs:Min	D	13:21	6:38	7:35	7:00	6:31	5:41	8:49	6:03	
MR-6	UNE-P, Centrex, Hrs:Min	ND	4:53	2:44	4:07	4:05	1:56	2:24	6:42	2:06	
MR-6	UNE-P, Centrex 21, Hrs:Min	D	10:16	5:18	11:06	6:09	9:54	6:02	11:03	7:44	
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	4:25	3:34	3:58	2:45	3:30	4:54	3:14	2:19	
MR-7	**Repair Repeat Report Rate**										
MR-7	Basic Rate ISDN, %	D	21.79%		21.62%		29.06%		25.00%		a b c d
MR-7	Basic Rate ISDN, %	ND	23.23%		20.07%		23.62%		21.97%		a b c d
MR-7	Business, %	D	15.74%	14.81%	14.94%	9.76%	13.38%	7.14%	14.00%	16.67%	
MR-7	Business, %	ND	13.91%	10.53%	14.45%	0%	14.09%	28.57%	12.90%	11.11%	c d
MR-7	Centrex 21, %	D	15.21%	20.00%	15.86%	16.67%	14.79%	0%	12.29%	50.00%	a b c d
MR-7	Centrex 21, %	ND	12.12%	33.33%	18.01%	0%	14.17%	50.00%	12.12%	33.33%	a b c d
MR-7	Centrex, %	D	13.64%	0%	8.00%	0%	9.09%	0%	14.55%	0%	a b c d
MR-7	Centrex, %	ND	13.79%	0%	11.11%		22.73%		12.12%		a b c d
MR-7	DS0, %		23.23%	20.83%	18.61%	20.00%	22.53%	14.29%	20.39%	15.15%	
MR-7	DS1, %		34.48%	45.00%	28.73%	45.45%	28.86%	33.33%	26.06%	50.00%	d
MR-7	DS3, %		18.18%		11.76%		23.26%		19.23%		a b c d

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7	E911, %		33.33%	0%	0%	0%	0%		33.33%		a b c d
MR-7	EELs, %			38.24%		27.78%		48.19%		46.51%	
MR-7	Frame Relay, %		24.86%		25.00%		27.44%		22.91%	0%	a b c d
MR-7	ISDN Primary, %		20.00%	0%	24.29%	0%	19.75%	0%	20.99%	50.00%	a b c d
MR-7	Line Sharing, %	ND	30.48%	33.33%	27.68%	28.13%	36.82%	32.14%	39.48%	27.45%	
MR-7	Line Sharing, %	D	47.16%	39.29%	35.61%	57.69%	48.86%	19.05%	41.56%	35.48%	
MR-7	LIS Trunk, %		15.79%	20.00%	21.43%	22.22%	11.76%	13.33%	5.88%	5.56%	a
MR-7	PBX, %	D	11.71%	0%	13.97%		16.19%		9.71%	0%	a b c d
MR-7	PBX, %	ND	18.78%	37.50%	22.18%	20.00%	17.33%	14.29%	13.61%	33.33%	a b c d
MR-7	Qwest DSL, %		36.46%		29.85%	33.33%	39.69%		40.00%		a b c d
MR-7	Residence, %	D	15.52%	9.38%	15.28%	9.66%	13.94%	9.90%	14.64%	12.19%	
MR-7	Residence, %	ND	14.48%	7.53%	15.34%	15.97%	14.53%	13.04%	14.08%	16.47%	
MR-7	UBL - 2-wire, %		22.69%	7.69%	20.82%	12.50%	25.99%	6.06%	23.29%	6.52%	
MR-7	UBL - 4-wire, %		34.48%	20.00%	28.73%		28.86%	0%	26.06%	0%	a b c d
MR-7	UBL - ADSL Qualified, %		36.46%		29.85%		39.69%		40.00%		a b c d
MR-7	UBL - DS1 Capable, %		34.48%	44.64%	28.73%	24.19%	28.86%	24.29%	26.06%	42.62%	
MR-7	UBL - DS3 Capable, %		18.18%		11.76%		23.26%		19.23%		a b c d
MR-7	UBL Analog, %		15.26%	16.01%	15.24%	10.22%	14.00%	9.75%	14.44%	11.64%	
MR-7	UBL ISDN Capable, %		22.69%	20.00%	20.82%	11.86%	25.99%	24.00%	23.29%	14.55%	
MR-7	UDIT Above DS1 Level, %		18.18%	0%	11.76%	0%	23.26%	0%	19.23%	0%	a b c d
MR-7	UDIT DS1, %		34.48%		28.73%	0%	28.86%		26.06%	0%	a b c d
MR-7	UNE-P, POTS, %	ND	14.40%	21.97%	15.21%	13.69%	14.47%	21.29%	13.90%	13.33%	
MR-7	UNE-P, POTS, %	D	15.54%	14.44%	15.25%	15.10%	13.88%	10.14%	14.57%	11.86%	
MR-7	UNE-P, Centrex, %	D	13.64%	16.67%	8.00%	16.83%	9.09%	14.94%	14.55%	17.09%	
MR-7	UNE-P, Centrex, %	ND	13.79%	12.73%	11.11%	17.29%	22.73%	14.75%	12.12%	14.00%	
MR-7	UNE-P, Centrex 21, %	D	15.21%	13.33%	15.86%	33.33%	14.79%	5.26%	12.29%	41.94%	
MR-7	UNE-P, Centrex 21, %	ND	12.12%	20.00%	18.01%	10.00%	14.17%	10.53%	12.12%	28.57%	
MR-7*	Basic Rate ISDN, %	D	23.18%		22.28%		28.64%				a b c d
MR-7*	Basic Rate ISDN, %	ND	34.55%		25.96%		27.27%				a b c d
MR-7*	Business, %	D	15.82%	14.81%	14.39%	10.26%	12.87%	7.41%			d
MR-7*	Business, %	ND	12.80%	0%	15.64%	0%	14.71%	0%			a b c d
MR-7*	Centrex 21, %	ND	12.66%	33.33%	19.40%	0%	14.07%	50.00%			a b c d
MR-7*	Centrex 21, %	D	14.80%	20.00%	15.62%	16.67%	14.78%	0%			a b c d
MR-7*	Centrex, %	D	15.00%	0%	8.33%	0%	10.87%	0%			a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7*	Centrex, %	ND	17.65%	0%	0%		23.08%				a b c d
MR-7*	DS0, %		22.70%	8.33%	18.69%	0%	21.28%	6.67%			b d
MR-7*	DS1, %		36.56%	28.57%	30.38%	50.00%	29.06%	37.50%			a b c d
MR-7*	DS3, %		18.18%		13.64%		28.57%				a b c d
MR-7*	E911, %		50.00%	0%	0%		0%				a b c d
MR-7*	EELs, %			63.16%		29.17%		49.21%			d
MR-7*	Frame Relay, %		28.57%		25.89%		28.04%				a b c d
MR-7*	ISDN Primary, %		23.08%		21.21%	0%	22.22%	0%			a b c d
MR-7*	Line Sharing, %	D	55.91%	31.82%	34.62%	55.00%	52.29%	19.05%			d
MR-7*	Line Sharing, %	ND	33.33%	25.00%	28.21%	40.00%	38.18%	33.33%			d
MR-7*	LIS Trunk, %		14.29%	40.00%	15.00%	26.32%	7.14%	20.00%			a c d
MR-7*	PBX, %	D	11.00%	0%	11.86%		18.07%				a b c d
MR-7*	PBX, %	ND	23.30%	40.00%	22.31%	0%	18.64%	16.67%			a b c d
MR-7*	Qwest DSL, %		40.78%		29.97%	0%	41.30%				a b c d
MR-7*	Residence, %	D	15.29%	8.73%	15.10%	9.65%	13.66%	9.51%			d
MR-7*	Residence, %	ND	15.32%	2.82%	16.69%	21.31%	15.27%	12.00%			d
MR-7*	UBL - 2-wire, %		27.97%	9.68%	23.53%	14.29%	28.14%	8.00%			d
MR-7*	UBL - 4-wire, %		36.56%	0%	30.38%		29.06%	0%			a b c d
MR-7*	UBL - ADSL Qualified, %		40.78%		29.97%		41.30%				a b c d
MR-7*	UBL - DS1 Capable, %		36.56%	46.51%	30.38%	28.30%	29.06%	21.28%			d
MR-7*	UBL - DS3 Capable, %		18.18%		13.64%		28.57%				a b c d
MR-7*	UBL Analog, %		15.28%	14.49%	15.23%	9.28%	13.77%	9.32%			d
MR-7*	UBL ISDN Capable, %		27.97%	23.33%	23.53%	11.54%	28.14%	20.69%			d
MR-7*	UDIT Above DS1 Level, %		18.18%	0%	13.64%	0%	28.57%	0%			a b c d
MR-7*	UDIT DS1, %		36.56%		30.38%		29.06%				a b c d
MR-7*	UNE-P, POTS, %	D	15.35%	14.29%	15.03%	15.28%	13.58%	10.31%			d
MR-7*	UNE-P, POTS, %	ND	14.91%	17.07%	16.52%	12.90%	15.18%	20.88%			d
MR-7*	UNE-P, Centrex, %	ND	17.65%	11.67%	0%	17.28%	23.08%	15.71%			d
MR-7*	UNE-P, Centrex, %	D	15.00%	15.35%	8.33%	16.32%	10.87%	13.52%			d
MR-7*	UNE-P, Centrex 21, %	D	14.80%	15.38%	15.62%	33.33%	14.78%	5.88%			d
MR-7*	UNE-P, Centrex 21, %	ND	12.66%	25.00%	19.40%	0%	14.07%	0%			a b c d
MR-8	**Trouble Rate**										
MR-8	Basic Rate ISDN, %		1.31%	0%	1.49%	0%	1.69%	0%	1.52%	0%	
MR-8	Business, %		0.91%	0.83%	0.97%	0.98%	0.91%	0.67%	0.88%	0.65%	

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8	Centrex 21, %		0.78%	1.06%	0.83%	1.31%	0.80%	1.04%	0.76%	1.25%	
MR-8	Centrex, %		0.50%	0.61%	0.40%	0.48%	0.41%	0.50%	0.47%	0.50%	
MR-8	Dark Fiber - Loop, %			0%		0%		0%		0%	a b c d
MR-8	DS0, %		0.83%	1.43%	1.03%	1.77%	0.84%	1.64%	0.85%	1.92%	
MR-8	DS1, %		2.47%	4.99%	2.87%	2.95%	2.84%	3.16%	2.56%	1.69%	
MR-8	DS3, %		0.55%	0%	0.85%	0%	1.07%	0%	0.64%	0%	a b c d
MR-8	E911, %		0.17%	0.15%	0.17%	0.30%	0.27%	0%	0.33%	0%	
MR-8	EELs, %			9.88%		6.53%		11.17%		9.43%	
MR-8	Frame Relay, %		2.72%	0%	2.86%	0%	2.62%	0%	2.58%	33.33%	a b c d
MR-8	ISDN Primary, %		0.08%	0.14%	0.06%	0.13%	0.07%	0.13%	0.07%	0.53%	
MR-8	Line Sharing, %		1.67%	1.25%	1.84%	1.19%	1.72%	0.95%	1.61%	1.50%	
MR-8	LIS Trunk, %		0.02%	0.01%	0.03%	0.01%	0.01%	0.01%	0.01%	0.01%	
MR-8	PBX, %		0.24%	0.31%	0.30%	0.13%	0.26%	0.19%	0.24%	0.13%	
MR-8	Qwest DSL, %		1.67%	0%	2.63%	16.67%	3.36%	0%	2.32%	0%	
MR-8	Residence, %		1.88%	1.99%	2.08%	1.76%	1.95%	1.68%	1.82%	1.37%	
MR-8	UBL - 2-wire, %		1.31%	0.68%	1.49%	0.70%	1.69%	0.58%	1.52%	0.82%	
MR-8	UBL - 4-wire, %		2.47%	8.93%	2.87%	0%	2.84%	3.85%	2.56%	3.85%	
MR-8	UBL - ADSL Qualified, %		1.67%		2.63%		3.36%		2.32%		a b c d
MR-8	UBL - DS1 Capable, %		2.47%	6.76%	2.87%	6.60%	2.84%	6.74%	2.56%	5.48%	
MR-8	UBL - DS3 Capable, %		0.55%		0.85%		1.07%		0.64%		a b c d
MR-8	UBL Analog, %		1.67%	1.29%	1.84%	1.36%	1.72%	1.40%	1.61%	1.39%	
MR-8	UBL ISDN Capable, %		1.31%	2.29%	1.49%	1.78%	1.69%	2.26%	1.52%	1.64%	
MR-8	UDIT Above DS1 Level, %		0.55%	0.92%	0.85%	0.45%	1.07%	0.45%	0.64%	0.92%	
MR-8	UDIT DS1, %		2.47%	0%	2.87%	2.02%	2.84%	0%	2.56%	2.86%	
MR-8	UNE-P, POTS, %		1.67%	1.23%	1.84%	1.57%	1.72%	1.35%	1.61%	1.07%	
MR-8	UNE-P, Centrex, %		0.50%	1.02%	0.40%	1.23%	0.41%	1.13%	0.47%	1.00%	
MR-8	UNE-P, Centrex 21, %		0.78%	0.72%	0.83%	0.96%	0.80%	0.90%	0.76%	1.24%	
MR-8*	Basic Rate ISDN, %		0.72%	0%	0.85%	0%	0.93%	0%			d
MR-8*	Business, %		0.75%	0.67%	0.80%	0.85%	0.74%	0.55%			d
MR-8*	Centrex 21, %		0.63%	1.06%	0.65%	0.92%	0.63%	1.04%			d
MR-8*	Centrex, %		0.41%	0.61%	0.31%	0.48%	0.31%	0.50%			d
MR-8*	Dark Fiber - Loop, %			0%		0%		0%			a b c d
MR-8*	DS0, %		0.57%	0.71%	0.68%	0.47%	0.56%	0.88%			d
MR-8*	DS1, %		1.58%	1.75%	1.84%	1.61%	1.88%	2.11%			d

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8*	DS3, %		0.28%	0%	0.55%	0%	0.70%	0%			a b c d
MR-8*	E911, %		0.11%	0.15%	0.17%	0%	0.16%	0%			d
MR-8*	EELs, %			5.52%		4.36%		8.48%			d
MR-8*	Frame Relay, %		1.65%	0%	1.80%	0%	1.71%	0%			a b c d
MR-8*	ISDN Primary, %		0.04%	0%	0.03%	0.13%	0.04%	0.13%			d
MR-8*	Line Sharing, %		1.40%	0.73%	1.55%	0.72%	1.44%	0.70%			d
MR-8*	LIS Trunk, %		0.01%	0%	0.02%	0.01%	0.01%	0.01%			d
MR-8*	PBX, %		0.16%	0.23%	0.19%	0.05%	0.16%	0.16%			d
MR-8*	Qwest DSL, %		0.96%	0%	1.33%	5.56%	1.81%	0%			d
MR-8*	Residence, %		1.57%	1.67%	1.75%	1.52%	1.63%	1.47%			d
MR-8*	UBL - 2-wire, %		0.72%	0.54%	0.85%	0.62%	0.93%	0.44%			d
MR-8*	UBL - 4-wire, %		1.58%	3.57%	1.84%	0%	1.88%	2.56%			d
MR-8*	UBL - ADSL Qualified, %		0.96%		1.33%		1.81%				a b c d
MR-8*	UBL - DS1 Capable, %		1.58%	5.19%	1.84%	5.64%	1.88%	4.53%			d
MR-8*	UBL - DS3 Capable, %		0.28%		0.55%		0.70%				a b c d
MR-8*	UBL Analog, %		1.40%	0.91%	1.55%	0.87%	1.44%	0.91%			d
MR-8*	UBL ISDN Capable, %		0.72%	1.83%	0.85%	1.57%	0.93%	1.75%			d
MR-8*	UDIT Above DS1 Level, %		0.28%	0.92%	0.55%	0.45%	0.70%	0.45%			d
MR-8*	UDIT DS1, %		1.58%	0%	1.84%	0%	1.88%	0%			d
MR-8*	UNE-P, POTS, %		1.40%	0.98%	1.55%	1.17%	1.44%	1.06%			d
MR-8*	UNE-P, Centrex, %		0.41%	0.82%	0.31%	1.03%	0.31%	0.92%			d
MR-8*	UNE-P, Centrex 21, %		0.63%	0.51%	0.65%	0.73%	0.63%	0.64%			d
MR-9	**Repair Appointments Met**										
MR-9	Basic Rate ISDN, %	D	100%		66.67%		100%		80.00%		a b c d
MR-9	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-9	Business, %	D	90.97%	96.30%	92.48%	97.56%	92.50%	96.43%	90.18%	100%	
MR-9	Business, %	ND	96.39%	100%	96.65%	100%	98.00%	100%	97.98%	100%	c d
MR-9	Centrex 21, %	ND	95.71%	100%	97.87%	75.00%	95.91%	83.33%	94.95%	100%	a b c d
MR-9	Centrex 21, %	D	89.07%	100%	91.09%	100%	88.87%	100%	86.03%	100%	a b c d
MR-9	Centrex, %	D	74.24%	100%	79.55%	100%	81.63%	100%	84.00%	50.00%	a b c d
MR-9	Centrex, %	ND	92.59%	100%	95.65%		94.44%		80.00%		a b c d
MR-9	PBX, %	D	80.70%	100%	74.71%		87.88%		84.21%	100%	a b c d
MR-9	PBX, %	ND	95.35%	100%	100%	100%	93.94%	100%	100%		a b c d
MR-9	Residence, %	D	96.46%	99.76%	95.94%	99.48%	96.24%	99.74%	95.55%	99.69%	

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-9	Residence, %	ND	98.84%	99.32%	98.48%	99.16%	98.94%	100%	98.73%	97.65%	
MR-9	UNE-P, POTS, %	D	95.86%	92.22%	95.58%	88.57%	95.84%	92.27%	94.97%	90.40%	
MR-9	UNE-P, POTS, %	ND	98.49%	96.21%	98.22%	98.81%	98.81%	100%	98.62%	100%	
MR-10	**Customer and Non-Qwest Related Trouble Reports**										
MR-10	Basic Rate ISDN, %		25.04%		25.69%		25.67%		26.59%		a b c d
MR-10	Business, %		31.65%	31.34%	32.02%	31.17%	31.62%	28.57%	31.32%	44.07%	
MR-10	Centrex 21, %		30.06%	20.00%	32.09%	9.09%	30.36%	20.00%	29.74%	33.33%	a c
MR-10	Centrex, %		29.63%	25.00%	31.86%	33.33%	35.83%	0%	28.46%	0%	a b c d
MR-10	DS0, %		31.88%	29.41%	28.40%	21.05%	30.40%	6.67%	25.78%	17.50%	
MR-10	DS1, %		17.08%	31.03%	16.08%	26.67%	15.26%	20.00%	14.71%	14.29%	d
MR-10	DS3, %		29.03%		32.00%		23.21%		29.73%		a b c d
MR-10	E911, %		0%	0%	40.00%	33.33%	16.67%		0%		a b c d
MR-10	Frame Relay, %		17.42%		18.91%		15.25%		12.47%	0%	a b c d
MR-10	ISDN Primary, %		27.42%	0%	25.53%	0%	22.86%	0%	32.50%	20.00%	a b c d
MR-10	LIS Trunk, %		24.00%	37.50%	34.88%	12.90%	39.29%	44.44%	43.33%	18.18%	
MR-10	PBX, %		27.53%	14.29%	28.89%	50.00%	28.88%	0%	25.94%	28.57%	b c d
MR-10	Qwest DSL, %		43.04%		45.87%	0%	46.50%		50.64%		a b c d
MR-10	Residence, %		27.93%	31.21%	28.38%	35.31%	29.14%	33.80%	28.75%	31.59%	
MR-10	UBL - 2-wire, %		25.04%	7.14%	25.69%	6.98%	25.67%	29.79%	26.59%	8.00%	
MR-10	UBL - 4-wire, %		17.08%	28.57%	16.08%		15.26%	25.00%	14.71%	0%	a b c d
MR-10	UBL - ADSL Qualified, %		43.04%		45.87%		46.50%		50.64%		a b c d
MR-10	UBL - DS1 Capable, %		17.08%	8.20%	16.08%	18.42%	15.26%	14.63%	14.71%	16.44%	
MR-10	UBL - DS3 Capable, %		29.03%		32.00%		23.21%		29.73%		a b c d
MR-10	UBL Analog, %		28.39%	18.83%	28.81%	18.08%	29.43%	21.04%	29.06%	17.80%	
MR-10	UBL ISDN Capable, %		25.04%	1.32%	25.69%	6.35%	25.67%	2.60%	26.59%	8.33%	
MR-10	UDIT Above DS1 Level, %		29.03%	33.33%	32.00%	66.67%	23.21%	0%	29.73%	0%	a b c d
MR-10	UDIT DS1, %		17.08%		16.08%	50.00%	15.26%		14.71%	50.00%	a b c d
MR-10	UNE-P, POTS, %		28.39%	29.09%	28.81%	32.74%	29.43%	32.46%	29.06%	38.16%	
MR-10	UNE-P, Centrex, %		29.63%	34.34%	31.86%	28.36%	35.83%	30.87%	28.46%	32.53%	
MR-10	UNE-P, Centrex 21, %		30.06%	26.83%	32.09%	39.71%	30.36%	33.33%	29.74%	34.18%	
MR-11	**LNP Trouble Reports Cleared**										
MR-11A	within 4 Hours, %		53.29%	50.00%	48.71%		52.39%		52.97%		a b c d
MR-11B	within 48 Hours, %		99.45%	66.67%	99.16%	100%	99.80%	100%	99.55%	100%	a b c d
NETWORK PERFORMANCE											

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
NI-1	**Trunk Blocking**										
NI-1A	to Qwest Tandem Offices, LIS Trunk, %		0%	0%	0%	0%	0%	0.02%	0%	0.01%	
NI-1B	to Qwest End Offices, LIS Trunk, %		0.01%	0%	0.01%	0%	0.02%	0%	0%	0%	
NI-1C	to Qwest Tandem Offices, LIS Trunk, %		0%	0%	0%	0.01%	0%	0.03%	0%	0.16%	
NI-1D	to Qwest End Offices, LIS Trunk, %		0.01%	1.34%	0.01%	2.08%	0.02%	3.43%	0%	7.34%	
NP-1	**NXX Code Activation**										
NP-1A	All, %		100%			100%				100%	a b c d
NP-1B	Facility Delays, All, %		0%			0%				0%	a b c d
ORDER ACCURACY											
OA-1	Order Accuracy, % (OP-5++)					99.32%		99.65%		99.48%	a
ORDERING AND PROVISIONING											
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**										
OP-2	Default, %		80.97%	96.94%	75.62%	97.87%	72.08%	98.27%	82.25%	97.82%	
OP-3	**Installation Commitments Met**										
OP-3	Basic Rate ISDN, %	D	94.44%		90.91%		81.82%		80.00%		a b c d
OP-3	Basic Rate ISDN, %	ND	33.33%		100%		100%	100%			a b c d
OP-3	Basic Rate ISDN, %		89.58%	100%	89.87%		91.12%		89.61%	100%	a b c d
OP-3	Business, %	D	94.11%	100%	94.79%	86.36%	94.78%	94.12%	93.34%	100%	
OP-3	Business, %	ND	98.09%	100%	98.91%	100%	97.91%	100%	98.02%	100%	
OP-3	Centrex 21, %	D	92.86%	100%	91.90%	100%	86.93%	100%	92.62%	100%	a b c d
OP-3	Centrex 21, %	ND	99.66%	100%	96.95%	100%	99.36%	100%	96.93%	100%	b d
OP-3	Centrex, %	D	91.30%		66.67%		86.21%		67.57%		a b c d
OP-3	Centrex, %	ND	100%		87.50%		83.33%		100%		a b c d
OP-3	DS0, %	D	85.71%		100%						a b c d
OP-3	DS0, %	ND	100%	100%	100%						a b c d
OP-3	DS0, %		77.19%	92.00%	80.77%	94.44%	92.16%	96.55%	81.40%	88.10%	
OP-3	DS1, %		85.46%		89.74%	0%	86.11%		91.73%		a b c d
OP-3	DS3, %		90.32%		91.23%		77.03%		81.71%		a b c d
OP-3	E911, %				0%				100%		a b c d
OP-3	EELs, %			87.34%		80.15%		82.90%		88.82%	
OP-3	Frame Relay, %		77.29%		73.97%		71.64%		72.26%	100%	a b c d
OP-3	ISDN Primary, %	D	100%				100%		0%		a b c d
OP-3	ISDN Primary, %	ND	80.00%		100%		100%		100%		a b c d
OP-3	ISDN Primary, %		65.26%	100%	55.95%		65.29%	100%	63.54%		a b c d

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	Line Sharing, %	D	95.63%		96.02%		96.02%		95.74%		a b c d
OP-3	Line Sharing, %	ND	99.34%	98.76%	99.57%	99.43%	99.61%	99.03%	99.42%	96.98%	
OP-3	LIS Trunk, %		85.71%	95.00%	96.15%	92.31%	87.23%	97.14%	98.53%	96.43%	
OP-3	PBX, %	D	85.29%		88.24%		75.86%		96.67%		a b c d
OP-3	PBX, %	ND	100%	100%	100%		100%		100%	100%	a b c d
OP-3	PBX, %		85.25%	0%	77.78%		78.33%	100%	74.36%		a b c d
OP-3	Qwest DSL, %	ND	99.75%	100%	99.33%	100%	99.64%	100%	98.95%	96.77%	
OP-3	Qwest DSL, %	D	98.24%	100%	93.47%	100%	96.38%	100%	95.76%	100%	a b c d
OP-3	Qwest DSL, %		92.86%	100%	91.18%		92.59%		92.00%	100%	a b c d
OP-3	Residence, %	D	96.01%	98.49%	96.32%	97.20%	96.31%	98.54%	96.39%	98.28%	
OP-3	Residence, %	ND	99.39%	99.66%	99.59%	99.95%	99.65%	99.87%	99.47%	99.81%	
OP-3	UBL - 2-wire, %		89.60%	99.28%	90.03%	99.33%	90.82%	99.35%	89.44%	99.52%	
OP-3	UBL - 4-wire, %		85.46%	100%	89.74%	100%	86.11%	100%	91.73%	100%	b d
OP-3	UBL - ADSL Qualified, %		98.25%	100%	93.47%	100%	96.39%		95.70%		c d
OP-3	UBL - DS1 Capable, %		85.46%	88.89%	89.74%	95.65%	86.11%	96.81%	91.73%	96.97%	
OP-3	UBL - DS3 Capable, %		90.32%		91.23%		77.03%		81.71%		a b c d
OP-3	UBL Analog, %	D	95.63%								a b c d
OP-3	UBL Analog, %		95.63%	99.00%	96.02%	98.79%	96.02%	99.04%	95.74%	98.52%	
OP-3	UBL Conditioned, %			91.76%		89.37%		95.06%		60.48%	
OP-3	UBL ISDN Capable, %		89.60%	94.06%	90.03%	96.90%	90.82%	94.69%	89.44%	96.75%	
OP-3	UDIT Above DS1 Level, %		90.32%		91.23%	0%	77.03%	100%	81.71%	100%	a b c d
OP-3	UDIT DS1, %		85.46%		89.74%	100%	86.11%	100%	91.73%	100%	a b c d
OP-3	UNE-P, POTS, %	D	95.63%	96.27%	96.02%	99.17%	96.02%	98.52%	95.74%	93.33%	
OP-3	UNE-P, POTS, %	ND	99.34%	99.69%	99.57%	99.50%	99.61%	99.63%	99.42%	99.52%	
OP-3	UNE-P, Centrex, %	D	91.30%	95.17%	66.67%	94.88%	86.21%	96.53%	67.57%	99.15%	
OP-3	UNE-P, Centrex, %	ND	100%	97.56%	87.50%	98.90%	83.33%	99.21%	100%	96.20%	
OP-3	UNE-P, Centrex 21, %	D	92.86%	88.89%	91.90%	100%	86.93%	87.50%	92.62%	92.86%	c
OP-3	UNE-P, Centrex 21, %	ND	99.66%	100%	96.95%	98.91%	99.36%	100%	96.93%	100%	
OP-4	**Installation Interval**										
OP-4	Basic Rate ISDN, Avg Days	D	6.44		2.64		3.45		3.30		a b c d
OP-4	Basic Rate ISDN, Avg Days	ND			0.50		1.00	3.43			a b c d
OP-4	Basic Rate ISDN, Avg Days		10.02	4.00	14.86		9.82		13.00	3.50	a b c d
OP-4	Business, Avg Days	D	5.70	3.14	5.69	3.64	5.74	3.41	5.94	4.25	
OP-4	Business, Avg Days	ND	3.58	1.73	4.74	2.55	3.67	1.76	4.75	1.82	

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	Centrex 21, Avg Days	ND	3.41	4.76	3.29	3.20	3.75	2.40	8.32		b c d
OP-4	Centrex 21, Avg Days	D	8.30	9.00	7.91	5.00	7.40	6.00	6.31	3.00	a b c d
OP-4	Centrex, Avg Days	D	6.25		11.77		9.30		17.05		a b c d
OP-4	Centrex, Avg Days	ND	1.00		0.88		4.50		1.00		a b c d
OP-4	DS0, Avg Days	D	9.10		3.00						a b c d
OP-4	DS0, Avg Days	ND	3.40	4.00	0.00						a b c d
OP-4	DS0, Avg Days		10.48	5.10	13.62	5.73	6.53	5.47	8.96	5.16	a
OP-4	DS1, Avg Days		15.82		16.53		13.97	24.00	11.52		a b c d
OP-4	DS3, Avg Days		18.13		14.10		23.81		19.19		a b c d
OP-4	E911, Avg Days				18.00				24.00	22.00	a b c d
OP-4	EELs, Avg Days			7.73		8.24		7.48		6.78	
OP-4	Frame Relay, Avg Days		10.78		10.25		21.00		13.33		a b c d
OP-4	ISDN Primary, Avg Days	D	2.50				7.00		5.00		a b c d
OP-4	ISDN Primary, Avg Days	ND	16.80		24.00		3.40		0.00		a b c d
OP-4	ISDN Primary, Avg Days		27.33	8.00	20.33		33.61	6.00	24.16		a b c d
OP-4	Line Sharing, Avg Days	ND	3.55	3.07	3.66	3.02	3.53	3.01	3.78	3.33	
OP-4	Line Sharing, Avg Days	D	5.94		5.85		5.89		5.67		a b c d
OP-4	LIS Trunk, Avg Days		21.03	17.63	24.76	18.76	22.50	17.93	14.59	18.60	
OP-4	PBX, Avg Days	D	5.47	9.00	6.17		9.73		5.20		a b c d
OP-4	PBX, Avg Days	ND	2.00	3.00	1.25		1.86		1.75		a b c d
OP-4	PBX, Avg Days		16.36	2.00	18.86		14.64	11.67	18.31		a b c d
OP-4	Qwest DSL, Avg Days	D	9.67	7.00	6.52	5.00	5.29	8.00	5.28	5.67	a b c d
OP-4	Qwest DSL, Avg Days	ND	9.31	6.25	4.87	3.90	4.89	4.89	4.85	5.25	
OP-4	Qwest DSL, Avg Days		5.93	5.00	3.90		5.28		5.25	3.00	a b c d
OP-4	Residence, Avg Days	D	6.00	3.48	5.89	3.29	5.92	2.88	5.60	3.03	
OP-4	Residence, Avg Days	ND	3.55	1.83	3.62	1.76	3.53	1.70	3.76	1.83	
OP-4	UBL - 2-wire, Avg Days		9.63	3.75	14.37	3.86	9.56	3.75	12.82	3.38	
OP-4	UBL - 4-wire, Avg Days		15.82	3.38	16.53	3.00	13.97	3.67	11.52	4.00	a b d
OP-4	UBL - ADSL Qualified, Avg Days		9.65	4.06	6.52	3.75	5.29		5.28		c d
OP-4	UBL - DS1 Capable, Avg Days		15.82	8.56	16.53	8.32	13.97	8.47	11.52	8.15	
OP-4	UBL - DS3 Capable, Avg Days		18.13		14.10		23.81		19.19		a b c d
OP-4	UBL Analog, Avg Days	D	5.94								a b c d
OP-4	UBL Analog, Avg Days		5.94	4.71	5.85	4.71	5.89	4.79	5.67	4.94	
OP-4	UBL Conditioned, Avg Days			5.05		5.30		7.68		8.39	

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	UBL ISDN Capable, Avg Days		9.63	4.41	14.37	4.06	9.56	4.20	12.82	4.07	
OP-4	UDIT Above DS1 Level, Avg Days		18.13	12.00	14.10	21.67	23.81	12.00	19.19	11.60	a b c d
OP-4	UDIT DS1, Avg Days		15.82		16.53	7.33	13.97	8.00	11.52	8.00	a b c d
OP-4	UNE-P, POTS, Avg Days	D	5.94	4.49	5.85	4.40	5.89	5.01	5.67	4.96	
OP-4	UNE-P, POTS, Avg Days	ND	3.55	2.25	3.66	3.80	3.53	2.68	3.78	3.23	
OP-4	UNE-P, Centrex, Avg Days	ND	1.00	4.63	0.88	4.01	4.50	4.64	1.00	4.16	
OP-4	UNE-P, Centrex, Avg Days	D	6.25	6.32	11.77	5.44	9.30	5.52	17.05	4.58	
OP-4	UNE-P, Centrex 21, Avg Days	ND	3.41	4.15	3.29	3.22	3.75	3.00	8.32		c d
OP-4	UNE-P, Centrex 21, Avg Days	D	8.30	6.11	7.91	5.89	7.40	6.56	6.31	4.50	c
OP-5	**New Service Installation Quality**										
OP-5	Basic Rate ISDN, %		84.91%	100%	84.07%	100%	89.97%	100%	92.02%	100%	a b c d
OP-5	Business, %		83.31%	92.31%	82.93%	86.67%	83.00%	89.04%	85.67%	93.44%	
OP-5	Centrex 21, %		63.73%	92.86%	65.94%	77.78%	69.39%	83.33%	74.12%	90.91%	
OP-5	Centrex, %		72.73%		89.74%		44.74%		70.27%		a b c d
OP-5	DS0, %		70.59%	75.61%	63.04%	56.00%	46.84%	81.48%	41.07%	67.57%	
OP-5	DS1, %		89.03%	0%	88.60%	0%	89.49%	0%	88.68%	100%	a b c d
OP-5	DS3, %		98.84%		100%		92.22%		100%		a b c d
OP-5	E911, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d
OP-5	EELs, %			90.11%		86.81%		87.19%		80.65%	
OP-5	Frame Relay, %		90.76%		94.26%		93.56%		92.82%	0%	a b c d
OP-5	ISDN Primary, %		96.47%	100%	97.83%	100%	97.80%	100%	96.63%	100%	a b c d
OP-5	Line Sharing, %		84.22%	94.81%	83.82%	95.10%	84.40%	95.09%	86.19%	92.36%	
OP-5	LIS Trunk, %		90.32%	92.59%	90.91%	100%	100%	94.29%	93.85%	100%	
OP-5	PBX, %		85.11%	100%	86.33%	100%	88.41%	100%	80.00%	50.00%	a b c d
OP-5	Qwest DSL, %		99.77%	100%	99.75%	95.56%	99.84%	100%	99.80%	100%	
OP-5	Residence, %		84.33%	92.83%	83.92%	93.30%	84.54%	92.50%	86.24%	94.56%	
OP-5	Sub-Loop Unbundling, %			100%							a b c d
OP-5	UBL - 2-wire, %		84.91%	97.74%	84.07%	98.03%	89.97%	98.18%	92.02%	95.29%	
OP-5	UBL - 4-wire, %		89.03%	81.25%	88.60%	100%	89.49%	85.71%	88.68%	92.86%	b
OP-5	UBL - ADSL Qualified, %		99.15%	100%	99.05%	100%	99.37%	100%	99.15%		c d
OP-5	UBL - DS1 Capable, %		89.03%	90.18%	88.60%	83.93%	89.49%	84.38%	88.68%	87.02%	
OP-5	UBL - DS3 Capable, %		98.84%		100%		92.22%		100%		a b c d
OP-5	UBL Analog, %		60.48%	96.03%	58.98%	95.46%	58.99%	95.94%	63.59%	96.27%	
OP-5	UBL ISDN Capable, %		84.91%	92.42%	84.07%	93.75%	89.97%	92.54%	92.02%	93.02%	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5	UDIT Above DS1 Level, %		98.84%	100%	100%	100%	92.22%	100%	100%	66.67%	a b c d
OP-5	UDIT DS1, %		89.03%	100%	88.60%	50.00%	89.49%	100%	88.68%	100%	a b c d
OP-5	UNE-P, POTS, %		84.22%	95.14%	83.82%	93.64%	84.40%	93.63%	86.19%	94.72%	
OP-5	UNE-P, Centrex, %		72.73%	84.87%	89.74%	82.76%	44.74%	89.66%	70.27%	89.02%	
OP-5	UNE-P, Centrex 21, %		63.73%	91.59%	65.94%	93.90%	69.39%	99.38%	74.12%	76.67%	
OP-5*	Basic Rate ISDN, %		91.56%	100%	90.08%	100%	94.58%	100%			a b c d
OP-5*	Business, %		86.19%	94.02%	85.84%	87.78%	86.37%	90.41%			d
OP-5*	Centrex 21, %		69.72%	92.86%	72.68%	83.33%	75.00%	83.33%			d
OP-5*	Centrex, %		72.73%		92.31%		68.42%				a b c d
OP-5*	DS0, %		82.35%	82.93%	80.43%	92.00%	65.82%	92.59%			d
OP-5*	DS1, %		93.97%	0%	92.32%	0%	92.97%	0%			a b c d
OP-5*	DS3, %		100%		100%		97.78%				a b c d
OP-5*	E911, %		100%	100%	100%	100%	100%	100%			a b c d
OP-5*	EELs, %			94.51%		90.97%		90.64%			d
OP-5*	Frame Relay, %		94.38%		96.31%		94.85%				a b c d
OP-5*	ISDN Primary, %		97.35%	100%	99.18%	100%	99.37%	100%			a b c d
OP-5*	Line Sharing, %		86.69%	96.68%	86.21%	97.84%	86.76%	96.42%			d
OP-5*	LIS Trunk, %		90.32%	96.30%	90.91%	100%	100%	94.29%			d
OP-5*	PBX, %		87.94%	100%	90.65%	100%	90.58%	100%			a b c d
OP-5*	Qwest DSL, %		99.82%	100%	99.86%	97.78%	99.90%	100%			d
OP-5*	Residence, %		86.75%	93.66%	86.26%	94.21%	86.80%	93.19%			d
OP-5*	Sub-Loop Unbundling, %			100%							a b c d
OP-5*	UBL - 2-wire, %		91.56%	98.31%	90.08%	98.68%	94.58%	100%			d
OP-5*	UBL - 4-wire, %		93.97%	87.50%	92.32%	100%	92.97%	92.86%			b d
OP-5*	UBL - ADSL Qualified, %		99.32%	100%	99.45%	100%	99.61%	100%			c d
OP-5*	UBL - DS1 Capable, %		93.97%	92.86%	92.32%	85.71%	92.97%	89.84%			d
OP-5*	UBL - DS3 Capable, %		100%		100%		97.78%				a b c d
OP-5*	UBL Analog, %		66.66%	97.42%	65.05%	96.86%	65.18%	97.55%			d
OP-5*	UBL ISDN Capable, %		91.56%	93.18%	90.08%	94.53%	94.58%	95.52%			d
OP-5*	UDIT Above DS1 Level, %		100%	100%	100%	100%	97.78%	100%			a b c d
OP-5*	UDIT DS1, %		93.97%	100%	92.32%	100%	92.97%	100%			a b c d
OP-5*	UNE-P, POTS, %		86.69%	96.03%	86.21%	95.01%	86.76%	94.73%			d
OP-5*	UNE-P, Centrex, %		72.73%	88.43%	92.31%	87.46%	68.42%	91.22%			d
OP-5*	UNE-P, Centrex 21, %		69.72%	93.46%	72.68%	96.24%	75.00%	99.38%			d

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6A	**Delayed Days for Non-Facility Reasons**										
OP-6A	Basic Rate ISDN, Avg Days	D	12.50		1.00		2.50		2.00		a b c d
OP-6A	Basic Rate ISDN, Avg Days	ND	15.50								a b c d
OP-6A	Basic Rate ISDN, Avg Days		10.00		10.65		12.00		15.62		a b c d
OP-6A	Business, Avg Days	D	5.78		4.98	1.00	5.94	6.00	6.31		a b c d
OP-6A	Business, Avg Days	ND	6.50		55.62		8.17		46.74		a b c d
OP-6A	Centrex 21, Avg Days	D	4.33		2.61		3.71		5.50		a b c d
OP-6A	Centrex 21, Avg Days	ND	4.00		3.80		8.50		3.00		a b c d
OP-6A	Centrex, Avg Days	D	3.00		20.60		31.67		20.58		a b c d
OP-6A	Centrex, Avg Days	ND			1.00		1.00				a b c d
OP-6A	DS0, Avg Days	D	14.00								a b c d
OP-6A	DS0, Avg Days	ND	95.00								a b c d
OP-6A	DS0, Avg Days		13.24	6.50	28.80	4.50	13.25	12.00	9.00	1.25	a b c d
OP-6A	DS1, Avg Days		22.39		16.63	23.00	16.11		14.50		a b c d
OP-6A	DS3, Avg Days		24.14		25.73		27.26		22.10		a b c d
OP-6A	E911, Avg Days				10.00						a b c d
OP-6A	EELs, Avg Days			5.50		8.28		5.52		8.15	
OP-6A	Frame Relay, Avg Days		16.68		16.48		16.41		17.22		a b c d
OP-6A	ISDN Primary, Avg Days	D							2.00		a b c d
OP-6A	ISDN Primary, Avg Days	ND	18.40								a b c d
OP-6A	ISDN Primary, Avg Days		30.39		20.01		57.28		36.96		a b c d
OP-6A	Line Sharing, Avg Days	D	3.78	1.00	4.26	2.43	4.61		5.03		a b c d
OP-6A	Line Sharing, Avg Days	ND	4.40	3.25	14.34	4.00	4.78	2.00	9.48	9.50	a b c d
OP-6A	LIS Trunk, Avg Days		8.50	17.00	30.00	10.50	30.38	1.00	13.20	13.50	a b c d
OP-6A	PBX, Avg Days	D	6.25		2.00		3.20		1.00		a b c d
OP-6A	PBX, Avg Days	ND	24.00								a b c d
OP-6A	PBX, Avg Days		23.56	1.00	20.77		15.78	10.00	29.97		a b c d
OP-6A	Qwest DSL, Avg Days	D	7.62		4.47		4.77		3.48		a b c d
OP-6A	Qwest DSL, Avg Days	ND	17.33		3.92		5.45		8.53	2.00	a b c d
OP-6A	Qwest DSL, Avg Days		8.00		4.67		1.50		5.00		a b c d
OP-6A	Residence, Avg Days	ND	4.16	3.00	9.59	14.00	4.28	21.67	4.82	1.00	a b c d
OP-6A	Residence, Avg Days	D	2.80	10.00	3.94	2.50	3.80	2.33	4.15	3.00	a b c d
OP-6A	Sub-Loop Unbundling, Avg Days	D									a b c d
OP-6A	UBL - 2-wire, Avg Days		10.40	1.00	10.43	16.00	11.37	1.00	15.17	2.00	a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6A	UBL - 4-wire, Avg Days		22.39		16.63		16.11		14.50		a b c d
OP-6A	UBL - ADSL Qualified, Avg Days		7.62		4.47		4.77		3.51		a b c d
OP-6A	UBL - DS1 Capable, Avg Days		22.39	7.55	16.63	9.60	16.11	8.75	14.50	12.33	b c d
OP-6A	UBL - DS3 Capable, Avg Days		24.14		25.73		27.26		22.10		a b c d
OP-6A	UBL Analog, Avg Days		3.78	4.97	4.26	7.95	4.61	8.44	5.03	5.60	
OP-6A	UBL Analog, Avg Days	D	3.78								a b c d
OP-6A	UBL ISDN Capable, Avg Days		10.40	8.67	10.43	6.20	11.37	3.00	15.17	4.00	a b c d
OP-6A	UDIT Above DS1 Level, Avg Days		24.14		25.73	11.50	27.26		22.10		a b c d
OP-6A	UDIT DS1, Avg Days		22.39		16.63		16.11		14.50		a b c d
OP-6A	UNE-P, POTS, Avg Days	D	3.78	2.17	4.26		4.61	10.50	5.03	1.50	a b c d
OP-6A	UNE-P, POTS, Avg Days	ND	4.40	6.33	14.34	19.33	4.78	2.75	9.48	8.40	a b c d
OP-6A	UNE-P, Centrex, Avg Days	D	3.00	15.78	20.60	2.14	31.67	2.25	20.58		a b c d
OP-6A	UNE-P, Centrex, Avg Days	ND		2.00	1.00	1.00	1.00	2.00		1.67	a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	ND	4.00		3.80	12.33	8.50		3.00		a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	D	4.33	6.00	2.61		3.71	2.50	5.50	1.00	a b c d
OP-6B	**Delayed Days for Facility Reasons**										
OP-6B	Basic Rate ISDN, Avg Days				34.50		6.20		11.71		a b c d
OP-6B	Business, Avg Days	D	14.12		15.60	5.00	13.47		18.40		a b c d
OP-6B	Business, Avg Days	ND	1.00				5.00				a b c d
OP-6B	Centrex 21, Avg Days	D	12.42		16.63		11.07		9.60		a b c d
OP-6B	Centrex, Avg Days	D					34.00				a b c d
OP-6B	DS0, Avg Days								1.00	6.00	a b c d
OP-6B	DS1, Avg Days		15.00		30.54		15.67		15.33		a b c d
OP-6B	DS3, Avg Days										a b c d
OP-6B	EELs, Avg Days			2.00		9.50		6.86		7.20	a b c d
OP-6B	Frame Relay, Avg Days		20.67		21.50		8.50		26.00		a b c d
OP-6B	ISDN Primary, Avg Days						38.44		35.50		a b c d
OP-6B	Line Sharing, Avg Days	D	12.04	14.00	12.89	7.75	11.80	5.00	12.66	8.40	a b c d
OP-6B	Line Sharing, Avg Days	ND	6.41	7.11	6.09	5.57	4.00	5.22	7.00	7.57	a b c
OP-6B	PBX, Avg Days	D	30.00				8.00				a b c d
OP-6B	PBX, Avg Days								37.00		a b c d
OP-6B	Qwest DSL, Avg Days	D	10.00		9.29		5.00		9.00		a b c d
OP-6B	Residence, Avg Days	D	11.46	5.20	12.14	9.14	11.52	5.00	10.96	12.00	a b c d
OP-6B	Residence, Avg Days	ND	6.75	1.50	6.09		3.89		7.00		a b c d

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6B	UBL - 2-wire, Avg Days				34.50		6.20		11.71		a b c d
OP-6B	UBL - 4-wire, Avg Days		15.00		30.54		15.67		15.33		a b c d
OP-6B	UBL - ADSL Qualified, Avg Days		10.00		9.29		5.00		9.00		a b c d
OP-6B	UBL - DS1 Capable, Avg Days		15.00	1.00	30.54	3.00	15.67	1.00	15.33	4.00	a b c d
OP-6B	UBL Analog, Avg Days	D	12.04								a b c d
OP-6B	UBL Analog, Avg Days		12.04	1.00	12.89	13.50	11.80		12.66	10.00	a b c d
OP-6B	UBL ISDN Capable, Avg Days			3.00	34.50	9.00	6.20	4.50	11.71	8.00	a b c d
OP-6B	UDIT DS1, Avg Days		15.00		30.54		15.67		15.33		a b c d
OP-6B	UNE-P, POTS, Avg Days	D	12.04		12.89	11.00	11.80		12.66	6.00	a b c d
OP-6B	UNE-P, POTS, Avg Days	ND	6.41		6.09	13.00	4.00	2.00	7.00		a b c d
OP-6B	UNE-P, Centrex, Avg Days	D		6.00		11.50	34.00	9.67		5.00	a b c d
OP-6B	UNE-P, Centrex 21, Avg Days	D	12.42	2.00	16.63		11.07		9.60		a b c d
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**										
OP-7	Analog, Hrs:Min			0:03		0:03		0:03		0:03	
OP-7	Other, Hrs:Min							0:05			a b c d
OP-8	**Number Portability Timeliness**										
OP-8B	LNP, %			99.89%		100%		99.32%		98.47%	
OP-8C	% LNP Triggers Set Prior to the Frame Due Time, LNP%			99.33%		99.75%		99.61%		99.49%	
OP-13	**Coordinated Cuts - Unbundled Loop**										
OP-13A	Completed on Time, UBL - Analog, %			99.51%		99.78%		98.83%		99.50%	
OP-13A	Completed on Time, UBL Other, %			96.35%		97.20%		97.40%		97.62%	
OP-13B	Started Without CLEC Approval, UBL - Analog, %			0.25%		0.22%		0.47%		0%	
OP-13B	Started Without CLEC Approval, UBL Other, %			0%		0%		0%		1.59%	
OP-15A	**Interval for Pending Orders Delayed Past Due Date**										
OP-15A	Basic Rate ISDN, Avg Days		143.56		164.88		192.45		197.57		a b c d
OP-15A	Business, Avg Days		104.60	10.50	105.92		112.18		110.81		a b c d
OP-15A	Centrex 21, Avg Days		102.20		112.11		124.33		127.41		a b c d
OP-15A	Centrex, Avg Days		88.13		111.85		140.43		127.53		a b c d
OP-15A	DS0, Avg Days		225.48		273.95		249.32		282.41	8.00	a b c d
OP-15A	DS1, Avg Days		75.77	9.00	77.89		73.55		72.42		a b c d
OP-15A	DS3, Avg Days		73.97		47.14		59.62		57.04		a b c d
OP-15A	E911, Avg Days								200.50		a b c d
OP-15A	EELs, Avg Days			10.18		10.37		13.13		9.63	d

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15A	Frame Relay, Avg Days		55.15		60.26		60.25		91.06		a b c d
OP-15A	ISDN Primary, Avg Days		128.19		174.20		213.20		61.95		a b c d
OP-15A	Line Sharing, Avg Days			24.89		12.17		3.57		4.13	a
OP-15A	LIS Trunk, Avg Days					0.00		7.67		30.00	a b c d
OP-15A	PBX, Avg Days		97.17		69.69		90.59		111.50		a b c d
OP-15A	Residence, Avg Days		103.84	58.76	114.28	125.82	126.89	90.17	117.42	117.36	
OP-15A	UBL - 2-wire, Avg Days		143.56	63.10	164.88	5.75	192.45	13.83	197.57	11.33	a b c
OP-15A	UBL - 4-wire, Avg Days		75.77		77.89		73.55	8.00	72.42		a b c d
OP-15A	UBL - DS1 Capable, Avg Days		75.77	10.75	77.89	4.60	73.55	4.00	72.42	17.00	a b c d
OP-15A	UBL - DS3 Capable, Avg Days		73.97		47.14		59.62		57.04		a b c d
OP-15A	UBL Analog, Avg Days		81.88	19.50	88.06	5.63	102.38	4.82	109.43	4.14	a
OP-15A	UBL ISDN Capable, Avg Days		143.56	11.80	164.88	14.00	192.45		197.57	14.00	a b c d
OP-15A	UDIT Above DS1 Level, Avg Days		73.97		47.14		59.62		57.04	5.00	a b c d
OP-15A	UDIT DS1, Avg Days		75.77	208.00	77.89	230.00	73.55	323.00	72.42	343.00	a b c d
OP-15A	UNE-P, POTS, Avg Days		104.06	71.00	111.67	61.00	122.15	67.56	115.35	54.50	a b c d
OP-15A	UNE-P, Centrex, Avg Days		88.13	200.09	111.85	242.08	140.43	144.70	127.53	172.50	
OP-15A	UNE-P, Centrex 21, Avg Days		102.20	10.00	112.11		124.33		127.41	12.00	a b c d
OP-15B	**Pending Orders Delayed for Facilities Reasons**										
OP-15B	Basic Rate ISDN%		13		11		16		17		a b c d
OP-15B	Business		161	1	166		180		140		a b c d
OP-15B	Centrex 21		16		13		11		8		a b c d
OP-15B	Centrex		3		3		1		2		a b c d
OP-15B	DS0		10		7		14		6	0	a b c d
OP-15B	DS1		38	0	33		88		96		a b c d
OP-15B	DS3		7		6		16		13		a b c d
OP-15B	E911								0		a b c d
OP-15B	EELs			4		5		15		7	a b c d
OP-15B	Frame Relay		13		11		27		22		a b c d
OP-15B	ISDN Primary		11		6		14		8		a b c d
OP-15B	Line Sharing			7		28		61		93	a b c d
OP-15B	LIS Trunk					0		1		1	a b c d
OP-15B	PBX		1		2		9		6		a b c d
OP-15B	Residence		428	6	429	2	354	2	278	1	a b c d
OP-15B	Sub-Loop Unbundling										a b c d

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15B	UBL - 2-wire		13	0	11	0	16	5	17	11	a b c d
OP-15B	UBL - 4-wire		38		33		88	0	96		a b c d
OP-15B	UBL - DS1 Capable		38	1	33	1	88	1	96	2	a b c d
OP-15B	UBL - DS3 Capable		7		6		16		13		a b c d
OP-15B	UBL Analog		395	3	380	2	307	8	261	19	a b c d
OP-15B	UBL ISDN Capable		13	1	11	0	16		17	2	a b c d
OP-15B	UDIT Above DS1 Level		7		6		16		13	0	a b c d
OP-15B	UDIT DS1		38	0	33	0	88	0	96	0	a b c d
OP-15B	UNE-P, POTS		589	1	595	0	534	1	418	0	a b c d
OP-15B	UNE-P, Centrex		3	5	3	3	1	4	2	3	a b c d
OP-15B	UNE-P, Centrex 21		16	0	13		11		8	0	a b c d
OP-17	**Timeliness of Disconnects associated with LNP Orders**										
OP-17A	LNP, %			99.96%		99.99%		100%		100%	
OP-17B	LNP, %			100%		100%		100%		100%	
OPERATOR SERVICES											
OS-1	**Speed of Answer - Operator Services**										
OS-1	Average Seconds		9.26		9.86		8.92		8.69		a b c d
PRE-ORDER/ORDER											
PO-1	**Pre-Order/Order Response Times**										
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec			0.55		0.57		0.55		0.56	
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec			2.44		2.6		2.24		1.77	
PO-1A-1Total	Appt. Sched, GUI Aggr, Avg Sec			2.99		3.17		2.79		2.33	
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec			0.51		0.52		0.51		0.5	
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec			5.66		6.11		6.37		6.75	
PO-1A-2Total	Service Avail, GUI Aggr, Avg Sec			6.17		6.63		6.89		7.25	
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec			0.7		0.72		0.7		0.7	
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec			7.41		7.73		7.63		7.48	
PO-1A-3Total	Facility Check, GUI Aggr, Avg Sec			8.11		8.45		8.33		8.18	
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec			1.3		1.32		1.34		1.31	
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec			4.64		4.65		4.67		5.1	
PO-1A-4Total	Address Validation, GUI Aggr, Avg Sec			5.94		5.97		6.01		6.41	
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec			0.69		0.74		0.72		0.7	
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec			6.55		5.79		5.82		5.59	
PO-1A-5Total	Get CSR, GUI Aggr, Avg Sec			7.23		6.53		6.54		6.28	

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec			0.79		0.82		0.8		0.79	
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec			4.45		4.91		4.69		4.5	
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec			0.65		0.74		0.71		0.66	
PO-1A-6Total	TN Reserv, GUI Aggr, Avg Sec			5.89		6.47		6.2		5.94	
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec			0.95		0.98		0.96		1.05	
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec			8.73		8.09		7.9		5.75	
PO-1A-7Total	Loop Qual Tools, GUI Aggr, Avg Sec			9.68		9.07		8.86		6.8	
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec			0.9		0.98		0.91		0.91	
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec			5.51		6.66		6.09		5.63	
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggr, Avg Sec			6.41		7.64		7		6.54	
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec			0.44		0.44		0.47		0.44	
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec			17.83		18.14		14.1		8.25	
PO-1A-9Total	Connecting Facility Assign, GUI Aggr, Avg Sec			18.28		18.58		14.56		8.69	
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec			0.48		0.48		0.48		0.47	
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec			19.85		19.95		13.51		4.87	
PO-1A-10Total	Meet Point Inquiry, GUI Aggr, Avg Sec			20.34		20.43		14		5.34	
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec			4.77		4.55		3.99		3.55	
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec			6.32		6.09		6.23		6.61	
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec			6.38		5.73		6.75		7.33	
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec			3.11		2.47		2.52		2.88	
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec			3.43		2.01		2.6		2.66	
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec			5.41		5.52		5.06		5.18	
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec			9.23		8.64		9.67		7.24	
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec			6.31		6.11		5.16		5.74	
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec			18.12		16.97		12.37		8.03	
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec			20.77		20.29		13.09		5.41	
PO-1C-1	Timeout, GUI Total, %			0.05%		0.10%		0.02%		0.04%	
PO-1C-2	Timeout, EDI Total, %			0.07%		0%		0.02%		0.24%	
PO-1D-1	Rejected Query, GUI Total, Avg Sec			1.46		1.57		1.36		1.34	
PO-1D-2	Rejected Query, EDI Total, Avg Sec			2.84		3.15		2.15		1.84	
PO-2	**Electronic Flow-through**										
PO-2A-1	GUI, LNP, %			24.42%		26.35%		21.89%		41.68%	
PO-2A-1	GUI, Resale Aggr w/o UNE-P-POTS, %			72.28%		73.92%		77.65%		76.95%	
PO-2A-1	GUI, UBL Aggr, %			46.62%		47.21%		51.59%		50.18%	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-2A-1	GUI, UNE-P, POTS, %			57.49%		59.11%		62.67%		64.80%	
PO-2A-2	EDI, LNP, %			64.34%		63.24%		60.15%		58.90%	
PO-2A-2	EDI, Resale Aggr w/o UNE-P-POTS, %			75.71%		74.05%		78.22%		77.39%	
PO-2A-2	EDI, UBL Aggr, %			52.63%		43.48%		59.56%		54.92%	
PO-2A-2	EDI, UNE-P, POTS, %			48.58%		60.86%		61.89%		66.45%	
PO-2B-1	All Eligible LSRs, GUI, LNP, %			85.59%		90.00%		89.01%		94.74%	
PO-2B-1	All Eligible LSRs, GUI, POTS Resale, %			94.47%		95.43%		96.55%		96.76%	
PO-2B-1	All Eligible LSRs, GUI, UBL Aggr, %			86.09%		90.29%		89.01%		92.27%	
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %			88.64%		85.38%		86.62%		89.73%	
PO-2B-2	All Eligible LSRs, EDI, LNP, %			98.06%		96.55%		93.88%		96.06%	
PO-2B-2	All Eligible LSRs, EDI, POTS Resale, %			97.62%		95.84%		97.63%		97.12%	
PO-2B-2	All Eligible LSRs, EDI, UBL Aggr, %			89.80%		88.54%		94.61%		93.32%	
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %			85.12%		87.69%		90.89%		92.84%	
PO-3	**LSR Rejection Notice Interval**										
PO-3A-1	GUI - Manual Reject, Product Aggr, Hrs:Min			5:00		2:34		3:27		6:49	
PO-3A-2	GUI - Auto-Reject, Product Aggr, Min:Sec			00:04		00:04		00:03		00:03	
PO-3B-1	EDI - Manual Reject, Product Aggr, Hrs:Min			4:25		2:22		3:05		3:15	
PO-3B-2	EDI - Auto-Reject, Product Aggr, Min:Sec			00:06		00:06		00:05		00:05	
PO-3C	Manual and IIS, Product Aggr, Hrs:Min			14:25		11:13		10:40		24:10	
PO-4	**LSRs Rejected**										
PO-4A-1	GUI - Manual Reject, Product Aggr, %			4.36%		2.25%		2.41%		2.20%	
PO-4A-2	GUI - Auto-Reject, Product Aggr, %			31.30%		32.17%		31.07%		31.56%	
PO-4B-1	EDI - Manual Reject, Product Aggr, %			8.19%		4.46%		4.57%		4.67%	
PO-4B-2	EDI - Auto-Reject, Product Aggr, %			24.11%		24.10%		20.28%		20.79%	
PO-4C	Facsimile , Product Aggr, %			11.84%		10.96%		12.06%		17.86%	
PO-5	**Firm Order Confirmations (FOCs) On Time**										
PO-5A-1(a)	Fully Electronic, GUI, Resale Aggr, %			98.95%		99.94%		99.96%		99.97%	
PO-5A-1(b)	Fully Electronic, GUI, UBL Aggr, %			100%		99.78%		100%		100%	
PO-5A-1(c)	Fully Electronic, GUI, LNP, %			100%		97.12%		100%		99.63%	
PO-5A-2(a)	Fully Electronic, EDI, Resale Aggr, %			98.61%		99.87%		99.93%		100%	
PO-5A-2(b)	Fully Electronic, EDI, UBL Aggr, %			99.69%		99.80%		100%		99.74%	
PO-5A-2(c)	Fully Electronic, EDI, LNP, %			99.97%		100%		100%		100%	
PO-5B-1(a)	Elec/Manual, GUI, Resale Aggr, %			98.48%		98.09%		97.11%		97.68%	
PO-5B-1(b)	Elec/Manual, GUI, UBL Aggr, %			99.59%		99.40%		99.08%		98.61%	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-5B-1(c)	Elec/Manual, GUI, LNP, %			100%		99.63%		98.74%		100%	
PO-5B-2(a)	Elec/Manual, EDI, Resale Aggr, %			97.90%		99.95%		99.74%		99.84%	
PO-5B-2(b)	Elec/Manual, EDI, UBL Aggr, %			98.97%		99.06%		99.24%		98.58%	
PO-5B-2(c)	Elec/Manual, EDI, LNP, %			99.94%		100%		100%		99.96%	
PO-5C-(a)	Manual, Resale Aggr, %			99.12%		98.38%		99.25%		98.68%	
PO-5C-(b)	Manual, UBL Aggr, %			100%		100%		100%		100%	
PO-5C-(c)	Manual, LNP, %			98.36%		100%		100%		98.51%	
PO-5D	LIS Trunk, %			100%		100%		100%		100%	
PO-6	**Work Completion Notification Timeliness**										
PO-6A	IMA - GUI, All, Hrs:Min			0:25		1:00		0:52		0:50	
PO-6B	IMA - EDI, All, Hrs:Min			0:33		0:45		1:25		1:16	
PO-7	**Billing Completion Notification Timeliness**										
PO-7A-C	IMA - GUI, All, %		97.47%	98.23%	98.09%	97.57%	98.44%	97.65%	98.45%	99.54%	
PO-7B-C	IMA - EDI, All, %		97.47%		98.09%		98.44%		98.45%		a b c d
PO-8	**Jeopardy Notice Interval**										
PO-8A	Non-Designed Services, Avg Days		6.08	3.14	5.70	3.85	5.99	2.43	5.68	1.73	c
PO-8B	UBLs and LNP, Avg Days		6.08	4.96	5.70	5.37	5.99	4.89	5.68	4.54	
PO-8C	LIS Trunk, Avg Days				3.00	0.00	14.00			18.00	a b c d
PO-8D	UNE-P, POTS, Avg Days		6.08	2.00	5.70	2.50	5.99	8.50	5.68	0.50	a b c d
PO-9	**Timely Jeopardy Notices**										
PO-9A	Non-Designed Services, %		20.32%	21.43%	22.80%	35.71%	24.23%	22.22%	19.61%	9.09%	c
PO-9B	UBLs and LNP, %		20.32%	2.96%	22.80%	5.68%	24.23%	16.13%	19.61%	18.18%	
PO-9C	LIS Trunk, %		0%		33.33%		25.00%	0%	0%	0%	a b c d
PO-9D	UNE-P, POTS, %		20.32%	0%	22.80%	12.50%	24.23%	0%	19.61%	8.33%	a b c
PO-10	**LSR Accountability**										
PO-10	Product Aggr, %			100%		100%		100%		100%	
PO-15	**Number of Due Date Changes per Order**										
PO-15	All, Avg Days		0.07	0.08	0.03	0.07	0.03	0.07	0.03	0.12	
PO-16	**Timely Release Notifications**										
PO-16	Default, %					100%		100%		100%	a b c d
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**										
PO-19	SATE Accuracy, %			98.95%							b c d
PO-19A	SATE Accuracy, Rel. 10.0, %					100%		98.45%		98.45%	a
PO-19A	SATE Accuracy, Rel. 8.0, %					100%		99.47%		98.94%	a

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-19A	SATE Accuracy, Rel. 9.0, %					99.47%		100%		98.94%	a
PO-19A	SATE Accuracy, Rel. VICKI, %					100%		100%		100%	a
PO-19B	SATE Accuracy, %					99.16%					a c d
PO-20	**Manual Service Order Accuracy**										
PO-20	POTS Resale, %			90.25%		90.58%		92.78%		96.88%	
PO-20	UBL Aggr, %			96.46%		95.20%		95.16%		94.42%	

Metric Number:
* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting
D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:
a = Sample size less than or equal to 10 in June 2002
b = Sample size less than or equal to 10 in July 2002
c = Sample size less than or equal to 10 in August 2002
d = Sample size less than or equal to 10 in September 2002

Appendix C

Idaho Performance Metrics

The data in this appendix are taken from Qwest November 15 Ex Parte Letter Attach. 1 (Statewide Average Performance Summary, CO, ID, IA, MT, NE, ND, UT, WA, WY, May-Sept 2002). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Ctr
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
BILLING											
BI-1	**Time to Provide Recorded Usage Records**										
BI-1A	UNEs and Resale Aggr, Avg Days		7.11	2.25	7.02	2.38	7.21	2.20	5.33	1.89	
BI-1B	Jointly-provided Switched Access, %			97.39%		99.90%		99.99%		98.72%	
BI-1C-1	[CAT11], UNEs and Resale Aggr, Avg Days		7.11	2.26	7.02	2.37	7.21	2.19	5.33	1.89	
BI-1C-2	[CAT10], UNEs and Resale Aggr, Avg Days		7.11	1.40	7.02	2.51	7.21	2.74	5.33	2.18	
BI-2	**Invoices Delivered within 10 Days**										
BI-2	All, %			100%		100%		100%		99.98%	
BI-3	**Billing Accuracy - Adjustments for Errors**										
BI-3A	UNEs and Resale Aggr, %		98.82%	99.36%	98.61%	99.41%	99.62%	99.56%	99.69%	99.28%	
BI-3B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-4	**Billing Completeness**										
BI-4A	UNEs and Resale Aggr, %		99.37%	96.81%	99.28%	95.80%	99.54%	99.07%	99.31%	98.47%	
BI-4B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-5	**Billing Accuracy & Claims Processing**										
BI-5A	Acknowledgment, All, %			91.30%		89.52%		100%		99.70%	
BI-5B	Resolution, All, %			90.18%		74.66%		96.38%		100%	
COLLOCATION											
CP-1	**Collocation Completion Interval**										
CP-1A	90 Calendar Days or Less, All, Avg Days							64.00			a b c d
CP-2	**Collocations Completed within Scheduled Intervals**										
CP-2B	Non-Forecasted & Late Forecasted , All, %							100%			a b c d
CP-4	**Collocation Feasibility Study Commitments Met**										
CP-4	All, %			100%							a b c d
DIRECTORY ASSISTANCE											
DA-1	**Speed of Answer - Directory Assistance**										
DA-1	Average Seconds		8.54		8.77		8.36		8.68		a b c d
DATABASE UPDATES											
DB-1	**Time to Update Databases**										
DB-1A	E911, Hrs:Min			2:27		1:11		0:44		0:37	
DB-1B	LIDB, Avg Sec			1.47		1.32		1.26		1.27	
DB-1C-1	Directory Listing, Avg Sec			0.09		0.11		0.09		0.1	
DB-2	**Accurate Database Updates**										
DB-2C-1	Directory Listing, %			96.00%		96.65%		96.79%		94.29%	
ELECTRONIC GATEWAY AVAILABILITY											

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
GA-1A	IMA-GUI, All, %			99.93%		100%		98.75%		100%	
GA-1B	IMA-GUI, Fetch-n-Stuff, %			100%		100%		100%		100%	
GA-1C	IMA-GUI, Data Arbiter, %			100%		100%		99.96%		100%	
GA-1D	IMA-GUI, SIA, %			100%		99.55%		100%		99.95%	
GA-2	IMA-EDI, %			99.93%		100%		98.26%		99.80%	
GA-3	EB-TA, %			100%		99.54%		99.31%		99.94%	
GA-4	EXACT, %			99.93%		100%		100%		100%	
GA-6	GUI - Repair, %			100%		99.50%		99.92%		100%	
GA-7	Timely Outage Resolution following Software Releases , %							100%			a b c d
MAINTENANCE AND REPAIR											
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**										
MR-2	All, %		78.59%	80.32%	78.57%	78.71%	84.85%	87.02%	86.24%	85.75%	
MR-3	**Out of Service Cleared within 24 Hours**										
MR-3	Basic Rate ISDN, %	D	93.75%		100%		90.91%		100%		a b c d
MR-3	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-3	Business, %	D	92.54%	100%	94.32%	100%	92.88%		93.09%	100%	a b c d
MR-3	Business, %	ND	100%	100%	97.78%		98.75%	100%	98.63%		a b c d
MR-3	Centrex 21, %	D	94.92%	100%	97.22%		98.00%		89.83%		a b c d
MR-3	Centrex 21, %	ND	100%		91.30%		100%		87.50%		a b c d
MR-3	Centrex, %	D	100%		94.44%		85.71%		95.00%		a b c d
MR-3	Centrex, %	ND	100%		100%		100%		100%		a b c d
MR-3	Line Sharing, %	D	92.09%		93.56%		91.61%		91.20%		a b c d
MR-3	Line Sharing, %	ND	98.53%		98.29%		98.06%		94.46%		a b c d
MR-3	PBX, %	D	89.47%		76.47%		92.31%		100%		a b c d
MR-3	PBX, %	ND	100%		100%		87.50%	100%	100%	100%	a b c d
MR-3	Qwest DSL, %		87.01%		83.17%		90.16%		81.82%		a b c d
MR-3	Residence, %	D	92.03%	100%	93.47%	94.59%	91.47%	94.12%	91.00%	91.67%	
MR-3	Residence, %	ND	98.25%	100%	98.39%	100%	97.94%	100%	93.57%	100%	a b c d
MR-3	UBL - 2-wire, %		97.37%		100%	100%	97.06%	100%	100%	100%	a b c d
MR-3	UBL - ADSL Qualified, %		87.01%		83.17%		90.16%		81.82%		a b c d
MR-3	UBL Analog, %		93.24%	100%	94.09%	98.04%	92.56%	100%	91.57%	100%	
MR-3	UBL ISDN Capable, %		97.37%	100%	100%	100%	97.06%	100%	100%	100%	a b c d
MR-3	UNE-P, POTS, %	D	92.09%	97.30%	93.56%	91.18%	91.61%	96.88%	91.20%	90.00%	
MR-3	UNE-P, POTS, %	ND	98.53%	100%	98.29%	100%	98.06%	100%	94.46%	100%	c d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-3	UNE-P, Centrex, %	D	100%		94.44%		85.71%		95.00%		a b c d
MR-3	UNE-P, Centrex, %	ND	100%		100%		100%		100%		a b c d
MR-3	UNE-P, Centrex 21, %	D	94.92%		97.22%		98.00%		89.83%		a b c d
MR-3	UNE-P, Centrex 21, %	ND	100%		91.30%		100%		87.50%		a b c d
MR-4	**All Troubles Cleared within 48 Hours**										
MR-4	Basic Rate ISDN, %	D	100%		100%		100%		100%		a b c d
MR-4	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-4	Business, %	D	98.28%	100%	98.95%	100%	98.63%	100%	97.95%	100%	a b c d
MR-4	Business, %	ND	100%	100%	100%	100%	100%	100%	100%		a b c d
MR-4	Centrex 21, %	D	97.18%	100%	100%		100%		94.52%	100%	a b c d
MR-4	Centrex 21, %	ND	100%		98.04%		100%		97.14%	100%	a b c d
MR-4	Centrex, %	D	100%		100%		93.55%		96.77%		a b c d
MR-4	Centrex, %	ND	100%		100%		100%		100%		a b c d
MR-4	Line Sharing, %	D	98.42%		98.68%		98.67%		98.46%		a b c d
MR-4	Line Sharing, %	ND	99.77%	100%	99.92%		99.72%		99.77%		a b c d
MR-4	PBX, %	D	100%		100%		100%		100%		a b c d
MR-4	PBX, %	ND	100%		100%		100%	100%	100%	100%	a b c d
MR-4	Qwest DSL, %		94.81%		95.10%		95.90%		94.55%		a b c d
MR-4	Residence, %	D	98.44%	98.15%	98.64%	100%	98.67%	100%	98.52%	100%	
MR-4	Residence, %	ND	99.73%	100%	99.90%	100%	99.66%	100%	99.73%	100%	
MR-4	UBL - 2-wire, %		100%		100%	100%	100%	100%	100%	100%	a b c d
MR-4	UBL - ADSL Qualified, %		94.81%		95.10%		95.90%		94.55%		a b c d
MR-4	UBL Analog, %		98.75%	100%	98.90%	100%	98.91%	100%	98.71%	100%	
MR-4	UBL ISDN Capable, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-4	UNE-P, POTS, %	D	98.42%	100%	98.68%	97.56%	98.67%	100%	98.46%	96.88%	
MR-4	UNE-P, POTS, %	ND	99.77%	100%	99.92%	100%	99.72%	100%	99.77%	100%	
MR-4	UNE-P, Centrex, %	D	100%		100%		93.55%		96.77%		a b c d
MR-4	UNE-P, Centrex, %	ND	100%		100%		100%		100%		a b c d
MR-4	UNE-P, Centrex 21, %	D	97.18%		100%		100%		94.52%		a b c d
MR-4	UNE-P, Centrex 21, %	ND	100%		98.04%		100%		97.14%		a b c d
MR-5	**All Troubles Cleared within 4 Hours**										
MR-5	DS0, %		84.00%		73.91%		75.41%	100%	76.67%		a b c d
MR-5	DS1, %		82.02%	100%	83.05%	100%	90.71%	100%	79.31%	66.67%	a b c d
MR-5	DS3, %		100%		75.00%		100%		100%		a b c d
MR-5	EELs, %			100%		100%		71.43%		83.33%	a b c d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-5	Frame Relay, %		81.25%		86.36%		77.78%	100%	79.55%		a b c d
MR-5	ISDN Primary, %		71.43%		64.29%	100%	91.67%		100%		a b c d
MR-5	LIS Trunk, %		100%	100%	100%	100%	100%		100%	100%	a b c d
MR-5	UBL - 4-wire, %		82.02%		83.05%		90.71%		79.31%		a b c d
MR-5	UBL - DS1 Capable, %		82.02%		83.05%	100%	90.71%	50.00%	79.31%	100%	a b c d
MR-5	UBL - DS3 Capable, %		100%		75.00%		100%		100%		a b c d
MR-5	UDIT Above DS1 Level, %		100%		75.00%		100%		100%		a b c d
MR-5	UDIT DS1, %		82.02%	100%	83.05%	100%	90.71%		79.31%	100%	a b c d
MR-6	**Mean Time to Restore**										
MR-6	Basic Rate ISDN, Hrs:Min	D	8:14		4:20		6:23		3:07		a b c d
MR-6	Basic Rate ISDN, Hrs:Min	ND	1:57		1:20		2:00		1:38		a b c d
MR-6	Business, Hrs:Min	D	11:51	21:53	11:35	2:52	11:40	24:47	11:38	4:07	a b c d
MR-6	Business, Hrs:Min	ND	3:02	7:58	4:12	9:43	4:30	5:07	5:06		a b c d
MR-6	Centrex 21, Hrs:Min	D	11:21	4:41	9:25		11:40		13:42	7:01	a b c d
MR-6	Centrex 21, Hrs:Min	ND	3:05		7:23		3:54		6:11	5:56	a b c d
MR-6	Centrex, Hrs:Min	D	8:47		9:13		13:40		11:22		a b c d
MR-6	Centrex, Hrs:Min	ND	5:26		6:31		3:05		4:08		a b c d
MR-6	DS0, Hrs:Min		2:15		3:08		3:31	0:01	3:00		a b c d
MR-6	DS1, Hrs:Min		2:20	1:42	2:42	1:17	1:41	2:29	3:04	5:32	a b c d
MR-6	DS3, Hrs:Min		0:32		2:09		0:52		0:21		a b c d
MR-6	EELs, Hrs:Min			2:06		1:40		2:44		1:32	a b c d
MR-6	Frame Relay, Hrs:Min		2:16		1:59		2:35	0:44	2:54		a b c d
MR-6	ISDN Primary, Hrs:Min		4:06		4:11	0:46	1:16		1:32		a b c d
MR-6	Line Sharing, Hrs:Min	ND	4:57	20:36	5:56		6:08		6:40		a b c d
MR-6	Line Sharing, Hrs:Min	D	13:31		12:17		14:00		13:49		a b c d
MR-6	LIS Trunk, Hrs:Min		2:04	2:56	1:08	1:24	0:56		0:52	1:23	a b c d
MR-6	PBX, Hrs:Min	D	8:44		11:44		8:50		6:02		a b c d
MR-6	PBX, Hrs:Min	ND	1:13		2:06		6:03	0:56	1:40	1:10	a b c d
MR-6	Qwest DSL, Hrs:Min		13:27		11:27		8:11		14:36		a b c d
MR-6	Residence, Hrs:Min	D	13:44	9:47	12:21	9:25	14:16	11:49	14:03	10:45	
MR-6	Residence, Hrs:Min	ND	5:21	2:49	6:18	4:37	6:28	7:47	6:59	5:12	
MR-6	UBL - 2-wire, Hrs:Min		4:36		2:32	2:00	3:25	3:46	2:10	1:48	a b c d
MR-6	UBL - 4-wire, Hrs:Min		2:20		2:42		1:41		3:04		a b c d
MR-6	UBL - ADSL Qualified, Hrs:Min		13:27		11:27		8:11		14:36		a b c d
MR-6	UBL - DS1 Capable, Hrs:Min		2:20		2:42	2:22	1:41	3:35	3:04	1:35	a b c d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-6	UBL - DS3 Capable, Hrs:Min		0:32		2:09		0:52		0:21		a b c d
MR-6	UBL Analog, Hrs:Min		11:24	4:44	11:09	4:39	12:14	3:22	12:30	2:48	
MR-6	UBL ISDN Capable, Hrs:Min		4:36	1:11	2:32	0:55	3:25	2:45	2:10	2:18	a b c d
MR-6	UDIT Above DS1 Level, Hrs:Min		0:32		2:09		0:52		0:21		a b c d
MR-6	UDIT DS1, Hrs:Min		2:20	2:02	2:42	0:14	1:41		3:04	1:15	a b c d
MR-6	UNE-P, POTS, Hrs:Min	D	13:31	10:02	12:17	11:44	14:00	8:32	13:49	14:14	
MR-6	UNE-P, POTS, Hrs:Min	ND	4:57	2:11	5:56	4:50	6:08	2:42	6:40	3:16	
MR-6	UNE-P, Centrex, Hrs:Min	D	8:47		9:13		13:40		11:22		a b c d
MR-6	UNE-P, Centrex, Hrs:Min	ND	5:26		6:31		3:05		4:08		a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	D	11:21		9:25		11:40		13:42		a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	3:05		7:23		3:54		6:11		a b c d
MR-7	**Repair Repeat Report Rate**										
MR-7	Basic Rate ISDN, %	D	6.25%		25.00%		18.18%		25.00%		a b c d
MR-7	Basic Rate ISDN, %	ND	22.73%		20.00%		21.74%		17.86%		a b c d
MR-7	Business, %	D	9.79%	0%	11.75%	0%	8.40%	0%	9.55%	0%	a b c d
MR-7	Business, %	ND	13.54%	0%	10.89%	33.33%	9.34%	25.00%	12.24%		a b c d
MR-7	Centrex 21, %	D	12.50%	0%	11.63%		15.87%		12.33%	0%	a b c d
MR-7	Centrex 21, %	ND	15.09%		7.84%		6.67%		22.86%	0%	a b c d
MR-7	Centrex, %	D	16.67%		13.04%		3.23%		16.13%		a b c d
MR-7	Centrex, %	ND	19.23%		4.76%		13.33%		0%		a b c d
MR-7	DS0, %		27.20%		19.57%		20.49%	0%	15.83%		a b c d
MR-7	DS1, %		25.84%	0%	24.86%	33.33%	27.86%	50.00%	20.69%	33.33%	a b c d
MR-7	DS3, %		0%		0%		14.29%		0%		a b c d
MR-7	EELs, %			33.33%		57.14%		14.29%		0%	a b c d
MR-7	Frame Relay, %		20.83%		17.05%		19.44%	0%	11.36%		a b c d
MR-7	ISDN Primary, %		0%		7.14%	50.00%	25.00%		14.29%		a b c d
MR-7	Line Sharing, %	D	26.92%		29.17%		31.82%		50.00%		a b c d
MR-7	Line Sharing, %	ND	27.45%	0%	26.92%		29.00%		41.46%		a b c d
MR-7	LIS Trunk, %		0%	0%	33.33%	0%	0%		0%	100%	a b c d
MR-7	PBX, %	D	13.04%		22.22%		6.67%		6.25%		a b c d
MR-7	PBX, %	ND	23.81%		13.33%		11.76%	33.33%	10.53%	0%	a b c d
MR-7	Qwest DSL, %		27.27%		27.45%		29.51%		43.64%		a b c d
MR-7	Residence, %	D	10.69%	7.41%	10.54%	8.00%	10.61%	2.44%	9.81%	12.20%	
MR-7	Residence, %	ND	8.68%	9.09%	9.69%	18.75%	10.33%	7.14%	11.44%	14.29%	
MR-7	UBL - 2-wire, %		15.79%		22.00%	0%	20.59%	0%	20.45%	0%	a b c d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7	UBL - 4-wire, %		25.84%		24.86%		27.86%		20.69%		a b c d
MR-7	UBL - ADSL Qualified, %		27.27%		27.45%		29.51%		43.64%		a b c d
MR-7	UBL - DS1 Capable, %		25.84%		24.86%	0%	27.86%	50.00%	20.69%	100%	a b c d
MR-7	UBL - DS3 Capable, %		0%		0%		14.29%		0%		a b c d
MR-7	UBL Analog, %		10.33%	0%	10.53%	9.62%	10.34%	17.02%	10.11%	18.75%	
MR-7	UBL ISDN Capable, %		15.79%	50.00%	22.00%	0%	20.59%	0%	20.45%	0%	a b c d
MR-7	UDIT Above DS1 Level, %		0%		0%		14.29%		0%		a b c d
MR-7	UDIT DS1, %		25.84%	0%	24.86%	50.00%	27.86%		20.69%	0%	a b c d
MR-7	UNE-P, POTS, %	ND	9.52%	7.69%	9.89%	13.33%	10.16%	21.43%	11.58%	0%	
MR-7	UNE-P, POTS, %	D	10.58%	11.90%	10.67%	18.60%	10.39%	15.00%	9.79%	0%	
MR-7	UNE-P, Centrex, %	D	16.67%		13.04%		3.23%		16.13%		a b c d
MR-7	UNE-P, Centrex, %	ND	19.23%		4.76%		13.33%		0%		a b c d
MR-7	UNE-P, Centrex 21, %	D	12.50%		11.63%		15.87%		12.33%		a b c d
MR-7	UNE-P, Centrex 21, %	ND	15.09%		7.84%		6.67%		22.86%		a b c d
MR-7*	Basic Rate ISDN, %	D	6.25%		17.65%		11.11%				a b c d
MR-7*	Basic Rate ISDN, %	ND	30.00%		0%		16.67%				a b c d
MR-7*	Business, %	D	9.80%	0%	11.88%	0%	8.67%	0%			a b c d
MR-7*	Business, %	ND	15.22%		11.58%		10.48%	0%			a b c d
MR-7*	Centrex 21, %	D	13.85%	0%	11.25%		14.81%				a b c d
MR-7*	Centrex 21, %	ND	10.34%		8.00%		11.76%				a b c d
MR-7*	Centrex, %	D	17.65%		13.64%		3.33%				a b c d
MR-7*	Centrex, %	ND	20.00%		9.09%		16.67%				a b c d
MR-7*	DS0, %		32.00%		20.33%		23.46%				a b c d
MR-7*	DS1, %		28.07%	0%	24.60%	66.67%	40.68%	0%			a b c d
MR-7*	DS3, %		0%		0%		16.67%				a b c d
MR-7*	EELs, %			25.00%		66.67%		20.00%			a b c d
MR-7*	Frame Relay, %		24.14%		19.61%		25.00%				a b c d
MR-7*	ISDN Primary, %		0%		0%		25.00%				a b c d
MR-7*	Line Sharing, %	D	18.18%		100%		57.14%				a b c d
MR-7*	Line Sharing, %	ND	36.36%		33.33%		40.48%				a b c d
MR-7*	LIS Trunk, %		0%	0%	16.67%	0%					a b c d
MR-7*	PBX, %	D	11.11%		13.33%		7.69%				a b c d
MR-7*	PBX, %	ND	9.09%		6.25%		16.67%				a b c d
MR-7*	Qwest DSL, %		31.82%		35.14%		42.86%				a b c d
MR-7*	Residence, %	D	10.67%	7.84%	10.39%	6.12%	10.40%	2.44%			d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7*	Residence, %	ND	9.21%	22.22%	11.86%	14.29%	11.39%	20.00%			a b c d
MR-7*	UBL - 2-wire, %		15.38%		11.11%	0%	14.29%	0%			a b c d
MR-7*	UBL - 4-wire, %		28.07%		24.60%		40.68%				a b c d
MR-7*	UBL - ADSL Qualified, %		31.82%		35.14%		42.86%				a b c d
MR-7*	UBL - DS1 Capable, %		28.07%		24.60%	0%	40.68%	50.00%			a b c d
MR-7*	UBL - DS3 Capable, %		0%		0%		16.67%				a b c d
MR-7*	UBL Analog, %		10.55%	0%	10.65%	9.68%	10.35%	28.57%			d
MR-7*	UBL ISDN Capable, %		15.38%		11.11%		14.29%	0%			a b c d
MR-7*	UDIT Above DS1 Level, %		0%		0%		16.67%				a b c d
MR-7*	UDIT DS1, %		28.07%	0%	24.60%		40.68%				a b c d
MR-7*	UNE-P, POTS, %	D	10.58%	13.51%	10.54%	19.51%	10.24%	11.43%			d
MR-7*	UNE-P, POTS, %	ND	10.40%	2.78%	11.81%	12.50%	11.20%	30.00%			d
MR-7*	UNE-P, Centrex, %	D	17.65%		13.64%		3.33%				a b c d
MR-7*	UNE-P, Centrex, %	ND	20.00%		9.09%		16.67%				a b c d
MR-7*	UNE-P, Centrex 21, %	D	13.85%		11.25%		14.81%				a b c d
MR-7*	UNE-P, Centrex 21, %	ND	10.34%		8.00%		11.76%				a b c d
MR-8	**Trouble Rate**										
MR-8	Basic Rate ISDN, %		1.32%	0%	1.74%	0%	1.19%	0%	1.56%	0%	a b c d
MR-8	Business, %		0.75%	0.76%	0.85%	0.98%	0.59%	0.94%	0.59%	0.20%	
MR-8	Centrex 21, %		0.62%	1.35%	0.69%	0%	0.46%	0%	0.52%	2.90%	
MR-8	Centrex, %		0.39%	0%	0.39%	0%	0.41%	0%	0.41%	0%	a b c d
MR-8	DS0, %		0.67%	0%	0.98%	0%	0.66%	1.85%	0.67%	0%	
MR-8	DS1, %		1.10%	4.05%	2.14%	8.45%	1.67%	2.44%	1.39%	3.61%	
MR-8	DS3, %		0.19%		0.75%	0%	1.29%	0%	0.74%	0%	a b c d
MR-8	E911, %		0%	0%	0%	0%	0%	0%	0%	0%	
MR-8	EELs, %			25.00%		10.94%		8.86%		5.31%	
MR-8	Frame Relay, %		1.29%	0%	2.37%	0%	0.95%	100%	1.18%	0%	a b c d
MR-8	ISDN Primary, %		0.03%	0%	0.05%	3.39%	0.04%	0%	0.02%	0%	
MR-8	Line Sharing, %		1.22%	33.33%	1.53%	0%	1.09%	0%	1.10%	0%	a b c d
MR-8	LIS Trunk, %		0.01%	0.01%	0.04%	0.02%	0%	0%	0%	0%	
MR-8	PBX, %		0.26%	0%	0.29%	0%	0.20%	0.75%	0.22%	0.24%	
MR-8	Qwest DSL, %		1.54%	0%	2.09%	0%	2.57%	0%	1.19%	0%	a b c d
MR-8	Residence, %		1.35%	1.27%	1.72%	1.12%	1.22%	0.96%	1.23%	0.98%	
MR-8	UBL - 2-wire, %		1.32%	0%	1.74%	1.15%	1.19%	0.67%	1.56%	0.21%	
MR-8	UBL - 4-wire, %		1.10%		2.14%		1.67%		1.39%		a b c d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8	UBL - ADSL Qualified, %		1.54%		2.09%		2.57%		1.19%		a b c d
MR-8	UBL - DS1 Capable, %		1.10%	0%	2.14%	3.85%	1.67%	7.14%	1.39%	2.94%	
MR-8	UBL - DS3 Capable, %		0.19%		0.75%		1.29%		0.74%		a b c d
MR-8	UBL Analog, %		1.22%	0.46%	1.53%	1.03%	1.09%	0.90%	1.10%	0.61%	
MR-8	UBL ISDN Capable, %		1.32%	3.36%	1.74%	2.50%	1.19%	0.80%	1.56%	0.77%	
MR-8	UDIT Above DS1 Level, %		0.19%	0%	0.75%	0%	1.29%	0%	0.74%	0%	a b
MR-8	UDIT DS1, %		1.10%	5.26%	2.14%	10.53%	1.67%	0%	1.39%	5.26%	
MR-8	UNE-P, POTS, %		1.22%	0.90%	1.53%	0.85%	1.09%	0.70%	1.10%	0.50%	
MR-8	UNE-P, Centrex, %		0.39%	0%	0.39%		0.41%		0.41%		a b c d
MR-8	UNE-P, Centrex 21, %		0.62%	0%	0.69%	0%	0.46%	0%	0.52%	0%	
MR-8*	Basic Rate ISDN, %		0.91%	0%	0.94%	0%	0.74%	0%			a b c d
MR-8*	Business, %		0.62%	0.19%	0.69%	0.39%	0.49%	0.38%			d
MR-8*	Centrex 21, %		0.47%	1.35%	0.53%	0%	0.35%	0%			d
MR-8*	Centrex, %		0.24%	0%	0.30%	0%	0.32%	0%			a b c d
MR-8*	DS0, %		0.40%	0%	0.66%	0%	0.44%	0%			d
MR-8*	DS1, %		0.70%	2.70%	1.52%	4.23%	0.71%	1.22%			d
MR-8*	DS3, %		0.19%		0.38%	0%	1.11%	0%			a b c d
MR-8*	E911, %		0%	0%	0%	0%	0%	0%			d
MR-8*	EELs, %			22.22%		9.38%		6.33%			d
MR-8*	Frame Relay, %		0.78%	0%	1.37%	0%	0.63%	0%			a b c d
MR-8*	ISDN Primary, %		0.01%	0%	0.02%	0%	0.01%	0%			d
MR-8*	Line Sharing, %		1.05%	0%	1.34%	0%	0.92%	0%			a b c d
MR-8*	LIS Trunk, %		0%	0.01%	0.03%	0.01%	0%	0%			d
MR-8*	PBX, %		0.17%	0%	0.19%	0%	0.12%	0%			d
MR-8*	Qwest DSL, %		0.88%	0%	0.76%	0%	1.03%	0%			a b c d
MR-8*	Residence, %		1.16%	1.00%	1.51%	0.95%	1.03%	0.81%			d
MR-8*	UBL - 2-wire, %		0.91%	0%	0.94%	0.23%	0.74%	0.22%			d
MR-8*	UBL - 4-wire, %		0.70%		1.52%		0.71%				a b c d
MR-8*	UBL - ADSL Qualified, %		0.88%		0.76%		1.03%				a b c d
MR-8*	UBL - DS1 Capable, %		0.70%	0%	1.52%	3.85%	0.71%	7.14%			d
MR-8*	UBL - DS3 Capable, %		0.19%		0.38%		1.11%				a b c d
MR-8*	UBL Analog, %		1.05%	0.33%	1.34%	0.62%	0.92%	0.54%			d
MR-8*	UBL ISDN Capable, %		0.91%	0%	0.94%	0%	0.74%	0.80%			d
MR-8*	UDIT Above DS1 Level, %		0.19%	0%	0.38%	0%	1.11%	0%			a b d
MR-8*	UDIT DS1, %		0.70%	5.26%	1.52%	0%	0.71%	0%			d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8*	UNE-P, POTS, %		1.05%	0.70%	1.34%	0.63%	0.92%	0.57%			d
MR-8*	UNE-P, Centrex, %		0.24%	0%	0.30%		0.32%				a b c d
MR-8*	UNE-P, Centrex 21, %		0.47%	0%	0.53%	0%	0.35%	0%			d
MR-9	**Repair Appointments Met**										
MR-9	Basic Rate ISDN, %	D	100%						100%		a b c d
MR-9	Basic Rate ISDN, %	ND	100%								a b c d
MR-9	Business, %	D	88.30%	100%	90.29%	100%	93.22%	100%	91.21%	0%	a b c d
MR-9	Business, %	ND	98.69%	100%	95.54%	100%	96.15%	100%	93.88%		a b c d
MR-9	Centrex 21, %	ND	98.11%		94.12%		93.33%		94.29%	0%	a b c d
MR-9	Centrex 21, %	D	86.11%	100%	93.02%		90.48%		83.56%	100%	a b c d
MR-9	Centrex, %	D	72.22%		55.00%		58.06%		75.00%		a b c d
MR-9	Centrex, %	ND	84.00%		73.68%		91.67%		100%		a b c d
MR-9	PBX, %	D	85.71%		62.50%		57.14%		60.00%		a b c d
MR-9	PBX, %	ND	100%		100%		66.67%		100%		a b c d
MR-9	Residence, %	D	93.13%	98.15%	94.78%	98.00%	95.51%	100%	95.54%	100%	
MR-9	Residence, %	ND	98.81%	100%	98.28%	100%	98.32%	92.86%	97.82%	92.86%	
MR-9	UNE-P, POTS, %	D	92.58%	92.86%	94.31%	90.70%	95.29%	100%	95.11%	96.97%	
MR-9	UNE-P, POTS, %	ND	98.79%	100%	97.82%	100%	97.95%	100%	97.16%	100%	
MR-10	**Customer and Non-Qwest Related Trouble Reports**										
MR-10	Basic Rate ISDN, %		13.64%		9.09%		10.53%		18.52%		a b c d
MR-10	Business, %		36.86%	50.00%	37.48%	44.44%	43.25%	44.44%	41.08%	83.33%	a b c d
MR-10	Centrex 21, %		33.86%	0%	35.38%		34.97%		38.98%	50.00%	a b c d
MR-10	Centrex, %		25.42%		35.29%		39.47%		40.26%		a b c d
MR-10	DS0, %		33.16%		23.65%		30.68%	0%	43.40%		a b c d
MR-10	DS1, %		30.47%	0%	12.38%	0%	19.08%	0%	25.64%	0%	a b c d
MR-10	DS3, %		0%		33.33%		41.67%		42.86%		a b c d
MR-10	Frame Relay, %		21.31%		10.20%		18.18%	0%	13.73%		a b c d
MR-10	ISDN Primary, %		22.22%		17.65%	0%	42.86%		22.22%		a b c d
MR-10	LIS Trunk, %		66.67%	33.33%	18.18%	50.00%	66.67%	100%	66.67%	50.00%	a b c d
MR-10	PBX, %		26.67%		23.81%		28.89%	40.00%	23.91%	0%	a b c d
MR-10	Qwest DSL, %		46.15%		44.26%		45.29%		55.28%		a b c d
MR-10	Residence, %		35.19%	20.83%	33.46%	31.96%	37.96%	29.49%	37.19%	33.73%	
MR-10	UBL - 2-wire, %		13.64%		9.09%	0%	10.53%	25.00%	18.52%	0%	a b c d
MR-10	UBL - 4-wire, %		30.47%		12.38%		19.08%		25.64%		a b c d
MR-10	UBL - ADSL Qualified, %		46.15%		44.26%		45.29%		55.28%		a b c d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-10	UBL - DS1 Capable, %		30.47%		12.38%	0%	19.08%	0%	25.64%	0%	a b c d
MR-10	UBL - DS3 Capable, %		0%		33.33%		41.67%		42.86%		a b c d
MR-10	UBL Analog, %		35.41%	22.22%	33.95%	10.34%	38.61%	11.32%	37.65%	34.69%	
MR-10	UBL ISDN Capable, %		13.64%	0%	9.09%	0%	10.53%	0%	18.52%	0%	a b c d
MR-10	UDIT Above DS1 Level, %		0%		33.33%		41.67%		42.86%		a b c d
MR-10	UDIT DS1, %		30.47%	0%	12.38%	0%	19.08%		25.64%	0%	a b c d
MR-10	UNE-P, POTS, %		35.41%	33.80%	33.95%	38.46%	38.61%	35.24%	37.65%	38.46%	
MR-10	UNE-P, Centrex, %		25.42%		35.29%		39.47%		40.26%		a b c d
MR-10	UNE-P, Centrex 21, %		33.86%		35.38%		34.97%		38.98%		a b c d
MR-11	**LNP Trouble Reports Cleared**										
MR-11A	within 4 Hours, %		63.88%		46.93%		49.81%		47.71%		a b c d
MR-11B	within 48 Hours, %		99.77%		99.92%		99.72%	100%	99.77%		a b c d
NETWORK PERFORMANCE											
NI-1	**Trunk Blocking**										
NI-1A	to Qwest Tandem Offices, LIS Trunk, %		0.01%	0%	0.04%	0.09%	0%	0%	0.25%	0%	
NI-1B	to Qwest End Offices, LIS Trunk, %		0%	0%	0.04%	0%	0%	0%	0%	0%	
NI-1C	to Qwest Tandem Offices, LIS Trunk, %		0.01%	0.10%	0.04%	0.09%	0%	0.44%	0.25%	0%	
NI-1D	to Qwest End Offices, LIS Trunk, %		0%	0%	0.04%	0%	0%	0%	0%	0%	
NP-1	**NXX Code Activation**										
NP-1A	All, %			100%						100%	a b c d
NP-1B	Facility Delays, All, %			0%						0%	a b c d
ORDER ACCURACY											
OA-1	Order Accuracy, % (OP-5++)					99.10%		99.36%		99.64%	a
ORDERING AND PROVISIONING											
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**										
OP-2	Default, %		80.97%	96.94%	75.62%	97.87%	72.08%	98.27%	82.25%	97.82%	
OP-3	**Installation Commitments Met**										
OP-3	Basic Rate ISDN, %	D	33.33%				0%		100%		a b c d
OP-3	Basic Rate ISDN, %	ND	100%		100%						a b c d
OP-3	Basic Rate ISDN, %		81.25%		100%		95.00%		90.91%		a b c d
OP-3	Business, %	D	92.23%	100%	93.24%	100%	89.30%	100%	90.33%	100%	a b c d
OP-3	Business, %	ND	99.44%	100%	98.31%	100%	100%	100%	98.40%	100%	a b d
OP-3	Centrex 21, %	D	82.76%		80.43%		93.75%		89.09%		a b c d
OP-3	Centrex 21, %	ND	91.30%	100%	100%		99.29%		100%		a b c d
OP-3	Centrex, %	D	85.71%		100%		100%		93.33%		a b c d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	Centrex, %	ND			100%		100%		100%		a b c d
OP-3	DS0, %	D	33.33%								a b c d
OP-3	DS0, %		50.00%		71.43%		71.43%		85.71%		a b c d
OP-3	DS1, %		85.03%		90.42%		85.89%		73.53%		a b c d
OP-3	DS3, %		42.86%		80.00%		100%		87.50%		a b c d
OP-3	E911, %				0%						a b c d
OP-3	EELs, %			100%		80.00%		84.62%		86.67%	a b
OP-3	Frame Relay, %		75.00%		89.89%		94.29%		82.61%		a b c d
OP-3	ISDN Primary, %		100%		84.42%		91.07%	25.00%	40.00%		a b c d
OP-3	ISDN Primary, %	ND	100%		0%		100%				a b c d
OP-3	Line Sharing, %	D	93.82%		94.01%		93.41%		93.18%		a b c d
OP-3	Line Sharing, %	ND	99.59%	100%	99.62%	100%	99.64%		99.60%	100%	a b c d
OP-3	LIS Trunk, %		100%	100%	100%	66.67%	100%	100%	100%	100%	a b d
OP-3	PBX, %	D	80.00%		83.33%		100%		100%		a b c d
OP-3	PBX, %	ND	100%				100%		50.00%		a b c d
OP-3	PBX, %		57.14%		100%		61.54%		100%		a b c d
OP-3	Qwest DSL, %	D	95.59%		94.47%		95.00%		92.66%		a b c d
OP-3	Qwest DSL, %	ND	100%		98.96%		99.50%		99.57%		a b c d
OP-3	Qwest DSL, %		100%		100%		100%		100%		a b c d
OP-3	Residence, %	D	94.24%	94.20%	94.20%	98.44%	94.43%	98.41%	93.92%	96.97%	
OP-3	Residence, %	ND	99.59%	100%	99.66%	100%	99.64%	100%	99.64%	100%	
OP-3	UBL - 2-wire, %		79.25%	100%	100%	100%	90.48%	100%	91.43%	96.43%	
OP-3	UBL - 4-wire, %		85.03%		90.42%		85.89%		73.53%		a b c d
OP-3	UBL - ADSL Qualified, %		95.62%		94.55%		95.03%		92.70%		a b c d
OP-3	UBL - DS1 Capable, %		85.03%	100%	90.42%		85.89%	66.67%	73.53%	100%	a b c d
OP-3	UBL - DS3 Capable, %		42.86%		80.00%		100%		87.50%		a b c d
OP-3	UBL Analog, %	D	93.82%	100%							a b c d
OP-3	UBL Analog, %		93.82%	100%	94.01%	99.67%	93.41%	99.67%	93.18%	94.35%	
OP-3	UBL Conditioned, %					100%		100%		14.29%	a b c d
OP-3	UBL ISDN Capable, %		79.25%	83.33%	100%	100%	90.48%	100%	91.43%	87.50%	a b c d
OP-3	UDIT Above DS1 Level, %		42.86%		80.00%		100%		87.50%		a b c d
OP-3	UDIT DS1, %		85.03%		90.42%		85.89%		73.53%		a b c d
OP-3	UNE-P, POTS, %	D	93.82%	97.73%	94.01%	89.13%	93.41%	92.11%	93.18%	77.78%	
OP-3	UNE-P, POTS, %	ND	99.59%	100%	99.62%	100%	99.64%	98.08%	99.60%	100%	
OP-3	UNE-P, Centrex, %	D	85.71%		100%		100%		93.33%		a b c d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	UNE-P, Centrex, %	ND			100%		100%		100%		a b c d
OP-3	UNE-P, Centrex 21, %	D	82.76%		80.43%		93.75%		89.09%		a b c d
OP-3	UNE-P, Centrex 21, %	ND	91.30%		100%		99.29%		100%	100%	a b c d
OP-4	**Installation Interval**										
OP-4	Basic Rate ISDN, Avg Days	D	20.67				69.00		7.50		a b c d
OP-4	Basic Rate ISDN, Avg Days	ND	3.00		2.40						a b c d
OP-4	Basic Rate ISDN, Avg Days		15.47		21.74		10.29		8.97		a b c d
OP-4	Business, Avg Days	D	5.82	3.00	5.90	2.00	6.93	7.75	6.53	4.00	a b c d
OP-4	Business, Avg Days	ND	3.23	1.00	3.66	2.00	3.51	2.64	3.63	3.00	a b d
OP-4	Centrex 21, Avg Days	D	5.45		8.62		5.46		6.82		a b c d
OP-4	Centrex 21, Avg Days	ND	3.00	5.00	3.59		4.95		3.86		a b c d
OP-4	Centrex, Avg Days	D	6.00		3.60		5.53		4.60		a b c d
OP-4	Centrex, Avg Days	ND			1.00		2.17		3.36		a b c d
OP-4	DS0, Avg Days	D	17.67								a b c d
OP-4	DS0, Avg Days		8.29		18.63		50.20		6.60		a b c d
OP-4	DS1, Avg Days		13.66		14.90		18.76		20.35		a b c d
OP-4	DS3, Avg Days		31.68		14.83		33.26		23.85		a b c d
OP-4	E911, Avg Days				49.00				28.00		a b c d
OP-4	EELs, Avg Days			9.17		11.50		7.20		9.25	a b c d
OP-4	Frame Relay, Avg Days								14.00		a b c d
OP-4	ISDN Primary, Avg Days	D	55.00								a b c d
OP-4	ISDN Primary, Avg Days	ND	6.00		22.00		2.50				a b c d
OP-4	ISDN Primary, Avg Days		9.73		11.62		13.80	14.00	28.56		a b c d
OP-4	Line Sharing, Avg Days	D	5.16		5.10		5.62		5.64		a b c d
OP-4	Line Sharing, Avg Days	ND	3.54		3.60		3.47		3.76		a b c d
OP-4	LIS Trunk, Avg Days		18.24	18.33	14.92	20.00	23.91	27.68	15.95	19.50	a b d
OP-4	PBX, Avg Days	D	3.60		6.50		9.40		5.75		a b c d
OP-4	PBX, Avg Days	ND	4.00				1.00		0.00		a b c d
OP-4	PBX, Avg Days		16.46	15.00	9.13		11.07		13.86		a b c d
OP-4	Qwest DSL, Avg Days	D	9.97		6.44		5.57		5.55		a b c d
OP-4	Qwest DSL, Avg Days	ND	9.25		4.90		4.87		4.85		a b c d
OP-4	Qwest DSL, Avg Days		8.55		5.08		6.71		4.50		a b c d
OP-4	Residence, Avg Days	D	4.99	4.65	4.90	3.59	5.30	4.27	5.41	4.70	
OP-4	Residence, Avg Days	ND	3.55	3.03	3.60	2.57	3.47	2.92	3.77	2.77	
OP-4	UBL - 2-wire, Avg Days		15.29	3.75	20.30	3.92	14.20	4.58	8.89	3.23	

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	UBL - 4-wire, Avg Days		13.66		14.90		18.76		20.35		a b c d
OP-4	UBL - ADSL Qualified, Avg Days		9.93		6.37		5.55		5.54		a b c d
OP-4	UBL - DS1 Capable, Avg Days		13.66		14.90		18.76	7.00	20.35	4.43	a b c d
OP-4	UBL - DS3 Capable, Avg Days		31.68	17.00	14.83		33.26		23.85		a b c d
OP-4	UBL Analog, Avg Days	D	5.16	3.00							a b c d
OP-4	UBL Analog, Avg Days		5.16	5.03	5.10	4.25	5.62	4.64	5.64	5.50	
OP-4	UBL Conditioned, Avg Days					8.00				11.00	a b c d
OP-4	UBL ISDN Capable, Avg Days		15.29	4.33	20.30	4.50	14.20	4.33	8.89	4.50	a b c d
OP-4	UDIT Above DS1 Level, Avg Days		31.68		14.83		33.26		23.85		a b c d
OP-4	UDIT DS1, Avg Days		13.66		14.90		18.76		20.35		a b c d
OP-4	UNE-P, POTS, Avg Days	D	5.16	3.59	5.10	7.72	5.62	4.47	5.64	9.78	
OP-4	UNE-P, POTS, Avg Days	ND	3.54	2.52	3.60	2.33	3.47	2.95	3.76	2.81	
OP-4	UNE-P, Centrex, Avg Days	D	6.00		3.60		5.53		4.60		a b c d
OP-4	UNE-P, Centrex, Avg Days	ND			1.00		2.17		3.36		a b c d
OP-4	UNE-P, Centrex 21, Avg Days	D	5.45		8.62		5.46		6.82		a b c d
OP-4	UNE-P, Centrex 21, Avg Days	ND	3.00		3.59		4.95		3.86		a b c d
OP-5	**New Service Installation Quality**										
OP-5	Basic Rate ISDN, %		100%		90.16%		95.56%		89.66%		a b c d
OP-5	Business, %		89.72%	66.67%	86.41%	83.33%	88.22%	83.33%	89.41%	100%	a b
OP-5	Centrex 21, %		75.44%	100%	69.35%	100%	94.17%		94.57%		a b c d
OP-5	Centrex, %		73.08%		63.16%		85.71%		92.59%		a b c d
OP-5	DS0, %		100%		25.00%		60.00%		0%		a b c d
OP-5	DS1, %		97.14%	0%	86.08%		91.29%		93.51%		a b c d
OP-5	DS3, %		100%		92.31%		100%		100%		a b c d
OP-5	E911, %				100%		100%		100%		a b c d
OP-5	EELs, %			73.33%		83.33%		90.00%		88.89%	
OP-5	Frame Relay, %		96.30%		91.89%		100%		93.94%		a b c d
OP-5	ISDN Primary, %		100%		97.83%		100%	100%	98.31%	100%	a b c d
OP-5	Line Sharing, %		90.83%	0%	89.52%	100%	91.14%	100%	92.05%	100%	a b c d
OP-5	LIS Trunk, %		100%	100%	86.67%	100%	100%	100%	100%	94.12%	a b
OP-5	PBX, %		75.00%	100%	84.00%	100%	77.78%		73.91%		a b c d
OP-5	Qwest DSL, %		99.80%	100%	99.49%		99.74%		100%		a b c d
OP-5	Residence, %		90.96%	97.26%	89.84%	95.27%	91.43%	96.82%	92.32%	95.27%	
OP-5	UBL - 2-wire, %		100%	100%	90.16%	100%	95.56%	100%	89.66%	100%	
OP-5	UBL - 4-wire, %		97.14%		86.08%		91.29%		93.51%		a b c d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5	UBL - ADSL Qualified, %		98.71%		96.49%		98.36%		100%		a b c d
OP-5	UBL - DS1 Capable, %		97.14%	100%	86.08%	100%	91.29%	100%	93.51%	100%	a b c d
OP-5	UBL - DS3 Capable, %		100%	100%	92.31%	100%	100%		100%		a b c d
OP-5	UBL Analog, %		75.34%	99.68%	71.67%	99.56%	75.34%	98.90%	78.22%	99.18%	
OP-5	UBL ISDN Capable, %		100%	100%	90.16%	75.00%	95.56%	75.00%	89.66%	100%	a b c d
OP-5	UDIT Above DS1 Level, %		100%		92.31%		100%		100%		a b c d
OP-5	UDIT DS1, %		97.14%		86.08%		91.29%		93.51%		a b c d
OP-5	UNE-P, POTS, %		90.83%	81.00%	89.52%	89.90%	91.14%	84.78%	92.05%	94.59%	
OP-5	UNE-P, Centrex, %		73.08%		63.16%		85.71%		92.59%		a b c d
OP-5	UNE-P, Centrex 21, %		75.44%		69.35%		94.17%		94.57%	100%	a b c d
OP-5*	Basic Rate ISDN, %		100%		93.44%		97.78%				a b c d
OP-5*	Business, %		91.90%	100%	88.68%	83.33%	90.20%	100%			a b d
OP-5*	Centrex 21, %		80.70%	100%	77.42%	100%	95.63%				a b c d
OP-5*	Centrex, %		80.77%		73.68%		95.24%				a b c d
OP-5*	DS0, %		100%		33.33%		60.00%				a b c d
OP-5*	DS1, %		98.86%	0%	89.18%		97.10%				a b c d
OP-5*	DS3, %		100%		100%		100%				a b c d
OP-5*	E911, %				100%		100%				a b c d
OP-5*	EELs, %			80.00%		83.33%		90.00%			d
OP-5*	Frame Relay, %		98.15%		94.59%		100%				a b c d
OP-5*	ISDN Primary, %		100%		100%		100%	100%			a b c d
OP-5*	Line Sharing, %		92.47%	100%	91.06%	100%	92.56%	100%			a b c d
OP-5*	LIS Trunk, %		100%	100%	93.33%	100%	100%	100%			a b d
OP-5*	PBX, %		79.17%	100%	92.00%	100%	85.19%				a b c d
OP-5*	Qwest DSL, %		99.80%	100%	99.92%		99.83%				a b c d
OP-5*	Residence, %		92.54%	98.63%	91.31%	97.04%	92.79%	97.45%			d
OP-5*	UBL - 2-wire, %		100%	100%	93.44%	100%	97.78%	100%			d
OP-5*	UBL - 4-wire, %		98.86%		89.18%		97.10%				a b c d
OP-5*	UBL - ADSL Qualified, %		98.71%		99.42%		98.91%				a b c d
OP-5*	UBL - DS1 Capable, %		98.86%	100%	89.18%	100%	97.10%	100%			a b c d
OP-5*	UBL - DS3 Capable, %		100%	100%	100%	100%	100%				a b c d
OP-5*	UBL Analog, %		79.75%	100%	75.83%	99.56%	79.28%	99.56%			d
OP-5*	UBL ISDN Capable, %		100%	100%	93.44%	100%	97.78%	75.00%			a b c d
OP-5*	UDIT Above DS1 Level, %		100%		100%		100%				a b c d
OP-5*	UDIT DS1, %		98.86%		89.18%		97.10%				a b c d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5*	UNE-P, POTS, %		92.47%	86.00%	91.06%	90.91%	92.56%	85.87%			d
OP-5*	UNE-P, Centrex, %		80.77%		73.68%		95.24%				a b c d
OP-5*	UNE-P, Centrex 21, %		80.70%		77.42%		95.63%				a b c d
OP-6A	**Delayed Days for Non-Facility Reasons**										
OP-6A	Basic Rate ISDN, Avg Days	D	22.50				67.00				a b c d
OP-6A	Basic Rate ISDN, Avg Days		23.22						10.50		a b c d
OP-6A	Business, Avg Days	D	8.21		5.86		4.83		5.63		a b c d
OP-6A	Business, Avg Days	ND	3.00		4.00				3.33		a b c d
OP-6A	Centrex 21, Avg Days	D	1.50		15.67		3.00		9.00		a b c d
OP-6A	Centrex 21, Avg Days	ND	2.50				2.00				a b c d
OP-6A	Centrex, Avg Days	D	1.00						4.00		a b c d
OP-6A	DS0, Avg Days	D	14.00								a b c d
OP-6A	DS0, Avg Days	ND									a b c d
OP-6A	DS0, Avg Days		5.80		18.33		55.25		9.00		a b c d
OP-6A	DS1, Avg Days		12.04		11.74		21.38		19.11		a b c d
OP-6A	DS3, Avg Days		38.00		1.00				7.67		a b c d
OP-6A	E911, Avg Days				37.00						a b c d
OP-6A	EELs, Avg Days			3.00		10.00		4.00		4.00	a b c d
OP-6A	Frame Relay, Avg Days		17.00		12.30		6.67		9.50		a b c d
OP-6A	ISDN Primary, Avg Days	D	42.00								a b c d
OP-6A	ISDN Primary, Avg Days	ND			20.00						a b c d
OP-6A	ISDN Primary, Avg Days				12.41		26.46	1.33	28.23		a b c d
OP-6A	Line Sharing, Avg Days	D	6.97		4.41		4.22		4.93		a b c d
OP-6A	Line Sharing, Avg Days	ND	14.50		5.67		2.90		4.23		a b c d
OP-6A	LIS Trunk, Avg Days					13.00		1.00			a b c d
OP-6A	PBX, Avg Days	D	1.00		16.00						a b c d
OP-6A	PBX, Avg Days	ND							10.00		a b c d
OP-6A	PBX, Avg Days		12.57		13.00		15.40		16.50		a b c d
OP-6A	Qwest DSL, Avg Days	D	3.33		2.55		3.63		2.64		a b c d
OP-6A	Qwest DSL, Avg Days	ND			4.71		3.00		31.00		a b c d
OP-6A	Residence, Avg Days	D	6.26		3.73	2.00	3.68		4.42	4.00	a b c d
OP-6A	Residence, Avg Days	ND	15.18		5.76		2.90		4.37		a b c d
OP-6A	UBL - 2-wire, Avg Days		23.09				67.00		10.50	4.00	a b c d
OP-6A	UBL - 4-wire, Avg Days		12.04		11.74		21.38		19.11		a b c d
OP-6A	UBL - ADSL Qualified, Avg Days		3.33		2.55		3.63		2.64		a b c d

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6A	UBL - DS1 Capable, Avg Days		12.04		11.74		21.38	1.00	19.11		a b c d
OP-6A	UBL - DS3 Capable, Avg Days		38.00	8.00	1.00				7.67		a b c d
OP-6A	UBL Analog, Avg Days	D	6.97								a b c d
OP-6A	UBL Analog, Avg Days		6.97		4.41	3.00	4.22	3.00	4.93	4.06	a b c
OP-6A	UBL ISDN Capable, Avg Days		23.09	1.00			67.00		10.50	4.00	a b c d
OP-6A	UDIT Above DS1 Level, Avg Days		38.00		1.00				7.67		a b c d
OP-6A	UDIT DS1, Avg Days		12.04		11.74		21.38		19.11		a b c d
OP-6A	UNE-P, POTS, Avg Days	D	6.97		4.41	1.50	4.22		4.93	4.67	a b c d
OP-6A	UNE-P, POTS, Avg Days	ND	14.50		5.67		2.90	1.00	4.23		a b c d
OP-6A	UNE-P, Centrex, Avg Days	D	1.00						4.00		a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	D	1.50		15.67		3.00		9.00		a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	ND	2.50				2.00				a b c d
OP-6B	**Delayed Days for Facility Reasons**										
OP-6B	Basic Rate ISDN, Avg Days						3.00				a b c d
OP-6B	Business, Avg Days	D	11.71		11.15		15.71		12.13		a b c d
OP-6B	Business, Avg Days	ND			16.50						a b c d
OP-6B	Centrex 21, Avg Days	D	8.33		8.67		5.00		1.50		a b c d
OP-6B	Centrex, Avg Days	D	13.00								a b c d
OP-6B	DS0, Avg Days				27.00						a b c d
OP-6B	DS1, Avg Days		46.67				9.33		20.83		a b c d
OP-6B	DS3, Avg Days								1.00		a b c d
OP-6B	Frame Relay, Avg Days						2.00		24.60		a b c d
OP-6B	Line Sharing, Avg Days	D	8.84		7.80		10.07		10.22		a b c d
OP-6B	Line Sharing, Avg Days	ND	4.86		8.86		6.17		2.67		a b c d
OP-6B	Qwest DSL, Avg Days	D							8.00		a b c d
OP-6B	Qwest DSL, Avg Days	ND							2.00		a b c d
OP-6B	Residence, Avg Days	D	8.11	8.75	7.08		8.12	11.00	9.73	6.00	a b c d
OP-6B	Residence, Avg Days	ND	4.86		5.80		6.17		2.67		a b c d
OP-6B	UBL - 2-wire, Avg Days						3.00				a b c d
OP-6B	UBL - 4-wire, Avg Days		46.67				9.33		20.83		a b c d
OP-6B	UBL - ADSL Qualified, Avg Days								8.00		a b c d
OP-6B	UBL - DS1 Capable, Avg Days		46.67				9.33		20.83		a b c d
OP-6B	UBL - DS3 Capable, Avg Days								1.00		a b c d
OP-6B	UBL Analog, Avg Days	D	8.84								a b c d
OP-6B	UBL Analog, Avg Days		8.84		7.80		10.07		10.22		a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6B	UBL ISDN Capable, Avg Days						3.00				a b c d
OP-6B	UDIT Above DS1 Level, Avg Days								1.00		a b c d
OP-6B	UDIT DS1, Avg Days		46.67				9.33		20.83		a b c d
OP-6B	UNE-P, POTS, Avg Days	D	8.84	11.00	7.80	7.00	10.07	2.33	10.22	35.00	a b c d
OP-6B	UNE-P, POTS, Avg Days	ND	4.86		8.86		6.17		2.67		a b c d
OP-6B	UNE-P, Centrex, Avg Days	D	13.00								a b c d
OP-6B	UNE-P, Centrex 21, Avg Days	D	8.33		8.67		5.00		1.50		a b c d
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**										
OP-7	Analog, Hrs:Min			0:02		0:02		0:03		0:02	
OP-7	Other, Hrs:Min										a b c d
OP-8	**Number Portability Timeliness**										
OP-8B	LNP, %			100%		100%		100%		100%	
OP-8C	% LNP Triggers Set Prior to the Frame Due Time, LNP%			98.92%		98.62%		100%		99.85%	
OP-13	**Coordinated Cuts - Unbundled Loop**										
OP-13A	Completed on Time, UBL - Analog, %			96.30%		100%		100%		100%	
OP-13A	Completed on Time, UBL Other, %			100%		100%		100%		100%	a b c d
OP-13B	Started Without CLEC Approval, UBL - Analog, %			0%		0%		0%		0%	
OP-13B	Started Without CLEC Approval, UBL Other, %			0%		0%		0%		0%	a b c d
OP-15A	**Interval for Pending Orders Delayed Past Due Date**										
OP-15A	Basic Rate ISDN, Avg Days		132.67		158.88		156.00		239.00		a b c d
OP-15A	Business, Avg Days		84.96		87.08		92.52		97.33		a b c d
OP-15A	Centrex 21, Avg Days		61.77		56.00		66.71		96.08		a b c d
OP-15A	Centrex, Avg Days		129.63		162.67		173.56		173.50		a b c d
OP-15A	DS0, Avg Days		26.00						2.00		a b c d
OP-15A	DS1, Avg Days		71.52		44.46		63.91		78.84		a b c d
OP-15A	DS3, Avg Days		74.50		15.00		47.00		6.00		a b c d
OP-15A	EELs, Avg Days							0.67			a b c d
OP-15A	Frame Relay, Avg Days		24.00		21.89		14.43		9.00		a b c d
OP-15A	ISDN Primary, Avg Days		19.25		3.95		24.00				a b c d
OP-15A	PBX, Avg Days		132.00		79.00		59.75		109.50		a b c d
OP-15A	Residence, Avg Days		80.37	253.25	84.37	362.33	94.10	171.43	103.05	6.33	a b c d
OP-15A	UBL - 2-wire, Avg Days		132.67		158.88		156.00		239.00		a b c d
OP-15A	UBL - 4-wire, Avg Days		71.52		44.46		63.91		78.84		a b c d
OP-15A	UBL - DS1 Capable, Avg Days		71.52		44.46		63.91	13.00	78.84		a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15A	UBL - DS3 Capable, Avg Days		74.50		15.00		47.00		6.00		a b c d
OP-15A	UBL Analog, Avg Days		76.73		82.03		93.15	2.31	106.01	13.00	a b d
OP-15A	UBL ISDN Capable, Avg Days		132.67		158.88		156.00		239.00		a b c d
OP-15A	UDIT Above DS1 Level, Avg Days		74.50		15.00		47.00		6.00		a b c d
OP-15A	UDIT DS1, Avg Days		71.52		44.46		63.91		78.84		a b c d
OP-15A	UNE-P, POTS, Avg Days		81.40	55.50	84.96	66.33	93.75	54.40	101.84	108.50	a b c d
OP-15A	UNE-P, Centrex, Avg Days		129.63		162.67		173.56		173.50		a b c d
OP-15A	UNE-P, Centrex 21, Avg Days		61.77		56.00		66.71		96.08		a b c d
OP-15B	**Pending Orders Delayed for Facilities Reasons**										
OP-15B	Basic Rate ISDN		0		0		1		1		a b c d
OP-15B	Business		42		40		39		37		a b c d
OP-15B	Centrex 21		3		3		1		1		a b c d
OP-15B	Centrex		2		2		2		1		a b c d
OP-15B	DS0		2						0		a b c d
OP-15B	DS1		4		12		13		8		a b c d
OP-15B	DS3		0		0		0		0		a b c d
OP-15B	EELs							0			a b c d
OP-15B	Frame Relay		1		1		5		1		a b c d
OP-15B	ISDN Primary		1		0		19				a b c d
OP-15B	PBX		0		0		1		0		a b c d
OP-15B	Residence		124	0	154	1	147	1	139	1	a b c d
OP-15B	UBL - 2-wire		0		0		1		1		a b c d
OP-15B	UBL - 4-wire		4		12		13		8		a b c d
OP-15B	UBL - DS1 Capable		4		12		13	0	8		a b c d
OP-15B	UBL - DS3 Capable		0		0		0		0		a b c d
OP-15B	UBL Analog		114		129		114	14	118	3	a b c d
OP-15B	UBL ISDN Capable		0		0		1		1		a b c d
OP-15B	UDIT Above DS1 Level		0		0		0		0		a b c d
OP-15B	UDIT DS1		4		12		13		8		a b c d
OP-15B	UNE-P, POTS		166	3	194	2	186	3	176	0	a b c d
OP-15B	UNE-P, Centrex		2		2		2		1		a b c d
OP-15B	UNE-P, Centrex 21		3		3		1		1		a b c d
OP-17	**Timeliness of Disconnects associated with LNP Orders**										
OP-17A	LNP, %			100%		100%		100%		100%	
OP-17B	LNP, %			100%		100%		100%		100%	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OPERATOR SERVICES											
OS-1	**Speed of Answer - Operator Services**										
OS-1	Average Seconds		9.26		9.86		8.92		8.69		a b c d
PRE-ORDER/ORDER											
PO-1	**Pre-Order/Order Response Times**										
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec			0.55		0.57		0.55		0.56	
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec			2.44		2.6		2.24		1.77	
PO-1A-1Total	Appt. Sched, GUI Aggr, Avg Sec			2.99		3.17		2.79		2.33	
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec			0.51		0.52		0.51		0.5	
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec			5.66		6.11		6.37		6.75	
PO-1A-2Total	Service Avail, GUI Aggr, Avg Sec			6.17		6.63		6.89		7.25	
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec			0.7		0.72		0.7		0.7	
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec			7.41		7.73		7.63		7.48	
PO-1A-3Total	Facility Check, GUI Aggr, Avg Sec			8.11		8.45		8.33		8.18	
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec			1.3		1.32		1.34		1.31	
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec			4.64		4.65		4.67		5.1	
PO-1A-4Total	Address Validation, GUI Aggr, Avg Sec			5.94		5.97		6.01		6.41	
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec			0.69		0.74		0.72		0.7	
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec			6.55		5.79		5.82		5.59	
PO-1A-5Total	Get CSR, GUI Aggr, Avg Sec			7.23		6.53		6.54		6.28	
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec			0.79		0.82		0.8		0.79	
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec			4.45		4.91		4.69		4.5	
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec			0.65		0.74		0.71		0.66	
PO-1A-6Total	TN Reserv, GUI Aggr, Avg Sec			5.89		6.47		6.2		5.94	
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec			0.95		0.98		0.96		1.05	
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec			8.73		8.09		7.9		5.75	
PO-1A-7Total	Loop Qual Tools, GUI Aggr, Avg Sec			9.68		9.07		8.86		6.8	
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec			0.9		0.98		0.91		0.91	
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec			5.51		6.66		6.09		5.63	
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggr, Avg Sec			6.41		7.64		7		6.54	
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec			0.44		0.44		0.47		0.44	
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec			17.83		18.14		14.1		8.25	
PO-1A-9Total	Connecting Facility Assign, GUI Aggr, Avg Sec			18.28		18.58		14.56		8.69	
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec			0.48		0.48		0.48		0.47	
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec			19.85		19.95		13.51		4.87	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1A-10Total	Meet Point Inquiry, GUI Aggr, Avg Sec			20.34		20.43		14		5.34	
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec			4.77		4.55		3.99		3.55	
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec			6.32		6.09		6.23		6.61	
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec			6.38		5.73		6.75		7.33	
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec			3.11		2.47		2.52		2.88	
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec			3.43		2.01		2.6		2.66	
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec			5.41		5.52		5.06		5.18	
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec			9.23		8.64		9.67		7.24	
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec			6.31		6.11		5.16		5.74	
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec			18.12		16.97		12.37		8.03	
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec			20.77		20.29		13.09		5.41	
PO-1C-1	Timeout, GUI Total, %			0.05%		0.10%		0.02%		0.04%	
PO-1C-2	Timeout, EDI Total, %			0.07%		0%		0.02%		0.24%	
PO-1D-1	Rejected Query, GUI Total, Avg Sec			1.46		1.57		1.36		1.34	
PO-1D-2	Rejected Query, EDI Total, Avg Sec			2.84		3.15		2.15		1.84	
PO-2	**Electronic Flow-through**										
PO-2A-1	GUI, LNP, %			20.59%		21.05%		15.79%		20.00%	
PO-2A-1	GUI, Resale Aggr w/o UNE-P-POTS, %			76.45%		86.22%		79.03%		40.36%	
PO-2A-1	GUI, UBL Aggr, %			46.03%		68.18%		10.42%		30.43%	
PO-2A-1	GUI, UNE-P, POTS, %			80.30%		69.61%		81.36%		74.07%	
PO-2A-2	EDI, LNP, %			0%		0%		50.00%		0%	a b c d
PO-2A-2	EDI, Resale Aggr w/o UNE-P-POTS, %			71.67%		67.78%		65.19%		63.79%	
PO-2A-2	EDI, UBL Aggr, %			43.17%		51.70%		57.01%		58.67%	
PO-2A-2	EDI, UNE-P, POTS, %			69.47%		59.63%		60.91%		56.13%	
PO-2B-1	All Eligible LSRs, GUI, LNP, %			77.78%		80.00%		75.00%		80.00%	a b c d
PO-2B-1	All Eligible LSRs, GUI, POTS Resale, %			99.00%		95.57%		96.08%		47.18%	
PO-2B-1	All Eligible LSRs, GUI, UBL Aggr, %			96.67%		93.75%		83.33%		100%	c d
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %			97.25%		93.42%		97.96%		88.89%	
PO-2B-2	All Eligible LSRs, EDI, LNP, %			0%				100%			a b c d
PO-2B-2	All Eligible LSRs, EDI, POTS Resale, %			95.56%		95.04%		96.54%		94.87%	
PO-2B-2	All Eligible LSRs, EDI, UBL Aggr, %			91.59%		89.66%		85.51%		91.03%	
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %			94.74%		88.46%		94.37%		90.63%	
PO-3	**LSR Rejection Notice Interval**										
PO-3A-1	GUI - Manual Reject, Product Aggr, Hrs:Min			5:52		2:13		6:04		2:18	
PO-3A-2	GUI - Auto-Reject, Product Aggr, Min:Sec			00:04		00:04		00:03		00:03	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-3B-1	EDI - Manual Reject, Product Aggr, Hrs:Min			1:18		1:28		1:49		3:19	
PO-3B-2	EDI - Auto-Reject, Product Aggr, Min:Sec			00:06		00:06		00:05		00:05	
PO-3C	Manual and IIS, Product Aggr, Hrs:Min			14:12		13:08		22:14		5:33	
PO-4	**LSRs Rejected**										
PO-4A-1	GUI - Manual Reject, Product Aggr, %			4.36%		2.25%		2.41%		2.20%	
PO-4A-2	GUI - Auto-Reject, Product Aggr, %			31.30%		32.17%		31.07%		31.56%	
PO-4B-1	EDI - Manual Reject, Product Aggr, %			8.19%		4.46%		4.57%		4.67%	
PO-4B-2	EDI - Auto-Reject, Product Aggr, %			24.11%		24.10%		20.28%		20.79%	
PO-4C	Facsimile , Product Aggr, %			36.21%		26.79%		41.67%		39.22%	
PO-5	**Firm Order Confirmations (FOCs) On Time**										
PO-5A-1(a)	Fully Electronic, GUI, Resale Aggr, %			100%		100%		100%		100%	
PO-5A-1(b)	Fully Electronic, GUI, UBL Aggr, %			100%		100%		100%		100%	c d
PO-5A-1(c)	Fully Electronic, GUI, LNP, %			100%		100%		100%		100%	a b c d
PO-5A-2(a)	Fully Electronic, EDI, Resale Aggr, %			99.27%		99.79%		100%		100%	
PO-5A-2(b)	Fully Electronic, EDI, UBL Aggr, %			98.77%		99.41%		100%		100%	
PO-5A-2(c)	Fully Electronic, EDI, LNP, %							100%			a b c d
PO-5B-1(a)	Elec/Manual, GUI, Resale Aggr, %			100%		100%		94.12%		100%	
PO-5B-1(b)	Elec/Manual, GUI, UBL Aggr, %			100%		92.86%		97.22%		100%	
PO-5B-1(c)	Elec/Manual, GUI, LNP, %			100%		100%		100%		100%	
PO-5B-2(a)	Elec/Manual, EDI, Resale Aggr, %			99.38%		99.24%		100%		98.81%	
PO-5B-2(b)	Elec/Manual, EDI, UBL Aggr, %			100%		100%		99.31%		99.09%	
PO-5B-2(c)	Elec/Manual, EDI, LNP, %			100%		100%		100%		100%	a b c d
PO-5C-(a)	Manual, Resale Aggr, %			87.50%		93.33%		84.62%		100%	
PO-5C-(b)	Manual, UBL Aggr, %							100%			a b c d
PO-5C-(c)	Manual, LNP, %			100%		100%		83.33%		100%	b c d
PO-5D	LIS Trunk, %			100%		100%		100%		100%	a b c d
PO-6	**Work Completion Notification Timeliness**										
PO-6A	IMA - GUI, All, Hrs:Min			0:21		0:58		1:18		1:24	
PO-6B	IMA - EDI, All, Hrs:Min			0:17		0:55		1:10		0:28	
PO-7	**Billing Completion Notification Timeliness**										
PO-7A-C	IMA - GUI, All, %		97.32%	99.32%	98.24%	99.60%	98.43%	100%	98.45%	100%	
PO-7B-C	IMA - EDI, All, %		97.32%		98.24%		98.43%		98.45%		a b c d
PO-8	**Jeopardy Notice Interval**										
PO-8A	Non-Designed Services, Avg Days		4.06	1.50	4.74	3.67	6.25		5.25	3.00	a b c d
PO-8B	UBLs and LNP, Avg Days		4.06	3.40	4.74	3.00	6.25	5.75	5.25	3.77	a b c

IDAHO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-8D	UNE-P, POTS, Avg Days		4.06	1.00	4.74	2.40	6.25	8.33	5.25	5.00	a b c d
PO-9	**Timely Jeopardy Notices**										
PO-9A	Non-Designed Services, %		25.30%	0%	30.95%	0%	26.64%	0%	27.80%	0%	a b c d
PO-9B	UBLs and LNP, %		25.30%	0%	30.95%	0%	26.64%	50.00%	27.80%	14.29%	a c d
PO-9C	LIS Trunk, %		0%								a b c d
PO-9D	UNE-P, POTS, %		25.30%	0%	30.95%	20.00%	26.64%	0%	27.80%	66.67%	a b c d
PO-10	**LSR Accountability**										
PO-10	Product Aggr, %			100%		100%		100%		100%	
PO-15	**Number of Due Date Changes per Order**										
PO-15	All, Avg Days		0.05	0.10	0.05	0.14	0.03	0.15	0.03	0.09	
PO-16	**Timely Release Notifications**										
PO-16	Default, %					100%		100%		100%	a b c d
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**										
PO-19	SATE Accuracy, %			98.95%							b c d
PO-19A	SATE Accuracy, Rel. 10.0, %					100%		98.45%		98.45%	a
PO-19A	SATE Accuracy, Rel. 8.0, %					100%		99.47%		98.94%	a
PO-19A	SATE Accuracy, Rel. 9.0, %					99.47%		100%		98.94%	a
PO-19A	SATE Accuracy, Rel. VICKI, %					100%		100%		100%	a
PO-19B	SATE Accuracy, %					99.16%					a c d
PO-20	**Manual Service Order Accuracy**										
PO-20	POTS Resale, %			90.25%		90.58%		92.78%		96.88%	
PO-20	UBL Aggr, %			96.46%		95.20%		95.16%		94.42%	

Metric Number:
* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting
D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:
a = Sample size less than or equal to 10 in June 2002
b = Sample size less than or equal to 10 in July 2002
c = Sample size less than or equal to 10 in August 2002
d = Sample size less than or equal to 10 in September 2002

Appendix D

Iowa Performance Metrics

The data in this appendix are taken from Qwest November 15 Ex Parte Letter Attach. 1 (Statewide Average Performance Summary, CO, ID, IA, MT, NE, ND, UT, WA, WY, May-Sept 2002). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Ctr
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
BILLING											
BI-1	**Time to Provide Recorded Usage Records**										
BI-1A	UNEs and Resale Aggr, Avg Days		4.91	1.71	5.51	1.85	4.93	1.66	3.98	1.32	
BI-1B	Jointly-provided Switched Access, %			91.09%		100%		100%		100%	
BI-1C-1	[CAT11], UNEs and Resale Aggr, Avg Days		4.91	1.53	5.51	1.61	4.93	1.45	3.98	1.20	
BI-1C-2	[CAT10], UNEs and Resale Aggr, Avg Days		4.91	1.94	5.51	2.16	4.93	1.93	3.98	1.48	
BI-2	**Invoices Delivered within 10 Days**										
BI-2	All, %			100%		100%		100%		100%	
BI-3	**Billing Accuracy - Adjustments for Errors**										
BI-3A	UNEs and Resale Aggr, %		99.32%	99.28%	99.58%	99.71%	99.36%	93.91%	99.21%	97.98%	
BI-4	**Billing Completeness**										
BI-4A	UNEs and Resale Aggr, %		88.79%	88.52%	97.36%	95.63%	98.03%	97.42%	90.04%	89.86%	
BI-5	**Billing Accuracy & Claims Processing**										
BI-5A	Acknowledgment, All, %			91.30%		89.52%		100%		99.70%	
BI-5B	Resolution, All, %			90.18%		74.66%		96.38%		100%	
COLLOCATION											
CP-1	**Collocation Completion Interval**										
CP-1A	90 Calendar Days or Less, All, Avg Days			51.50							a b c d
CP-1B	91 to 120 Calendar Days, All, Avg Days			63.00				92.00		110.00	a b c d
CP-1C	121 to 150 Calendar Days, All, Avg Days			106.00		119.00					a b c d
CP-2	**Collocations Completed within Scheduled Intervals**										
CP-2B	Non-Forecasted & Late Forecasted , All, %			100%				100%		100%	a b c d
CP-2C	w/ Intervals Longer than 120 Days, All, %			100%		100%					a b c d
CP-3	**Collocation Feasibility Study Interval**										
CP-3	All, Avg Days			6.50				10.00		9.67	a b c d
CP-4	**Collocation Feasibility Study Commitments Met**										
CP-4	All, %			100%				100%		100%	a b c d
DIRECTORY ASSISTANCE											
DA-1	**Speed of Answer - Directory Assistance**										
DA-1	Average Seconds		10.62		8.67		8.78		8.33		a b c d
DATABASE UPDATES											
DB-1	**Time to Update Databases**										
DB-1A	E911, Hrs:Min			2:02		0:52		0:55		1:47	

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
DB-1B	LIDB, Avg Sec			1.47		1.32		1.26		1.27	
DB-1C-1	Directory Listing, Avg Sec			0.07		0.06		0.09		0.13	
DB-2	**Accurate Database Updates**										
DB-2C-1	Directory Listing, %			95.79%		95.52%		95.39%		95.01%	
ELECTRONIC GATEWAY AVAILABILITY											
GA-1A	IMA-GUI, All, %			99.93%		100%		98.75%		100%	
GA-1B	IMA-GUI, Fetch-n-Stuff, %			100%		100%		100%		100%	
GA-1C	IMA-GUI, Data Arbiter, %			100%		100%		99.96%		100%	
GA-1D	IMA-GUI, SIA, %			100%		99.55%		100%		99.95%	
GA-2	IMA-EDI, %			99.93%		100%		98.26%		99.80%	
GA-3	EB-TA, %			100%		99.54%		99.31%		99.94%	
GA-4	EXACT, %			99.93%		100%		100%		100%	
GA-6	GUI - Repair, %			100%		99.50%		99.92%		100%	
GA-7	Timely Outage Resolution following Software Releases , %							100%			a b c d
MAINTENANCE AND REPAIR											
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**										
MR-2	All, %		78.59%	80.32%	78.57%	78.71%	84.85%	87.02%	86.24%	85.75%	
MR-3	**Out of Service Cleared within 24 Hours**										
MR-3	Basic Rate ISDN, %	D	100%		100%		100%		90.48%		a b c d
MR-3	Basic Rate ISDN, %	ND	100%		100%		100%		97.06%		a b c d
MR-3	Business, %	D	86.42%	100%	85.43%		82.21%	75.00%	86.36%	100%	a b c d
MR-3	Business, %	ND	98.14%	100%	94.97%	100%	93.94%	100%	94.29%		a b c d
MR-3	Centrex 21, %	D	82.56%	100%	88.00%	100%	76.04%	66.67%	85.53%	100%	a b c d
MR-3	Centrex 21, %	ND	100%	100%	97.14%	100%	95.65%		100%	100%	a b c d
MR-3	Centrex, %	D	78.95%		85.19%		80.00%		90.00%		a b c d
MR-3	Centrex, %	ND	100%		80.00%		100%		100%		a b c d
MR-3	Line Sharing, %	D	83.10%	100%	85.45%		78.14%		87.44%		a b c d
MR-3	Line Sharing, %	ND	95.69%		95.98%	100%	93.12%		97.25%		a b c d
MR-3	PBX, %	D	69.23%		86.67%		73.08%		85.71%		a b c d
MR-3	PBX, %	ND	100%	100%	100%	100%	100%	100%	91.67%	100%	a b c d
MR-3	Qwest DSL, %		84.62%		86.02%		89.12%		89.74%		a b c d
MR-3	Residence, %	D	82.81%	81.71%	85.45%	83.02%	77.79%	83.06%	87.53%	88.37%	

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-3	Residence, %	ND	95.45%	100%	96.08%	100%	93.05%	100%	97.54%	93.75%	
MR-3	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	94.55%	100%	
MR-3	UBL - ADSL Qualified, %		84.62%		86.02%		89.12%		89.74%		a b c d
MR-3	UBL Analog, %		85.64%	98.99%	87.29%	99.08%	80.68%	98.84%	89.02%	97.73%	
MR-3	UBL ISDN Capable, %		100%	100%	100%	100%	100%	100%	94.55%	100%	b d
MR-3	UNE-P, POTS, %	D	83.10%	88.89%	85.45%	92.86%	78.14%	82.35%	87.44%	87.50%	a d
MR-3	UNE-P, POTS, %	ND	95.69%	100%	95.98%	100%	93.12%	100%	97.25%	100%	a b c d
MR-3	UNE-P, Centrex, %	D	78.95%	89.43%	85.19%	90.84%	80.00%	80.28%	90.00%	83.62%	
MR-3	UNE-P, Centrex, %	ND	100%	99.19%	80.00%	97.56%	100%	94.00%	100%	100%	
MR-3	UNE-P, Centrex 21, %	D	82.56%		88.00%		76.04%		85.53%		a b c d
MR-3	UNE-P, Centrex 21, %	ND	100%	100%	97.14%		95.65%		100%		a b c d
MR-4	**All Troubles Cleared within 48 Hours**										
MR-4	Basic Rate ISDN, %	D	100%		100%		100%		100%		a b c d
MR-4	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-4	Business, %	D	96.41%	100%	96.31%	100%	94.12%	100%	95.80%	100%	a b c d
MR-4	Business, %	ND	98.93%	100%	99.45%	100%	98.71%	100%	99.18%	100%	a b c d
MR-4	Centrex 21, %	D	94.92%	100%	93.65%	100%	92.00%	100%	92.93%	100%	a b c d
MR-4	Centrex 21, %	ND	100%	100%	100%	100%	98.57%	100%	100%	100%	a b c d
MR-4	Centrex, %	D	91.67%		100%		82.86%		92.86%		a b c d
MR-4	Centrex, %	ND	100%		100%		100%		100%		a b c d
MR-4	Line Sharing, %	D	95.00%	100%	95.28%		91.37%		95.26%		a b c d
MR-4	Line Sharing, %	ND	99.19%		99.32%	100%	98.86%		99.33%		a b c d
MR-4	PBX, %	D	90.00%	100%	100%		88.24%		100%		a b c d
MR-4	PBX, %	ND	97.96%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-4	Qwest DSL, %		96.15%		95.70%		97.96%		96.15%		a b c d
MR-4	Residence, %	D	94.87%	96.19%	95.20%	96.83%	91.16%	92.41%	95.21%	94.44%	
MR-4	Residence, %	ND	99.22%	100%	99.30%	100%	98.88%	100%	99.35%	100%	
MR-4	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UBL - ADSL Qualified, %		96.15%		95.70%		97.96%		96.15%		a b c d
MR-4	UBL Analog, %		96.08%	100%	96.22%	100%	92.96%	99.82%	96.15%	99.77%	
MR-4	UBL ISDN Capable, %		100%	100%	100%	100%	100%	100%	100%	100%	b d
MR-4	UNE-P, POTS, %	D	95.00%	100%	95.28%	100%	91.37%	95.00%	95.26%	90.91%	
MR-4	UNE-P, POTS, %	ND	99.19%	100%	99.32%	100%	98.86%	100%	99.33%	100%	b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-4	UNE-P, Centrex, %	D	91.67%	96.85%	100%	97.45%	82.86%	94.94%	92.86%	97.09%	
MR-4	UNE-P, Centrex, %	ND	100%	99.26%	100%	99.64%	100%	99.13%	100%	99.48%	
MR-4	UNE-P, Centrex 21, %	D	94.92%		93.65%		92.00%		92.93%		a b c d
MR-4	UNE-P, Centrex 21, %	ND	100%	100%	100%		98.57%		100%	100%	a b c d
MR-5	**All Troubles Cleared within 4 Hours**										
MR-5	DS0, %		82.22%		87.20%	0%	87.14%	20.00%	83.46%		a b c d
MR-5	DS1, %		76.05%	50.00%	87.91%	100%	81.84%	66.67%	85.57%	75.00%	a b c d
MR-5	DS3, %		92.86%		85.71%		70.00%		100%		a b c d
MR-5	E911, %		100%		100%						a b c d
MR-5	Frame Relay, %		84.55%		85.84%		77.17%		81.18%		a b c d
MR-5	ISDN Primary, %		83.33%		83.33%		86.67%		92.31%		a b c d
MR-5	LIS Trunk, %		90.00%	100%	100%	100%	88.89%	100%	90.00%	100%	a b c d
MR-5	UBL - 4-wire, %		76.05%		87.91%		81.84%		85.57%		a b c d
MR-5	UBL - DS1 Capable, %		76.05%		87.91%	100%	81.84%	50.00%	85.57%		a b c d
MR-5	UBL - DS3 Capable, %		92.86%		85.71%		70.00%		100%		a b c d
MR-5	UDIT Above DS1 Level, %		92.86%		85.71%		70.00%		100%		a b c d
MR-5	UDIT DS1, %		76.05%		87.91%		81.84%		85.57%		a b c d
MR-6	**Mean Time to Restore**										
MR-6	Basic Rate ISDN, Hrs:Min	D	3:12		4:01		4:55		8:22		a b c d
MR-6	Basic Rate ISDN, Hrs:Min	ND	1:22		1:40		1:31		2:45		a b c d
MR-6	Business, Hrs:Min	D	16:39	15:53	16:16	3:53	17:32	18:33	15:28	2:10	a b c d
MR-6	Business, Hrs:Min	ND	4:50	0:27	6:28	11:01	6:21	3:35	5:18	1:09	a b c d
MR-6	Centrex 21, Hrs:Min	D	17:33	8:10	17:11	17:04	19:57	17:36	18:06	9:14	a b c d
MR-6	Centrex 21, Hrs:Min	ND	4:54	0:40	5:50	17:49	9:04	1:02	3:11	4:29	a b c d
MR-6	Centrex, Hrs:Min	D	22:43		13:33		25:29		16:18		a b c d
MR-6	Centrex, Hrs:Min	ND	3:54		6:00		2:59		4:46		a b c d
MR-6	DS0, Hrs:Min		2:40		2:02	4:26	2:01	7:05	3:09		a b c d
MR-6	DS1, Hrs:Min		3:03	8:22	2:10	0:59	2:59	3:26	2:47	1:50	a b c d
MR-6	DS3, Hrs:Min		1:23		1:54		2:52		1:41		a b c d
MR-6	E911, Hrs:Min		1:02		0:44						a b c d
MR-6	Frame Relay, Hrs:Min		2:19		2:13		2:56		2:29		a b c d
MR-6	ISDN Primary, Hrs:Min		2:03		1:39		2:18		1:04		a b c d
MR-6	Line Sharing, Hrs:Min	D	19:27	23:31	18:38		21:39		17:49		a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-6	Line Sharing, Hrs:Min	ND	7:13		11:03	16:04	8:52		7:25		a b c d
MR-6	LIS Trunk, Hrs:Min		1:31	0:49	1:19	1:41	2:00	2:14	1:06	1:15	a b c d
MR-6	PBX, Hrs:Min	D	20:37	5:30	12:44		22:48		15:05		a b c d
MR-6	PBX, Hrs:Min	ND	4:38	0:28	5:34	2:18	5:24	0:32	3:56	0:32	a b c d
MR-6	Qwest DSL, Hrs:Min		12:18		10:22		8:18		9:03		a b c d
MR-6	Residence, Hrs:Min	D	19:41	15:43	18:49	17:16	21:58	18:31	18:01	16:41	
MR-6	Residence, Hrs:Min	ND	7:31	3:21	11:36	6:15	9:07	6:09	7:40	4:22	
MR-6	UBL - 2-wire, Hrs:Min		2:10	3:25	2:46	2:23	3:04	4:24	4:51	3:01	
MR-6	UBL - 4-wire, Hrs:Min		3:03		2:10		2:59		2:47		a b c d
MR-6	UBL - ADSL Qualified, Hrs:Min		12:18		10:22		8:18		9:03		a b c d
MR-6	UBL - DS1 Capable, Hrs:Min		3:03		2:10	1:32	2:59	4:57	2:47		a b c d
MR-6	UBL - DS3 Capable, Hrs:Min		1:23		1:54		2:52		1:41		a b c d
MR-6	UBL Analog, Hrs:Min		16:17	7:57	16:52	6:36	18:57	7:05	15:32	7:42	
MR-6	UBL ISDN Capable, Hrs:Min		2:10	2:41	2:46	3:04	3:04	4:07	4:51	2:41	b d
MR-6	UDIT Above DS1 Level, Hrs:Min		1:23		1:54		2:52		1:41		a b c d
MR-6	UDIT DS1, Hrs:Min		3:03		2:10		2:59		2:47		a b c d
MR-6	UNE-P, POTS, Hrs:Min	D	19:27	17:16	18:38	11:10	21:39	18:05	17:49	17:54	
MR-6	UNE-P, POTS, Hrs:Min	ND	7:13	8:22	11:03	2:47	8:52	3:28	7:25	0:15	b c d
MR-6	UNE-P, Centrex, Hrs:Min	D	22:43	17:00	13:33	16:19	25:29	19:33	16:18	17:38	
MR-6	UNE-P, Centrex, Hrs:Min	ND	3:54	4:40	6:00	4:28	2:59	5:36	4:46	3:31	
MR-6	UNE-P, Centrex 21, Hrs:Min	D	17:33		17:11		19:57		18:06		a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	4:54	0:40	5:50		9:04		3:11	1:04	a b c d
MR-7	**Repair Repeat Report Rate**										
MR-7	Basic Rate ISDN, %	D	23.08%		23.81%		25.00%		28.57%		a b c d
MR-7	Basic Rate ISDN, %	ND	17.65%		29.17%		10.53%		11.43%		a b c d
MR-7	Business, %	D	14.45%	0%	12.25%	100%	11.29%	0%	10.68%	0%	a b c d
MR-7	Business, %	ND	11.94%	0%	9.07%	0%	14.79%	0%	9.47%	0%	a b c d
MR-7	Centrex 21, %	ND	14.88%	66.67%	14.89%	0%	7.14%	0%	10.61%	0%	a b c d
MR-7	Centrex 21, %	D	13.33%	40.00%	11.45%	0%	10.32%	16.67%	20.19%	0%	a b c d
MR-7	Centrex, %	D	4.17%		13.16%		2.78%		7.14%		a b c d
MR-7	Centrex, %	ND	22.22%		12.50%		0%		9.09%		a b c d
MR-7	DS0, %		27.32%		16.67%	0%	20.21%	0%	19.49%		a b c d
MR-7	DS1, %		32.89%	75.00%	39.57%	50.00%	38.32%	33.33%	38.59%	50.00%	a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7	DS3, %		28.57%		57.14%		0%		44.44%		a b c d
MR-7	E911, %		0%		0%						a b c d
MR-7	Frame Relay, %		19.09%		24.78%		27.56%		21.18%		a b c d
MR-7	ISDN Primary, %		8.33%		5.56%		13.33%		15.38%		a b c d
MR-7	Line Sharing, %	D	41.67%	0%	63.64%		44.00%		61.90%		a b c d
MR-7	Line Sharing, %	ND	31.48%		29.58%	0%	35.25%		42.11%		a b c d
MR-7	LIS Trunk, %		30.00%	0%	26.67%	25.00%	33.33%	33.33%	40.00%	25.00%	a b c d
MR-7	PBX, %	D	5.00%	0%	5.56%		17.14%		10.00%		a b c d
MR-7	PBX, %	ND	12.24%	0%	6.25%	0%	23.81%	0%	0%	0%	a b c d
MR-7	Qwest DSL, %		34.62%		37.63%		36.73%		47.44%		a b c d
MR-7	Residence, %	D	14.08%	9.35%	13.01%	7.09%	12.45%	9.21%	13.45%	11.82%	
MR-7	Residence, %	ND	11.68%	14.29%	13.40%	14.81%	12.85%	2.63%	11.50%	13.79%	
MR-7	UBL - 2-wire, %		20.00%	16.67%	26.67%	18.18%	17.14%	27.78%	17.86%	21.43%	
MR-7	UBL - 4-wire, %		32.89%		39.57%		38.32%		38.59%		a b c d
MR-7	UBL - ADSL Qualified, %		34.62%		37.63%		36.73%		47.44%		a b c d
MR-7	UBL - DS1 Capable, %		32.89%		39.57%	0%	38.32%	50.00%	38.59%		a b c d
MR-7	UBL - DS3 Capable, %		28.57%		57.14%		0%		44.44%		a b c d
MR-7	UBL Analog, %		13.48%	11.22%	12.95%	13.76%	12.50%	14.10%	12.82%	14.22%	
MR-7	UBL ISDN Capable, %		20.00%	18.18%	26.67%	12.50%	17.14%	21.05%	17.86%	30.00%	b d
MR-7	UDIT Above DS1 Level, %		28.57%		57.14%		0%		44.44%		a b c d
MR-7	UDIT DS1, %		32.89%		39.57%		38.32%		38.59%		a b c d
MR-7	UNE-P, POTS, %	D	14.10%	6.67%	12.95%	23.81%	12.37%	15.00%	13.24%	27.27%	
MR-7	UNE-P, POTS, %	ND	11.71%	15.38%	12.93%	10.00%	13.03%	10.00%	11.29%	0%	b c d
MR-7	UNE-P, Centrex, %	D	4.17%	11.97%	13.16%	12.65%	2.78%	12.89%	7.14%	11.11%	
MR-7	UNE-P, Centrex, %	ND	22.22%	16.79%	12.50%	15.64%	0%	17.32%	9.09%	17.53%	
MR-7	UNE-P, Centrex 21, %	D	13.33%		11.45%		10.32%		20.19%		a b c d
MR-7	UNE-P, Centrex 21, %	ND	14.88%	50.00%	14.89%		7.14%		10.61%	0%	a b c d
MR-7*	Basic Rate ISDN, %	D	20.00%		26.67%		21.43%				a b c d
MR-7*	Basic Rate ISDN, %	ND	13.33%		10.00%		16.67%				a b c d
MR-7*	Business, %	D	14.38%	0%	11.86%	100%	11.25%	0%			a b c d
MR-7*	Business, %	ND	9.30%		11.98%	0%	15.92%				a b c d
MR-7*	Centrex 21, %	ND	16.88%	66.67%	23.53%	0%	2.94%	0%			a b c d
MR-7*	Centrex 21, %	D	11.11%	40.00%	10.83%	0%	10.08%	16.67%			a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7*	Centrex, %	D	4.55%		11.43%		3.03%				a b c d
MR-7*	Centrex, %	ND	25.00%		0%		0%				a b c d
MR-7*	DS0, %		26.78%		13.79%	0%	20.09%	0%			a b c d
MR-7*	DS1, %		35.14%	100%	42.05%	100%	41.62%	50.00%			a b c d
MR-7*	DS3, %		33.33%		60.00%		0%				a b c d
MR-7*	E911, %		0%		0%						a b c d
MR-7*	Frame Relay, %		18.57%		25.00%		27.91%				a b c d
MR-7*	ISDN Primary, %		14.29%		0%		16.67%				a b c d
MR-7*	Line Sharing, %	D	53.33%	0%	61.54%		47.06%				a b c d
MR-7*	Line Sharing, %	ND	29.73%		33.33%		31.34%				a b c d
MR-7*	LIS Trunk, %		42.86%		16.67%	40.00%	28.57%	50.00%			a b c d
MR-7*	PBX, %	D	0%	0%	6.25%		18.52%				a b c d
MR-7*	PBX, %	ND	18.18%		5.88%	0%	33.33%	0%			a b c d
MR-7*	Qwest DSL, %		36.54%		41.30%		34.52%				a b c d
MR-7*	Residence, %	D	13.94%	9.71%	12.90%	7.32%	12.34%	8.33%			d
MR-7*	Residence, %	ND	12.52%	12.50%	15.68%	16.67%	13.66%	7.14%			b d
MR-7*	UBL - 2-wire, %		16.67%	20.00%	20.00%	11.11%	20.00%	11.11%			a b c d
MR-7*	UBL - 4-wire, %		35.14%		42.05%		41.62%				a b c d
MR-7*	UBL - ADSL Qualified, %		36.54%		41.30%		34.52%				a b c d
MR-7*	UBL - DS1 Capable, %		35.14%		42.05%	0%	41.62%	50.00%			a b c d
MR-7*	UBL - DS3 Capable, %		33.33%		60.00%		0%				a b c d
MR-7*	UBL Analog, %		13.72%	13.62%	13.07%	14.98%	12.42%	14.91%			d
MR-7*	UBL ISDN Capable, %		16.67%	12.50%	20.00%	16.67%	20.00%	15.38%			a b d
MR-7*	UDIT Above DS1 Level, %		33.33%		60.00%		0%				a b c d
MR-7*	UDIT DS1, %		35.14%		42.05%		41.62%				a b c d
MR-7*	UNE-P, POTS, %	D	13.98%	7.14%	12.83%	23.81%	12.26%	15.79%			d
MR-7*	UNE-P, POTS, %	ND	12.07%	0%	15.13%	0%	13.94%	0%			a b c d
MR-7*	UNE-P, Centrex, %	D	4.55%	11.99%	11.43%	12.80%	3.03%	11.84%			d
MR-7*	UNE-P, Centrex, %	ND	25.00%	17.04%	0%	17.74%	0%	17.00%			d
MR-7*	UNE-P, Centrex 21, %	D	11.11%		10.83%		10.08%				a b c d
MR-7*	UNE-P, Centrex 21, %	ND	16.88%	50.00%	23.53%		2.94%				a b c d
MR-8	**Trouble Rate**										
MR-8	Basic Rate ISDN, %		1.11%	0%	0.83%	0%	0.64%	0%	1.03%	0%	a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8	Business, %		0.74%	0.81%	0.76%	0.40%	0.77%	0.67%	0.57%	0.27%	
MR-8	Centrex 21, %		0.76%	1.27%	0.71%	0.64%	0.62%	1.43%	0.54%	1.43%	
MR-8	Centrex, %		0.27%	0%	0.44%	0%	0.42%	0%	0.32%	0%	a b c d
MR-8	Dark Fiber - IOF, %			0%		0%		0%			a b c d
MR-8	Dark Fiber - Loop, %			0%		0%		0%			a b c d
MR-8	DS0, %		1.02%	0%	0.88%	0.12%	0.98%	0.58%	0.70%	0%	
MR-8	DS1, %		1.68%	1.69%	1.85%	2.56%	2.16%	1.24%	1.27%	1.67%	
MR-8	DS3, %		1.01%		0.50%		0.70%		0.62%		a b c d
MR-8	E911, %		0.08%	0%	0.32%	0%	0%	0%	0%	0%	
MR-8	Frame Relay, %		1.84%		1.90%		2.12%		1.44%		a b c d
MR-8	ISDN Primary, %		0.02%		0.03%		0.02%	0%	0.02%	0%	a b
MR-8	Line Sharing, %		1.62%	0.52%	1.71%	0.52%	1.92%	0%	1.30%	0%	
MR-8	LIS Trunk, %		0.01%	0%	0.02%	0.03%	0.01%	0.01%	0.01%	0.01%	
MR-8	PBX, %		0.17%	0.03%	0.12%	0.03%	0.18%	0.07%	0.08%	0.01%	
MR-8	Qwest DSL, %		1.41%	0%	1.73%	0%	2.83%	0%	1.53%	0%	a b c d
MR-8	Residence, %		1.82%	1.36%	1.93%	1.48%	2.18%	1.82%	1.46%	1.33%	
MR-8	UBL - 2-wire, %		1.11%	0.94%	0.83%	0.83%	0.64%	1.30%	1.03%	0.98%	
MR-8	UBL - 4-wire, %		1.68%		1.85%		2.16%		1.27%		a b c d
MR-8	UBL - ADSL Qualified, %		1.41%		1.73%		2.83%		1.53%		a b c d
MR-8	UBL - DS1 Capable, %		1.68%	0%	1.85%	3.85%	2.16%	20.00%	1.27%	0%	
MR-8	UBL - DS3 Capable, %		1.01%		0.50%		0.70%		0.62%		a b c d
MR-8	UBL Analog, %		1.62%	0.97%	1.71%	1.24%	1.92%	1.32%	1.30%	0.97%	
MR-8	UBL ISDN Capable, %		1.11%	2.32%	0.83%	1.60%	0.64%	3.63%	1.03%	1.84%	
MR-8	UDIT Above DS1 Level, %		1.01%	0%	0.50%	0%	0.70%	0%	0.62%	0%	a b c
MR-8	UDIT DS1, %		1.68%	0%	1.85%	0%	2.16%	0%	1.27%	0%	
MR-8	UNE-P, POTS, %		1.62%	1.60%	1.71%	1.77%	1.92%	1.72%	1.30%	0.74%	
MR-8	UNE-P, Centrex, %		0.27%	0.99%	0.44%	1.00%	0.42%	1.00%	0.32%	0.68%	
MR-8	UNE-P, Centrex 21, %		0.76%	3.17%	0.71%	0%	0.62%	0%	0.54%	1.59%	
MR-8*	Basic Rate ISDN, %		0.55%	0%	0.46%	0%	0.37%	0%			a b c d
MR-8*	Business, %		0.60%	0.67%	0.61%	0.27%	0.65%	0.40%			d
MR-8*	Centrex 21, %		0.58%	1.27%	0.54%	0.64%	0.48%	1.27%			d
MR-8*	Centrex, %		0.21%	0%	0.33%	0%	0.34%	0%			a b c d
MR-8*	Dark Fiber - IOF, %			0%		0%		0%			a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8*	Dark Fiber - Loop, %			0%		0%		0%			a b c d
MR-8*	DS0, %		0.63%	0%	0.53%	0.12%	0.60%	0.58%			d
MR-8*	DS1, %		1.14%	1.27%	1.24%	1.28%	1.49%	0.83%			d
MR-8*	DS3, %		0.43%		0.36%		0.42%				a b c d
MR-8*	E911, %		0.08%	0%	0.24%	0%	0%	0%			d
MR-8*	Frame Relay, %		1.17%		1.28%		1.44%				a b c d
MR-8*	ISDN Primary, %		0.01%		0.02%		0.01%	0%			a b d
MR-8*	Line Sharing, %		1.32%	0.52%	1.41%	0%	1.61%	0%			d
MR-8*	LIS Trunk, %		0.01%	0%	0.02%	0.02%	0.01%	0.01%			d
MR-8*	PBX, %		0.10%	0.01%	0.08%	0.03%	0.11%	0.03%			d
MR-8*	Qwest DSL, %		0.94%	0%	0.85%	0%	1.62%	0%			a b c d
MR-8*	Residence, %		1.48%	1.14%	1.60%	1.24%	1.83%	1.51%			d
MR-8*	UBL - 2-wire, %		0.55%	0.39%	0.46%	0.68%	0.37%	0.65%			d
MR-8*	UBL - 4-wire, %		1.14%		1.24%		1.49%				a b c d
MR-8*	UBL - ADSL Qualified, %		0.94%		0.85%		1.62%				a b c d
MR-8*	UBL - DS1 Capable, %		1.14%	0%	1.24%	3.85%	1.49%	20.00%			d
MR-8*	UBL - DS3 Capable, %		0.43%		0.36%		0.42%				a b c d
MR-8*	UBL Analog, %		1.32%	0.66%	1.41%	0.78%	1.61%	0.94%			d
MR-8*	UBL ISDN Capable, %		0.55%	1.68%	0.46%	1.20%	0.37%	2.48%			d
MR-8*	UDIT Above DS1 Level, %		0.43%	0%	0.36%	0%	0.42%	0%			a b c d
MR-8*	UDIT DS1, %		1.14%	0%	1.24%	0%	1.49%	0%			d
MR-8*	UNE-P, POTS, %		1.32%	1.09%	1.41%	1.54%	1.61%	1.32%			d
MR-8*	UNE-P, Centrex, %		0.21%	0.83%	0.33%	0.81%	0.34%	0.83%			d
MR-8*	UNE-P, Centrex 21, %		0.58%	3.17%	0.54%	0%	0.48%	0%			d
MR-9	**Repair Appointments Met**										
MR-9	Basic Rate ISDN, %	D					100%				a b c d
MR-9	Basic Rate ISDN, %	ND	100%				100%		100%		a b c d
MR-9	Business, %	D	89.41%	60.00%	87.87%	100%	88.82%	75.00%	85.86%	100%	a b c d
MR-9	Business, %	ND	99.20%	100%	97.80%	100%	98.07%	100%	98.35%	100%	a b c d
MR-9	Centrex 21, %	D	90.83%	100%	90.84%	100%	88.89%	100%	83.65%	85.71%	a b c d
MR-9	Centrex 21, %	ND	98.35%	100%	98.94%	100%	97.14%	100%	98.48%	100%	a b c d
MR-9	Centrex, %	D	79.17%		89.47%		77.14%		92.86%		a b c d
MR-9	Centrex, %	ND	100%		100%		100%		100%		a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-9	PBX, %	D	94.12%	100%	81.82%		80.65%		83.33%		a b c d
MR-9	PBX, %	ND	100%		100%		95.65%	100%	100%		a b c d
MR-9	Residence, %	D	92.70%	95.33%	93.75%	93.70%	92.52%	93.42%	93.46%	96.36%	
MR-9	Residence, %	ND	98.50%	100%	98.64%	100%	98.94%	100%	99.12%	96.55%	
MR-9	UNE-P, POTS, %	D	92.44%	86.67%	93.32%	100%	92.25%	90.00%	92.89%	90.91%	
MR-9	UNE-P, POTS, %	ND	98.57%	100%	98.55%	100%	98.86%	100%	99.04%	100%	b c d
MR-10	**Customer and Non-Qwest Related Trouble Reports**										
MR-10	Basic Rate ISDN, %		34.07%		39.19%		37.50%		32.53%		a b c d
MR-10	Business, %		39.49%	45.45%	38.58%	40.00%	38.95%	50.00%	40.58%	33.33%	b c d
MR-10	Centrex 21, %		33.06%	50.00%	40.63%	20.00%	42.18%	30.77%	39.93%	0%	b d
MR-10	Centrex, %		31.25%		28.95%		42.22%		39.06%		a b c d
MR-10	DS0, %		43.03%		47.25%	0%	39.91%	0%	50.09%		a b c d
MR-10	DS1, %		26.92%	0%	21.27%	14.29%	19.19%	0%	28.71%	0%	a b c d
MR-10	DS3, %		26.32%		12.50%		28.57%		10.00%		a b c d
MR-10	E911, %		50.00%		20.00%				100%		a b c d
MR-10	Frame Relay, %		33.33%		23.13%		29.05%		41.38%		a b c d
MR-10	ISDN Primary, %		33.33%		18.18%		21.05%		35.00%	100%	a b c d
MR-10	LIS Trunk, %		47.37%	66.67%	28.57%	11.11%	47.06%	25.00%	62.96%	20.00%	a b c d
MR-10	PBX, %		31.68%	50.00%	40.48%	60.00%	38.40%	0%	53.25%	66.67%	a b c d
MR-10	Qwest DSL, %		45.83%		54.63%		48.60%		60.20%		a b c d
MR-10	Residence, %		38.41%	41.56%	38.08%	35.29%	38.94%	38.31%	38.70%	35.05%	
MR-10	UBL - 2-wire, %		34.07%	25.00%	39.19%	8.33%	37.50%	35.71%	32.53%	46.15%	
MR-10	UBL - 4-wire, %		26.92%		21.27%		19.19%		28.71%		a b c d
MR-10	UBL - ADSL Qualified, %		45.83%		54.63%		48.60%		60.20%		a b c d
MR-10	UBL - DS1 Capable, %		26.92%		21.27%	0%	19.19%	14.29%	28.71%		a b c d
MR-10	UBL - DS3 Capable, %		26.32%		12.50%		28.57%		10.00%		a b c d
MR-10	UBL Analog, %		38.51%	32.17%	38.12%	32.25%	38.94%	33.41%	38.86%	33.69%	
MR-10	UBL ISDN Capable, %		34.07%	8.33%	39.19%	33.33%	37.50%	5.00%	32.53%	23.08%	
MR-10	UDIT Above DS1 Level, %		26.32%	100%	12.50%		28.57%		10.00%		a b c d
MR-10	UDIT DS1, %		26.92%		21.27%		19.19%	100%	28.71%		a b c d
MR-10	UNE-P, POTS, %		38.51%	28.21%	38.12%	34.04%	38.94%	31.82%	38.86%	35.00%	
MR-10	UNE-P, Centrex, %		31.25%	37.65%	28.95%	37.87%	42.22%	34.73%	39.06%	37.69%	
MR-10	UNE-P, Centrex 21, %		33.06%	33.33%	40.63%	100%	42.18%		39.93%	0%	a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-11	**LNP Trouble Reports Cleared**										
MR-11A	within 4 Hours, %		51.52%		44.90%		38.86%		43.55%		a b c d
MR-11B	within 48 Hours, %		99.19%		99.32%		98.86%	100%	99.33%		a b c d
NETWORK PERFORMANCE											
NI-1	**Trunk Blocking**										
NI-1A	to Qwest Tandem Offices, LIS Trunk, %		0%	0.09%	0%	0%	0%	0%	0%	0%	
NI-1B	to Qwest End Offices, LIS Trunk, %		0%	0%	0%	0%	0%	0.01%	0%	0%	
NI-1C	to Qwest Tandem Offices, LIS Trunk, %		0%	0.23%	0%	0%	0%	0%	0%	0%	
NI-1D	to Qwest End Offices, LIS Trunk, %		0%	0.28%	0%	0.34%	0%	0.01%	0%	0%	
NP-1	**NXX Code Activation**										
NP-1A	All, %							100%			a b c d
NP-1B	Facility Delays, All, %							0%			a b c d
ORDER ACCURACY											
OA-1	Order Accuracy, % (OP-5++)					99.35%		99.62%		99.48%	a
ORDERING AND PROVISIONING											
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**										
OP-2	Default, %		80.97%	96.94%	75.62%	97.87%	72.08%	98.27%	82.25%	97.82%	
OP-3	**Installation Commitments Met**										
OP-3	Basic Rate ISDN, %	D	100%						75.00%		a b c d
OP-3	Basic Rate ISDN, %	ND	100%				100%				a b c d
OP-3	Basic Rate ISDN, %		87.50%		85.29%		88.89%		90.63%		a b c d
OP-3	Business, %	D	91.14%	100%	87.95%	100%	90.80%	75.00%	88.87%		a b c d
OP-3	Business, %	ND	98.04%	100%	95.73%	100%	97.26%	100%	98.10%	100%	a b c d
OP-3	Centrex 21, %	ND	98.36%	100%	97.73%	100%	100%	80.00%	100%	100%	a b c d
OP-3	Centrex 21, %	D	84.29%	100%	93.06%	100%	89.55%	100%	82.35%	100%	a b c d
OP-3	Centrex, %	D	86.67%		71.43%		76.19%		76.47%		a b c d
OP-3	Centrex, %	ND	100%		100%		100%		50.00%		a b c d
OP-3	DS0, %	D	50.00%		100%		100%	0%	50.00%		a b c d
OP-3	DS0, %	ND	85.71%		100%	100%	0%	100%		0%	a b c d
OP-3	DS0, %		25.00%		71.43%	100%	75.00%		53.85%		a b c d
OP-3	DS1, %		82.80%	50.00%	74.71%		80.19%	100%	79.12%		a b c d
OP-3	DS3, %		77.78%		73.91%		88.57%		91.18%		a b c d
OP-3	E911, %					100%					a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	Frame Relay, %		76.12%		80.00%		77.33%		73.44%		a b c d
OP-3	ISDN Primary, %	D					100%				a b c d
OP-3	ISDN Primary, %	ND					100%		100%		a b c d
OP-3	ISDN Primary, %		67.09%		34.55%		95.24%		73.33%		a b c d
OP-3	Line Sharing, %	ND	99.37%	93.33%	99.48%	100%	99.35%	100%	99.28%	100%	
OP-3	Line Sharing, %	D	92.67%		91.78%		91.88%		90.77%		a b c d
OP-3	LIS Trunk, %		70.00%	100%	87.50%	90.91%	85.71%	100%	100%	100%	a d
OP-3	PBX, %	D	83.33%		100%		82.35%		88.89%	100%	a b c d
OP-3	PBX, %	ND	100%		100%		96.43%		66.67%		a b c d
OP-3	PBX, %		84.00%		74.36%		50.00%		77.78%		a b c d
OP-3	Qwest DSL, %	D	93.22%		90.28%		83.54%		90.63%		a b c d
OP-3	Qwest DSL, %	ND	99.60%		97.93%	100%	99.44%		99.11%		a b c d
OP-3	Qwest DSL, %		83.33%		100%		80.00%		100%		a b c d
OP-3	Residence, %	D	93.07%	87.80%	92.82%	95.08%	92.15%	99.13%	91.36%	97.31%	
OP-3	Residence, %	ND	99.40%	99.75%	99.55%	100%	99.39%	100%	99.30%	100%	
OP-3	UBL - 2-wire, %		89.74%	96.61%	85.29%	98.57%	89.09%	97.22%	88.89%	100%	
OP-3	UBL - 4-wire, %		82.80%		74.71%		80.19%		79.12%		a b c d
OP-3	UBL - ADSL Qualified, %		93.22%		90.54%		83.75%		90.91%		a b c d
OP-3	UBL - DS1 Capable, %		82.80%	100%	74.71%	66.67%	80.19%	60.00%	79.12%	60.00%	a b c d
OP-3	UBL - DS3 Capable, %		77.78%		73.91%		88.57%		91.18%		a b c d
OP-3	UBL Analog, %	D	92.67%								a b c d
OP-3	UBL Analog, %		92.67%	99.12%	91.78%	98.67%	91.88%	97.52%	90.77%	99.26%	
OP-3	UBL Conditioned, %			60.00%		100%		100%		87.50%	a b c d
OP-3	UBL ISDN Capable, %		89.74%	96.55%	85.29%	100%	89.09%	85.19%	88.89%	100%	
OP-3	UDIT Above DS1 Level, %		77.78%		73.91%		88.57%	100%	91.18%	100%	a b c d
OP-3	UDIT DS1, %		82.80%		74.71%		80.19%	100%	79.12%		a b c d
OP-3	UNE-P, POTS, %	D	92.67%	88.89%	91.78%	100%	91.88%	85.71%	90.77%	100%	a b c
OP-3	UNE-P, POTS, %	ND	99.37%	100%	99.48%	100%	99.35%	100%	99.28%	100%	
OP-3	UNE-P, Centrex, %	D	86.67%	94.55%	71.43%	93.98%	76.19%	95.84%	76.47%	92.03%	
OP-3	UNE-P, Centrex, %	ND	100%	97.52%	100%	98.44%	100%	98.36%	50.00%	99.32%	
OP-3	UNE-P, Centrex 21, %	ND	98.36%	100%	97.73%	50.00%	100%	100%	100%		a b c d
OP-3	UNE-P, Centrex 21, %	D	84.29%		93.06%		89.55%		82.35%		a b c d
OP-4	**Installation Interval**										

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	Basic Rate ISDN, Avg Days	D	12.00						2.00		a b c d
OP-4	Basic Rate ISDN, Avg Days	ND	3.00				0.00				a b c d
OP-4	Basic Rate ISDN, Avg Days		12.72		14.94		9.22		10.63		a b c d
OP-4	Business, Avg Days	D	5.88	5.50	6.24	3.00	6.65	4.00	7.00		a b c d
OP-4	Business, Avg Days	ND	3.46	2.60	5.46	3.00	3.26	3.00	3.67	2.67	a b c d
OP-4	Centrex 21, Avg Days	ND	5.39	5.00	2.96	3.00	2.84	3.50	2.65		a b c d
OP-4	Centrex 21, Avg Days	D	9.48	14.20	9.21	5.00	8.58	5.00	6.08	5.00	a b c d
OP-4	Centrex, Avg Days	D	5.33		5.21		9.14		14.71		a b c d
OP-4	Centrex, Avg Days	ND	3.00				2.50		10.50		a b c d
OP-4	DS0, Avg Days	D	13.00		0.00		13.00	1.00	6.50		a b c d
OP-4	DS0, Avg Days	ND	3.86		5.71	5.00	26.00	4.00		11.00	a b c d
OP-4	DS0, Avg Days		14.80		20.60	4.00	11.00		25.86		a b c d
OP-4	DS1, Avg Days		15.19	19.33	15.66		16.33	17.00	14.00	17.00	a b c d
OP-4	DS3, Avg Days		16.21		15.56		20.08		11.78		a b c d
OP-4	E911, Avg Days					12.00			248.50		a b c d
OP-4	Frame Relay, Avg Days		12.88		18.00						a b c d
OP-4	ISDN Primary, Avg Days	D					3.00				a b c d
OP-4	ISDN Primary, Avg Days	ND	9.00				10.00		4.00		a b c d
OP-4	ISDN Primary, Avg Days		11.71		21.79		11.47		20.32		a b c d
OP-4	Line Sharing, Avg Days	D	6.01		6.29		6.72		6.19		a b c d
OP-4	Line Sharing, Avg Days	ND	3.56	3.00	3.67	3.00	3.59	3.00	3.82	3.00	a
OP-4	LIS Trunk, Avg Days		22.00	21.33	24.00	14.08	27.07	14.16	20.48	35.11	a d
OP-4	PBX, Avg Days	D	9.17		10.86		14.83		3.90	3.00	a b c d
OP-4	PBX, Avg Days	ND	2.00		1.80		2.00		4.00		a b c d
OP-4	PBX, Avg Days		11.89		13.42		20.23	16.00	12.83		a b c d
OP-4	Qwest DSL, Avg Days	D	10.19		7.36		7.13		6.17		a b c d
OP-4	Qwest DSL, Avg Days	ND	9.37		4.88		4.93		4.88		a b c d
OP-4	Qwest DSL, Avg Days		5.33		1.80		4.00		4.60		a b c d
OP-4	Residence, Avg Days	D	6.05	5.17	6.31	3.24	6.74	4.39	5.94	4.21	
OP-4	Residence, Avg Days	ND	3.56	2.91	3.64	2.95	3.60	2.98	3.82	2.96	
OP-4	UBL - 2-wire, Avg Days		12.40	4.34	14.94	3.72	9.04	4.28	9.62	3.86	
OP-4	UBL - 4-wire, Avg Days		15.19		15.66		16.33		14.00		a b c d
OP-4	UBL - ADSL Qualified, Avg Days		10.19		7.24		7.12		6.19		a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	UBL - DS1 Capable, Avg Days		15.19	6.00	15.66	10.25	16.33	15.50	14.00	14.40	a b c d
OP-4	UBL - DS3 Capable, Avg Days		16.21		15.56		20.08		11.78		a b c d
OP-4	UBL Analog, Avg Days	D	6.01								a b c d
OP-4	UBL Analog, Avg Days		6.01	4.84	6.29	4.45	6.72	4.88	6.19	4.96	
OP-4	UBL Conditioned, Avg Days			10.20		7.71		7.71		4.00	a b c d
OP-4	UBL ISDN Capable, Avg Days		12.40	4.55	14.94	4.31	9.04	4.96	9.62	3.77	
OP-4	UDIT Above DS1 Level, Avg Days		16.21		15.56		20.08	2.50	11.78	5.78	a b c d
OP-4	UDIT DS1, Avg Days		15.19		15.66		16.33	6.00	14.00		a b c d
OP-4	UNE-P, POTS, Avg Days	D	6.01	6.22	6.29	4.83	6.72	3.57	6.19	3.00	a b c
OP-4	UNE-P, POTS, Avg Days	ND	3.56	2.93	3.67	2.98	3.59	2.83	3.82	3.06	
OP-4	UNE-P, Centrex, Avg Days	ND	3.00	4.72		4.81	2.50	4.68	10.50	3.92	
OP-4	UNE-P, Centrex, Avg Days	D	5.33	6.10	5.21	7.02	9.14	6.47	14.71	6.08	
OP-4	UNE-P, Centrex 21, Avg Days	ND	5.39	5.00	2.96	4.00	2.84	3.00	2.65		a b c d
OP-4	UNE-P, Centrex 21, Avg Days	D	9.48		9.21		8.58		6.08		a b c d
OP-5	**New Service Installation Quality**										
OP-5	Basic Rate ISDN, %		93.94%		97.44%		95.56%		93.48%		a b c d
OP-5	Business, %		88.47%	87.50%	88.66%	100%	88.19%	83.33%	90.35%	100%	a b c d
OP-5	Centrex 21, %		65.97%	100%	66.67%	100%	72.00%	88.89%	80.65%	100%	a b c d
OP-5	Centrex, %		72.22%		68.75%		73.68%		81.82%		a b c d
OP-5	DS0, %		53.33%	100%	87.50%	100%	75.00%	100%	46.67%	100%	a b c d
OP-5	DS1, %		96.23%	100%	95.88%	100%	93.69%	100%	96.25%	100%	a b c d
OP-5	DS3, %		100%		100%		100%		98.18%		a b c d
OP-5	E911, %		100%	100%	100%	100%	100%	100%	100%		a b c d
OP-5	Frame Relay, %		88.76%		97.06%		90.41%		92.11%		a b c d
OP-5	ISDN Primary, %		100%		98.21%		100%		98.89%		a b c d
OP-5	Line Sharing, %		88.36%	94.12%	87.17%	96.67%	87.74%	100%	91.20%	100%	
OP-5	LIS Trunk, %		94.12%	100%	93.10%	72.73%	96.00%	100%	96.77%	100%	a
OP-5	PBX, %		79.17%	100%	89.71%		89.87%	100%	96.30%	100%	a b c d
OP-5	Qwest DSL, %		99.94%	100%	99.89%	100%	100%	100%	99.94%		a b c d
OP-5	Residence, %		88.35%	96.18%	87.05%	97.53%	87.71%	96.74%	91.27%	97.17%	
OP-5	UBL - 2-wire, %		93.94%	98.57%	97.44%	95.65%	95.56%	94.67%	93.48%	94.12%	
OP-5	UBL - 4-wire, %		96.23%		95.88%		93.69%		96.25%		a b c d
OP-5	UBL - ADSL Qualified, %		98.39%		97.14%		100%		98.68%		a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5	UBL - DS1 Capable, %		96.23%	100%	95.88%	100%	93.69%	60.00%	96.25%	100%	a b c d
OP-5	UBL - DS3 Capable, %		100%		100%		100%		98.18%		a b c d
OP-5	UBL Analog, %		59.36%	97.88%	55.65%	97.17%	52.29%	97.79%	65.17%	98.27%	
OP-5	UBL ISDN Capable, %		93.94%	87.88%	97.44%	93.33%	95.56%	93.33%	93.48%	95.45%	
OP-5	UDIT Above DS1 Level, %		100%		100%		100%	100%	98.18%	100%	a b c d
OP-5	UDIT DS1, %		96.23%	100%	95.88%		93.69%	100%	96.25%	100%	a b c d
OP-5	UNE-P, POTS, %		88.36%	94.44%	87.17%	95.91%	87.74%	95.90%	91.20%	93.65%	
OP-5	UNE-P, Centrex, %		72.22%	89.99%	68.75%	92.13%	73.68%	91.58%	81.82%	92.56%	
OP-5	UNE-P, Centrex 21, %		65.97%	85.71%	66.67%	100%	72.00%	100%	80.65%	100%	a b c d
OP-5*	Basic Rate ISDN, %		95.45%		100%		95.56%				a b c d
OP-5*	Business, %		90.29%	87.50%	90.61%	100%	89.70%	83.33%			a b c d
OP-5*	Centrex 21, %		73.61%	100%	76.19%	100%	80.80%	88.89%			a b c d
OP-5*	Centrex, %		77.78%		81.25%		73.68%				a b c d
OP-5*	DS0, %		66.67%	100%	93.75%	100%	87.50%	100%			a b c d
OP-5*	DS1, %		97.43%	100%	97.36%	100%	95.52%	100%			a b c d
OP-5*	DS3, %		100%		100%		100%				a b c d
OP-5*	E911, %		100%	100%	100%	100%	100%	100%			a b c d
OP-5*	Frame Relay, %		91.01%		98.53%		90.41%				a b c d
OP-5*	ISDN Primary, %		100%		98.21%		100%				a b c d
OP-5*	Line Sharing, %		90.63%	94.12%	89.49%	100%	89.97%	100%			d
OP-5*	LIS Trunk, %		94.12%	100%	93.10%	72.73%	100%	100%			a d
OP-5*	PBX, %		95.83%	100%	92.65%		93.67%	100%			a b c d
OP-5*	Qwest DSL, %		99.94%	100%	99.89%	100%	100%	100%			a b c d
OP-5*	Residence, %		90.66%	96.84%	89.40%	98.09%	89.99%	97.19%			d
OP-5*	UBL - 2-wire, %		95.45%	98.57%	100%	95.65%	95.56%	96.00%			d
OP-5*	UBL - 4-wire, %		97.43%		97.36%		95.52%				a b c d
OP-5*	UBL - ADSL Qualified, %		98.39%		97.14%		100%				a b c d
OP-5*	UBL - DS1 Capable, %		97.43%	100%	97.36%	100%	95.52%	60.00%			a b c d
OP-5*	UBL - DS3 Capable, %		100%		100%		100%				a b c d
OP-5*	UBL Analog, %		67.29%	98.75%	63.67%	98.61%	60.98%	98.76%			d
OP-5*	UBL ISDN Capable, %		95.45%	90.91%	100%	96.67%	95.56%	93.33%			d
OP-5*	UDIT Above DS1 Level, %		100%		100%		100%	100%			a b c d
OP-5*	UDIT DS1, %		97.43%	100%	97.36%		95.52%	100%			a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5*	UNE-P, POTS, %		90.63%	96.83%	89.49%	97.08%	89.97%	97.54%			d
OP-5*	UNE-P, Centrex, %		77.78%	91.25%	81.25%	93.60%	73.68%	93.91%			d
OP-5*	UNE-P, Centrex 21, %		73.61%	85.71%	76.19%	100%	80.80%	100%			a b c d
OP-6A	**Delayed Days for Non-Facility Reasons**										
OP-6A	Basic Rate ISDN, Avg Days	D							1.00		a b c d
OP-6A	Basic Rate ISDN, Avg Days		10.67		36.25		17.25		33.33		a b c d
OP-6A	Business, Avg Days	D	3.38		2.71		5.68	3.00	4.75		a b c d
OP-6A	Business, Avg Days	ND	15.60		30.88		7.71		22.50		a b c d
OP-6A	Centrex 21, Avg Days	D	5.75		6.33		5.00		1.43		a b c d
OP-6A	Centrex 21, Avg Days	ND	5.00		1.00			2.00			a b c d
OP-6A	Centrex, Avg Days	D	6.00		10.00		2.00		48.67		a b c d
OP-6A	Centrex, Avg Days	ND							37.50		a b c d
OP-6A	DS0, Avg Days	D	17.00					1.00	1.00		a b c d
OP-6A	DS0, Avg Days	ND	2.00				22.67			4.00	a b c d
OP-6A	DS0, Avg Days		19.00		24.75				38.83		a b c d
OP-6A	DS1, Avg Days		11.84	14.00	14.41		13.94		13.72		a b c d
OP-6A	DS3, Avg Days		16.50		3.40		54.60		20.60		a b c d
OP-6A	Frame Relay, Avg Days		13.71		14.40		19.82		32.94		a b c d
OP-6A	ISDN Primary, Avg Days		6.06		18.21		10.00		25.00		a b c d
OP-6A	Line Sharing, Avg Days	D	3.88		2.51		3.44		4.01		a b c d
OP-6A	Line Sharing, Avg Days	ND	5.26	8.00	7.98		4.12		6.18		a b c d
OP-6A	LIS Trunk, Avg Days		7.92		24.00	22.00	21.00		26.00		a b c d
OP-6A	PBX, Avg Days	D					1.00		2.00		a b c d
OP-6A	PBX, Avg Days	ND					1.00		5.00		a b c d
OP-6A	PBX, Avg Days		6.86		13.38		15.22	10.00	10.50		a b c d
OP-6A	Qwest DSL, Avg Days	D	3.00		6.71		7.77		3.71		a b c d
OP-6A	Qwest DSL, Avg Days	ND	3.33		7.37		4.80		2.50		a b c d
OP-6A	Qwest DSL, Avg Days		6.00				5.00				a b c d
OP-6A	Residence, Avg Days	D	4.17	1.67	2.38	2.00	2.66		3.56	1.50	a b c d
OP-6A	Residence, Avg Days	ND	4.27	1.00	3.40		3.79		5.22		a b c d
OP-6A	UBL - 2-wire, Avg Days		10.67	5.75	36.25	6.00	17.25	6.00	25.25		a b c d
OP-6A	UBL - 4-wire, Avg Days		11.84		14.41		13.94		13.72		a b c d
OP-6A	UBL - ADSL Qualified, Avg Days		3.00		6.71		7.77		3.71		a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6A	UBL - DS1 Capable, Avg Days		11.84		14.41	14.00	13.94	15.00	13.72	15.50	a b c d
OP-6A	UBL - DS3 Capable, Avg Days		16.50		3.40		54.60		20.60		a b c d
OP-6A	UBL Analog, Avg Days		3.88	4.42	2.51	4.20	3.44	13.56	4.01	3.92	
OP-6A	UBL Analog, Avg Days	D	3.88								a b c d
OP-6A	UBL ISDN Capable, Avg Days		10.67	5.00	36.25	6.00	17.25	5.00	25.25		a b c d
OP-6A	UDIT Above DS1 Level, Avg Days		16.50		3.40		54.60		20.60		a b c d
OP-6A	UDIT DS1, Avg Days		11.84		14.41		13.94		13.72		a b c d
OP-6A	UNE-P, POTS, Avg Days	D	3.88	2.00	2.51		3.44		4.01		a b c d
OP-6A	UNE-P, POTS, Avg Days	ND	5.26		7.98		4.12		6.18		a b c d
OP-6A	UNE-P, Centrex, Avg Days	D	6.00	2.88	10.00	6.73	2.00	6.83	48.67	4.67	
OP-6A	UNE-P, Centrex, Avg Days	ND		1.83		3.00		1.50	37.50	3.00	a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	D	5.75		6.33		5.00		1.43		a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	ND	5.00		1.00	1.00					a b c d
OP-6B	**Delayed Days for Facility Reasons**										
OP-6B	Basic Rate ISDN, Avg Days	D									a b c d
OP-6B	Basic Rate ISDN, Avg Days				108.00		4.50				a b c d
OP-6B	Business, Avg Days	D	12.35		9.51		10.33		10.76		a b c d
OP-6B	Business, Avg Days	ND	9.00		296.00		8.50				a b c d
OP-6B	Centrex 21, Avg Days	D	9.43		20.67		22.25		8.50		a b c d
OP-6B	Centrex, Avg Days	D	1.00		4.67		13.75		20.00		a b c d
OP-6B	Centrex, Avg Days	ND							18.00		a b c d
OP-6B	DS0, Avg Days		5.00				19.00		6.00		a b c d
OP-6B	DS1, Avg Days		12.28		23.48		21.83		14.89		a b c d
OP-6B	DS3, Avg Days				77.00						a b c d
OP-6B	Frame Relay, Avg Days		29.33		22.33		19.00		74.67		a b c d
OP-6B	Line Sharing, Avg Days	D	9.38		9.97		8.68		9.17		a b c d
OP-6B	Line Sharing, Avg Days	ND	6.71		23.25		7.17		4.93		a b c d
OP-6B	LIS Trunk, Avg Days						19.00				a b c d
OP-6B	PBX, Avg Days	D	1.00				12.00				a b c d
OP-6B	Residence, Avg Days	D	8.66	14.50	10.14	2.50	8.21	2.50	8.62	10.75	a b c d
OP-6B	Residence, Avg Days	ND	6.54		5.07		7.09		4.93		a b c d
OP-6B	UBL - 2-wire, Avg Days				108.00		4.50				a b c d
OP-6B	UBL - 4-wire, Avg Days		12.28		23.48		21.83		14.89		a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6B	UBL - DS1 Capable, Avg Days		12.28		23.48		21.83		14.89		a b c d
OP-6B	UBL - DS3 Capable, Avg Days				77.00						a b c d
OP-6B	UBL Analog, Avg Days	D	9.38								a b c d
OP-6B	UBL Analog, Avg Days		9.38		9.97		8.68		9.17	2.50	a b c d
OP-6B	UBL ISDN Capable, Avg Days				108.00		4.50	1.00			a b c d
OP-6B	UDIT Above DS1 Level, Avg Days				77.00						a b c d
OP-6B	UDIT DS1, Avg Days		12.28		23.48		21.83		14.89		a b c d
OP-6B	UNE-P, POTS, Avg Days	D	9.38		9.97		8.68	1.00	9.17		a b c d
OP-6B	UNE-P, POTS, Avg Days	ND	6.71		23.25		7.17		4.93		a b c d
OP-6B	UNE-P, Centrex, Avg Days	D	1.00	8.73	4.67	7.76	13.75	10.11	20.00	17.00	c
OP-6B	UNE-P, Centrex, Avg Days	ND		4.00		3.50		5.00	18.00		a b c d
OP-6B	UNE-P, Centrex 21, Avg Days	D	9.43		20.67		22.25		8.50		a b c d
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**										
OP-7	Analog, Hrs:Min			0:02		0:02		0:02		0:02	
OP-7	Other, Hrs:Min										a b c d
OP-8	**Number Portability Timeliness**										
OP-8B	LNP, %			99.09%		100%		100%		99.85%	
OP-8C	% LNP Triggers Set Prior to the Frame Due Time, LNP%			99.06%		99.71%		99.94%		99.83%	
OP-13	**Coordinated Cuts - Unbundled Loop**										
OP-13A	Completed on Time, UBL - Analog, %			100%		99.42%		100%		98.28%	
OP-13A	Completed on Time, UBL Other, %			100%		100%		100%		100%	
OP-13B	Started Without CLEC Approval, UBL - Analog, %			0%		0.58%		0%		0%	
OP-13B	Started Without CLEC Approval, UBL Other, %			0%		0%		0%		0%	
OP-15A	**Interval for Pending Orders Delayed Past Due Date**										
OP-15A	Basic Rate ISDN, Avg Days		103.58		113.11		150.18		142.23		a b c d
OP-15A	Business, Avg Days		78.79		87.74		91.24		109.45		a b c d
OP-15A	Centrex 21, Avg Days		64.90		66.77		73.79		86.82	10.00	a b c d
OP-15A	Centrex, Avg Days		40.25		58.29		85.89		73.40		a b c d
OP-15A	DS0, Avg Days		100.20		81.50	10.00	74.25	3.00	59.91		a b c d
OP-15A	DS1, Avg Days		32.27		36.02		55.05		43.68		a b c d
OP-15A	DS3, Avg Days		35.09		37.63		48.92		50.70		a b c d
OP-15A	Frame Relay, Avg Days		48.36		56.54		46.39		35.43		a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15A	ISDN Primary, Avg Days		24.11		20.91		30.80		97.60		a b c d
OP-15A	Line Sharing, Avg Days							6.00		13.00	a b c d
OP-15A	LIS Trunk, Avg Days							21.00		41.00	a b c d
OP-15A	PBX, Avg Days		21.73		46.30		97.50		72.29		a b c d
OP-15A	Residence, Avg Days		86.83	124.80	86.02	199.00	89.24	124.42	102.75	200.88	a b d
OP-15A	UBL - 2-wire, Avg Days		103.58	3.00	113.11	23.50	150.18	15.00	142.23	1.00	a b c d
OP-15A	UBL - 4-wire, Avg Days		32.27		36.02		55.05		43.68		a b c d
OP-15A	UBL - DS1 Capable, Avg Days		32.27	4.00	36.02	3.00	55.05	14.75	43.68	6.00	a b c d
OP-15A	UBL - DS3 Capable, Avg Days		35.09	14.00	37.63		48.92		50.70		a b c d
OP-15A	UBL Analog, Avg Days		73.06	4.00	80.68	8.73	91.21	4.43	108.70	14.36	a
OP-15A	UBL ISDN Capable, Avg Days		103.58	2.50	113.11	7.50	150.18	18.00	142.23	24.00	a b c d
OP-15A	UDIT Above DS1 Level, Avg Days		35.09		37.63		48.92		50.70		a b c d
OP-15A	UDIT DS1, Avg Days		32.27		36.02		55.05		43.68		a b c d
OP-15A	UNE-P, POTS, Avg Days		83.62	133.50	86.69	78.00	90.00	92.00	105.17	136.33	a b c d
OP-15A	UNE-P, Centrex, Avg Days		40.25	66.64	58.29	79.05	85.89	33.58	73.40	66.82	
OP-15A	UNE-P, Centrex 21, Avg Days		64.90	7.00	66.77		73.79		86.82		a b c d
OP-15B	**Pending Orders Delayed for Facilities Reasons**										
OP-15B	Basic Rate ISDN		5		5		5		6		a b c d
OP-15B	Business		83		85		78		50		a b c d
OP-15B	Centrex 21		6		6		5		4	0	a b c d
OP-15B	Centrex		3		1		3		5		a b c d
OP-15B	DS0		0		1	0	0	0	1		a b c d
OP-15B	DS1		36		45		26		35		a b c d
OP-15B	DS3		12		17		14		18		a b c d
OP-15B	Frame Relay		6		6		6		3		a b c d
OP-15B	ISDN Primary		3		4		1		3		a b c d
OP-15B	Line Sharing							0		0	a b c d
OP-15B	LIS Trunk							0		0	a b c d
OP-15B	PBX		1		3		0		0		a b c d
OP-15B	Residence		266	1	249	1	270	3	234	0	a b c d
OP-15B	UBL - 2-wire		5	1	5	0	5	2	6	1	a b c d
OP-15B	UBL - 4-wire		36		45		26		35		a b c d
OP-15B	UBL - DS1 Capable		36	0	45	0	26	1	35	1	a b c d

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15B	UBL - DS3 Capable		12	0	17		14		18		a b c d
OP-15B	UBL Analog		246	0	214	19	181	12	154	32	a b c d
OP-15B	UBL ISDN Capable		5	2	5	1	5	1	6	2	a b c d
OP-15B	UDIT Above DS1 Level		12		17		14		18		a b c d
OP-15B	UDIT DS1		36		45		26		35		a b c d
OP-15B	UNE-P, POTS		349	0	334	1	348	0	284	0	a b c d
OP-15B	UNE-P, Centrex		3	14	1	13	3	13	5	5	a b c d
OP-15B	UNE-P, Centrex 21		6	0	6		5		4		a b c d
OP-17	**Timeliness of Disconnects associated with LNP Orders**										
OP-17A	LNP, %			100%		100%		100%		100%	
OP-17B	LNP, %			100%		100%		100%		100%	
OPERATOR SERVICES											
OS-1	**Speed of Answer - Operator Services**										
OS-1	Average Seconds		9.67		8.51		8.51		8.91		a b c d
PRE-ORDER/ORDER											
PO-1	**Pre-Order/Order Response Times**										
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec			0.55		0.57		0.55		0.56	
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec			2.44		2.6		2.24		1.77	
PO-1A-1Total	Appt. Sched, GUI Aggr, Avg Sec			2.99		3.17		2.79		2.33	
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec			0.51		0.52		0.51		0.5	
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec			5.66		6.11		6.37		6.75	
PO-1A-2Total	Service Avail, GUI Aggr, Avg Sec			6.17		6.63		6.89		7.25	
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec			0.7		0.72		0.7		0.7	
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec			7.41		7.73		7.63		7.48	
PO-1A-3Total	Facility Check, GUI Aggr, Avg Sec			8.11		8.45		8.33		8.18	
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec			1.3		1.32		1.34		1.31	
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec			4.64		4.65		4.67		5.1	
PO-1A-4Total	Address Validation, GUI Aggr, Avg Sec			5.94		5.97		6.01		6.41	
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec			0.69		0.74		0.72		0.7	
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec			6.55		5.79		5.82		5.59	
PO-1A-5Total	Get CSR, GUI Aggr, Avg Sec			7.23		6.53		6.54		6.28	
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec			0.79		0.82		0.8		0.79	
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec			4.45		4.91		4.69		4.5	

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec			0.65		0.74		0.71		0.66	
PO-1A-6Total	TN Reserv, GUI Aggr, Avg Sec			5.89		6.47		6.2		5.94	
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec			0.95		0.98		0.96		1.05	
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec			8.73		8.09		7.9		5.75	
PO-1A-7Total	Loop Qual Tools, GUI Aggr, Avg Sec			9.68		9.07		8.86		6.8	
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec			0.9		0.98		0.91		0.91	
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec			5.51		6.66		6.09		5.63	
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggr, Avg Sec			6.41		7.64		7		6.54	
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec			0.44		0.44		0.47		0.44	
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec			17.83		18.14		14.1		8.25	
PO-1A-9Total	Connecting Facility Assign, GUI Aggr, Avg Sec			18.28		18.58		14.56		8.69	
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec			0.48		0.48		0.48		0.47	
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec			19.85		19.95		13.51		4.87	
PO-1A-10Total	Meet Point Inquiry, GUI Aggr, Avg Sec			20.34		20.43		14		5.34	
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec			4.77		4.55		3.99		3.55	
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec			6.32		6.09		6.23		6.61	
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec			6.38		5.73		6.75		7.33	
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec			3.11		2.47		2.52		2.88	
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec			3.43		2.01		2.6		2.66	
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec			5.41		5.52		5.06		5.18	
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec			9.23		8.64		9.67		7.24	
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec			6.31		6.11		5.16		5.74	
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec			18.12		16.97		12.37		8.03	
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec			20.77		20.29		13.09		5.41	
PO-1C-1	Timeout, GUI Total, %			0.05%		0.10%		0.02%		0.04%	
PO-1C-2	Timeout, EDI Total, %			0.07%		0%		0.02%		0.24%	
PO-1D-1	Rejected Query, GUI Total, Avg Sec			1.46		1.57		1.36		1.34	
PO-1D-2	Rejected Query, EDI Total, Avg Sec			2.84		3.15		2.15		1.84	
PO-2	**Electronic Flow-through**										
PO-2A-1	GUI, LNP, %			70.99%		69.36%		64.45%		65.86%	
PO-2A-1	GUI, Resale Aggr w/o UNE-P-POTS, %			80.98%		87.64%		82.18%		86.99%	
PO-2A-1	GUI, UBL Aggr, %			61.31%		59.71%		69.07%		61.35%	
PO-2A-1	GUI, UNE-P, POTS, %			50.00%		37.68%		57.63%		49.28%	

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-2A-2	EDI, LNP, %			0%		0%		0%		0%	a b c
PO-2A-2	EDI, Resale Aggr w/o UNE-P-POTS, %			46.88%		43.79%		72.98%		67.25%	
PO-2A-2	EDI, UBL Aggr, %			44.31%		24.00%		27.15%		29.65%	
PO-2A-2	EDI, UNE-P, POTS, %			42.11%		61.82%		70.15%		68.29%	
PO-2B-1	All Eligible LSRs, GUI, LNP, %			98.11%		94.65%		97.73%		99.01%	
PO-2B-1	All Eligible LSRs, GUI, POTS Resale, %			96.11%		97.38%		98.11%		98.78%	
PO-2B-1	All Eligible LSRs, GUI, UBL Aggr, %			96.00%		92.74%		97.10%		97.19%	
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %			90.70%		96.30%		97.14%		97.14%	
PO-2B-2	All Eligible LSRs, EDI, LNP, %			0%						0%	a b c d
PO-2B-2	All Eligible LSRs, EDI, POTS Resale, %			96.77%		94.00%		98.52%		99.28%	
PO-2B-2	All Eligible LSRs, EDI, UBL Aggr, %			97.41%		93.50%		96.23%		93.32%	
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %			92.75%		94.44%		95.92%		90.32%	
PO-3	**LSR Rejection Notice Interval**										
PO-3A-1	GUI - Manual Reject, Product Aggr, Hrs:Min			3:13		1:57		5:59		8:25	
PO-3A-2	GUI - Auto-Reject, Product Aggr, Min:Sec			00:04		00:04		00:03		00:03	
PO-3B-1	EDI - Manual Reject, Product Aggr, Hrs:Min			3:19		1:37		2:10		2:09	
PO-3B-2	EDI - Auto-Reject, Product Aggr, Min:Sec			00:06		00:06		00:05		00:05	
PO-3C	Manual and IIS, Product Aggr, Hrs:Min			27:18		5:52		5:24		9:06	
PO-4	**LSRs Rejected**										
PO-4A-1	GUI - Manual Reject, Product Aggr, %			4.36%		2.25%		2.41%		2.20%	
PO-4A-2	GUI - Auto-Reject, Product Aggr, %			31.30%		32.17%		31.07%		31.56%	
PO-4B-1	EDI - Manual Reject, Product Aggr, %			8.19%		4.46%		4.57%		4.67%	
PO-4B-2	EDI - Auto-Reject, Product Aggr, %			24.11%		24.10%		20.28%		20.79%	
PO-4C	Facsimile , Product Aggr, %			11.90%		14.10%		20.49%		19.59%	
PO-5	**Firm Order Confirmations (FOCs) On Time**										
PO-5A-1(a)	Fully Electronic, GUI, Resale Aggr, %			100%		99.84%		99.77%		100%	
PO-5A-1(b)	Fully Electronic, GUI, UBL Aggr, %			100%		100%		100%		100%	
PO-5A-1(c)	Fully Electronic, GUI, LNP, %			100%		100%		100%		99.64%	
PO-5A-2(a)	Fully Electronic, EDI, Resale Aggr, %			95.65%		100%		100%		99.86%	
PO-5A-2(b)	Fully Electronic, EDI, UBL Aggr, %			99.31%		99.77%		100%		100%	
PO-5B-1(a)	Elec/Manual, GUI, Resale Aggr, %			99.69%		99.50%		98.64%		97.93%	
PO-5B-1(b)	Elec/Manual, GUI, UBL Aggr, %			98.66%		97.67%		97.93%		97.30%	
PO-5B-1(c)	Elec/Manual, GUI, LNP, %			98.72%		100%		100%		100%	

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-5B-2(a)	Elec/Manual, EDI, Resale Aggr, %			99.52%		99.94%		99.76%		99.79%	
PO-5B-2(b)	Elec/Manual, EDI, UBL Aggr, %			99.82%		99.93%		99.88%		99.83%	
PO-5B-2(c)	Elec/Manual, EDI, LNP, %			100%		100%		100%		100%	a b c
PO-5C-(a)	Manual, Resale Aggr, %			99.64%		98.74%		100%		100%	
PO-5C-(b)	Manual, UBL Aggr, %			100%		100%		100%		100%	
PO-5C-(c)	Manual, LNP, %			100%		100%		100%		100%	d
PO-5D	LIS Trunk, %			87.50%		100%		100%		100%	a c d
PO-6	**Work Completion Notification Timeliness**										
PO-6A	IMA - GUI, All, Hrs:Min			0:31		0:52		1:44		0:49	
PO-6B	IMA - EDI, All, Hrs:Min			2:01		2:28		3:03		1:08	
PO-7	**Billing Completion Notification Timeliness**										
PO-7A-C	IMA - GUI, All, %		95.69%	97.18%	97.23%	98.81%	96.59%	98.71%	96.98%	98.76%	
PO-7B-C	IMA - EDI, All, %		95.69%		97.23%		96.59%		96.98%		a b c d
PO-8	**Jeopardy Notice Interval**										
PO-8A	Non-Designed Services, Avg Days		5.54	2.40	5.26	2.50	5.44	5.00	5.91	4.67	a b c d
PO-8B	UBLs and LNP, Avg Days		5.54	3.91	5.26	2.78	5.44	3.67	5.91	5.11	
PO-8C	LIS Trunk, Avg Days				0.00		16.50		15.67		a b c d
PO-8D	UNE-P, POTS, Avg Days		5.54	2.33	5.26	2.00	5.44	1.00	5.91		a b c d
PO-9	**Timely Jeopardy Notices**										
PO-9A	Non-Designed Services, %		29.19%	22.22%	33.78%	33.33%	28.33%	50.00%	29.41%	33.33%	a b c d
PO-9B	UBLs and LNP, %		29.19%	0%	33.78%	6.74%	28.33%	19.51%	29.41%	54.55%	
PO-9C	LIS Trunk, %		0%		0%	0%	50.00%				a b c d
PO-9D	UNE-P, POTS, %		29.19%	100%	33.78%		28.33%	100%	29.41%		a b c d
PO-10	**LSR Accountability**										
PO-10	Product Aggr, %			100%		100%		100%		100%	
PO-15	**Number of Due Date Changes per Order**										
PO-15	All, Avg Days		0.04	0.04	0.04	0.07	0.02	0.03	0.04	0.04	
PO-16	**Timely Release Notifications**										
PO-16	Default, %					100%		100%		100%	a b c d
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**										
PO-19	SATE Accuracy, %			98.95%							b c d
PO-19A	SATE Accuracy, Rel. 10.0, %					100%		98.45%		98.45%	a
PO-19A	SATE Accuracy, Rel. 8.0, %					100%		99.47%		98.94%	a

IOWA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-19A	SATE Accuracy, Rel. 9.0, %					99.47%		100%		98.94%	a
PO-19A	SATE Accuracy, Rel. VICKI, %					100%		100%		100%	a
PO-19B	SATE Accuracy, %					99.16%					a c d
PO-20	**Manual Service Order Accuracy**										
PO-20	POTS Resale, %			90.25%		90.58%		92.78%		96.88%	
PO-20	UBL Aggr, %			96.46%		95.20%		95.16%		94.42%	

Metric Number:
* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting
D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:
a = Sample size less than or equal to 10 in June 2002
b = Sample size less than or equal to 10 in July 2002
c = Sample size less than or equal to 10 in August 2002
d = Sample size less than or equal to 10 in September 2002

Appendix E

Montana Performance Metrics

The data in this appendix are taken from Qwest November 15 Ex Parte Letter Attach. 1 (Statewide Average Performance Summary, CO, ID, IA, MT, NE, ND, UT, WA, WY, May-Sept 2002). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Ctr
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
BILLING											
BI-1	**Time to Provide Recorded Usage Records**										
BI-1A	UNEs and Resale Aggr, Avg Days		4.75	2.19	5.02	2.59	4.56	2.25	3.65	1.74	
BI-1B	Jointly-provided Switched Access, %			100%		100%		100%		100%	
BI-1C-1	[CAT11], UNEs and Resale Aggr, Avg Days		4.75	2.22	5.02	2.57	4.56	2.24	3.65	1.77	
BI-1C-2	[CAT10], UNEs and Resale Aggr, Avg Days		4.75	1.69	5.02	2.97	4.56	2.49	3.65	1.16	
BI-2	**Invoices Delivered within 10 Days**										
BI-2	All, %			100%		100%		100%		100%	
BI-3	**Billing Accuracy - Adjustments for Errors**										
BI-3A	UNEs and Resale Aggr, %		98.78%	99.34%	96.86%	98.98%	99.43%	99.21%	99.18%	99.78%	
BI-3B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-4	**Billing Completeness**										
BI-4A	UNEs and Resale Aggr, %		99.33%	99.35%	99.30%	98.97%	99.21%	98.84%	99.04%	99.58%	
BI-4B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-5	**Billing Accuracy & Claims Processing**										
BI-5A	Acknowledgment, All, %			91.30%		89.52%		100%		99.70%	
BI-5B	Resolution, All, %			90.18%		74.66%		96.38%		100%	
COLLOCATION											
CP-3	**Collocation Feasibility Study Interval**										
CP-3	All, Avg Days			10.00							a b c d
CP-4	**Collocation Feasibility Study Commitments Met**										
CP-4	All, %			100%							a b c d
DIRECTORY ASSISTANCE											
DA-1	**Speed of Answer - Directory Assistance**										
DA-1	Average Seconds		8.54		8.77		8.36		8.68		a b c d
DATABASE UPDATES											
DB-1	**Time to Update Databases**										
DB-1A	E911, Hrs:Min			2:35		1:20		0:30		0:35	
DB-1B	LIDB, Avg Sec			1.47		1.32		1.26		1.27	
DB-1C-1	Directory Listing, Avg Sec			0.09		0.11		0.09		0.11	
DB-2	**Accurate Database Updates**										
DB-2C-1	Directory Listing, %			96.03%		96.11%		96.31%		95.53%	
ELECTRONIC GATEWAY AVAILABILITY											

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
GA-1A	IMA-GUI, All, %			99.93%		100%		98.75%		100%	
GA-1B	IMA-GUI, Fetch-n-Stuff, %			100%		100%		100%		100%	
GA-1C	IMA-GUI, Data Arbiter, %			100%		100%		99.96%		100%	
GA-1D	IMA-GUI, SIA, %			100%		99.55%		100%		99.95%	
GA-2	IMA-EDI, %			99.93%		100%		98.26%		99.80%	
GA-3	EB-TA, %			100%		99.54%		99.31%		99.94%	
GA-4	EXACT, %			99.93%		100%		100%		100%	
GA-6	GUI - Repair, %			100%		99.50%		99.92%		100%	
GA-7	Timely Outage Resolution following Software Releases , %							100%			a b c d
MAINTENANCE AND REPAIR											
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**										
MR-2	All, %		78.59%	80.32%	78.57%	78.71%	84.85%	87.02%	86.24%	85.75%	
MR-3	**Out of Service Cleared within 24 Hours**										
MR-3	Basic Rate ISDN, %	D	100%		100%		100%		100%		a b c d
MR-3	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-3	Business, %	D	85.20%	100%	91.15%	100%	96.22%	100%	93.62%	100%	a b d
MR-3	Business, %	ND	94.67%	100%	96.25%	100%	95.08%	100%	100%		a b c d
MR-3	Centrex 21, %	D	87.18%		85.29%	100%	100%		87.50%		a b c d
MR-3	Centrex 21, %	ND	100%		100%		100%		100%		a b c d
MR-3	Centrex, %	D	100%		100%		100%		100%		a b c d
MR-3	Centrex, %	ND			100%				100%		a b c d
MR-3	Line Sharing, %	D	84.86%		89.73%		95.65%		94.09%		a b c d
MR-3	Line Sharing, %	ND	96.38%		95.59%		97.67%	100%	95.60%		a b c d
MR-3	PBX, %	D	76.92%		94.44%		100%		75.00%		a b c d
MR-3	PBX, %	ND	100%		100%	100%	100%		100%	100%	a b c d
MR-3	Qwest DSL, %		100%		90.00%		100%		100%		a b c d
MR-3	Residence, %	D	84.81%	92.54%	89.52%	96.36%	95.57%	97.18%	94.16%	100%	
MR-3	Residence, %	ND	96.68%	100%	95.48%	100%	98.05%	100%	94.83%	100%	a b c d
MR-3	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-3	UBL - ADSL Qualified, %		100%		90.00%		100%		100%		a b c d
MR-3	UBL Analog, %		86.37%	100%	90.54%	100%	95.93%	100%	94.28%	100%	a b c d
MR-3	UBL ISDN Capable, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-3	UNE-P, POTS, %	D	84.86%	100%	89.73%	95.00%	95.65%	100%	94.09%	100%	
MR-3	UNE-P, POTS, %	ND	96.38%	100%	95.59%	100%	97.67%	100%	95.60%	100%	a b c d
MR-3	UNE-P, Centrex, %	D	100%		100%		100%		100%		a b c d
MR-3	UNE-P, Centrex, %	ND			100%				100%		a b c d
MR-3	UNE-P, Centrex 21, %	D	87.18%		85.29%		100%		87.50%		a b c d
MR-3	UNE-P, Centrex 21, %	ND	100%		100%		100%		100%		a b c d
MR-4	**All Troubles Cleared within 48 Hours**										
MR-4	Basic Rate ISDN, %	D	100%		100%		100%		100%		a b c d
MR-4	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-4	Business, %	D	93.81%	100%	96.46%	100%	97.62%	100%	98.30%	100%	a b d
MR-4	Business, %	ND	98.72%	100%	100%	100%	99.28%	100%	100%		a b c d
MR-4	Centrex 21, %	D	96.55%		95.56%	100%	98.44%		97.87%		a b c d
MR-4	Centrex 21, %	ND	95.24%		100%	100%	100%		100%		a b c d
MR-4	Centrex, %	D	100%		100%		100%		100%		a b c d
MR-4	Centrex, %	ND	100%		100%				100%		a b c d
MR-4	Line Sharing, %	D	94.98%		94.84%		97.51%		97.15%		a b c d
MR-4	Line Sharing, %	ND	98.88%		99.31%		99.22%	100%	99.09%		a b c d
MR-4	PBX, %	D	94.12%		100%		100%		100%		a b c d
MR-4	PBX, %	ND	100%		100%	100%	100%		100%	100%	a b c d
MR-4	Qwest DSL, %		100%		90.00%		100%		100%		a b c d
MR-4	Residence, %	D	95.14%	98.80%	94.62%	100%	97.50%	100%	97.00%	100%	
MR-4	Residence, %	ND	98.91%	90.91%	99.16%	100%	99.21%	100%	98.91%	100%	
MR-4	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-4	UBL - ADSL Qualified, %		100%		90.00%		100%		100%		a b c d
MR-4	UBL Analog, %		95.70%	100%	95.69%	100%	97.83%	100%	97.50%	100%	a d
MR-4	UBL ISDN Capable, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-4	UNE-P, POTS, %	D	94.98%	96.00%	94.84%	97.06%	97.51%	97.06%	97.15%	100%	
MR-4	UNE-P, POTS, %	ND	98.88%	100%	99.31%	100%	99.22%	100%	99.09%	100%	
MR-4	UNE-P, Centrex, %	D	100%		100%		100%		100%		a b c d
MR-4	UNE-P, Centrex, %	ND	100%		100%				100%		a b c d
MR-4	UNE-P, Centrex 21, %	D	96.55%		95.56%		98.44%		97.87%		a b c d
MR-4	UNE-P, Centrex 21, %	ND	95.24%		100%		100%		100%		a b c d
MR-5	**All Troubles Cleared within 4 Hours**										

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-5	DS0, %		82.86%		78.63%	100%	77.36%		80.87%		a b c d
MR-5	DS1, %		76.30%		78.57%	100%	79.69%	50.00%	83.62%	100%	a b c d
MR-5	DS3, %		100%		100%		100%		100%		a b c d
MR-5	Frame Relay, %		86.96%		79.07%		72.73%		81.08%		a b c d
MR-5	ISDN Primary, %		100%		71.43%	100%	100%		80.00%	100%	a b c d
MR-5	LIS Trunk, %		100%	100%	100%		80.00%	0%	100%	100%	a b c d
MR-5	UBL - 4-wire, %		76.30%		78.57%		79.69%		83.62%		a b c d
MR-5	UBL - DS1 Capable, %		76.30%	100%	78.57%	66.67%	79.69%	66.67%	83.62%	33.33%	a b d
MR-5	UBL - DS3 Capable, %		100%		100%		100%		100%		a b c d
MR-5	UDIT Above DS1 Level, %		100%		100%		100%		100%		a b c d
MR-5	UDIT DS1, %		76.30%		78.57%	100%	79.69%		83.62%		a b c d
MR-6	**Mean Time to Restore**										
MR-6	Basic Rate ISDN, Hrs:Min	D	3:26		1:33		2:00		2:03		a b c d
MR-6	Basic Rate ISDN, Hrs:Min	ND	1:10		0:54		2:05		1:11		a b c d
MR-6	Business, Hrs:Min	D	16:44	10:55	14:06	7:23	11:22	9:18	10:54	3:05	a b d
MR-6	Business, Hrs:Min	ND	4:57	0:10	4:46	2:06	5:13	2:01	3:47		a b c d
MR-6	Centrex 21, Hrs:Min	D	14:58		12:18	3:56	9:52		10:44		a b c d
MR-6	Centrex 21, Hrs:Min	ND	8:38		6:14	4:55	3:53		4:20		a b c d
MR-6	Centrex, Hrs:Min	D	11:03		7:23		11:43		17:42		a b c d
MR-6	Centrex, Hrs:Min	ND	1:14		5:01				2:42		a b c d
MR-6	DS0, Hrs:Min		2:30		2:45	0:01	3:23		2:40		a b c d
MR-6	DS1, Hrs:Min		4:36		2:29	0:01	2:28	3:21	2:16	1:12	a b c d
MR-6	DS3, Hrs:Min		3:35		0:01		1:12		0:51		a b c d
MR-6	Frame Relay, Hrs:Min		1:24		2:34		2:30		2:16		a b c d
MR-6	ISDN Primary, Hrs:Min		0:14		2:27	1:17	1:11		2:40	1:47	a b c d
MR-6	Line Sharing, Hrs:Min	D	17:10		16:08		13:45		13:48		a b c d
MR-6	Line Sharing, Hrs:Min	ND	6:21		7:13		6:22	6:52	6:14		a b c d
MR-6	LIS Trunk, Hrs:Min		1:26	1:16	1:23		2:17	5:22	1:24	1:00	a b c d
MR-6	PBX, Hrs:Min	D	20:00		12:09		9:06		11:52		a b c d
MR-6	PBX, Hrs:Min	ND	2:31		1:59	2:20	2:47		3:13	2:06	a b c d
MR-6	Qwest DSL, Hrs:Min		5:58		10:54		0:38		4:18		a b c d
MR-6	Residence, Hrs:Min	D	17:14	12:19	16:24	10:33	14:04	10:35	14:12	9:25	
MR-6	Residence, Hrs:Min	ND	6:37	7:25	7:43	2:52	6:34	7:12	6:44	0:38	

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-6	UBL - 2-wire, Hrs:Min		1:46	4:00	1:03	2:30	2:04	3:04	1:27	2:23	a b c d
MR-6	UBL - 4-wire, Hrs:Min		4:36		2:29		2:28		2:16		a b c d
MR-6	UBL - ADSL Qualified, Hrs:Min		5:58		10:54		0:38		4:18		a b c d
MR-6	UBL - DS1 Capable, Hrs:Min		4:36	1:17	2:29	2:45	2:28	3:49	2:16	4:24	a b d
MR-6	UBL - DS3 Capable, Hrs:Min		3:35		0:01		1:12		0:51		a b c d
MR-6	UBL Analog, Hrs:Min		15:10	2:52	14:26	2:17	12:24	3:36	12:26	5:58	a d
MR-6	UBL ISDN Capable, Hrs:Min		1:46	0:32	1:03	3:38	2:04	0:59	1:27	2:44	a b c d
MR-6	UDIT Above DS1 Level, Hrs:Min		3:35		0:01		1:12		0:51		a b c d
MR-6	UDIT DS1, Hrs:Min		4:36		2:29	1:28	2:28		2:16		a b c d
MR-6	UNE-P, POTS, Hrs:Min	D	17:10	14:19	16:08	12:19	13:45	10:44	13:48	6:57	
MR-6	UNE-P, POTS, Hrs:Min	ND	6:21	3:44	7:13	5:10	6:22	2:33	6:14	5:54	
MR-6	UNE-P, Centrex, Hrs:Min	D	11:03		7:23		11:43		17:42		a b c d
MR-6	UNE-P, Centrex, Hrs:Min	ND	1:14		5:01				2:42		a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	D	14:58		12:18		9:52		10:44		a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	8:38		6:14		3:53		4:20		a b c d
MR-7	**Repair Repeat Report Rate**										
MR-7	Basic Rate ISDN, %	D	0%		20.00%		0%		14.29%		a b c d
MR-7	Basic Rate ISDN, %	ND	18.18%		17.65%		0%		20.00%		a b c d
MR-7	Business, %	D	15.26%	14.29%	16.47%	25.00%	11.83%	18.75%	14.01%	25.00%	a b d
MR-7	Business, %	ND	14.10%	0%	8.72%	0%	8.63%	0%	13.51%		a b c d
MR-7	Centrex 21, %	D	20.34%		23.91%	0%	6.25%		14.58%		a b c d
MR-7	Centrex 21, %	ND	19.05%		10.71%	0%	16.67%		14.29%		a b c d
MR-7	Centrex, %	D	16.67%		20.00%		0%		0%		a b c d
MR-7	Centrex, %	ND	0%		0%				0%		a b c d
MR-7	DS0, %		20.71%		29.77%	0%	24.53%		20.00%		a b c d
MR-7	DS1, %		27.41%		29.37%	100%	19.53%	100%	25.00%	33.33%	a b c d
MR-7	DS3, %		0%		0%		0%		0%		a b c d
MR-7	Frame Relay, %		17.39%		32.56%		15.15%		29.73%		a b c d
MR-7	ISDN Primary, %		25.00%		0%	0%	0%		20.00%	0%	a b c d
MR-7	Line Sharing, %	D	100%		33.33%		100%		100%		a b c d
MR-7	Line Sharing, %	ND	16.67%		0%		44.44%	100%	50.00%		a b c d
MR-7	LIS Trunk, %		0%	50.00%	11.11%		20.00%	0%	20.00%	50.00%	a b c d
MR-7	PBX, %	ND	33.33%		0%	50.00%	21.74%		10.53%	0%	a b c d

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7	PBX, %	D	35.29%		5.00%		12.50%		11.11%		a b c d
MR-7	Qwest DSL, %		28.57%		10.00%		50.00%		60.00%		a b c d
MR-7	Residence, %	D	15.69%	14.46%	15.92%	8.70%	13.61%	14.46%	14.74%	10.81%	
MR-7	Residence, %	ND	14.89%	0%	14.11%	0%	13.25%	13.33%	15.69%	18.18%	
MR-7	UBL - 2-wire, %		13.33%	0%	18.18%	0%	0%	20.00%	18.18%	20.00%	a b c d
MR-7	UBL - 4-wire, %		27.41%		29.37%		19.53%		25.00%		a b c d
MR-7	UBL - ADSL Qualified, %		28.57%		10.00%		50.00%		60.00%		a b c d
MR-7	UBL - DS1 Capable, %		27.41%	40.00%	29.37%	33.33%	19.53%	33.33%	25.00%	0%	a b d
MR-7	UBL - DS3 Capable, %		0%		0%		0%		0%		a b c d
MR-7	UBL Analog, %		15.48%	0%	15.46%	0%	13.25%	9.09%	14.77%	0%	a d
MR-7	UBL ISDN Capable, %		13.33%	50.00%	18.18%	0%	0%	0%	18.18%	20.00%	a b c d
MR-7	UDIT Above DS1 Level, %		0%		0%		0%		0%		a b c d
MR-7	UDIT DS1, %		27.41%		29.37%	0%	19.53%		25.00%		a b c d
MR-7	UNE-P, POTS, %	D	15.64%	11.54%	15.99%	20.59%	13.41%	25.71%	14.65%	13.33%	
MR-7	UNE-P, POTS, %	ND	14.77%	10.00%	13.19%	17.39%	12.53%	18.18%	15.33%	11.54%	
MR-7	UNE-P, Centrex, %	D	16.67%		20.00%		0%		0%		a b c d
MR-7	UNE-P, Centrex, %	ND	0%		0%				0%		a b c d
MR-7	UNE-P, Centrex 21, %	D	20.34%		23.91%		6.25%		14.58%		a b c d
MR-7	UNE-P, Centrex 21, %	ND	19.05%		10.71%		16.67%		14.29%		a b c d
MR-7*	Basic Rate ISDN, %	D	0%		50.00%		0%				a b c d
MR-7*	Basic Rate ISDN, %	ND	50.00%		20.00%		0%				a b c d
MR-7*	Business, %	D	14.55%	14.29%	16.45%	25.00%	11.67%	23.08%			a b d
MR-7*	Business, %	ND	17.50%	0%	7.69%	0%	10.53%	0%			a b c d
MR-7*	Centrex 21, %	D	21.82%		25.00%	0%	6.00%				a b c d
MR-7*	Centrex 21, %	ND	18.18%		16.67%		7.14%				a b c d
MR-7*	Centrex, %	D	16.67%		20.00%		0%				a b c d
MR-7*	Centrex, %	ND	0%		0%						a b c d
MR-7*	DS0, %		21.05%		37.35%		25.37%				a b c d
MR-7*	DS1, %		21.59%		34.15%		17.72%	100%			a b c d
MR-7*	DS3, %		0%								a b c d
MR-7*	Frame Relay, %		17.86%		31.25%		20.00%				a b c d
MR-7*	ISDN Primary, %				0%		0%				a b c d
MR-7*	Line Sharing, %	D	100%		0%						a b c d

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7*	Line Sharing, %	ND	20.00%		0%		33.33%	100%			a b c d
MR-7*	LIS Trunk, %		0%	50.00%	0%		33.33%	0%			a b c d
MR-7*	PBX, %	ND	20.00%		0%	100%	0%				a b c d
MR-7*	PBX, %	D	27.27%		5.88%		20.00%				a b c d
MR-7*	Qwest DSL, %		33.33%		0%		33.33%				a b c d
MR-7*	Residence, %	D	15.31%	14.29%	15.48%	8.82%	13.50%	13.33%			d
MR-7*	Residence, %	ND	16.57%	0%	17.02%	0%	12.68%	12.50%			a b c d
MR-7*	UBL - 2-wire, %		25.00%	0%	28.57%	0%	0%	33.33%			a b c d
MR-7*	UBL - 4-wire, %		21.59%		34.15%		17.72%				a b c d
MR-7*	UBL - ADSL Qualified, %		33.33%		0%		33.33%				a b c d
MR-7*	UBL - DS1 Capable, %		21.59%	50.00%	34.15%	50.00%	17.72%	36.36%			a b d
MR-7*	UBL - DS3 Capable, %		0%								a b c d
MR-7*	UBL Analog, %		15.36%	0%	15.55%	0%	13.21%	11.11%			a c d
MR-7*	UBL ISDN Capable, %		25.00%	100%	28.57%	0%	0%				a b c d
MR-7*	UDIT Above DS1 Level, %		0%								a b c d
MR-7*	UDIT DS1, %		21.59%		34.15%	0%	17.72%				a b c d
MR-7*	UNE-P, POTS, %	D	15.22%	12.00%	15.59%	18.75%	13.29%	27.59%			d
MR-7*	UNE-P, POTS, %	ND	16.75%	0%	15.23%	11.76%	12.32%	16.67%			d
MR-7*	UNE-P, Centrex, %	D	16.67%		20.00%		0%				a b c d
MR-7*	UNE-P, Centrex, %	ND	0%		0%						a b c d
MR-7*	UNE-P, Centrex 21, %	D	21.82%		25.00%		6.00%				a b c d
MR-7*	UNE-P, Centrex 21, %	ND	18.18%		16.67%		7.14%				a b c d
MR-8	**Trouble Rate**										
MR-8	Basic Rate ISDN, %		0.75%	0%	1.10%	0%	0.91%	0%	1.13%	0%	a b c d
MR-8	Business, %		0.96%	0.50%	0.95%	0.73%	0.84%	1.19%	0.65%	0.26%	
MR-8	Centrex 21, %		0.73%	0%	0.68%	2.99%	0.86%	0%	0.63%	0%	
MR-8	Centrex, %		0.36%		0.30%		0.16%		0.11%		a b c d
MR-8	DS0, %		1.10%	0%	1.00%	1.79%	0.77%	0%	0.87%	0%	
MR-8	DS1, %		1.96%	0%	1.82%	3.45%	1.79%	7.41%	1.65%	8.11%	
MR-8	DS3, %		0.28%		0.56%		0.28%		0.83%		a b c d
MR-8	E911, %		0%	0%	0%	0%	0%	0%	0%	0%	a b c
MR-8	EELs, %							0%		0%	a b c d
MR-8	Frame Relay, %		2.09%		1.97%		1.48%		1.71%		a b c d

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8	ISDN Primary, %		0.02%	0%	0.04%	2.15%	0.04%	0%	0.03%	0.91%	
MR-8	Line Sharing, %		1.66%	0%	1.66%	0%	1.54%	0.36%	1.15%	0%	
MR-8	LIS Trunk, %		0.01%	0.02%	0.03%	0%	0.02%	0.01%	0.02%	0.04%	
MR-8	PBX, %		0.23%	0%	0.26%	0.61%	0.23%	0%	0.23%	0.30%	
MR-8	Qwest DSL, %		1.27%	0%	1.88%	0%	1.95%	0%	0.98%	0%	a b c d
MR-8	Residence, %		1.86%	1.40%	1.87%	1.19%	1.74%	1.27%	1.30%	1.00%	
MR-8	UBL - 2-wire, %		0.75%	0.83%	1.10%	0.61%	0.91%	0.42%	1.13%	0.40%	
MR-8	UBL - 4-wire, %		1.96%		1.82%		1.79%		1.65%		a b c d
MR-8	UBL - ADSL Qualified, %		1.27%	0%	1.88%	0%	1.95%	0%	0.98%	0%	
MR-8	UBL - DS1 Capable, %		1.96%	2.63%	1.82%	2.91%	1.79%	5.56%	1.65%	1.40%	
MR-8	UBL - DS3 Capable, %		0.28%		0.56%		0.28%		0.83%		a b c d
MR-8	UBL Analog, %		1.66%	0.54%	1.66%	1.09%	1.54%	0.65%	1.15%	0.58%	
MR-8	UBL ISDN Capable, %		0.75%	4.08%	1.10%	3.51%	0.91%	3.51%	1.13%	7.94%	
MR-8	UDIT Above DS1 Level, %		0.28%	0%	0.56%	0%	0.28%	0%	0.83%	0%	a b c d
MR-8	UDIT DS1, %		1.96%	0%	1.82%	14.29%	1.79%	0%	1.65%	0%	a b c d
MR-8	UNE-P, POTS, %		1.66%	1.19%	1.66%	1.18%	1.54%	1.13%	1.15%	0.79%	
MR-8	UNE-P, Centrex, %		0.36%		0.30%		0.16%		0.11%		a b c d
MR-8	UNE-P, Centrex 21, %		0.73%	0%	0.68%	0%	0.86%	0%	0.63%	0%	a b c d
MR-8*	Basic Rate ISDN, %		0.40%	0%	0.35%	0%	0.35%	0%			a b c d
MR-8*	Business, %		0.78%	0.45%	0.74%	0.56%	0.66%	0.95%			d
MR-8*	Centrex 21, %		0.60%	0%	0.53%	1.49%	0.59%	0%			d
MR-8*	Centrex, %		0.36%		0.30%		0.10%				a b c d
MR-8*	DS0, %		0.75%	0%	0.63%	0%	0.49%	0%			d
MR-8*	DS1, %		1.28%	0%	1.19%	0%	1.11%	3.70%			d
MR-8*	DS3, %		0.28%		0%		0%				a b c d
MR-8*	E911, %		0%	0%	0%	0%	0%	0%			a b c d
MR-8*	EELs, %							0%			a b c d
MR-8*	Frame Relay, %		1.27%		1.47%		0.90%				a b c d
MR-8*	ISDN Primary, %		0%	0%	0.02%	0%	0.01%	0%			d
MR-8*	Line Sharing, %		1.39%	0%	1.37%	0%	1.28%	0.36%			d
MR-8*	LIS Trunk, %		0%	0.02%	0.02%	0%	0.01%	0.01%			d
MR-8*	PBX, %		0.11%	0%	0.18%	0.31%	0.09%	0%			d
MR-8*	Qwest DSL, %		1.09%	0%	0.94%	0%	0.58%	0%			a b c d

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8*	Residence, %		1.56%	1.20%	1.56%	1.09%	1.46%	1.07%			d
MR-8*	UBL - 2-wire, %		0.40%	0.65%	0.35%	0.17%	0.35%	0.25%			d
MR-8*	UBL - 4-wire, %		1.28%		1.19%		1.11%				a b c d
MR-8*	UBL - ADSL Qualified, %		1.09%	0%	0.94%	0%	0.58%	0%			d
MR-8*	UBL - DS1 Capable, %		1.28%	2.11%	1.19%	1.94%	1.11%	5.09%			d
MR-8*	UBL - DS3 Capable, %		0.28%		0%		0%				a b c d
MR-8*	UBL Analog, %		1.39%	0.48%	1.37%	0.66%	1.28%	0.53%			d
MR-8*	UBL ISDN Capable, %		0.40%	2.04%	0.35%	1.75%	0.35%	0%			d
MR-8*	UDIT Above DS1 Level, %		0.28%	0%	0%	0%	0%	0%			a b c d
MR-8*	UDIT DS1, %		1.28%	0%	1.19%	14.29%	1.11%	0%			a b c d
MR-8*	UNE-P, POTS, %		1.39%	0.78%	1.37%	1.01%	1.28%	0.81%			d
MR-8*	UNE-P, Centrex, %		0.36%		0.30%		0.10%				a b c d
MR-8*	UNE-P, Centrex 21, %		0.60%	0%	0.53%	0%	0.59%	0%			a b c d
MR-9	**Repair Appointments Met**										
MR-9	Basic Rate ISDN, %	ND					100%		100%		a b c d
MR-9	Business, %	D	84.01%	85.71%	87.02%	100%	87.96%	100%	84.59%	100%	a b d
MR-9	Business, %	ND	96.15%	100%	97.09%	100%	97.12%	100%	98.20%		a b c d
MR-9	Centrex 21, %	D	86.44%		76.09%	100%	90.63%		72.92%		a b c d
MR-9	Centrex 21, %	ND	95.24%		100%	100%	96.67%		95.24%		a b c d
MR-9	Centrex, %	D	50.00%		80.00%		66.67%		0%		a b c d
MR-9	Centrex, %	ND	100%		100%				100%		a b c d
MR-9	PBX, %	D	68.75%		50.00%		66.67%		71.43%		a b c d
MR-9	PBX, %	ND	100%		100%		100%		100%		a b c d
MR-9	Residence, %	D	91.06%	95.18%	93.06%	94.20%	95.07%	98.80%	94.19%	97.30%	
MR-9	Residence, %	ND	99.39%	100%	97.97%	100%	98.54%	100%	98.18%	100%	
MR-9	UNE-P, POTS, %	D	90.18%	92.31%	92.34%	91.18%	94.25%	97.14%	93.06%	93.33%	
MR-9	UNE-P, POTS, %	ND	98.88%	96.67%	97.82%	91.30%	98.32%	100%	98.18%	96.15%	
MR-10	**Customer and Non-Qwest Related Trouble Reports**										
MR-10	Basic Rate ISDN, %		6.25%		31.25%		10.00%		31.25%		a b c d
MR-10	Business, %		31.10%	55.00%	31.88%	13.33%	33.84%	16.67%	34.36%	60.00%	d
MR-10	Centrex 21, %		37.50%		32.11%	0%	32.37%		33.65%		a b c d
MR-10	Centrex, %		41.67%		45.45%		0%		33.33%		a b c d
MR-10	DS0, %		22.22%		25.14%	0%	29.80%		17.27%		a b c d

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-10	DS1, %		8.78%		19.75%	0%	11.11%	0%	18.31%	0%	a b c d
MR-10	DS3, %		66.67%		0%		0%		25.00%		a b c d
MR-10	Frame Relay, %		14.81%		15.69%		26.67%		15.91%		a b c d
MR-10	ISDN Primary, %		42.86%		0%	0%	0%		50.00%	0%	a b c d
MR-10	LIS Trunk, %		50.00%	33.33%	55.00%		44.44%	0%	28.57%	0%	a b c d
MR-10	PBX, %		37.25%		35.71%	0%	34.04%	100%	30.00%	0%	a b c d
MR-10	Qwest DSL, %		58.82%		52.38%		41.18%		50.00%		a b c d
MR-10	Residence, %		29.73%	24.80%	31.61%	31.71%	31.12%	27.41%	33.05%	30.89%	
MR-10	UBL - 2-wire, %		6.25%	10.00%	31.25%	0%	10.00%	16.67%	31.25%	16.67%	a b c d
MR-10	UBL - 4-wire, %		8.78%		19.75%		11.11%		18.31%		a b c d
MR-10	UBL - ADSL Qualified, %		58.82%		52.38%		41.18%		50.00%		a b c d
MR-10	UBL - DS1 Capable, %		8.78%	28.57%	19.75%	14.29%	11.11%	7.69%	18.31%	0%	a b d
MR-10	UBL - DS3 Capable, %		66.67%		0%		0%		25.00%		a b c d
MR-10	UBL Analog, %		29.91%	0%	31.64%	5.26%	31.47%	15.38%	33.22%	0%	a d
MR-10	UBL ISDN Capable, %		6.25%	33.33%	31.25%	0%	10.00%	0%	31.25%	0%	a b c d
MR-10	UDIT Above DS1 Level, %		66.67%		0%		0%		25.00%		a b c d
MR-10	UDIT DS1, %		8.78%		19.75%	0%	11.11%		18.31%		a b c d
MR-10	UNE-P, POTS, %		29.91%	33.33%	31.64%	33.72%	31.47%	28.75%	33.22%	25.45%	
MR-10	UNE-P, Centrex, %		41.67%		45.45%		0%		33.33%		a b c d
MR-10	UNE-P, Centrex 21, %		37.50%		32.11%		32.37%		33.65%		a b c d
MR-11	**LNP Trouble Reports Cleared**										
MR-11A	within 4 Hours, %		52.92%		45.59%		52.75%		57.55%		a b c d
MR-11B	within 48 Hours, %		98.88%		99.31%		99.22%		99.09%		a b c d
NETWORK PERFORMANCE											
NI-1	**Trunk Blocking**										
NI-1A	to Qwest Tandem Offices, LIS Trunk, %		0%	0%	0%	0%	0.01%	0%	0.01%	0.06%	
NI-1B	to Qwest End Offices, LIS Trunk, %		0%	0%	0.04%	0%	0%	0%	0%	0%	
NI-1C	to Qwest Tandem Offices, LIS Trunk, %		0%	0%	0%	0%	0.01%	0%	0.01%	2.66%	
NI-1D	to Qwest End Offices, LIS Trunk, %		0%	0.40%	0.04%	0.18%	0%	0.06%	0%	0.11%	
ORDER ACCURACY											
OA-1	Order Accuracy, % (OP-5++)					99.06%		99.64%		100%	a
ORDERING AND PROVISIONING											
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**										

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-2	Default, %		80.97%	96.94%	75.62%	97.87%	72.08%	98.27%	82.25%	97.82%	
OP-3	**Installation Commitments Met**										
OP-3	Basic Rate ISDN, %	D	100%						100%		a b c d
OP-3	Basic Rate ISDN, %	ND	100%								a b c d
OP-3	Basic Rate ISDN, %		85.71%		77.78%		100%		90.00%		a b c d
OP-3	Business, %	D	91.49%	100%	91.65%	87.50%	90.02%	100%	91.39%	80.00%	a b c d
OP-3	Business, %	ND	99.27%	100%	99.27%	100%	94.81%	100%	99.08%	100%	d
OP-3	Centrex 21, %	D	90.48%		89.74%		91.30%		76.47%		a b c d
OP-3	Centrex 21, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	a b c d
OP-3	Centrex, %	D	100%		83.33%		75.00%				a b c d
OP-3	DS0, %	D	100%	0%	100%						a b c d
OP-3	DS0, %	ND	100%				100%				a b c d
OP-3	DS0, %		83.33%		71.43%	100%	25.00%		85.71%		a b c d
OP-3	DS1, %		78.10%		74.58%	100%	62.79%		78.03%		a b c d
OP-3	DS3, %		81.82%		57.14%		70.59%		66.67%		a b c d
OP-3	E911, %						0%				a b c d
OP-3	EELs, %							100%			a b c d
OP-3	Frame Relay, %		68.18%		80.00%		70.83%		86.67%		a b c d
OP-3	ISDN Primary, %	D									a b c d
OP-3	ISDN Primary, %	ND	100%				100%				a b c d
OP-3	ISDN Primary, %		98.48%		97.33%		92.44%		57.14%		a b c d
OP-3	Line Sharing, %	D	92.18%		90.74%		90.86%		91.43%		a b c d
OP-3	Line Sharing, %	ND	99.58%	100%	99.30%	100%	99.43%	100%	99.46%	100%	
OP-3	LIS Trunk, %		50.00%	100%	80.00%		83.33%	100%	100%	100%	a b c d
OP-3	PBX, %	D	75.00%		100%				100%		a b c d
OP-3	PBX, %	ND	100%		100%		100%				a b c d
OP-3	PBX, %		50.00%		66.67%	100%	80.00%		22.22%		a b c d
OP-3	Qwest DSL, %	D	92.31%		91.67%		64.29%		73.33%		a b c d
OP-3	Qwest DSL, %	ND	98.25%		99.27%		98.61%		97.23%		a b c d
OP-3	Qwest DSL, %		100%		100%		0%				a b c d
OP-3	Residence, %	D	92.37%	94.44%	90.50%	95.00%	91.05%	96.08%	91.44%	95.16%	
OP-3	Residence, %	ND	99.58%	99.89%	99.30%	100%	99.54%	100%	99.46%	99.56%	
OP-3	UBL - 2-wire, %		88.24%	100%	77.78%	100%	100%	100%	90.32%	96.88%	

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	UBL - 4-wire, %		78.10%		74.58%		62.79%		78.03%		a b c d
OP-3	UBL - ADSL Qualified, %		92.31%		92.00%		64.29%		73.33%		a b c d
OP-3	UBL - DS1 Capable, %		78.10%	77.27%	74.58%	84.62%	62.79%	100%	78.03%	66.67%	d
OP-3	UBL - DS3 Capable, %		81.82%		57.14%		70.59%		66.67%		a b c d
OP-3	UBL Analog, %	D	92.18%								a b c d
OP-3	UBL Analog, %		92.18%	100%	90.74%	93.75%	90.86%	100%	91.43%	100%	
OP-3	UBL Conditioned, %			100%		88.89%		100%		100%	a b c d
OP-3	UBL ISDN Capable, %		88.24%	100%	77.78%	100%	100%	100%	90.32%	100%	a b c d
OP-3	UDIT Above DS1 Level, %		81.82%		57.14%		70.59%		66.67%		a b c d
OP-3	UDIT DS1, %		78.10%		74.58%	50.00%	62.79%		78.03%		a b c d
OP-3	UNE-P, POTS, %	D	92.18%	93.18%	90.74%	95.45%	90.86%	100%	91.43%	84.62%	
OP-3	UNE-P, POTS, %	ND	99.58%	100%	99.30%	100%	99.43%	100%	99.46%	100%	
OP-3	UNE-P, Centrex, %	D	100%		83.33%		75.00%				a b c d
OP-3	UNE-P, Centrex 21, %	D	90.48%		89.74%		91.30%		76.47%		a b c d
OP-3	UNE-P, Centrex 21, %	ND	100%		100%		100%		100%		a b c d
OP-4	**Installation Interval**										
OP-4	Basic Rate ISDN, Avg Days	D	1.00						4.00		a b c d
OP-4	Basic Rate ISDN, Avg Days	ND	6.50								a b c d
OP-4	Basic Rate ISDN, Avg Days		9.29		17.11		10.18		13.18		a b c d
OP-4	Business, Avg Days	D	6.50	3.50	6.12	5.75	6.76	2.83	7.08	5.20	a b c d
OP-4	Business, Avg Days	ND	3.62	2.20	3.03	2.11	3.79	1.86	3.75	1.80	d
OP-4	Centrex 21, Avg Days	ND	2.64	5.00	2.64	5.00	3.71	2.00	3.30		a b c d
OP-4	Centrex 21, Avg Days	D	6.43		5.05		9.30		7.59		a b c d
OP-4	Centrex, Avg Days	D	9.00		6.50		2.75				a b c d
OP-4	DS0, Avg Days	D	4.50	46.00	4.50						a b c d
OP-4	DS0, Avg Days	ND	0.00				0.00				a b c d
OP-4	DS0, Avg Days		8.43		7.09	6.00	31.27		14.00		a b c d
OP-4	DS1, Avg Days		15.07		16.39	2.00	24.58		14.01		a b c d
OP-4	DS3, Avg Days		10.00		22.82		19.36		16.25		a b c d
OP-4	E911, Avg Days						69.00			172.00	a b c d
OP-4	ISDN Primary, Avg Days	ND	7.50				4.00				a b c d
OP-4	ISDN Primary, Avg Days		7.39		9.73	12.00	12.95		10.64		a b c d
OP-4	Line Sharing, Avg Days	D	6.20		6.03		6.28		6.76		a b c d

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	Line Sharing, Avg Days	ND	3.52	2.00	3.66	3.00	3.54	2.60	3.82	3.00	a b c d
OP-4	LIS Trunk, Avg Days		24.50	14.60	20.47		19.10	21.60	15.33	16.00	a b c d
OP-4	PBX, Avg Days	D	9.20		5.43				7.00		a b c d
OP-4	PBX, Avg Days	ND	3.00				2.00				a b c d
OP-4	PBX, Avg Days		21.17		16.91	8.25	18.33		15.76		a b c d
OP-4	Qwest DSL, Avg Days	D	11.31		7.36		8.00		6.60		a b c d
OP-4	Qwest DSL, Avg Days	ND	9.73		4.92		4.97		5.10		a b c d
OP-4	Qwest DSL, Avg Days		2.00		3.00						a b c d
OP-4	Residence, Avg Days	D	6.11	3.74	6.01	3.95	6.16	3.76	6.68	5.24	
OP-4	Residence, Avg Days	ND	3.51	2.96	3.68	2.98	3.53	2.99	3.82	2.93	
OP-4	UBL - 2-wire, Avg Days		8.47	4.14	17.11	4.43	10.18	4.27	12.86	4.38	
OP-4	UBL - 4-wire, Avg Days		15.07		16.39		24.58		14.01		a b c d
OP-4	UBL - ADSL Qualified, Avg Days		11.31		7.19		8.00		6.60		a b c d
OP-4	UBL - DS1 Capable, Avg Days		15.07	9.60	16.39	9.36	24.58	8.36	14.01	8.00	d
OP-4	UBL - DS3 Capable, Avg Days		10.00		22.82		19.36		16.25		a b c d
OP-4	UBL Analog, Avg Days	D	6.20								a b c d
OP-4	UBL Analog, Avg Days		6.20	5.00	6.03	5.86	6.28	4.71	6.76	5.00	b d
OP-4	UBL Conditioned, Avg Days			7.56		8.00		7.57		5.25	a b c d
OP-4	UBL ISDN Capable, Avg Days		8.47	4.50	17.11	4.38	10.18	5.00	12.86	4.86	a b c d
OP-4	UDIT Above DS1 Level, Avg Days		10.00		22.82		19.36		16.25		a b c d
OP-4	UDIT DS1, Avg Days		15.07		16.39	10.00	24.58		14.01		a b c d
OP-4	UNE-P, POTS, Avg Days	D	6.20	5.64	6.03	5.73	6.28	4.07	6.76	6.38	
OP-4	UNE-P, POTS, Avg Days	ND	3.52	2.89	3.66	2.58	3.54	2.88	3.82	2.88	
OP-4	UNE-P, Centrex, Avg Days	D	9.00		6.50		2.75				a b c d
OP-4	UNE-P, Centrex 21, Avg Days	D	6.43		5.05		9.30		7.59		a b c d
OP-4	UNE-P, Centrex 21, Avg Days	ND	2.64		2.64		3.71		3.30		a b c d
OP-5	**New Service Installation Quality**										
OP-5	Basic Rate ISDN, %		93.75%		64.29%		81.82%		95.45%		a b c d
OP-5	Business, %		82.97%	88.57%	84.77%	87.10%	87.91%	100%	89.21%	100%	
OP-5	Centrex 21, %		66.67%	100%	70.45%	100%	71.64%	100%	85.71%	100%	a b c d
OP-5	Centrex, %		100%		87.50%		100%		100%		a b c d
OP-5	DS0, %		54.55%	100%	75.00%	100%	69.23%	100%	73.33%		a b c d
OP-5	DS1, %		95.60%	100%	91.72%	100%	93.81%	100%	92.86%		a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5	DS3, %		100%		100%		100%		95.65%		a b c d
OP-5	E911, %						100%		100%	100%	a b c d
OP-5	EELs, %							100%		100%	a b c d
OP-5	Frame Relay, %		86.36%		96.77%		96.88%		86.96%		a b c d
OP-5	ISDN Primary, %		98.61%	100%	100%	100%	96.62%	100%	100%		a b c d
OP-5	Line Sharing, %		87.82%	100%	88.00%	100%	89.83%	100%	91.24%	100%	
OP-5	LIS Trunk, %		100%	100%	100%	100%	100%	100%	100%	60.00%	a b c d
OP-5	PBX, %		93.75%		94.12%	100%	100%	100%	94.74%		a b c d
OP-5	Qwest DSL, %		100%		100%		100%		100%		a b c d
OP-5	Residence, %		88.33%	97.19%	88.32%	98.40%	89.99%	98.17%	91.40%	97.41%	
OP-5	UBL - 2-wire, %		93.75%	100%	64.29%	98.81%	81.82%	97.40%	95.45%	98.48%	
OP-5	UBL - 4-wire, %		95.60%		91.72%		93.81%		92.86%		a b c d
OP-5	UBL - ADSL Qualified, %		100%	100%	100%		100%		100%		a b c d
OP-5	UBL - DS1 Capable, %		95.60%	98.73%	91.72%	91.30%	93.81%	100%	92.86%	100%	d
OP-5	UBL - DS3 Capable, %		100%		100%		100%		95.65%		a b c d
OP-5	UBL Analog, %		63.18%	97.44%	62.80%	97.73%	66.42%	98.33%	70.46%	98.61%	
OP-5	UBL ISDN Capable, %		93.75%	85.71%	64.29%	88.89%	81.82%	100%	95.45%	40.00%	a b c d
OP-5	UDIT Above DS1 Level, %		100%	100%	100%		100%		95.65%		a b c d
OP-5	UDIT DS1, %		95.60%		91.72%	100%	93.81%	100%	92.86%		a b c d
OP-5	UNE-P, POTS, %		87.82%	96.08%	88.00%	91.16%	89.83%	89.73%	91.24%	92.75%	
OP-5	UNE-P, Centrex, %		100%		87.50%		100%		100%		a b c d
OP-5	UNE-P, Centrex 21, %		66.67%	100%	70.45%		71.64%		85.71%		a b c d
OP-5*	Basic Rate ISDN, %		100%		85.71%		90.91%				a b c d
OP-5*	Business, %		84.86%	91.43%	89.30%	90.32%	90.56%	100%			d
OP-5*	Centrex 21, %		69.23%	100%	75.00%	100%	76.12%	100%			a b c d
OP-5*	Centrex, %		100%		87.50%		100%				a b c d
OP-5*	DS0, %		63.64%	100%	83.33%	100%	69.23%	100%			a b c d
OP-5*	DS1, %		97.48%	100%	94.48%	100%	94.69%	100%			a b c d
OP-5*	DS3, %		100%		100%		100%				a b c d
OP-5*	E911, %						100%				a b c d
OP-5*	EELs, %							100%			a b c d
OP-5*	Frame Relay, %		95.45%		100%		100%				a b c d
OP-5*	ISDN Primary, %		100%	100%	100%	100%	99.32%	100%			a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5*	Line Sharing, %		89.66%	100%	90.30%	100%	91.71%	100%			d
OP-5*	LIS Trunk, %		100%	100%	100%	100%	100%	100%			a b c d
OP-5*	PBX, %		93.75%		94.12%	100%	100%	100%			a b c d
OP-5*	Qwest DSL, %		100%		100%		100%				a b c d
OP-5*	Residence, %		90.17%	97.73%	90.39%	98.67%	91.81%	98.49%			d
OP-5*	UBL - 2-wire, %		100%	100%	85.71%	100%	90.91%	98.70%			d
OP-5*	UBL - 4-wire, %		97.48%		94.48%		94.69%				a b c d
OP-5*	UBL - ADSL Qualified, %		100%	100%	100%		100%				a b c d
OP-5*	UBL - DS1 Capable, %		97.48%	100%	94.48%	95.65%	94.69%	100%			d
OP-5*	UBL - DS3 Capable, %		100%		100%		100%				a b c d
OP-5*	UBL Analog, %		68.75%	98.72%	69.91%	97.73%	72.64%	98.33%			d
OP-5*	UBL ISDN Capable, %		100%	100%	85.71%	88.89%	90.91%	100%			a b c d
OP-5*	UDIT Above DS1 Level, %		100%	100%	100%		100%				a b c d
OP-5*	UDIT DS1, %		97.48%		94.48%	100%	94.69%	100%			a b c d
OP-5*	UNE-P, POTS, %		89.66%	97.59%	90.30%	91.16%	91.71%	92.47%			d
OP-5*	UNE-P, Centrex, %		100%		87.50%		100%				a b c d
OP-5*	UNE-P, Centrex 21, %		69.23%	100%	75.00%		76.12%				a b c d
OP-6A	**Delayed Days for Non-Facility Reasons**										
OP-6A	Basic Rate ISDN, Avg Days	D									a b c d
OP-6A	Basic Rate ISDN, Avg Days		6.50		35.00				24.00		a b c d
OP-6A	Business, Avg Days	D	4.86		4.76		8.88		4.84		a b c d
OP-6A	Business, Avg Days	ND	4.00		1.00		12.00		5.00		a b c d
OP-6A	Centrex 21, Avg Days	D	1.50		3.33		7.00		8.00		a b c d
OP-6A	Centrex, Avg Days	D					3.00				a b c d
OP-6A	DS0, Avg Days		8.50		6.00		31.63		60.50		a b c d
OP-6A	DS1, Avg Days		13.83		12.11		18.72		14.36		a b c d
OP-6A	DS3, Avg Days		3.00		14.13		18.14		34.00		a b c d
OP-6A	E911, Avg Days						52.00				a b c d
OP-6A	Frame Relay, Avg Days		25.25		7.33		16.38		12.33		a b c d
OP-6A	ISDN Primary, Avg Days	ND	73.13								a b c d
OP-6A	ISDN Primary, Avg Days		16.00		23.46		35.65		3.00		a b c d
OP-6A	Line Sharing, Avg Days	D	3.56		5.68		5.55		5.03		a b c d
OP-6A	Line Sharing, Avg Days	ND	3.67		11.45		6.88		4.79		a b c d

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6A	LIS Trunk, Avg Days		18.50		5.50		6.00				a b c d
OP-6A	PBX, Avg Days	D	10.00								a b c d
OP-6A	PBX, Avg Days		13.00		64.00		21.00		17.00		a b c d
OP-6A	Qwest DSL, Avg Days	D			1.00		4.00		3.00		a b c d
OP-6A	Qwest DSL, Avg Days	ND	2.00		4.50		9.33		6.91		a b c d
OP-6A	Residence, Avg Days	D	3.09	2.33	5.88	1.00	3.75	3.50	5.12	2.00	a b c d
OP-6A	Residence, Avg Days	ND	3.64	2.00	11.95		5.60		4.78	6.00	a b c d
OP-6A	UBL - 2-wire, Avg Days		6.50		35.00				24.00	1.00	a b c d
OP-6A	UBL - 4-wire, Avg Days		13.83		12.11		18.72		14.36		a b c d
OP-6A	UBL - ADSL Qualified, Avg Days				1.00		4.00		3.00		a b c d
OP-6A	UBL - DS1 Capable, Avg Days		13.83	4.00	12.11	8.33	18.72		14.36	1.00	a b c d
OP-6A	UBL - DS3 Capable, Avg Days		3.00		14.13		18.14		34.00		a b c d
OP-6A	UBL Analog, Avg Days		3.56		5.68	5.00	5.55		5.03		a b c d
OP-6A	UBL Analog, Avg Days	D	3.56								a b c d
OP-6A	UBL ISDN Capable, Avg Days		6.50		35.00	1.00			24.00		a b c d
OP-6A	UDIT Above DS1 Level, Avg Days		3.00		14.13		18.14		34.00		a b c d
OP-6A	UDIT DS1, Avg Days		13.83		12.11	1.00	18.72		14.36		a b c d
OP-6A	UNE-P, POTS, Avg Days	D	3.56	4.00	5.68		5.55		5.03	6.00	a b c d
OP-6A	UNE-P, POTS, Avg Days	ND	3.67		11.45		6.88		4.79		a b c d
OP-6A	UNE-P, Centrex, Avg Days	D					3.00				a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	D	1.50		3.33		7.00		8.00		a b c d
OP-6B	**Delayed Days for Facility Reasons**										
OP-6B	Business, Avg Days	D	10.48		15.55	11.00	10.83		13.27	7.00	a b c d
OP-6B	Business, Avg Days	ND					40.50		39.00		a b c d
OP-6B	Centrex 21, Avg Days	D			18.00		47.00		2.00		a b c d
OP-6B	Centrex, Avg Days	D			19.00						a b c d
OP-6B	DS0, Avg Days	D		40.00							a b c d
OP-6B	DS0, Avg Days						7.00		5.00		a b c d
OP-6B	DS1, Avg Days		21.00				10.00		22.20		a b c d
OP-6B	DS3, Avg Days								8.50		a b c d
OP-6B	ISDN Primary, Avg Days						34.00				a b c d
OP-6B	Line Sharing, Avg Days	D	14.20		14.74		13.67		11.04		a b c d
OP-6B	Line Sharing, Avg Days	ND	10.00		23.36		18.33		18.42		a b c d

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6B	PBX, Avg Days								22.00		a b c d
OP-6B	Qwest DSL, Avg Days	D	11.00		1.00						a b c d
OP-6B	Qwest DSL, Avg Days	ND	8.25		18.00				9.00		a b c d
OP-6B	Qwest DSL, Avg Days						9.00				a b c d
OP-6B	Residence, Avg Days	D	15.18		14.55	4.00	14.17		10.77	4.67	a b c d
OP-6B	Residence, Avg Days	ND	10.00		23.36		12.00		16.55		a b c d
OP-6B	UBL - 4-wire, Avg Days		21.00				10.00		22.20		a b c d
OP-6B	UBL - ADSL Qualified, Avg Days		11.00		1.00						a b c d
OP-6B	UBL - DS1 Capable, Avg Days		21.00				10.00		22.20		a b c d
OP-6B	UBL - DS3 Capable, Avg Days								8.50		a b c d
OP-6B	UBL Analog, Avg Days	D	14.20								a b c d
OP-6B	UBL Analog, Avg Days		14.20		14.74		13.67		11.04		a b c d
OP-6B	UDIT Above DS1 Level, Avg Days								8.50		a b c d
OP-6B	UDIT DS1, Avg Days		21.00				10.00		22.20		a b c d
OP-6B	UNE-P, POTS, Avg Days	D	14.20	5.50	14.74	15.00	13.67		11.04	1.00	a b c d
OP-6B	UNE-P, POTS, Avg Days	ND	10.00		23.36		18.33		18.42		a b c d
OP-6B	UNE-P, Centrex, Avg Days	D			19.00						a b c d
OP-6B	UNE-P, Centrex 21, Avg Days	D			18.00		47.00		2.00		a b c d
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**										
OP-7	Analog, Hrs:Min			0:03				0:03		0:02	b d
OP-8	**Number Portability Timeliness**										
OP-8B	LNP, %			100%				100%		100%	b d
OP-8C	% LNP Triggers Set Prior to the Frame Due Time, LNP%			100%		96.60%		99.80%		100%	
OP-13	**Coordinated Cuts - Unbundled Loop**										
OP-13A	Completed on Time, UBL - Analog, %			100%				100%		100%	a b c d
OP-13A	Completed on Time, UBL Other, %					100%					a b c d
OP-13B	Started Without CLEC Approval, UBL - Analog, %			0%				0%		0%	a b c d
OP-13B	Started Without CLEC Approval, UBL Other, %					0%					a b c d
OP-15A	**Interval for Pending Orders Delayed Past Due Date**										
OP-15A	Basic Rate ISDN, Avg Days		120.33		153.44		148.33		146.15		a b c d
OP-15A	Business, Avg Days		76.98	3.00	79.85		88.12		89.54		a b c d
OP-15A	Centrex 21, Avg Days		58.27		74.64		86.09		137.43		a b c d

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15A	Centrex, Avg Days		129.50		102.33		238.00		129.00		a b c d
OP-15A	DS0, Avg Days		23.80		32.50		37.00		68.00		a b c d
OP-15A	DS1, Avg Days		73.38		41.01		72.39		60.18	1.00	a b c d
OP-15A	DS3, Avg Days		21.25		41.63		18.13		20.38		a b c d
OP-15A	EELs, Avg Days			2.00		24.00				3.00	a b c d
OP-15A	Frame Relay, Avg Days		32.29		54.00		70.25		53.14		a b c d
OP-15A	ISDN Primary, Avg Days		191.83		210.40		8.00		17.50		a b c d
OP-15A	Line Sharing, Avg Days			8.00		30.00					a b c d
OP-15A	LIS Trunk, Avg Days									1.00	a b c d
OP-15A	PBX, Avg Days		29.50		23.50		24.67		34.50		a b c d
OP-15A	Residence, Avg Days		60.54	12.17	68.82	11.25	70.74	21.80	71.80	25.57	b c d
OP-15A	UBL - 2-wire, Avg Days		120.33	23.00	153.44		148.33		146.15		a b c d
OP-15A	UBL - 4-wire, Avg Days		73.38		41.01		72.39		60.18		a b c d
OP-15A	UBL - DS1 Capable, Avg Days		73.38	10.00	41.01		72.39		60.18		a b c d
OP-15A	UBL - DS3 Capable, Avg Days		21.25		41.63		18.13		20.38		a b c d
OP-15A	UBL Analog, Avg Days		64.23	3.00	67.18	13.00	71.05		78.52		a b c d
OP-15A	UBL ISDN Capable, Avg Days		120.33	0.00	153.44		148.33		146.15		a b c d
OP-15A	UDIT Above DS1 Level, Avg Days		21.25		41.63		18.13		20.38		a b c d
OP-15A	UDIT DS1, Avg Days		73.38		41.01		72.39		60.18		a b c d
OP-15A	UNE-P, POTS, Avg Days		64.63	35.00	71.63	6.00	74.88	6.00	75.79	29.00	a b c d
OP-15A	UNE-P, Centrex, Avg Days		129.50		102.33		238.00		129.00		a b c d
OP-15A	UNE-P, Centrex 21, Avg Days		58.27		74.64		86.09		137.43		a b c d
OP-15B	**Pending Orders Delayed for Facilities Reasons**										
OP-15B	Basic Rate ISDN		0		0		6		5		a b c d
OP-15B	Business		47	1	46		46		46		a b c d
OP-15B	Centrex 21		4		3		2		2		a b c d
OP-15B	Centrex		0		1		0		0		a b c d
OP-15B	DS0		3		0		2		1		a b c d
OP-15B	DS1		5		9		12		18	0	a b c d
OP-15B	DS3		0		1		4		4		a b c d
OP-15B	EELs			0		0				0	a b c d
OP-15B	Frame Relay		2		0		3		3		a b c d
OP-15B	ISDN Primary		2		3		0		0		a b c d

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15B	Line Sharing			0		0					a b c d
OP-15B	LIS Trunk									1	a b c d
OP-15B	PBX		1		1		1		2		a b c d
OP-15B	Residence		163	0	175	0	180	1	178	0	a b c d
OP-15B	UBL - 2-wire		0	0	0		6		5		a b c d
OP-15B	UBL - 4-wire		5		9		12		18		a b c d
OP-15B	UBL - DS1 Capable		5	0	9		12		18		a b c d
OP-15B	UBL - DS3 Capable		0		1		4		4		a b c d
OP-15B	UBL Analog		127	0	128	0	122		134		a b c d
OP-15B	UBL ISDN Capable		0	0	0		6		5		a b c d
OP-15B	UDIT Above DS1 Level		0		1		4		4		a b c d
OP-15B	UDIT DS1		5		9		12		18		a b c d
OP-15B	UNE-P, POTS		210	0	221	0	226	1	224	1	a b c d
OP-15B	UNE-P, Centrex		0		1		0		0		a b c d
OP-15B	UNE-P, Centrex 21		4		3		2		2		a b c d
OP-17	**Timeliness of Disconnects associated with LNP Orders**										
OP-17A	LNP, %			100%		100%		99.82%		100%	
OP-17B	LNP, %			100%		100%		100%		100%	
OPERATOR SERVICES											
OS-1	**Speed of Answer - Operator Services**										
OS-1	Average Seconds		9.67		8.51		8.51		8.91		a b c d
PRE-ORDER/ORDER											
PO-1	**Pre-Order/Order Response Times**										
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec			0.55		0.57		0.55		0.56	
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec			2.44		2.6		2.24		1.77	
PO-1A-1Total	Appt. Sched, GUI Aggr, Avg Sec			2.99		3.17		2.79		2.33	
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec			0.51		0.52		0.51		0.5	
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec			5.66		6.11		6.37		6.75	
PO-1A-2Total	Service Avail, GUI Aggr, Avg Sec			6.17		6.63		6.89		7.25	
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec			0.7		0.72		0.7		0.7	
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec			7.41		7.73		7.63		7.48	
PO-1A-3Total	Facility Check, GUI Aggr, Avg Sec			8.11		8.45		8.33		8.18	
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec			1.3		1.32		1.34		1.31	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec			4.64		4.65		4.67		5.1	
PO-1A-4Total	Address Validation, GUI Aggr, Avg Sec			5.94		5.97		6.01		6.41	
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec			0.69		0.74		0.72		0.7	
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec			6.55		5.79		5.82		5.59	
PO-1A-5Total	Get CSR, GUI Aggr, Avg Sec			7.23		6.53		6.54		6.28	
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec			0.79		0.82		0.8		0.79	
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec			4.45		4.91		4.69		4.5	
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec			0.65		0.74		0.71		0.66	
PO-1A-6Total	TN Reserv, GUI Aggr, Avg Sec			5.89		6.47		6.2		5.94	
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec			0.95		0.98		0.96		1.05	
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec			8.73		8.09		7.9		5.75	
PO-1A-7Total	Loop Qual Tools, GUI Aggr, Avg Sec			9.68		9.07		8.86		6.8	
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec			0.9		0.98		0.91		0.91	
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec			5.51		6.66		6.09		5.63	
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggr, Avg Sec			6.41		7.64		7		6.54	
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec			0.44		0.44		0.47		0.44	
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec			17.83		18.14		14.1		8.25	
PO-1A-9Total	Connecting Facility Assign, GUI Aggr, Avg Sec			18.28		18.58		14.56		8.69	
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec			0.48		0.48		0.48		0.47	
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec			19.85		19.95		13.51		4.87	
PO-1A-10Total	Meet Point Inquiry, GUI Aggr, Avg Sec			20.34		20.43		14		5.34	
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec			4.77		4.55		3.99		3.55	
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec			6.32		6.09		6.23		6.61	
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec			6.38		5.73		6.75		7.33	
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec			3.11		2.47		2.52		2.88	
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec			3.43		2.01		2.6		2.66	
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec			5.41		5.52		5.06		5.18	
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec			9.23		8.64		9.67		7.24	
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec			6.31		6.11		5.16		5.74	
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec			18.12		16.97		12.37		8.03	
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec			20.77		20.29		13.09		5.41	
PO-1C-1	Timeout, GUI Total, %			0.05%		0.10%		0.02%		0.04%	
PO-1C-2	Timeout, EDI Total, %			0.07%		0%		0.02%		0.24%	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1D-1	Rejected Query, GUI Total, Avg Sec			1.46		1.57		1.36		1.34	
PO-1D-2	Rejected Query, EDI Total, Avg Sec			2.84		3.15		2.15		1.84	
PO-2	**Electronic Flow-through**										
PO-2A-1	GUI, LNP, %			31.68%		40.00%		35.53%		56.82%	
PO-2A-1	GUI, Resale Aggr w/o UNE-P-POTS, %			85.66%		83.92%		88.79%		77.43%	
PO-2A-1	GUI, UBL Aggr, %			66.86%		63.83%		55.80%		60.00%	
PO-2A-1	GUI, UNE-P, POTS, %			61.11%		67.39%		88.89%		82.61%	
PO-2A-2	EDI, LNP, %					0%		0%		0%	a b c d
PO-2A-2	EDI, Resale Aggr w/o UNE-P-POTS, %			75.64%		82.19%		93.23%		85.58%	
PO-2A-2	EDI, UBL Aggr, %			61.54%		66.29%		51.16%		56.14%	
PO-2A-2	EDI, UNE-P, POTS, %			61.29%		61.06%		63.61%		68.95%	
PO-2B-1	All Eligible LSRs, GUI, LNP, %			94.12%		91.43%		90.00%		100%	
PO-2B-1	All Eligible LSRs, GUI, POTS Resale, %			96.50%		97.27%		98.43%		97.37%	
PO-2B-1	All Eligible LSRs, GUI, UBL Aggr, %			100%		94.74%		91.67%		95.83%	
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %			91.67%		96.88%		100%		97.44%	
PO-2B-2	All Eligible LSRs, EDI, LNP, %									0%	a b c d
PO-2B-2	All Eligible LSRs, EDI, POTS Resale, %			100%		96.77%		98.80%		97.89%	
PO-2B-2	All Eligible LSRs, EDI, UBL Aggr, %			96.00%		88.06%		78.57%		80.00%	
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %			84.92%		90.79%		91.83%		95.91%	
PO-3	**LSR Rejection Notice Interval**										
PO-3A-1	GUI - Manual Reject, Product Aggr, Hrs:Min			4:19		1:11		1:46		13:20	
PO-3A-2	GUI - Auto-Reject, Product Aggr, Min:Sec			00:04		00:04		00:03		00:03	
PO-3B-1	EDI - Manual Reject, Product Aggr, Hrs:Min			1:22		2:05		1:58		2:09	
PO-3B-2	EDI - Auto-Reject, Product Aggr, Min:Sec			00:06		00:06		00:05		00:05	
PO-3C	Manual and IIS, Product Aggr, Hrs:Min			9:08		14:25		9:00		9:06	
PO-4	**LSRs Rejected**										
PO-4A-1	GUI - Manual Reject, Product Aggr, %			4.36%		2.25%		2.41%		2.20%	
PO-4A-2	GUI - Auto-Reject, Product Aggr, %			31.30%		32.17%		31.07%		31.56%	
PO-4B-1	EDI - Manual Reject, Product Aggr, %			8.19%		4.46%		4.57%		4.67%	
PO-4B-2	EDI - Auto-Reject, Product Aggr, %			24.11%		24.10%		20.28%		20.79%	
PO-4C	Facsimile , Product Aggr, %			11.11%		8.54%		24.88%		20.28%	
PO-5	**Firm Order Confirmations (FOCs) On Time**										
PO-5A-1(a)	Fully Electronic, GUI, Resale Aggr, %			99.87%		99.61%		99.96%		100%	

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-5A-1(b)	Fully Electronic, GUI, UBL Aggr, %			100%		100%		100%		100%	
PO-5A-1(c)	Fully Electronic, GUI, LNP, %			100%		100%		100%		100%	
PO-5A-2(a)	Fully Electronic, EDI, Resale Aggr, %			99.05%		100%		100%		100%	
PO-5A-2(b)	Fully Electronic, EDI, UBL Aggr, %			100%		100%		100%		100%	a b c d
PO-5B-1(a)	Elec/Manual, GUI, Resale Aggr, %			99.63%		99.75%		99.66%		100%	
PO-5B-1(b)	Elec/Manual, GUI, UBL Aggr, %			99.12%		94.44%		95.92%		96.34%	
PO-5B-1(c)	Elec/Manual, GUI, LNP, %			100%		100%		100%		100%	
PO-5B-2(a)	Elec/Manual, EDI, Resale Aggr, %			100%		99.00%		100%		98.51%	
PO-5B-2(b)	Elec/Manual, EDI, UBL Aggr, %			97.22%		93.83%		97.30%		92.50%	
PO-5B-2(c)	Elec/Manual, EDI, LNP, %					100%		100%		100%	a b c d
PO-5C-(a)	Manual, Resale Aggr, %			97.20%		100%		99.25%		98.75%	
PO-5C-(b)	Manual, UBL Aggr, %			100%		100%		100%			a b c d
PO-5C-(c)	Manual, LNP, %			100%		100%		100%		100%	a b c d
PO-5D	LIS Trunk, %			100%		100%		100%		100%	a b c d
PO-6	**Work Completion Notification Timeliness**										
PO-6A	IMA - GUI, All, Hrs:Min			0:23		0:52		0:27		0:52	
PO-6B	IMA - EDI, All, Hrs:Min			0:35		0:52		0:59		1:02	
PO-7	**Billing Completion Notification Timeliness**										
PO-7A-C	IMA - GUI, All, %		97.39%	98.96%	98.44%	99.83%	98.62%	99.96%	98.60%	99.94%	
PO-7B-C	IMA - EDI, All, %		97.39%		98.44%		98.62%		98.60%		a b c d
PO-8	**Jeopardy Notice Interval**										
PO-8A	Non-Designed Services, Avg Days		4.37	1.33	6.74	0.50	5.12	1.50	6.40	5.00	a b c d
PO-8B	UBLs and LNP, Avg Days		4.37	5.60	6.74	4.57	5.12	5.00	6.40	3.56	a c
PO-8D	UNE-P, POTS, Avg Days		4.37	2.75	6.74		5.12	3.00	6.40	5.00	a b c d
PO-9	**Timely Jeopardy Notices**										
PO-9A	Non-Designed Services, %		32.69%	50.00%	37.50%	0%	32.46%	0%	40.50%	33.33%	a b c d
PO-9B	UBLs and LNP, %		32.69%	12.50%	37.50%	50.00%	32.46%	0%	40.50%	100%	a b c d
PO-9C	LIS Trunk, %		0%		0%		0%		0%		a b c d
PO-9D	UNE-P, POTS, %		32.69%	33.33%	37.50%	0%	32.46%		40.50%	0%	a b c d
PO-10	**LSR Accountability**										
PO-10	Product Aggr, %			100%		100%		100%		100%	
PO-15	**Number of Due Date Changes per Order**										
PO-15	All, Avg Days		0.08	0.06	0.06	0.05	0.03	0.02	0.02	0.09	

MONTANA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-16	**Timely Release Notifications**										
PO-16	Default, %					100%		100%		100%	a b c d
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**										
PO-19	SATE Accuracy, %			98.95%							b c d
PO-19A	SATE Accuracy, Rel. 10.0, %					100%		98.45%		98.45%	a
PO-19A	SATE Accuracy, Rel. 8.0, %					100%		99.47%		98.94%	a
PO-19A	SATE Accuracy, Rel. 9.0, %					99.47%		100%		98.94%	a
PO-19A	SATE Accuracy, Rel. VICKI, %					100%		100%		100%	a
PO-19B	SATE Accuracy, %					99.16%					a c d
PO-20	**Manual Service Order Accuracy**										
PO-20	POTS Resale, %			90.25%		90.58%		92.78%		96.88%	
PO-20	UBL Aggr, %			96.46%		95.20%		95.16%		94.42%	

Metric Number:
* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting
D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:
a = Sample size less than or equal to 10 in June 2002
b = Sample size less than or equal to 10 in July 2002
c = Sample size less than or equal to 10 in August 2002
d = Sample size less than or equal to 10 in September 2002

Appendix F

Nebraska Performance Metrics

The data in this appendix are taken from Qwest November 15 Ex Parte Letter Attach. 1 (Statewide Average Performance Summary, CO, ID, IA, MT, NE, ND, UT, WA, WY, May-Sept 2002). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Ctr
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
BILLING											
BI-1	**Time to Provide Recorded Usage Records**										
BI-1A	UNEs and Resale Aggr, Avg Days		6.97	1.49	6.54	1.62	6.11	1.75	5.20	1.38	
BI-1B	Jointly-provided Switched Access, %			91.16%		100%		100%		100%	
BI-1C-1	[CAT11], UNEs and Resale Aggr, Avg Days		6.97	1.52	6.54	1.63	6.11	1.71	5.20	1.39	
BI-1C-2	[CAT10], UNEs and Resale Aggr, Avg Days		6.97	1.44	6.54	1.60	6.11	1.79	5.20	1.38	
BI-2	**Invoices Delivered within 10 Days**										
BI-2	All, %			99.96%		100%		100%		100%	
BI-3	**Billing Accuracy - Adjustments for Errors**										
BI-3A	UNEs and Resale Aggr, %		96.05%	96.26%	99.15%	98.15%	98.82%	86.63%	99.40%	98.46%	
BI-3B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-4	**Billing Completeness**										
BI-4A	UNEs and Resale Aggr, %		87.14%	93.21%	97.47%	96.38%	97.81%	97.74%	88.20%	89.27%	
BI-4B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-5	**Billing Accuracy & Claims Processing**										
BI-5A	Acknowledgment, All, %			91.30%		89.52%		100%		99.70%	
BI-5B	Resolution, All, %			90.18%		74.66%		96.38%		100%	
COLLOCATION											
CP-1	**Collocation Completion Interval**										
CP-1C	121 to 150 Calendar Days, All, Avg Days			91.00				115.00		118.00	a b c d
CP-2	**Collocations Completed within Scheduled Intervals**										
CP-2C	w/ Intervals Longer than 120 Days, All, %			100%				100%		100%	a b c d
CP-3	**Collocation Feasibility Study Interval**										
CP-3	All, Avg Days							8.33		10.00	a b c d
CP-4	**Collocation Feasibility Study Commitments Met**										
CP-4	All, %							100%		100%	a b c d
DIRECTORY ASSISTANCE											
DA-1	**Speed of Answer - Directory Assistance**										
DA-1	Average Seconds		10.62		8.67		8.78		8.33		a b c d
DATABASE UPDATES											
DB-1	**Time to Update Databases**										
DB-1A	E911, Hrs:Min			0:52		0:24		0:23		0:16	
DB-1B	LIDB, Avg Sec			1.47		1.32		1.26		1.27	
DB-1C-1	Directory Listing, Avg Sec			0.07		0.06		0.09		0.13	
DB-2	**Accurate Database Updates**										

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
DB-2C-1	Directory Listing, %			94.83%		95.87%		94.77%		94.42%	
ELECTRONIC GATEWAY AVAILABILITY											
GA-1A	IMA-GUI, All, %			99.93%		100%		98.75%		100%	
GA-1B	IMA-GUI, Fetch-n-Stuff, %			100%		100%		100%		100%	
GA-1C	IMA-GUI, Data Arbiter, %			100%		100%		99.96%		100%	
GA-1D	IMA-GUI, SIA, %			100%		99.55%		100%		99.95%	
GA-2	IMA-EDI, %			99.93%		100%		98.26%		99.80%	
GA-3	EB-TA, %			100%		99.54%		99.31%		99.94%	
GA-4	EXACT, %			99.93%		100%		100%		100%	
GA-6	GUI - Repair, %			100%		99.50%		99.92%		100%	
GA-7	Timely Outage Resolution following Software Releases , %							100%			a b c d
MAINTENANCE AND REPAIR											
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**										
MR-2	All, %		78.59%	80.32%	78.57%	78.71%	84.85%	87.02%	86.24%	85.75%	
MR-3	**Out of Service Cleared within 24 Hours**										
MR-3	Basic Rate ISDN, %	D	100%		90.91%	100%	96.43%		88.89%		a b c d
MR-3	Basic Rate ISDN, %	ND	96.43%		100%		100%		100%		a b c d
MR-3	Business, %	D	91.48%	100%	89.91%	100%	91.39%	87.50%	90.09%	66.67%	a b c d
MR-3	Business, %	ND	96.88%		98.28%		94.29%	100%	97.10%		a b c d
MR-3	Centrex 21, %	D	86.75%	100%	90.57%	88.89%	90.65%	100%	95.24%	60.00%	a b c d
MR-3	Centrex 21, %	ND	96.77%	100%	96.15%	0%	91.18%		95.24%	100%	a b c d
MR-3	Centrex, %	D	100%		77.27%	100%	88.89%		78.26%	100%	a b c d
MR-3	Centrex, %	ND	100%		100%		90.91%		100%		a b c d
MR-3	Line Sharing, %	D	92.60%		92.67%		84.90%		92.63%		a b c d
MR-3	Line Sharing, %	ND	96.21%		97.41%	100%	95.95%		96.96%		a b c d
MR-3	PBX, %	D	71.43%		75.00%	100%	80.00%	100%	100%		a b c d
MR-3	PBX, %	ND	100%		100%		100%		100%	100%	a b c d
MR-3	Qwest DSL, %		93.75%		85.71%		85.71%		73.68%		a b c d
MR-3	Residence, %	D	92.71%	94.81%	92.95%	96.39%	84.11%	94.57%	92.95%	95.59%	
MR-3	Residence, %	ND	96.10%	100%	97.32%	100%	96.15%	100%	96.93%	100%	b c d
MR-3	UBL - 2-wire, %		98.04%	100%	97.14%	100%	98.25%	100%	96.43%	100%	d
MR-3	UBL - ADSL Qualified, %		93.75%		85.71%		85.71%		73.68%		a b c d
MR-3	UBL Analog, %		93.07%	99.31%	93.35%	99.34%	86.53%	99.45%	93.16%	98.46%	
MR-3	UBL ISDN Capable, %		98.04%	100%	97.14%	100%	98.25%	100%	96.43%	100%	a b c d

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-3	UNE-P, POTS, %	D	92.60%	92.31%	92.67%	82.35%	84.90%	92.00%	92.63%	86.36%	
MR-3	UNE-P, POTS, %	ND	96.21%	66.67%	97.41%	100%	95.95%	100%	96.96%	100%	a
MR-3	UNE-P, Centrex, %	D	100%		77.27%		88.89%		78.26%		a b c d
MR-3	UNE-P, Centrex, %	ND	100%		100%		90.91%		100%		a b c d
MR-3	UNE-P, Centrex 21, %	D	86.75%	100%	90.57%		90.65%	100%	95.24%		a b c d
MR-3	UNE-P, Centrex 21, %	ND	96.77%		96.15%		91.18%		95.24%		a b c d
MR-4	**All Troubles Cleared within 48 Hours**										
MR-4	Basic Rate ISDN, %	D	100%		100%	100%	100%		100%		a b c d
MR-4	Basic Rate ISDN, %	ND	96.43%		100%		100%		100%		a b c d
MR-4	Business, %	D	95.24%	100%	97.45%	100%	96.16%	100%	95.88%	100%	a b c d
MR-4	Business, %	ND	100%		100%	100%	97.33%	100%	99.17%	100%	a b c d
MR-4	Centrex 21, %	D	98.33%	100%	97.73%	100%	97.66%	100%	97.39%	100%	a b c d
MR-4	Centrex 21, %	ND	100%	100%	98.21%	83.33%	97.37%	100%	100%	100%	a b c d
MR-4	Centrex, %	D	100%		92.31%	100%	100%		96.55%	100%	a b c d
MR-4	Centrex, %	ND	100%		100%		100%		90.91%		a b c d
MR-4	Line Sharing, %	D	98.11%		98.48%	0%	96.22%		97.45%		a b c d
MR-4	Line Sharing, %	ND	99.71%		99.66%	100%	99.10%		99.28%		a b c d
MR-4	PBX, %	D	88.89%		88.24%	100%	91.67%	100%	100%		a b c d
MR-4	PBX, %	ND	100%		100%		100%		100%	100%	a b c d
MR-4	Qwest DSL, %		100%		92.86%		95.24%		89.47%		a b c d
MR-4	Residence, %	D	98.41%	100%	98.58%	97.87%	96.22%	99.01%	97.64%	100%	
MR-4	Residence, %	ND	99.66%	100%	99.61%	100%	99.35%	100%	99.30%	100%	
MR-4	UBL - 2-wire, %		98.04%	100%	100%	100%	100%	100%	100%	100%	d
MR-4	UBL - ADSL Qualified, %		100%		92.86%		95.24%		89.47%		a b c d
MR-4	UBL Analog, %		98.44%	100%	98.73%	100%	96.79%	100%	97.79%	100%	
MR-4	UBL ISDN Capable, %		98.04%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-4	UNE-P, POTS, %	D	98.11%	100%	98.48%	100%	96.22%	100%	97.45%	100%	
MR-4	UNE-P, POTS, %	ND	99.71%	100%	99.66%	100%	99.10%	100%	99.28%	100%	a
MR-4	UNE-P, Centrex, %	D	100%		92.31%		100%		96.55%		a b c d
MR-4	UNE-P, Centrex, %	ND	100%		100%		100%		90.91%		a b c d
MR-4	UNE-P, Centrex 21, %	D	98.33%	100%	97.73%		97.66%	100%	97.39%		a b c d
MR-4	UNE-P, Centrex 21, %	ND	100%		98.21%		97.37%		100%		a b c d
MR-5	**All Troubles Cleared within 4 Hours**										
MR-5	DS0, %		84.91%	0%	85.06%		79.43%	100%	81.10%		a b c d
MR-5	DS1, %		87.34%		84.96%		80.35%		84.33%	100%	a b c d

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-5	DS3, %		80.00%		100%		100%		75.00%		a b c d
MR-5	E911, %		100%								a b c d
MR-5	Frame Relay, %		83.33%		83.12%		85.11%		82.61%		a b c d
MR-5	ISDN Primary, %		100%		75.00%		88.89%		88.89%		a b c d
MR-5	LIS Trunk, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-5	UBL - 4-wire, %		87.34%		84.96%		80.35%		84.33%		a b c d
MR-5	UBL - DS1 Capable, %		87.34%		84.96%		80.35%	100%	84.33%		a b c d
MR-5	UBL - DS3 Capable, %		80.00%		100%		100%		75.00%		a b c d
MR-5	UDIT Above DS1 Level, %		80.00%		100%		100%		75.00%	100%	a b c d
MR-5	UDIT DS1, %		87.34%	0%	84.96%		80.35%		84.33%	0%	a b c d
MR-6	**Mean Time to Restore**										
MR-6	Basic Rate ISDN, Hrs:Min	D	6:01		8:03	1:17	5:16		7:54		a b c d
MR-6	Basic Rate ISDN, Hrs:Min	ND	4:58		1:38		1:34		2:32		a b c d
MR-6	Business, Hrs:Min	D	15:00	10:06	13:52	14:00	14:56	10:07	13:55	18:51	a b c d
MR-6	Business, Hrs:Min	ND	4:18		4:22	0:01	7:21	3:09	4:42	0:46	a b c d
MR-6	Centrex 21, Hrs:Min	D	12:32	8:03	13:28	8:06	13:19	13:09	12:45	12:15	a b c d
MR-6	Centrex 21, Hrs:Min	ND	4:36	3:29	6:15	16:10	9:10	1:42	2:58	6:58	a b c d
MR-6	Centrex, Hrs:Min	D	15:11		21:15	22:08	15:21		15:28	8:38	a b c d
MR-6	Centrex, Hrs:Min	ND	2:57		2:13		7:04		12:20		a b c d
MR-6	DS0, Hrs:Min		2:25	7:33	2:18		2:36	2:17	3:31		a b c d
MR-6	DS1, Hrs:Min		2:32		2:36		2:42		3:00	0:21	a b c d
MR-6	DS3, Hrs:Min		2:47		0:28		1:29		2:05		a b c d
MR-6	E911, Hrs:Min		0:46								a b c d
MR-6	Frame Relay, Hrs:Min		2:21		2:27		2:26		2:35		a b c d
MR-6	ISDN Primary, Hrs:Min		1:22		2:31		1:41		2:37		a b c d
MR-6	Line Sharing, Hrs:Min	D	14:03		13:48	67:02	17:45		13:52		a b c d
MR-6	Line Sharing, Hrs:Min	ND	6:12		7:30	21:59	8:05		6:14		a b c d
MR-6	LIS Trunk, Hrs:Min		0:42	0:03	1:54	0:30	0:14	1:11	0:59	0:45	a b c d
MR-6	PBX, Hrs:Min	D	25:16		20:03	4:03	15:17	11:46	9:40		a b c d
MR-6	PBX, Hrs:Min	ND	1:09		1:16		1:50		3:12	2:42	a b c d
MR-6	Qwest DSL, Hrs:Min		10:51		10:44		10:49		14:29		a b c d
MR-6	Residence, Hrs:Min	D	13:57	12:16	13:47	13:00	18:04	13:23	13:52	13:02	
MR-6	Residence, Hrs:Min	ND	6:31	6:12	7:56	3:36	8:11	3:17	6:29	2:54	
MR-6	UBL - 2-wire, Hrs:Min		5:26	2:18	3:46	3:21	3:23	4:06	4:12	2:20	d
MR-6	UBL - 4-wire, Hrs:Min		2:32		2:36		2:42		3:00		a b c d

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-6	UBL - ADSL Qualified, Hrs:Min		10:51		10:44		10:49		14:29		a b c d
MR-6	UBL - DS1 Capable, Hrs:Min		2:32		2:36		2:42	1:33	3:00		a b c d
MR-6	UBL - DS3 Capable, Hrs:Min		2:47		0:28		1:29		2:05		a b c d
MR-6	UBL Analog, Hrs:Min		12:26	6:26	12:28	6:24	15:49	7:17	12:27	5:54	
MR-6	UBL ISDN Capable, Hrs:Min		5:26	3:11	3:46	5:51	3:23	4:39	4:12	5:59	a b c d
MR-6	UDIT Above DS1 Level, Hrs:Min		2:47		0:28		1:29		2:05	1:53	a b c d
MR-6	UDIT DS1, Hrs:Min		2:32	6:17	2:36		2:42		3:00	12:12	a b c d
MR-6	UNE-P, POTS, Hrs:Min	D	14:03	12:25	13:48	13:21	17:45	13:47	13:52	13:12	
MR-6	UNE-P, POTS, Hrs:Min	ND	6:12	5:58	7:30	3:24	8:05	3:36	6:14	4:57	a
MR-6	UNE-P, Centrex, Hrs:Min	D	15:11		21:15		15:21		15:28		a b c d
MR-6	UNE-P, Centrex, Hrs:Min	ND	2:57		2:13		7:04		12:20		a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	D	12:32	4:51	13:28		13:19	17:27	12:45		a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	4:36		6:15		9:10		2:58		a b c d
MR-7	**Repair Repeat Report Rate**										
MR-7	Basic Rate ISDN, %	D	26.09%		33.33%	50.00%	14.29%		11.11%		a b c d
MR-7	Basic Rate ISDN, %	ND	7.14%		16.67%		10.34%		15.00%		a b c d
MR-7	Business, %	D	9.59%	20.00%	14.14%	40.00%	12.20%	9.09%	12.63%	0%	a b d
MR-7	Business, %	ND	7.48%		16.44%	0%	14.67%	0%	9.92%	0%	a b c d
MR-7	Centrex 21, %	ND	18.75%	0%	14.29%	50.00%	19.74%	0%	19.57%	25.00%	a b c d
MR-7	Centrex 21, %	D	8.00%	50.00%	10.45%	0%	15.25%	16.67%	10.34%	0%	a b c d
MR-7	Centrex, %	D	13.64%		7.69%	0%	14.29%		6.45%	25.00%	a b c d
MR-7	Centrex, %	ND	11.11%		0%		5.00%		0%		a b c d
MR-7	DS0, %		19.25%	0%	14.18%		20.57%	0%	20.12%		a b c d
MR-7	DS1, %		25.76%		32.11%		36.84%		32.72%	0%	a b c d
MR-7	DS3, %		20.00%		0%		0%		25.00%		a b c d
MR-7	E911, %		100%								a b c d
MR-7	Frame Relay, %		23.53%		29.87%		23.40%		27.54%		a b c d
MR-7	ISDN Primary, %		0%		0%		44.44%		11.11%		a b c d
MR-7	Line Sharing, %	D	40.00%		42.86%	0%	44.44%		50.00%		a b c d
MR-7	Line Sharing, %	ND	27.27%		47.62%	0%	33.33%		30.77%		a b c d
MR-7	LIS Trunk, %		25.00%	0%	25.00%	0%	0%	0%	20.00%	0%	a b c d
MR-7	PBX, %	D	11.11%		11.11%	0%	7.69%	0%	14.29%		a b c d
MR-7	PBX, %	ND	0%		20.00%		22.22%		0%	0%	a b c d
MR-7	Qwest DSL, %		31.25%		46.43%		35.71%		36.84%		a b c d
MR-7	Residence, %	ND	15.24%	3.85%	12.62%	3.23%	15.41%	28.57%	12.94%	29.41%	

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7	Residence, %	D	11.78%	13.40%	13.22%	11.11%	12.98%	9.80%	13.27%	7.23%	
MR-7	UBL - 2-wire, %		15.69%	15.79%	22.22%	9.09%	12.28%	0%	13.79%	33.33%	d
MR-7	UBL - 4-wire, %		25.76%		32.11%		36.84%		32.72%		a b c d
MR-7	UBL - ADSL Qualified, %		31.25%		46.43%		35.71%		36.84%		a b c d
MR-7	UBL - DS1 Capable, %		25.76%		32.11%		36.84%	100%	32.72%		a b c d
MR-7	UBL - DS3 Capable, %		20.00%		0%		0%		25.00%		a b c d
MR-7	UBL Analog, %		12.09%	16.99%	13.26%	11.04%	13.37%	10.53%	13.07%	14.79%	
MR-7	UBL ISDN Capable, %		15.69%	0%	22.22%	20.00%	12.28%	50.00%	13.79%	14.29%	a b c d
MR-7	UDIT Above DS1 Level, %		20.00%		0%		0%		25.00%	0%	a b c d
MR-7	UDIT DS1, %		25.76%	0%	32.11%		36.84%		32.72%	0%	a b c d
MR-7	UNE-P, POTS, %	D	11.57%	4.76%	13.30%	13.64%	12.90%	13.21%	13.20%	19.23%	
MR-7	UNE-P, POTS, %	ND	14.13%	11.11%	13.10%	10.00%	15.32%	18.18%	12.50%	24.00%	a
MR-7	UNE-P, Centrex, %	D	13.64%		7.69%		14.29%		6.45%		a b c d
MR-7	UNE-P, Centrex, %	ND	11.11%		0%		5.00%		0%		a b c d
MR-7	UNE-P, Centrex 21, %	D	8.00%	100%	10.45%		15.25%	0%	10.34%		a b c d
MR-7	UNE-P, Centrex 21, %	ND	18.75%		14.29%		19.74%		19.57%		a b c d
MR-7*	Basic Rate ISDN, %	D	30.00%		36.36%	50.00%	11.54%				a b c d
MR-7*	Basic Rate ISDN, %	ND	0%		20.00%		18.18%				a b c d
MR-7*	Business, %	D	9.14%	20.00%	14.25%	40.00%	12.58%	10.00%			a b c d
MR-7*	Business, %	ND	9.38%		16.67%	0%	16.18%	0%			a b c d
MR-7*	Centrex 21, %	D	7.62%	50.00%	9.09%	0%	13.73%	20.00%			a b c d
MR-7*	Centrex 21, %	ND	11.11%	0%	14.29%	40.00%	12.12%	0%			a b c d
MR-7*	Centrex, %	D	12.50%		8.70%	0%	16.67%				a b c d
MR-7*	Centrex, %	ND	12.50%		0%		0%				a b c d
MR-7*	DS0, %		19.47%	0%	12.50%		23.19%	0%			a b c d
MR-7*	DS1, %		25.30%		34.44%		39.81%				a b c d
MR-7*	DS3, %		25.00%		0%		0%				a b c d
MR-7*	E911, %		100%								a b c d
MR-7*	Frame Relay, %		21.67%		33.33%		27.78%				a b c d
MR-7*	ISDN Primary, %		0%		0%		57.14%				a b c d
MR-7*	Line Sharing, %	D	66.67%		50.00%	0%	80.00%				a b c d
MR-7*	Line Sharing, %	ND	28.57%		50.00%	0%	44.44%				a b c d
MR-7*	LIS Trunk, %				0%	0%	0%	0%			a b c d
MR-7*	PBX, %	D	12.50%		6.67%	0%	11.11%				a b c d
MR-7*	PBX, %	ND	0%		16.67%		14.29%				a b c d

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7*	Qwest DSL, %		40.00%		50.00%		52.17%				a b c d
MR-7*	Residence, %	ND	14.12%	0%	14.81%	5.26%	17.41%	45.45%			d
MR-7*	Residence, %	D	11.27%	11.58%	12.98%	11.11%	12.88%	9.18%			d
MR-7*	UBL - 2-wire, %		18.18%	13.33%	28.57%	0%	13.51%	0%			b d
MR-7*	UBL - 4-wire, %		25.30%		34.44%		39.81%				a b c d
MR-7*	UBL - ADSL Qualified, %		40.00%		50.00%		52.17%				a b c d
MR-7*	UBL - DS1 Capable, %		25.30%		34.44%		39.81%	100%			a b c d
MR-7*	UBL - DS3 Capable, %		25.00%		0%		0%				a b c d
MR-7*	UBL Analog, %		11.30%	17.65%	13.33%	11.61%	13.27%	12.33%			d
MR-7*	UBL ISDN Capable, %		18.18%	0%	28.57%	20.00%	13.51%	50.00%			a b c d
MR-7*	UDIT Above DS1 Level, %		25.00%		0%		0%				a b c d
MR-7*	UDIT DS1, %		25.30%	0%	34.44%		39.81%				a b c d
MR-7*	UNE-P, POTS, %	D	11.08%	5.56%	13.09%	15.79%	12.85%	14.00%			d
MR-7*	UNE-P, POTS, %	ND	13.37%	14.29%	15.04%	13.33%	17.24%	26.67%			a d
MR-7*	UNE-P, Centrex, %	D	12.50%		8.70%		16.67%				a b c d
MR-7*	UNE-P, Centrex, %	ND	12.50%		0%		0%				a b c d
MR-7*	UNE-P, Centrex 21, %	D	7.62%	100%	9.09%		13.73%	0%			a b c d
MR-7*	UNE-P, Centrex 21, %	ND	11.11%		14.29%		12.12%				a b c d
MR-8	**Trouble Rate**										
MR-8	Basic Rate ISDN, %		0.82%	0%	0.58%	25.00%	0.92%	0%	0.47%	0%	a b c d
MR-8	Business, %		0.67%	0.77%	0.69%	0.46%	0.82%	1.23%	0.65%	0.61%	
MR-8	Centrex 21, %		0.71%	0.72%	0.72%	1.05%	0.96%	0.66%	0.61%	0.59%	
MR-8	Centrex, %		0.22%	0%	0.26%	1.64%	0.40%	0%	0.30%	3.28%	
MR-8	Dark Fiber - Loop, %							0%			a b c d
MR-8	DS0, %		0.97%	1.29%	0.96%	0%	0.77%	0.65%	0.60%	0%	
MR-8	DS1, %		1.86%	0%	1.96%	0%	2.27%	0%	1.72%	5.56%	
MR-8	DS3, %		0.55%		0.44%		0.22%		0.43%		a b c d
MR-8	E911, %		0.26%	0%	0%	0%	0%	0%	0%	0%	
MR-8	Frame Relay, %		2.40%		1.80%		2.19%		1.65%		a b c d
MR-8	ISDN Primary, %		0.01%		0.01%		0.04%		0.04%		a b c d
MR-8	Line Sharing, %		1.47%	0%	1.62%	50.00%	1.80%	0%	1.32%	0%	a b c d
MR-8	LIS Trunk, %		0.01%	0%	0.01%	0.01%	0.01%	0.01%	0.01%	0%	
MR-8	PBX, %		0.14%	0%	0.19%	0.52%	0.18%	0.52%	0.16%	0.52%	
MR-8	Qwest DSL, %		0.78%	0%	1.41%	0%	2.18%	0%	1.01%	0%	a b c d
MR-8	Residence, %		1.71%	1.78%	1.90%	1.89%	2.09%	1.78%	1.52%	1.45%	

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8	UBL - 2-wire, %		0.82%	1.25%	0.58%	0.70%	0.92%	1.13%	0.47%	0.19%	
MR-8	UBL - 4-wire, %		1.86%		1.96%		2.27%		1.72%		a b c d
MR-8	UBL - ADSL Qualified, %		0.78%	0%	1.41%	0%	2.18%	0%	1.01%	0%	a b c d
MR-8	UBL - DS1 Capable, %		1.86%	0%	1.96%	0%	2.27%	5.88%	1.72%	0%	
MR-8	UBL - DS3 Capable, %		0.55%		0.44%		0.22%		0.43%		a b c d
MR-8	UBL Analog, %		1.47%	0.98%	1.62%	0.96%	1.80%	1.16%	1.32%	0.86%	
MR-8	UBL ISDN Capable, %		0.82%	1.05%	0.58%	0.86%	0.92%	1.67%	0.47%	1.17%	
MR-8	UDIT Above DS1 Level, %		0.55%	0%	0.44%	0%	0.22%	0%	0.43%	4.35%	
MR-8	UDIT DS1, %		1.86%	5.00%	1.96%	0%	2.27%	0%	1.72%	4.55%	
MR-8	UNE-P, POTS, %		1.47%	0.73%	1.62%	1.02%	1.80%	1.83%	1.32%	1.24%	
MR-8	UNE-P, Centrex, %		0.22%		0.26%		0.40%		0.30%		a b c d
MR-8	UNE-P, Centrex 21, %		0.71%	2.94%	0.72%	0%	0.96%	2.94%	0.61%	0%	
MR-8*	Basic Rate ISDN, %		0.53%	0%	0.34%	25.00%	0.60%	0%			a b c d
MR-8*	Business, %		0.50%	0.77%	0.55%	0.46%	0.66%	1.00%			d
MR-8*	Centrex 21, %		0.50%	0.53%	0.56%	0.92%	0.70%	0.46%			d
MR-8*	Centrex, %		0.17%	0%	0.18%	1.64%	0.30%	0%			d
MR-8*	Dark Fiber - Loop, %							0%			a b c d
MR-8*	DS0, %		0.70%	0.65%	0.67%	0%	0.51%	0.65%			d
MR-8*	DS1, %		1.35%	0%	1.44%	0%	1.64%	0%			d
MR-8*	DS3, %		0.44%		0.11%		0.22%				a b c d
MR-8*	E911, %		0.26%	0%	0%	0%	0%	0%			d
MR-8*	Frame Relay, %		1.41%		1.19%		1.68%				a b c d
MR-8*	ISDN Primary, %		0%		0.01%		0.03%				a b c d
MR-8*	Line Sharing, %		1.21%	0%	1.37%	50.00%	1.49%	0%			a b c d
MR-8*	LIS Trunk, %		0%	0%	0.01%	0.01%	0%	0.01%			d
MR-8*	PBX, %		0.10%	0%	0.12%	0.52%	0.09%	0%			d
MR-8*	Qwest DSL, %		0.49%	0%	0.90%	0%	1.19%	0%			a b c d
MR-8*	Residence, %		1.42%	1.58%	1.62%	1.58%	1.74%	1.58%			d
MR-8*	UBL - 2-wire, %		0.53%	0.99%	0.34%	0.38%	0.60%	0.69%			d
MR-8*	UBL - 4-wire, %		1.35%		1.44%		1.64%				a b c d
MR-8*	UBL - ADSL Qualified, %		0.49%	0%	0.90%	0%	1.19%	0%			a b c d
MR-8*	UBL - DS1 Capable, %		1.35%	0%	1.44%	0%	1.64%	5.88%			d
MR-8*	UBL - DS3 Capable, %		0.44%		0.11%		0.22%				a b c d
MR-8*	UBL Analog, %		1.21%	0.76%	1.37%	0.70%	1.49%	0.89%			d
MR-8*	UBL ISDN Capable, %		0.53%	0.52%	0.34%	0.86%	0.60%	1.67%			d

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8*	UDIT Above DS1 Level, %		0.44%	0%	0.11%	0%	0.22%	0%			d
MR-8*	UDIT DS1, %		1.35%	5.00%	1.44%	0%	1.64%	0%			d
MR-8*	UNE-P, POTS, %		1.21%	0.61%	1.37%	0.83%	1.49%	1.58%			d
MR-8*	UNE-P, Centrex, %		0.17%		0.18%		0.30%				a b c d
MR-8*	UNE-P, Centrex 21, %		0.50%	2.94%	0.56%	0%	0.70%	2.94%			d
MR-9	**Repair Appointments Met**										
MR-9	Basic Rate ISDN, %	D	100%		100%				0%		a b c d
MR-9	Basic Rate ISDN, %	ND	100%						100%		a b c d
MR-9	Business, %	D	91.45%	80.00%	90.32%	100%	87.01%	100%	88.64%	80.00%	a b d
MR-9	Business, %	ND	98.64%		98.63%	100%	96.67%	100%	95.87%	100%	a b c d
MR-9	Centrex 21, %	D	88.00%	75.00%	83.58%	100%	84.18%	100%	89.66%	80.00%	a b c d
MR-9	Centrex 21, %	ND	96.88%	100%	94.64%	83.33%	93.42%	100%	100%	100%	a b c d
MR-9	Centrex, %	D	90.91%		92.31%	100%	91.18%		80.65%	100%	a b c d
MR-9	Centrex, %	ND	100%		88.89%		95.00%		100%		a b c d
MR-9	PBX, %	D	100%		80.00%	100%	75.00%	100%	84.62%		a b c d
MR-9	PBX, %	ND	100%		100%		100%		100%		a b c d
MR-9	Residence, %	D	95.96%	96.91%	96.37%	94.95%	95.93%	98.04%	96.17%	98.80%	
MR-9	Residence, %	ND	99.09%	100%	98.14%	100%	99.35%	100%	98.87%	100%	
MR-9	UNE-P, POTS, %	D	95.53%	95.24%	95.83%	90.91%	95.03%	94.34%	95.38%	96.15%	
MR-9	UNE-P, POTS, %	ND	99.03%	100%	98.20%	100%	99.02%	100%	98.44%	100%	a
MR-10	**Customer and Non-Qwest Related Trouble Reports**										
MR-10	Basic Rate ISDN, %		30.14%		36.84%	0%	26.92%		38.30%		a b c d
MR-10	Business, %		29.50%	16.67%	29.16%	33.33%	30.30%	33.33%	26.77%	33.33%	b
MR-10	Centrex 21, %		19.92%	0%	27.20%	20.00%	28.33%	37.50%	25.00%	35.71%	
MR-10	Centrex, %		42.59%	100%	35.71%	0%	23.61%		26.32%	0%	a b c d
MR-10	DS0, %		26.59%	33.33%	19.94%		28.91%	0%	24.77%	100%	a b c d
MR-10	DS1, %		19.08%		17.17%		22.55%		24.39%	0%	a b c d
MR-10	DS3, %		0%		33.33%		0%		0%		a b c d
MR-10	E911, %		0%								a b c d
MR-10	Frame Relay, %		23.31%		19.79%		29.32%		26.60%		a b c d
MR-10	ISDN Primary, %		50.00%		20.00%		40.00%		43.75%		a b c d
MR-10	LIS Trunk, %		42.86%	66.67%	33.33%	33.33%	60.00%	42.86%	28.57%	0%	a b c d
MR-10	PBX, %		28.13%	100%	17.50%	50.00%	22.50%	33.33%	43.75%	0%	a b c d
MR-10	Qwest DSL, %		48.39%		42.86%		47.50%		62.75%		a b c d
MR-10	Residence, %		28.46%	20.13%	27.21%	22.16%	31.50%	25.45%	28.98%	27.01%	

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-10	UBL - 2-wire, %		30.14%	9.52%	36.84%	15.38%	26.92%	5.26%	38.30%	0%	d
MR-10	UBL - 4-wire, %		19.08%		17.17%		22.55%		24.39%		a b c d
MR-10	UBL - ADSL Qualified, %		48.39%		42.86%		47.50%		62.75%		a b c d
MR-10	UBL - DS1 Capable, %		19.08%		17.17%		22.55%	0%	24.39%		a b c d
MR-10	UBL - DS3 Capable, %		0%		33.33%		0%		0%		a b c d
MR-10	UBL Analog, %		28.57%	24.26%	27.40%	18.95%	31.38%	23.69%	28.74%	26.42%	
MR-10	UBL ISDN Capable, %		30.14%	33.33%	36.84%	0%	26.92%	9.09%	38.30%	36.36%	a b
MR-10	UDIT Above DS1 Level, %		0%		33.33%		0%		0%	0%	a b c d
MR-10	UDIT DS1, %		19.08%	0%	17.17%		22.55%		24.39%	0%	a b c d
MR-10	UNE-P, POTS, %		28.57%	34.78%	27.40%	19.23%	31.38%	28.57%	28.74%	29.17%	
MR-10	UNE-P, Centrex, %		42.59%		35.71%		23.61%		26.32%		a b c d
MR-10	UNE-P, Centrex 21, %		19.92%	0%	27.20%		28.33%	0%	25.00%		a b c d
MR-11	**LNP Trouble Reports Cleared**										
MR-11A	within 4 Hours, %		49.22%		38.62%		38.68%		50.89%		a b c d
MR-11B	within 48 Hours, %		99.71%		99.66%		99.10%		99.28%		a b c d
NETWORK PERFORMANCE											
NI-1	**Trunk Blocking**										
NI-1A	to Qwest Tandem Offices, LIS Trunk, %		0%	0%	0%	0%	0%	0%	0%	0%	
NI-1B	to Qwest End Offices, LIS Trunk, %		0%	0%	0.01%	0%	0%	0%	0%	0%	
NI-1C	to Qwest Tandem Offices, LIS Trunk, %		0%	0%	0%	0%	0%	2.85%	0%	0.18%	
NI-1D	to Qwest End Offices, LIS Trunk, %		0%	0%	0.01%	0%	0%	0%	0%	0%	
NP-1	**NXX Code Activation**										
NP-1A	All, %									100%	a b c d
NP-1B	Facility Delays, All, %									0%	a b c d
ORDER ACCURACY											
OA-1	Order Accuracy, % (OP-5++)					99.82%		99.82%		99.76%	a
ORDERING AND PROVISIONING											
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**										
OP-2	Default, %		80.97%	96.94%	75.62%	97.87%	72.08%	98.27%	82.25%	97.82%	
OP-3	**Installation Commitments Met**										
OP-3	Basic Rate ISDN, %	D	100%								a b c d
OP-3	Basic Rate ISDN, %		77.27%		100%		90.91%		100%		a b c d
OP-3	Business, %	D	92.33%	100%	89.85%	100%	91.59%	100%	88.68%	100%	a b c d
OP-3	Business, %	ND	97.40%	100%	97.14%	100%	98.81%	100%	97.65%	100%	d
OP-3	Centrex 21, %	D	91.89%	75.00%	89.80%	100%	87.30%	100%	91.38%	100%	a c d

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	Centrex 21, %	ND	95.83%	100%	100%	87.50%	100%	100%	92.00%	100%	a d
OP-3	Centrex, %	D	100%		100%		86.96%		100%		a b c d
OP-3	Centrex, %	ND			100%		100%		75.00%		a b c d
OP-3	DS0, %	D			100%						a b c d
OP-3	DS0, %	ND	0%			100%	0%				a b c d
OP-3	DS0, %		80.00%		50.00%	100%	50.00%	100%	50.00%	0%	a b c d
OP-3	DS1, %		94.52%		83.45%		78.55%		86.55%		a b c d
OP-3	DS3, %		97.14%		84.21%		85.71%		83.33%		a b c d
OP-3	E911, %						0%		0%		a b c d
OP-3	Frame Relay, %		60.00%		74.36%		72.50%		78.57%		a b c d
OP-3	ISDN Primary, %	D					0%				a b c d
OP-3	ISDN Primary, %		50.00%		100%		60.00%		33.33%		a b c d
OP-3	Line Sharing, %	D	95.04%		93.44%		93.76%		92.79%		a b c d
OP-3	Line Sharing, %	ND	99.38%	100%	99.59%	100%	99.45%	100%	98.74%	100%	
OP-3	LIS Trunk, %		100%	100%	100%	100%	100%	100%	100%	100%	a b
OP-3	PBX, %	D	100%		100%		50.00%		100%	100%	a b c d
OP-3	PBX, %	ND	100%		100%			100%	100%	50.00%	a b c d
OP-3	PBX, %		30.00%		14.29%		0%		60.00%		a b c d
OP-3	Qwest DSL, %	D	95.35%		95.12%		81.08%		87.18%		a b c d
OP-3	Qwest DSL, %	ND	100%		98.70%		98.95%		99.47%		a b c d
OP-3	Qwest DSL, %		100%		50.00%		100%				a b c d
OP-3	Residence, %	D	95.85%	100%	94.44%	96.08%	94.40%	96.83%	94.09%	89.29%	
OP-3	Residence, %	ND	99.42%	99.67%	99.63%	99.77%	99.46%	100%	98.77%	100%	
OP-3	UBL - 2-wire, %		82.76%	100%	100%	100%	90.91%	98.21%	100%	98.28%	
OP-3	UBL - 4-wire, %		94.52%		83.45%	100%	78.55%		86.55%		a b c d
OP-3	UBL - ADSL Qualified, %		95.35%		95.12%		81.08%		87.18%		a b c d
OP-3	UBL - DS1 Capable, %		94.52%		83.45%	100%	78.55%	100%	86.55%	100%	a b c d
OP-3	UBL - DS3 Capable, %		97.14%		84.21%		85.71%		83.33%		a b c d
OP-3	UBL Analog, %	D	95.04%	100%							a b c d
OP-3	UBL Analog, %		95.04%	99.29%	93.44%	98.78%	93.76%	97.48%	92.79%	98.00%	
OP-3	UBL Conditioned, %					100%		42.86%		0%	a b c d
OP-3	UBL ISDN Capable, %		82.76%	100%	100%	88.89%	90.91%	90.63%	100%	83.33%	b
OP-3	UDIT Above DS1 Level, %		97.14%		84.21%		85.71%		83.33%	100%	a b c d
OP-3	UDIT DS1, %		94.52%		83.45%		78.55%	100%	86.55%		a b c d
OP-3	UNE-P, POTS, %	D	95.04%	100%	93.44%	100%	93.76%	94.44%	92.79%	100%	a b

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	UNE-P, POTS, %	ND	99.38%	100%	99.59%	100%	99.45%	99.88%	98.74%	100%	
OP-3	UNE-P, Centrex, %	D	100%		100%		86.96%		100%		a b c d
OP-3	UNE-P, Centrex, %	ND			100%		100%		75.00%		a b c d
OP-3	UNE-P, Centrex 21, %	D	91.89%		89.80%		87.30%	100%	91.38%		a b c d
OP-3	UNE-P, Centrex 21, %	ND	95.83%	100%	100%	100%	100%	100%	92.00%	100%	a b c d
OP-4	**Installation Interval**										
OP-4	Basic Rate ISDN, Avg Days	D	3.29								a b c d
OP-4	Basic Rate ISDN, Avg Days		15.50		6.86		9.85		6.17		a b c d
OP-4	Business, Avg Days	D	6.80	3.25	6.30	3.17	6.17	4.25	6.55	2.50	a b c d
OP-4	Business, Avg Days	ND	3.37	2.53	3.39	2.86	5.42	2.57	4.25	3.00	d
OP-4	Centrex 21, Avg Days	ND	3.81	5.00	2.85	4.00	3.00	3.00	6.13		a b c d
OP-4	Centrex 21, Avg Days	D	9.13	8.25	7.41	4.67	5.92	1.00	6.34	2.83	a c d
OP-4	Centrex, Avg Days	D	3.57		4.00		7.91		3.64		a b c d
OP-4	Centrex, Avg Days	ND			1.00		1.50		3.25		a b c d
OP-4	DS0, Avg Days	D			0.00						a b c d
OP-4	DS0, Avg Days	ND				7.00	6.00				a b c d
OP-4	DS0, Avg Days		7.20	7.00	12.88	9.50	17.00		12.25	15.00	a b c d
OP-4	DS1, Avg Days		18.58		18.31		13.74		13.30		a b c d
OP-4	DS3, Avg Days		15.46		17.93		14.70		16.50		a b c d
OP-4	E911, Avg Days						89.67		37.89		a b c d
OP-4	Frame Relay, Avg Days				9.00		16.00		10.50		a b c d
OP-4	ISDN Primary, Avg Days	D					5.00				a b c d
OP-4	ISDN Primary, Avg Days		15.72		12.00		15.74		25.24		a b c d
OP-4	Line Sharing, Avg Days	D	5.65		5.91		5.83		5.86		a b c d
OP-4	Line Sharing, Avg Days	ND	3.55	3.00	3.60	3.00	3.54	2.95	3.80	2.96	a
OP-4	LIS Trunk, Avg Days		19.09	7.00	19.40	11.00	9.78	19.68	11.78	10.76	a b
OP-4	PBX, Avg Days	D	3.00		2.67		4.50		6.86	5.00	a b c d
OP-4	PBX, Avg Days	ND	1.50		0.00			4.00	3.00	4.00	a b c d
OP-4	PBX, Avg Days		17.67		31.50		13.65		10.67		a b c d
OP-4	Qwest DSL, Avg Days	D	9.78		6.69		6.27		5.56		a b c d
OP-4	Qwest DSL, Avg Days	ND	9.36		4.89		4.89		4.85		a b c d
OP-4	Qwest DSL, Avg Days		2.00		9.50		4.00				a b c d
OP-4	Residence, Avg Days	D	5.30	3.69	5.80	3.77	5.73	3.30	5.64	3.68	
OP-4	Residence, Avg Days	ND	3.55	2.97	3.60	3.61	3.51	2.97	3.80	2.91	
OP-4	UBL - 2-wire, Avg Days		12.55	3.54	6.86	3.86	9.85	4.90	6.17	3.43	

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	UBL - 4-wire, Avg Days		18.58		18.31	4.00	13.74		13.30		a b c d
OP-4	UBL - ADSL Qualified, Avg Days		9.78		6.69		6.27		5.56		a b c d
OP-4	UBL - DS1 Capable, Avg Days		18.58		18.31	6.00	13.74	6.50	13.30	8.00	a b c d
OP-4	UBL - DS3 Capable, Avg Days		15.46		17.93		14.70		16.50		a b c d
OP-4	UBL Analog, Avg Days	D	5.65	4.50							a b c d
OP-4	UBL Analog, Avg Days		5.65	4.74	5.91	5.09	5.83	4.79	5.86	4.99	
OP-4	UBL Conditioned, Avg Days					5.33		14.50			a b c d
OP-4	UBL ISDN Capable, Avg Days		12.55	3.95	6.86	6.88	9.85	4.90	6.17	6.45	b
OP-4	UDIT Above DS1 Level, Avg Days		15.46	47.00	17.93		14.70		16.50	12.80	a b c d
OP-4	UDIT DS1, Avg Days		18.58		18.31		13.74	3.67	13.30		a b c d
OP-4	UNE-P, POTS, Avg Days	D	5.65	3.75	5.91	6.20	5.83	3.50	5.86	3.25	a b
OP-4	UNE-P, POTS, Avg Days	ND	3.55	2.86	3.60	2.93	3.54	2.98	3.80	3.01	
OP-4	UNE-P, Centrex, Avg Days	D	3.57		4.00		7.91		3.64		a b c d
OP-4	UNE-P, Centrex, Avg Days	ND			1.00		1.50		3.25		a b c d
OP-4	UNE-P, Centrex 21, Avg Days	D	9.13		7.41		5.92	3.00	6.34		a b c d
OP-4	UNE-P, Centrex 21, Avg Days	ND	3.81	1.00	2.85		3.00		6.13	3.00	a b c d
OP-5	**New Service Installation Quality**										
OP-5	Basic Rate ISDN, %		92.86%		79.17%		90.00%		80.00%		a b c d
OP-5	Business, %		88.03%	97.06%	84.82%	100%	81.69%	97.56%	87.63%	96.77%	
OP-5	Centrex 21, %		73.53%	90.00%	69.57%	100%	62.82%	90.00%	80.95%	75.00%	a
OP-5	Centrex, %		84.62%		28.57%		0%		60.00%		a b c d
OP-5	DS0, %		11.11%	100%	0%	100%	0%	100%	0%	100%	a b c d
OP-5	DS1, %		94.33%		88.98%		92.72%		93.91%		a b c d
OP-5	DS3, %		94.29%		100%		95.83%		100%		a b c d
OP-5	E911, %		100%		100%		100%		100%		a b c d
OP-5	Frame Relay, %		91.67%		92.11%		88.10%		88.89%		a b c d
OP-5	ISDN Primary, %		96.15%		96.67%		92.86%		95.24%		a b c d
OP-5	Line Sharing, %		84.81%	100%	83.51%	93.94%	81.76%	100%	85.26%	100%	a
OP-5	LIS Trunk, %		100%	100%	100%	100%	100%	100%	87.50%	100%	a b c
OP-5	PBX, %		87.50%		96.55%		90.00%	100%	86.36%	100%	a b c d
OP-5	Qwest DSL, %		99.79%		99.81%		99.80%		100%		a b c d
OP-5	Residence, %		84.49%	93.77%	83.40%	93.52%	81.77%	94.70%	85.05%	94.40%	
OP-5	UBL - 2-wire, %		92.86%	96.72%	79.17%	100%	90.00%	100%	80.00%	100%	
OP-5	UBL - 4-wire, %		94.33%		88.98%	100%	92.72%	100%	93.91%		a b c d
OP-5	UBL - ADSL Qualified, %		97.62%		97.73%		97.50%		100%		a b c d

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5	UBL - DS1 Capable, %		94.33%	100%	88.98%	100%	92.72%	100%	93.91%	100%	a b c d
OP-5	UBL - DS3 Capable, %		94.29%		100%		95.83%		100%		a b c d
OP-5	UBL Analog, %		50.95%	96.03%	47.01%	97.92%	37.83%	96.82%	48.42%	97.18%	
OP-5	UBL ISDN Capable, %		92.86%	100%	79.17%	85.71%	90.00%	85.71%	80.00%	90.91%	
OP-5	UDIT Above DS1 Level, %		94.29%	100%	100%	100%	95.83%		100%	66.67%	a b c d
OP-5	UDIT DS1, %		94.33%		88.98%		92.72%	100%	93.91%	50.00%	a b c d
OP-5	UNE-P, POTS, %		84.81%	86.27%	83.51%	96.59%	81.76%	97.10%	85.26%	97.76%	
OP-5	UNE-P, Centrex, %		84.62%		28.57%		0%		60.00%		a b c d
OP-5	UNE-P, Centrex 21, %		73.53%	100%	69.57%	100%	62.82%	100%	80.95%	100%	a b c d
OP-5*	Basic Rate ISDN, %		96.43%		79.17%		100%				a b c d
OP-5*	Business, %		90.42%	97.06%	88.15%	100%	86.52%	97.56%			d
OP-5*	Centrex 21, %		83.82%	100%	78.26%	100%	70.51%	95.00%			a d
OP-5*	Centrex, %		84.62%		28.57%		18.75%				a b c d
OP-5*	DS0, %		22.22%	100%	10.00%	100%	0%	100%			a b c d
OP-5*	DS1, %		96.42%		92.01%		94.61%				a b c d
OP-5*	DS3, %		94.29%		100%		95.83%				a b c d
OP-5*	E911, %		100%		100%		100%				a b c d
OP-5*	Frame Relay, %		97.92%		97.37%		88.10%				a b c d
OP-5*	ISDN Primary, %		96.15%		100%		96.43%				a b c d
OP-5*	Line Sharing, %		87.13%	100%	86.04%	93.94%	84.48%	100%			a d
OP-5*	LIS Trunk, %		100%	100%	100%	100%	100%	100%			a b c d
OP-5*	PBX, %		87.50%		96.55%		93.33%	100%			a b c d
OP-5*	Qwest DSL, %		99.79%		99.81%		99.80%				a b c d
OP-5*	Residence, %		86.80%	94.29%	85.86%	94.75%	84.31%	95.25%			d
OP-5*	UBL - 2-wire, %		96.43%	96.72%	79.17%	100%	100%	100%			d
OP-5*	UBL - 4-wire, %		96.42%		92.01%	100%	94.61%	100%			a b c d
OP-5*	UBL - ADSL Qualified, %		97.62%		97.73%		97.50%				a b c d
OP-5*	UBL - DS1 Capable, %		96.42%	100%	92.01%	100%	94.61%	100%			a b c d
OP-5*	UBL - DS3 Capable, %		94.29%		100%		95.83%				a b c d
OP-5*	UBL Analog, %		58.45%	96.72%	55.14%	98.61%	47.11%	97.88%			d
OP-5*	UBL ISDN Capable, %		96.43%	100%	79.17%	85.71%	100%	85.71%			d
OP-5*	UDIT Above DS1 Level, %		94.29%	100%	100%	100%	95.83%				a b c d
OP-5*	UDIT DS1, %		96.42%		92.01%		94.61%	100%			a b c d
OP-5*	UNE-P, POTS, %		87.13%	88.24%	86.04%	97.07%	84.48%	97.26%			d
OP-5*	UNE-P, Centrex, %		84.62%		28.57%		18.75%				a b c d

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5*	UNE-P, Centrex 21, %		83.82%	100%	78.26%	100%	70.51%	100%			a b c d
OP-6A	**Delayed Days for Non-Facility Reasons**										
OP-6A	Basic Rate ISDN, Avg Days		17.00				2.00				a b c d
OP-6A	Business, Avg Days	D	5.57		4.26		3.05		6.63		a b c d
OP-6A	Business, Avg Days	ND	1.50		2.00		118.00		5.00		a b c d
OP-6A	Centrex 21, Avg Days	D	6.67		1.00		4.20		13.50		a b c d
OP-6A	Centrex 21, Avg Days	ND	4.00			9.00			21.50		a b c d
OP-6A	Centrex, Avg Days	D					2.50				a b c d
OP-6A	Centrex, Avg Days	ND							6.00		a b c d
OP-6A	DS0, Avg Days	ND	42.00				2.00				a b c d
OP-6A	DS0, Avg Days		5.00		7.67		11.00		13.50	7.00	a b c d
OP-6A	DS1, Avg Days		17.26		16.72		11.98		11.96		a b c d
OP-6A	DS3, Avg Days		34.00		7.00		35.50		32.50		a b c d
OP-6A	E911, Avg Days								20.00		a b c d
OP-6A	Frame Relay, Avg Days		17.44		22.00		14.50		9.67		a b c d
OP-6A	ISDN Primary, Avg Days	D					3.00				a b c d
OP-6A	ISDN Primary, Avg Days		14.29		16.60		21.40		18.07		a b c d
OP-6A	Line Sharing, Avg Days	D	4.14		3.04		4.80		7.38		a b c d
OP-6A	Line Sharing, Avg Days	ND	4.50		3.93		9.21		3.89		a b c d
OP-6A	PBX, Avg Days	D					2.00				a b c d
OP-6A	PBX, Avg Days	ND	42.00								a b c d
OP-6A	PBX, Avg Days		10.00		20.00		14.00		4.50		a b c d
OP-6A	Qwest DSL, Avg Days	D	4.50		1.50		7.00		4.00		a b c d
OP-6A	Qwest DSL, Avg Days	ND			11.00		5.00		20.00		a b c d
OP-6A	Qwest DSL, Avg Days				1.00						a b c d
OP-6A	Residence, Avg Days	D	3.23		2.39	1.00	5.87	1.00	8.10	1.80	a b c d
OP-6A	Residence, Avg Days	ND	4.80	1.00	4.23	1.00	3.17		3.86		a b c d
OP-6A	UBL - 2-wire, Avg Days		17.00				2.00	10.00		6.00	a b c d
OP-6A	UBL - 4-wire, Avg Days		17.26		16.72		11.98		11.96		a b c d
OP-6A	UBL - ADSL Qualified, Avg Days		4.50		1.50		7.00		4.00		a b c d
OP-6A	UBL - DS1 Capable, Avg Days		17.26		16.72		11.98		11.96		a b c d
OP-6A	UBL - DS3 Capable, Avg Days		34.00		7.00		35.50		32.50		a b c d
OP-6A	UBL Analog, Avg Days		4.14	3.40	3.04	33.13	4.80	7.45	7.38	3.67	a b d
OP-6A	UBL Analog, Avg Days	D	4.14								a b c d
OP-6A	UBL ISDN Capable, Avg Days		17.00			20.00	2.00	5.33		11.00	a b c d

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6A	UDIT Above DS1 Level, Avg Days		34.00	38.00	7.00		35.50		32.50		a b c d
OP-6A	UDIT DS1, Avg Days		17.26		16.72		11.98		11.96		a b c d
OP-6A	UNE-P, POTS, Avg Days	D	4.14		3.04		4.80		7.38		a b c d
OP-6A	UNE-P, POTS, Avg Days	ND	4.50		3.93		9.21	1.00	3.89		a b c d
OP-6A	UNE-P, Centrex, Avg Days	D					2.50				a b c d
OP-6A	UNE-P, Centrex, Avg Days	ND							6.00		a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	D	6.67		1.00		4.20		13.50		a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	ND	4.00						21.50		a b c d
OP-6B	**Delayed Days for Facility Reasons**										
OP-6B	Basic Rate ISDN, Avg Days						4.00				a b c d
OP-6B	Business, Avg Days	D	10.71		13.04		11.65		15.11		a b c d
OP-6B	Centrex 21, Avg Days	D	9.00	4.00	3.00		7.33		19.33		a b c d
OP-6B	Centrex, Avg Days	D					12.00				a b c d
OP-6B	DS0, Avg Days				25.00				15.00		a b c d
OP-6B	DS1, Avg Days		20.50		12.56		14.45		9.50		a b c d
OP-6B	E911, Avg Days						80.67				a b c d
OP-6B	Frame Relay, Avg Days		25.33		2.00		23.33		14.00		a b c d
OP-6B	ISDN Primary, Avg Days		12.00						21.00		a b c d
OP-6B	Line Sharing, Avg Days	D	10.67		10.86		8.91		13.68		a b c d
OP-6B	Line Sharing, Avg Days	ND	2.00		2.00		5.25		6.00		a b c d
OP-6B	Residence, Avg Days	D	10.65		9.69	17.00	7.96	3.00	13.05	2.00	a b c d
OP-6B	Residence, Avg Days	ND	2.00		2.00		5.25		6.00		a b c d
OP-6B	UBL - 2-wire, Avg Days						4.00				a b c d
OP-6B	UBL - 4-wire, Avg Days		20.50		12.56		14.45		9.50		a b c d
OP-6B	UBL - DS1 Capable, Avg Days		20.50		12.56		14.45		9.50		a b c d
OP-6B	UBL Analog, Avg Days	D	10.67								a b c d
OP-6B	UBL Analog, Avg Days		10.67		10.86	15.00	8.91	3.20	13.68	7.50	a b c d
OP-6B	UBL ISDN Capable, Avg Days						4.00				a b c d
OP-6B	UDIT DS1, Avg Days		20.50		12.56		14.45		9.50		a b c d
OP-6B	UNE-P, POTS, Avg Days	D	10.67		10.86		8.91	4.00	13.68		a b c d
OP-6B	UNE-P, POTS, Avg Days	ND	2.00		2.00		5.25		6.00		a b c d
OP-6B	UNE-P, Centrex, Avg Days	D					12.00				a b c d
OP-6B	UNE-P, Centrex 21, Avg Days	D	9.00		3.00		7.33		19.33		a b c d
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**										
OP-7	Analog, Hrs:Min			0:03		0:02		0:04		0:03	

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-7	Other, Hrs:Min										a b c d
OP-8	**Number Portability Timeliness**										
OP-8B	LNP, %			100%		100%		100%		99.22%	
OP-8C	% LNP Triggers Set Prior to the Frame Due Time, LNP%			99.02%		99.08%		99.76%		99.39%	
OP-13	**Coordinated Cuts - Unbundled Loop**										
OP-13A	Completed on Time, UBL - Analog, %			100%		100%		97.67%		100%	
OP-13A	Completed on Time, UBL Other, %			100%		100%		100%		100%	a b d
OP-13B	Started Without CLEC Approval, UBL - Analog, %			0%		0%		0%		0%	
OP-13B	Started Without CLEC Approval, UBL Other, %			0%		0%		0%		0%	a b d
OP-15A	**Interval for Pending Orders Delayed Past Due Date**										
OP-15A	Basic Rate ISDN, Avg Days		155.00		172.50		194.50		214.50		a b c d
OP-15A	Business, Avg Days		59.95		72.99		69.86		80.52		a b c d
OP-15A	Centrex 21, Avg Days		54.82	35.50	65.71	1.00	66.38	23.00	60.71		a b c d
OP-15A	Centrex, Avg Days								1.17		a b c d
OP-15A	DS0, Avg Days		194.58	0.00	192.71		252.00		296.80		a b c d
OP-15A	DS1, Avg Days		43.97		27.28		39.00		34.26		a b c d
OP-15A	DS3, Avg Days		32.40		41.86		22.57		28.50		a b c d
OP-15A	E911, Avg Days		32.00		18.75		14.18		30.00		a b c d
OP-15A	Frame Relay, Avg Days		30.00		11.00		7.40		14.00		a b c d
OP-15A	ISDN Primary, Avg Days		108.67		88.50		171.50		178.50		a b c d
OP-15A	Line Sharing, Avg Days					21.00					a b c d
OP-15A	PBX, Avg Days		16.64		39.25		66.33	9.00	66.75	29.00	a b c d
OP-15A	Residence, Avg Days		84.48	140.00	94.10	226.75	97.43	127.50	59.26	261.25	a b c d
OP-15A	UBL - 2-wire, Avg Days		155.00		172.50	2.00	194.50	1.00	214.50	14.00	a b c d
OP-15A	UBL - 4-wire, Avg Days		43.97		27.28		39.00		34.26		a b c d
OP-15A	UBL - DS1 Capable, Avg Days		43.97	16.00	27.28	13.00	39.00		34.26	5.00	a b c d
OP-15A	UBL - DS3 Capable, Avg Days		32.40		41.86		22.57		28.50		a b c d
OP-15A	UBL Analog, Avg Days		72.64	2.33	83.90	0.11	80.75	17.33	85.83	8.33	a b c d
OP-15A	UBL ISDN Capable, Avg Days		155.00	6.00	172.50		194.50	5.00	214.50	23.00	a b c d
OP-15A	UDIT Above DS1 Level, Avg Days		32.40		41.86		22.57		28.50		a b c d
OP-15A	UDIT DS1, Avg Days		43.97		27.28		39.00		34.26		a b c d
OP-15A	UNE-P, POTS, Avg Days		74.85	114.67	85.64	77.00	85.33	68.75	65.91	240.00	a b c d
OP-15A	UNE-P, Centrex, Avg Days								1.17		a b c d
OP-15A	UNE-P, Centrex 21, Avg Days		54.82		65.71		66.38		60.71		a b c d

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15B	**Pending Orders Delayed for Facilities Reasons**										
OP-15B	Basic Rate ISDN		0		0		0		0		a b c d
OP-15B	Business		33		30		43		40		a b c d
OP-15B	Centrex 21		0	0	2	0	5	0	2		a b c d
OP-15B	Centrex								0		a b c d
OP-15B	DS0		0	0	0		0		0		a b c d
OP-15B	DS1		6		11		32		29		a b c d
OP-15B	DS3		1		1		5		6		a b c d
OP-15B	E911		1		1		11		2		a b c d
OP-15B	Frame Relay		1		2		3		1		a b c d
OP-15B	ISDN Primary		0		0		0		1		a b c d
OP-15B	Line Sharing					0					a b c d
OP-15B	PBX		20		1		0	0	0	0	a b c d
OP-15B	Residence		92	1	91	0	103	1	90	0	a b c d
OP-15B	UBL - 2-wire		0		0	0	0	1	0	2	a b c d
OP-15B	UBL - 4-wire		6		11		32		29		a b c d
OP-15B	UBL - DS1 Capable		6	0	11	0	32		29	2	a b c d
OP-15B	UBL - DS3 Capable		1		1		5		6		a b c d
OP-15B	UBL Analog		86	2	81	9	93	2	88	2	a b c d
OP-15B	UBL ISDN Capable		0	5	0		0	3	0	2	a b c d
OP-15B	UDIT Above DS1 Level		1		1		5		6		a b c d
OP-15B	UDIT DS1		6		11		32		29		a b c d
OP-15B	UNE-P, POTS		125	2	121	2	146	1	130	0	a b c d
OP-15B	UNE-P, Centrex								0		a b c d
OP-15B	UNE-P, Centrex 21		0		2		5		2		a b c d
OP-17	**Timeliness of Disconnects associated with LNP Orders**										
OP-17A	LNP, %			100%		100%		100%		100%	
OP-17B	LNP, %			100%		100%		100%		100%	
OPERATOR SERVICES											
OS-1	**Speed of Answer - Operator Services**										
OS-1	Average Seconds		9.67		8.51		8.51		8.91		a b c d
PRE-ORDER/ORDER											
PO-1	**Pre-Order/Order Response Times**										
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec			0.55		0.57		0.55		0.56	
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec			2.44		2.6		2.24		1.77	

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1A-1Total	Appt. Sched, GUI Aggr, Avg Sec			2.99		3.17		2.79		2.33	
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec			0.51		0.52		0.51		0.5	
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec			5.66		6.11		6.37		6.75	
PO-1A-2Total	Service Avail, GUI Aggr, Avg Sec			6.17		6.63		6.89		7.25	
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec			0.7		0.72		0.7		0.7	
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec			7.41		7.73		7.63		7.48	
PO-1A-3Total	Facility Check, GUI Aggr, Avg Sec			8.11		8.45		8.33		8.18	
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec			1.3		1.32		1.34		1.31	
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec			4.64		4.65		4.67		5.1	
PO-1A-4Total	Address Validation, GUI Aggr, Avg Sec			5.94		5.97		6.01		6.41	
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec			0.69		0.74		0.72		0.7	
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec			6.55		5.79		5.82		5.59	
PO-1A-5Total	Get CSR, GUI Aggr, Avg Sec			7.23		6.53		6.54		6.28	
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec			0.79		0.82		0.8		0.79	
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec			4.45		4.91		4.69		4.5	
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec			0.65		0.74		0.71		0.66	
PO-1A-6Total	TN Reserv, GUI Aggr, Avg Sec			5.89		6.47		6.2		5.94	
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec			0.95		0.98		0.96		1.05	
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec			8.73		8.09		7.9		5.75	
PO-1A-7Total	Loop Qual Tools, GUI Aggr, Avg Sec			9.68		9.07		8.86		6.8	
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec			0.9		0.98		0.91		0.91	
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec			5.51		6.66		6.09		5.63	
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggr, Avg Sec			6.41		7.64		7		6.54	
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec			0.44		0.44		0.47		0.44	
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec			17.83		18.14		14.1		8.25	
PO-1A-9Total	Connecting Facility Assign, GUI Aggr, Avg Sec			18.28		18.58		14.56		8.69	
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec			0.48		0.48		0.48		0.47	
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec			19.85		19.95		13.51		4.87	
PO-1A-10Total	Meet Point Inquiry, GUI Aggr, Avg Sec			20.34		20.43		14		5.34	
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec			4.77		4.55		3.99		3.55	
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec			6.32		6.09		6.23		6.61	
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec			6.38		5.73		6.75		7.33	
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec			3.11		2.47		2.52		2.88	
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec			3.43		2.01		2.6		2.66	
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec			5.41		5.52		5.06		5.18	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec			9.23		8.64		9.67		7.24	
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec			6.31		6.11		5.16		5.74	
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec			18.12		16.97		12.37		8.03	
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec			20.77		20.29		13.09		5.41	
PO-1C-1	Timeout, GUI Total, %			0.05%		0.10%		0.02%		0.04%	
PO-1C-2	Timeout, EDI Total, %			0.07%		0%		0.02%		0.24%	
PO-1D-1	Rejected Query, GUI Total, Avg Sec			1.46		1.57		1.36		1.34	
PO-1D-2	Rejected Query, EDI Total, Avg Sec			2.84		3.15		2.15		1.84	
PO-2	**Electronic Flow-through**										
PO-2A-1	GUI, LNP, %			76.27%		78.47%		64.40%		66.73%	
PO-2A-1	GUI, Resale Aggr w/o UNE-P-POTS, %			84.07%		77.31%		83.07%		77.40%	
PO-2A-1	GUI, UBL Aggr, %			57.06%		47.95%		54.27%		47.62%	
PO-2A-1	GUI, UNE-P, POTS, %			74.56%		81.88%		86.77%		87.26%	
PO-2A-2	EDI, LNP, %					0%		0%		0%	a b c d
PO-2A-2	EDI, Resale Aggr w/o UNE-P-POTS, %			50.66%		75.16%		76.24%		77.59%	
PO-2A-2	EDI, UBL Aggr, %			62.02%		75.44%		72.28%		70.18%	
PO-2A-2	EDI, UNE-P, POTS, %			42.86%		52.63%		68.18%		84.78%	
PO-2B-1	All Eligible LSRs, GUI, LNP, %			98.66%		97.79%		96.68%		97.72%	
PO-2B-1	All Eligible LSRs, GUI, POTS Resale, %			94.98%		94.43%		96.37%		96.70%	
PO-2B-1	All Eligible LSRs, GUI, UBL Aggr, %			93.47%		91.67%		90.38%		93.60%	
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %			93.33%		94.67%		98.49%		98.46%	
PO-2B-2	All Eligible LSRs, EDI, LNP, %									0%	a b c d
PO-2B-2	All Eligible LSRs, EDI, POTS Resale, %			66.47%		96.03%		99.57%		97.83%	
PO-2B-2	All Eligible LSRs, EDI, UBL Aggr, %			95.62%		93.42%		94.08%		94.15%	
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %			100%		90.91%		100%		100%	a
PO-3	**LSR Rejection Notice Interval**										
PO-3A-1	GUI - Manual Reject, Product Aggr, Hrs:Min			2:19		1:34		3:06		3:21	
PO-3A-2	GUI - Auto-Reject, Product Aggr, Min:Sec			00:04		00:04		00:03		00:03	
PO-3B-1	EDI - Manual Reject, Product Aggr, Hrs:Min			1:41		2:11		1:49		2:58	
PO-3B-2	EDI - Auto-Reject, Product Aggr, Min:Sec			00:06		00:06		00:05		00:05	
PO-3C	Manual and IIS, Product Aggr, Hrs:Min			6:56		11:27		7:36		8:47	
PO-4	**LSRs Rejected**										
PO-4A-1	GUI - Manual Reject, Product Aggr, %			4.36%		2.25%		2.41%		2.20%	
PO-4A-2	GUI - Auto-Reject, Product Aggr, %			31.30%		32.17%		31.07%		31.56%	
PO-4B-1	EDI - Manual Reject, Product Aggr, %			8.19%		4.46%		4.57%		4.67%	

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-4B-2	EDI - Auto-Reject, Product Aggr, %			24.11%		24.10%		20.28%		20.79%	
PO-4C	Facsimile , Product Aggr, %			20.00%		21.05%		30.77%		35.38%	
PO-5	**Firm Order Confirmations (FOCs) On Time**										
PO-5A-1(a)	Fully Electronic, GUI, Resale Aggr, %			100%		98.46%		100%		99.83%	
PO-5A-1(b)	Fully Electronic, GUI, UBL Aggr, %			100%		100%		100%		100%	
PO-5A-1(c)	Fully Electronic, GUI, LNP, %			99.71%		99.87%		100%		100%	
PO-5A-2(a)	Fully Electronic, EDI, Resale Aggr, %			100%		99.60%		100%		100%	
PO-5A-2(b)	Fully Electronic, EDI, UBL Aggr, %			100%		99.63%		100%		100%	
PO-5B-1(a)	Elec/Manual, GUI, Resale Aggr, %			99.16%		96.61%		97.82%		100%	
PO-5B-1(b)	Elec/Manual, GUI, UBL Aggr, %			98.29%		98.05%		98.80%		99.59%	
PO-5B-1(c)	Elec/Manual, GUI, LNP, %			100%		100%		99.77%		100%	
PO-5B-2(a)	Elec/Manual, EDI, Resale Aggr, %			100%		100%		100%		100%	
PO-5B-2(b)	Elec/Manual, EDI, UBL Aggr, %			100%		99.43%		99.46%		98.66%	
PO-5B-2(c)	Elec/Manual, EDI, LNP, %					100%		100%		100%	a b c d
PO-5C-(a)	Manual, Resale Aggr, %			100%		100%		100%		100%	
PO-5C-(b)	Manual, UBL Aggr, %			100%		100%		100%		100%	a c d
PO-5C-(c)	Manual, LNP, %			100%		100%		100%		97.50%	
PO-5D	LIS Trunk, %			100%		100%		100%		100%	a b c
PO-6	**Work Completion Notification Timeliness**										
PO-6A	IMA - GUI, All, Hrs:Min			0:13		1:01		1:34		1:06	
PO-6B	IMA - EDI, All, Hrs:Min			0:17		0:59		1:43		0:42	
PO-7	**Billing Completion Notification Timeliness**										
PO-7A-C	IMA - GUI, All, %		95.32%	93.73%	96.81%	98.40%	96.34%	87.58%	96.60%	89.90%	
PO-7B-C	IMA - EDI, All, %		95.32%		96.81%		96.34%		96.60%		a b c d
PO-8	**Jeopardy Notice Interval**										
PO-8A	Non-Designed Services, Avg Days		5.22	2.00	5.26	6.25	4.85	3.33	4.65	1.50	a b c d
PO-8B	UBLs and LNP, Avg Days		5.22	4.50	5.26	12.11	4.85	5.53	4.65	5.08	a b
PO-8D	UNE-P, POTS, Avg Days		5.22		5.26	1.00	4.85		4.65		a b c d
PO-9	**Timely Jeopardy Notices**										
PO-9A	Non-Designed Services, %		23.70%	33.33%	31.76%	20.00%	22.60%	50.00%	17.88%	16.67%	a b c d
PO-9B	UBLs and LNP, %		23.70%	0%	31.76%	10.00%	22.60%	59.26%	17.88%	60.00%	b d
PO-9C	LIS Trunk, %		0%		0%						a b c d
PO-9D	UNE-P, POTS, %		23.70%		31.76%		22.60%	0%	17.88%		a b c d
PO-10	**LSR Accountability**										
PO-10	Product Aggr, %			100%		100%		100%		100%	

NEBRASKA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-15	**Number of Due Date Changes per Order**										
PO-15	All, Avg Days		0.05	0.05	0.04	0.05	0.04	0.04	0.05	0.03	
PO-16	**Timely Release Notifications**										
PO-16	Default, %					100%		100%		100%	a b c d
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**										
PO-19	SATE Accuracy, %			98.95%							b c d
PO-19A	SATE Accuracy, Rel. 10.0, %					100%		98.45%		98.45%	a
PO-19A	SATE Accuracy, Rel. 8.0, %					100%		99.47%		98.94%	a
PO-19A	SATE Accuracy, Rel. 9.0, %					99.47%		100%		98.94%	a
PO-19A	SATE Accuracy, Rel. VICKI, %					100%		100%		100%	a
PO-19B	SATE Accuracy, %					99.16%					a c d
PO-20	**Manual Service Order Accuracy**										
PO-20	POTS Resale, %			90.25%		90.58%		92.78%		96.88%	
PO-20	UBL Aggr, %			96.46%		95.20%		95.16%		94.42%	

Metric Number:
* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting
D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:
a = Sample size less than or equal to 10 in June 2002
b = Sample size less than or equal to 10 in July 2002
c = Sample size less than or equal to 10 in August 2002
d = Sample size less than or equal to 10 in September 2002

Appendix G

North Dakota Performance Metrics

The data in this appendix are taken from Qwest November 15 Ex Parte Letter Attach. 1 (Statewide Average Performance Summary, CO, ID, IA, MT, NE, ND, UT, WA, WY, May-Sept 2002). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Ctr
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
BILLING											
BI-1	**Time to Provide Recorded Usage Records**										
BI-1A	UNEs and Resale Aggr, Avg Days		5.57	2.01	5.70	1.88	6.47	1.60	4.44	1.30	
BI-1B	Jointly-provided Switched Access, %			100%		100%		100%		100%	
BI-1C-1	[CAT11], UNEs and Resale Aggr, Avg Days		5.57	2.10	5.70	1.97	6.47	1.58	4.44	1.29	
BI-1C-2	[CAT10], UNEs and Resale Aggr, Avg Days		5.57	1.86	5.70	1.74	6.47	1.62	4.44	1.30	
BI-2	**Invoices Delivered within 10 Days**										
BI-2	All, %			100%		100%		100%		100%	
BI-3	**Billing Accuracy - Adjustments for Errors**										
BI-3A	UNEs and Resale Aggr, %		99.56%	97.62%	99.57%	97.82%	98.51%	98.69%	99.59%	98.85%	
BI-3B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-4	**Billing Completeness**										
BI-4A	UNEs and Resale Aggr, %		86.84%	93.47%	97.25%	97.31%	97.39%	96.31%	88.97%	97.16%	
BI-4B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-5	**Billing Accuracy & Claims Processing**										
BI-5A	Acknowledgment, All, %			91.30%		89.52%		100%		99.70%	
BI-5B	Resolution, All, %			90.18%		74.66%		96.38%		100%	
COLLOCATION											
CP-1	**Collocation Completion Interval**										
CP-1C	121 to 150 Calendar Days, All, Avg Days									74.00	a b c d
CP-2	**Collocations Completed within Scheduled Intervals**										
CP-2C	w/ Intervals Longer than 120 Days, All, %					100%		100%		100%	a b c d
CP-3	**Collocation Feasibility Study Interval**										
CP-3	All, Avg Days					7.33					a b c d
CP-4	**Collocation Feasibility Study Commitments Met**										
CP-4	All, %					100%					a b c d
DIRECTORY ASSISTANCE											
DA-1	**Speed of Answer - Directory Assistance**										
DA-1	Average Seconds		10.62		8.67		8.78		8.33		a b c d
DATABASE UPDATES											
DB-1	**Time to Update Databases**										
DB-1A	E911, Hrs:Min			0:43		0:12		0:09		0:07	
DB-1B	LIDB, Avg Sec			1.47		1.32		1.26		1.27	

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
DB-1C-1	Directory Listing, Avg Sec			0.07		0.06		0.09		0.13	
DB-2	**Accurate Database Updates**										
DB-2C-1	Directory Listing, %			95.34%		95.80%		96.38%		94.97%	
ELECTRONIC GATEWAY AVAILABILITY											
GA-1A	IMA-GUI, All, %			99.93%		100%		98.75%		100%	
GA-1B	IMA-GUI, Fetch-n-Stuff, %			100%		100%		100%		100%	
GA-1C	IMA-GUI, Data Arbiter, %			100%		100%		99.96%		100%	
GA-1D	IMA-GUI, SIA, %			100%		99.55%		100%		99.95%	
GA-2	IMA-EDI, %			99.93%		100%		98.26%		99.80%	
GA-3	EB-TA, %			100%		99.54%		99.31%		99.94%	
GA-4	EXACT, %			99.93%		100%		100%		100%	
GA-6	GUI - Repair, %			100%		99.50%		99.92%		100%	
GA-7	Timely Outage Resolution following Software Releases , %							100%			a b c d
MAINTENANCE AND REPAIR											
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**										
MR-2	All, %		78.59%	80.32%	78.57%	78.71%	84.85%	87.02%	86.24%	85.75%	
MR-3	**Out of Service Cleared within 24 Hours**										
MR-3	Basic Rate ISDN, %	D	100%		100%				100%		a b c d
MR-3	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-3	Business, %	D	88.89%	100%	83.80%	100%	90.85%	33.33%	92.13%	100%	a b c d
MR-3	Business, %	ND	100%	100%	100%	100%	94.12%	100%	100%	100%	a b c d
MR-3	Centrex 21, %	D	80.00%	100%	75.00%		100%		100%	100%	a b c d
MR-3	Centrex 21, %	ND	100%		100%	100%	100%		100%		a b c d
MR-3	Centrex, %	D	71.43%	100%	80.00%		92.86%		90.00%		a b c d
MR-3	Centrex, %	ND	100%		100%		100%		100%		a b c d
MR-3	Line Sharing, %	D	87.88%		86.58%		86.27%		91.02%		a b c d
MR-3	Line Sharing, %	ND	98.45%		96.62%		95.05%		99.34%		a b c d
MR-3	PBX, %	ND	100%	100%	100%	100%	100%		100%	100%	a b c d
MR-3	PBX, %	D	83.33%		60.00%	100%	100%		100%	100%	a b c d
MR-3	Qwest DSL, %		91.67%		80.00%		100%		95.00%		a b c d
MR-3	Residence, %	ND	98.26%	75.00%	95.95%	100%	95.12%	100%	99.24%	100%	a b c d
MR-3	Residence, %	D	87.78%	85.37%	86.87%	94.29%	85.73%	93.88%	90.87%	90.91%	

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-3	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	
MR-3	UBL - ADSL Qualified, %		91.67%		80.00%		100%		95.00%	100%	a b c d
MR-3	UBL Analog, %		89.20%	96.12%	87.78%	96.30%	87.45%	97.32%	92.02%	96.64%	
MR-3	UBL ISDN Capable, %		100%	100%	100%		100%		100%		a b c d
MR-3	UNE-P, POTS, %	ND	98.45%	100%	96.62%	100%	95.05%	100%	99.34%	66.67%	a b c d
MR-3	UNE-P, POTS, %	D	87.88%	100%	86.58%	81.82%	86.27%	93.33%	91.02%	100%	d
MR-3	UNE-P, Centrex, %	D	71.43%	96.77%	80.00%	89.83%	92.86%	85.90%	90.00%	96.15%	
MR-3	UNE-P, Centrex, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	d
MR-3	UNE-P, Centrex 21, %	D	80.00%		75.00%		100%		100%		a b c d
MR-3	UNE-P, Centrex 21, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-4	**All Troubles Cleared within 48 Hours**										
MR-4	Basic Rate ISDN, %	D	100%		100%				100%		a b c d
MR-4	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-4	Business, %	D	95.60%	100%	94.29%	100%	95.53%	83.33%	96.64%	100%	a b c d
MR-4	Business, %	ND	98.08%	100%	98.57%	100%	100%	100%	100%	100%	a b c d
MR-4	Centrex 21, %	D	100%	100%	83.33%	100%	100%		89.47%	100%	a b c d
MR-4	Centrex 21, %	ND	100%		100%	100%	100%	100%	100%		a b c d
MR-4	Centrex, %	D	100%	100%	100%		94.44%		91.67%		a b c d
MR-4	Centrex, %	ND	100%		100%		100%		100%		a b c d
MR-4	Line Sharing, %	D	95.28%		94.74%		95.41%		95.37%		a b c d
MR-4	Line Sharing, %	ND	99.30%		99.10%		99.11%		99.14%		a b c d
MR-4	PBX, %	D	100%		100%	100%	87.50%		100%	100%	a b c d
MR-4	PBX, %	ND	100%	100%	100%	100%	100%		100%	100%	a b c d
MR-4	Qwest DSL, %		91.67%		97.50%		100%		95.00%		a b c d
MR-4	Residence, %	D	95.25%	100%	94.79%	96.08%	95.39%	98.28%	95.23%	100%	
MR-4	Residence, %	ND	99.47%	100%	99.20%	100%	99.03%	100%	99.03%	100%	a
MR-4	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UBL - ADSL Qualified, %		91.67%		97.50%		100%		95.00%	100%	a b c d
MR-4	UBL Analog, %		96.05%	100%	95.55%	100%	96.13%	100%	96.09%	100%	
MR-4	UBL ISDN Capable, %		100%	100%	100%		100%		100%		a b c d
MR-4	UNE-P, POTS, %	ND	99.30%	100%	99.10%	92.86%	99.11%	100%	99.14%	87.50%	a c d
MR-4	UNE-P, POTS, %	D	95.28%	100%	94.74%	100%	95.41%	100%	95.37%	85.71%	d
MR-4	UNE-P, Centrex, %	D	100%	98.20%	100%	97.01%	94.44%	96.74%	91.67%	100%	

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-4	UNE-P, Centrex, %	ND	100%	100%	100%	96.67%	100%	100%	100%	100%	
MR-4	UNE-P, Centrex 21, %	D	100%	100%	83.33%		100%		89.47%		a b c d
MR-4	UNE-P, Centrex 21, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-5	**All Troubles Cleared within 4 Hours**										
MR-5	DS0, %		91.01%		92.41%		87.76%	100%	95.77%	50.00%	a b c d
MR-5	DS1, %		86.36%	100%	76.39%	100%	83.56%	66.67%	80.39%	100%	a b c d
MR-5	DS3, %		100%		0%				100%		a b c d
MR-5	E911, %				100%						a b c d
MR-5	Frame Relay, %		90.32%		89.47%		86.67%		92.31%		a b c d
MR-5	ISDN Primary, %		100%		75.00%		66.67%		75.00%		a b c d
MR-5	LIS Trunk, %		100%			100%	100%		100%	100%	a b c d
MR-5	UBL - 4-wire, %		86.36%		76.39%		83.56%	100%	80.39%		a b c d
MR-5	UBL - DS1 Capable, %		86.36%	83.33%	76.39%	66.67%	83.56%	33.33%	80.39%	50.00%	a b c d
MR-5	UBL - DS3 Capable, %		100%		0%				100%		a b c d
MR-5	UDIT Above DS1 Level, %		100%		0%				100%		a b c d
MR-5	UDIT DS1, %		86.36%		76.39%		83.56%		80.39%		a b c d
MR-6	**Mean Time to Restore**										
MR-6	Basic Rate ISDN, Hrs:Min	D	3:37		9:15				2:40		a b c d
MR-6	Basic Rate ISDN, Hrs:Min	ND	1:07		1:36		0:56		0:32		a b c d
MR-6	Business, Hrs:Min	ND	9:53	6:52	7:37	4:36	5:02	8:03	5:58	3:09	a b c d
MR-6	Business, Hrs:Min	D	16:38	14:37	18:33	6:32	17:13	26:12	14:52	13:03	a b c d
MR-6	Centrex 21, Hrs:Min	D	15:34	16:24	20:32	2:02	14:47		17:21	8:56	a b c d
MR-6	Centrex 21, Hrs:Min	ND	19:48		3:00	0:32	13:01	5:09	3:48		a b c d
MR-6	Centrex, Hrs:Min	D	18:19	13:39	19:18		19:49		13:47		a b c d
MR-6	Centrex, Hrs:Min	ND	5:10		2:07		5:27		4:17		a b c d
MR-6	DS0, Hrs:Min		1:58		1:29		2:01	1:40	1:30	3:00	a b c d
MR-6	DS1, Hrs:Min		2:19	0:35	3:07	3:12	3:08	4:00	2:29	1:09	a b c d
MR-6	DS3, Hrs:Min		1:04		15:39				1:31		a b c d
MR-6	E911, Hrs:Min				2:14						a b c d
MR-6	Frame Relay, Hrs:Min		2:25		1:43		1:50		1:41		a b c d
MR-6	ISDN Primary, Hrs:Min		1:05		2:36		2:34		1:47		a b c d
MR-6	Line Sharing, Hrs:Min	D	18:15		18:39		18:41		17:52		a b c d
MR-6	Line Sharing, Hrs:Min	ND	7:27		8:10		6:50		6:50		a b c d

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-6	LIS Trunk, Hrs:Min		1:53			1:39	0:30		0:33	0:13	a b c d
MR-6	PBX, Hrs:Min	ND	1:40	0:57	0:43	2:55	2:37		1:30	0:44	a b c d
MR-6	PBX, Hrs:Min	D	16:18		17:53	22:16	28:53		17:24	22:41	a b c d
MR-6	Qwest DSL, Hrs:Min		6:45		13:32		4:53		8:23		a b c d
MR-6	Residence, Hrs:Min	D	18:25	17:18	18:40	18:47	18:51	14:22	18:12	13:53	
MR-6	Residence, Hrs:Min	ND	7:06	8:22	8:16	6:58	7:01	4:11	6:57	3:20	a
MR-6	UBL - 2-wire, Hrs:Min		1:48	3:30	3:54	2:29	0:56	2:10	1:52	2:22	
MR-6	UBL - 4-wire, Hrs:Min		2:19		3:07		3:08	0:55	2:29		a b c d
MR-6	UBL - ADSL Qualified, Hrs:Min		6:45		13:32		4:53		8:23	15:58	a b c d
MR-6	UBL - DS1 Capable, Hrs:Min		2:19	2:08	3:07	3:57	3:08	4:35	2:29	16:40	a b c d
MR-6	UBL - DS3 Capable, Hrs:Min		1:04		15:39				1:31		a b c d
MR-6	UBL Analog, Hrs:Min		16:12	8:36	16:43	9:01	16:22	7:52	15:46	8:41	
MR-6	UBL ISDN Capable, Hrs:Min		1:48	2:10	3:54		0:56		1:52		a b c d
MR-6	UDIT Above DS1 Level, Hrs:Min		1:04		15:39				1:31		a b c d
MR-6	UDIT DS1, Hrs:Min		2:19		3:07		3:08		2:29		a b c d
MR-6	UNE-P, POTS, Hrs:Min	ND	7:27	1:09	8:10	7:02	6:50	3:31	6:50	13:00	a c d
MR-6	UNE-P, POTS, Hrs:Min	D	18:15	11:41	18:39	14:35	18:41	11:44	17:52	19:01	d
MR-6	UNE-P, Centrex, Hrs:Min	D	18:19	14:21	19:18	16:16	19:49	18:58	13:47	14:42	
MR-6	UNE-P, Centrex, Hrs:Min	ND	5:10	5:53	2:07	6:28	5:27	5:30	4:17	2:21	
MR-6	UNE-P, Centrex 21, Hrs:Min	D	15:34	46:08	20:32		14:47		17:21		a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	19:48	15:28	3:00	0:58	13:01	8:16	3:48	7:55	a b c d
MR-7	**Repair Repeat Report Rate**										
MR-7	Basic Rate ISDN, %	D	0%		0%				0%		a b c d
MR-7	Basic Rate ISDN, %	ND	25.00%		14.29%		0%		66.67%		a b c d
MR-7	Business, %	D	16.77%	33.33%	16.67%	14.29%	12.64%	0%	14.57%	25.00%	a b c d
MR-7	Business, %	ND	17.31%	33.33%	11.43%	50.00%	20.00%	28.57%	5.00%	50.00%	a b c d
MR-7	Centrex 21, %	D	0%	25.00%	10.53%	0%	16.67%		21.05%	0%	a b c d
MR-7	Centrex 21, %	ND	14.29%		0%	0%	20.00%	0%	33.33%		a b c d
MR-7	Centrex, %	D	17.65%	50.00%	20.00%		10.00%		0%		a b c d
MR-7	Centrex, %	ND	14.29%		9.09%		22.22%		16.67%		a b c d
MR-7	DS0, %		29.21%		21.52%		22.45%	0%	12.68%	0%	a b c d
MR-7	DS1, %		40.91%	0%	36.11%	50.00%	41.10%	33.33%	33.33%	0%	a b c d
MR-7	DS3, %		0%		0%				50.00%		a b c d

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7	E911, %				0%						a b c d
MR-7	Frame Relay, %		16.13%		31.58%		13.33%		15.38%		a b c d
MR-7	ISDN Primary, %		33.33%		25.00%		0%		0%		a b c d
MR-7	Line Sharing, %	D	66.67%		53.85%		75.00%		44.44%		a b c d
MR-7	Line Sharing, %	ND	11.11%		44.44%		50.00%		18.18%		a b c d
MR-7	LIS Trunk, %		0%			33.33%	50.00%		0%	0%	a b c d
MR-7	PBX, %	ND	0%	60.00%	0%	0%	12.50%		20.00%	100%	a b c d
MR-7	PBX, %	D	10.00%		0%	0%	22.22%		0%	0%	a b c d
MR-7	Qwest DSL, %		25.00%		47.50%		57.14%		30.00%		a b c d
MR-7	Residence, %	D	12.12%	9.62%	13.67%	18.87%	14.59%	10.17%	16.41%	10.53%	
MR-7	Residence, %	ND	14.63%	0%	12.06%	11.76%	12.65%	5.56%	15.86%	27.27%	a
MR-7	UBL - 2-wire, %		18.18%	10.00%	10.00%	5.26%	0%	20.00%	25.00%	9.09%	
MR-7	UBL - 4-wire, %		40.91%		36.11%		41.10%	0%	33.33%		a b c d
MR-7	UBL - ADSL Qualified, %		25.00%		47.50%		57.14%		30.00%	0%	a b c d
MR-7	UBL - DS1 Capable, %		40.91%	16.67%	36.11%	33.33%	41.10%	66.67%	33.33%	50.00%	a b c d
MR-7	UBL - DS3 Capable, %		0%		0%				50.00%		a b c d
MR-7	UBL Analog, %		12.98%	14.39%	13.58%	11.93%	14.19%	10.43%	15.93%	13.22%	
MR-7	UBL ISDN Capable, %		18.18%	0%	10.00%		0%		25.00%		a b c d
MR-7	UDIT Above DS1 Level, %		0%		0%				50.00%		a b c d
MR-7	UDIT DS1, %		40.91%		36.11%		41.10%		33.33%		a b c d
MR-7	UNE-P, POTS, %	D	12.52%	29.41%	13.94%	13.33%	14.40%	0%	16.23%	22.22%	d
MR-7	UNE-P, POTS, %	ND	14.95%	0%	11.96%	7.14%	13.30%	25.00%	14.61%	25.00%	a c d
MR-7	UNE-P, Centrex, %	D	17.65%	10.71%	20.00%	10.00%	10.00%	14.74%	0%	10.45%	
MR-7	UNE-P, Centrex, %	ND	14.29%	13.33%	9.09%	10.00%	22.22%	25.00%	16.67%	14.29%	
MR-7	UNE-P, Centrex 21, %	D	0%	0%	10.53%		16.67%		21.05%		a b c d
MR-7	UNE-P, Centrex 21, %	ND	14.29%	0%	0%	0%	20.00%	0%	33.33%	0%	a b c d
MR-7*	Basic Rate ISDN, %	D	0%		0%						a b c d
MR-7*	Basic Rate ISDN, %	ND	100%		0%						a b c d
MR-7*	Business, %	D	14.47%	33.33%	16.46%	14.29%	13.37%	0%			a b c d
MR-7*	Business, %	ND	20.00%	0%	14.81%		12.50%	33.33%			a b c d
MR-7*	Centrex 21, %	D	0%	25.00%	6.25%		17.65%				a b c d
MR-7*	Centrex 21, %	ND	25.00%		0%		33.33%				a b c d
MR-7*	Centrex, %	D	17.65%	0%	20.00%		11.11%				a b c d

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7*	Centrex, %	ND	33.33%		10.00%		40.00%				a b c d
MR-7*	DS0, %		22.00%		23.53%		31.03%	0%			a b c d
MR-7*	DS1, %		48.44%	0%	40.43%	50.00%	47.37%	0%			a b c d
MR-7*	DS3, %		0%		0%						a b c d
MR-7*	E911, %				0%						a b c d
MR-7*	Frame Relay, %		21.05%		11.11%		0%				a b c d
MR-7*	ISDN Primary, %				0%		0%				a b c d
MR-7*	Line Sharing, %	D	66.67%		66.67%		100%				a b c d
MR-7*	Line Sharing, %	ND	0%		38.89%		28.57%				a b c d
MR-7*	LIS Trunk, %		0%			33.33%	100%				a b c d
MR-7*	PBX, %	D	10.00%		0%	0%	14.29%				a b c d
MR-7*	PBX, %	ND	0%	50.00%	0%		0%				a b c d
MR-7*	Qwest DSL, %		25.00%		45.83%		44.44%				a b c d
MR-7*	Residence, %	D	12.05%	10.42%	13.48%	19.23%	14.46%	10.34%			d
MR-7*	Residence, %	ND	17.05%	0%	13.18%	14.29%	15.25%	0%			a b c d
MR-7*	UBL - 2-wire, %		33.33%	11.76%	0%	0%		22.22%			d
MR-7*	UBL - 4-wire, %		48.44%		40.43%		47.37%	0%			a b c d
MR-7*	UBL - ADSL Qualified, %		25.00%		45.83%		44.44%				a b c d
MR-7*	UBL - DS1 Capable, %		48.44%	33.33%	40.43%	33.33%	47.37%	100%			a b c d
MR-7*	UBL - DS3 Capable, %		0%		0%						a b c d
MR-7*	UBL Analog, %		12.66%	12.75%	13.72%	10.47%	14.41%	12.36%			d
MR-7*	UBL ISDN Capable, %		33.33%	0%	0%						a b c d
MR-7*	UDIT Above DS1 Level, %		0%		0%						a b c d
MR-7*	UDIT DS1, %		48.44%		40.43%		47.37%				a b c d
MR-7*	UNE-P, POTS, %	D	12.26%	28.57%	13.74%	13.33%	14.36%	0%			d
MR-7*	UNE-P, POTS, %	ND	17.45%	0%	13.46%	9.09%	14.93%	0%			a c d
MR-7*	UNE-P, Centrex, %	D	17.65%	10.48%	20.00%	10.14%	11.11%	13.25%			d
MR-7*	UNE-P, Centrex, %	ND	33.33%	21.43%	10.00%	33.33%	40.00%	24.00%			b d
MR-7*	UNE-P, Centrex 21, %	D	0%	0%	6.25%		17.65%				a b c d
MR-7*	UNE-P, Centrex 21, %	ND	25.00%		0%	0%	33.33%	0%			a b c d
MR-8	**Trouble Rate**										
MR-8	Basic Rate ISDN, %		1.27%	0%	1.15%	0%	0.23%	0%	0.92%	0%	
MR-8	Business, %		0.60%	0.79%	0.71%	0.79%	0.63%	1.14%	0.54%	0.53%	

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8	Centrex 21, %		0.69%	0.77%	0.54%	0.39%	0.59%	0.39%	0.64%	0.77%	
MR-8	Centrex, %		0.28%	15.38%	0.30%	0%	0.34%	0%	0.35%	0%	
MR-8	DS0, %		0.84%	0%	0.76%	0%	0.47%	1.18%	0.67%	1.18%	
MR-8	DS1, %		1.56%	4.00%	1.29%	3.85%	1.29%	5.66%	0.91%	5.56%	
MR-8	DS3, %		0.34%		0.34%		0%		0.67%		a b c d
MR-8	E911, %		0%	0%	2.07%	0%	0%	0%	0%	0%	
MR-8	Frame Relay, %		2.12%		1.30%		1.03%		0.90%		a b c d
MR-8	ISDN Primary, %		0.02%	0%	0.03%	0%	0.02%	0%	0.03%	0%	
MR-8	Line Sharing, %		1.30%		1.39%		1.34%		1.08%		a b c d
MR-8	LIS Trunk, %		0.01%	0%	0%	0.04%	0.01%	0%	0.02%	0.01%	
MR-8	PBX, %		0.20%	0.42%	0.14%	0.16%	0.20%	0%	0.13%	0.23%	
MR-8	Qwest DSL, %		0.67%	0%	2.30%	0%	1.66%	0%	1.22%	0%	a b c d
MR-8	Residence, %		1.48%	1.11%	1.57%	1.32%	1.52%	1.45%	1.21%	1.28%	
MR-8	UBL - 2-wire, %		1.27%	0.56%	1.15%	0.53%	0.23%	0.56%	0.92%	0.31%	
MR-8	UBL - 4-wire, %		1.56%	0%	1.29%	0%	1.29%	1.30%	0.91%	0%	
MR-8	UBL - ADSL Qualified, %		0.67%	0%	2.30%	0%	1.66%	0%	1.22%	0.79%	
MR-8	UBL - DS1 Capable, %		1.56%	6.82%	1.29%	3.23%	1.29%	3.19%	0.91%	2.20%	
MR-8	UBL - DS3 Capable, %		0.34%		0.34%		0%		0.67%		a b c d
MR-8	UBL Analog, %		1.30%	1.19%	1.39%	0.96%	1.34%	0.93%	1.08%	0.93%	
MR-8	UBL ISDN Capable, %		1.27%	1.54%	1.15%	0%	0.23%	0%	0.92%	0%	
MR-8	UDIT Above DS1 Level, %		0.34%	0%	0.34%	0%	0%	0%	0.67%	0%	a b c d
MR-8	UDIT DS1, %		1.56%	0%	1.29%	0%	1.29%	0%	0.91%	0%	
MR-8	UNE-P, POTS, %		1.30%	0.86%	1.39%	1.25%	1.34%	1.08%	1.08%	0.73%	
MR-8	UNE-P, Centrex, %		0.28%	0.90%	0.30%	0.64%	0.34%	0.88%	0.35%	0.60%	
MR-8	UNE-P, Centrex 21, %		0.69%	0.68%	0.54%	0.68%	0.59%	0.68%	0.64%	0.34%	
MR-8*	Basic Rate ISDN, %		0.35%	0%	0.46%	0%	0%	0%			d
MR-8*	Business, %		0.49%	0.44%	0.54%	0.62%	0.56%	0.79%			d
MR-8*	Centrex 21, %		0.59%	0.77%	0.46%	0%	0.51%	0%			d
MR-8*	Centrex, %		0.23%	7.69%	0.23%	0%	0.27%	0%			d
MR-8*	DS0, %		0.47%	0%	0.49%	0%	0.28%	1.18%			d
MR-8*	DS1, %		1.14%	2.00%	0.84%	3.85%	1.01%	1.89%			d
MR-8*	DS3, %		0.34%		0.34%		0%				a b c d
MR-8*	E911, %		0%	0%	2.07%	0%	0%	0%			d

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8*	Frame Relay, %		1.30%		0.61%		0.55%				a b c d
MR-8*	ISDN Primary, %		0%	0%	0.01%	0%	0.02%	0%			d
MR-8*	Line Sharing, %		1.10%		1.16%		1.15%				a b c d
MR-8*	LIS Trunk, %		0.01%	0%	0%	0.04%	0.01%	0%			d
MR-8*	PBX, %		0.15%	0.33%	0.08%	0.08%	0.09%	0%			d
MR-8*	Qwest DSL, %		0.45%	0%	1.38%	0%	1.07%	0%			a b c d
MR-8*	Residence, %		1.26%	0.98%	1.32%	1.11%	1.30%	1.15%			d
MR-8*	UBL - 2-wire, %		0.35%	0.47%	0.46%	0.48%	0%	0.50%			d
MR-8*	UBL - 4-wire, %		1.14%	0%	0.84%	0%	1.01%	1.30%			d
MR-8*	UBL - ADSL Qualified, %		0.45%	0%	1.38%	0%	1.07%	0%			d
MR-8*	UBL - DS1 Capable, %		1.14%	3.41%	0.84%	3.23%	1.01%	2.13%			d
MR-8*	UBL - DS3 Capable, %		0.34%		0.34%		0%				a b c d
MR-8*	UBL Analog, %		1.10%	0.92%	1.16%	0.76%	1.15%	0.72%			d
MR-8*	UBL ISDN Capable, %		0.35%	1.54%	0.46%	0%	0%	0%			d
MR-8*	UDIT Above DS1 Level, %		0.34%	0%	0.34%	0%	0%	0%			a b c d
MR-8*	UDIT DS1, %		1.14%	0%	0.84%	0%	1.01%	0%			d
MR-8*	UNE-P, POTS, %		1.10%	0.69%	1.16%	1.12%	1.15%	0.78%			d
MR-8*	UNE-P, Centrex, %		0.23%	0.76%	0.23%	0.48%	0.27%	0.69%			d
MR-8*	UNE-P, Centrex 21, %		0.59%	0.34%	0.46%	0.68%	0.51%	0.68%			d
MR-9	**Repair Appointments Met**										
MR-9	Business, %	D	95.03%	100%	91.67%	100%	96.15%	100%	97.35%	100%	a b c d
MR-9	Business, %	ND	96.15%	100%	100%	100%	97.50%	100%	100%	100%	a b c d
MR-9	Centrex 21, %	D	80.00%	100%	100%	100%	94.44%		100%	100%	a b c d
MR-9	Centrex 21, %	ND	71.43%		100%	100%	100%	100%	100%		a b c d
MR-9	Centrex, %	D	88.24%	100%	80.00%		90.00%		83.33%		a b c d
MR-9	Centrex, %	ND	85.71%		100%		88.89%		94.44%		a b c d
MR-9	PBX, %	D	80.00%		83.33%	100%	66.67%		100%	100%	a b c d
MR-9	PBX, %	ND	100%	100%	100%		100%		100%		a b c d
MR-9	Residence, %	D	92.44%	98.08%	94.35%	98.11%	93.76%	100%	96.62%	96.49%	
MR-9	Residence, %	ND	98.94%	100%	99.46%	100%	99.76%	100%	99.35%	100%	a
MR-9	UNE-P, POTS, %	D	92.66%	100%	94.11%	86.67%	93.99%	100%	96.69%	100%	d
MR-9	UNE-P, POTS, %	ND	98.60%	100%	99.55%	100%	99.56%	100%	99.43%	100%	a c d
MR-10	**Customer and Non-Qwest Related Trouble Reports**										

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-10	Basic Rate ISDN, %		42.11%		16.67%		66.67%		52.94%		a b c d
MR-10	Business, %		33.23%	40.00%	32.43%	35.71%	34.51%	35.00%	31.54%	66.67%	
MR-10	Centrex 21, %		18.18%	0%	30.00%	33.33%	25.81%	0%	34.21%	0%	a b c d
MR-10	Centrex, %		20.00%	0%	29.73%		12.12%		36.17%		a b c d
MR-10	DS0, %		41.45%		45.52%		52.43%	33.33%	59.66%	0%	a b c d
MR-10	DS1, %		31.25%	0%	27.27%	0%	23.16%	25.00%	33.77%	50.00%	a b c d
MR-10	DS3, %		66.67%		50.00%				0%		a b c d
MR-10	E911, %				20.00%						a b c d
MR-10	Frame Relay, %		27.91%		42.42%		46.43%		35.00%		a b c d
MR-10	ISDN Primary, %		0%		0%		0%		20.00%		a b c d
MR-10	LIS Trunk, %		50.00%			25.00%	50.00%		62.50%	50.00%	a b c d
MR-10	PBX, %		28.00%	16.67%	42.86%	33.33%	29.17%		18.18%	25.00%	a b c d
MR-10	Qwest DSL, %		47.83%		45.21%		50.88%		52.38%		a b c d
MR-10	Residence, %		30.56%	28.92%	30.30%	20.45%	29.26%	23.00%	29.34%	30.61%	
MR-10	UBL - 2-wire, %		42.11%	13.04%	16.67%	9.52%	66.67%	4.76%	52.94%	15.38%	
MR-10	UBL - 4-wire, %		31.25%		27.27%		23.16%	0%	33.77%		a b c d
MR-10	UBL - ADSL Qualified, %		47.83%		45.21%		50.88%	100%	52.38%	0%	a b c d
MR-10	UBL - DS1 Capable, %		31.25%	0%	27.27%	0%	23.16%	25.00%	33.77%	0%	a b c d
MR-10	UBL - DS3 Capable, %		66.67%		50.00%				0%		a b c d
MR-10	UBL Analog, %		30.82%	18.52%	30.52%	14.17%	29.79%	14.18%	29.57%	20.92%	
MR-10	UBL ISDN Capable, %		42.11%	0%	16.67%		66.67%		52.94%	100%	a b c d
MR-10	UDIT Above DS1 Level, %		66.67%		50.00%				0%		a b c d
MR-10	UDIT DS1, %		31.25%		27.27%		23.16%		33.77%		a b c d
MR-10	UNE-P, POTS, %		30.82%	28.57%	30.52%	17.14%	29.79%	32.43%	29.57%	26.09%	
MR-10	UNE-P, Centrex, %		20.00%	27.18%	29.73%	37.11%	12.12%	27.23%	36.17%	29.63%	
MR-10	UNE-P, Centrex 21, %		18.18%	50.00%	30.00%	0%	25.81%	50.00%	34.21%	75.00%	a b c d
MR-11	**LNP Trouble Reports Cleared**										
MR-11A	within 4 Hours, %		44.85%		38.65%		48.20%		45.70%		a b c d
MR-11B	within 48 Hours, %		99.30%		99.10%		99.11%		99.14%		a b c d
NETWORK PERFORMANCE											
NI-1	**Trunk Blocking**										
NI-1A	to Qwest Tandem Offices, LIS Trunk, %			0%		0%		0%		0%	
NI-1B	to Qwest End Offices, LIS Trunk, %		0%	0%	1.23%	0.91%	0%	0%	0%	0%	

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
NI-1C	to Qwest Tandem Offices, LIS Trunk, %			0%		0%		0%		0%	
NI-1D	to Qwest End Offices, LIS Trunk, %		0%	0%	1.23%	0.91%	0%	0%	0%	0%	
ORDER ACCURACY											
OA-1	Order Accuracy, % (OP-5++)					99.20%		99.33%		99.66%	a
ORDERING AND PROVISIONING											
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**										
OP-2	Default, %		80.97%	96.94%	75.62%	97.87%	72.08%	98.27%	82.25%	97.82%	
OP-3	**Installation Commitments Met**										
OP-3	Basic Rate ISDN, %	D	100%								a b c d
OP-3	Basic Rate ISDN, %	ND			100%						a b c d
OP-3	Basic Rate ISDN, %		100%		100%		100%		100%		a b c d
OP-3	Business, %	D	91.62%	100%	93.26%	100%	89.44%	87.50%	91.18%	83.33%	a b c d
OP-3	Business, %	ND	97.67%	100%	93.48%	100%	100%	100%	100%	100%	a b d
OP-3	Centrex 21, %	D	100%	100%	100%		100%	100%	100%		a b c d
OP-3	Centrex 21, %	ND	100%	100%	80.00%	100%	100%	100%	100%	100%	a b c d
OP-3	Centrex, %	D	28.57%		70.59%		95.45%		94.74%		a b c d
OP-3	Centrex, %	ND	66.67%		0%		100%				a b c d
OP-3	DS0, %	ND	100%	0%		100%				100%	a b c d
OP-3	DS0, %		100%	100%	100%	100%	57.14%	100%	40.00%		b c d
OP-3	DS1, %		76.25%	100%	88.80%		86.55%	0%	78.46%		a b c d
OP-3	DS3, %		100%		100%		87.50%		60.00%		a b c d
OP-3	Frame Relay, %		91.30%		90.00%		77.27%		69.23%		a b c d
OP-3	ISDN Primary, %	D	100%								a b c d
OP-3	ISDN Primary, %	ND					100%				a b c d
OP-3	ISDN Primary, %		94.12%		25.00%	0%	12.73%		100%		a b c d
OP-3	Line Sharing, %	D	92.20%		92.69%		92.88%		91.34%		a b c d
OP-3	Line Sharing, %	ND	99.17%		99.36%		99.56%		98.85%		a b c d
OP-3	LIS Trunk, %			100%	100%	100%	100%	100%	100%	100%	a b c d
OP-3	PBX, %	D			100%		100%		0%		a b c d
OP-3	PBX, %	ND					50.00%				a b c d
OP-3	PBX, %		100%	100%	100%	100%	0%	100%	66.67%	100%	a b c d
OP-3	Qwest DSL, %	D	100%		80.00%		83.33%		82.35%		a b c d
OP-3	Qwest DSL, %	ND	99.57%		97.39%		97.25%	100%	97.85%	100%	a b c d

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	Qwest DSL, %		100%		100%		0%				a b c d
OP-3	Residence, %	D	92.34%	92.45%	92.55%	93.41%	93.55%	100%	91.38%	98.43%	
OP-3	Residence, %	ND	99.19%	100%	99.46%	99.43%	99.56%	100%	98.84%	100%	
OP-3	UBL - 2-wire, %		100%	98.41%	100%	95.92%	100%	100%	100%	98.59%	
OP-3	UBL - 4-wire, %		76.25%	100%	88.80%	100%	86.55%	100%	78.46%	100%	a b c d
OP-3	UBL - ADSL Qualified, %		100%	100%	81.82%	100%	83.33%	100%	82.35%	100%	b c d
OP-3	UBL - DS1 Capable, %		76.25%	100%	88.80%	83.33%	86.55%	80.00%	78.46%	100%	a b c d
OP-3	UBL - DS3 Capable, %		100%		100%		87.50%		60.00%		a b c d
OP-3	UBL Analog, %	D	92.20%								a b c d
OP-3	UBL Analog, %		92.20%	99.32%	92.69%	99.23%	92.88%	99.13%	91.34%	98.59%	
OP-3	UBL Conditioned, %					50.00%				0%	a b c d
OP-3	UBL ISDN Capable, %		100%		100%	100%	100%	100%	100%		a b c d
OP-3	UDIT Above DS1 Level, %		100%		100%		87.50%		60.00%	100%	a b c d
OP-3	UDIT DS1, %		76.25%		88.80%		86.55%		78.46%		a b c d
OP-3	UNE-P, POTS, %	ND	99.17%	95.95%	99.36%	100%	99.56%	100%	98.85%	100%	
OP-3	UNE-P, POTS, %	D	92.20%	87.50%	92.69%	100%	92.88%	100%	91.34%	100%	a b c d
OP-3	UNE-P, Centrex, %	D	28.57%	96.94%	70.59%	98.72%	95.45%	94.79%	94.74%	94.83%	
OP-3	UNE-P, Centrex, %	ND	66.67%	98.41%	0%	100%	100%	97.67%		100%	
OP-3	UNE-P, Centrex 21, %	D	100%	100%	100%		100%		100%		a b c d
OP-3	UNE-P, Centrex 21, %	ND	100%	100%	80.00%	100%	100%	100%	100%	100%	a b c d
OP-4	**Installation Interval**										
OP-4	Basic Rate ISDN, Avg Days	D	8.00								a b c d
OP-4	Basic Rate ISDN, Avg Days	ND			2.00						a b c d
OP-4	Basic Rate ISDN, Avg Days		20.67		14.00		6.80		6.08		a b c d
OP-4	Business, Avg Days	D	5.57	1.00	5.40	3.33	4.88	2.88	5.98	6.67	a b c d
OP-4	Business, Avg Days	ND	2.96	2.67	3.67	3.00	2.55	2.80	2.79	2.40	a b d
OP-4	Centrex 21, Avg Days	ND	1.67	4.67	1.67		3.40	3.00	2.33		a b c d
OP-4	Centrex 21, Avg Days	D	3.50	6.00	3.33		1.67	2.00	3.29		a b c d
OP-4	Centrex, Avg Days	D	16.57		5.53		4.14		4.05		a b c d
OP-4	Centrex, Avg Days	ND	7.67		12.00		4.00				a b c d
OP-4	DS0, Avg Days	ND	4.00	13.00		4.00				6.00	a b c d
OP-4	DS0, Avg Days		6.00	6.67	5.00	6.50	13.29	5.00	10.80		b c d
OP-4	DS1, Avg Days		15.10	10.00	20.99		16.61	11.00	18.79		a b c d

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	DS3, Avg Days		9.57		13.67		26.00		8.86		a b c d
OP-4	E911, Avg Days								75.00		a b c d
OP-4	Frame Relay, Avg Days		4.00		13.00		26.00		9.00		a b c d
OP-4	ISDN Primary, Avg Days	D	7.50								a b c d
OP-4	ISDN Primary, Avg Days	ND					0.00				a b c d
OP-4	ISDN Primary, Avg Days		14.23		10.00	39.00	124.64		13.94		a b c d
OP-4	Line Sharing, Avg Days	D	5.64		5.13		5.53		5.72		a b c d
OP-4	Line Sharing, Avg Days	ND	3.51		3.54		3.40		3.78		a b c d
OP-4	LIS Trunk, Avg Days		21.00	15.20	27.90	18.00	15.64	12.80	14.17	10.80	a b c d
OP-4	PBX, Avg Days	D			14.00		3.00		11.00		a b c d
OP-4	PBX, Avg Days	ND					13.00				a b c d
OP-4	PBX, Avg Days		3.75	7.00	19.00	6.00	44.00	4.00	15.80	2.00	a b c d
OP-4	Qwest DSL, Avg Days	ND	9.60		4.95		4.89	3.00	4.83	5.50	a b c d
OP-4	Qwest DSL, Avg Days	D	11.20		10.85		5.58		6.22		a b c d
OP-4	Qwest DSL, Avg Days		1.40		6.00		5.00				a b c d
OP-4	Residence, Avg Days	D	5.66	3.29	5.06	3.60	5.65	3.15	5.66	3.06	
OP-4	Residence, Avg Days	ND	3.51	2.73	3.53	2.88	3.40	2.91	3.78	3.11	
OP-4	UBL - 2-wire, Avg Days		17.50	4.94	11.60	6.13	6.80	4.84	6.08	4.77	
OP-4	UBL - 4-wire, Avg Days		15.10	5.00	20.99		16.61	3.00	18.79	5.00	a b c d
OP-4	UBL - ADSL Qualified, Avg Days		11.20	5.00	10.50	5.00	5.58	5.00	6.22	5.00	a b c d
OP-4	UBL - DS1 Capable, Avg Days		15.10	8.67	20.99	9.67	16.61	11.00	18.79	8.33	a b c d
OP-4	UBL - DS3 Capable, Avg Days		9.57		13.67		26.00		8.86		a b c d
OP-4	UBL Analog, Avg Days	D	5.64	7.00							a b c d
OP-4	UBL Analog, Avg Days		5.64	5.15	5.13	4.78	5.53	4.56	5.72	5.26	
OP-4	UBL Conditioned, Avg Days					29.00				17.00	a b c d
OP-4	UBL ISDN Capable, Avg Days		17.50		11.60	5.00	6.80	4.00	6.08		a b c d
OP-4	UDIT Above DS1 Level, Avg Days		9.57		13.67		26.00		8.86	18.00	a b c d
OP-4	UDIT DS1, Avg Days		15.10		20.99		16.61		18.79		a b c d
OP-4	UNE-P, POTS, Avg Days	ND	3.51	4.16	3.54	2.86	3.40	2.78	3.78	2.98	
OP-4	UNE-P, POTS, Avg Days	D	5.64	4.00	5.13	3.00	5.53	3.30	5.72	2.88	a c d
OP-4	UNE-P, Centrex, Avg Days	D	16.57	5.53	5.53	5.59	4.14	5.35	4.05	5.36	
OP-4	UNE-P, Centrex, Avg Days	ND	7.67	4.90	12.00	5.02	4.00	4.71		3.68	
OP-4	UNE-P, Centrex 21, Avg Days	ND	1.67	5.00	1.67		3.40		2.33		a b c d

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	UNE-P, Centrex 21, Avg Days	D	3.50	5.00	3.33		1.67		3.29		a b c d
OP-5	**New Service Installation Quality**										
OP-5	Basic Rate ISDN, %		100%		100%		100%		90.00%		a b c d
OP-5	Business, %		83.33%	93.33%	85.91%	100%	87.33%	85.29%	87.75%	100%	b
OP-5	Centrex 21, %		54.55%	75.00%	75.00%	100%	100%	100%	100%	100%	a b c d
OP-5	Centrex, %		84.62%		50.00%		90.63%		59.38%		a b c d
OP-5	DS0, %		40.00%	100%	0%	100%	50.00%	100%	50.00%	100%	a b c d
OP-5	DS1, %		90.63%	100%	96.67%	0%	97.97%	0%	98.62%	0%	a b c d
OP-5	DS3, %		100%		100%		100%		100%		a b c d
OP-5	E911, %		100%		100%		100%		100%		a b c d
OP-5	Frame Relay, %		85.00%		90.91%		95.24%		94.44%		a b c d
OP-5	ISDN Primary, %		96.55%		94.74%	100%	100%	100%	98.33%		a b c d
OP-5	Line Sharing, %		90.21%		89.68%		90.44%		91.77%		a b c d
OP-5	LIS Trunk, %		100%	100%	100%	25.00%	100%	100%	100%	100%	a b c d
OP-5	PBX, %		50.00%	0%	50.00%	100%	80.00%	100%	100%	66.67%	a b c d
OP-5	Qwest DSL, %		100%		99.30%		99.28%	100%	100%	100%	a b c d
OP-5	Residence, %		90.64%	96.10%	89.93%	97.35%	90.62%	96.76%	91.99%	97.83%	
OP-5	UBL - 2-wire, %		100%	95.65%	100%	96.49%	100%	100%	90.00%	92.98%	
OP-5	UBL - 4-wire, %		90.63%	100%	96.67%	100%	97.97%	80.00%	98.62%	100%	a b c d
OP-5	UBL - ADSL Qualified, %		100%	100%	83.33%	100%	84.62%	100%	100%	100%	a c d
OP-5	UBL - DS1 Capable, %		90.63%	83.33%	96.67%	100%	97.97%	83.33%	98.62%	100%	a b c d
OP-5	UBL - DS3 Capable, %		100%		100%		100%		100%		a b c d
OP-5	UBL Analog, %		60.47%	96.10%	58.37%	95.92%	60.36%	96.86%	66.67%	97.65%	
OP-5	UBL ISDN Capable, %		100%	100%	100%	100%	100%	100%	90.00%	100%	a b c d
OP-5	UDIT Above DS1 Level, %		100%		100%		100%		100%	100%	a b c d
OP-5	UDIT DS1, %		90.63%		96.67%		97.97%		98.62%		a b c d
OP-5	UNE-P, POTS, %		90.21%	91.30%	89.68%	94.38%	90.44%	94.05%	91.77%	95.83%	
OP-5	UNE-P, Centrex, %		84.62%	91.41%	50.00%	90.26%	90.63%	94.44%	59.38%	93.97%	
OP-5	UNE-P, Centrex 21, %		54.55%	100%	75.00%	100%	100%	100%	100%	100%	a b c d
OP-5*	Basic Rate ISDN, %		100%		100%		100%				a b c d
OP-5*	Business, %		86.49%	93.33%	89.55%	100%	89.14%	88.24%			b d
OP-5*	Centrex 21, %		54.55%	75.00%	87.50%	100%	100%	100%			a b c d
OP-5*	Centrex, %		84.62%		64.29%		93.75%				a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5*	DS0, %		40.00%	100%	0%	100%	50.00%	100%			a b c d
OP-5*	DS1, %		93.75%	100%	99.17%	0%	97.97%	0%			a b c d
OP-5*	DS3, %		100%		100%		100%				a b c d
OP-5*	E911, %		100%		100%		100%				a b c d
OP-5*	Frame Relay, %		85.00%		90.91%		95.24%				a b c d
OP-5*	ISDN Primary, %		100%		100%	100%	100%	100%			a b c d
OP-5*	Line Sharing, %		91.73%		91.47%		92.00%				a b c d
OP-5*	LIS Trunk, %		100%	100%	100%	25.00%	100%	100%			a b c d
OP-5*	PBX, %		75.00%	0%	100%	100%	100%	100%			a b c d
OP-5*	Qwest DSL, %		100%		99.30%		99.28%	100%			a b c d
OP-5*	Residence, %		92.06%	96.59%	91.60%	97.35%	92.16%	97.62%			d
OP-5*	UBL - 2-wire, %		100%	97.10%	100%	98.25%	100%	100%			d
OP-5*	UBL - 4-wire, %		93.75%	100%	99.17%	100%	97.97%	80.00%			a b c d
OP-5*	UBL - ADSL Qualified, %		100%	100%	83.33%	100%	84.62%	100%			a c d
OP-5*	UBL - DS1 Capable, %		93.75%	83.33%	99.17%	100%	97.97%	83.33%			a b c d
OP-5*	UBL - DS3 Capable, %		100%		100%		100%				a b c d
OP-5*	UBL Analog, %		66.60%	96.45%	65.60%	96.88%	66.83%	97.71%			d
OP-5*	UBL ISDN Capable, %		100%	100%	100%	100%	100%	100%			a b c d
OP-5*	UDIT Above DS1 Level, %		100%		100%		100%				a b c d
OP-5*	UDIT DS1, %		93.75%		99.17%		97.97%				a b c d
OP-5*	UNE-P, POTS, %		91.73%	91.30%	91.47%	95.51%	92.00%	95.24%			d
OP-5*	UNE-P, Centrex, %		84.62%	93.25%	64.29%	93.51%	93.75%	94.44%			d
OP-5*	UNE-P, Centrex 21, %		54.55%	100%	87.50%	100%	100%	100%			a b c d
OP-6A	**Delayed Days for Non-Facility Reasons**										
OP-6A	Basic Rate ISDN, Avg Days		29.00								a b c d
OP-6A	Business, Avg Days	D	4.70		2.73		4.44		5.11		a b c d
OP-6A	Business, Avg Days	ND	1.00		8.50						a b c d
OP-6A	Centrex 21, Avg Days	ND			1.00						a b c d
OP-6A	Centrex, Avg Days	D	6.00				3.00		1.00		a b c d
OP-6A	Centrex, Avg Days	ND	5.00								a b c d
OP-6A	DS0, Avg Days	ND		8.00							a b c d
OP-6A	DS0, Avg Days						15.33		7.33		a b c d
OP-6A	DS1, Avg Days		17.48		17.29		14.80		15.80		a b c d

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6A	DS3, Avg Days		17.00				67.00		5.00		a b c d
OP-6A	Frame Relay, Avg Days		5.00		8.50		13.60		7.25		a b c d
OP-6A	ISDN Primary, Avg Days		3.40		5.00	26.00	110.63				a b c d
OP-6A	Line Sharing, Avg Days	D	7.87		3.19		3.15		5.46		a b c d
OP-6A	Line Sharing, Avg Days	ND	4.41		4.42		3.42		5.68		a b c d
OP-6A	PBX, Avg Days	D							4.00		a b c d
OP-6A	PBX, Avg Days	ND					20.00				a b c d
OP-6A	PBX, Avg Days				23.00		32.00		20.50		a b c d
OP-6A	Qwest DSL, Avg Days	D			7.00		3.50		3.00		a b c d
OP-6A	Qwest DSL, Avg Days	ND	11.00		4.75		2.17				a b c d
OP-6A	Qwest DSL, Avg Days						5.00				a b c d
OP-6A	Residence, Avg Days	D	8.97	4.25	3.50	3.33	2.50		5.58	3.50	a b c d
OP-6A	Residence, Avg Days	ND	4.63		3.60	1.00	3.42		5.68		a b c d
OP-6A	UBL - 2-wire, Avg Days		29.00	1.00		17.00				12.00	a b c d
OP-6A	UBL - 4-wire, Avg Days		17.48		17.29		14.80		15.80		a b c d
OP-6A	UBL - ADSL Qualified, Avg Days				7.00		3.50		3.00		a b c d
OP-6A	UBL - DS1 Capable, Avg Days		17.48		17.29	12.00	14.80	7.00	15.80		a b c d
OP-6A	UBL - DS3 Capable, Avg Days		17.00				67.00		5.00		a b c d
OP-6A	UBL Analog, Avg Days		7.87	8.67	3.19	8.25	3.15	3.50	5.46	8.18	a b c
OP-6A	UBL Analog, Avg Days	D	7.87								a b c d
OP-6A	UBL ISDN Capable, Avg Days		29.00								a b c d
OP-6A	UDIT Above DS1 Level, Avg Days		17.00				67.00		5.00		a b c d
OP-6A	UDIT DS1, Avg Days		17.48		17.29		14.80		15.80		a b c d
OP-6A	UNE-P, POTS, Avg Days	D	7.87	6.00	3.19		3.15		5.46		a b c d
OP-6A	UNE-P, POTS, Avg Days	ND	4.41	6.67	4.42		3.42		5.68		a b c d
OP-6A	UNE-P, Centrex, Avg Days	D	6.00			1.00	3.00	1.50	1.00	2.00	a b c d
OP-6A	UNE-P, Centrex, Avg Days	ND	5.00	3.00				1.00			a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	ND			1.00						a b c d
OP-6B	**Delayed Days for Facility Reasons**										
OP-6B	Business, Avg Days	D	40.75		46.33		4.00	5.00	3.17	23.00	a b c d
OP-6B	Business, Avg Days	ND			14.00						a b c d
OP-6B	Centrex, Avg Days	D	19.50		7.20		2.00				a b c d
OP-6B	Centrex, Avg Days	ND			7.00						a b c d

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6B	DS1, Avg Days		14.00		21.00		19.33	2.00	29.80		a b c d
OP-6B	DS3, Avg Days								30.00		a b c d
OP-6B	Frame Relay, Avg Days								7.00		a b c d
OP-6B	Line Sharing, Avg Days	D	12.89		9.90		8.40		7.41		a b c d
OP-6B	Line Sharing, Avg Days	ND	2.60		4.80		4.50		3.14		a b c d
OP-6B	Residence, Avg Days	D	8.25		6.86	5.67	9.45		8.08		a b c d
OP-6B	Residence, Avg Days	ND	2.60		2.50		4.50		3.14		a b c d
OP-6B	UBL - 2-wire, Avg Days									1.00	a b c d
OP-6B	UBL - 4-wire, Avg Days		14.00		21.00		19.33		29.80		a b c d
OP-6B	UBL - DS1 Capable, Avg Days		14.00		21.00		19.33		29.80		a b c d
OP-6B	UBL - DS3 Capable, Avg Days								30.00		a b c d
OP-6B	UBL Analog, Avg Days	D	12.89								a b c d
OP-6B	UBL Analog, Avg Days		12.89		9.90		8.40	6.00	7.41		a b c d
OP-6B	UDIT Above DS1 Level, Avg Days								30.00		a b c d
OP-6B	UDIT DS1, Avg Days		14.00		21.00		19.33		29.80		a b c d
OP-6B	UNE-P, POTS, Avg Days	D	12.89		9.90		8.40		7.41		a b c d
OP-6B	UNE-P, POTS, Avg Days	ND	2.60		4.80		4.50		3.14		a b c d
OP-6B	UNE-P, Centrex, Avg Days	D	19.50	6.67	7.20		2.00	4.67		6.00	a b c d
OP-6B	UNE-P, Centrex, Avg Days	ND			7.00						a b c d
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**										
OP-7	Analog, Hrs:Min			0:04		0:03		0:02		0:03	
OP-7	Other, Hrs:Min			0:05		0:02		0:04		0:02	a b c d
OP-8	**Number Portability Timeliness**										
OP-8B	LNP, %			100%		100%		100%		100%	
OP-8C	% LNP Triggers Set Prior to the Frame Due Time, LNP%			99.27%		100%		100%		100%	
OP-13	**Coordinated Cuts - Unbundled Loop**										
OP-13A	Completed on Time, UBL - Analog, %			100%		100%		100%		100%	
OP-13A	Completed on Time, UBL Other, %			100%		100%		100%		100%	a b d
OP-13B	Started Without CLEC Approval, UBL - Analog, %			0%		0%		0%		0%	
OP-13B	Started Without CLEC Approval, UBL Other, %			0%		0%		0%		0%	a b d
OP-15A	**Interval for Pending Orders Delayed Past Due Date**										
OP-15A	Basic Rate ISDN, Avg Days		107.57		166.50		188.50		121.17		a b c d

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15A	Business, Avg Days		77.70	216.00	92.82	238.00	103.46	140.00	117.59	280.00	a b c d
OP-15A	Centrex 21, Avg Days		43.50		55.25		95.00		87.50		a b c d
OP-15A	Centrex, Avg Days		9.00		1.50		3.00		0.00		a b c d
OP-15A	DS0, Avg Days		74.33		210.00		86.33				a b c d
OP-15A	DS1, Avg Days		34.97		44.24		51.47		67.20		a b c d
OP-15A	DS3, Avg Days		44.00		18.25		27.67		35.50		a b c d
OP-15A	Frame Relay, Avg Days		6.67		26.50		0.00				a b c d
OP-15A	ISDN Primary, Avg Days		85.00	7.00	107.00						a b c d
OP-15A	PBX, Avg Days		60.00		42.00		104.00		124.00		a b c d
OP-15A	Residence, Avg Days		52.46	123.33	49.75	245.00	49.21	267.00	35.94	143.50	a b c d
OP-15A	UBL - 2-wire, Avg Days		107.57	58.50	166.50	99.67	188.50	56.14	121.17	141.67	a b c d
OP-15A	UBL - 4-wire, Avg Days		34.97		44.24		51.47		67.20		a b c d
OP-15A	UBL - DS1 Capable, Avg Days		34.97	3.00	44.24	2.00	51.47		67.20		a b c d
OP-15A	UBL - DS3 Capable, Avg Days		44.00		18.25		27.67		35.50		a b c d
OP-15A	UBL Analog, Avg Days		49.60	94.72	45.43	109.79	60.34	114.68	69.31	119.12	
OP-15A	UBL ISDN Capable, Avg Days		107.57		166.50		188.50		121.17		a b c d
OP-15A	UDIT Above DS1 Level, Avg Days		44.00		18.25		27.67		35.50		a b c d
OP-15A	UDIT DS1, Avg Days		34.97		44.24		51.47		67.20		a b c d
OP-15A	UNE-P, POTS, Avg Days		62.83	102.00	65.67	216.00	66.96	243.00	54.72	178.00	a b c d
OP-15A	UNE-P, Centrex, Avg Days		9.00	24.83	1.50	29.50	3.00	19.40	0.00	28.00	a b c d
OP-15A	UNE-P, Centrex 21, Avg Days		43.50		55.25		95.00		87.50		a b c d
OP-15B	**Pending Orders Delayed for Facilities Reasons**										
OP-15B	Basic Rate ISDN		1		1		2		4		a b c d
OP-15B	Business		10	0	12	0	11	1	8	0	a b c d
OP-15B	Centrex 21		0		0		0		0		a b c d
OP-15B	Centrex		0		0		0		0		a b c d
OP-15B	DS0		2		0		1				a b c d
OP-15B	DS1		5		9		17		11		a b c d
OP-15B	DS3		0		0		2		1		a b c d
OP-15B	Frame Relay		2		1		1				a b c d
OP-15B	ISDN Primary		0	1	23						a b c d
OP-15B	PBX		0		0		0		0		a b c d
OP-15B	Residence		33	2	47	0	46	0	35	0	a b c d

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15B	UBL - 2-wire		1	1	1	1	2	3	4	1	a b c d
OP-15B	UBL - 4-wire		5		9		17		11		a b c d
OP-15B	UBL - DS1 Capable		5	1	9	0	17		11		a b c d
OP-15B	UBL - DS3 Capable		0		0		2		1		a b c d
OP-15B	UBL Analog		29	2	40	2	31	4	20	5	a b c d
OP-15B	UBL ISDN Capable		1		1		2		4		a b c d
OP-15B	UDIT Above DS1 Level		0		0		2		1		a b c d
OP-15B	UDIT DS1		5		9		17		11		a b c d
OP-15B	UNE-P, POTS		43	0	59	0	57	0	43	0	a b c d
OP-15B	UNE-P, Centrex		0	0	0	0	0	0	0	0	a b c d
OP-15B	UNE-P, Centrex 21		0		0		0		0		a b c d
OP-17	**Timeliness of Disconnects associated with LNP Orders**										
OP-17A	LNP, %			100%		100%		100%		100%	
OP-17B	LNP, %			100%		100%		100%		100%	
OPERATOR SERVICES											
OS-1	**Speed of Answer - Operator Services**										
OS-1	Average Seconds		9.67		8.51		8.51		8.91		a b c d
PRE-ORDER/ORDER											
PO-1	**Pre-Order/Order Response Times**										
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec			0.55		0.57		0.55		0.56	
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec			2.44		2.6		2.24		1.77	
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec			0.48		0.48		0.48		0.47	
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec			19.85		19.95		13.51		4.87	
PO-1A-10Total	Meet Point Inquiry, GUI Aggr, Avg Sec			20.34		20.43		14		5.34	
PO-1A-1Total	Appt. Sched, GUI Aggr, Avg Sec			2.99		3.17		2.79		2.33	
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec			0.51		0.52		0.51		0.5	
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec			5.66		6.11		6.37		6.75	
PO-1A-2Total	Service Avail, GUI Aggr, Avg Sec			6.17		6.63		6.89		7.25	
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec			0.7		0.72		0.7		0.7	
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec			7.41		7.73		7.63		7.48	
PO-1A-3Total	Facility Check, GUI Aggr, Avg Sec			8.11		8.45		8.33		8.18	
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec			1.3		1.32		1.34		1.31	
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec			4.64		4.65		4.67		5.1	

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1A-4Total	Address Validation, GUI Aggr, Avg Sec			5.94		5.97		6.01		6.41	
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec			0.69		0.74		0.72		0.7	
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec			6.55		5.79		5.82		5.59	
PO-1A-5Total	Get CSR, GUI Aggr, Avg Sec			7.23		6.53		6.54		6.28	
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec			0.79		0.82		0.8		0.79	
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec			4.45		4.91		4.69		4.5	
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec			0.65		0.74		0.71		0.66	
PO-1A-6Total	TN Reserv, GUI Aggr, Avg Sec			5.89		6.47		6.2		5.94	
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec			0.95		0.98		0.96		1.05	
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec			8.73		8.09		7.9		5.75	
PO-1A-7Total	Loop Qual Tools, GUI Aggr, Avg Sec			9.68		9.07		8.86		6.8	
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec			0.9		0.98		0.91		0.91	
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec			5.51		6.66		6.09		5.63	
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggr, Avg Sec			6.41		7.64		7		6.54	
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec			0.44		0.44		0.47		0.44	
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec			17.83		18.14		14.1		8.25	
PO-1A-9Total	Connecting Facility Assign, GUI Aggr, Avg Sec			18.28		18.58		14.56		8.69	
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec			4.77		4.55		3.99		3.55	
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec			20.77		20.29		13.09		5.41	
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec			6.32		6.09		6.23		6.61	
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec			6.38		5.73		6.75		7.33	
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec			3.11		2.47		2.52		2.88	
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec			3.43		2.01		2.6		2.66	
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec			5.41		5.52		5.06		5.18	
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec			9.23		8.64		9.67		7.24	
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec			6.31		6.11		5.16		5.74	
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec			18.12		16.97		12.37		8.03	
PO-1C-1	Timeout, GUI Total, %			0.05%		0.10%		0.02%		0.04%	
PO-1C-2	Timeout, EDI Total, %			0.07%		0%		0.02%		0.24%	
PO-1D-1	Rejected Query, GUI Total, Avg Sec			1.46		1.57		1.36		1.34	
PO-1D-2	Rejected Query, EDI Total, Avg Sec			2.84		3.15		2.15		1.84	
PO-20	**Manual Service Order Accuracy**										
PO-20	POTS Resale, %			90.25%		90.58%		92.78%		96.88%	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-20	UBL Aggr, %			96.46%		95.20%		95.16%		94.42%	
PO-2	**Electronic Flow-through**										
PO-2A-1	GUI, LNP, %			22.95%		22.92%		13.95%		29.63%	
PO-2A-1	GUI, Resale Aggr w/o UNE-P-POTS, %			57.14%		65.94%		73.29%		75.00%	
PO-2A-1	GUI, UBL Aggr, %			37.16%		44.60%		54.37%		55.61%	
PO-2A-1	GUI, UNE-P, POTS, %			32.14%		36.90%		36.96%		75.78%	
PO-2A-2	EDI, LNP, %					0%		0%		0%	a b c d
PO-2A-2	EDI, Resale Aggr w/o UNE-P-POTS, %			67.07%		58.00%		63.93%		63.54%	
PO-2A-2	EDI, UBL Aggr, %			71.19%		79.37%		17.98%		36.30%	
PO-2A-2	EDI, UNE-P, POTS, %			37.78%		74.36%		83.78%		72.22%	
PO-2B-1	All Eligible LSRs, GUI, LNP, %			100%		91.67%		85.71%		100%	c d
PO-2B-1	All Eligible LSRs, GUI, POTS Resale, %			95.28%		96.42%		97.43%		97.37%	
PO-2B-1	All Eligible LSRs, GUI, UBL Aggr, %			89.45%		90.84%		96.88%		97.03%	
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %			90.00%		91.18%		80.95%		93.89%	
PO-2B-2	All Eligible LSRs, EDI, LNP, %									0%	a b c d
PO-2B-2	All Eligible LSRs, EDI, POTS Resale, %			100%		100%		100%		98.29%	
PO-2B-2	All Eligible LSRs, EDI, UBL Aggr, %			100%		95.68%		96.70%		94.83%	
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %			100%		90.63%		96.88%		100%	
PO-3	**LSR Rejection Notice Interval**										
PO-3A-1	GUI - Manual Reject, Product Aggr, Hrs:Min			4:49		2:43		3:33		3:51	
PO-3A-2	GUI - Auto-Reject, Product Aggr, Min:Sec			00:04		00:04		00:03		00:03	
PO-3B-1	EDI - Manual Reject, Product Aggr, Hrs:Min			3:07		1:00		1:42		1:20	
PO-3B-2	EDI - Auto-Reject, Product Aggr, Min:Sec			00:06		00:06		00:05		00:05	
PO-3C	Manual and IIS, Product Aggr, Hrs:Min			3:57		23:39		13:36		14:15	a b
PO-4	**LSRs Rejected**										
PO-4A-1	GUI - Manual Reject, Product Aggr, %			4.36%		2.25%		2.41%		2.20%	
PO-4A-2	GUI - Auto-Reject, Product Aggr, %			31.30%		32.17%		31.07%		31.56%	
PO-4B-1	EDI - Manual Reject, Product Aggr, %			8.19%		4.46%		4.57%		4.67%	
PO-4B-2	EDI - Auto-Reject, Product Aggr, %			24.11%		24.10%		20.28%		20.79%	
PO-4C	Facsimile , Product Aggr, %			28.57%		17.07%		33.33%		36.36%	a
PO-5	**Firm Order Confirmations (FOCs) On Time**										
PO-5A-1(a)	Fully Electronic, GUI, Resale Aggr, %			100%		100%		100%		100%	
PO-5A-1(b)	Fully Electronic, GUI, UBL Aggr, %			100%		99.56%		100%		100%	

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-5A-1(c)	Fully Electronic, GUI, LNP, %			100%		100%		100%		100%	b c d
PO-5A-2(a)	Fully Electronic, EDI, Resale Aggr, %			97.22%		100%		100%		100%	
PO-5A-2(b)	Fully Electronic, EDI, UBL Aggr, %			100%		100%		100%		100%	
PO-5B-1(a)	Elec/Manual, GUI, Resale Aggr, %			96.30%		98.66%		98.71%		95.65%	
PO-5B-1(b)	Elec/Manual, GUI, UBL Aggr, %			98.98%		98.63%		98.05%		100%	
PO-5B-1(c)	Elec/Manual, GUI, LNP, %			97.30%		100%		96.88%		100%	
PO-5B-2(a)	Elec/Manual, EDI, Resale Aggr, %			94.95%		100%		99.55%		100%	
PO-5B-2(b)	Elec/Manual, EDI, UBL Aggr, %			100%		100%		100%		100%	
PO-5B-2(c)	Elec/Manual, EDI, LNP, %							75.00%		100%	a b c d
PO-5C-(a)	Manual, Resale Aggr, %			66.67%		91.67%		100%		100%	a d
PO-5C-(b)	Manual, UBL Aggr, %			100%		100%		100%		100%	a b c d
PO-5C-(c)	Manual, LNP, %					100%		100%		100%	a b c d
PO-5D	LIS Trunk, %			100%		100%		100%		100%	a b c d
PO-6	**Work Completion Notification Timeliness**										
PO-6A	IMA - GUI, All, Hrs:Min			0:29		1:26		1:28		3:01	
PO-6B	IMA - EDI, All, Hrs:Min			1:07		3:46		2:46		1:07	
PO-7	**Billing Completion Notification Timeliness**										
PO-7A-C	IMA - GUI, All, %		96.20%	94.62%	96.59%	96.91%	97.06%	98.78%	96.90%	97.40%	
PO-7B-C	IMA - EDI, All, %		96.20%		96.59%		97.06%		96.90%		a b c d
PO-8	**Jeopardy Notice Interval**										
PO-8A	Non-Designed Services, Avg Days		5.82	12.00	5.36	5.00	6.36	1.33	5.61	2.33	a b c d
PO-8B	UBLs and LNP, Avg Days		5.82	3.20	5.36	10.18	6.36	3.82	5.61	4.76	a
PO-8D	UNE-P, POTS, Avg Days		5.82		5.36		6.36		5.61	2.00	a b c d
PO-9	**Timely Jeopardy Notices**										
PO-9A	Non-Designed Services, %		25.77%	0%	35.48%	25.00%	37.72%	0%	43.64%	0%	a b c d
PO-9B	UBLs and LNP, %		25.77%	6.25%	35.48%	57.14%	37.72%		43.64%	83.33%	b c d
PO-9C	LIS Trunk, %				0%						a b c d
PO-9D	UNE-P, POTS, %		25.77%	0%	35.48%		37.72%		43.64%		a b c d
PO-10	**LSR Accountability**										
PO-10	Product Aggr, %			100%		100%		100%		100%	
PO-15	**Number of Due Date Changes per Order**										
PO-15	All, Avg Days		0.03	0.06	0.03	0.05	0.02	0.02	0.05	0.04	
PO-16	**Timely Release Notifications**										

NORTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-16	Default, %					100%		100%		100%	a b c d
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**										
PO-19	SATE Accuracy, %			98.95%							b c d
PO-19A	SATE Accuracy, Rel. 10.0, %					100%		98.45%		98.45%	a
PO-19A	SATE Accuracy, Rel. 8.0, %					100%		99.47%		98.94%	a
PO-19A	SATE Accuracy, Rel. 9.0, %					99.47%		100%		98.94%	a
PO-19A	SATE Accuracy, Rel. VICKI, %					100%		100%		100%	a
PO-19B	SATE Accuracy, %					99.16%					a c d

Metric Number:
* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting
D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:
a = Sample size less than or equal to 10 in June 2002
b = Sample size less than or equal to 10 in July 2002
c = Sample size less than or equal to 10 in August 2002
d = Sample size less than or equal to 10 in September 2002

Appendix H

Utah Performance Metrics

The data in this appendix are taken from Qwest November 15 Ex Parte Letter Attach. 1 (Statewide Average Performance Summary, CO, ID, IA, MT, NE, ND, UT, WA, WY, May-Sept 2002). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Ctr
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
BILLING											
BI-1	**Time to Provide Recorded Usage Records**										
BI-1A	UNEs and Resale Aggr, Avg Days		4.16	2.27	4.23	2.34	3.78	2.21	3.06	1.85	
BI-1B	Jointly-provided Switched Access, %			100%		100%		100%		93.61%	
BI-1C-1	[CAT11], UNEs and Resale Aggr, Avg Days		4.16	2.28	4.23	2.37	3.78	2.23	3.06	1.86	
BI-1C-2	[CAT10], UNEs and Resale Aggr, Avg Days		4.16	1.75	4.23	1.76	3.78	1.63	3.06	1.67	
BI-2	**Invoices Delivered within 10 Days**										
BI-2	All, %			100%		100%		100%		100%	
BI-3	**Billing Accuracy - Adjustments for Errors**										
BI-3A	UNEs and Resale Aggr, %		98.86%	99.05%	99.57%	98.80%	98.75%	98.43%	99.54%	97.79%	
BI-3B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-4	**Billing Completeness**										
BI-4A	UNEs and Resale Aggr, %		99.22%	97.33%	99.24%	96.67%	99.33%	97.90%	99.30%	97.19%	
BI-4B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-5	**Billing Accuracy & Claims Processing**										
BI-5A	Acknowledgment, All, %			91.30%		89.52%		100%		99.70%	
BI-5B	Resolution, All, %			90.18%		74.66%		96.38%		100%	
COLLOCATION											
CP-1	**Collocation Completion Interval**										
CP-1A	90 Calendar Days or Less, All, Avg Days					71.00					a b c d
CP-1B	91 to 120 Calendar Days, All, Avg Days					54.00				97.00	a b c d
CP-2	**Collocations Completed within Scheduled Intervals**										
CP-2B	Non-Forecasted & Late Forecasted , All, %					100%				100%	a b c d
CP-3	**Collocation Feasibility Study Interval**										
CP-3	All, Avg Days							9.00			a b c d
CP-4	**Collocation Feasibility Study Commitments Met**										
CP-4	All, %			100%		100%		100%		100%	a b c d
DIRECTORY ASSISTANCE											
DA-1	**Speed of Answer - Directory Assistance**										
DA-1	Average Seconds		8.54		8.77		8.36		8.68		a b c d
DATABASE UPDATES											
DB-1	**Time to Update Databases**										
DB-1A	E911, Hrs:Min			4:58		3:06		2:22		1:48	

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
DB-1B	LIDB, Avg Sec			1.47		1.32		1.26		1.27	
DB-1C-1	Directory Listing, Avg Sec			0.09		0.11		0.09		0.11	
DB-2	**Accurate Database Updates**										
DB-2C-1	Directory Listing, %			93.67%		94.76%		95.77%		95.05%	
ELECTRONIC GATEWAY AVAILABILITY											
GA-1A	IMA-GUI, All, %			99.93%		100%		98.75%		100%	
GA-1B	IMA-GUI, Fetch-n-Stuff, %			100%		100%		100%		100%	
GA-1C	IMA-GUI, Data Arbiter, %			100%		100%		99.96%		100%	
GA-1D	IMA-GUI, SIA, %			100%		99.55%		100%		99.95%	
GA-2	IMA-EDI, %			99.93%		100%		98.26%		99.80%	
GA-3	EB-TA, %			100%		99.54%		99.31%		99.94%	
GA-4	EXACT, %			99.93%		100%		100%		100%	
GA-6	GUI - Repair, %			100%		99.50%		99.92%		100%	
GA-7	Timely Outage Resolution following Software Releases , %							100%			a b c d
MAINTENANCE AND REPAIR											
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**										
MR-2	All, %		78.59%	80.32%	78.57%	78.71%	84.85%	87.02%	86.24%	85.75%	
MR-3	**Out of Service Cleared within 24 Hours**										
MR-3	Basic Rate ISDN, %	D	96.72%		100%		100%		98.31%		a b c d
MR-3	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-3	Business, %	D	89.20%	80.00%	87.60%		90.20%	100%	87.85%		a b c d
MR-3	Business, %	ND	98.55%	100%	97.29%		98.41%		97.60%	100%	a b c d
MR-3	Centrex 21, %	D	87.10%		87.61%		87.88%		90.48%		a b c d
MR-3	Centrex 21, %	ND	96.43%		100%		95.83%		100%		a b c d
MR-3	Centrex, %	D	90.91%		90.48%		89.47%		89.61%		a b c d
MR-3	Centrex, %	ND	92.31%		100%		90.91%		100%		a b c d
MR-3	Line Sharing, %	D	90.18%	0%	87.67%	75.00%	90.59%	50.00%	88.33%	66.67%	a b c
MR-3	Line Sharing, %	ND	96.66%	100%	95.58%	66.67%	97.30%	100%	96.88%	83.33%	a b
MR-3	PBX, %	D	96.67%		89.47%		97.50%		100%		a b c d
MR-3	PBX, %	ND	97.78%	100%	100%	100%	100%		100%	100%	a b c d
MR-3	Qwest DSL, %		88.80%	100%	81.37%		82.16%		87.54%		a b c d
MR-3	Residence, %	D	90.31%	100%	87.68%	87.50%	90.63%	92.31%	88.40%	92.31%	

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-3	Residence, %	ND	96.33%	100%	95.32%	100%	97.11%		96.77%	100%	a b c d
MR-3	UBL - 2-wire, %		98.18%	100%	100%	100%	100%	95.24%	99.17%	100%	
MR-3	UBL - ADSL Qualified, %		88.80%		81.37%		82.16%		87.54%		a b c d
MR-3	UBL Analog, %		91.46%	100%	89.30%	100%	91.97%	99.16%	89.82%	98.66%	
MR-3	UBL ISDN Capable, %		98.18%	100%	100%	100%	100%	100%	99.17%	100%	d
MR-3	UNE-P, POTS, %	D	90.18%	83.95%	87.67%	86.36%	90.59%	90.38%	88.33%	91.23%	
MR-3	UNE-P, POTS, %	ND	96.66%	100%	95.58%	100%	97.30%	100%	96.88%	100%	
MR-3	UNE-P, Centrex, %	D	90.91%		90.48%		89.47%		89.61%		a b c d
MR-3	UNE-P, Centrex, %	ND	92.31%		100%		90.91%		100%		a b c d
MR-3	UNE-P, Centrex 21, %	D	87.10%	77.78%	87.61%	88.24%	87.88%	100%	90.48%	90.00%	a c d
MR-3	UNE-P, Centrex 21, %	ND	96.43%	100%	100%	100%	95.83%	100%	100%	100%	a b c d
MR-4	**All Troubles Cleared within 48 Hours**										
MR-4	Basic Rate ISDN, %	D	98.36%		100%		100%		100%		a b c d
MR-4	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-4	Business, %	D	96.96%	80.00%	96.99%		96.69%	100%	96.74%	100%	a b c d
MR-4	Business, %	ND	99.82%	100%	99.80%	100%	100%	100%	100%	100%	a b c d
MR-4	Centrex 21, %	D	95.24%		97.95%		96.88%		97.18%		a b c d
MR-4	Centrex 21, %	ND	98.00%		100%		98.92%		100%		a b c d
MR-4	Centrex, %	D	97.10%		96.67%		91.95%		96.00%		a b c d
MR-4	Centrex, %	ND	100%		100%		100%		100%		a b c d
MR-4	Line Sharing, %	ND	99.26%	100%	99.58%	92.86%	99.68%	100%	99.86%	84.21%	a
MR-4	Line Sharing, %	D	98.09%	80.00%	97.45%	88.89%	98.16%	100%	97.48%	93.33%	a b c
MR-4	PBX, %	D	100%		92.31%		100%		100%		a b c d
MR-4	PBX, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-4	Qwest DSL, %		96.80%	100%	94.46%		93.50%		95.02%		a b c d
MR-4	Residence, %	D	98.24%	100%	97.51%	100%	98.35%	100%	97.57%	100%	
MR-4	Residence, %	ND	99.14%	100%	99.54%	100%	99.62%	100%	99.83%	100%	a b c d
MR-4	UBL - 2-wire, %		99.09%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UBL - ADSL Qualified, %		96.80%		94.46%		93.50%		95.02%		a b c d
MR-4	UBL Analog, %		98.39%	100%	98.00%	100%	98.56%	100%	98.02%	99.26%	
MR-4	UBL ISDN Capable, %		99.09%	100%	100%	100%	100%	100%	100%	100%	d
MR-4	UNE-P, POTS, %	D	98.09%	93.88%	97.45%	94.12%	98.16%	95.16%	97.48%	95.77%	
MR-4	UNE-P, POTS, %	ND	99.26%	100%	99.58%	98.75%	99.68%	100%	99.86%	100%	

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-4	UNE-P, Centrex, %	D	97.10%		96.67%		91.95%		96.00%		a b c d
MR-4	UNE-P, Centrex, %	ND	100%		100%		100%		100%		a b c d
MR-4	UNE-P, Centrex 21, %	D	95.24%	100%	97.95%	94.74%	96.88%	100%	97.18%	100%	c
MR-4	UNE-P, Centrex 21, %	ND	98.00%	100%	100%	100%	98.92%	100%	100%	100%	a b c d
MR-5	**All Troubles Cleared within 4 Hours**										
MR-5	DS0, %		85.77%		84.97%		86.94%		84.98%		a b c d
MR-5	DS1, %		84.06%	100%	84.55%	100%	85.75%	100%	83.91%	100%	a b c d
MR-5	DS3, %		100%		100%		100%		100%		a b c d
MR-5	EELs, %			100%		100%		100%		100%	a b c d
MR-5	Frame Relay, %		88.43%		79.03%		86.84%		85.00%		a b c d
MR-5	ISDN Primary, %		95.65%		96.55%	100%	90.91%	100%	93.75%	100%	a b c d
MR-5	LIS Trunk, %		84.62%	100%	100%	75.00%	100%	80.00%	90.91%	88.89%	b c
MR-5	UBL - 4-wire, %		84.06%	100%	84.55%	66.67%	85.75%		83.91%	66.67%	a b c d
MR-5	UBL - DS1 Capable, %		84.06%	100%	84.55%	71.43%	85.75%	80.00%	83.91%	71.43%	a b c d
MR-5	UBL - DS3 Capable, %		100%		100%		100%		100%		a b c d
MR-5	UDIT Above DS1 Level, %		100%	100%	100%	100%	100%	100%	100%		a b c d
MR-5	UDIT DS1, %		84.06%	100%	84.55%	100%	85.75%	100%	83.91%	0%	a b c d
MR-6	**Mean Time to Restore**										
MR-6	Basic Rate ISDN, Hrs:Min	D	5:02		3:36		3:09		5:02		a b c d
MR-6	Basic Rate ISDN, Hrs:Min	ND	1:04		0:46		1:09		0:35		a b c d
MR-6	Business, Hrs:Min	D	15:42	29:38	15:05		14:25	21:07	13:41	15:46	a b c d
MR-6	Business, Hrs:Min	ND	3:36	4:18	4:33	2:30	3:59	0:32	4:37	0:07	a b c d
MR-6	Centrex 21, Hrs:Min	D	16:01		13:44		15:13		14:41		a b c d
MR-6	Centrex 21, Hrs:Min	ND	4:31		3:34		6:14		3:37		a b c d
MR-6	Centrex, Hrs:Min	D	14:06		14:24		17:52		13:11		a b c d
MR-6	Centrex, Hrs:Min	ND	6:07		3:38		4:54		5:48		a b c d
MR-6	DS0, Hrs:Min		2:11		2:51		2:20		2:28		a b c d
MR-6	DS1, Hrs:Min		2:24	0:25	2:22	0:55	2:36	2:36	2:31	1:16	a b c d
MR-6	DS3, Hrs:Min		0:32		1:22		0:49		0:38		a b c d
MR-6	EELs, Hrs:Min			2:18		1:45		1:30		1:25	a b c d
MR-6	Frame Relay, Hrs:Min		1:55		2:35		2:40		2:03		a b c d
MR-6	ISDN Primary, Hrs:Min		1:07		1:41	1:35	1:54	1:30	1:03	0:16	a b c d
MR-6	Line Sharing, Hrs:Min	ND	7:02	1:09	7:48	13:08	6:52	6:07	7:44	13:58	a

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-6	Line Sharing, Hrs:Min	D	15:58	36:39	16:51	28:38	15:30	20:10	16:10	21:25	a b c
MR-6	LIS Trunk, Hrs:Min		1:29	1:18	0:45	2:53	1:18	1:47	2:40	1:52	b c
MR-6	PBX, Hrs:Min	D	10:10		21:18		9:10		6:00		a b c d
MR-6	PBX, Hrs:Min	ND	2:07	1:23	1:17	2:22	1:50	0:08	2:53	0:11	a b c d
MR-6	Qwest DSL, Hrs:Min		15:57	5:44	13:39		16:05		10:47		a b c d
MR-6	Residence, Hrs:Min	D	16:00	12:28	17:04	8:57	15:39	13:15	16:28	10:51	
MR-6	Residence, Hrs:Min	ND	7:43	1:21	8:21	14:31	7:22	21:13	8:16	4:59	a b c d
MR-6	UBL - 2-wire, Hrs:Min		3:16	1:56	1:59	2:15	2:01	2:41	2:46	2:37	
MR-6	UBL - 4-wire, Hrs:Min		2:24	1:53	2:22	3:46	2:36		2:31	2:47	a b c d
MR-6	UBL - ADSL Qualified, Hrs:Min		15:57		13:39		16:05		10:47		a b c d
MR-6	UBL - DS1 Capable, Hrs:Min		2:24	1:14	2:22	6:01	2:36	3:02	2:31	3:46	a b c d
MR-6	UBL - DS3 Capable, Hrs:Min		0:32		1:22		0:49		0:38		a b c d
MR-6	UBL Analog, Hrs:Min		13:41	4:31	14:31	4:44	13:15	3:55	14:15	3:14	
MR-6	UBL ISDN Capable, Hrs:Min		3:16	3:18	1:59	2:56	2:01	3:04	2:46	2:44	d
MR-6	UDIT Above DS1 Level, Hrs:Min		0:32	0:57	1:22	0:44	0:49	0:50	0:38		a b c d
MR-6	UDIT DS1, Hrs:Min		2:24	1:40	2:22	0:23	2:36	1:30	2:31	11:37	a b c d
MR-6	UNE-P, POTS, Hrs:Min	D	15:58	16:19	16:51	18:56	15:30	14:28	16:10	17:34	
MR-6	UNE-P, POTS, Hrs:Min	ND	7:02	3:54	7:48	5:01	6:52	2:27	7:44	2:33	
MR-6	UNE-P, Centrex, Hrs:Min	D	14:06		14:24		17:52		13:11		a b c d
MR-6	UNE-P, Centrex, Hrs:Min	ND	6:07		3:38		4:54		5:48		a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	D	16:01	15:10	13:44	14:12	15:13	10:58	14:41	11:42	c
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	4:31	6:07	3:34	2:46	6:14	6:46	3:37	2:06	a b c d
MR-7	**Repair Repeat Report Rate**										
MR-7	Basic Rate ISDN, %	D	13.11%		23.21%		22.00%		26.67%		a b c d
MR-7	Basic Rate ISDN, %	ND	22.45%		10.81%		16.92%		17.74%		a b c d
MR-7	Business, %	D	14.36%	40.00%	15.98%		13.06%	0%	13.87%	0%	a b c d
MR-7	Business, %	ND	15.07%	16.67%	14.14%	0%	12.33%	0%	13.11%	0%	a b c d
MR-7	Centrex 21, %	D	13.08%		17.01%		11.72%		11.11%		a b c d
MR-7	Centrex 21, %	ND	13.00%		12.37%		18.28%		20.00%		a b c d
MR-7	Centrex, %	D	12.16%		6.25%		14.61%		13.59%		a b c d
MR-7	Centrex, %	ND	19.05%		15.15%		12.12%		11.54%		a b c d
MR-7	DS0, %		19.10%		24.48%		24.25%		18.18%		a b c d
MR-7	DS1, %		24.45%	0%	22.13%	0%	24.15%	50.00%	25.33%	0%	a b c d

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7	DS3, %		25.00%		9.09%		40.00%		25.00%		a b c d
MR-7	EELs, %			0%		25.00%		50.00%		0%	a b c d
MR-7	Frame Relay, %		21.49%		27.42%		25.44%		20.00%		a b c d
MR-7	ISDN Primary, %		13.04%		3.45%	0%	21.21%	0%	12.50%	0%	a b c d
MR-7	Line Sharing, %	D	52.38%	63.64%	47.52%	33.33%	39.13%	25.00%	47.95%	33.33%	b c
MR-7	Line Sharing, %	ND	31.55%	14.29%	35.44%	42.86%	38.55%	66.67%	33.65%	47.37%	a
MR-7	LIS Trunk, %		0%	7.14%	22.22%	25.00%	20.00%	20.00%	9.09%	22.22%	b c
MR-7	PBX, %	D	15.15%		3.85%		2.08%		6.45%		a b c d
MR-7	PBX, %	ND	16.00%	0%	9.80%	0%	17.39%	0%	8.57%	0%	a b c d
MR-7	Qwest DSL, %		36.80%	0%	39.41%		38.75%		37.37%		a b c d
MR-7	Residence, %	D	13.49%	0%	14.67%	21.05%	12.26%	7.69%	13.97%	0%	
MR-7	Residence, %	ND	12.95%	0%	12.77%	0%	12.34%	0%	12.44%	40.00%	a b c d
MR-7	UBL - 2-wire, %		17.27%	12.50%	16.15%	3.33%	19.13%	9.09%	22.13%	3.57%	
MR-7	UBL - 4-wire, %		24.45%	20.00%	22.13%	0%	24.15%		25.33%	0%	a b c d
MR-7	UBL - ADSL Qualified, %		36.80%		39.41%		38.75%		37.37%		a b c d
MR-7	UBL - DS1 Capable, %		24.45%	22.22%	22.13%	28.57%	24.15%	20.00%	25.33%	0%	a b c d
MR-7	UBL - DS3 Capable, %		25.00%		9.09%		40.00%		25.00%		a b c d
MR-7	UBL Analog, %		13.51%	12.72%	14.34%	11.97%	12.35%	13.13%	13.64%	13.28%	
MR-7	UBL ISDN Capable, %		17.27%	14.29%	16.15%	14.29%	19.13%	20.00%	22.13%	12.50%	d
MR-7	UDIT Above DS1 Level, %		25.00%	50.00%	9.09%	0%	40.00%	0%	25.00%		a b c d
MR-7	UDIT DS1, %		24.45%	16.67%	22.13%	0%	24.15%	100%	25.33%	0%	a b c d
MR-7	UNE-P, POTS, %	ND	13.30%	21.19%	12.97%	16.25%	12.34%	10.96%	12.54%	22.22%	
MR-7	UNE-P, POTS, %	D	13.59%	16.16%	14.81%	21.84%	12.35%	9.52%	13.96%	9.46%	
MR-7	UNE-P, Centrex, %	D	12.16%		6.25%		14.61%		13.59%		a b c d
MR-7	UNE-P, Centrex, %	ND	19.05%		15.15%		12.12%		11.54%		a b c d
MR-7	UNE-P, Centrex 21, %	ND	13.00%	28.57%	12.37%	0%	18.28%	33.33%	20.00%	0%	a b c d
MR-7	UNE-P, Centrex 21, %	D	13.08%	14.29%	17.01%	21.05%	11.72%	33.33%	11.11%	7.14%	c
MR-7*	Basic Rate ISDN, %	D	9.09%		23.91%		21.05%				a b c d
MR-7*	Basic Rate ISDN, %	ND	26.32%		10.71%		16.67%				a b c d
MR-7*	Business, %	D	14.31%	25.00%	15.57%		12.43%	0%			a b c d
MR-7*	Business, %	ND	18.48%	0%	17.00%		15.10%	0%			a b c d
MR-7*	Centrex 21, %	D	12.73%		16.54%		11.82%				a b c d
MR-7*	Centrex 21, %	ND	5.66%		13.16%		21.82%				a b c d

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7*	Centrex, %	D	12.50%		5.45%		8.22%				a b c d
MR-7*	Centrex, %	ND	0%		22.22%		14.29%				a b c d
MR-7*	DS0, %		19.13%		26.21%		22.28%				a b c d
MR-7*	DS1, %		25.88%	0%	25.15%	0%	24.43%	50.00%			a b c d
MR-7*	DS3, %		23.08%		11.11%		37.50%				a b c d
MR-7*	EELs, %			0%		25.00%		100%			a b c d
MR-7*	Frame Relay, %		22.09%		25.81%		30.59%				a b c d
MR-7*	ISDN Primary, %		13.33%		0%	0%	33.33%	0%			a b c d
MR-7*	Line Sharing, %	D	57.69%	57.14%	50.72%	16.67%	39.85%	25.00%			a b c d
MR-7*	Line Sharing, %	ND	31.90%	0%	37.50%	50.00%	35.98%	100%			a b c d
MR-7*	LIS Trunk, %		0%	7.69%	0%	25.00%	0%	20.00%			b c d
MR-7*	PBX, %	D	11.11%		5.00%		2.56%				a b c d
MR-7*	PBX, %	ND	21.43%	0%	5.26%		5.26%	0%			a b c d
MR-7*	Qwest DSL, %		36.62%		42.33%		37.71%				a b c d
MR-7*	Residence, %	D	13.18%	0%	14.39%	21.05%	12.00%	8.33%			d
MR-7*	Residence, %	ND	13.72%	0%	14.33%	0%	13.10%				a b c d
MR-7*	UBL - 2-wire, %		13.51%	12.50%	18.92%	5.56%	19.35%	0%			d
MR-7*	UBL - 4-wire, %		25.88%	25.00%	25.15%	0%	24.43%				a b c d
MR-7*	UBL - ADSL Qualified, %		36.62%		42.33%		37.71%				a b c d
MR-7*	UBL - DS1 Capable, %		25.88%	22.22%	25.15%	28.57%	24.43%	22.22%			a b c d
MR-7*	UBL - DS3 Capable, %		23.08%		11.11%		37.50%				a b c d
MR-7*	UBL Analog, %		13.51%	11.56%	14.55%	12.37%	12.25%	12.23%			d
MR-7*	UBL ISDN Capable, %		13.51%	8.33%	18.92%	8.33%	19.35%	23.81%			d
MR-7*	UDIT Above DS1 Level, %		23.08%	50.00%	11.11%	0%	37.50%	0%			a b c d
MR-7*	UDIT DS1, %		25.88%	20.00%	25.15%	0%	24.43%				a b c d
MR-7*	UNE-P, POTS, %	ND	14.72%	22.37%	14.77%	18.18%	13.45%	8.89%			d
MR-7*	UNE-P, POTS, %	D	13.30%	14.89%	14.52%	20.27%	12.05%	9.43%			d
MR-7*	UNE-P, Centrex, %	D	12.50%		5.45%		8.22%				a b c d
MR-7*	UNE-P, Centrex, %	ND	0%		22.22%		14.29%				a b c d
MR-7*	UNE-P, Centrex 21, %	D	12.73%	15.38%	16.54%	23.53%	11.82%	0%			c d
MR-7*	UNE-P, Centrex 21, %	ND	5.66%	50.00%	13.16%	0%	21.82%	50.00%			a b c d
MR-8	**Trouble Rate**										
MR-8	Basic Rate ISDN, %		1.00%	0%	1.20%	0%	1.07%	0%	1.14%	0%	a b c d

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8	Business, %		0.86%	2.28%	0.78%	0.20%	0.73%	0.62%	0.75%	0.42%	
MR-8	Centrex 21, %		0.75%	0%	0.80%	0%	0.72%	0%	0.70%	0%	
MR-8	Centrex, %		0.30%		0.30%		0.38%		0.40%		a b c d
MR-8	Dark Fiber - IOF, %			0%		0%		0%		0%	d
MR-8	DS0, %		0.53%	0%	0.56%	0%	0.53%	0%	0.50%	0%	a b c d
MR-8	DS1, %		1.97%	2.61%	2.06%	3.33%	1.79%	1.34%	1.64%	1.37%	
MR-8	DS3, %		0.96%		0.67%		0.60%		0.48%	0%	a b c d
MR-8	E911, %		0%	0%	0%	0%	0%	0%	0%	0%	
MR-8	EELs, %			3.77%		5.80%		2.44%		1.03%	
MR-8	Frame Relay, %		2.01%		2.10%		1.95%		1.74%		a b c d
MR-8	ISDN Primary, %		0.04%	0%	0.04%	0.17%	0.05%	0.17%	0.02%	0.17%	
MR-8	Line Sharing, %		1.51%	1.17%	1.48%	1.39%	1.38%	0.92%	1.45%	1.88%	
MR-8	LIS Trunk, %		0.02%	0.02%	0.02%	0.01%	0.02%	0.01%	0.02%	0.02%	
MR-8	PBX, %		0.22%	0.08%	0.20%	0.16%	0.26%	0.09%	0.19%	0.17%	
MR-8	Qwest DSL, %		1.85%	20.00%	2.34%	0%	3.15%	0%	2.28%	0%	a b c d
MR-8	Residence, %		1.70%	1.51%	1.68%	1.61%	1.57%	0.98%	1.65%	1.36%	
MR-8	UBL - 2-wire, %		1.00%	1.05%	1.20%	1.27%	1.07%	0.90%	1.14%	1.12%	
MR-8	UBL - 4-wire, %		1.97%	2.46%	2.06%	1.49%	1.79%	0%	1.64%	1.55%	
MR-8	UBL - ADSL Qualified, %		1.85%	0%	2.34%	0%	3.15%	0%	2.28%	0%	a b c d
MR-8	UBL - DS1 Capable, %		1.97%	4.19%	2.06%	3.10%	1.79%	3.97%	1.64%	2.61%	
MR-8	UBL - DS3 Capable, %		0.96%		0.67%		0.60%		0.48%		a b c d
MR-8	UBL Analog, %		1.51%	1.19%	1.48%	1.04%	1.38%	0.98%	1.45%	0.97%	
MR-8	UBL ISDN Capable, %		1.00%	1.70%	1.20%	1.69%	1.07%	2.93%	1.14%	0.92%	
MR-8	UDIT Above DS1 Level, %		0.96%	2.41%	0.67%	2.41%	0.60%	1.20%	0.48%	0%	
MR-8	UDIT DS1, %		1.97%	5.22%	2.06%	1.74%	1.79%	0.87%	1.64%	3.31%	
MR-8	UNE-P, POTS, %		1.51%	1.40%	1.48%	1.10%	1.38%	0.97%	1.45%	1.14%	
MR-8	UNE-P, Centrex, %		0.30%		0.30%		0.38%		0.40%		a b c d
MR-8	UNE-P, Centrex 21, %		0.75%	1.15%	0.80%	1.21%	0.72%	0.51%	0.70%	1.03%	
MR-8*	Basic Rate ISDN, %		0.67%	0%	0.68%	0%	0.57%	0%			a b c d
MR-8*	Business, %		0.67%	1.45%	0.60%	0%	0.56%	0.41%			d
MR-8*	Centrex 21, %		0.53%	0%	0.54%	0%	0.54%	0%			d
MR-8*	Centrex, %		0.24%		0.23%		0.27%				a b c d
MR-8*	Dark Fiber - IOF, %			0%		0%		0%			d

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8*	DS0, %		0.36%	0%	0.40%	0%	0.40%	0%			a b c d
MR-8*	DS1, %		1.46%	1.31%	1.46%	2.00%	1.32%	1.34%			d
MR-8*	DS3, %		0.78%		0.54%		0.48%				a b c d
MR-8*	E911, %		0%	0%	0%	0%	0%	0%			d
MR-8*	EELs, %			3.77%		5.80%		1.22%			d
MR-8*	Frame Relay, %		1.43%		1.57%		1.45%				a b c d
MR-8*	ISDN Primary, %		0.02%	0%	0.02%	0.17%	0.03%	0.17%			d
MR-8*	Line Sharing, %		1.23%	0.78%	1.18%	0.73%	1.10%	0.29%			d
MR-8*	LIS Trunk, %		0.01%	0.02%	0.01%	0.01%	0.01%	0.01%			d
MR-8*	PBX, %		0.14%	0.08%	0.10%	0%	0.16%	0.09%			d
MR-8*	Qwest DSL, %		1.05%	0%	1.44%	0%	2.34%	0%			a b c d
MR-8*	Residence, %		1.39%	1.31%	1.35%	1.54%	1.26%	0.84%			d
MR-8*	UBL - 2-wire, %		0.67%	0.70%	0.68%	0.76%	0.57%	0.57%			d
MR-8*	UBL - 4-wire, %		1.46%	1.97%	1.46%	1.00%	1.32%	0%			d
MR-8*	UBL - ADSL Qualified, %		1.05%	0%	1.44%	0%	2.34%	0%			a b c d
MR-8*	UBL - DS1 Capable, %		1.46%	4.19%	1.46%	3.10%	1.32%	3.57%			d
MR-8*	UBL - DS3 Capable, %		0.78%		0.54%		0.48%				a b c d
MR-8*	UBL Analog, %		1.23%	0.84%	1.18%	0.78%	1.10%	0.71%			d
MR-8*	UBL ISDN Capable, %		0.67%	1.46%	0.68%	1.45%	0.57%	2.46%			d
MR-8*	UDIT Above DS1 Level, %		0.78%	2.41%	0.54%	2.41%	0.48%	1.20%			d
MR-8*	UDIT DS1, %		1.46%	4.35%	1.46%	0.87%	1.32%	0%			d
MR-8*	UNE-P, POTS, %		1.23%	1.10%	1.18%	0.78%	1.10%	0.70%			d
MR-8*	UNE-P, Centrex, %		0.24%		0.23%		0.27%				a b c d
MR-8*	UNE-P, Centrex 21, %		0.53%	0.82%	0.54%	0.99%	0.54%	0.28%			d
MR-9	**Repair Appointments Met**										
MR-9	Basic Rate ISDN, %	D	0%		50.00%		66.67%		66.67%		a b c d
MR-9	Basic Rate ISDN, %	ND					100%		100%		a b c d
MR-9	Business, %	D	88.37%	80.00%	85.35%		82.79%	100%	84.62%	100%	a b c d
MR-9	Business, %	ND	98.05%	100%	97.54%	100%	96.92%	100%	96.12%	100%	a b c d
MR-9	Centrex 21, %	D	83.85%		80.95%		72.66%		84.03%		a b c d
MR-9	Centrex 21, %	ND	96.00%		98.97%		93.55%		97.14%		a b c d
MR-9	Centrex, %	D	56.16%		52.38%		59.55%		60.78%		a b c d
MR-9	Centrex, %	ND	90.00%		96.30%		81.25%		96.15%		a b c d

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-9	PBX, %	D	72.41%		47.62%		70.27%		70.59%		a b c d
MR-9	PBX, %	ND	78.57%		100%	100%	90.91%	100%	83.33%	100%	a b c d
MR-9	Residence, %	ND	98.61%	100%	98.08%	50.00%	99.02%	100%	98.09%	80.00%	a b c d
MR-9	Residence, %	D	95.04%	93.75%	93.69%	89.47%	94.91%	92.31%	94.02%	100%	
MR-9	UNE-P, POTS, %	D	94.27%	91.92%	92.78%	86.21%	93.56%	80.95%	92.99%	79.73%	
MR-9	UNE-P, POTS, %	ND	98.52%	97.46%	98.00%	93.75%	98.71%	100%	97.80%	100%	
MR-10	**Customer and Non-Qwest Related Trouble Reports**										
MR-10	Basic Rate ISDN, %		32.10%		31.94%		41.92%		39.00%		a b c d
MR-10	Business, %		28.19%	8.33%	29.66%	50.00%	29.42%	40.00%	28.89%	33.33%	b c d
MR-10	Centrex 21, %		25.32%		26.95%		25.84%		28.67%		a b c d
MR-10	Centrex, %		24.00%		22.40%		20.26%		24.56%		a b c d
MR-10	DS0, %		28.61%		27.41%		21.64%		23.10%		a b c d
MR-10	DS1, %		24.79%	0%	25.74%	16.67%	25.81%	50.00%	29.03%	33.33%	a b c d
MR-10	DS3, %		20.00%		21.43%		44.44%		38.46%		a b c d
MR-10	Frame Relay, %		34.24%		27.91%		22.45%		28.06%		a b c d
MR-10	ISDN Primary, %		28.13%		32.56%	75.00%	32.65%	0%	33.33%	0%	a b c d
MR-10	LIS Trunk, %		23.53%	12.50%	55.00%	50.00%	33.33%	28.57%	8.33%	10.00%	b
MR-10	PBX, %		28.45%	66.67%	36.89%	0%	28.79%	50.00%	25.00%	60.00%	a b c d
MR-10	Qwest DSL, %		42.40%	0%	45.18%		36.81%		44.36%		a b c d
MR-10	Residence, %		26.36%	15.38%	28.86%	11.54%	29.42%	22.22%	29.45%	20.83%	
MR-10	UBL - 2-wire, %		32.10%	14.29%	31.94%	6.25%	41.92%	8.33%	39.00%	15.15%	
MR-10	UBL - 4-wire, %		24.79%	16.67%	25.74%	25.00%	25.81%	100%	29.03%	25.00%	a b c d
MR-10	UBL - ADSL Qualified, %		42.40%		45.18%		36.81%		44.36%		a b c d
MR-10	UBL - DS1 Capable, %		24.79%	35.71%	25.74%	12.50%	25.81%	16.67%	29.03%	12.50%	b d
MR-10	UBL - DS3 Capable, %		20.00%		21.43%		44.44%		38.46%		a b c d
MR-10	UBL Analog, %		26.60%	18.21%	28.95%	26.63%	29.42%	21.04%	29.38%	19.10%	
MR-10	UBL ISDN Capable, %		32.10%	12.50%	31.94%	12.50%	41.92%	10.71%	39.00%	57.89%	
MR-10	UDIT Above DS1 Level, %		20.00%	33.33%	21.43%	0%	44.44%	0%	38.46%	100%	a b c d
MR-10	UDIT DS1, %		24.79%	14.29%	25.74%	33.33%	25.81%	50.00%	29.03%	0%	a b c d
MR-10	UNE-P, POTS, %		26.60%	26.69%	28.95%	20.85%	29.42%	30.61%	29.38%	28.90%	
MR-10	UNE-P, Centrex, %		24.00%		22.40%		20.26%		24.56%		a b c d
MR-10	UNE-P, Centrex 21, %		25.32%	30.00%	26.95%	18.52%	25.84%	35.71%	28.67%	35.71%	
MR-11	**LNP Trouble Reports Cleared**										

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-11A	within 4 Hours, %		55.74%		46.64%		51.72%	0%	45.29%	100%	a b c d
MR-11B	within 48 Hours, %		99.26%		99.58%		99.68%	100%	99.86%	100%	a b c d
NETWORK PERFORMANCE											
NI-1	**Trunk Blocking**										
NI-1A	to Qwest Tandem Offices, LIS Trunk, %		0%	0%	0%	0%	0%	0%	0%	0%	
NI-1B	to Qwest End Offices, LIS Trunk, %		0%	0%	0%	0.01%	0%	0%	0%	0.20%	
NI-1C	to Qwest Tandem Offices, LIS Trunk, %		0%	0%	0%	0%	0%	0.07%	0%	0.51%	
NI-1D	to Qwest End Offices, LIS Trunk, %		0%	0%	0%	0.01%	0%	0%	0%	0.82%	
ORDER ACCURACY											
OA-1	Order Accuracy, % (OP-5++)					99.02%		99.72%		99.66%	a
ORDERING AND PROVISIONING											
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**										
OP-2	Default, %		80.97%	96.94%	75.62%	97.87%	72.08%	98.27%	82.25%	97.82%	
OP-3	**Installation Commitments Met**										
OP-3	Basic Rate ISDN, %	D	90.00%		85.71%		100%		100%		a b c d
OP-3	Basic Rate ISDN, %	ND	100%		100%				100%		a b c d
OP-3	Basic Rate ISDN, %		95.65%		92.05%		94.41%		93.75%		a b c d
OP-3	Business, %	D	94.27%		90.88%	100%	92.06%	100%	90.93%	100%	a b c d
OP-3	Business, %	ND	97.42%	100%	99.42%	100%	99.69%	100%	98.98%	95.45%	a b
OP-3	Centrex 21, %	D	94.59%		90.00%		91.78%		95.24%		a b c d
OP-3	Centrex 21, %	ND	97.73%		100%		95.00%		100%		a b c d
OP-3	Centrex, %	D	95.76%		93.85%		95.59%		92.14%		a b c d
OP-3	Centrex, %	ND	93.75%		100%		100%		100%		a b c d
OP-3	Dark Fiber - IOF, %									100%	a b c d
OP-3	DS0, %		40.00%		90.00%		92.86%		70.00%		a b c d
OP-3	DS1, %		80.27%		82.93%		84.62%		83.60%		a b c d
OP-3	DS3, %		88.57%		82.35%		70.59%		82.76%		a b c d
OP-3	EELs, %			100%		85.71%		71.43%		81.82%	a b c
OP-3	Frame Relay, %		64.00%		78.57%		72.58%		57.69%		a b c d
OP-3	ISDN Primary, %	D	0%								a b c d
OP-3	ISDN Primary, %	ND	100%		100%				100%		a b c d
OP-3	ISDN Primary, %		71.19%	100%	54.93%		18.99%		38.18%		a b c d
OP-3	Line Sharing, %	D	94.24%		93.99%		93.64%		93.22%		a b c d

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	Line Sharing, %	ND	99.51%	100%	99.63%	100%	99.64%	99.24%	99.53%	100%	
OP-3	LIS Trunk, %		100%	92.31%	87.50%	100%	85.71%	100%	96.43%	100%	b
OP-3	PBX, %	D	87.50%		100%		100%		100%		a b c d
OP-3	PBX, %	ND	100%		100%		90.91%		100%		a b c d
OP-3	PBX, %		66.67%		68.18%	100%	85.71%		72.22%		a b c d
OP-3	Qwest DSL, %	ND	99.81%	100%	99.22%	100%	99.54%	100%	98.51%	100%	a b c d
OP-3	Qwest DSL, %	D	96.58%		93.92%		94.40%		94.61%		a b c d
OP-3	Qwest DSL, %		91.67%		96.43%	100%	100%		94.12%		a b c d
OP-3	Residence, %	D	94.23%	91.43%	94.86%	96.77%	94.07%	96.97%	93.90%	90.00%	
OP-3	Residence, %	ND	99.58%	99.31%	99.64%	100%	99.64%	100%	99.55%	100%	
OP-3	UBL - 2-wire, %		95.24%	97.37%	91.75%	99.07%	94.48%	100%	93.88%	96.92%	
OP-3	UBL - 4-wire, %		80.27%	100%	82.93%		84.62%	100%	83.60%	100%	a b c d
OP-3	UBL - ADSL Qualified, %		96.58%	100%	93.92%	100%	94.42%		94.63%		c d
OP-3	UBL - DS1 Capable, %		80.27%	100%	82.93%	88.89%	84.62%	81.82%	83.60%	85.71%	a b
OP-3	UBL - DS3 Capable, %		88.57%		82.35%		70.59%		82.76%		a b c d
OP-3	UBL Analog, %	D	94.24%								a b c d
OP-3	UBL Analog, %		94.24%	96.53%	93.99%	98.09%	93.64%	99.14%	93.22%	99.70%	
OP-3	UBL Conditioned, %			97.01%		93.75%		95.65%		60.61%	
OP-3	UBL ISDN Capable, %		95.24%	100%	91.75%	85.71%	94.48%	97.67%	93.88%	97.14%	
OP-3	UDIT Above DS1 Level, %		88.57%		82.35%		70.59%		82.76%	100%	a b c d
OP-3	UDIT DS1, %		80.27%		82.93%		84.62%		83.60%	100%	a b c d
OP-3	UNE-P, POTS, %	D	94.24%	93.85%	93.99%	96.61%	93.64%	94.37%	93.22%	89.55%	
OP-3	UNE-P, POTS, %	ND	99.51%	100%	99.63%	100%	99.64%	99.60%	99.53%	99.42%	
OP-3	UNE-P, Centrex, %	D	95.76%		93.85%		95.59%		92.14%		a b c d
OP-3	UNE-P, Centrex, %	ND	93.75%		100%		100%		100%		a b c d
OP-3	UNE-P, Centrex 21, %	D	94.59%	100%	90.00%		91.78%	100%	95.24%	100%	a b c d
OP-3	UNE-P, Centrex 21, %	ND	97.73%	100%	100%	100%	95.00%	100%	100%	100%	a b c
OP-4	**Installation Interval**										
OP-4	Basic Rate ISDN, Avg Days	D	4.30		8.29		1.50		2.00		a b c d
OP-4	Basic Rate ISDN, Avg Days	ND			3.00				1.50		a b c d
OP-4	Basic Rate ISDN, Avg Days		8.68		8.45		16.15		7.92		a b c d
OP-4	Business, Avg Days	D	5.47		5.93	4.00	5.99	2.50	6.22	3.50	a b c d
OP-4	Business, Avg Days	ND	3.36	1.50	3.47	3.00	3.12	3.00	3.66	3.11	a b c d

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	Centrex 21, Avg Days	D	6.34		6.86		6.23		5.56		a b c d
OP-4	Centrex 21, Avg Days	ND	4.78		4.35		2.92		4.88		a b c d
OP-4	Centrex, Avg Days	D	6.53		4.28		5.61		8.26		a b c d
OP-4	Centrex, Avg Days	ND	4.91		2.86		2.08		2.64		a b c d
OP-4	Dark Fiber - IOF, Avg Days									8.64	a b c
OP-4	DS0, Avg Days	D	29.00								a b c d
OP-4	DS0, Avg Days		9.89		6.18		5.56		4.80		a b c d
OP-4	DS1, Avg Days		15.15		13.95		13.27		15.69		a b c d
OP-4	DS3, Avg Days		12.63		20.56		26.30		21.36		a b c d
OP-4	EELs, Avg Days			6.67		16.00		10.25		15.50	a b c d
OP-4	Frame Relay, Avg Days		15.00				23.00		14.00		a b c d
OP-4	ISDN Primary, Avg Days		16.54		22.02		23.91	73.00	19.43		a b c d
OP-4	ISDN Primary, Avg Days	D	44.00								a b c d
OP-4	ISDN Primary, Avg Days	ND	7.00		2.50				6.50		a b c d
OP-4	Line Sharing, Avg Days	D	5.58		6.50		6.50		6.29		a b c d
OP-4	Line Sharing, Avg Days	ND	3.53	2.98	3.58	3.00	3.50	3.11	3.70	3.12	
OP-4	LIS Trunk, Avg Days		18.67	20.50	16.46	12.40	29.94	20.00	17.93	14.80	b
OP-4	PBX, Avg Days	D	9.88		4.44		3.55		4.50		a b c d
OP-4	PBX, Avg Days	ND	3.00		1.55		2.50		3.00		a b c d
OP-4	PBX, Avg Days		15.12		15.38	8.00	12.36		11.55	12.00	a b c d
OP-4	Qwest DSL, Avg Days	ND	9.50	10.00	4.93	6.00	4.89		4.94	6.17	a b c d
OP-4	Qwest DSL, Avg Days	D	9.96		6.57		5.79		5.53		a b c d
OP-4	Qwest DSL, Avg Days		5.70		5.07	5.00	4.56		4.33		a b c d
OP-4	Residence, Avg Days	D	5.61	3.54	6.66	3.16	6.63	3.03	6.31	3.03	
OP-4	Residence, Avg Days	ND	3.53	2.97	3.58	2.98	3.50	3.01	3.70	3.00	
OP-4	UBL - 2-wire, Avg Days		8.33	4.22	8.38	4.40	15.98	4.32	7.79	4.17	
OP-4	UBL - 4-wire, Avg Days		15.15	4.00	13.95		13.27	5.00	15.69	4.25	a b c d
OP-4	UBL - ADSL Qualified, Avg Days		9.96	3.75	6.57	3.73	5.79		5.52		c d
OP-4	UBL - DS1 Capable, Avg Days		15.15	19.33	13.95	8.14	13.27	17.11	15.69	5.36	a b c
OP-4	UBL - DS3 Capable, Avg Days		12.63		20.56		26.30		21.36		a b c d
OP-4	UBL Analog, Avg Days	D	5.58								a b c d
OP-4	UBL Analog, Avg Days		5.58	4.95	6.50	5.11	6.50	4.75	6.29	5.11	
OP-4	UBL Conditioned, Avg Days			5.50		6.10		7.63		9.57	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	UBL ISDN Capable, Avg Days		8.33	3.85	8.38	4.86	15.98	4.49	7.79	4.54	
OP-4	UDIT Above DS1 Level, Avg Days		12.63		20.56		26.30		21.36	16.00	a b c d
OP-4	UDIT DS1, Avg Days		15.15	6.50	13.95		13.27		15.69	14.00	a b c d
OP-4	UNE-P, POTS, Avg Days	D	5.58	5.38	6.50	7.72	6.50	5.38	6.29	6.51	
OP-4	UNE-P, POTS, Avg Days	ND	3.53	3.42	3.58	2.71	3.50	2.70	3.70	3.08	
OP-4	UNE-P, Centrex, Avg Days	D	6.53		4.28		5.61		8.26		a b c d
OP-4	UNE-P, Centrex, Avg Days	ND	4.91		2.86		2.08		2.64		a b c d
OP-4	UNE-P, Centrex 21, Avg Days	D	6.34	6.33	6.86		6.23	5.50	5.56	7.00	a b c d
OP-4	UNE-P, Centrex 21, Avg Days	ND	4.78	5.00	4.35	3.00	2.92	3.00	4.88	3.29	a b c d
OP-5	**New Service Installation Quality**										
OP-5	Basic Rate ISDN, %		92.08%		96.49%		85.11%		94.01%		a b c d
OP-5	Business, %		81.50%	88.89%	85.71%	100%	83.99%	100%	86.39%	100%	a b c
OP-5	Centrex 21, %		75.83%		71.79%		76.11%		77.14%		a b c d
OP-5	Centrex, %		96.43%		97.02%		92.70%		92.47%		a b c d
OP-5	Dark Fiber - IOF, %									100%	a b c d
OP-5	DS0, %		25.00%		16.67%		68.42%		0%		a b c d
OP-5	DS1, %		91.78%		86.56%		92.02%		93.39%		a b c d
OP-5	DS3, %		100%		100%		100%		97.22%		a b c d
OP-5	E911, %			100%		100%	100%	100%	100%		a b c d
OP-5	EELs, %			90.00%		100%		100%		100%	a
OP-5	Frame Relay, %		90.28%		90.91%		92.31%		94.44%		a b c d
OP-5	ISDN Primary, %		93.75%	100%	93.40%	0%	93.81%	100%	96.84%	100%	a b c d
OP-5	Line Sharing, %		86.04%	97.12%	85.60%	94.92%	85.80%	98.41%	87.35%	93.18%	
OP-5	LIS Trunk, %		80.00%	100%	100%	100%	100%	100%	95.45%	92.31%	
OP-5	PBX, %		82.98%	100%	98.21%	100%	72.41%	0%	92.86%	100%	a b c d
OP-5	Qwest DSL, %		99.78%	100%	99.86%	100%	99.84%	100%	99.89%	100%	a b c d
OP-5	Residence, %		86.56%	92.70%	85.59%	92.31%	85.99%	96.15%	87.45%	95.19%	
OP-5	UBL - 2-wire, %		92.08%	97.33%	96.49%	95.90%	85.11%	97.84%	94.01%	91.33%	
OP-5	UBL - 4-wire, %		91.78%	100%	86.56%	100%	92.02%	100%	93.39%	66.67%	a b c d
OP-5	UBL - ADSL Qualified, %		98.27%	100%	98.75%	100%	98.65%	100%	99.03%		c d
OP-5	UBL - DS1 Capable, %		91.78%	95.24%	86.56%	100%	92.02%	95.45%	93.39%	88.89%	
OP-5	UBL - DS3 Capable, %		100%		100%		100%		97.22%		a b c d
OP-5	UBL Analog, %		61.88%	96.95%	61.69%	95.92%	60.22%	97.68%	63.99%	97.74%	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5	UBL ISDN Capable, %		92.08%	93.02%	96.49%	97.62%	85.11%	81.82%	94.01%	95.12%	
OP-5	UDIT Above DS1 Level, %		100%		100%		100%		97.22%	100%	a b c d
OP-5	UDIT DS1, %		91.78%	100%	86.56%	100%	92.02%		93.39%	100%	a b c d
OP-5	UNE-P, POTS, %		86.04%	86.43%	85.60%	88.80%	85.80%	89.54%	87.35%	94.99%	
OP-5	UNE-P, Centrex, %		96.43%		97.02%		92.70%		92.47%		a b c d
OP-5	UNE-P, Centrex 21, %		75.83%	83.33%	71.79%	50.00%	76.11%	100%	77.14%	95.24%	a b c
OP-5*	Basic Rate ISDN, %		97.03%		97.37%		93.62%				a b c d
OP-5*	Business, %		85.73%	100%	89.55%	100%	88.21%	100%			a b c d
OP-5*	Centrex 21, %		83.33%		79.49%		79.65%				a b c d
OP-5*	Centrex, %		96.88%		97.02%		95.51%				a b c d
OP-5*	DS0, %		37.50%		33.33%		73.68%				a b c d
OP-5*	DS1, %		93.66%		92.03%		94.41%				a b c d
OP-5*	DS3, %		100%		100%		100%				a b c d
OP-5*	E911, %			100%		100%	100%	100%			a b c d
OP-5*	EELs, %			90.00%		100%		100%			a d
OP-5*	Frame Relay, %		90.28%		93.94%		94.87%				a b c d
OP-5*	ISDN Primary, %		96.88%	100%	96.23%	0%	95.58%	100%			a b c d
OP-5*	Line Sharing, %		88.76%	97.12%	88.24%	97.74%	88.54%	100%			d
OP-5*	LIS Trunk, %		90.00%	100%	100%	100%	100%	100%			d
OP-5*	PBX, %		87.23%	100%	100%	100%	82.76%	0%			a b c d
OP-5*	Qwest DSL, %		99.88%	100%	99.88%	100%	99.86%	100%			a b c d
OP-5*	Residence, %		89.10%	93.26%	88.09%	92.31%	88.58%	96.15%			d
OP-5*	UBL - 2-wire, %		97.03%	98.67%	97.37%	96.72%	93.62%	99.28%			d
OP-5*	UBL - 4-wire, %		93.66%	100%	92.03%	100%	94.41%	100%			a b c d
OP-5*	UBL - ADSL Qualified, %		99.04%	100%	98.92%	100%	98.82%	100%			c d
OP-5*	UBL - DS1 Capable, %		93.66%	95.24%	92.03%	100%	94.41%	95.45%			d
OP-5*	UBL - DS3 Capable, %		100%		100%		100%				a b c d
OP-5*	UBL Analog, %		69.30%	98.05%	68.71%	97.22%	67.90%	98.30%			d
OP-5*	UBL ISDN Capable, %		97.03%	93.02%	97.37%	100%	93.62%	84.09%			d
OP-5*	UDIT Above DS1 Level, %		100%		100%		100%				a b c d
OP-5*	UDIT DS1, %		93.66%	100%	92.03%	100%	94.41%				a b c d
OP-5*	UNE-P, POTS, %		88.76%	90.27%	88.24%	91.41%	88.54%	91.50%			d
OP-5*	UNE-P, Centrex, %		96.88%		97.02%		95.51%				a b c d

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5*	UNE-P, Centrex 21, %		83.33%	100%	79.49%	75.00%	79.65%	100%			a b c d
OP-6A	**Delayed Days for Non-Facility Reasons**										
OP-6A	Basic Rate ISDN, Avg Days	D	1.00								a b c d
OP-6A	Basic Rate ISDN, Avg Days		10.67		14.57		12.50		11.00		a b c d
OP-6A	Business, Avg Days	D	7.42		6.86		3.98		6.47		a b c d
OP-6A	Business, Avg Days	ND	6.67		4.00		3.00		1.00	6.00	a b c d
OP-6A	Centrex 21, Avg Days	D	3.00		10.75		5.00		11.50		a b c d
OP-6A	Centrex 21, Avg Days	ND	2.00				2.50				a b c d
OP-6A	Centrex, Avg Days	D	3.75		1.80		7.33		7.44		a b c d
OP-6A	Centrex, Avg Days	ND	35.50								a b c d
OP-6A	DS0, Avg Days	D	19.00								a b c d
OP-6A	DS0, Avg Days		7.00		3.00		2.50		2.75		a b c d
OP-6A	DS1, Avg Days		17.10		20.73		18.17		17.94		a b c d
OP-6A	DS3, Avg Days		14.40		26.57		42.57		14.13		a b c d
OP-6A	EELs, Avg Days					16.25		7.67		35.00	a b c d
OP-6A	Frame Relay, Avg Days		15.75		9.40		18.06		29.00		a b c d
OP-6A	ISDN Primary, Avg Days		13.66		21.71		16.50	62.00	13.61		a b c d
OP-6A	ISDN Primary, Avg Days	D	42.00								a b c d
OP-6A	Line Sharing, Avg Days	D	4.81	1.50	5.97	3.00	3.74	1.00	5.67		a b c d
OP-6A	Line Sharing, Avg Days	ND	4.30		4.38		3.53	17.00	5.48		a b c d
OP-6A	LIS Trunk, Avg Days			6.00	5.33		65.00		9.00		a b c d
OP-6A	PBX, Avg Days	ND					8.00				a b c d
OP-6A	PBX, Avg Days		21.11		12.46		21.25		6.29		a b c d
OP-6A	Qwest DSL, Avg Days	D	6.67		2.57		4.76		5.25		a b c d
OP-6A	Qwest DSL, Avg Days	ND	30.20		4.79		2.94		6.62		a b c d
OP-6A	Qwest DSL, Avg Days		3.50		1.00		9.00				a b c d
OP-6A	Residence, Avg Days	D	3.28		4.87		3.59		5.26	1.00	a b c d
OP-6A	Residence, Avg Days	ND	3.74		4.40		3.54		5.75		a b c d
OP-6A	UBL - 2-wire, Avg Days		9.29	28.33	14.57	16.50	12.50		11.00	6.67	a b c d
OP-6A	UBL - 4-wire, Avg Days		17.10		20.73		18.17		17.94		a b c d
OP-6A	UBL - ADSL Qualified, Avg Days		6.67		2.57		4.76		5.25		a b c d
OP-6A	UBL - DS1 Capable, Avg Days		17.10	30.00	20.73	11.50	18.17	19.25	17.94	17.33	a b c d
OP-6A	UBL - DS3 Capable, Avg Days		14.40		26.57		42.57		14.13		a b c d

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6A	UBL Analog, Avg Days	D	4.81								a b c d
OP-6A	UBL Analog, Avg Days		4.81	7.09	5.97	9.14	3.74	5.05	5.67	8.00	d
OP-6A	UBL ISDN Capable, Avg Days		9.29		14.57	6.00	12.50	1.00	11.00		a b c d
OP-6A	UDIT Above DS1 Level, Avg Days		14.40		26.57		42.57		14.13		a b c d
OP-6A	UDIT DS1, Avg Days		17.10		20.73		18.17		17.94		a b c d
OP-6A	UNE-P, POTS, Avg Days	D	4.81	24.00	5.97	16.00	3.74	10.00	5.67	2.33	a b c d
OP-6A	UNE-P, POTS, Avg Days	ND	4.30		4.38		3.53	2.00	5.48	4.25	a b c d
OP-6A	UNE-P, Centrex, Avg Days	D	3.75		1.80		7.33		7.44		a b c d
OP-6A	UNE-P, Centrex, Avg Days	ND	35.50								a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	D	3.00		10.75		5.00		11.50		a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	ND	2.00				2.50				a b c d
OP-6B	**Delayed Days for Facility Reasons**										
OP-6B	Basic Rate ISDN, Avg Days	D			25.00						a b c d
OP-6B	Basic Rate ISDN, Avg Days		35.00				12.50				a b c d
OP-6B	Business, Avg Days	D	10.38		11.36		9.73		12.39		a b c d
OP-6B	Centrex 21, Avg Days	D	1.00		5.50		9.50		13.50		a b c d
OP-6B	Centrex, Avg Days	D	11.33		9.67		17.67		1.00		a b c d
OP-6B	DS1, Avg Days		15.40		14.56		23.10		30.10		a b c d
OP-6B	DS3, Avg Days		42.00								a b c d
OP-6B	EELs, Avg Days									36.00	a b c d
OP-6B	Frame Relay, Avg Days		16.50		4.00		19.67		18.25		a b c d
OP-6B	ISDN Primary, Avg Days		28.00		9.00						a b c d
OP-6B	Line Sharing, Avg Days	D	9.71		9.96		10.73		10.12	9.00	a b c d
OP-6B	Line Sharing, Avg Days	ND	12.44		5.38	11.50	7.57	3.00	5.50	8.14	a b c
OP-6B	PBX, Avg Days	D	50.00								a b c d
OP-6B	PBX, Avg Days		6.00		46.00				35.00		a b c d
OP-6B	Qwest DSL, Avg Days	D	5.50		3.25		8.40		2.63		a b c d
OP-6B	Qwest DSL, Avg Days	ND	28.50		66.00		3.00		6.00		a b c d
OP-6B	Qwest DSL, Avg Days								3.00		a b c d
OP-6B	Residence, Avg Days	D	9.57	4.00	9.50	5.00	11.02	3.00	9.25	3.00	a b c d
OP-6B	Residence, Avg Days	ND	12.44	3.00	5.38		7.57		5.50		a b c d
OP-6B	UBL - 2-wire, Avg Days		35.00		25.00		12.50			2.00	a b c d
OP-6B	UBL - 4-wire, Avg Days		15.40		14.56		23.10		30.10		a b c d

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6B	UBL - ADSL Qualified, Avg Days		5.50		3.25		8.40		2.63		a b c d
OP-6B	UBL - DS1 Capable, Avg Days		15.40		14.56		23.10	21.00	30.10		a b c d
OP-6B	UBL - DS3 Capable, Avg Days		42.00								a b c d
OP-6B	UBL Analog, Avg Days	D	9.71								a b c d
OP-6B	UBL Analog, Avg Days		9.71		9.96	3.00	10.73		10.12	2.00	a b c d
OP-6B	UBL ISDN Capable, Avg Days		35.00		25.00	1.00	12.50			7.00	a b c d
OP-6B	UDIT Above DS1 Level, Avg Days		42.00								a b c d
OP-6B	UDIT DS1, Avg Days		15.40		14.56		23.10		30.10		a b c d
OP-6B	UNE-P, POTS, Avg Days	D	9.71	5.67	9.96	25.00	10.73	11.75	10.12	23.00	a b c d
OP-6B	UNE-P, POTS, Avg Days	ND	12.44		5.38		7.57		5.50		a b c d
OP-6B	UNE-P, Centrex, Avg Days	D	11.33		9.67		17.67		1.00		a b c d
OP-6B	UNE-P, Centrex 21, Avg Days	D	1.00		5.50		9.50		13.50		a b c d
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**										
OP-7	Analog, Hrs:Min			0:03		0:02		0:03		0:03	
OP-7	Other, Hrs:Min			0:05				0:02			a b c d
OP-8	**Number Portability Timeliness**										
OP-8B	LNP, %			99.89%		99.71%		99.88%		99.51%	
OP-8C	% LNP Triggers Set Prior to the Frame Due Time, LNP%			99.87%		99.72%		99.75%		99.68%	
OP-13	**Coordinated Cuts - Unbundled Loop**										
OP-13A	Completed on Time, UBL - Analog, %			99.34%		99.58%		99.27%		98.50%	
OP-13A	Completed on Time, UBL Other, %			98.61%		96.97%		95.35%		98.21%	
OP-13B	Started Without CLEC Approval, UBL - Analog, %			0%		0%		0%		0%	
OP-13B	Started Without CLEC Approval, UBL Other, %			0%		1.52%		0%		0%	
OP-15A	**Interval for Pending Orders Delayed Past Due Date**										
OP-15A	Basic Rate ISDN, Avg Days		93.79		119.76		123.90		136.06		a b c d
OP-15A	Business, Avg Days		83.10		88.50		93.13		96.26		a b c d
OP-15A	Centrex 21, Avg Days		42.83		57.20		68.60		169.00		a b c d
OP-15A	Centrex, Avg Days		25.67		38.82		82.31		88.31		a b c d
OP-15A	DS0, Avg Days		380.50		402.50		283.67		444.50		a b c d
OP-15A	DS1, Avg Days		39.93		35.93		25.70		31.81	0.00	a b c d
OP-15A	DS3, Avg Days		58.09		56.83		97.33		22.44		a b c d
OP-15A	EELs, Avg Days			20.00		23.00		32.00		24.67	a b c d

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15A	Frame Relay, Avg Days		75.38		25.68		24.75		26.32		a b c d
OP-15A	ISDN Primary, Avg Days		179.09		89.28		114.95		66.58		a b c d
OP-15A	Line Sharing, Avg Days			2.60		8.60		3.92		4.33	a b
OP-15A	LIS Trunk, Avg Days									4.00	a b c d
OP-15A	PBX, Avg Days		77.33		50.18		76.13		72.00		a b c d
OP-15A	Residence, Avg Days		60.10	2.00	72.76		75.69		70.35	0.00	a b c d
OP-15A	UBL - 2-wire, Avg Days		93.79	7.00	119.76	8.00	123.90	9.75	136.06	9.00	a b c d
OP-15A	UBL - 4-wire, Avg Days		39.93		35.93		25.70		31.81		a b c d
OP-15A	UBL - DS1 Capable, Avg Days		39.93	16.00	35.93	13.11	25.70	5.67	31.81	2.50	a b c d
OP-15A	UBL - DS3 Capable, Avg Days		58.09		56.83		97.33		22.44		a b c d
OP-15A	UBL Analog, Avg Days		65.78	8.59	76.52	14.31	85.30		80.87	4.52	c
OP-15A	UBL ISDN Capable, Avg Days		93.79	9.50	119.76	7.75	123.90	15.00	136.06	41.00	a b c d
OP-15A	UDIT Above DS1 Level, Avg Days		58.09		56.83		97.33		22.44		a b c d
OP-15A	UDIT DS1, Avg Days		39.93		35.93		25.70		31.81		a b c d
OP-15A	UNE-P, POTS, Avg Days		67.99	19.38	78.38	25.75	82.10	14.33	78.67	26.80	a b c d
OP-15A	UNE-P, Centrex, Avg Days		25.67		38.82		82.31		88.31		a b c d
OP-15A	UNE-P, Centrex 21, Avg Days		42.83		57.20		68.60		169.00	1.55	a b c
OP-15B	**Pending Orders Delayed for Facilities Reasons**										
OP-15B	Basic Rate ISDN		3		3		1		1		a b c d
OP-15B	Business		91		101		111		103		a b c d
OP-15B	Centrex 21		4		2		3		1		a b c d
OP-15B	Centrex		5		3		3		5		a b c d
OP-15B	DS0		0		0		0		0		a b c d
OP-15B	DS1		26		51		70		56	1	a b c d
OP-15B	DS3		4		4		4		6		a b c d
OP-15B	EELs			1		2		2		2	a b c d
OP-15B	Frame Relay		5		14		14		9		a b c d
OP-15B	ISDN Primary		8		7		8		2		a b c d
OP-15B	Line Sharing			4		4		12		12	a b c d
OP-15B	LIS Trunk									1	a b c d
OP-15B	PBX		2		2		3		5		a b c d
OP-15B	Residence		202	1	187		182		213	1	a b c d
OP-15B	UBL - 2-wire		3	1	3	1	1	4	1	5	a b c d

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15B	UBL - 4-wire		26		51		70		56		a b c d
OP-15B	UBL - DS1 Capable		26	0	51	4	70	2	56	2	a b c d
OP-15B	UBL - DS3 Capable		4		4		4		6		a b c d
OP-15B	UBL Analog		193	4	184	9	173		212	15	a b c d
OP-15B	UBL ISDN Capable		3	1	3	0	1	3	1	1	a b c d
OP-15B	UDIT Above DS1 Level		4		4		4		6		a b c d
OP-15B	UDIT DS1		26		51		70		56		a b c d
OP-15B	UNE-P, POTS		293	6	288	2	293	5	316	2	a b c d
OP-15B	UNE-P, Centrex		5		3		3		5		a b c d
OP-15B	UNE-P, Centrex 21		4		2		3		1	0	a b c d
OP-17	**Timeliness of Disconnects associated with LNP Orders**										
OP-17A	LNP, %			100%		100%		99.97%		99.92%	
OP-17B	LNP, %			100%		100%		100%		100%	
OPERATOR SERVICES											
OS-1	**Speed of Answer - Operator Services**										
OS-1	Average Seconds		9.26		9.86		8.92		8.69		a b c d
PRE-ORDER/ORDER											
PO-1	**Pre-Order/Order Response Times**										
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec			0.55		0.57		0.55		0.56	
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec			2.44		2.6		2.24		1.77	
PO-1A-1Total	Appt. Sched, GUI Aggr, Avg Sec			2.99		3.17		2.79		2.33	
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec			0.51		0.52		0.51		0.5	
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec			5.66		6.11		6.37		6.75	
PO-1A-2Total	Service Avail, GUI Aggr, Avg Sec			6.17		6.63		6.89		7.25	
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec			0.7		0.72		0.7		0.7	
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec			7.41		7.73		7.63		7.48	
PO-1A-3Total	Facility Check, GUI Aggr, Avg Sec			8.11		8.45		8.33		8.18	
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec			1.3		1.32		1.34		1.31	
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec			4.64		4.65		4.67		5.1	
PO-1A-4Total	Address Validation, GUI Aggr, Avg Sec			5.94		5.97		6.01		6.41	
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec			0.69		0.74		0.72		0.7	
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec			6.55		5.79		5.82		5.59	
PO-1A-5Total	Get CSR, GUI Aggr, Avg Sec			7.23		6.53		6.54		6.28	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec			0.79		0.82		0.8		0.79	
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec			4.45		4.91		4.69		4.5	
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec			0.65		0.74		0.71		0.66	
PO-1A-6Total	TN Reserv, GUI Aggr, Avg Sec			5.89		6.47		6.2		5.94	
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec			0.95		0.98		0.96		1.05	
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec			8.73		8.09		7.9		5.75	
PO-1A-7Total	Loop Qual Tools, GUI Aggr, Avg Sec			9.68		9.07		8.86		6.8	
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec			0.9		0.98		0.91		0.91	
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec			5.51		6.66		6.09		5.63	
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggr, Avg Sec			6.41		7.64		7		6.54	
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec			0.44		0.44		0.47		0.44	
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec			17.83		18.14		14.1		8.25	
PO-1A-9Total	Connecting Facility Assign, GUI Aggr, Avg Sec			18.28		18.58		14.56		8.69	
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec			0.48		0.48		0.48		0.47	
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec			19.85		19.95		13.51		4.87	
PO-1A-10Total	Meet Point Inquiry, GUI Aggr, Avg Sec			20.34		20.43		14		5.34	
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec			4.77		4.55		3.99		3.55	
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec			6.32		6.09		6.23		6.61	
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec			6.38		5.73		6.75		7.33	
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec			3.11		2.47		2.52		2.88	
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec			3.43		2.01		2.6		2.66	
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec			5.41		5.52		5.06		5.18	
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec			9.23		8.64		9.67		7.24	
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec			6.31		6.11		5.16		5.74	
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec			18.12		16.97		12.37		8.03	
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec			20.77		20.29		13.09		5.41	
PO-1C-1	Timeout, GUI Total, %			0.05%		0.10%		0.02%		0.04%	
PO-1C-2	Timeout, EDI Total, %			0.07%		0%		0.02%		0.24%	
PO-1D-1	Rejected Query, GUI Total, Avg Sec			1.46		1.57		1.36		1.34	
PO-1D-2	Rejected Query, EDI Total, Avg Sec			2.84		3.15		2.15		1.84	
PO-2	**Electronic Flow-through**										
PO-2A-1	GUI, LNP, %			4.20%		7.75%		6.51%		6.74%	
PO-2A-1	GUI, Resale Aggr w/o UNE-P-POTS, %			78.07%		66.94%		68.19%		63.03%	

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-2A-1	GUI, UBL Aggr, %			19.19%		21.11%		23.86%		22.93%	
PO-2A-1	GUI, UNE-P, POTS, %			64.80%		65.97%		64.10%		57.37%	
PO-2A-2	EDI, LNP, %			57.97%		62.68%		64.58%		56.95%	
PO-2A-2	EDI, Resale Aggr w/o UNE-P-POTS, %			8.00%		6.25%		8.70%		8.57%	
PO-2A-2	EDI, UBL Aggr, %			48.20%		52.91%		54.12%		64.60%	
PO-2A-2	EDI, UNE-P, POTS, %			56.04%		64.62%		51.53%		60.10%	
PO-2B-1	All Eligible LSRs, GUI, LNP, %			71.43%		57.89%		77.78%		85.71%	a
PO-2B-1	All Eligible LSRs, GUI, POTS Resale, %			89.95%		78.12%		79.85%		75.95%	
PO-2B-1	All Eligible LSRs, GUI, UBL Aggr, %			80.70%		91.57%		92.05%		90.77%	
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %			86.78%		91.81%		91.46%		88.01%	
PO-2B-2	All Eligible LSRs, EDI, LNP, %			98.95%		96.67%		95.30%		96.68%	
PO-2B-2	All Eligible LSRs, EDI, POTS Resale, %			40.00%		33.33%		50.00%		60.00%	a b c d
PO-2B-2	All Eligible LSRs, EDI, UBL Aggr, %			88.10%		91.16%		91.76%		91.10%	
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %			86.44%		91.10%		90.21%		91.26%	
PO-3	**LSR Rejection Notice Interval**										
PO-3A-1	GUI - Manual Reject, Product Aggr, Hrs:Min			10:51		2:47		3:12		9:54	
PO-3A-2	GUI - Auto-Reject, Product Aggr, Min:Sec			00:04		00:04		00:03		00:03	
PO-3B-1	EDI - Manual Reject, Product Aggr, Hrs:Min			3:00		1:52		3:01		3:27	
PO-3B-2	EDI - Auto-Reject, Product Aggr, Min:Sec			00:06		00:06		00:05		00:05	
PO-3C	Manual and IIS, Product Aggr, Hrs:Min			18:52		13:48		22:06		10:12	
PO-4	**LSRs Rejected**										
PO-4A-1	GUI - Manual Reject, Product Aggr, %			4.36%		2.25%		2.41%		2.20%	
PO-4A-2	GUI - Auto-Reject, Product Aggr, %			31.30%		32.17%		31.07%		31.56%	
PO-4B-1	EDI - Manual Reject, Product Aggr, %			8.19%		4.46%		4.57%		4.67%	
PO-4B-2	EDI - Auto-Reject, Product Aggr, %			24.11%		24.10%		20.28%		20.79%	
PO-4C	Facsimile , Product Aggr, %			44.83%		20.31%		27.87%		42.86%	
PO-5	**Firm Order Confirmations (FOCs) On Time**										
PO-5A-1(a)	Fully Electronic, GUI, Resale Aggr, %			100%		100%		100%		100%	
PO-5A-1(b)	Fully Electronic, GUI, UBL Aggr, %			100%		100%		100%		100%	
PO-5A-1(c)	Fully Electronic, GUI, LNP, %			100%		100%		100%		100%	a d
PO-5A-2(a)	Fully Electronic, EDI, Resale Aggr, %			99.47%		99.74%		100%		100%	
PO-5A-2(b)	Fully Electronic, EDI, UBL Aggr, %			98.71%		100%		100%		100%	
PO-5A-2(c)	Fully Electronic, EDI, LNP, %			99.82%		100%		100%		100%	

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-5B-1(a)	Elec/Manual, GUI, Resale Aggr, %			97.83%		98.81%		95.61%		96.67%	
PO-5B-1(b)	Elec/Manual, GUI, UBL Aggr, %			99.72%		98.55%		99.11%		98.73%	
PO-5B-1(c)	Elec/Manual, GUI, LNP, %			100%		100%		99.42%		100%	
PO-5B-2(a)	Elec/Manual, EDI, Resale Aggr, %			99.36%		96.85%		96.89%		99.71%	
PO-5B-2(b)	Elec/Manual, EDI, UBL Aggr, %			100%		99.85%		99.28%		99.85%	
PO-5B-2(c)	Elec/Manual, EDI, LNP, %			100%		100%		100%		99.74%	
PO-5C-(a)	Manual, Resale Aggr, %			84.62%		66.67%		88.24%		93.75%	
PO-5C-(b)	Manual, UBL Aggr, %			100%		100%		100%		100%	b c d
PO-5C-(c)	Manual, LNP, %			100%		100%		100%		100%	c
PO-5D	LIS Trunk, %			100%		95.45%		100%		100%	
PO-6	**Work Completion Notification Timeliness**										
PO-6A	IMA - GUI, All, Hrs:Min			0:26		0:56		1:57		1:20	
PO-6B	IMA - EDI, All, Hrs:Min			0:15		0:47		1:19		0:35	
PO-7	**Billing Completion Notification Timeliness**										
PO-7A-C	IMA - GUI, All, %		97.32%	95.46%	98.11%	99.67%	98.46%	99.74%	98.48%	95.63%	
PO-7B-C	IMA - EDI, All, %		97.32%		98.11%		98.46%		98.48%		a b c d
PO-8	**Jeopardy Notice Interval**										
PO-8A	Non-Designed Services, Avg Days		4.48	2.00	4.86	0.00	5.05	2.00	5.22	2.40	a b c d
PO-8B	UBLs and LNP, Avg Days		4.48	3.44	4.86	7.60	5.05	4.75	5.22	4.28	
PO-8C	LIS Trunk, Avg Days				9.00						a b c d
PO-8D	UNE-P, POTS, Avg Days		4.48	1.67	4.86	27.75	5.05	3.75	5.22	4.88	a b c d
PO-9	**Timely Jeopardy Notices**										
PO-9A	Non-Designed Services, %		34.48%	50.00%	36.27%	0%	36.09%	100%	32.19%	50.00%	a b c d
PO-9B	UBLs and LNP, %		34.48%	4.31%	36.27%	25.00%	36.09%	36.36%	32.19%	42.86%	d
PO-9C	LIS Trunk, %			0%	50.00%		0%		0%		a b c d
PO-9D	UNE-P, POTS, %		34.48%	25.00%	36.27%	0%	36.09%	50.00%	32.19%	33.33%	a b c d
PO-10	**LSR Accountability**										
PO-10	Product Aggr, %			100%		100%		100%		100%	
PO-15	**Number of Due Date Changes per Order**										
PO-15	All, Avg Days		0.06	0.12	0.04	0.11	0.04	0.08	0.03	0.08	
PO-16	**Timely Release Notifications**										
PO-16	Default, %					100%		100%		100%	a b c d
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**										

UTAH PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-19	SATE Accuracy, %			98.95%							b c d
PO-19A	SATE Accuracy, Rel. 10.0, %					100%		98.45%		98.45%	a
PO-19A	SATE Accuracy, Rel. 8.0, %					100%		99.47%		98.94%	a
PO-19A	SATE Accuracy, Rel. 9.0, %					99.47%		100%		98.94%	a
PO-19A	SATE Accuracy, Rel. VICKI, %					100%		100%		100%	a
PO-19B	SATE Accuracy, %					99.16%					a c d
PO-20	**Manual Service Order Accuracy**										
PO-20	POTS Resale, %			90.25%		90.58%		92.78%		96.88%	
PO-20	UBL Aggr, %			96.46%		95.20%		95.16%		94.42%	

Metric Number:
* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting
D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:
a = Sample size less than or equal to 10 in June 2002
b = Sample size less than or equal to 10 in July 2002
c = Sample size less than or equal to 10 in August 2002
d = Sample size less than or equal to 10 in September 2002

Appendix I

Washington Performance Metrics

The data in this appendix are taken from Qwest November 15 Ex Parte Letter Attach. 1 (Statewide Average Performance Summary, CO, ID, IA, MT, NE, ND, UT, WA, WY, May-Sept 2002). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Ctr
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
BILLING											
BI-1	**Time to Provide Recorded Usage Records**										
BI-1A	UNEs and Resale Aggr, Avg Days		6.43	2.58	5.62	2.66	5.98	2.54	4.54	2.28	
BI-1B	Jointly-provided Switched Access, %			99.53%		99.89%		99.85%		100%	
BI-1C-1	[CAT11], UNEs and Resale Aggr, Avg Days		6.43	2.57	5.62	2.67	5.98	2.58	4.54	2.33	
BI-1C-2	[CAT10], UNEs and Resale Aggr, Avg Days		6.43	2.59	5.62	2.65	5.98	2.47	4.54	2.21	
BI-2	**Invoices Delivered within 10 Days**										
BI-2	All, %			100%		100%		100%		100%	
BI-3	**Billing Accuracy - Adjustments for Errors**										
BI-3A	UNEs and Resale Aggr, %		99.44%	97.02%	99.05%	91.32%	99.32%	79.88%	99.19%	94.99%	
BI-3B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-4	**Billing Completeness**										
BI-4A	UNEs and Resale Aggr, %		98.37%	98.52%	98.25%	99.31%	98.44%	99.23%	98.78%	97.79%	
BI-4B	Reciprocal Compensation, %			100%		100%		100%		100%	
BI-5	**Billing Accuracy & Claims Processing**										
BI-5A	Acknowledgment, All, %			91.30%		89.52%		100%		99.70%	
BI-5B	Resolution, All, %			90.18%		74.66%		96.38%		100%	
COLLOCATION											
CP-1	**Collocation Completion Interval**										
CP-1A	90 Calendar Days or Less, All, Avg Days			59.00		58.00		69.00			a b c d
CP-1B	91 to 120 Calendar Days, All, Avg Days			95.00		83.20		47.00		62.80	a b c d
CP-1C	121 to 150 Calendar Days, All, Avg Days			90.00		73.67		98.00			a b c d
CP-2	**Collocations Completed within Scheduled Intervals**										
CP-2A	Forecasted , All, %					100%					a b c d
CP-2B	Non-Forecasted & Late Forecasted , All, %			100%		100%		100%		100%	a b c d
CP-2C	w/ Intervals Longer than 120 Days, All, %			100%		100%		100%			a b c d
CP-3	**Collocation Feasibility Study Interval**										
CP-3	All, Avg Days			6.00		2.75		4.67		6.50	a b c d
CP-4	**Collocation Feasibility Study Commitments Met**										
CP-4	All, %			100%		100%		100%		100%	a b c d
DIRECTORY ASSISTANCE											
DA-1	**Speed of Answer - Directory Assistance**										
DA-1	Average Seconds		8.54		8.77		8.36		8.68		a b c d
DATABASE UPDATES											

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
DB-1	**Time to Update Databases**										
DB-1A	E911, Hrs:Min			6:47		6:31		4:23		3:30	
DB-1B	LIDB, Avg Sec			1.47		1.32		1.26		1.27	
DB-1C-1	Directory Listing, Avg Sec			0.06		0.05		0.05		0.05	
DB-2	**Accurate Database Updates**										
DB-2C-1	Directory Listing, %			95.70%		95.12%		96.12%		96.38%	
ELECTRONIC GATEWAY AVAILABILITY											
GA-1A	IMA-GUI, All, %			99.93%		100%		98.75%		100%	
GA-1B	IMA-GUI, Fetch-n-Stuff, %			100%		100%		100%		100%	
GA-1C	IMA-GUI, Data Arbiter, %			100%		100%		99.96%		100%	
GA-1D	IMA-GUI, SIA, %			100%		99.55%		100%		99.95%	
GA-2	IMA-EDI, %			99.93%		100%		98.26%		99.80%	
GA-3	EB-TA, %			100%		99.54%		99.31%		99.94%	
GA-4	EXACT, %			99.93%		100%		100%		100%	
GA-6	GUI - Repair, %			100%		99.50%		99.92%		100%	
GA-7	Timely Outage Resolution following Software Releases , %							100%			a b c d
MAINTENANCE AND REPAIR											
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**										
MR-2	All, %		78.59%	80.32%	78.57%	78.71%	84.85%	87.02%	86.24%	85.75%	
MR-3	**Out of Service Cleared within 24 Hours**										
MR-3	Basic Rate ISDN, %	D	98.80%		100%		98.97%		100%		a b c d
MR-3	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-3	Business, %	D	93.28%	97.14%	90.73%	89.19%	93.04%	90.74%	92.78%	97.92%	
MR-3	Business, %	ND	95.93%	100%	99.09%	100%	97.05%	100%	83.22%	93.33%	
MR-3	Centrex 21, %	D	91.78%		95.81%		91.91%		87.82%		a b c d
MR-3	Centrex 21, %	ND	98.00%		98.41%		98.28%		80.88%		a b c d
MR-3	Centrex, %	ND	96.10%	100%	92.59%	100%	97.47%	50.00%	95.70%		a b c d
MR-3	Centrex, %	D	89.44%	100%	85.71%	100%	93.94%	100%	92.50%		a b c d
MR-3	Line Sharing, %	D	93.16%	75.00%	90.77%	42.86%	92.31%	76.92%	92.93%	71.43%	a b d
MR-3	Line Sharing, %	ND	98.27%	100%	97.73%	100%	97.91%	90.00%	92.12%	75.00%	a b c d
MR-3	PBX, %	D	92.68%	100%	94.23%		97.92%	100%	94.44%	100%	a b c d
MR-3	PBX, %	ND	98.73%	100%	99.03%	100%	100%	100%	100%	100%	a b c d
MR-3	Qwest DSL, %		90.16%		82.15%		90.40%		90.46%	100%	a b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-3	Residence, %	ND	98.60%	83.33%	97.44%	100%	98.03%	100%	94.18%	80.00%	d
MR-3	Residence, %	D	93.14%	98.44%	90.77%	97.20%	92.22%	98.02%	92.95%	95.51%	
MR-3	UBL - 2-wire, %		99.52%	100%	100%	100%	99.55%	100%	100%	100%	
MR-3	UBL - ADSL Qualified, %		90.16%	100%	82.15%	100%	90.40%	100%	90.46%	100%	a b c d
MR-3	UBL Analog, %		93.97%	100%	92.13%	100%	93.24%	100%	92.79%	100%	
MR-3	UBL ISDN Capable, %		99.52%	94.12%	100%	100%	99.55%	100%	100%	100%	
MR-3	UNE-P, POTS, %	ND	98.27%	100%	97.73%	100%	97.91%	100%	92.12%	80.00%	
MR-3	UNE-P, POTS, %	D	93.16%	97.53%	90.77%	85.71%	92.31%	94.25%	92.93%	94.67%	
MR-3	UNE-P, Centrex, %	ND	96.10%	100%	92.59%	100%	97.47%	100%	95.70%	75.00%	a b c d
MR-3	UNE-P, Centrex, %	D	89.44%	100%	85.71%	100%	93.94%	100%	92.50%	100%	a b c
MR-3	UNE-P, Centrex 21, %	D	91.78%	100%	95.81%	83.33%	91.91%	100%	87.82%	50.00%	a b c d
MR-3	UNE-P, Centrex 21, %	ND	98.00%	100%	98.41%	100%	98.28%		80.88%	100%	a b c d
MR-4	**All Troubles Cleared within 48 Hours**										
MR-4	Basic Rate ISDN, %	D	100%		100%		100%		100%		a b c d
MR-4	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-4	Business, %	D	97.67%	97.67%	96.68%	97.62%	97.95%	97.37%	96.98%	96.92%	
MR-4	Business, %	ND	99.16%	100%	99.71%	100%	99.15%	100%	92.03%	97.62%	
MR-4	Centrex 21, %	D	96.97%		97.75%		95.31%		97.00%		a b c d
MR-4	Centrex 21, %	ND	99.10%		99.25%	100%	100%		91.67%		a b c d
MR-4	Centrex, %	ND	98.39%	100%	96.15%	100%	98.37%	66.67%	96.88%		a b c d
MR-4	Centrex, %	D	97.80%	100%	92.20%	100%	95.95%	100%	96.24%		a c d
MR-4	Line Sharing, %	ND	99.65%	95.24%	99.70%	94.44%	99.44%	100%	97.15%	100%	c d
MR-4	Line Sharing, %	D	98.37%	72.73%	97.67%	87.50%	98.17%	92.31%	98.31%	85.71%	d
MR-4	PBX, %	D	97.83%	100%	96.55%		98.04%	100%	100%	100%	a b c d
MR-4	PBX, %	ND	98.85%	100%	99.13%	100%	100%	100%	100%	100%	a b c d
MR-4	Qwest DSL, %		96.88%		90.39%		96.01%		95.06%	100%	a b c d
MR-4	Residence, %	D	98.46%	100%	97.79%	99.17%	98.20%	100%	98.48%	99.01%	
MR-4	Residence, %	ND	99.72%	100%	99.70%	100%	99.49%	100%	98.20%	93.33%	
MR-4	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UBL - ADSL Qualified, %		96.88%	100%	90.39%	100%	96.01%	100%	95.06%	100%	a b c d
MR-4	UBL Analog, %		98.68%	100%	98.20%	100%	98.48%	100%	98.02%	100%	
MR-4	UBL ISDN Capable, %		100%	98.15%	100%	100%	100%	100%	100%	100%	
MR-4	UNE-P, POTS, %	ND	99.65%	100%	99.70%	100%	99.44%	100%	97.15%	96.83%	
MR-4	UNE-P, POTS, %	D	98.37%	99.15%	97.67%	98.36%	98.17%	99.02%	98.31%	96.51%	

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-4	UNE-P, Centrex, %	D	97.80%	100%	92.20%	100%	95.95%	100%	96.24%	94.12%	b c
MR-4	UNE-P, Centrex, %	ND	98.39%	100%	96.15%	100%	98.37%	100%	96.88%	92.31%	a b c
MR-4	UNE-P, Centrex 21, %	D	96.97%	100%	97.75%	100%	95.31%	100%	97.00%	66.67%	a b c d
MR-4	UNE-P, Centrex 21, %	ND	99.10%	100%	99.25%	100%	100%	100%	91.67%	100%	b c d
MR-5	**All Troubles Cleared within 4 Hours**										
MR-5	DS0, %		81.33%	50.00%	74.35%	100%	81.43%	100%	73.72%	100%	a b c d
MR-5	DS1, %		84.60%	91.67%	79.34%	85.71%	81.07%	83.33%	83.70%	75.00%	b c d
MR-5	DS3, %		77.78%		75.00%		88.89%		94.44%		a b c d
MR-5	E911, %		66.67%		100%	100%	100%	100%			a b c d
MR-5	EELs, %			83.33%		100%		33.33%		100%	b c d
MR-5	Frame Relay, %		85.59%		85.91%		84.24%		81.71%		a b c d
MR-5	ISDN Primary, %		96.30%	100%	93.75%	100%	88.46%		90.70%		a b c d
MR-5	LIS Trunk, %		100%	95.00%	100%	87.50%	86.67%	88.89%	93.33%	90.91%	c
MR-5	UBL - 4-wire, %		84.60%	100%	79.34%	100%	81.07%	100%	83.70%		a b c d
MR-5	UBL - DS1 Capable, %		84.60%	79.45%	79.34%	81.94%	81.07%	73.13%	83.70%	81.36%	
MR-5	UBL - DS3 Capable, %		77.78%		75.00%		88.89%		94.44%		a b c d
MR-5	UDIT Above DS1 Level, %		77.78%	100%	75.00%	50.00%	88.89%	66.67%	94.44%	100%	a b c d
MR-5	UDIT DS1, %		84.60%	100%	79.34%	100%	81.07%	100%	83.70%		a b c d
MR-6	**Mean Time to Restore**										
MR-6	Basic Rate ISDN, Hrs:Min	D	4:53		3:54		4:12		4:02		a b c d
MR-6	Basic Rate ISDN, Hrs:Min	ND	0:56		1:21		1:14		1:01		a b c d
MR-6	Business, Hrs:Min	D	10:21	7:54	12:12	14:30	11:45	11:19	11:30	9:16	
MR-6	Business, Hrs:Min	ND	4:02	2:38	3:59	3:48	4:27	4:19	9:59	5:32	
MR-6	Centrex 21, Hrs:Min	D	9:55		10:57		14:04		12:00		a b c d
MR-6	Centrex 21, Hrs:Min	ND	4:05		5:20	0:21	3:42		10:53		a b c d
MR-6	Centrex, Hrs:Min	D	12:08	2:23	23:17	9:00	10:44	1:17	10:23		a c d
MR-6	Centrex, Hrs:Min	ND	9:06	6:09	13:10	4:22	7:19	21:39	6:58		a b c d
MR-6	DS0, Hrs:Min		2:59	4:16	2:47	1:53	2:47	1:17	4:15	1:05	a b c d
MR-6	DS1, Hrs:Min		1:59	1:17	2:36	2:41	2:39	2:27	2:21	2:14	b c d
MR-6	DS3, Hrs:Min		1:58		2:36		1:36		1:23		a b c d
MR-6	E911, Hrs:Min		8:21		0:33	0:34	0:02	1:40			a b c d
MR-6	EELs, Hrs:Min			1:55		1:35		5:15		0:44	b c d
MR-6	Frame Relay, Hrs:Min		2:06		2:00		2:18		3:15		a b c d
MR-6	ISDN Primary, Hrs:Min		1:11	0:58	3:04	0:38	2:18		1:33		a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-6	Line Sharing, Hrs:Min	D	13:37	37:49	14:40	39:47	14:03	21:31	13:50	14:50	d
MR-6	Line Sharing, Hrs:Min	ND	5:18	12:29	6:11	8:57	6:24	4:55	8:03	13:03	c d
MR-6	LIS Trunk, Hrs:Min		0:32	1:09	1:12	2:23	2:19	2:09	1:19	1:35	c
MR-6	PBX, Hrs:Min	D	11:02	1:21	9:30		7:42	3:08	6:30	6:46	a b c d
MR-6	PBX, Hrs:Min	ND	2:10	1:33	4:06	2:09	2:06	0:17	2:21	0:20	a b c d
MR-6	Qwest DSL, Hrs:Min		11:17		15:22		9:35		9:37	10:17	a b c d
MR-6	Residence, Hrs:Min	D	14:01	9:53	14:58	11:34	14:20	13:15	14:08	11:01	
MR-6	Residence, Hrs:Min	ND	5:30	4:38	6:39	2:19	6:43	5:01	7:40	9:51	
MR-6	UBL - 2-wire, Hrs:Min		2:30	2:14	2:17	3:07	2:31	2:36	2:22	2:18	
MR-6	UBL - 4-wire, Hrs:Min		1:59	0:50	2:36	1:47	2:39	1:39	2:21		a b c d
MR-6	UBL - ADSL Qualified, Hrs:Min		11:17	4:12	15:22	3:41	9:35	3:48	9:37	1:25	a b c d
MR-6	UBL - DS1 Capable, Hrs:Min		1:59	2:43	2:36	3:00	2:39	3:10	2:21	2:25	
MR-6	UBL - DS3 Capable, Hrs:Min		1:58		2:36		1:36		1:23		a b c d
MR-6	UBL Analog, Hrs:Min		11:35	2:51	12:27	2:56	12:12	3:03	12:25	2:39	
MR-6	UBL ISDN Capable, Hrs:Min		2:30	5:09	2:17	2:24	2:31	2:23	2:22	2:13	
MR-6	UDIT Above DS1 Level, Hrs:Min		1:58	1:09	2:36	4:48	1:36	2:07	1:23	0:33	a b c d
MR-6	UDIT DS1, Hrs:Min		1:59	1:00	2:36	1:31	2:39	1:10	2:21		a b c d
MR-6	UNE-P, POTS, Hrs:Min	D	13:37	9:04	14:40	13:00	14:03	9:48	13:50	11:49	
MR-6	UNE-P, POTS, Hrs:Min	ND	5:18	3:30	6:11	3:53	6:24	4:20	8:03	5:30	
MR-6	UNE-P, Centrex, Hrs:Min	D	12:08	10:04	23:17	15:01	10:44	8:25	10:23	12:42	b c
MR-6	UNE-P, Centrex, Hrs:Min	ND	9:06	6:31	13:10	3:33	7:19	2:36	6:58	14:05	a b c
MR-6	UNE-P, Centrex 21, Hrs:Min	D	9:55	7:15	10:57	13:53	14:04	5:17	12:00	28:53	a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	4:05	4:38	5:20	7:14	3:42	2:45	10:53	2:41	b c d
MR-7	**Repair Repeat Report Rate**										
MR-7	Basic Rate ISDN, %	D	22.62%		16.05%		27.84%		17.28%		a b c d
MR-7	Basic Rate ISDN, %	ND	18.11%		18.84%		21.26%		13.13%		a b c d
MR-7	Business, %	D	11.18%	6.82%	12.41%	17.78%	12.21%	16.46%	10.91%	7.69%	
MR-7	Business, %	ND	13.93%	10.42%	9.94%	13.21%	13.62%	9.80%	11.71%	16.67%	
MR-7	Centrex 21, %	D	11.94%		14.60%		11.17%		13.66%		a b c d
MR-7	Centrex 21, %	ND	16.22%		17.91%	0%	19.53%		18.75%		a b c d
MR-7	Centrex, %	D	7.94%	0%	8.53%	0%	8.67%	0%	12.95%		a c d
MR-7	Centrex, %	ND	12.90%	0%	10.00%	0%	17.07%	33.33%	10.16%		a b c d
MR-7	DS0, %		16.44%	25.00%	19.48%	0%	21.53%	0%	18.59%	0%	a b c d
MR-7	DS1, %		28.48%	58.33%	31.39%	28.57%	28.46%	16.67%	25.10%	50.00%	b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7	DS3, %		22.22%		25.00%		25.93%		11.11%		a b c d
MR-7	E911, %		66.67%		66.67%	0%	0%	0%			a b c d
MR-7	EELs, %			33.33%		33.33%		66.67%		33.33%	b c d
MR-7	Frame Relay, %		20.52%		19.55%		19.21%		16.57%		a b c d
MR-7	ISDN Primary, %		14.81%	0%	21.88%	100%	15.38%		18.60%		a b c d
MR-7	Line Sharing, %	D	46.34%	59.09%	41.62%	41.18%	48.59%	21.43%	53.73%	37.50%	d
MR-7	Line Sharing, %	ND	23.69%	19.05%	27.71%	16.67%	38.50%	10.00%	41.16%	37.50%	c d
MR-7	LIS Trunk, %		0%	30.00%	16.67%	12.50%	20.00%	0%	6.67%	0%	c
MR-7	PBX, %	D	17.39%	0%	13.56%		13.73%	0%	7.50%	50.00%	a b c d
MR-7	PBX, %	ND	14.94%	50.00%	13.04%	0%	8.93%	0%	16.67%	50.00%	a b c d
MR-7	Qwest DSL, %		29.91%		31.50%		40.72%		44.24%	100%	a b c d
MR-7	Residence, %	D	11.77%	8.75%	12.25%	8.87%	11.60%	10.48%	11.68%	7.77%	
MR-7	Residence, %	ND	12.62%	14.29%	11.25%	12.20%	11.23%	17.14%	11.24%	13.33%	
MR-7	UBL - 2-wire, %		19.91%	2.56%	17.81%	14.81%	24.11%	9.68%	15.00%	23.53%	
MR-7	UBL - 4-wire, %		28.48%	50.00%	31.39%	0%	28.46%	0%	25.10%		a b c d
MR-7	UBL - ADSL Qualified, %		29.91%	0%	31.50%	0%	40.72%	0%	44.24%	0%	a b c d
MR-7	UBL - DS1 Capable, %		28.48%	28.77%	31.39%	26.39%	28.46%	26.87%	25.10%	22.03%	
MR-7	UBL - DS3 Capable, %		22.22%		25.00%		25.93%		11.11%		a b c d
MR-7	UBL Analog, %		11.97%	10.97%	11.95%	8.99%	11.64%	11.97%	11.53%	14.60%	
MR-7	UBL ISDN Capable, %		19.91%	18.52%	17.81%	16.28%	24.11%	20.93%	15.00%	25.93%	
MR-7	UDIT Above DS1 Level, %		22.22%	0%	25.00%	0%	25.93%	33.33%	11.11%	33.33%	a b c d
MR-7	UDIT DS1, %		28.48%	33.33%	31.39%	0%	28.46%	0%	25.10%		a b c d
MR-7	UNE-P, POTS, %	ND	12.81%	25.35%	11.03%	13.89%	11.55%	14.29%	11.32%	25.40%	
MR-7	UNE-P, POTS, %	D	11.71%	15.57%	12.27%	7.26%	11.67%	16.35%	11.59%	8.99%	
MR-7	UNE-P, Centrex, %	ND	12.90%	16.67%	10.00%	60.00%	17.07%	25.00%	10.16%	23.08%	a b c
MR-7	UNE-P, Centrex, %	D	7.94%	14.29%	8.53%	16.67%	8.67%	33.33%	12.95%	17.65%	b c
MR-7	UNE-P, Centrex 21, %	ND	16.22%	28.57%	17.91%	16.67%	19.53%	0%	18.75%	22.22%	b c d
MR-7	UNE-P, Centrex 21, %	D	11.94%	0%	14.60%	14.29%	11.17%	0%	13.66%	0%	a b c d
MR-7*	Basic Rate ISDN, %	D	20.27%		16.95%		34.25%				a b c d
MR-7*	Basic Rate ISDN, %	ND	14.00%		31.82%		15.22%				a b c d
MR-7*	Business, %	D	10.99%	8.57%	12.51%	15.38%	11.78%	17.65%			d
MR-7*	Business, %	ND	15.31%	15.63%	9.15%	15.38%	14.56%	8.33%			d
MR-7*	Centrex 21, %	D	13.25%		14.36%		10.29%				a b c d
MR-7*	Centrex 21, %	ND	16.67%		12.86%	0%	23.44%				a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7*	Centrex, %	D	8.02%	0%	9.50%	0%	10.08%	0%			a c d
MR-7*	Centrex, %	ND	15.00%	0%	7.79%	0%	14.46%	0%			a b c d
MR-7*	DS0, %		13.51%	33.33%	16.93%	0%	21.62%				a b c d
MR-7*	DS1, %		29.96%	55.56%	33.69%	100%	31.41%	33.33%			a b c d
MR-7*	DS3, %		23.08%		16.67%		21.43%				a b c d
MR-7*	E911, %		50.00%		50.00%			0%			a b c d
MR-7*	EELs, %			33.33%		33.33%		100%			a b c d
MR-7*	Frame Relay, %		19.71%		21.80%		21.48%				a b c d
MR-7*	ISDN Primary, %		12.50%	0%	0%	100%	8.33%				a b c d
MR-7*	Line Sharing, %	D	56.60%	61.90%	42.47%	53.85%	56.63%	20.00%			c d
MR-7*	Line Sharing, %	ND	18.68%	23.08%	27.85%	25.00%	42.49%	33.33%			b c d
MR-7*	LIS Trunk, %		0%	50.00%	7.69%	10.00%	21.43%	0%			b c d
MR-7*	PBX, %	D	19.44%		16.33%		16.67%	0%			a b c d
MR-7*	PBX, %	ND	12.90%		12.07%		13.21%				a b c d
MR-7*	Qwest DSL, %		27.23%		31.29%		45.18%				a b c d
MR-7*	Residence, %	D	11.59%	7.69%	11.89%	8.62%	11.56%	10.00%			d
MR-7*	Residence, %	ND	13.96%	11.76%	12.28%	16.00%	12.64%	16.67%			d
MR-7*	UBL - 2-wire, %		17.74%	0%	23.30%	13.33%	26.89%	14.29%			d
MR-7*	UBL - 4-wire, %		29.96%	50.00%	33.69%		31.41%				a b c d
MR-7*	UBL - ADSL Qualified, %		27.23%	0%	31.29%	0%	45.18%	0%			a b c d
MR-7*	UBL - DS1 Capable, %		29.96%	32.73%	33.69%	22.00%	31.41%	36.00%			d
MR-7*	UBL - DS3 Capable, %		23.08%		16.67%		21.43%				a b c d
MR-7*	UBL Analog, %		11.87%	9.76%	11.90%	7.39%	11.76%	13.19%			d
MR-7*	UBL ISDN Capable, %		17.74%	17.50%	23.30%	12.90%	26.89%	17.65%			d
MR-7*	UDIT Above DS1 Level, %		23.08%	0%	16.67%	0%	21.43%	0%			a b c d
MR-7*	UDIT DS1, %		29.96%	33.33%	33.69%	0%	31.41%	0%			a b c d
MR-7*	UNE-P, POTS, %	D	11.52%	15.32%	11.95%	5.88%	11.58%	13.98%			d
MR-7*	UNE-P, POTS, %	ND	14.19%	20.93%	11.62%	13.51%	12.94%	10.26%			d
MR-7*	UNE-P, Centrex, %	D	8.02%	16.67%	9.50%	16.67%	10.08%	40.00%			b c d
MR-7*	UNE-P, Centrex, %	ND	15.00%	0%	7.79%	50.00%	14.46%	40.00%			a b c d
MR-7*	UNE-P, Centrex 21, %	D	13.25%	0%	14.36%	16.67%	10.29%	0%			a b c d
MR-7*	UNE-P, Centrex 21, %	ND	16.67%	42.86%	12.86%	0%	23.44%	0%			a b c d
MR-8	**Trouble Rate**										
MR-8	Basic Rate ISDN, %		0.92%	0%	0.96%	0%	0.99%	0%	0.81%	0%	

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8	Business, %		0.56%	0.77%	0.67%	0.77%	0.55%	0.97%	0.57%	0.78%	
MR-8	Centrex 21, %		0.45%	0%	0.52%	0.74%	0.47%	0%	0.50%	0%	
MR-8	Centrex, %		0.31%	0.25%	0.34%	0.55%	0.28%	0.20%	0.27%	0%	
MR-8	Dark Fiber - IOF, %			0%		0%		0%		0%	
MR-8	Dark Fiber - Loop, %			0%		0%		0%		0%	a b c d
MR-8	DS0, %		0.59%	0.54%	0.67%	0.55%	0.62%	0.11%	0.64%	0.12%	
MR-8	DS1, %		1.75%	9.02%	1.87%	5.22%	1.64%	4.17%	1.66%	2.74%	
MR-8	DS3, %		0.55%		0.37%	0%	0.82%		0.55%		a b c d
MR-8	E911, %		0.25%	0%	0.24%	0.20%	0.08%	0.40%	0%	0%	
MR-8	EELs, %			8.45%		1.78%		1.52%		3.02%	
MR-8	Frame Relay, %		1.68%		1.64%		1.53%		1.35%		a b c d
MR-8	ISDN Primary, %		0.03%	1.56%	0.03%	1.56%	0.03%	0%	0.04%	0%	
MR-8	Line Sharing, %		0.98%	0.86%	1.09%	0.68%	1.02%	0.45%	0.94%	0.29%	
MR-8	LIS Trunk, %		0.01%	0.01%	0.01%	0.01%	0.01%	0%	0.01%	0.01%	
MR-8	PBX, %		0.14%	0.23%	0.18%	0.12%	0.17%	0.23%	0.16%	0.58%	
MR-8	Qwest DSL, %		1.37%	0%	2.01%	0%	2.63%	0%	1.85%	33.33%	a b c d
MR-8	Residence, %		1.10%	1.13%	1.20%	1.65%	1.15%	1.48%	1.03%	1.19%	
MR-8	UBL - 2-wire, %		0.92%	0.59%	0.96%	0.41%	0.99%	0.47%	0.81%	0.26%	
MR-8	UBL - 4-wire, %		1.75%	0.77%	1.87%	0.39%	1.64%	0.81%	1.66%	0%	
MR-8	UBL - ADSL Qualified, %		1.37%	0.34%	2.01%	0.52%	2.63%	0.71%	1.85%	0.18%	
MR-8	UBL - DS1 Capable, %		1.75%	2.60%	1.87%	2.47%	1.64%	2.19%	1.66%	1.87%	
MR-8	UBL - DS3 Capable, %		0.55%		0.37%		0.82%		0.55%		a b c d
MR-8	UBL Analog, %		0.98%	0.53%	1.09%	0.58%	1.02%	0.55%	0.94%	0.48%	
MR-8	UBL ISDN Capable, %		0.92%	1.67%	0.96%	1.34%	0.99%	1.33%	0.81%	0.84%	
MR-8	UDIT Above DS1 Level, %		0.55%	1.47%	0.37%	0.98%	0.82%	1.44%	0.55%	1.33%	
MR-8	UDIT DS1, %		1.75%	3.31%	1.87%	0.53%	1.64%	3.17%	1.66%	0%	
MR-8	UNE-P, POTS, %		0.98%	0.73%	1.09%	0.76%	1.02%	0.71%	0.94%	0.61%	
MR-8	UNE-P, Centrex, %		0.31%	0.69%	0.34%	0.43%	0.28%	0.59%	0.27%	1.29%	
MR-8	UNE-P, Centrex 21, %		0.45%	0.85%	0.52%	0.72%	0.47%	0.28%	0.50%	0.67%	
MR-8*	Basic Rate ISDN, %		0.54%	0%	0.45%	0%	0.53%	0%			d
MR-8*	Business, %		0.45%	0.56%	0.53%	0.51%	0.44%	0.69%			d
MR-8*	Centrex 21, %		0.32%	0%	0.37%	0.74%	0.34%	0%			d
MR-8*	Centrex, %		0.24%	0.14%	0.26%	0.44%	0.22%	0.12%			d
MR-8*	Dark Fiber - IOF, %			0%		0%		0%			d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8*	Dark Fiber - Loop, %			0%		0%		0%			a b c d
MR-8*	DS0, %		0.42%	0.40%	0.48%	0.33%	0.40%	0%			d
MR-8*	DS1, %		1.08%	6.77%	1.20%	1.49%	1.00%	2.08%			d
MR-8*	DS3, %		0.40%		0.18%	0%	0.43%				a b c d
MR-8*	E911, %		0.16%	0%	0.16%	0%	0%	0.20%			d
MR-8*	EELs, %			6.34%		1.78%		1.02%			d
MR-8*	Frame Relay, %		1.00%		0.99%		1.02%				a b c d
MR-8*	ISDN Primary, %		0.01%	1.56%	0.01%	1.56%	0.01%	0%			d
MR-8*	Line Sharing, %		0.81%	0.68%	0.90%	0.33%	0.84%	0.24%			d
MR-8*	LIS Trunk, %		0.01%	0.01%	0.01%	0%	0.01%	0%			d
MR-8*	PBX, %		0.07%	0%	0.11%	0%	0.10%	0.12%			d
MR-8*	Qwest DSL, %		0.72%	0%	0.98%	0%	1.43%	0%			a b c d
MR-8*	Residence, %		0.91%	0.99%	1.00%	1.41%	0.95%	1.23%			d
MR-8*	UBL - 2-wire, %		0.54%	0.24%	0.45%	0.23%	0.53%	0.32%			d
MR-8*	UBL - 4-wire, %		1.08%	0.77%	1.20%	0%	1.00%	0%			d
MR-8*	UBL - ADSL Qualified, %		0.72%	0.17%	0.98%	0.35%	1.43%	0.53%			d
MR-8*	UBL - DS1 Capable, %		1.08%	1.96%	1.20%	1.72%	1.00%	1.64%			d
MR-8*	UBL - DS3 Capable, %		0.40%		0.18%		0.43%				a b c d
MR-8*	UBL Analog, %		0.81%	0.36%	0.90%	0.38%	0.84%	0.39%			d
MR-8*	UBL ISDN Capable, %		0.54%	1.23%	0.45%	0.97%	0.53%	1.05%			d
MR-8*	UDIT Above DS1 Level, %		0.40%	0.98%	0.18%	0.49%	0.43%	0.48%			d
MR-8*	UDIT DS1, %		1.08%	3.31%	1.20%	0.53%	1.00%	2.65%			d
MR-8*	UNE-P, POTS, %		0.81%	0.58%	0.90%	0.54%	0.84%	0.52%			d
MR-8*	UNE-P, Centrex, %		0.24%	0.45%	0.26%	0.39%	0.22%	0.42%			d
MR-8*	UNE-P, Centrex 21, %		0.32%	0.45%	0.37%	0.45%	0.34%	0.22%			d
MR-9	**Repair Appointments Met**										
MR-9	Basic Rate ISDN, %	D	100%		50.00%						a b c d
MR-9	Basic Rate ISDN, %	ND			100%		100%				a b c d
MR-9	Business, %	D	90.47%	100%	90.99%	95.56%	89.56%	98.73%	89.56%	92.31%	
MR-9	Business, %	ND	96.10%	97.92%	97.88%	98.11%	96.60%	98.04%	87.55%	90.48%	
MR-9	Centrex 21, %	D	84.58%		80.53%		78.17%		73.17%		a b c d
MR-9	Centrex 21, %	ND	90.99%		94.78%	100%	92.19%		85.42%		a b c d
MR-9	Centrex, %	D	60.69%	100%	64.14%	76.92%	73.68%	100%	66.12%		a c d
MR-9	Centrex, %	ND	80.00%	100%	80.41%	100%	87.88%	66.67%	84.44%		a b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-9	PBX, %	D	85.71%		66.67%		88.24%	100%	71.43%	100%	a b c d
MR-9	PBX, %	ND	100%	100%	90.32%		100%		100%	100%	a b c d
MR-9	Residence, %	ND	98.85%	96.43%	98.29%	100%	98.12%	100%	96.62%	90.00%	
MR-9	Residence, %	D	94.93%	97.50%	93.28%	98.39%	93.84%	98.39%	95.29%	96.12%	
MR-9	UNE-P, POTS, %	D	94.45%	95.90%	93.03%	87.10%	93.39%	87.50%	94.64%	94.38%	
MR-9	UNE-P, POTS, %	ND	98.46%	98.59%	98.21%	97.22%	97.91%	98.70%	95.08%	93.65%	
MR-10	**Customer and Non-Qwest Related Trouble Reports**										
MR-10	Basic Rate ISDN, %		17.58%		20.65%		16.10%		20.00%		a b c d
MR-10	Business, %		36.35%	28.13%	35.39%	42.01%	37.92%	28.96%	35.63%	40.22%	
MR-10	Centrex 21, %		37.10%		36.40%	50.00%	35.64%		32.88%		a b c d
MR-10	Centrex, %		27.55%	30.00%	32.21%	31.82%	30.53%	28.57%	30.47%	100%	a c d
MR-10	DS0, %		28.87%	0%	27.13%	16.67%	30.10%	0%	26.21%	50.00%	a b c d
MR-10	DS1, %		13.35%	20.00%	19.63%	30.00%	18.51%	33.33%	20.56%	20.00%	b c d
MR-10	DS3, %		25.00%		40.00%		18.18%		18.18%		a b c d
MR-10	E911, %		0%	100%	0%	66.67%	50.00%	0%	100%		a b c d
MR-10	Frame Relay, %		22.11%		19.12%		22.22%		20.09%		a b c d
MR-10	ISDN Primary, %		25.00%	0%	36.00%	0%	27.78%		18.87%		a b c d
MR-10	LIS Trunk, %		40.00%	31.03%	35.71%	27.27%	42.31%	43.75%	11.76%	38.89%	
MR-10	PBX, %		28.88%	20.00%	24.02%	0%	33.47%	20.00%	25.25%	9.09%	a b c
MR-10	Qwest DSL, %		41.13%		46.91%		46.32%		51.72%	50.00%	a b c d
MR-10	Residence, %		34.82%	34.55%	35.11%	34.78%	34.82%	33.47%	36.11%	35.44%	
MR-10	UBL - 2-wire, %		17.58%	15.22%	20.65%	20.59%	16.10%	20.51%	20.00%	29.17%	
MR-10	UBL - 4-wire, %		13.35%	0%	19.63%	0%	18.51%	0%	20.56%	100%	a b c d
MR-10	UBL - ADSL Qualified, %		41.13%	33.33%	46.91%	25.00%	46.32%	20.00%	51.72%	66.67%	a b c d
MR-10	UBL - DS1 Capable, %		13.35%	9.88%	19.63%	7.69%	18.51%	9.46%	20.56%	13.24%	
MR-10	UBL - DS3 Capable, %		25.00%		40.00%		18.18%		18.18%		a b c d
MR-10	UBL Analog, %		35.00%	18.56%	35.14%	22.83%	35.19%	19.81%	36.05%	22.60%	
MR-10	UBL ISDN Capable, %		17.58%	6.90%	20.65%	4.44%	16.10%	6.52%	20.00%	10.00%	
MR-10	UDIT Above DS1 Level, %		25.00%	0%	40.00%	0%	18.18%	40.00%	18.18%	25.00%	a b c d
MR-10	UDIT DS1, %		13.35%	14.29%	19.63%	0%	18.51%	0%	20.56%		a b c d
MR-10	UNE-P, POTS, %		35.00%	33.90%	35.14%	32.88%	35.19%	38.85%	36.05%	36.93%	
MR-10	UNE-P, Centrex, %		27.55%	35.48%	32.21%	59.26%	30.53%	39.13%	30.47%	45.45%	
MR-10	UNE-P, Centrex 21, %		37.10%	34.78%	36.40%	38.10%	35.64%	44.44%	32.88%	25.00%	c
MR-11	**LNP Trouble Reports Cleared**										

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-11A	within 4 Hours, %		62.73%		55.12%	100%	55.13%		47.82%		a b c d
MR-11B	within 48 Hours, %		99.65%		99.70%	100%	99.44%		97.15%	100%	a b c d
NETWORK PERFORMANCE											
NI-1	**Trunk Blocking**										
NI-1A	to Qwest Tandem Offices, LIS Trunk, %		0.27%	0.02%	0.26%	0%	0.11%	0.04%	0.11%	0.03%	
NI-1B	to Qwest End Offices, LIS Trunk, %		0%	0%	0%	0.01%	0%	0%	0%	0%	
NI-1C	to Qwest Tandem Offices, LIS Trunk, %		0.27%	0.11%	0.26%	0%	0.11%	0.04%	0.11%	0.03%	
NI-1D	to Qwest End Offices, LIS Trunk, %		0%	0.09%	0%	0.12%	0%	0.02%	0%	0.23%	
NP-1	**NXX Code Activation**										
NP-1A	All, %		100%								a b c d
NP-1B	Facility Delays, All, %		0%								a b c d
ORDER ACCURACY											
OA-1	Order Accuracy, % (OP-5++)					99.32%		99.75%		99.66%	a
ORDERING AND PROVISIONING											
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**										
OP-2	Default, %		80.97%	96.94%	75.62%	97.87%	72.08%	98.27%	82.25%	97.82%	
OP-3	**Installation Commitments Met**										
OP-3	Basic Rate ISDN, %	D	90.21%		95.83%		100%		50.00%		a b c d
OP-3	Basic Rate ISDN, %	ND	93.75%		100%		100%		100%		a b c d
OP-3	Basic Rate ISDN, %		77.14%		86.50%		86.17%		84.44%		a b c d
OP-3	Business, %	D	92.95%	75.00%	92.88%	100%	93.39%	100%	93.42%	90.91%	a
OP-3	Business, %	ND	98.77%	100%	98.97%	100%	98.25%	98.77%	98.97%	100%	
OP-3	Centrex 21, %	D	87.73%		92.21%		87.41%		87.42%		a b c d
OP-3	Centrex 21, %	ND	100%		98.11%	100%	94.03%		99.21%	100%	a b c d
OP-3	Centrex, %	D	95.47%	100%	90.00%	66.67%	93.68%	0%	93.38%		a b c d
OP-3	Centrex, %	ND	100%	100%	94.12%		90.00%		100%		a b c d
OP-3	DS0, %	D	53.85%		0%		87.50%		84.21%		a b c d
OP-3	DS0, %	ND	57.14%	0%	100%		66.67%		100%		a b c d
OP-3	DS0, %		81.82%	100%	86.54%		69.47%		76.19%		a b c d
OP-3	DS1, %		79.10%		80.03%	100%	81.87%		85.51%		a b c d
OP-3	DS3, %		86.67%		70.00%		69.64%		84.21%		a b c d
OP-3	E911, %								0%		a b c d
OP-3	EELs, %			75.00%		70.00%		94.12%		100%	
OP-3	Frame Relay, %		76.92%		77.01%		86.96%		86.62%		a b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	ISDN Primary, %	D	100%						100%		a b c d
OP-3	ISDN Primary, %	ND	100%								a b c d
OP-3	ISDN Primary, %		72.15%		81.19%		84.48%		40.00%		a b c d
OP-3	Line Sharing, %	D	94.90%		94.68%		94.59%		94.71%		a b c d
OP-3	Line Sharing, %	ND	99.44%	100%	99.28%	100%	99.37%	100%	99.40%	99.40%	
OP-3	LIS Trunk, %		96.15%	96.88%	93.75%	96.00%	100%	97.62%	100%	100%	
OP-3	PBX, %	D	100%		95.00%		90.00%		80.00%		a b c d
OP-3	PBX, %	ND	100%		100%		100%		100%		a b c d
OP-3	PBX, %		83.72%	100%	58.06%	100%	80.85%	66.67%	63.33%		a b c d
OP-3	Qwest DSL, %	D	98.03%		97.19%	100%	97.00%		97.06%	100%	a b c d
OP-3	Qwest DSL, %	ND	99.54%	100%	98.93%	100%	98.76%	100%	98.90%	100%	
OP-3	Qwest DSL, %		91.67%		92.98%		90.32%	100%	79.17%		a b c d
OP-3	Residence, %	D	95.38%	99.18%	95.13%	98.49%	94.88%	97.12%	95.03%	97.66%	
OP-3	Residence, %	ND	99.46%	100%	99.29%	99.81%	99.39%	100%	99.41%	99.71%	
OP-3	UBL - 2-wire, %		85.14%	98.92%	92.48%	100%	86.53%	99.49%	82.99%	100%	
OP-3	UBL - 4-wire, %		79.10%	100%	80.03%		81.87%		85.51%		a b c d
OP-3	UBL - ADSL Qualified, %		98.05%	100%	97.20%	100%	96.92%	95.00%	96.80%	100%	d
OP-3	UBL - DS1 Capable, %		79.10%	91.95%	80.03%	88.80%	81.87%	91.56%	85.51%	91.41%	
OP-3	UBL - DS3 Capable, %		86.67%		70.00%		69.64%		84.21%		a b c d
OP-3	UBL Analog, %	D	94.90%								a b c d
OP-3	UBL Analog, %		94.90%	98.58%	94.68%	98.92%	94.59%	98.87%	94.71%	99.63%	
OP-3	UBL Conditioned, %			96.09%		92.73%		96.77%		74.35%	
OP-3	UBL ISDN Capable, %		85.14%	97.10%	92.48%	98.57%	86.53%	97.33%	82.99%	98.15%	
OP-3	UDIT Above DS1 Level, %		86.67%		70.00%		69.64%		84.21%	100%	a b c d
OP-3	UDIT DS1, %		79.10%		80.03%	100%	81.87%	100%	85.51%	100%	a b c d
OP-3	UNE-P, POTS, %	D	94.90%	99.02%	94.68%	99.21%	94.59%	95.57%	94.71%	96.35%	
OP-3	UNE-P, POTS, %	ND	99.44%	99.78%	99.28%	99.78%	99.37%	99.74%	99.40%	99.92%	
OP-3	UNE-P, Centrex, %	D	95.47%	100%	90.00%	100%	93.68%	92.31%	93.38%	100%	a b d
OP-3	UNE-P, Centrex, %	ND	100%		94.12%	100%	90.00%	100%	100%	100%	a b c d
OP-3	UNE-P, Centrex 21, %	D	87.73%	50.00%	92.21%	100%	87.41%	100%	87.42%	100%	a b c d
OP-3	UNE-P, Centrex 21, %	ND	100%	100%	98.11%	100%	94.03%	97.53%	99.21%	97.06%	
OP-4	**Installation Interval**										
OP-4	Basic Rate ISDN, Avg Days	D	9.04		6.90		2.33		5.63		a b c d
OP-4	Basic Rate ISDN, Avg Days	ND	9.00		0.45		3.00		2.00		a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	Basic Rate ISDN, Avg Days		13.86		9.84		9.24		10.64		a b c d
OP-4	Business, Avg Days	D	5.50	7.75	5.87	4.20	5.81	2.91	5.81	6.00	a
OP-4	Business, Avg Days	ND	3.67	2.60	3.32	2.35	3.62	2.27	3.02	2.15	
OP-4	Centrex 21, Avg Days	D	6.49		5.74		6.80		6.46		a b c d
OP-4	Centrex 21, Avg Days	ND	2.81		3.15	4.00	3.61		3.49		a b c d
OP-4	Centrex, Avg Days	D	3.18	2.50	3.62	5.67	4.98	10.00	4.23		a b c d
OP-4	Centrex, Avg Days	ND	1.76	0.00	3.76		4.45		6.40		a b c d
OP-4	Dark Fiber - Loop, Avg Days									20.00	a b c d
OP-4	DS0, Avg Days	D	12.73		9.95		2.88		4.79		a b c d
OP-4	DS0, Avg Days	ND	2.75	2.50	2.33		5.00		0.00		a b c d
OP-4	DS0, Avg Days		7.50	2.00	7.61		9.41		9.72		a b c d
OP-4	DS1, Avg Days		17.52		17.05	9.00	16.59		16.57		a b c d
OP-4	DS3, Avg Days		15.34		17.80		20.58		15.93		a b c d
OP-4	E911, Avg Days								42.43	54.00	a b c d
OP-4	EELs, Avg Days			9.53		7.42		6.53		7.30	d
OP-4	Frame Relay, Avg Days		11.33		17.00		11.50		10.00		a b c d
OP-4	ISDN Primary, Avg Days	D	8.50						3.00		a b c d
OP-4	ISDN Primary, Avg Days	ND	10.00								a b c d
OP-4	ISDN Primary, Avg Days		36.93		11.03		10.43		22.44	12.00	a b c d
OP-4	Line Sharing, Avg Days	D	5.00		5.34		5.36		5.45		a b c d
OP-4	Line Sharing, Avg Days	ND	3.50	2.99	3.59	2.99	3.51	2.99	3.70	3.14	
OP-4	LIS Trunk, Avg Days		19.90	18.79	17.98	17.82	22.50	16.41	20.84	15.18	
OP-4	PBX, Avg Days	D	5.72		5.30		2.00		13.73		a b c d
OP-4	PBX, Avg Days	ND	1.50		0.20		2.00		2.40		a b c d
OP-4	PBX, Avg Days		11.03	6.00	13.63	5.00	20.01	26.67	17.24	23.50	a b c d
OP-4	Qwest DSL, Avg Days	D	9.59		5.92	13.00	5.30		5.16	5.00	a b c d
OP-4	Qwest DSL, Avg Days	ND	9.33	8.06	4.87	4.35	4.87	4.61	4.85	5.13	
OP-4	Qwest DSL, Avg Days		5.35		5.10		4.41	5.00	4.14		a b c d
OP-4	Residence, Avg Days	D	4.88	3.25	5.21	3.51	5.25	3.58	5.37	4.02	
OP-4	Residence, Avg Days	ND	3.49	2.94	3.59	2.90	3.50	2.90	3.71	2.90	
OP-4	UBL - 2-wire, Avg Days		11.05	3.91	7.85	3.93	9.07	3.63	10.14	3.67	
OP-4	UBL - 4-wire, Avg Days		17.52		17.05		16.59		16.57		a b c d
OP-4	UBL - ADSL Qualified, Avg Days		9.52	4.20	5.91	3.90	5.31	3.19	5.15	5.00	d
OP-4	UBL - DS1 Capable, Avg Days		17.52	11.94	17.05	5.83	16.59	5.38	16.57	5.15	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	UBL - DS3 Capable, Avg Days		15.34		17.80		20.58		15.93		a b c d
OP-4	UBL Analog, Avg Days	D	5.00								a b c d
OP-4	UBL Analog, Avg Days		5.00	4.81	5.34	5.04	5.36	5.22	5.45	5.12	
OP-4	UBL Conditioned, Avg Days			5.41		5.80		7.47		7.34	
OP-4	UBL ISDN Capable, Avg Days		11.05	4.52	7.85	4.31	9.07	4.28	10.14	4.10	
OP-4	UDIT Above DS1 Level, Avg Days		15.34	7.67	17.80		20.58	12.33	15.93	7.40	a b c d
OP-4	UDIT DS1, Avg Days		17.52		17.05	6.60	16.59	4.50	16.57	4.00	a b c d
OP-4	UNE-P, POTS, Avg Days	D	5.00	3.83	5.34	5.07	5.36	4.74	5.45	4.52	
OP-4	UNE-P, POTS, Avg Days	ND	3.50	3.13	3.59	2.99	3.51	2.99	3.70	3.40	
OP-4	UNE-P, Centrex, Avg Days	D	3.18	5.00	3.62	4.20	4.98	4.85	4.23	6.20	a b d
OP-4	UNE-P, Centrex, Avg Days	ND	1.76		3.76	3.75	4.45	4.50	6.40	0.00	a b c d
OP-4	UNE-P, Centrex 21, Avg Days	ND	2.81	3.36	3.15	3.50	3.61	2.50	3.49	3.33	b c d
OP-4	UNE-P, Centrex 21, Avg Days	D	6.49	9.40	5.74	5.00	6.80	4.33	6.46	6.67	a b c d
OP-5	**New Service Installation Quality**										
OP-5	Basic Rate ISDN, %		96.23%	100%	98.02%		94.48%		89.33%		a b c d
OP-5	Business, %		88.60%	76.77%	85.81%	76.00%	87.98%	69.07%	88.65%	69.88%	
OP-5	Centrex 21, %		87.22%	100%	81.86%	100%	75.94%	100%	85.71%	100%	a b c d
OP-5	Centrex, %		73.21%	100%	82.45%	0%	91.15%	50.00%	93.76%	100%	a b c d
OP-5	Dark Fiber - Loop, %									100%	a b c d
OP-5	DS0, %		70.73%	100%	65.88%	100%	66.67%		44.23%		a b c d
OP-5	DS1, %		94.47%		92.75%	100%	94.48%	0%	93.89%		a b c d
OP-5	DS3, %		100%		98.08%		97.18%		100%		a b c d
OP-5	E911, %		100%	100%	100%		100%	100%	100%	100%	a b c d
OP-5	EELs, %			78.26%		95.65%		96.00%		90.00%	
OP-5	Frame Relay, %		95.61%		96.68%		97.21%		85.63%		a b c d
OP-5	ISDN Primary, %		100%		98.51%		98.85%		97.22%	100%	a b c d
OP-5	Line Sharing, %		90.32%	96.83%	88.98%	95.79%	89.93%	97.03%	90.53%	99.15%	
OP-5	LIS Trunk, %		100%	100%	100%	100%	95.24%	100%	97.30%	93.48%	
OP-5	PBX, %		90.52%	100%	83.18%	100%	83.17%	100%	89.02%	100%	a b c d
OP-5	Qwest DSL, %		99.79%	100%	99.74%	100%	99.72%	100%	99.86%	100%	
OP-5	Residence, %		90.49%	94.56%	89.28%	92.26%	90.10%	94.50%	90.68%	95.35%	
OP-5	UBL - 2-wire, %		96.23%	96.82%	98.02%	96.85%	94.48%	98.71%	89.33%	99.11%	
OP-5	UBL - 4-wire, %		94.47%	100%	92.75%	100%	94.48%		93.89%		a b c d
OP-5	UBL - ADSL Qualified, %		98.66%	100%	98.26%	100%	98.14%	100%	99.13%	100%	

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5	UBL - DS1 Capable, %		94.47%	91.97%	92.75%	95.45%	94.48%	94.58%	93.89%	91.57%	
OP-5	UBL - DS3 Capable, %		100%		98.08%		97.18%		100%		a b c d
OP-5	UBL Analog, %		71.91%	98.54%	67.48%	98.25%	69.28%	98.78%	69.97%	99.25%	
OP-5	UBL ISDN Capable, %		96.23%	88.17%	98.02%	92.39%	94.48%	95.96%	89.33%	93.33%	
OP-5	UDIT Above DS1 Level, %		100%	50.00%	98.08%	100%	97.18%	100%	100%	100%	a b c d
OP-5	UDIT DS1, %		94.47%	100%	92.75%	100%	94.48%	100%	93.89%	100%	a b c d
OP-5	UNE-P, POTS, %		90.32%	98.61%	88.98%	98.06%	89.93%	97.30%	90.53%	97.94%	
OP-5	UNE-P, Centrex, %		73.21%	100%	82.45%	100%	91.15%	91.67%	93.76%	76.92%	a b
OP-5	UNE-P, Centrex 21, %		87.22%	94.74%	81.86%	94.12%	75.94%	98.04%	85.71%	95.08%	
OP-5*	Basic Rate ISDN, %		98.35%	100%	98.27%		96.93%				a b c d
OP-5*	Business, %		90.71%	83.84%	88.65%	83.00%	90.74%	82.47%			d
OP-5*	Centrex 21, %		93.06%	100%	87.91%	100%	82.08%	100%			a b c d
OP-5*	Centrex, %		79.31%	100%	85.10%	33.33%	92.56%	50.00%			a b c d
OP-5*	DS0, %		78.05%	100%	75.29%	100%	75.68%				a b c d
OP-5*	DS1, %		96.77%		95.77%	100%	96.52%	0%			a b c d
OP-5*	DS3, %		100%		100%		98.59%				a b c d
OP-5*	E911, %		100%	100%	100%		100%	100%			a b c d
OP-5*	EELs, %			78.26%		95.65%		100%			d
OP-5*	Frame Relay, %		97.30%		97.16%		98.32%				a b c d
OP-5*	ISDN Primary, %		100%		99.01%		99.14%				a b c d
OP-5*	Line Sharing, %		92.04%	98.42%	90.80%	98.23%	91.68%	98.51%			d
OP-5*	LIS Trunk, %		100%	100%	100%	100%	95.24%	100%			d
OP-5*	PBX, %		93.97%	100%	92.52%	100%	90.10%	100%			a b c d
OP-5*	Qwest DSL, %		99.82%	100%	99.81%	100%	99.83%	100%			d
OP-5*	Residence, %		92.17%	94.81%	91.00%	92.93%	91.76%	95.32%			d
OP-5*	UBL - 2-wire, %		98.35%	99.09%	98.27%	99.55%	96.93%	99.14%			d
OP-5*	UBL - 4-wire, %		96.77%	100%	95.77%	100%	96.52%				a b c d
OP-5*	UBL - ADSL Qualified, %		98.87%	100%	98.72%	100%	98.85%	100%			d
OP-5*	UBL - DS1 Capable, %		96.77%	93.43%	95.77%	96.97%	96.52%	97.59%			d
OP-5*	UBL - DS3 Capable, %		100%		100%		98.59%				a b c d
OP-5*	UBL Analog, %		76.89%	99.40%	72.84%	99.00%	74.62%	99.32%			d
OP-5*	UBL ISDN Capable, %		98.35%	91.40%	98.27%	94.57%	96.93%	97.98%			d
OP-5*	UDIT Above DS1 Level, %		100%	50.00%	100%	100%	98.59%	100%			a b c d
OP-5*	UDIT DS1, %		96.77%	100%	95.77%	100%	96.52%	100%			a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5*	UNE-P, POTS, %		92.04%	98.79%	90.80%	98.60%	91.68%	97.72%			d
OP-5*	UNE-P, Centrex, %		79.31%	100%	85.10%	100%	92.56%	91.67%			a b d
OP-5*	UNE-P, Centrex 21, %		93.06%	94.74%	87.91%	100%	82.08%	100%			d
OP-6A	**Delayed Days for Non-Facility Reasons**										
OP-6A	Basic Rate ISDN, Avg Days	D	40.50		1.50				4.25		a b c d
OP-6A	Basic Rate ISDN, Avg Days		22.03		11.50		8.84		12.31		a b c d
OP-6A	Business, Avg Days	D	4.92	6.00	5.64		3.94		6.78	2.00	a b c d
OP-6A	Business, Avg Days	ND	10.55		1.78		7.27	1.00	3.29		a b c d
OP-6A	Centrex 21, Avg Days	D	4.29		2.45		4.50		2.56		a b c d
OP-6A	Centrex 21, Avg Days	ND			8.00		4.00		8.00		a b c d
OP-6A	Centrex, Avg Days	D	2.50		3.00	1.00	3.39	2.00	5.17		a b c d
OP-6A	Centrex, Avg Days	ND			15.00		10.00				a b c d
OP-6A	DS0, Avg Days	D	15.38		4.24		2.00		6.33		a b c d
OP-6A	DS0, Avg Days	ND	1.33	1.00			3.00				a b c d
OP-6A	DS0, Avg Days		8.75		7.00		13.30		19.67		a b c d
OP-6A	DS1, Avg Days		14.40		20.74		20.44		30.36		a b c d
OP-6A	DS3, Avg Days		22.00		30.08		20.62		29.63		a b c d
OP-6A	E911, Avg Days								11.40		a b c d
OP-6A	EELs, Avg Days			13.40		14.50		10.67		14.00	a b c d
OP-6A	Frame Relay, Avg Days		13.24		14.67		24.23		15.86		a b c d
OP-6A	ISDN Primary, Avg Days		40.70		8.01		21.71		31.39		a b c d
OP-6A	Line Sharing, Avg Days	D	4.40	2.00	4.35	1.00	3.87		6.07		a b c d
OP-6A	Line Sharing, Avg Days	ND	5.97		5.42	16.00	4.66	2.00	6.11		a b c d
OP-6A	LIS Trunk, Avg Days		10.00	38.00	11.25	16.00		8.00	7.00		a b c d
OP-6A	PBX, Avg Days	D			11.00				4.00		a b c d
OP-6A	PBX, Avg Days		9.56		12.18		29.19	56.00	17.62	14.50	a b c d
OP-6A	Qwest DSL, Avg Days	D	3.07		3.24		5.89		4.89		a b c d
OP-6A	Qwest DSL, Avg Days	ND	7.88		5.27		3.13		5.08		a b c d
OP-6A	Qwest DSL, Avg Days		15.20		3.25		5.25		3.00		a b c d
OP-6A	Residence, Avg Days	D	4.16	12.00	3.68	3.00	3.84	2.00	5.81	2.00	a b c d
OP-6A	Residence, Avg Days	ND	5.60		5.58	2.50	4.51		6.21	5.00	a b c d
OP-6A	UBL - 2-wire, Avg Days		28.68	2.00	9.15	2.50	8.84	1.00	10.70		a b c d
OP-6A	UBL - 4-wire, Avg Days		14.40		20.74		20.44		30.36		a b c d
OP-6A	UBL - ADSL Qualified, Avg Days		3.07		3.24		6.14	1.00	4.50		a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6A	UBL - DS1 Capable, Avg Days		14.40	26.28	20.74	3.25	20.44	3.77	30.36	5.40	d
OP-6A	UBL - DS3 Capable, Avg Days		22.00		30.08		20.62		29.63		a b c d
OP-6A	UBL Analog, Avg Days	D	4.40								a b c d
OP-6A	UBL Analog, Avg Days		4.40	3.97	4.35	5.82	3.87	3.11	6.07	4.00	d
OP-6A	UBL ISDN Capable, Avg Days		28.68	6.00	9.15		8.84	7.00	10.70	1.00	a b c d
OP-6A	UDIT Above DS1 Level, Avg Days		22.00		30.08		20.62		29.63		a b c d
OP-6A	UDIT DS1, Avg Days		14.40		20.74		20.44		30.36		a b c d
OP-6A	UNE-P, POTS, Avg Days	D	4.40	1.00	4.35	1.00	3.87	2.80	6.07	2.50	a b c d
OP-6A	UNE-P, POTS, Avg Days	ND	5.97	1.67	5.42	3.00	4.66	5.67	6.11	11.00	a b c d
OP-6A	UNE-P, Centrex, Avg Days	D	2.50		3.00		3.39	3.00	5.17		a b c d
OP-6A	UNE-P, Centrex, Avg Days	ND			15.00		10.00				a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	D	4.29	1.00	2.45		4.50		2.56		a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	ND			8.00		4.00	3.00	8.00	9.00	a b c d
OP-6B	**Delayed Days for Facility Reasons**										
OP-6B	Basic Rate ISDN, Avg Days	D	19.00		16.00						a b c d
OP-6B	Basic Rate ISDN, Avg Days	ND	42.00								a b c d
OP-6B	Basic Rate ISDN, Avg Days		5.00				10.50		38.50		a b c d
OP-6B	Business, Avg Days	D	16.19	1.00	11.39		13.28		12.05	32.00	a b c d
OP-6B	Business, Avg Days	ND					25.00				a b c d
OP-6B	Centrex 21, Avg Days	D	13.17		12.00		13.25		6.27		a b c d
OP-6B	Centrex, Avg Days	D	5.63		6.69		6.50		9.67		a b c d
OP-6B	DS0, Avg Days		3.00		16.00		5.25		11.80		a b c d
OP-6B	DS1, Avg Days		23.89		19.00		31.11		16.80		a b c d
OP-6B	DS3, Avg Days				19.00		37.00		30.00		a b c d
OP-6B	Frame Relay, Avg Days		29.00		29.88		20.50		49.50		a b c d
OP-6B	ISDN Primary, Avg Days								14.00		a b c d
OP-6B	Line Sharing, Avg Days	D	10.29		10.36	2.50	10.01	8.00	9.96	4.00	a b c d
OP-6B	Line Sharing, Avg Days	ND	4.69	8.75	6.00	5.13	8.85	15.00	5.69	4.90	a b c
OP-6B	PBX, Avg Days	D					1.00		33.00		a b c d
OP-6B	PBX, Avg Days		3.00		33.50		23.20		25.00		a b c d
OP-6B	Qwest DSL, Avg Days	D	4.00		5.63		5.00		5.00		a b c d
OP-6B	Qwest DSL, Avg Days	ND			3.80		5.00		8.00		a b c d
OP-6B	Residence, Avg Days	D	8.67		10.11	1.00	9.25	12.50	9.40	5.50	a b c d
OP-6B	Residence, Avg Days	ND	4.69		6.00		5.91		5.69	13.00	a b c d

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Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6B	UBL - 2-wire, Avg Days		15.20		16.00		10.50	5.00	38.50		a b c d
OP-6B	UBL - 4-wire, Avg Days		23.89		19.00		31.11		16.80		a b c d
OP-6B	UBL - ADSL Qualified, Avg Days		4.00		5.63		5.00		5.00		a b c d
OP-6B	UBL - DS1 Capable, Avg Days		23.89		19.00		31.11	14.50	16.80	10.50	a b c d
OP-6B	UBL - DS3 Capable, Avg Days				19.00		37.00		30.00		a b c d
OP-6B	UBL Analog, Avg Days	D	10.29								a b c d
OP-6B	UBL Analog, Avg Days		10.29		10.36		10.01		9.96		a b c d
OP-6B	UBL ISDN Capable, Avg Days		15.20		16.00	1.50	10.50		38.50		a b c d
OP-6B	UDIT Above DS1 Level, Avg Days				19.00		37.00		30.00		a b c d
OP-6B	UDIT DS1, Avg Days		23.89		19.00		31.11		16.80		a b c d
OP-6B	UNE-P, POTS, Avg Days	D	10.29		10.36		10.01	6.00	9.96	4.50	a b c d
OP-6B	UNE-P, POTS, Avg Days	ND	4.69		6.00		8.85		5.69		a b c d
OP-6B	UNE-P, Centrex, Avg Days	D	5.63		6.69		6.50		9.67		a b c d
OP-6B	UNE-P, Centrex 21, Avg Days	D	13.17	8.00	12.00		13.25		6.27		a b c d
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**										
OP-7	Analog, Hrs:Min			0:03		0:03		0:03		0:03	
OP-7	Other, Hrs:Min			0:02		0:10		0:15		0:22	a b c d
OP-8	**Number Portability Timeliness**										
OP-8B	LNP, %			99.91%		99.30%		99.76%		99.30%	
OP-8C	% LNP Triggers Set Prior to the Frame Due Time, LNP%			99.14%		99.45%		95.28%		98.44%	
OP-13	**Coordinated Cuts - Unbundled Loop**										
OP-13A	Completed on Time, UBL - Analog, %			99.23%		99.49%		99.81%		99.72%	
OP-13A	Completed on Time, UBL Other, %			98.00%		98.36%		97.99%		98.36%	
OP-13B	Started Without CLEC Approval, UBL - Analog, %			0.26%		0%		0%		0%	
OP-13B	Started Without CLEC Approval, UBL Other, %			0%		0%		0.67%		0%	
OP-15A	**Interval for Pending Orders Delayed Past Due Date**										
OP-15A	Basic Rate ISDN, Avg Days		129.53		130.50		167.97		179.83		a b c d
OP-15A	Business, Avg Days		65.61	83.50	62.57	112.67	72.83	139.67	76.09	379.00	a b c d
OP-15A	Centrex 21, Avg Days		57.52		66.56		85.14		91.81		a b c d
OP-15A	Centrex, Avg Days		24.29		70.54		30.74		36.45		a b c d
OP-15A	Dark Fiber - Loop, Avg Days									38.00	a b c d
OP-15A	DS0, Avg Days		98.65		102.90		109.42		128.71		a b c d
OP-15A	DS1, Avg Days		43.68		54.81		56.13		58.25		a b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15A	DS3, Avg Days		53.11		57.19		64.58		40.57		a b c d
OP-15A	E911, Avg Days						3.40				a b c d
OP-15A	EELs, Avg Days			24.50		13.50		14.17		29.60	a b c d
OP-15A	Frame Relay, Avg Days		33.64		39.91		33.73		20.84		a b c d
OP-15A	ISDN Primary, Avg Days		6.42		25.87		34.25		21.38		a b c d
OP-15A	Line Sharing, Avg Days			19.13		9.58		9.48		7.49	a
OP-15A	LIS Trunk, Avg Days			51.00		50.67		69.33		89.33	a b c d
OP-15A	PBX, Avg Days		40.90	121.00	37.58	143.00	31.47	135.00	53.50	286.00	a b c d
OP-15A	Residence, Avg Days		74.00	84.00	77.94	39.80	82.27	69.70	96.33	168.50	a c d
OP-15A	UBL - 2-wire, Avg Days		129.53	53.57	130.50	56.78	167.97	74.89	179.83	83.89	a b c d
OP-15A	UBL - 4-wire, Avg Days		43.68		54.81		56.13		58.25		a b c d
OP-15A	UBL - DS1 Capable, Avg Days		43.68	30.73	54.81	31.45	56.13	18.91	58.25	25.38	
OP-15A	UBL - DS3 Capable, Avg Days		53.11	28.00	57.19	50.00	64.58	72.00	40.57	92.00	a b c d
OP-15A	UBL Analog, Avg Days		75.90	20.33	75.21	46.71	88.98	75.00	94.84	69.57	b c d
OP-15A	UBL ISDN Capable, Avg Days		129.53	17.50	130.50	21.00	167.97	23.33	179.83	22.20	a b c d
OP-15A	UDIT Above DS1 Level, Avg Days		53.11		57.19		64.58	30.00	40.57		a b c d
OP-15A	UDIT DS1, Avg Days		43.68		54.81		56.13		58.25		a b c d
OP-15A	UNE-P, POTS, Avg Days		72.42	68.95	74.87	57.03	80.56	70.43	92.25	87.45	
OP-15A	UNE-P, Centrex, Avg Days		24.29		70.54	0.00	30.74		36.45	19.00	a b c d
OP-15A	UNE-P, Centrex 21, Avg Days		57.52		66.56		85.14	3.00	91.81		a b c d
OP-15B	**Pending Orders Delayed for Facilities Reasons**										
OP-15B	Basic Rate ISDN		16		14		21		25		a b c d
OP-15B	Business		107	0	131	1	112	1	131	0	a b c d
OP-15B	Centrex 21		7		9		8		7		a b c d
OP-15B	Centrex		18		2		8		9		a b c d
OP-15B	Dark Fiber - Loop									2	a b c d
OP-15B	DS0		0		2		4		2		a b c d
OP-15B	DS1		77		51		47		49		a b c d
OP-15B	DS3		15		17		15		17		a b c d
OP-15B	E911						0				a b c d
OP-15B	EELs			2		2		4		4	a b c d
OP-15B	Frame Relay		9		6		10		6		a b c d
OP-15B	ISDN Primary		5		6		48		2		a b c d
OP-15B	Line Sharing			5		25		24		41	a b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15B	LIS Trunk			0		0		2		2	a b c d
OP-15B	PBX		12	1	11	1	9	1	3	0	a b c d
OP-15B	Residence		403	1	410	2	396	2	344	0	a b c d
OP-15B	UBL - 2-wire		16	0	14	0	21	9	25	9	a b c d
OP-15B	UBL - 4-wire		77		51		47		49		a b c d
OP-15B	UBL - DS1 Capable		77	4	51	4	47	9	49	12	a b c d
OP-15B	UBL - DS3 Capable		15	0	17	0	15	1	17	1	a b c d
OP-15B	UBL Analog		297	12	303	2	252	4	258	6	a b c d
OP-15B	UBL ISDN Capable		16	0	14	0	21	1	25	2	a b c d
OP-15B	UDIT Above DS1 Level		15		17		15	1	17		a b c d
OP-15B	UDIT DS1		77		51		47		49		a b c d
OP-15B	UNE-P, POTS		510	3	541	4	508	1	475	4	a b c d
OP-15B	UNE-P, Centrex		18		2	0	8		9	0	a b c d
OP-15B	UNE-P, Centrex 21		7		9		8	0	7		a b c d
OP-17	**Timeliness of Disconnects associated with LNP Orders**										
OP-17A	LNP, %			100%		99.73%		100%		100%	
OP-17B	LNP, %			99.99%		100%		100%		100%	
OPERATOR SERVICES											
OS-1	**Speed of Answer - Operator Services**										
OS-1	Average Seconds		9.26		9.86		8.92		8.69		a b c d
PRE-ORDER/ORDER											
PO-1	**Pre-Order/Order Response Times**										
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec			0.55		0.57		0.55		0.56	
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec			2.44		2.6		2.24		1.77	
PO-1A-1Total	Appt. Sched, GUI Aggr, Avg Sec			2.99		3.17		2.79		2.33	
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec			0.51		0.52		0.51		0.5	
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec			5.66		6.11		6.37		6.75	
PO-1A-2Total	Service Avail, GUI Aggr, Avg Sec			6.17		6.63		6.89		7.25	
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec			0.7		0.72		0.7		0.7	
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec			7.41		7.73		7.63		7.48	
PO-1A-3Total	Facility Check, GUI Aggr, Avg Sec			8.11		8.45		8.33		8.18	
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec			1.3		1.32		1.34		1.31	
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec			4.64		4.65		4.67		5.1	
PO-1A-4Total	Address Validation, GUI Aggr, Avg Sec			5.94		5.97		6.01		6.41	

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec			0.69		0.74		0.72		0.7	
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec			6.55		5.79		5.82		5.59	
PO-1A-5Total	Get CSR, GUI Aggr, Avg Sec			7.23		6.53		6.54		6.28	
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec			0.79		0.82		0.8		0.79	
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec			4.45		4.91		4.69		4.5	
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec			0.65		0.74		0.71		0.66	
PO-1A-6Total	TN Reserv, GUI Aggr, Avg Sec			5.89		6.47		6.2		5.94	
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec			0.95		0.98		0.96		1.05	
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec			8.73		8.09		7.9		5.75	
PO-1A-7Total	Loop Qual Tools, GUI Aggr, Avg Sec			9.68		9.07		8.86		6.8	
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec			0.9		0.98		0.91		0.91	
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec			5.51		6.66		6.09		5.63	
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggr, Avg Sec			6.41		7.64		7		6.54	
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec			0.44		0.44		0.47		0.44	
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec			17.83		18.14		14.1		8.25	
PO-1A-9Total	Connecting Facility Assign, GUI Aggr, Avg Sec			18.28		18.58		14.56		8.69	
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec			0.48		0.48		0.48		0.47	
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec			19.85		19.95		13.51		4.87	
PO-1A-10Total	Meet Point Inquiry, GUI Aggr, Avg Sec			20.34		20.43		14		5.34	
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec			4.77		4.55		3.99		3.55	
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec			6.32		6.09		6.23		6.61	
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec			6.38		5.73		6.75		7.33	
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec			3.11		2.47		2.52		2.88	
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec			3.43		2.01		2.6		2.66	
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec			5.41		5.52		5.06		5.18	
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec			9.23		8.64		9.67		7.24	
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec			6.31		6.11		5.16		5.74	
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec			18.12		16.97		12.37		8.03	
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec			20.77		20.29		13.09		5.41	
PO-1C-2	Timeout, EDI Total, %			0.07%		0%		0.02%		0.24%	
PO-1D-1	Rejected Query, GUI Total, Avg Sec			1.46		1.57		1.36		1.34	
PO-1D-2	Rejected Query, EDI Total, Avg Sec			2.84		3.15		2.15		1.84	
PO-2	**Electronic Flow-through**										
PO-2A-1	GUI, LNP, %			45.55%		53.51%		44.90%		43.03%	

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-2A-1	GUI, Resale Aggr w/o UNE-P-POTS, %			71.32%		76.11%		76.47%		82.40%	
PO-2A-1	GUI, UBL Aggr, %			31.67%		28.41%		34.74%		40.75%	
PO-2A-1	GUI, UNE-P, POTS, %			60.54%		54.03%		60.80%		64.96%	
PO-2A-2	EDI, LNP, %			66.84%		76.40%		75.67%		78.76%	
PO-2A-2	EDI, Resale Aggr w/o UNE-P-POTS, %			79.78%		73.44%		84.67%		85.48%	
PO-2A-2	EDI, UBL Aggr, %			49.79%		52.94%		54.68%		54.98%	
PO-2A-2	EDI, UNE-P, POTS, %			52.37%		62.81%		60.64%		61.81%	
PO-2B-1	All Eligible LSRs, GUI, LNP, %			96.83%		96.08%		95.08%		95.50%	
PO-2B-1	All Eligible LSRs, GUI, POTS Resale, %			92.54%		94.33%		94.74%		97.00%	
PO-2B-1	All Eligible LSRs, GUI, UBL Aggr, %			82.84%		84.99%		91.92%		94.58%	
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %			88.52%		84.45%		85.67%		90.41%	
PO-2B-2	All Eligible LSRs, EDI, LNP, %			96.18%		96.82%		95.85%		97.90%	
PO-2B-2	All Eligible LSRs, EDI, POTS Resale, %			95.95%		92.16%		96.67%		94.64%	
PO-2B-2	All Eligible LSRs, EDI, UBL Aggr, %			84.54%		90.01%		90.29%		91.11%	
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %			83.98%		87.27%		90.48%		92.03%	
PO-3	**LSR Rejection Notice Interval**										
PO-3A-1	GUI - Manual Reject, Product Aggr, Hrs:Min			4:22		3:00		4:11		3:22	
PO-3A-2	GUI - Auto-Reject, Product Aggr, Min:Sec			00:04		00:04		00:03		00:03	
PO-3B-1	EDI - Manual Reject, Product Aggr, Hrs:Min			3:01		3:42		4:23		4:23	
PO-3B-2	EDI - Auto-Reject, Product Aggr, Min:Sec			00:06		00:06		00:05		00:05	
PO-3C	Manual and IIS, Product Aggr, Hrs:Min			10:29		17:31		14:52		9:19	
PO-4	**LSRs Rejected**										
PO-4A-1	GUI - Manual Reject, Product Aggr, %			4.36%		2.25%		2.41%		2.20%	
PO-4A-2	GUI - Auto-Reject, Product Aggr, %			31.30%		32.17%		31.07%		31.56%	
PO-4B-1	EDI - Manual Reject, Product Aggr, %			8.19%		4.46%		4.57%		4.67%	
PO-4B-2	EDI - Auto-Reject, Product Aggr, %			24.11%		24.10%		20.28%		20.79%	
PO-4C	Facsimile , Product Aggr, %			37.70%		25.39%		25.25%		32.31%	
PO-5	**Firm Order Confirmations (FOCs) On Time**										
PO-5A-1(a)	Fully Electronic, GUI, Resale Aggr, %			100%		99.97%		99.69%		99.93%	
PO-5A-1(b)	Fully Electronic, GUI, UBL Aggr, %			99.71%		100%		99.75%		100%	
PO-5A-1(c)	Fully Electronic, GUI, LNP, %			99.69%		100%		100%		100%	
PO-5A-2(a)	Fully Electronic, EDI, Resale Aggr, %			99.12%		100%		99.80%		100%	
PO-5A-2(b)	Fully Electronic, EDI, UBL Aggr, %			99.72%		100%		100%		100%	
PO-5A-2(c)	Fully Electronic, EDI, LNP, %			99.63%		99.94%		99.96%		100%	

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-5B-1(a)	Elec/Manual, GUI, Resale Aggr, %			94.59%		95.75%		96.19%		97.43%	
PO-5B-1(b)	Elec/Manual, GUI, UBL Aggr, %			98.77%		98.74%		98.00%		96.88%	
PO-5B-1(c)	Elec/Manual, GUI, LNP, %			99.87%		99.71%		100%		99.87%	
PO-5B-2(a)	Elec/Manual, EDI, Resale Aggr, %			99.35%		99.13%		98.48%		98.66%	
PO-5B-2(b)	Elec/Manual, EDI, UBL Aggr, %			99.65%		98.64%		99.01%		98.99%	
PO-5B-2(c)	Elec/Manual, EDI, LNP, %			99.77%		99.84%		99.89%		100%	
PO-5C-(a)	Manual, Resale Aggr, %			94.64%		99.22%		89.32%		97.75%	
PO-5C-(b)	Manual, UBL Aggr, %			100%		95.65%		100%		100%	d
PO-5C-(c)	Manual, LNP, %			100%		100%		100%		100%	
PO-5D	LIS Trunk, %			100%		100%		100%		100%	
PO-6	**Work Completion Notification Timeliness**										
PO-6A	IMA - GUI, All, Hrs:Min			0:34		0:52		1:04		1:06	
PO-6B	IMA - EDI, All, Hrs:Min			0:24		1:57		1:49		1:02	
PO-7	**Billing Completion Notification Timeliness**										
PO-7A-C	IMA - GUI, All, %		97.23%	99.47%	100%	99.95%	100%	99.92%	100%	99.96%	
PO-7B-C	IMA - EDI, All, %		97.23%		100%		100%		100%		a b c d
PO-8	**Jeopardy Notice Interval**										
PO-8A	Non-Designed Services, Avg Days		4.08	2.00	4.53	1.33	5.01	2.00	4.48	2.67	a b c d
PO-8B	UBLs and LNP, Avg Days		4.08	3.24	4.53	3.82	5.01	3.55	4.48	4.32	
PO-8C	LIS Trunk, Avg Days						9.00				a b c d
PO-8D	UNE-P, POTS, Avg Days		4.08	3.00	4.53	10.17	5.01	3.50	4.48	5.00	a b c d
PO-9	**Timely Jeopardy Notices**										
PO-9A	Non-Designed Services, %		13.71%	0%	16.72%	0%	16.52%	10.00%	16.24%	14.29%	a b c d
PO-9B	UBLs and LNP, %		13.71%	10.23%	16.72%	19.78%	16.52%	14.49%	16.24%	53.45%	
PO-9C	LIS Trunk, %		0%	0%	0%	0%	0%		0%	0%	a b c d
PO-9D	UNE-P, POTS, %		13.71%	0%	16.72%	0%	16.52%	10.00%	16.24%	0%	a b c d
PO-10	**LSR Accountability**										
PO-10	Product Aggr, %			100%		100%		100%		100%	
PO-15	**Number of Due Date Changes per Order**										
PO-15	All, Avg Days		0.04	0.09	0.03	0.13	0.02	0.10	0.02	0.15	
PO-16	**Timely Release Notifications**										
PO-16	Default, %					100%		100%		100%	a b c d
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**										
PO-19	SATE Accuracy, %			98.95%							b c d

WASHINGTON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-19A	SATE Accuracy, Rel. 10.0, %					100%		98.45%		98.45%	a
PO-19A	SATE Accuracy, Rel. 8.0, %					100%		99.47%		98.94%	a
PO-19A	SATE Accuracy, Rel. 9.0, %					99.47%		100%		98.94%	a
PO-19A	SATE Accuracy, Rel. VICKI, %					100%		100%		100%	a
PO-19B	SATE Accuracy, %					99.16%					a c d
PO-20	**Manual Service Order Accuracy**										
PO-20	POTS Resale, %			90.25%		90.58%		92.78%		96.88%	
PO-20	UBL Aggr, %			96.46%		95.20%		95.16%		94.42%	

Metric Number:
* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting
D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:
a = Sample size less than or equal to 10 in June 2002
b = Sample size less than or equal to 10 in July 2002
c = Sample size less than or equal to 10 in August 2002
d = Sample size less than or equal to 10 in September 2002

Appendix J

Wyoming Performance Metrics

The data in this appendix are taken from Qwest November 15 Ex Parte Letter Attach. 1 (Statewide Average Performance Summary, CO, ID, IA, MT, NE, ND, UT, WA, WY, May-Sept 2002). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Ctr
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
BILLING											
BI-1	**Time to Provide Recorded Usage Records**										
BI-1A	UNEs and Resale Aggr, Avg Days		8.16	2.89	7.79	2.40	7.86	2.26	6.40	1.75	
BI-1B	Jointly-provided Switched Access, %			100%		100%		100%		100%	
BI-1C-1	[CAT11], UNEs and Resale Aggr, Avg Days		8.16	2.89	7.79	2.40	7.86	2.26	6.40	1.75	
BI-1C-2	[CAT10], UNEs and Resale Aggr, Avg Days		8.16	3.20	7.79	3.26	7.86	2.17	6.40	1.73	
BI-2	**Invoices Delivered within 10 Days**										
BI-2	All, %			100%		100%		100%		100%	
BI-3	**Billing Accuracy - Adjustments for Errors**										
BI-3A	UNEs and Resale Aggr, %		99.23%	-1.22%	99.39%	99.90%	98.76%	99.42%	99.65%	99.29%	
BI-4	**Billing Completeness**										
BI-4A	UNEs and Resale Aggr, %		99.22%	98.73%	99.32%	97.26%	99.08%	97.74%	99.43%	98.76%	
BI-5	**Billing Accuracy & Claims Processing**										
BI-5A	Acknowledgment, All, %			91.30%		89.52%		100%		99.70%	
BI-5B	Resolution, All, %			90.18%		74.66%		96.38%		100%	
COLLOCATION											
CP-1	**Collocation Completion Interval**										
CP-1A	90 Calendar Days or Less, All, Avg Days					83.00					a b c d
CP-1C	121 to 150 Calendar Days, All, Avg Days					107.00					a b c d
CP-2	**Collocations Completed within Scheduled Intervals**										
CP-2B	Non-Forecasted & Late Forecasted , All, %					100%					a b c d
CP-2C	w/ Intervals Longer than 120 Days, All, %					100%					a b c d
DIRECTORY ASSISTANCE											
DA-1	**Speed of Answer - Directory Assistance**										
DA-1	Average Seconds		8.54		8.77		8.36		8.68		a b c d
DATABASE UPDATES											
DB-1	**Time to Update Databases**										
DB-1A	E911, Hrs:Min			6:14		3:53		2:26		1:59	
DB-1B	LIDB, Avg Sec			1.47		1.32		1.26		1.27	
DB-1C-1	Directory Listing, Avg Sec			0.09		0.11		0.09		0.11	
DB-2	**Accurate Database Updates**										
DB-2C-1	Directory Listing, %			94.91%		95.03%		94.54%		92.58%	
ELECTRONIC GATEWAY AVAILABILITY											

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
GA-1A	IMA-GUI, All, %			99.93%		100%		98.75%		100%	
GA-1B	IMA-GUI, Fetch-n-Stuff, %			100%		100%		100%		100%	
GA-1C	IMA-GUI, Data Arbiter, %			100%		100%		99.96%		100%	
GA-1D	IMA-GUI, SIA, %			100%		99.55%		100%		99.95%	
GA-2	IMA-EDI, %			99.93%		100%		98.26%		99.80%	
GA-3	EB-TA, %			100%		99.54%		99.31%		99.94%	
GA-4	EXACT, %			99.93%		100%		100%		100%	
GA-6	GUI - Repair, %			100%		99.50%		99.92%		100%	
GA-7	Timely Outage Resolution following Software Releases , %							100%			a b c d
MAINTENANCE AND REPAIR											
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**										
MR-2	All, %		78.59%	80.32%	78.57%	78.71%	84.85%	87.02%	86.24%	85.75%	
MR-3	**Out of Service Cleared within 24 Hours**										
MR-3	Basic Rate ISDN, %	D	100%		100%		100%		100%		a b c d
MR-3	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-3	Business, %	D	92.92%	100%	95.22%	66.67%	95.17%	100%	94.89%	100%	a b c d
MR-3	Business, %	ND	97.56%		96.83%	100%	100%	100%	100%	100%	a b c d
MR-3	Centrex 21, %	D	100%		84.62%	100%	94.12%		100%	100%	a b c d
MR-3	Centrex 21, %	ND	100%		83.33%		100%		100%		a b c d
MR-3	Centrex, %	D	88.89%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-3	Centrex, %	ND	100%		100%	100%	100%		100%		a b c d
MR-3	Line Sharing, %	D	95.48%		93.70%		96.22%		94.95%		a b c d
MR-3	Line Sharing, %	ND	96.99%		98.65%		98.91%		96.75%		a b c d
MR-3	PBX, %	D	85.71%		100%	100%	100%		87.50%	100%	a b c d
MR-3	PBX, %	ND	100%		100%	100%	100%	100%	100%		a b c d
MR-3	Qwest DSL, %		100%		80.00%		88.89%		70.00%		a b c d
MR-3	Residence, %	D	95.89%	100%	93.45%	100%	96.41%	100%	94.96%	100%	a b c d
MR-3	Residence, %	ND	96.89%	100%	99.02%		98.71%	100%	96.31%	100%	a b c d
MR-3	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-3	UBL - ADSL Qualified, %		100%		80.00%		88.89%		70.00%		a b c d
MR-3	UBL Analog, %		95.69%		94.43%		96.66%		95.21%		a b c d
MR-3	UBL ISDN Capable, %		100%		100%		100%	100%	100%		a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-3	UNE-P, POTS, %	D	95.48%	100%	93.70%	100%	96.22%	100%	94.95%	100%	a c d
MR-3	UNE-P, POTS, %	ND	96.99%		98.65%	100%	98.91%	100%	96.75%		a b c d
MR-3	UNE-P, Centrex, %	D	88.89%	100%	100%	98.64%	100%	97.59%	100%	99.19%	
MR-3	UNE-P, Centrex, %	ND	100%	100%	100%	96.00%	100%	100%	100%	100%	
MR-3	UNE-P, Centrex 21, %	D	100%		84.62%		94.12%		100%		a b c d
MR-3	UNE-P, Centrex 21, %	ND	100%		83.33%		100%		100%		a b c d
MR-4	**All Troubles Cleared within 48 Hours**										
MR-4	Basic Rate ISDN, %	D	100%		100%		100%		100%		a b c d
MR-4	Basic Rate ISDN, %	ND	100%		100%		100%		100%		a b c d
MR-4	Business, %	D	98.03%	100%	98.84%	66.67%	99.12%	100%	98.94%	100%	a b c d
MR-4	Business, %	ND	100%		99.19%	100%	100%	100%	100%	100%	a b c d
MR-4	Centrex 21, %	D	96.15%		94.12%	100%	100%		100%	100%	a b c d
MR-4	Centrex 21, %	ND	100%		100%		100%		100%		a b c d
MR-4	Centrex, %	D	100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-4	Centrex, %	ND	100%		100%	100%	100%		100%		a b c d
MR-4	Line Sharing, %	D	99.14%	100%	98.57%		99.21%		98.33%		a b c d
MR-4	Line Sharing, %	ND	99.42%		99.42%	100%	100%		99.78%		a b c d
MR-4	PBX, %	D	100%		100%	100%	100%		87.50%	100%	a b c d
MR-4	PBX, %	ND	100%		100%	100%	100%	100%	100%		a b c d
MR-4	Qwest DSL, %		100%		90.00%		94.44%		80.00%		a b c d
MR-4	Residence, %	D	99.32%	100%	98.53%	100%	99.22%	100%	98.23%	100%	a b c d
MR-4	Residence, %	ND	99.29%	100%	99.47%		100%	100%	99.74%	100%	a b c d
MR-4	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-4	UBL - ADSL Qualified, %		100%		90.00%		94.44%		80.00%		a b c d
MR-4	UBL Analog, %		99.19%		98.75%		99.38%		98.59%		a b c d
MR-4	UBL ISDN Capable, %		100%		100%		100%	100%	100%		a b c d
MR-4	UNE-P, POTS, %	ND	99.42%	100%	99.42%	90.00%	100%	100%	99.78%		a b c d
MR-4	UNE-P, POTS, %	D	99.14%	100%	98.57%	100%	99.21%	100%	98.33%	100%	a c d
MR-4	UNE-P, Centrex, %	D	100%	99.49%	100%	98.89%	100%	98.98%	100%	100%	
MR-4	UNE-P, Centrex, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UNE-P, Centrex 21, %	D	96.15%		94.12%		100%		100%		a b c d
MR-4	UNE-P, Centrex 21, %	ND	100%		100%		100%		100%		a b c d
MR-5	**All Troubles Cleared within 4 Hours**										

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-5	DS0, %		88.10%		91.51%		87.03%		79.41%		a b c d
MR-5	DS1, %		90.00%		89.33%		78.45%	100%	77.92%	100%	a b c d
MR-5	DS3, %				100%		50.00%				a b c d
MR-5	Frame Relay, %		89.47%		93.18%		87.88%		75.00%		a b c d
MR-5	ISDN Primary, %		100%		100%		0%		100%		a b c d
MR-5	LIS Trunk, %			100%	60.00%	100%	100%		100%	100%	a b c d
MR-5	UBL - 4-wire, %		90.00%		89.33%		78.45%		77.92%		a b c d
MR-5	UBL - DS1 Capable, %		90.00%		89.33%		78.45%	100%	77.92%		a b c d
MR-5	UBL - DS3 Capable, %				100%		50.00%				a b c d
MR-5	UDIT Above DS1 Level, %				100%		50.00%				a b c d
MR-5	UDIT DS1, %		90.00%		89.33%		78.45%		77.92%		a b c d
MR-6	**Mean Time to Restore**										
MR-6	Basic Rate ISDN, Hrs:Min	D	6:44		6:30		3:30		4:34		a b c d
MR-6	Basic Rate ISDN, Hrs:Min	ND	1:30		1:02		1:23		2:07		a b c d
MR-6	Business, Hrs:Min	D	10:39	4:32	9:33	27:22	8:19	7:06	8:35	3:00	a b c d
MR-6	Business, Hrs:Min	ND	3:18		4:52	4:27	3:06	1:45	3:26	6:32	a b c d
MR-6	Centrex 21, Hrs:Min	D	7:22		13:40	3:31	5:55		5:34	3:07	a b c d
MR-6	Centrex 21, Hrs:Min	ND	1:23		4:13		4:19		5:49		a b c d
MR-6	Centrex, Hrs:Min	D	12:26	10:08	4:08	1:10	4:25	6:29	5:17	2:06	a b c d
MR-6	Centrex, Hrs:Min	ND	2:59		3:39	0:53	2:31		8:16		a b c d
MR-6	DS0, Hrs:Min		2:14		2:00		2:16		2:40		a b c d
MR-6	DS1, Hrs:Min		1:45		2:18		3:25	0:25	3:05	0:16	a b c d
MR-6	DS3, Hrs:Min				0:13		2:59				a b c d
MR-6	Frame Relay, Hrs:Min		1:40		1:32		2:17		2:43		a b c d
MR-6	ISDN Primary, Hrs:Min		0:05		1:12		21:42		1:43		a b c d
MR-6	Line Sharing, Hrs:Min	D	11:06	3:10	11:49		10:34		11:06		a b c d
MR-6	Line Sharing, Hrs:Min	ND	5:28		6:51	0:52	5:05		6:12		a b c d
MR-6	LIS Trunk, Hrs:Min			0:27	3:02	0:53	1:36		0:36	0:24	a b c d
MR-6	PBX, Hrs:Min	D	8:41		6:19	3:42	3:14		16:07	1:30	a b c d
MR-6	PBX, Hrs:Min	ND	0:59		2:25	4:42	1:51	0:19	7:12		a b c d
MR-6	Qwest DSL, Hrs:Min		12:10		26:42		7:17		18:36		a b c d
MR-6	Residence, Hrs:Min	D	11:10	2:29	12:09	2:35	10:56	4:50	11:30	5:07	a b c d
MR-6	Residence, Hrs:Min	ND	5:56	2:29	7:17		5:27	3:00	6:36	5:17	a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-6	UBL - 2-wire, Hrs:Min		3:44	1:05	1:57	1:32	2:32	1:47	2:31	1:48	a b c d
MR-6	UBL - 4-wire, Hrs:Min		1:45		2:18		3:25		3:05		a b c d
MR-6	UBL - ADSL Qualified, Hrs:Min		12:10		26:42		7:17		18:36		a b c d
MR-6	UBL - DS1 Capable, Hrs:Min		1:45		2:18		3:25	2:13	3:05		a b c d
MR-6	UBL - DS3 Capable, Hrs:Min				0:13		2:59				a b c d
MR-6	UBL Analog, Hrs:Min		10:02		10:48		9:24		10:13		a b c d
MR-6	UBL ISDN Capable, Hrs:Min		3:44		1:57		2:32	0:41	2:31		a b c d
MR-6	UDIT Above DS1 Level, Hrs:Min				0:13		2:59				a b c d
MR-6	UDIT DS1, Hrs:Min		1:45		2:18		3:25		3:05		a b c d
MR-6	UNE-P, POTS, Hrs:Min	D	11:06	6:07	11:49	5:14	10:34	4:58	11:06	7:12	a c d
MR-6	UNE-P, POTS, Hrs:Min	ND	5:28	0:28	6:51	10:01	5:05	11:05	6:12		a b c d
MR-6	UNE-P, Centrex, Hrs:Min	D	12:26	7:15	4:08	6:35	4:25	6:37	5:17	4:23	
MR-6	UNE-P, Centrex, Hrs:Min	ND	2:59	3:04	3:39	4:35	2:31	3:08	8:16	2:29	
MR-6	UNE-P, Centrex 21, Hrs:Min	D	7:22		13:40		5:55		5:34		a b c d
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	1:23		4:13		4:19		5:49		a b c d
MR-7	**Repair Repeat Report Rate**										
MR-7	Basic Rate ISDN, %	D	33.33%		0%		16.67%		0%		a b c d
MR-7	Basic Rate ISDN, %	ND	0%		40.00%		0%		40.00%		a b c d
MR-7	Business, %	D	13.03%	0%	13.28%	0%	15.61%	16.67%	14.29%	0%	a b c d
MR-7	Business, %	ND	9.89%		16.26%	0%	12.87%	0%	15.79%	0%	a b c d
MR-7	Centrex 21, %	D	3.85%		8.82%	0%	0%		0%	0%	a b c d
MR-7	Centrex 21, %	ND	15.38%		25.00%		10.00%		0%		a b c d
MR-7	Centrex, %	D	0%	0%	5.56%	0%	6.90%	20.00%	14.29%	0%	a b c d
MR-7	Centrex, %	ND	0%		7.69%	0%	0%		18.18%		a b c d
MR-7	DS0, %		21.43%		19.81%		16.76%		19.12%		a b c d
MR-7	DS1, %		35.00%		28.00%		21.55%	75.00%	18.18%	50.00%	a b c d
MR-7	DS3, %				0%		0%				a b c d
MR-7	Frame Relay, %		23.68%		22.73%		10.61%		12.50%		a b c d
MR-7	ISDN Primary, %		0%		0%		0%		0%		a b c d
MR-7	Line Sharing, %	D	66.67%	0%	50.00%		0%		50.00%		a b c d
MR-7	Line Sharing, %	ND	50.00%		16.67%	0%	14.29%		37.50%		a b c d
MR-7	LIS Trunk, %			100%	40.00%	0%	100%		0%	0%	a b c d
MR-7	PBX, %	D	12.50%		9.09%	0%	5.88%		25.00%	0%	a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7	PBX, %	ND	5.26%		14.29%	0%	9.52%	0%	25.00%		a b c d
MR-7	Qwest DSL, %		60.00%		30.00%		11.11%		40.00%		a b c d
MR-7	Residence, %	D	14.80%	0%	13.26%	0%	13.22%	0%	14.96%	0%	a b c d
MR-7	Residence, %	ND	10.61%	0%	11.05%		11.33%	0%	9.23%	0%	a b c d
MR-7	UBL - 2-wire, %		14.29%	0%	33.33%	0%	9.09%	20.00%	33.33%	0%	a b c d
MR-7	UBL - 4-wire, %		35.00%		28.00%		21.55%		18.18%		a b c d
MR-7	UBL - ADSL Qualified, %		60.00%		30.00%		11.11%		40.00%		a b c d
MR-7	UBL - DS1 Capable, %		35.00%		28.00%		21.55%	0%	18.18%		a b c d
MR-7	UBL - DS3 Capable, %				0%		0%				a b c d
MR-7	UBL Analog, %		13.80%		13.00%		13.14%		14.03%		a b c d
MR-7	UBL ISDN Capable, %		14.29%		33.33%		9.09%	0%	33.33%		a b c d
MR-7	UDIT Above DS1 Level, %				0%		0%				a b c d
MR-7	UDIT DS1, %		35.00%		28.00%		21.55%		18.18%		a b c d
MR-7	UNE-P, POTS, %	D	14.56%	0%	13.26%	23.08%	13.56%	20.00%	14.87%	0%	a c d
MR-7	UNE-P, POTS, %	ND	10.49%	0%	11.99%	10.00%	11.57%	0%	10.07%		a b c d
MR-7	UNE-P, Centrex, %	ND	0%	16.39%	7.69%	11.54%	0%	10.45%	18.18%	14.55%	
MR-7	UNE-P, Centrex, %	D	0%	11.73%	5.56%	12.71%	6.90%	14.65%	14.29%	11.72%	
MR-7	UNE-P, Centrex 21, %	D	3.85%		8.82%		0%		0%		a b c d
MR-7	UNE-P, Centrex 21, %	ND	15.38%		25.00%		10.00%		0%		a b c d
MR-7*	Basic Rate ISDN, %	D	33.33%		0%		20.00%				a b c d
MR-7*	Basic Rate ISDN, %	ND	0%		0%		0%				a b c d
MR-7*	Business, %	D	13.17%	0%	11.47%	0%	16.23%	16.67%			a b c d
MR-7*	Business, %	ND	13.89%		25.00%	0%	10.71%	0%			a b c d
MR-7*	Centrex 21, %	D	4.17%		10.34%	0%	0%				a b c d
MR-7*	Centrex 21, %	ND	11.11%		33.33%		25.00%				a b c d
MR-7*	Centrex, %	D	0%	0%	5.88%	0%	7.41%	20.00%			a b c d
MR-7*	Centrex, %	ND	0%		11.11%	0%	0%				a b c d
MR-7*	DS0, %		20.41%		17.86%		15.97%				a b c d
MR-7*	DS1, %		33.33%		30.91%		22.73%	100%			a b c d
MR-7*	DS3, %						0%				a b c d
MR-7*	Frame Relay, %		26.32%		22.22%		10.53%				a b c d
MR-7*	ISDN Primary, %						0%				a b c d
MR-7*	Line Sharing, %	D	100%	0%	66.67%		0%				a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-7*	Line Sharing, %	ND	0%		0%		7.69%				a b c d
MR-7*	LIS Trunk, %				40.00%	0%	100%				a b c d
MR-7*	PBX, %	D	12.50%		11.11%	0%	0%				a b c d
MR-7*	PBX, %	ND	20.00%		20.00%		9.09%				a b c d
MR-7*	Qwest DSL, %		50.00%		40.00%		6.25%				a b c d
MR-7*	Residence, %	D	15.03%	0%	13.23%	0%	13.17%	0%			a b c d
MR-7*	Residence, %	ND	12.14%	0%	15.95%		8.64%	0%			a b c d
MR-7*	UBL - 2-wire, %		20.00%	0%	0%	0%	16.67%	0%			a b c d
MR-7*	UBL - 4-wire, %		33.33%		30.91%		22.73%				a b c d
MR-7*	UBL - ADSL Qualified, %		50.00%		40.00%		6.25%				a b c d
MR-7*	UBL - DS1 Capable, %		33.33%		30.91%		22.73%	0%			a b c d
MR-7*	UBL - DS3 Capable, %						0%				a b c d
MR-7*	UBL Analog, %		14.56%		13.47%		13.05%				a b c d
MR-7*	UBL ISDN Capable, %		20.00%		0%		16.67%				a b c d
MR-7*	UDIT Above DS1 Level, %						0%				a b c d
MR-7*	UDIT DS1, %		33.33%		30.91%		22.73%				a b c d
MR-7*	UNE-P, POTS, %	D	14.77%	0%	13.01%	25.00%	13.59%	25.00%			a c d
MR-7*	UNE-P, POTS, %	ND	12.44%	0%	17.50%	14.29%	9.03%	0%			a b c d
MR-7*	UNE-P, Centrex, %	D	0%	12.02%	5.88%	12.35%	7.41%	14.67%			d
MR-7*	UNE-P, Centrex, %	ND	0%	8.33%	11.11%	12.00%	0%	13.95%			d
MR-7*	UNE-P, Centrex 21, %	D	4.17%		10.34%		0%				a b c d
MR-7*	UNE-P, Centrex 21, %	ND	11.11%		33.33%		25.00%				a b c d
MR-8	**Trouble Rate**										
MR-8	Basic Rate ISDN, %		0.73%	0%	1.24%	0%	1.13%	0%	0.62%	0%	a b c d
MR-8	Business, %		0.67%	0.55%	0.80%	0.48%	0.75%	0.65%	0.58%	0.75%	
MR-8	Centrex 21, %		0.66%	0%	0.84%	0.79%	0.52%	0%	0.46%	0.40%	
MR-8	Centrex, %		0.23%	1.02%	0.47%	0.63%	0.66%	1.04%	0.40%	0.42%	
MR-8	DS0, %		0.80%	0%	1.01%	0%	1.78%	0%	0.67%	0%	
MR-8	DS1, %		1.57%	0%	1.95%	0%	2.97%	21.05%	1.95%	10.53%	
MR-8	DS3, %		0%		0.56%		1.08%		0%		a b c d
MR-8	E911, %		0%		0%		0%		0%		a b c d
MR-8	Frame Relay, %		2.33%		2.69%		3.90%		2.41%		a b c d
MR-8	ISDN Primary, %		0.01%	0%	0.01%	0%	0.01%	0%	0.03%	0%	

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8	Line Sharing, %		1.21%	1.52%	1.49%	1.37%	1.37%	0%	1.12%	0%	
MR-8	LIS Trunk, %		0%	0.05%	0.04%	0.08%	0.01%	0%	0.02%	0.06%	
MR-8	PBX, %		0.18%	0%	0.17%	0.99%	0.25%	0.31%	0.11%	0.31%	
MR-8	Qwest DSL, %		0.50%		1.03%		1.93%		1.11%		a b c d
MR-8	Residence, %		1.40%	1.16%	1.73%	0.82%	1.59%	1.41%	1.31%	0.84%	
MR-8	UBL - 2-wire, %		0.73%	0.85%	1.24%	0.78%	1.13%	1.19%	0.62%	0.45%	
MR-8	UBL - 4-wire, %		1.57%		1.95%		2.97%		1.95%		a b c d
MR-8	UBL - ADSL Qualified, %		0.50%		1.03%		1.93%		1.11%		a b c d
MR-8	UBL - DS1 Capable, %		1.57%	0%	1.95%	0%	2.97%	16.67%	1.95%	0%	a b c d
MR-8	UBL - DS3 Capable, %		0%		0.56%		1.08%		0%		a b c d
MR-8	UBL Analog, %		1.21%	0%	1.49%	0%	1.37%	0%	1.12%	0%	a b c d
MR-8	UBL ISDN Capable, %		0.73%	0%	1.24%	0%	1.13%	2.17%	0.62%	0%	
MR-8	UDIT Above DS1 Level, %		0%	0%	0.56%	0%	1.08%	0%	0%	0%	a b c d
MR-8	UDIT DS1, %		1.57%	0%	1.95%	0%	2.97%	0%	1.95%	0%	a b
MR-8	UNE-P, POTS, %		1.21%	0.77%	1.49%	1.37%	1.37%	0.42%	1.12%	0.24%	
MR-8	UNE-P, Centrex, %		0.23%	1.12%	0.47%	1.02%	0.66%	1.18%	0.40%	0.90%	
MR-8	UNE-P, Centrex 21, %		0.66%	0%	0.84%	0%	0.52%	0%	0.46%	0%	a b c d
MR-8*	Basic Rate ISDN, %		0.52%	0%	0.41%	0%	0.62%	0%			a b c d
MR-8*	Business, %		0.53%	0.46%	0.61%	0.38%	0.61%	0.65%			d
MR-8*	Centrex 21, %		0.56%	0%	0.69%	0.79%	0.37%	0%			d
MR-8*	Centrex, %		0.17%	1.02%	0.40%	0.63%	0.55%	1.04%			d
MR-8*	DS0, %		0.47%	0%	0.53%	0%	1.14%	0%			d
MR-8*	DS1, %		0.94%	0%	1.43%	0%	2.25%	10.53%			d
MR-8*	DS3, %		0%		0%		1.08%				a b c d
MR-8*	E911, %		0%		0%		0%				a b c d
MR-8*	Frame Relay, %		1.17%		1.65%		2.24%				a b c d
MR-8*	ISDN Primary, %		0%	0%	0%	0%	0.01%	0%			d
MR-8*	Line Sharing, %		0.99%	1.52%	1.21%	0%	1.12%	0%			d
MR-8*	LIS Trunk, %		0%	0%	0.04%	0.03%	0.01%	0%			d
MR-8*	PBX, %		0.09%	0%	0.09%	0.33%	0.13%	0%			d
MR-8*	Qwest DSL, %		0.20%		0.51%		1.72%				a b c d
MR-8*	Residence, %		1.15%	0.77%	1.42%	0.82%	1.29%	1.41%			d
MR-8*	UBL - 2-wire, %		0.52%	0.28%	0.41%	0.52%	0.62%	0.48%			d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-8*	UBL - 4-wire, %		0.94%		1.43%		2.25%				a b c d
MR-8*	UBL - ADSL Qualified, %		0.20%		0.51%		1.72%				a b c d
MR-8*	UBL - DS1 Capable, %		0.94%	0%	1.43%	0%	2.25%	16.67%			a b c d
MR-8*	UBL - DS3 Capable, %		0%		0%		1.08%				a b c d
MR-8*	UBL Analog, %		0.99%	0%	1.21%	0%	1.12%	0%			a b c d
MR-8*	UBL ISDN Capable, %		0.52%	0%	0.41%	0%	0.62%	0%			d
MR-8*	UDIT Above DS1 Level, %		0%	0%	0%	0%	1.08%	0%			a b c d
MR-8*	UDIT DS1, %		0.94%	0%	1.43%	0%	2.25%	0%			a b d
MR-8*	UNE-P, POTS, %		0.99%	0.53%	1.21%	1.13%	1.12%	0.30%			d
MR-8*	UNE-P, Centrex, %		0.17%	0.96%	0.40%	0.82%	0.55%	1.01%			d
MR-8*	UNE-P, Centrex 21, %		0.56%	0%	0.69%	0%	0.37%	0%			a b c d
MR-9	**Repair Appointments Met**										
MR-9	Basic Rate ISDN, %	ND					100%				a b c d
MR-9	Business, %	ND	98.90%		97.56%	50.00%	98.02%	100%	98.25%	100%	a b c d
MR-9	Business, %	D	97.39%	100%	94.92%	100%	99.13%	100%	97.91%	100%	a b c d
MR-9	Centrex 21, %	D	96.15%		100%	100%	100%		100%	100%	a b c d
MR-9	Centrex 21, %	ND	100%		100%		100%		91.67%		a b c d
MR-9	Centrex, %	D	100%	100%	100%	100%	100%	100%	100%	100%	a b c d
MR-9	Centrex, %	ND	100%		100%	100%	100%		90.91%		a b c d
MR-9	PBX, %	D	100%		100%	100%	88.89%		100%	100%	a b c d
MR-9	PBX, %	ND	100%		66.67%	50.00%	100%		66.67%		a b c d
MR-9	Residence, %	D	99.02%	100%	97.16%	100%	98.77%	100%	98.67%	100%	a b c d
MR-9	Residence, %	ND	99.29%	100%	98.57%		99.63%	100%	98.72%	100%	a b c d
MR-9	UNE-P, POTS, %	D	98.80%	100%	96.87%	100%	98.82%	100%	98.57%	100%	a c d
MR-9	UNE-P, POTS, %	ND	99.22%	100%	98.39%	100%	99.38%	100%	98.66%		a b c d
MR-10	**Customer and Non-Qwest Related Trouble Reports**										
MR-10	Basic Rate ISDN, %		41.67%		36.84%		21.43%		14.29%		a b c d
MR-10	Business, %		30.66%	25.00%	31.47%	50.00%	30.05%	53.33%	36.41%	20.00%	a b d
MR-10	Centrex 21, %		40.00%		28.57%	33.33%	27.91%	100%	28.21%	0%	a b c d
MR-10	Centrex, %		28.57%	37.50%	29.55%	40.00%	6.67%	28.57%	28.57%	50.00%	a b c d
MR-10	DS0, %		28.21%		18.46%		11.90%		21.84%		a b c d
MR-10	DS1, %		26.83%		26.47%		17.73%	20.00%	23.00%	33.33%	a b c d
MR-10	DS3, %				0%		0%				a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
MR-10	Frame Relay, %		29.63%		13.73%		19.51%		9.09%		a b c d
MR-10	ISDN Primary, %		0%		0%		66.67%		25.00%		a b c d
MR-10	LIS Trunk, %		100%	60.00%	61.54%	0%	75.00%		40.00%	62.50%	a b c d
MR-10	PBX, %		34.15%		30.56%	25.00%	45.71%	0%	44.83%	0%	a b c d
MR-10	Qwest DSL, %		54.55%		50.00%		41.94%		47.37%		a b c d
MR-10	Residence, %		29.92%	14.29%	31.08%	55.56%	31.08%	33.33%	31.92%	42.86%	a b
MR-10	UBL - 2-wire, %		41.67%	0%	36.84%	0%	21.43%	16.67%	14.29%	33.33%	a b c d
MR-10	UBL - 4-wire, %		26.83%		26.47%		17.73%		23.00%		a b c d
MR-10	UBL - ADSL Qualified, %		54.55%		50.00%		41.94%		47.37%		a b c d
MR-10	UBL - DS1 Capable, %		26.83%		26.47%		17.73%	0%	23.00%		a b c d
MR-10	UBL - DS3 Capable, %				0%		0%				a b c d
MR-10	UBL Analog, %		30.03%		31.14%		30.94%	100%	32.56%		a b c d
MR-10	UBL ISDN Capable, %		41.67%		36.84%		21.43%	0%	14.29%		a b c d
MR-10	UDIT Above DS1 Level, %				0%		0%				a b c d
MR-10	UDIT DS1, %		26.83%		26.47%		17.73%		23.00%		a b c d
MR-10	UNE-P, POTS, %		30.03%	31.58%	31.14%	14.81%	30.94%	50.00%	32.56%	20.00%	d
MR-10	UNE-P, Centrex, %		28.57%	19.94%	29.55%	30.03%	6.67%	25.35%	28.57%	28.06%	
MR-10	UNE-P, Centrex 21, %		40.00%		28.57%		27.91%		28.21%		a b c d
MR-11	**LNP Trouble Reports Cleared**										
MR-11A	within 4 Hours, %		60.53%		44.99%		51.77%		52.85%		a b c d
MR-11B	within 48 Hours, %		99.42%		99.42%		100%		99.78%		a b c d
NETWORK PERFORMANCE											
NI-1	**Trunk Blocking**										
NI-1A	to Qwest Tandem Offices, LIS Trunk, %			0%		0%		0%		0%	
NI-1B	to Qwest End Offices, LIS Trunk, %		0%	0.11%	0%	0.03%	0%	0.20%	0%	0%	
NI-1C	to Qwest Tandem Offices, LIS Trunk, %			0%		0%		0%		0%	
NI-1D	to Qwest End Offices, LIS Trunk, %		0%	1.55%	0%	0.41%	0%	0.73%	0%	0.39%	
NP-1	**NXX Code Activation**										
NP-1A	All, %									100%	a b c d
NP-1B	Facility Delays, All, %									0%	a b c d
ORDER ACCURACY											
OA-1	Order Accuracy, % (OP-5++)					96.80%		98.56%		95.19%	a
ORDERING AND PROVISIONING											

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**										
OP-2	Default, %		80.97%	96.94%	75.62%	97.87%	72.08%	98.27%	82.25%	97.82%	
OP-3	**Installation Commitments Met**										
OP-3	Basic Rate ISDN, %		75.00%		100%		85.71%		77.78%		a b c d
OP-3	Business, %	D	95.29%	100%	97.82%	100%	95.32%	100%	96.09%	100%	a b c d
OP-3	Business, %	ND	100%	100%	97.10%	100%	100%	100%	98.36%	100%	a d
OP-3	Centrex 21, %	D	100%	100%	100%	100%	100%		83.33%		a b c d
OP-3	Centrex 21, %	ND	100%	100%	100%	100%	100%		100%		b c d
OP-3	Centrex, %	D	85.71%	100%	100%	100%	100%	100%	100%	100%	b c d
OP-3	Centrex, %	ND	0%	100%		100%		100%		100%	a b c d
OP-3	DS0, %	D	0%								a b c d
OP-3	DS0, %	ND	100%		100%						a b c d
OP-3	DS0, %		100%		88.89%		77.78%		90.00%	100%	a b c d
OP-3	DS1, %		90.36%		75.00%		84.72%		66.67%		a b c d
OP-3	DS3, %		100%		50.00%		100%		83.33%		a b c d
OP-3	Frame Relay, %		78.57%		91.67%		55.00%		57.89%		a b c d
OP-3	ISDN Primary, %	ND							100%		a b c d
OP-3	ISDN Primary, %		75.00%		4.76%		66.67%		55.56%		a b c d
OP-3	Line Sharing, %	D	95.79%		96.72%		96.28%		96.67%		a b c d
OP-3	Line Sharing, %	ND	99.80%	100%	99.58%	100%	99.83%	100%	99.67%	100%	a b c d
OP-3	LIS Trunk, %		85.71%	100%	100%		50.00%	100%	100%	100%	a b c d
OP-3	PBX, %	D	100%	100%	100%		100%		100%		a b c d
OP-3	PBX, %	ND			100%						a b c d
OP-3	PBX, %		33.33%		100%		1.69%		100%		a b c d
OP-3	Qwest DSL, %	D	93.33%		80.00%		92.31%		93.33%		a b c d
OP-3	Qwest DSL, %	ND	99.56%		99.66%		99.62%		98.80%		a b c d
OP-3	Qwest DSL, %		0%				0%		100%		a b c d
OP-3	Residence, %	D	95.96%	100%	96.32%	100%	96.57%	100%	96.89%	98.95%	a
OP-3	Residence, %	ND	99.80%	100%	99.64%	100%	99.83%	100%	99.70%	100%	a
OP-3	UBL - 2-wire, %		75.00%	100%	100%	100%	85.71%	100%	77.78%	100%	
OP-3	UBL - 4-wire, %		90.36%		75.00%		84.72%		66.67%		a b c d
OP-3	UBL - ADSL Qualified, %		93.33%		80.00%		92.31%		93.33%		a b c d
OP-3	UBL - DS1 Capable, %		90.36%	100%	75.00%	0%	84.72%	0%	66.67%		a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-3	UBL - DS3 Capable, %		100%		50.00%		100%		83.33%		a b c d
OP-3	UBL Analog, %	D	95.79%								a b c d
OP-3	UBL Analog, %		95.79%		96.72%		96.28%		96.67%		a b c d
OP-3	UBL Conditioned, %			100%		100%					a b c d
OP-3	UBL ISDN Capable, %		75.00%	100%	100%	66.67%	85.71%	100%	77.78%	75.00%	a b c d
OP-3	UDIT Above DS1 Level, %		100%		50.00%		100%		83.33%		a b c d
OP-3	UDIT DS1, %		90.36%		75.00%		84.72%	100%	66.67%		a b c d
OP-3	UNE-P, POTS, %	D	95.79%	100%	96.72%	87.50%	96.28%	100%	96.67%	100%	a b c d
OP-3	UNE-P, POTS, %	ND	99.80%	100%	99.58%	100%	99.83%	100%	99.67%	100%	a b c d
OP-3	UNE-P, Centrex, %	D	85.71%	98.30%	100%	97.10%	100%	97.96%	100%	100%	
OP-3	UNE-P, Centrex, %	ND	0%	97.39%		98.84%		93.94%		100%	
OP-3	UNE-P, Centrex 21, %	D	100%		100%		100%		83.33%		a b c d
OP-3	UNE-P, Centrex 21, %	ND	100%		100%		100%		100%		a b c d
OP-4	**Installation Interval**										
OP-4	Basic Rate ISDN, Avg Days		11.27		9.17		14.00		11.70		a b c d
OP-4	Business, Avg Days	D	5.05	3.67	4.71	15.00	5.23	4.75	4.61	3.00	a b c d
OP-4	Business, Avg Days	ND	3.84	1.40	2.89	2.63	3.49	2.09	4.07	2.17	a b d
OP-4	Centrex 21, Avg Days	ND	3.00	5.10	3.25	5.00	3.50		2.00		a b c d
OP-4	Centrex 21, Avg Days	D	4.46	3.00	3.22	5.00	4.50		3.46		a b c d
OP-4	Centrex, Avg Days	D	5.57	4.67	2.88	5.00	2.71	5.50	3.29	5.00	b c d
OP-4	Centrex, Avg Days	ND	1.00	5.00		5.00		4.88		3.50	a b c d
OP-4	DS0, Avg Days	D	8.50								a b c d
OP-4	DS0, Avg Days	ND	4.00		0.00						a b c d
OP-4	DS0, Avg Days		4.40		7.91		8.86		4.78	5.50	a b c d
OP-4	DS1, Avg Days		15.92		17.20		16.96		15.58		a b c d
OP-4	DS3, Avg Days		9.67		8.67		11.00		7.60		a b c d
OP-4	E911, Avg Days								26.00		a b c d
OP-4	Frame Relay, Avg Days						4.00				a b c d
OP-4	ISDN Primary, Avg Days	ND							0.00		a b c d
OP-4	ISDN Primary, Avg Days		11.22		56.65		9.29		13.33		a b c d
OP-4	Line Sharing, Avg Days	D	4.84		5.92		5.06		4.66		a b c d
OP-4	Line Sharing, Avg Days	ND	3.55	2.86	3.54	3.00	3.48	3.00	3.64	2.57	a b c d
OP-4	LIS Trunk, Avg Days		26.88	19.00	12.83		33.25	21.00	15.33	16.33	a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-4	PBX, Avg Days	D	12.00	3.00	4.33		6.00		20.50		a b c d
OP-4	PBX, Avg Days	ND			2.00						a b c d
OP-4	PBX, Avg Days		30.56		39.80		50.28		14.50		a b c d
OP-4	Qwest DSL, Avg Days	D	10.00		7.60		5.62		6.13		a b c d
OP-4	Qwest DSL, Avg Days	ND	9.49		4.89		4.86		4.92		a b c d
OP-4	Qwest DSL, Avg Days		48.00						8.00		a b c d
OP-4	Residence, Avg Days	D	4.77	3.40	6.36	3.54	5.00	3.67	4.68	4.19	a
OP-4	Residence, Avg Days	ND	3.54	2.57	3.55	3.00	3.48	2.99	3.64	2.90	a b
OP-4	UBL - 2-wire, Avg Days		11.27	3.04	9.17	2.92	14.00	3.15	11.70	3.18	
OP-4	UBL - 4-wire, Avg Days		15.92		17.20		16.96		15.58		a b c d
OP-4	UBL - ADSL Qualified, Avg Days		10.00		7.60		5.62		6.13		a b c d
OP-4	UBL - DS1 Capable, Avg Days		15.92	4.00	17.20	18.33	16.96	25.00	15.58		a b c d
OP-4	UBL - DS3 Capable, Avg Days		9.67		8.67		11.00		7.60		a b c d
OP-4	UBL Analog, Avg Days	D	4.84								a b c d
OP-4	UBL Analog, Avg Days		4.84		5.92		5.06		4.66		a b c d
OP-4	UBL Conditioned, Avg Days			7.00		6.50					a b c d
OP-4	UBL ISDN Capable, Avg Days		11.27	4.33	9.17	15.00	14.00	3.33	11.70	6.25	a b c d
OP-4	UDIT Above DS1 Level, Avg Days		9.67		8.67		11.00		7.60		a b c d
OP-4	UDIT DS1, Avg Days		15.92	9.00	17.20	10.00	16.96	9.86	15.58		a b c d
OP-4	UNE-P, POTS, Avg Days	ND	3.55	4.00	3.54	2.00	3.48	3.00	3.64		a b c d
OP-4	UNE-P, POTS, Avg Days	D	4.84	2.88	5.92	4.88	5.06	5.89	4.66	3.25	a b c d
OP-4	UNE-P, Centrex, Avg Days	D	5.57	5.26	2.88	5.50	2.71	5.48	3.29	4.29	
OP-4	UNE-P, Centrex, Avg Days	ND	1.00	4.62		4.34		4.22		3.61	
OP-4	UNE-P, Centrex 21, Avg Days	D	4.46		3.22		4.50		3.46		a b c d
OP-4	UNE-P, Centrex 21, Avg Days	ND	3.00		3.25		3.50		2.00		a b c d
OP-5	**New Service Installation Quality**										
OP-5	Basic Rate ISDN, %		100%	100%	90.00%		100%		100%		a b c d
OP-5	Business, %		84.96%	80.00%	88.73%	100%	85.32%	93.75%	89.01%	73.33%	a
OP-5	Centrex 21, %		38.89%	100%	50.00%	100%	93.75%	100%	85.00%		a b c d
OP-5	Centrex, %		75.00%	100%	50.00%	91.67%	37.50%	90.91%	57.14%	100%	d
OP-5	DS0, %		40.00%		63.64%		63.64%		30.00%	100%	a b c d
OP-5	DS1, %		94.74%		91.58%		95.45%		95.19%		a b c d
OP-5	DS3, %		100%		100%		100%		100%		a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5	E911, %								100%		a b c d
OP-5	Frame Relay, %		86.84%		66.67%		82.61%		85.71%		a b c d
OP-5	ISDN Primary, %		100%		100%		100%		77.78%		a b c d
OP-5	Line Sharing, %		87.95%	100%	88.38%	88.89%	89.21%	100%	90.23%	100%	a b c d
OP-5	LIS Trunk, %		100%	100%	100%	100%	100%	100%	100%	100%	a b c d
OP-5	PBX, %		83.33%	100%	86.96%	0%	98.04%		100%		a b c d
OP-5	Qwest DSL, %		100%		100%		100%		100%		a b c d
OP-5	Residence, %		88.34%	90.00%	88.34%	100%	89.63%	97.90%	90.37%	98.32%	
OP-5	UBL - 2-wire, %		100%	100%	90.00%	96.43%	100%	100%	100%	97.30%	
OP-5	UBL - 4-wire, %		94.74%		91.58%		95.45%		95.19%		a b c d
OP-5	UBL - ADSL Qualified, %		100%		100%		100%		100%		a b c d
OP-5	UBL - DS1 Capable, %		94.74%	100%	91.58%	100%	95.45%	50.00%	95.19%	100%	a b c d
OP-5	UBL - DS3 Capable, %		100%		100%		100%		100%		a b c d
OP-5	UBL Analog, %		64.48%		66.08%		67.33%		69.63%		a b c d
OP-5	UBL ISDN Capable, %		100%	100%	90.00%	100%	100%	100%	100%	100%	a b c d
OP-5	UDIT Above DS1 Level, %		100%		100%		100%		100%		a b c d
OP-5	UDIT DS1, %		94.74%	100%	91.58%	100%	95.45%	100%	95.19%	100%	a b c d
OP-5	UNE-P, POTS, %		87.95%	92.31%	88.38%	100%	89.21%	87.50%	90.23%	100%	
OP-5	UNE-P, Centrex, %		75.00%	87.03%	50.00%	88.37%	37.50%	88.76%	57.14%	83.74%	
OP-5	UNE-P, Centrex 21, %		38.89%		50.00%		93.75%		85.00%		a b c d
OP-5*	Basic Rate ISDN, %		100%	100%	90.00%		100%				a b c d
OP-5*	Business, %		87.78%	90.00%	90.81%	100%	87.23%	93.75%			a d
OP-5*	Centrex 21, %		38.89%	100%	56.25%	100%	93.75%	100%			a b c d
OP-5*	Centrex, %		100%	100%	62.50%	91.67%	50.00%	90.91%			d
OP-5*	DS0, %		80.00%		81.82%		90.91%				a b c d
OP-5*	DS1, %		94.74%		92.63%		97.73%				a b c d
OP-5*	DS3, %		100%		100%		100%				a b c d
OP-5*	Frame Relay, %		97.37%		85.19%		86.96%				a b c d
OP-5*	ISDN Primary, %		100%		100%		100%				a b c d
OP-5*	Line Sharing, %		90.26%	100%	90.54%	100%	90.96%	100%			a b c d
OP-5*	LIS Trunk, %		100%	100%	100%	100%	100%	100%			a b c d
OP-5*	PBX, %		87.50%	100%	86.96%	100%	100%				a b c d
OP-5*	Qwest DSL, %		100%		100%		100%				a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-5*	Residence, %		90.59%	95.00%	90.50%	100%	91.36%	97.90%			d
OP-5*	UBL - 2-wire, %		100%	100%	90.00%	96.43%	100%	100%			d
OP-5*	UBL - 4-wire, %		94.74%		92.63%		97.73%				a b c d
OP-5*	UBL - ADSL Qualified, %		100%		100%		100%				a b c d
OP-5*	UBL - DS1 Capable, %		94.74%	100%	92.63%	100%	97.73%	50.00%			a b c d
OP-5*	UBL - DS3 Capable, %		100%		100%		100%				a b c d
OP-5*	UBL Analog, %		71.29%		72.38%		72.64%				a b c d
OP-5*	UBL ISDN Capable, %		100%	100%	90.00%	100%	100%	100%			a b c d
OP-5*	UDIT Above DS1 Level, %		100%		100%		100%				a b c d
OP-5*	UDIT DS1, %		94.74%	100%	92.63%	100%	97.73%	100%			a b c d
OP-5*	UNE-P, POTS, %		90.26%	92.31%	90.54%	100%	90.96%	93.75%			d
OP-5*	UNE-P, Centrex, %		100%	88.92%	62.50%	89.92%	50.00%	91.57%			d
OP-5*	UNE-P, Centrex 21, %		38.89%		56.25%		93.75%				a b c d
OP-6A	**Delayed Days for Non-Facility Reasons**										
OP-6A	Basic Rate ISDN, Avg Days		7.00						11.00		a b c d
OP-6A	Business, Avg Days	D	12.38		5.50		5.00		5.00		a b c d
OP-6A	Business, Avg Days	ND			23.50				26.00		a b c d
OP-6A	Centrex 21, Avg Days	D							2.50		a b c d
OP-6A	Centrex, Avg Days	ND	1.00								a b c d
OP-6A	DS0, Avg Days	D	3.50								a b c d
OP-6A	DS0, Avg Days				13.00		10.00		19.00		a b c d
OP-6A	DS1, Avg Days		18.07		17.71		24.33		14.52		a b c d
OP-6A	DS3, Avg Days								8.00		a b c d
OP-6A	Frame Relay, Avg Days		24.60		51.33		12.20		16.00		a b c d
OP-6A	ISDN Primary, Avg Days		8.50		32.94		4.00		7.50		a b c d
OP-6A	Line Sharing, Avg Days	D	7.11		47.44		4.67		5.14		a b c d
OP-6A	Line Sharing, Avg Days	ND	17.33		11.70		2.67		6.40		a b c d
OP-6A	LIS Trunk, Avg Days		24.00				31.75				a b c d
OP-6A	PBX, Avg Days	D	12.00								a b c d
OP-6A	PBX, Avg Days		31.25		28.21		16.68		21.00		a b c d
OP-6A	Qwest DSL, Avg Days	D	2.00		1.33		2.00		9.00		a b c d
OP-6A	Qwest DSL, Avg Days	ND	6.00		9.00		2.00		2.25		a b c d
OP-6A	Qwest DSL, Avg Days		35.00				3.00				a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6A	Residence, Avg Days	D	4.00		68.42		4.50		5.24		a b c d
OP-6A	Residence, Avg Days	ND	17.33		8.75		2.67		4.22		a b c d
OP-6A	UBL - 2-wire, Avg Days		7.00						11.00		a b c d
OP-6A	UBL - 4-wire, Avg Days		18.07		17.71		24.33		14.52		a b c d
OP-6A	UBL - ADSL Qualified, Avg Days		2.00		1.33		2.00		9.00		a b c d
OP-6A	UBL - DS1 Capable, Avg Days		18.07		17.71	14.50	24.33	19.00	14.52		a b c d
OP-6A	UBL - DS3 Capable, Avg Days								8.00		a b c d
OP-6A	UBL Analog, Avg Days	D	7.11								a b c d
OP-6A	UBL Analog, Avg Days		7.11		47.44		4.67		5.14		a b c d
OP-6A	UBL ISDN Capable, Avg Days		7.00			20.00			11.00	6.00	a b c d
OP-6A	UDIT Above DS1 Level, Avg Days								8.00		a b c d
OP-6A	UDIT DS1, Avg Days		18.07		17.71		24.33		14.52		a b c d
OP-6A	UNE-P, POTS, Avg Days	D	7.11		47.44	2.00	4.67		5.14		a b c d
OP-6A	UNE-P, POTS, Avg Days	ND	17.33		11.70		2.67		6.40		a b c d
OP-6A	UNE-P, Centrex, Avg Days	D		1.00		1.00					a b c d
OP-6A	UNE-P, Centrex, Avg Days	ND	1.00	1.00		3.00		11.00			a b c d
OP-6A	UNE-P, Centrex 21, Avg Days	D							2.50		a b c d
OP-6B	**Delayed Days for Facility Reasons**										
OP-6B	Basic Rate ISDN, Avg Days						31.00				a b c d
OP-6B	Business, Avg Days	D	12.71		18.50		11.63		7.57		a b c d
OP-6B	Centrex, Avg Days	D	11.00								a b c d
OP-6B	DS1, Avg Days				125.00		14.00		3.00		a b c d
OP-6B	DS3, Avg Days				9.00						a b c d
OP-6B	Frame Relay, Avg Days		20.00								a b c d
OP-6B	Line Sharing, Avg Days	D	9.10		39.00		11.82		9.10		a b c d
OP-6B	Line Sharing, Avg Days	ND			1.50				1.00		a b c d
OP-6B	Residence, Avg Days	D	8.00		41.48		11.88		9.59	7.00	a b c d
OP-6B	Residence, Avg Days	ND			1.50				1.00		a b c d
OP-6B	UBL - 2-wire, Avg Days						31.00				a b c d
OP-6B	UBL - 4-wire, Avg Days				125.00		14.00		3.00		a b c d
OP-6B	UBL - DS1 Capable, Avg Days				125.00		14.00		3.00		a b c d
OP-6B	UBL - DS3 Capable, Avg Days				9.00						a b c d
OP-6B	UBL Analog, Avg Days	D	9.10								a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-6B	UBL Analog, Avg Days		9.10		39.00		11.82		9.10		a b c d
OP-6B	UBL ISDN Capable, Avg Days						31.00				a b c d
OP-6B	UDIT Above DS1 Level, Avg Days				9.00						a b c d
OP-6B	UDIT DS1, Avg Days				125.00		14.00		3.00		a b c d
OP-6B	UNE-P, POTS, Avg Days	D	9.10		39.00		11.82		9.10		a b c d
OP-6B	UNE-P, POTS, Avg Days	ND			1.50				1.00		a b c d
OP-6B	UNE-P, Centrex, Avg Days	D	11.00	6.67		6.67		11.00			a b c d
OP-8	**Number Portability Timeliness**										
OP-8C	% LNP Triggers Set Prior to the Frame Due Time, LNP%					100%				100%	a b c
OP-13	**Coordinated Cuts - Unbundled Loop**										
OP-13A	Completed on Time, UBL Other, %					100%					a b c d
OP-13B	Started Without CLEC Approval, UBL Other, %					0%					a b c d
OP-15A	**Interval for Pending Orders Delayed Past Due Date**										
OP-15A	Basic Rate ISDN, Avg Days		197.17		203.50		258.00		339.00		a b c d
OP-15A	Business, Avg Days		124.79		109.89		136.15		130.88		a b c d
OP-15A	Centrex 21, Avg Days		192.33		72.33		72.38		102.29		a b c d
OP-15A	Centrex, Avg Days		132.14		221.50		243.50		263.50	10.00	a b c d
OP-15A	DS0, Avg Days		122.50		184.00		125.80		224.67		a b c d
OP-15A	DS1, Avg Days		85.76		96.11		86.39		101.63		a b c d
OP-15A	DS3, Avg Days		189.25		211.25		233.25		240.00		a b c d
OP-15A	Frame Relay, Avg Days		130.67		83.45		61.33		76.75		a b c d
OP-15A	ISDN Primary, Avg Days		240.54		467.00		489.00		509.00	5.00	a b c d
OP-15A	PBX, Avg Days		279.83		255.43		188.71		194.00		a b c d
OP-15A	Residence, Avg Days		175.59		181.48		204.77	1.00	205.97		a b c d
OP-15A	UBL - 2-wire, Avg Days		197.17		203.50		258.00		339.00		a b c d
OP-15A	UBL - 4-wire, Avg Days		85.76		96.11		86.39		101.63		a b c d
OP-15A	UBL - DS1 Capable, Avg Days		85.76	12.00	96.11		86.39		101.63		a b c d
OP-15A	UBL - DS3 Capable, Avg Days		189.25		211.25		233.25		240.00		a b c d
OP-15A	UBL Analog, Avg Days		140.35		144.13		167.22		159.83		a b c d
OP-15A	UBL ISDN Capable, Avg Days		197.17		203.50		258.00		339.00		a b c d
OP-15A	UDIT Above DS1 Level, Avg Days		189.25		211.25		233.25		240.00		a b c d
OP-15A	UDIT DS1, Avg Days		85.76	45.00	96.11	67.00	86.39		101.63		a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
OP-15A	UNE-P, POTS, Avg Days		165.21		162.97	2.00	186.59		184.39		a b c d
OP-15A	UNE-P, Centrex, Avg Days		132.14	214.49	221.50	225.59	243.50	161.92	263.50	161.92	
OP-15A	UNE-P, Centrex 21, Avg Days		192.33		72.33		72.38		102.29		a b c d
OP-15B	**Pending Orders Delayed for Facilities Reasons**										
OP-15B	Basic Rate ISDN		1		1		2		1		a b c d
OP-15B	Business		23		25		25		25		a b c d
OP-15B	Centrex 21		0		2		3		3		a b c d
OP-15B	Centrex		1		0		0		0	0	a b c d
OP-15B	DS0		0		0		4		2		a b c d
OP-15B	DS1		4		4		45		38		a b c d
OP-15B	DS3		0		0		4		3		a b c d
OP-15B	Frame Relay		0		1		10		9		a b c d
OP-15B	ISDN Primary		1		0		0		0	0	a b c d
OP-15B	PBX		0		1		5		4		a b c d
OP-15B	Residence		129		118		115	0	120		a b c d
OP-15B	UBL - 2-wire		1		1		2		1		a b c d
OP-15B	UBL - 4-wire		4		4		45		38		a b c d
OP-15B	UBL - DS1 Capable		4	0	4		45		38		a b c d
OP-15B	UBL - DS3 Capable		0		0		4		3		a b c d
OP-15B	UBL Analog		104		101		92		100		a b c d
OP-15B	UBL ISDN Capable		1		1		2		1		a b c d
OP-15B	UDIT Above DS1 Level		0		0		4		3		a b c d
OP-15B	UDIT DS1		4	0	4	0	45		38		a b c d
OP-15B	UNE-P, POTS		152		143	0	140		145		a b c d
OP-15B	UNE-P, Centrex		1	4	0	7	0	5	0	2	a b c d
OP-15B	UNE-P, Centrex 21		0		2		3		3		a b c d
OP-17	**Timeliness of Disconnects associated with LNP Orders**										
OP-17A	LNP, %					100%				100%	a b c
OP-17B	LNP, %					100%				100%	a b c
OPERATOR SERVICES											
OS-1	**Speed of Answer - Operator Services**										
OS-1	Average Seconds		9.67		8.51		8.51		8.91		a b c d
PRE-ORDER/ORDER											

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1	**Pre-Order/Order Response Times**										
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec			0.55		0.57		0.55		0.56	
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec			2.44		2.6		2.24		1.77	
PO-1A-1Total	Appt. Sched, GUI Aggr, Avg Sec			2.99		3.17		2.79		2.33	
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec			0.51		0.52		0.51		0.5	
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec			5.66		6.11		6.37		6.75	
PO-1A-2Total	Service Avail, GUI Aggr, Avg Sec			6.17		6.63		6.89		7.25	
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec			0.7		0.72		0.7		0.7	
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec			7.41		7.73		7.63		7.48	
PO-1A-3Total	Facility Check, GUI Aggr, Avg Sec			8.11		8.45		8.33		8.18	
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec			1.3		1.32		1.34		1.31	
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec			4.64		4.65		4.67		5.1	
PO-1A-4Total	Address Validation, GUI Aggr, Avg Sec			5.94		5.97		6.01		6.41	
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec			0.69		0.74		0.72		0.7	
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec			6.55		5.79		5.82		5.59	
PO-1A-5Total	Get CSR, GUI Aggr, Avg Sec			7.23		6.53		6.54		6.28	
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec			0.79		0.82		0.8		0.79	
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec			4.45		4.91		4.69		4.5	
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec			0.65		0.74		0.71		0.66	
PO-1A-6Total	TN Reserv, GUI Aggr, Avg Sec			5.89		6.47		6.2		5.94	
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec			0.95		0.98		0.96		1.05	
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec			8.73		8.09		7.9		5.75	
PO-1A-7Total	Loop Qual Tools, GUI Aggr, Avg Sec			9.68		9.07		8.86		6.8	
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec			0.9		0.98		0.91		0.91	
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec			5.51		6.66		6.09		5.63	
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggr, Avg Sec			6.41		7.64		7		6.54	
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec			0.44		0.44		0.47		0.44	
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec			17.83		18.14		14.1		8.25	
PO-1A-9Total	Connecting Facility Assign, GUI Aggr, Avg Sec			18.28		18.58		14.56		8.69	
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec			0.48		0.48		0.48		0.47	
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec			19.85		19.95		13.51		4.87	
PO-1A-10Total	Meet Point Inquiry, GUI Aggr, Avg Sec			20.34		20.43		14		5.34	
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec			4.77		4.55		3.99		3.55	

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec			6.32		6.09		6.23		6.61	
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec			6.38		5.73		6.75		7.33	
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec			3.11		2.47		2.52		2.88	
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec			3.43		2.01		2.6		2.66	
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec			5.41		5.52		5.06		5.18	
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec			9.23		8.64		9.67		7.24	
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec			6.31		6.11		5.16		5.74	
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec			18.12		16.97		12.37		8.03	
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec			20.77		20.29		13.09		5.41	
PO-1C-1	Timeout, GUI Total, %			0.05%		0.10%		0.02%		0.04%	
PO-1C-2	Timeout, EDI Total, %			0.07%		0%		0.02%		0.24%	
PO-1D-1	Rejected Query, GUI Total, Avg Sec			1.46		1.57		1.36		1.34	
PO-1D-2	Rejected Query, EDI Total, Avg Sec			2.84		3.15		2.15		1.84	
PO-2	**Electronic Flow-through**										
PO-2A-1	GUI, Resale Aggr w/o UNE-P-POTS, %			67.27%		70.59%		73.20%		55.96%	
PO-2A-1	GUI, UBL Aggr, %			0%		0%		0%		0%	a b c d
PO-2A-1	GUI, UNE-P, POTS, %			77.78%		100%		75.00%		66.67%	b
PO-2A-2	EDI, LNP, %							0%			a b c d
PO-2A-2	EDI, Resale Aggr w/o UNE-P-POTS, %			8.33%		37.93%		59.26%		48.29%	
PO-2A-2	EDI, UBL Aggr, %			62.16%		60.00%		64.41%		63.27%	
PO-2A-2	EDI, UNE-P, POTS, %			53.85%		63.46%		64.10%		67.57%	
PO-2B-1	All Eligible LSRs, GUI, POTS Resale, %			98.67%		95.24%		97.26%		92.42%	
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %			100%		100%		90.00%		72.73%	b c
PO-2B-2	All Eligible LSRs, EDI, POTS Resale, %			100%		91.67%		88.19%		82.84%	a
PO-2B-2	All Eligible LSRs, EDI, UBL Aggr, %			92.00%		77.42%		82.61%		83.78%	
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %			100%		97.06%		96.15%		100%	
PO-3	**LSR Rejection Notice Interval**										
PO-3A-1	GUI - Manual Reject, Product Aggr, Hrs:Min			5:21		2:39		5:02		2:51	b c
PO-3A-2	GUI - Auto-Reject, Product Aggr, Min:Sec			00:04		00:04		00:03		00:03	
PO-3B-1	EDI - Manual Reject, Product Aggr, Hrs:Min			3:09		1:37		1:24		1:37	
PO-3B-2	EDI - Auto-Reject, Product Aggr, Min:Sec			00:06		00:06		00:05		00:05	
PO-3C	Manual and IIS, Product Aggr, Hrs:Min			74:44				19:15		12:30	a b c
PO-4	**LSRs Rejected**										

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-4A-1	GUI - Manual Reject, Product Aggr, %			4.36%		2.25%		2.41%		2.20%	
PO-4A-2	GUI - Auto-Reject, Product Aggr, %			31.30%		32.17%		31.07%		31.56%	
PO-4B-1	EDI - Manual Reject, Product Aggr, %			8.19%		4.46%		4.57%		4.67%	
PO-4B-2	EDI - Auto-Reject, Product Aggr, %			24.11%		24.10%		20.28%		20.79%	
PO-4C	Facsimile , Product Aggr, %			11.90%		0%		21.28%		26.83%	
PO-5	**Firm Order Confirmations (FOCs) On Time**										
PO-5A-1(a)	Fully Electronic, GUI, Resale Aggr, %			100%		100%		100%		100%	
PO-5A-2(a)	Fully Electronic, EDI, Resale Aggr, %			100%		100%		100%		100%	
PO-5A-2(b)	Fully Electronic, EDI, UBL Aggr, %			100%		100%		100%		100%	a b c
PO-5B-1(a)	Elec/Manual, GUI, Resale Aggr, %			100%		100%		100%		100%	
PO-5B-1(b)	Elec/Manual, GUI, UBL Aggr, %			93.33%		94.44%		100%		100%	d
PO-5B-2(a)	Elec/Manual, EDI, Resale Aggr, %			98.81%		100%		99.76%		99.87%	
PO-5B-2(b)	Elec/Manual, EDI, UBL Aggr, %			100%		93.55%		97.92%		94.59%	
PO-5B-2(c)	Elec/Manual, EDI, LNP, %							100%			a b c d
PO-5C-(a)	Manual, Resale Aggr, %			90.63%		97.14%		96.55%		100%	
PO-5C-(b)	Manual, UBL Aggr, %							100%		100%	a b c d
PO-5C-(c)	Manual, LNP, %			100%		100%		100%		100%	a b c d
PO-5D	LIS Trunk, %							100%		100%	a b c d
PO-6	**Work Completion Notification Timeliness**										
PO-6A	IMA - GUI, All, Hrs:Min			0:56		0:14		0:43		10:04	
PO-6B	IMA - EDI, All, Hrs:Min			0:37		2:10		1:49		0:38	
PO-7	**Billing Completion Notification Timeliness**										
PO-7A-C	IMA - GUI, All, %		97.66%	98.69%	98.44%	98.26%	98.69%	100%	98.68%	99.15%	
PO-7B-C	IMA - EDI, All, %		97.66%		98.44%		98.69%		98.68%		a b c d
PO-8	**Jeopardy Notice Interval**										
PO-8A	Non-Designed Services, Avg Days		3.97		4.64		5.54		4.56	3.50	a b c d
PO-8B	UBLs and LNP, Avg Days		3.97	3.00	4.64	4.00	5.54	4.67	4.56	4.33	a b c d
PO-8C	LIS Trunk, Avg Days						16.00				a b c d
PO-8D	UNE-P, POTS, Avg Days		3.97		4.64		5.54	1.00	4.56		a b c d
PO-9	**Timely Jeopardy Notices**										
PO-9A	Non-Designed Services, %		20.55%		21.74%		20.00%	0%	15.69%	0%	a b c d
PO-9B	UBLs and LNP, %		20.55%		21.74%	0%	20.00%		15.69%	100%	a b c d
PO-9C	LIS Trunk, %		0%				0%				a b c d

WYOMING PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	June		July		August		September		Notes
			Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	
PO-9D	UNE-P, POTS, %		20.55%		21.74%	0%	20.00%		15.69%		a b c d
PO-10	**LSR Accountability**										
PO-10	Product Aggr, %			100%		100%		100%		100%	
PO-15	**Number of Due Date Changes per Order**										
PO-15	All, Avg Days		0.07	0.11	0.02	0.10	0.03	0.08	0.03	0.08	
PO-16	**Timely Release Notifications**										
PO-16	Default, %					100%		100%		100%	a b c d
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**										
PO-19	SATE Accuracy, %			98.95%							b c d
PO-19A	SATE Accuracy, Rel. 10.0, %					100%		98.45%		98.45%	a
PO-19A	SATE Accuracy, Rel. 8.0, %					100%		99.47%		98.94%	a
PO-19A	SATE Accuracy, Rel. 9.0, %					99.47%		100%		98.94%	a
PO-19A	SATE Accuracy, Rel. VICKI, %					100%		100%		100%	a
PO-19B	SATE Accuracy, %					99.16%					a c d
PO-20	**Manual Service Order Accuracy**										
PO-20	POTS Resale, %			90.25%		90.58%		92.78%		96.88%	
PO-20	UBL Aggr, %			96.46%		95.20%		95.16%		94.42%	

Metric Number:
* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting
D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:
a = Sample size less than or equal to 10 in June 2002
b = Sample size less than or equal to 10 in July 2002
c = Sample size less than or equal to 10 in August 2002
d = Sample size less than or equal to 10 in September 2002

Appendix K
Statutory Requirements

I. STATUTORY FRAMEWORK

1. The 1996 Act conditions BOC entry into the market for provision of in-region interLATA services on compliance with certain provisions of section 271.[1] BOCs must apply to the Federal Communications Commission (Commission or FCC) for authorization to provide interLATA services originating in any in-region state.[2] The Commission must issue a written determination on each application no later than 90 days after receiving such application.[3] Section 271(d)(2)(A) requires the Commission to consult with the Attorney General before making any determination approving or denying a section 271 application. The Attorney General is entitled to evaluate the application "using any standard the Attorney General considers appropriate," and the Commission is required to "give substantial weight to the Attorney General's evaluation."[4]

2. In addition, the Commission must consult with the relevant state commission to verify that the BOC has one or more state-approved interconnection agreements with a facilities-based competitor, or a Statement of Generally Available Terms and Conditions (SGAT), and that either the agreement(s) or general statement satisfy the "competitive checklist."[5] Because the Act does not prescribe any standard for the consideration of a state commission's verification under section 271(d)(2)(B), the Commission has discretion in each section 271 proceeding to

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[1] For purposes of section 271 proceedings, the Commission uses the definition of the term "Bell Operating Company" contained in 47 U.S.C. § 153(4).

[2] 47 U.S.C. § 271(d)(1). For purposes of section 271 proceedings, the Commission utilizes the definition of the term "in-region state" that is contained in 47 U.S.C. § 271(i)(1). Section 271(j) provides that a BOC's in-region services include 800 service, private line service, or their equivalents that terminate in an in-region state of that BOC and that allow the called party to determine the interLATA carrier, even if such services originate out-of-region. *Id.* § 271(j). The 1996 Act defines "interLATA services" as "telecommunications between a point located in a local access and transport area and a point located outside such area." *Id.* § 153(21). Under the 1996 Act, a "local access and transport area" (LATA) is "a contiguous geographic area (A) established before the date of enactment of the [1996 Act] by a [BOC] such that no exchange area includes points within more than 1 metropolitan statistical area, consolidated metropolitan statistical area, or State, except as expressly permitted under the AT&T Consent Decree; or (B) established or modified by a [BOC] after such date of enactment and approved by the Commission." *Id.* § 153(25). LATAs were created as part of the Modification of Final Judgment's (MFJ) "plan of reorganization." *United States v. Western Elec. Co.*, 569 F. Supp. 1057 (D.D.C. 1983), *aff'd sub nom. California v. United States*, 464 U.S. 1013 (1983). Pursuant to the MFJ, "all [BOC] territory in the continental United States [was] divided into LATAs, generally centering upon a city or other identifiable community of interest." *United States v. Western Elec. Co.*, 569 F. Supp. 990, 993-94 (D.D.C. 1983).

[3] 47 U.S.C. § 271(d)(3).

[4] *Id*. § 271(d)(2)(A).

[5] *Id*. § 271(d)(2)(B).

determine the amount of weight to accord the state commission's verification.[6] The Commission has held that, although it will consider carefully state determinations of fact that are supported by a detailed and extensive record, it is the FCC's role to determine whether the factual record supports the conclusion that particular requirements of section 271 have been met.[7]

3. Section 271 requires the Commission to make various findings before approving BOC entry. In order for the Commission to approve a BOC's application to provide in-region, interLATA services, a BOC must first demonstrate, with respect to each state for which it seeks authorization, that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or 271(c)(1)(B) (Track B).[8] In order to obtain authorization under section 271, the BOC must also show that: (1) it has "fully implemented the competitive checklist" contained in section 271(c)(2)(B);[9] (2) the requested authorization will be carried out in accordance with the requirements of section 272;[10] and (3) the BOC's entry into the in-region interLATA market is "consistent with the public interest, convenience, and necessity."[11] The statute specifies that, unless the Commission finds that these criteria have been satisfied, the Commission "shall not approve" the requested authorization.[12]

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[6] *Bell Atlantic New York Order*, 15 FCC Rcd at 3962, para. 20; *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended*, CC Docket No. 97-137, 12 FCC Rcd 20543, 20559-60 (1997) (*Ameritech Michigan Order*). As the D.C. Circuit has held, "[a]lthough the Commission must consult with the state commissions, the statute does not require the Commission to give State Commissions' views any particular weight." *SBC Communications Inc. v. FCC*, 138 F.3d 410, 416 (D.C. Cir. 1998).

[7] *Ameritech Michigan Order*, 12 FCC Rcd at 20560; *SBC Communications v. FCC*, 138 F.3d at 416-17.

[8] 47 U.S.C. § 271(d)(3)(A). *See* Section III, *infra*, for a complete discussion of Track A and Track B requirements.

[9] *Id.* §§ 271(c)(2)(B), 271(d)(3)(A)(i).

[10] *Id.* § 272; *see Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 21905 (1996) (*Non-Accounting Safeguards Order*), *recon.*, Order on Reconsideration, 12 FCC Rcd 2297 (1997), *review pending sub nom.*, *SBC Communications v. FCC*, No. 97-1118 (D.C. Cir., filed Mar. 6, 1997) (held in abeyance pursuant to court order filed May 7, 1997), *remanded in part sub nom.*, *Bell Atlantic Telephone Companies v. FCC*, No. 97-1067 (D.C. Cir., filed Mar. 31, 1997), *on remand*, Second Order on Reconsideration, FCC 97-222 (rel. June 24, 1997), *petition for review denied sub nom. Bell Atlantic Telephone Companies v. FCC*, 113 F.3d 1044 (D.C. Cir. 1997); *Implementation of the Telecommunications Act of 1996; Accounting Safeguards Under the Telecommunications Act of 1996*, Report and Order, 11 FCC Rcd 17539 (1996).

[11] 47 U.S.C. § 271(d)(3)(C).

[12] *Id*. § 271(d)(3); *see SBC Communications, Inc. v. FCC*, 138 F.3d at 416.

II. PROCEDURAL AND ANALYTICAL FRAMEWORK

4. To determine whether a BOC applicant has met the prerequisites for entry into the long distance market, the Commission evaluates its compliance with the competitive checklist, as developed in the FCC's local competition rules and orders in effect at the time the application was filed. Despite the comprehensiveness of these rules, there will inevitably be, in any section 271 proceeding, disputes over an incumbent LEC's precise obligations to its competitors that FCC rules have not addressed and that do not involve *per se* violations of self-executing requirements of the Act. As explained in prior orders, the section 271 process simply could not function as Congress intended if the Commission were required to resolve all such disputes as a precondition to granting a section 271 application.[13] In the context of section 271's adjudicatory framework, the Commission has established certain procedural rules governing BOC section 271 applications.[14] The Commission has explained in prior orders the procedural rules it has developed to facilitate the review process.[15] Here we describe how the Commission considers the evidence of compliance that the BOC presents in its application.

5. As part of the determination that a BOC has satisfied the requirements of section 271, the Commission considers whether the BOC has fully implemented the competitive checklist in subsection (c)(2)(B). The BOC at all times bears the burden of proof of compliance with section 271, even if no party challenges its compliance with a particular requirement.[16] In demonstrating its compliance, a BOC must show that it has a concrete and specific legal obligation to furnish the item upon request pursuant to state-approved interconnection agreements that set forth prices and other terms and conditions for each checklist item, and that it is currently furnishing, or is ready to furnish, the checklist items in quantities that competitors may reasonably demand and at an acceptable level of quality.[17] In particular, the BOC must demonstrate that it is offering interconnection and access to network elements on a

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[13] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6246, para. 19; *see also American Tel. & Tel. Co. v. FCC*, 220 F.3d 607, 631 (D.C. Cir. 2000).

[14] *See Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act*, Public Notice, 11 FCC Rcd 19708, 19711 (1996); *Revised Comment Schedule For Ameritech Michigan Application, as amended, for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Services in the State of Michigan*, Public Notice, DA 97-127 (rel. Jan. 17, 1997); *Revised Procedures for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, 13 FCC Rcd 17457 (1997); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 99-1994 (rel. Sept. 28, 1999); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 01-734 (CCB rel. Mar. 23, 2001) (collectively "271 Procedural Public Notices").

[15] *See, e.g.*, *SWBT Kansas/Oklahoma Order* 16 FCC Rcd at 6247-50, paras. 21-27; *SWBT Texas Order*, 15 FCC Rcd at 18370-73, paras. 34-42; *Bell Atlantic New York Order*, 15 FCC Rcd at 3968-71, paras. 32-42.

[16] *See SWBT Texas Order*, 15 FCC Rcd at 18374, para. 46; *Bell Atlantic New York Order*, 15 FCC Rcd at 3972, para. 46.

[17] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3973-74, para. 52.

nondiscriminatory basis.[18] Previous Commission orders addressing section 271 applications have elaborated on this statutory standard.[19] First, for those functions the BOC provides to competing carriers that are analogous to the functions a BOC provides to itself in connection with its own retail service offerings, the BOC must provide access to competing carriers in "substantially the same time and manner" as it provides to itself.[20] Thus, where a retail analogue exists, a BOC must provide access that is equal to (i.e., substantially the same as) the level of access that the BOC provides itself, its customers, or its affiliates, in terms of quality, accuracy, and timeliness.[21] For those functions that have no retail analogue, the BOC must demonstrate that the access it provides to competing carriers would offer an efficient carrier a "meaningful opportunity to compete."[22]

6. The determination of whether the statutory standard is met is ultimately a judgment the Commission must make based on its expertise in promoting competition in local markets and in telecommunications regulation generally.[23] The Commission has not established, nor does it believe it appropriate to establish, specific objective criteria for what constitutes "substantially the same time and manner" or a "meaningful opportunity to compete."[24] Whether this legal standard is met can only be decided based on an analysis of specific facts and circumstances. Therefore, the Commission looks at each application on a case-by-case basis and considers the totality of the circumstances, including the origin and quality of the information in the record, to determine whether the nondiscrimination requirements of the Act are met.

A. Performance Data

7. As established in prior section 271 orders, the Commission has found that performance measurements provide valuable evidence regarding a BOC's compliance or noncompliance with individual checklist items. The Commission expects that, in its *prima facie* case in the initial application, a BOC relying on performance data will:

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[18] *See* 47 U.S.C. § 271(c)(2)(B)(i), (ii).

[19] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6250-51, paras. 28-29; *Bell Atlantic New York Order*, 15 FCC Rcd at 3971-72, paras. 44-46.

[20] *SWBT Texas Order*, 15 FCC Rcd at 18373, para. 44; *Bell Atlantic New York Order*, 15 FCC Rcd at 3971, para. 44.

[21] *Bell Atlantic New York Order*, 15 FCC Rcd at 3971, para. 44; *Ameritech Michigan Order*, 12 FCC Rcd at 20618-19.

[22] *Id.*

[23] *SWBT Texas Order*, 15 FCC Rcd at 18374, para. 46; *Bell Atlantic New York Order*, 15 FCC Rcd at 3972, para. 46.

[24] *Id.*

a) provide sufficient performance data to support its contention that the statutory requirements are satisfied;

b) identify the facial disparities between the applicant's performance for itself and its performance for competitors;

c) explain why those facial disparities are anomalous, caused by forces beyond the applicant's control (e.g., competing carrier-caused errors), or have no meaningful adverse impact on a competing carrier's ability to obtain and serve customers; and

d) provide the underlying data, analysis, and methodologies necessary to enable the Commission and commenters meaningfully to evaluate and contest the validity of the applicant's explanations for performance disparities, including, for example, carrier specific carrier-to-carrier performance data.

8. The Commission has explained in prior orders that parity and benchmark standards established by state commissions do not represent absolute maximum or minimum levels of performance necessary to satisfy the competitive checklist. Rather, where these 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 and manner, or in a way that provides them a meaningful opportunity to compete.[25] Thus, to the extent there is no statistically significant difference between a BOC's provision of service to competing carriers and its own retail customers, the Commission generally need not look any further. Likewise, if a BOC's provision of service to competing carriers satisfies the performance benchmark, the analysis is usually done. Otherwise, the Commission will examine the evidence further to make a determination whether the statutory nondiscrimination requirements are met.[26] Thus, the Commission will examine the explanations that a BOC and others provide about whether these data accurately depict the quality of the BOC's performance. The Commission also may examine how many months a variation in performance has existed and what the recent trend has been. The Commission may find that statistically significant differences exist, but conclude that such differences have little or no competitive significance in the marketplace. In such cases, the Commission may conclude that the differences are not meaningful in terms of statutory compliance. Ultimately, the determination of whether a BOC's performance meets the statutory requirements necessarily is a contextual decision based on the totality of the circumstances and information before the Commission.

9. Where there are multiple performance measures associated with a particular checklist item, the Commission would consider the performance demonstrated by all the measurements as a whole. Accordingly, a disparity in performance for one measure, by itself,

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[25] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6252, para. 31; *SWBT Texas Order*, 15 FCC Rcd at 18377, para. 55 & n.102.

[26] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3970, para. 59.

may not provide a basis for finding noncompliance with the checklist. The Commission may also find that the reported performance data are affected by factors beyond a BOC's control, a finding that would make it less likely to hold the BOC wholly accountable for the disparity. This is not to say, however, that performance discrepancies on a single performance metric are unimportant. Indeed, under certain circumstances, disparity with respect to one performance measurement may support a finding of statutory noncompliance, particularly if the disparity is substantial or has endured for a long time, or if it is accompanied by other evidence of discriminatory conduct or evidence that competing carriers have been denied a meaningful opportunity to compete.

10. In sum, the Commission does not use performance measurements as a substitute for the 14-point competitive checklist. Rather, it uses performance measurements as valuable evidence with which to inform the judgment as to whether a BOC has complied with the checklist requirements. Although performance measurements add necessary objectivity and predictability to the review, they cannot wholly replace the Commission's own judgment as to whether a BOC has complied with the competitive checklist.

B. Relevance of Previous Section 271 Approvals

11. In some section 271 applications, the volumes of the BOC's commercial orders may be significantly lower than they were in prior proceedings. In certain instances, volumes may be so low as to render the performance data inconsistent and inconclusive.[27] Performance data based on low volumes of orders or other transactions are not as reliable an indicator of checklist compliance as performance based on larger numbers of observations. Indeed, where performance data are based on a low number of observations, small variations in performance may produce wide swings in the reported performance data. It is thus not possible to place the same evidentiary weight upon – and to draw the same types of conclusions from – performance data where volumes are low, as for data based on more robust activity.

12. In such cases, findings in prior, related section 271 proceedings may be a relevant factor in the Commission's analysis. Where a BOC provides evidence that a particular system reviewed and approved in a prior section 271 proceeding is also used in the proceeding at hand, the Commission's review of the same system in the current proceeding will be informed by the findings in the prior one. Indeed, to the extent that issues have already been briefed, reviewed and resolved in a prior section 271 proceeding, and absent new evidence or changed circumstances, an application for a related state should not be a forum for re-litigating and reconsidering those issues. Appropriately employed, such a practice can give us a fuller picture of the BOC's compliance with the section 271 requirements while avoiding, for all parties

[27] The Commission has never required, however, an applicant to demonstrate that it processes and provisions a substantial commercial volume of orders, or has achieved a specific market share in its service area, as a prerequisite for satisfying the competitive checklist. *See Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 77 (explaining that Congress had considered and rejected language that would have imposed a "market share" requirement in section 271(c)(1)(A)).

involved in the section 271 process, the delay and expense associated with redundant and unnecessary proceedings and submissions.

13. However, the statute requires the Commission to make a separate determination of checklist compliance for each state and, accordingly, we do not consider any finding from previous section 271 orders to be dispositive of checklist compliance in current proceedings. While the Commission's review may be informed by prior findings, the Commission will consider all relevant evidence in the record, including state-specific factors identified by commenting parties, the states, the Department of Justice. However, the Commission has always held that an applicant's performance towards competing carriers in an actual commercial environment is the best evidence of nondiscriminatory access to OSS and other network elements.[28] Thus, the BOC's actual performance in the applicant state may be relevant to the analysis and determinations with respect to the 14 checklist items. Evidence of satisfactory performance in another state cannot trump convincing evidence that an applicant fails to provide nondiscriminatory access to a network element in the applicant state.

14. Moreover, because the Commission's review of a section 271 application must be based on a snapshot of a BOC's recent performance at the time an application is filed, the Commission cannot simply rely on findings relating to an applicant's performance in an anchor state at the time it issued the determination for that state. The performance in that state could change due to a multitude of factors, such as increased order volumes or shifts in the mix of the types of services or UNEs requested by competing carriers. Thus, even when the applicant makes a convincing showing of the relevance of anchor state data, the Commission must examine how recent performance in that state compares to performance at the time it approved that state's section 271 application, in order to determine if the systems and processes continue to perform at acceptable levels.

III. COMPLIANCE WITH ENTRY REQUIREMENTS – SECTIONS 271(c)(1)(A) & 271(c)(1)(B)

15. As noted above, in order for the Commission to approve a BOC's application to provide in-region, interLATA services, a BOC must first demonstrate that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or 271(c)(1)(B) (Track B).[29] To qualify for Track A, a BOC must have interconnection agreements with one or more competing providers of "telephone exchange service . . . to residential and business subscribers."[30] The Act states that "such telephone service may be offered . . . either exclusively over [the competitor's] own telephone exchange service facilities or predominantly over [the competitor's] own telephone exchange facilities in combination with the resale of the telecommunications services

[28] *See SWBT Texas Order*, 15 FCC Rcd at 18376, para. 53; *Bell Atlantic New York Order*, 15 FCC Rcd at 3974, para. 53.

[29] *See* 47 U.S.C. § 271(d)(3)(A).

[30] *Id*.

of another carrier."[31] The Commission concluded in the *Ameritech Michigan Order* that section 271(c)(1)(A) is satisfied if one or more competing providers collectively serve residential and business subscribers.[32]

16. As an alternative to Track A, Section 271(c)(1)(B) permits BOCs to obtain authority to provide in-region, interLATA services if, after 10 months from the date of enactment, no facilities-based provider, as described in subparagraph (A), has requested the access and interconnection arrangements described therein (referencing one or more binding agreements approved under Section 252), but the state has approved an SGAT that satisfies the competitive checklist of subsection (c)(2)(B). Under section 271(d)(3)(A)(ii), the Commission shall not approve such a request for in-region, interLATA service unless the BOC demonstrates that, "with respect to access and interconnection generally offered pursuant to [an SGAT], such statement offers all of the items included in the competitive checklist."[33] Track B, however, is not available to a BOC if it has already received a request for access and interconnection from a prospective competing provider of telephone exchange service.[34]

IV. COMPLIANCE WITH THE COMPETITIVE CHECKLIST – SECTION 271(c)(2)(B)

A. Checklist Item 1 – Interconnection

17. Section 271(c)(2)(B)(i) of the Act requires a section 271 applicant to provide "[i]nterconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)."[35] Section 251(c)(2) imposes a duty on incumbent LECs "to provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the local exchange carrier's network . . . for the transmission and routing of telephone exchange service and exchange access."[36] In the *Local Competition First Report and Order*, the Commission concluded that interconnection referred "only to the physical linking of two networks for the

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[31] *Id*.

[32] *See Ameritech Michigan Order*, 12 FCC Rcd at 20589, para. 85; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20633-35, paras. 46-48.

[33] 47 U.S.C. § 271(d)(3)(A)(ii).

[34] *See Ameritech Michigan Order*, 12 FCC Rcd at 20561-62, para. 34. Nevertheless, the above-mentioned foreclosure of Track B as an option is subject to limited exceptions. *See* 47 U.S.C. § 271(c)(1)(B); *see also Ameritech Michigan Order*, 12 FCC Rcd at 20563-64, paras. 37-38.

[35] 47 U.S.C. § 271(c)(2)(B)(i); *see Bell Atlantic New York Order*, 15 FCC Rcd at 3977-78, para. 63; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640, para. 61; *Ameritech Michigan Order*, 12 FCC Rcd at 20662, para. 222.

[36] 47 U.S.C. § 251(c)(2)(A).

mutual exchange of traffic."[37] Section 251 contains three requirements for the provision of interconnection. First, an incumbent LEC must provide interconnection "at any technically feasible point within the carrier's network."[38] Second, an incumbent LEC must provide interconnection that is "at least equal in quality to that provided by the local exchange carrier to itself."[39] Finally, the incumbent LEC must provide interconnection "on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, in accordance with the terms of the agreement and the requirements of [section 251] and section 252."[40]

18. To implement the equal-in-quality requirement in section 251, the Commission's rules require an incumbent LEC to design and operate its interconnection facilities to meet "the same technical criteria and service standards" that are used for the interoffice trunks within the incumbent LEC's network.[41] In the *Local Competition First Report and Order*, the Commission identified trunk group blockage and transmission standards as indicators of an incumbent LEC's technical criteria and service standards.[42] In prior section 271 applications, the Commission concluded that disparities in trunk group blockage indicated a failure to provide interconnection to competing carriers equal-in-quality to the interconnection the BOC provided to its own retail operations.[43]

19. In the *Local Competition First Report and Order*, the Commission concluded that the requirement to provide interconnection on terms and conditions that are "just, reasonable, and nondiscriminatory" means that an incumbent LEC must provide interconnection to a competitor in a manner no less efficient than the way in which the incumbent LEC provides the

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[37] *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, First Report and Order, 11 FCC Rcd 15499, 15590, para. 176 (1996) (*Local Competition First Report and Order*). Transport and termination of traffic are therefore excluded from the Commission's definition of interconnection. *See id.*

[38] 47 U.S.C. § 251(c)(2)(B). In the *Local Competition First Report and Order*, the Commission identified a minimum set of technically feasible points of interconnection. *See Local Competition First Report and Order*, 11 FCC Rcd at 15607-09, paras. 204-11.

[39] 47 U.S.C. § 251(c)(2)(C).

[40] *Id*. § 251(c)(2)(D).

[41] *Local Competition First Report and Order*, 11 FCC Rcd at 15613-15, paras. 221-225; *see Bell Atlantic New York Order*, 15 FCC Rcd at 3978, para. 64; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20641-42, paras. 63-64.

[42] *Local Competition First Report and Order*, 11 FCC Rcd at 15614-15, paras. 224-25.

[43] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3978, para. 64; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20648-50, paras. 74-77; *Ameritech Michigan Order*, 12 FCC Rcd at 20671-74, paras. 240-45. The Commission has relied on trunk blockage data to evaluate a BOC's interconnection performance. Trunk group blockage indicates that end users are experiencing difficulty completing or receiving calls, which may have a direct impact on the customer's perception of a competitive LEC's service quality.

comparable function to its own retail operations.[44] The Commission's rules interpret this obligation to include, among other things, the incumbent LEC's installation time for interconnection service[45] and its provisioning of two-way trunking arrangements.[46] Similarly, repair time for troubles affecting interconnection trunks is useful for determining whether a BOC provides interconnection service under "terms and conditions that are no less favorable than the terms and conditions" the BOC provides to its own retail operations.[47]

20. Competing carriers may choose any method of technically feasible interconnection at a particular point on the incumbent LEC's network.[48] Incumbent LEC provision of interconnection trunking is one common means of interconnection. Technically feasible methods also include, but are not limited to, physical and virtual collocation and meet point arrangements.[49] The provision of collocation is an essential prerequisite to demonstrating compliance with item 1 of the competitive checklist.[50] In the *Advanced Services First Report and Order*, the Commission revised its collocation rules to require incumbent LECs to include shared cage and cageless collocation arrangements as part of their physical collocation offerings.[51] In response to a remand from the D.C. Circuit, the Commission adopted the *Collocation Remand Order*, establishing revised criteria for equipment for which incumbent LECs must permit collocation, requiring incumbent LECs to provide cross-connects between

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[44] *Local Competition First Report and Order*, 11 FCC Rcd at 15612, para. 218; *see also Bell Atlantic New York* Order, 15 FCC Rcd at 3978, para. 65; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20642, para. 65.

[45] 47 C.F.R. § 51.305(a)(5).

[46] The Commission's rules require an incumbent LEC to provide two-way trunking upon request, wherever two-way trunking arrangements are technically feasible. 47 C.F.R. § 51.305(f); *see also Bell Atlantic New York Order*, 15 FCC Rcd at 3978-79, para. 65; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20642, para. 65; *Local Competition First Report and Order*, 11 FCC Rcd 15612-13, paras. 219-20.

[47] 47 C.F.R. § 51.305(a)(5).

[48] *Local Competition First Report and Order*, 11 FCC Rcd at 15779, paras. 549-50; *see Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, para. 61.

[49] 47 C.F.R. § 51.321(b); *Local Competition First Report and Order*, 11 FCC Rcd at 15779-82, paras. 549-50; *see also Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, para. 62.

[50] 47 U.S.C. § 251(c)(6) (requiring incumbent LECs to provide physical collocation); *Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, paras. 61-62.

[51] *Deployment of Wireline Services offering Advanced Telecommunications Capability*, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 4761, 4784-86, paras. 41-43 (1999), *aff'd in part and vacated and remanded in part sub nom. GTE Service Corp. v. FCC*, 205 F.3d 416 (D.C. Cir. 2000), *on recon.*, *Collocation Reconsideration Order*, 15 FCC Rcd 17806 (2000); *on remand*, *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Fourth Report and Order, 16 FCC Rcd 15435 (2001) (*Collocation Remand Order*), *petition for recon. pending*.

collocated carriers, and establishing principles for physical collocation space and configuration.[52] To show compliance with its collocation obligations, a BOC must have processes and procedures in place to ensure that all applicable collocation arrangements are available on terms and conditions that are "just, reasonable, and nondiscriminatory" in accordance with section 251(c)(6) and the FCC's implementing rules.[53] Data showing the quality of procedures for processing applications for collocation space, as well as the timeliness and efficiency of provisioning collocation space, help the Commission evaluate a BOC's compliance with its collocation obligations.[54]

21. As stated above, checklist item 1 requires a BOC to provide "interconnection in accordance with the requirements of sections 251(c)(2) *and* 252(d)(1)."[55] Section 252(d)(1) requires state determinations regarding the rates, terms, and conditions of interconnection to be based on cost and to be nondiscriminatory, and allows the rates to include a reasonable profit.[56] The Commission's pricing rules require, among other things, that in order to comply with its collocation obligations, an incumbent LEC provide collocation based on TELRIC.[57]

22. To the extent pricing disputes arise, the Commission will not duplicate the work of the state commissions. As noted in the *SWBT Texas Order*, the Act authorizes the state commissions to resolve specific carrier-to-carrier disputes arising under the local competition provisions, and it authorizes the federal district courts to ensure that the results of the state arbitration process are consistent with federal law.[58] Although the Commission has an independent statutory obligation to ensure compliance with the checklist, section 271 does not compel us to preempt the orderly disposition of intercarrier disputes by the state commissions, particularly now that the Supreme Court has restored the Commission's pricing jurisdiction and has thereby directed the state commissions to follow FCC pricing rules in their disposition of those disputes.[59]

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[52] *See Collocation Remand Order*, 16 FCC Rcd at 15441-42, para. 12.

[53] *Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20643, para. 66; *BellSouth Carolina Order*, 13 FCC Rcd at 649-51, para. 62.

[54] *Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, paras. 61-62.

[55] 47 U.S.C. § 271(c)(2)(B)(i) (emphasis added).

[56] *Id*. § 252(d)(1).

[57] *See* 47 C.F.R. §§ 51.501-07, 51.509(g); *Local Competition First Report and Order*, 11 FCC Rcd at 15812-16, 15844-61, 15874-76, 15912, paras. 618-29, 674-712, 743-51, 826.

[58] *See SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *see also* 47 U.S.C. §§ 252(c), (e)(6); *American Tel. & Tel Co. v. Iowa Utils. Bd.*, 525 U.S. 366 (1999) (*AT&T v. Iowa Utils. Bd.*).

[59] *SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. at 377-86.

23. Consistent with the Commission's precedent, the mere presence of interim rates will not generally threaten a section 271 application so long as: (1) an interim solution to a particular rate dispute is reasonable under the circumstances; (2) the state commission has demonstrated its commitment to the Commission's pricing rules; and (3) provision is made for refunds or true-ups once permanent rates are set.[60] In addition, the Commission has determined that rates contained within an approved section 271 application, including those that are interim, are reasonable starting points for interim rates for the same carrier in an adjoining state.[61]

24. Although the Commission has been willing to grant a section 271 application with a limited number of interim rates where the above-mentioned three-part test is met, it is clearly preferable to analyze a section 271 application on the basis of rates derived from a permanent rate proceeding.[62] At some point, states will have had sufficient time to complete these proceedings. The Commission will, therefore, become more reluctant to continue approving section 271 applications containing interim rates. It would not be sound policy for interim rates to become a substitute for completing these significant proceedings.

B. Checklist Item 2 – Unbundled Network Elements[63]

1. Access to Operations Support Systems

25. Incumbent LECs use a variety of systems, databases, and personnel (collectively referred to as OSS) to provide service to their customers.[64] The Commission consistently has

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[60] *SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *see also Bell Atlantic New York Order*, 15 FCC Rcd at 4091, para. 258 (explaining the Commission's case-by-case review of interim prices).

[61] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6359-60, para. 239.

[62] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4091, para. 260.

[63] We note that the United States Court of Appeals for the District of Columbia Circuit recently opined in two relevant Commission decisions, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 3696 (1999) (*Local Competition Order*) and *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order in CC Doc. No. 98-147 and Fourth Report and Order in CC Doc. No. 96-98, 14 FCC Rcd 20912 (1999) (*Line Sharing Order*). *USTA v. FCC*, 290 F.3d 415 (D. C. Cir. 2002), *petition for rehearing and suggestion for rehearing en banc denied Sept. 4, 2002*. The court's decision addressed both our UNE rules and our line sharing rules. The Commission is currently reviewing its UNE rules, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 16 FCC Rcd 22781 (2001) *(Triennial Review Notice*). Further, the court stated that "the *Line Sharing Order* must be vacated and remanded." *USTA v. FCC*, 290 F.3d at 429. The court also stated that it "grant[ed] the petitions for review[] and remand[ed] the *Line Sharing Orde*r and the *Local Competition Order* to the Commission for further consideration in accordance with the principles outlined." *Id*. at 430. On September 4, 2002, the D.C. Circuit denied petitions for rehearing filed by the Commission and others. *See Order*, Nos. 00-1012 and 00-1015 (D.C. Circuit, filed Sept. 4, 2002).

[64] *Id*. at 3989-90, para. 83; *BellSouth South Carolina Order*, 13 FCC Rcd at 585.

found that nondiscriminatory access to OSS is a prerequisite to the development of meaningful local competition.[65] For example, new entrants must have access to the functions performed by the incumbent's OSS in order to formulate and place orders for network elements or resale services, to install service to their customers, to maintain and repair network facilities, and to bill customers.[66] The Commission has determined that without nondiscriminatory access to the BOC's OSS, a competing carrier "will be severely disadvantaged, if not precluded altogether, from fairly competing" in the local exchange market.[67]

26. Section 271 requires the Commission to determine whether a BOC offers nondiscriminatory access to OSS functions. Section 271(c)(2)(B)(ii) requires a BOC to provide "nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1)."[68] The Commission has determined that access to OSS functions falls squarely within an incumbent LEC's duty under section 251(c)(3) to provide unbundled network elements (UNEs) under terms and conditions that are nondiscriminatory and just and reasonable, and its duty under section 251(c)(4) to offer resale services without imposing any limitations or conditions that are discriminatory or unreasonable.[69] The Commission must therefore examine a BOC's OSS performance to evaluate compliance with section 271(c)(2)(B)(ii) and (xiv).[70] In addition, the Commission has also concluded that the duty to provide nondiscriminatory access to OSS functions is embodied in other terms of the competitive checklist as well.[71] Consistent with prior orders, the Commission examines a BOC's OSS performance directly under checklist items 2 and 14, as well as other checklist terms.[72]

27. As part of its statutory obligation to provide nondiscriminatory access to OSS functions, a BOC must provide access that sufficiently supports each of the three modes of competitive entry envisioned by the 1996 Act – competitor-owned facilities, UNEs, and resale.[73]

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[65] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3990, para. 83; *BellSouth South Carolina Order*, 13 FCC Rcd at 547-48, 585; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20653.

[66] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3990, para. 83.

[67] *Id.*

[68] 47 U.S.C. § 271(c)(2)(B)(ii).

[69] *Bell Atlantic New York Order*, 15 FCC Rcd at 3990, para. 84.

[70] *Id.*

[71] *Id.* As part of a BOC's demonstration that it is "providing" a checklist item (*e.g.*, unbundled loops, unbundled local switching, resale services), it must demonstrate that it is providing nondiscriminatory access to the systems, information, and personnel that support that element or service. An examination of a BOC's OSS performance is therefore integral to the determination of whether a BOC is offering all of the items contained in the competitive checklist. *Id.*

[72] *Id.* at 3990-91, para. 84.

[73] *Id.* at 3991, para. 85.

For OSS functions that are analogous to those that a BOC provides to itself, its customers or its affiliates, the nondiscrimination standard requires the BOC to offer requesting carriers access that is equivalent in terms of quality, accuracy, and timeliness.[74] The BOC must provide access that permits competing carriers to perform these functions in "substantially the same time and manner" as the BOC.[75] The Commission has recognized in prior orders that there may be situations in which a BOC contends that, although equivalent access has not been achieved for an analogous function, the access that it provides is nonetheless nondiscriminatory within the meaning of the statute.[76]

28. For OSS functions that have no retail analogue, the BOC must offer access "sufficient to allow an efficient competitor a meaningful opportunity to compete."[77] In assessing whether the quality of access affords an efficient competitor a meaningful opportunity to compete, the Commission will examine, in the first instance, whether specific performance standards exist for those functions.[78] In particular, the Commission will consider whether appropriate standards for measuring OSS performance have been adopted by the relevant state commission or agreed upon by the BOC in an interconnection agreement or during the implementation of such an agreement.[79] If such performance standards exist, the Commission will evaluate whether the BOC's performance is sufficient to allow an efficient competitor a meaningful opportunity to compete.[80]

29. The Commission analyzes whether a BOC has met the nondiscrimination standard for each OSS function using a two-step approach. First, the Commission determines "whether the BOC has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and whether the BOC is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to

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[74] *Id.*

[75] *Id.* For example, the Commission would not deem an incumbent LEC to be providing nondiscriminatory access to OSS if limitations on the processing of information between the interface and the back office systems prevented a competitor from performing a specific function in substantially the same time and manner as the incumbent performs that function for itself.

[76] *See id.*

[77] *Id.* at 3991, para. 86.

[78] *Id.*

[79] *Id.* As a general proposition, specific performance standards adopted by a state commission in an arbitration decision would be more persuasive evidence of commercial reasonableness than a standard unilaterally adopted by the BOC outside of its interconnection agreement. *Id.* at 20619-20.

[80] *See id.* at 3991-92, para. 86.

them."[81] The Commission next assesses "whether the OSS functions that the BOC has deployed are operationally ready, as a practical matter."[82]

30. Under the first inquiry, a BOC must demonstrate that it has developed sufficient electronic (for functions that the BOC accesses electronically) and manual interfaces to allow competing carriers equivalent access to all of the necessary OSS functions.[83] For example, a BOC must provide competing carriers with the specifications necessary for carriers to design or modify their systems in a manner that will enable them to communicate with the BOC's systems and any relevant interfaces.[84] In addition, a BOC must disclose to competing carriers any internal business rules[85] and other formatting information necessary to ensure that a carrier's requests and orders are processed efficiently.[86] Finally, a BOC must demonstrate that its OSS is designed to accommodate both current demand and projected demand for competing carriers' access to OSS functions.[87] Although not a prerequisite, the Commission continues to encourage the use of industry standards as an appropriate means of meeting the needs of a competitive local exchange market.[88]

31. Under the second inquiry, the Commission examines performance measurements and other evidence of commercial readiness to ascertain whether the BOC's OSS is handling

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[81] *Id.* at 3992, para. 87; *Ameritech Michigan Order*, 12 FCC Rcd at 20616; s*ee also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20654; *BellSouth South Carolina Order*, 13 FCC Rcd at 592-93. In making this determination, the Commission "consider[s] all of the automated and manual processes a BOC has undertaken to provide access to OSS functions," including the interface (or gateway) that connects the competing carrier's own operations support systems to the BOC; any electronic or manual processing link between that interface and the BOC's OSS (including all necessary back office systems and personnel); and all of the OSS that a BOC uses in providing network elements and resale services to a competing carrier. *Ameritech Michigan Order*, 12 FCC Rcd at 20615; s*ee also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20654 n.241.

[82] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3992, para. 88.

[83] *Id*. at 3992, para. 87; *see also Ameritech Michigan Order*, 12 FCC Rcd at 20616, para. 136 (The Commission determines "whether the BOC has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and whether the BOC is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to them."). For example, a BOC must provide competing carriers the specifications necessary to design their systems interfaces and business rules necessary to format orders, and demonstrate that systems are scalable to handle current and projected demand. *Id.*

[84] *Id.*

[85] Business rules refer to the protocols that a BOC uses to ensure uniformity in the format of orders and include information concerning ordering codes such as universal service ordering codes (USOCs) and field identifiers (FIDs). *Id.*; *see also Ameritech Michigan Order*, 12 FCC Rcd at 20617 n.335.

[86] *Bell Atlantic New York Order*, 15 FCC Rcd at 3992, para. 88.

[87] *Id.*

[88] *See id.*

current demand and will be able to handle reasonably foreseeable future volumes.[89] The most probative evidence that OSS functions are operationally ready is actual commercial usage.[90] Absent sufficient and reliable data on commercial usage, the Commission will consider the results of carrier-to-carrier testing, independent third-party testing, and internal testing in assessing the commercial readiness of a BOC's OSS.[91] Although the Commission does not require OSS testing, a persuasive test will provide us with an objective means by which to evaluate a BOC's OSS readiness where there is little to no evidence of commercial usage, or may otherwise strengthen an application where the BOC's evidence of actual commercial usage is weak or is otherwise challenged by competitors. The persuasiveness of a third-party review, however, is dependent upon the qualifications, experience and independence of the third party and the conditions and scope of the review itself.[92] If the review is limited in scope or depth or is not independent and blind, the Commission will give it minimal weight. As noted above, to the extent the Commission reviews performance data, it looks at the totality of the circumstances and generally does not view individual performance disparities, particularly if they are isolated and slight, as dispositive of whether a BOC has satisfied its checklist obligations.[93] Individual performance disparities may, nevertheless, result in a finding of checklist noncompliance, particularly if the disparity is substantial or has endured for a long time, or if it is accompanied by other evidence of discriminatory conduct or evidence that competing carriers have been denied a meaningful opportunity to compete.

a. Relevance of a BOC's Prior Section 271 Orders

32. The *SWBT Kansas/Oklahoma Order* specifically outlined a non-exhaustive evidentiary showing that must be made in the initial application when a BOC seeks to rely on evidence presented in another application.[94] First, a BOC's application must explain the extent to which the OSS are "the same" – that is, whether it employs the shared use of a single OSS, or the use of systems that are identical, but separate.[95] To satisfy this inquiry, the Commission looks to whether the relevant states utilize a common set of processes, business rules, interfaces,

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[89] *Id.* at 3993, para. 89.

[90] *Id.*

[91] *Id.*

[92] *See id.*; *Ameritech Michigan Order*, 12 FCC Rcd at 20659 (emphasizing that a third-party review should encompass the entire obligation of the incumbent LEC to provide nondiscriminatory access, and, where applicable, should consider the ability of actual competing carriers in the market to operate using the incumbent's OSS access).

[93] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6301-02, para. 138.

[94] *See id*. at 6286-91, paras. 107-18

[95] *See id*. at 6288, para. 111.

systems and, in many instances, even personnel.[96] The Commission will also carefully examine third party reports that demonstrate that the BOC's OSS are the same in each of the relevant states.[97] Finally, where a BOC has discernibly separate OSS, it must demonstrate that its OSS reasonably can be expected to behave in the same manner.[98] Second, unless an applicant seeks to establish only that certain discrete components of its OSS are the same, an applicant must submit evidence relating to *all* aspects of its OSS, including those OSS functions performed by BOC personnel.

b. Pre-Ordering

33. A BOC must demonstrate that: (i) it offers nondiscriminatory access to OSS pre-ordering functions associated with determining whether a loop is capable of supporting xDSL advanced technologies; (ii) competing carriers successfully have built and are using application-to-application interfaces to perform pre-ordering functions and are able to integrate pre-ordering and ordering interfaces;[99] and (iii) its pre-ordering systems provide reasonably prompt response times and are consistently available in a manner that affords competitors a meaningful opportunity to compete.[100]

34. The pre-ordering phase of OSS generally includes those activities that a carrier undertakes to gather and verify the information necessary to place an order.[101] Given that pre-ordering represents the first exposure that a prospective customer has to a competing carrier, it is

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[96] The Commission has consistently held that a BOC's OSS includes both mechanized systems and manual processes, and thus the OSS functions performed by BOC personnel have been part of the FCC's OSS functionality and commercial readiness reviews.

[97] *See SWBT Kansas/Oklahoma Order*, *id*. at 6287, para. 108.

[98] *See id*. at 6288, para. 111.

[99] In prior orders, the Commission has emphasized that providing pre-ordering functionality through an application-to-application interface is essential in enabling carriers to conduct real-time processing and to integrate pre-ordering and ordering functions in the same manner as the BOC. *SWBT Texas Order*, 15 FCC Rcd at 18426, para. 148.

[100] The Commission has held previously that an interface that provides responses in a prompt timeframe and is stable and reliable, is necessary for competing carriers to market their services and serve their customers as efficiently and at the same level of quality as a BOC serves its own customers. *See Bell Atlantic New York Order*, 15 FCC Rcd at 4025 and 4029, paras. 145 and 154.

[101] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20660, para. 94 (referring to "pre-ordering and ordering" collectively as "the exchange of information between telecommunications carriers about current or proposed customer products and services or unbundled network elements or some combination thereof"). In prior orders, the Commission has identified the following five pre-order functions: (1) customer service record (CSR) information; (2) address validation; (3) telephone number information; (4) due date information; (5) services and feature information. *See Bell Atlantic New York Order*, 15 FCC Rcd at 4015, para. 132; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20660, para. 94; *BellSouth South Carolina Order*, 13 FCC Rcd at 619, para. 147.

critical that a competing carrier is able to accomplish pre-ordering activities in a manner no less efficient and responsive than the incumbent.[102] Most of the pre-ordering activities that must be undertaken by a competing carrier to order resale services and UNEs from the incumbent are analogous to the activities a BOC must accomplish to furnish service to its own customers. For these pre-ordering functions, a BOC must demonstrate that it provides requesting carriers access that enables them to perform pre-ordering functions in substantially the same time and manner as its retail operations.[103] For those pre-ordering functions that lack a retail analogue, a BOC must provide access that affords an efficient competitor a meaningful opportunity to compete.[104] In prior orders, the Commission has emphasized that providing pre-ordering functionality through an application-to-application interface is essential in enabling carriers to conduct real-time processing and to integrate pre-ordering and ordering functions in the same manner as the BOC.[105]

(i) Access to Loop Qualification Information

35. In accordance with the *UNE Remand Order*,[106] the Commission requires incumbent carriers to provide competitors with access to all of the same detailed information about the loop that is available to the incumbents,[107] and in the same time frame, so that a competing carrier can make an independent judgment at the pre-ordering stage about whether an end user loop is capable of supporting the advanced services equipment the competing carrier intends to install.[108] Under the *UNE Remand Order*, the relevant inquiry is not whether a BOC's retail arm accesses such underlying information but whether such information exists anywhere in

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[102] *Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129.

[103] *Id.*; *see also BellSouth South Carolina Order*, 13 FCC Rcd at 623-29 (concluding that failure to deploy an application-to-application interface denies competing carriers equivalent access to pre-ordering OSS functions).

[104] *Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129.

[105] *See id.* at 4014, para. 130; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20661-67, para. 105.

[106] *UNE Remand Order*, 15 FCC Rcd at 3885, para. 426 (determining "that the pre-ordering function includes access to loop qualification information").

[107] *See id.* At a minimum, a BOC must provide (1) the composition of the loop material, including both fiber and copper; (2) the existence, location and type of any electronic or other equipment on the loop, including but not limited to, digital loop carrier or other remote concentration devices, feeder/distribution interfaces, bridge taps, load coils, pair-gain devices, disturbers in the same or adjacent binder groups; (3) the loop length, including the length and location of each type of transmission media; (4) the wire gauge(s) of the loop; and (5) the electrical parameters of the loop, which may determine the suitability of the loop for various technologies. *Id.*

[108] As the Commission has explained in prior proceedings, because characteristics of a loop, such as its length and the presence of various impediments to digital transmission, can hinder certain advanced services technologies, carriers often seek to "pre-qualify" a loop by accessing basic loop makeup information that will assist carriers in ascertaining whether the loop, either with or without the removal of the impediments, can support a particular advanced service. *See id.*, 15 FCC Rcd at 4021, para. 140.

a BOC's back office and can be accessed by any of a BOC's personnel.[109] Moreover, a BOC may not "filter or digest" the underlying information and may not provide only information that is useful in provisioning of a particular type of xDSL that a BOC offers.[110] A BOC must also provide loop qualification information based, for example, on an individual address or zip code of the end users in a particular wire center, NXX code or on any other basis that the BOC provides such information to itself. Moreover, a BOC must also provide access for competing carriers to the loop qualifying information that the BOC can itself access manually or electronically. Finally, a BOC must provide access to loop qualification information to competitors within the same time intervals it is provided to the BOC's retail operations or its advanced services affiliate.[111] As the Commission determined in the *UNE Remand Order*, however, "to the extent such information is not normally provided to the incumbent's retail personnel, but can be obtained by contacting back office personnel, it must be provided to requesting carriers within the same time frame that any incumbent personnel are able to obtain such information."[112]

c. Ordering

36. Consistent with section 271(c)(2)(B)(ii), a BOC must demonstrate its ability to provide competing carriers with access to the OSS functions necessary for placing wholesale orders. For those functions of the ordering systems for which there is a retail analogue, a BOC must demonstrate, with performance data and other evidence, that it provides competing carriers with access to its OSS in substantially the same time and manner as it provides to its retail operations. For those ordering functions that lack a direct retail analogue, a BOC must demonstrate that its systems and performance allow an efficient carrier a meaningful opportunity to compete. As in prior section 271 orders, the Commission looks primarily at the applicant's ability to return order confirmation notices, order reject notices, order completion notices and jeopardies, and at its order flow-through rate.[113]

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[109] *UNE Remand Order*, 15 FCC Rcd at 3885-3887, paras. 427-431 (noting that "to the extent such information is not normally provided to the incumbent's retail personnel, but can be obtained by contacting back office personnel, it must be provided to requesting carriers within the same time frame that any incumbent personnel are able to obtain such information.").

[110] *See SWBT Kansas Oklahoma Order*, 16 FCC Rcd at 6292-93, para. 121.

[111] *Id.*

[112] *UNE Remand Order*, 15 FCC Rcd at 3885-3887, paras. 427-31.

[113] *See SWBT Texas Order*, 15 FCC Rcd at 18438, para. 170; *Bell Atlantic New York Order*, 15 FCC Rcd at 4035-39, paras. 163-66. The Commission examines (i) order flow-through rates, (ii) jeopardy notices and (iii) order completion notices using the "same time and manner" standard. The Commission examines order confirmation notices and order rejection notices using the "meaningful opportunity to compete" standard.

d. Provisioning

37. A BOC must provision competing carriers' orders for resale and UNE-P services in substantially the same time and manner as it provisions orders for its own retail customers.[114] Consistent with the approach in prior section 271 orders, the Commission examines a BOC's provisioning processes, as well as its performance with respect to provisioning timeliness (i.e., missed due dates and average installation intervals) and provisioning quality (i.e., service problems experienced at the provisioning stage).[115]

e. Maintenance and Repair

38. A competing carrier that provides service through resale or UNEs remains dependent upon the incumbent LEC for maintenance and repair. Thus, as part of its obligation to provide nondiscriminatory access to OSS functions, a BOC must provide requesting carriers with nondiscriminatory access to its maintenance and repair systems.[116] To the extent a BOC performs analogous maintenance and repair functions for its retail operations, it must provide competing carriers access that enables them to perform maintenance and repair functions "in substantially the same time and manner" as a BOC provides its retail customers.[117] Equivalent access ensures that competing carriers can assist customers experiencing service disruptions using the same network information and diagnostic tools that are available to BOC personnel.[118] Without equivalent access, a competing carrier would be placed at a significant competitive disadvantage, as its customer would perceive a problem with a BOC's network as a problem with the competing carrier's own network.[119]

f. Billing

39. A BOC must provide nondiscriminatory access to its billing functions, which is necessary to enable competing carriers to provide accurate and timely bills to their customers.[120] In making this determination, the Commission assesses a BOC's billing processes and systems,

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[114] *See Bell Atlantic New York*, 15 FCC Rcd at 4058, para. 196. For provisioning timeliness, the Commission looks to missed due dates and average installation intervals; for provisioning quality, the Commission looks to service problems experienced at the provisioning stage.

[115] *Id.*

[116] *Id*. at 4067, para. 212; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20692; *Ameritech Michigan Order*, 12 FCC Rcd at 20613, 20660-61.

[117] *Bell Atlantic New York Order*, 15 FCC Rcd at 4058, para. 196; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20692-93.

[118] *Bell Atlantic New York Order*, 15 FCC Rcd at 4058, para. 196.

[119] *Id*.

[120] *See SWBT Texas Order*, 15 FCC Rcd at 18461, para. 210.

and its performance data. Consistent with prior section 271 orders, a BOC must demonstrate that it provides competing carriers with complete and accurate reports on the service usage of competing carriers' customers in substantially the same time and manner that a BOC provides such information to itself, and with wholesale bills in a manner that gives competing carriers a meaningful opportunity to compete.[121]

g. Change Management Process

40. Competing carriers need information about, and specifications for, an incumbent's systems and interfaces to develop and modify their systems and procedures to access the incumbent's OSS functions.[122] Thus, in order to demonstrate that it is providing nondiscriminatory access to its OSS, a BOC must first demonstrate that it "has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and . . . is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to them."[123] By showing that it adequately assists competing carriers to use available OSS functions, a BOC provides evidence that it offers an efficient competitor a meaningful opportunity to compete.[124] As part of this demonstration, the Commission will give substantial consideration to the existence of an adequate change management process and evidence that the BOC has adhered to this process over time.[125]

41. The change management process refers to the methods and procedures that the BOC employs to communicate with competing carriers regarding the performance of, and changes in, the BOC's OSS.[126] Such changes may include updates to existing functions that impact competing carrier interface(s) upon a BOC's release of new interface software; technology changes that require competing carriers to meet new technical requirements upon a BOC's software release date; additional functionality changes that may be used at the competing carrier's option, on or after a BOC's release date for new interface software; and changes that may be mandated by regulatory authorities.[127] Without a change management process in place, a BOC can impose substantial costs on competing carriers simply by making changes to its systems and interfaces without providing adequate testing opportunities and accurate and timely

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[121] *See id.*; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6316-17, at para. 163.

[122] *Bell Atlantic New York Order*, 15 FCC Rcd at 3999-4000, para. 102; *First BellSouth Louisiana Order*, 13 FCC Rcd at 6279 n.197; *BellSouth South Carolina Order*, 13 FCC Rcd at 625 n.467; *Ameritech Michigan Order*, 12 FCC Rcd at 20617 n.334; *Local Competition Second Report and Order*, 11 FCC Rcd at 19742.

[123] *Bell Atlantic New York Order*, 15 FCC Rcd at 3999, para. 102.

[124] *Id.* at 3999-4000, para. 102

[125] *Id.* at 4000, para. 102.

[126] *Id.* at 4000, para. 103.

[127] *Id.*

notice and documentation of the changes.[128] Change management problems can impair a competing carrier's ability to obtain nondiscriminatory access to UNEs, and hence a BOC's compliance with section 271(2)(B)(ii).[129]

42. In evaluating whether a BOC's change management plan affords an efficient competitor a meaningful opportunity to compete, the Commission first assesses whether the plan is adequate. In making this determination, it assesses whether the evidence demonstrates: (1) that information relating to the change management process is clearly organized and readily accessible to competing carriers;[130] (2) that competing carriers had substantial input in the design and continued operation of the change management process;[131] (3) that the change management plan defines a procedure for the timely resolution of change management disputes;[132] (4) the availability of a stable testing environment that mirrors production;[133] and (5) the efficacy of the documentation the BOC makes available for the purpose of building an electronic gateway.[134] After determining whether the BOC's change management plan is adequate, the Commission evaluates whether the BOC has demonstrated a pattern of compliance with this plan.[135]

2. UNE Combinations

43. In order to comply with the requirements of checklist item 2, a BOC must show that it is offering "[n]ondiscriminatory access to network elements in accordance with the requirements of section 251(c)(3)."[136] Section 251(c)(3) requires an incumbent LEC to "provide, to any requesting telecommunications carrier . . . nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms and conditions that are just, reasonable, and nondiscriminatory."[137] Section 251(c)(3) of the Act also requires incumbent

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[128] *Id.* at 4000, para. 103.

[129] *Id.*

[130] *Id.* at 4002, para. 107.

[131] *Id.* at 4000, para. 104.

[132] *Id.* at 4002, para. 108.

[133] *Id.* at 4002-03, paras. 109-10.

[134] *Id.* at 4003-04, para. 110. In the *Bell Atlantic New York Order*, the Commission used these factors in determining whether Bell Atlantic had an adequate change management process in place. *See id.* at 4004, para. 111. The Commission left open the possibility, however, that a change management plan different from the one implemented by Bell Atlantic may be sufficient to demonstrate compliance with the requirements of section 271. *Id.*

[135] *Id.* at 3999, para. 101, 4004-05, para. 112.

[136] 47 U.S.C. § 271(c)(2)(B)(ii).

[137] *Id.* § 251(c)(3).

LECs to provide UNEs in a manner that allows requesting carriers to combine such elements in order to provide a telecommunications service.[138]

44. In the *Ameritech Michigan Order*, the Commission emphasized that the ability of requesting carriers to use UNEs, as well as combinations of UNEs, is integral to achieving Congress' objective of promoting competition in local telecommunications markets.[139] Using combinations of UNEs provides a competitor with the incentive and ability to package and market services in ways that differ from the BOCs' existing service offerings in order to compete in the local telecommunications market.[140] Moreover, combining the incumbent's UNEs with their own facilities encourages facilities-based competition and allows competing providers to provide a wide array of competitive choices.[141] Because the use of combinations of UNEs is an important strategy for entry into the local telecommunications market, as well as an obligation under the requirements of section 271, the Commission examines section 271 applications to determine whether competitive carriers are able to combine network elements as required by the Act and the Commission's regulations.[142]

3. Pricing of Network Elements

45. Checklist item 2 of section 271 states that a BOC must provide "nondiscriminatory access to network elements in accordance with sections 251(c)(3) and 252(d)(1)" of the Act.[143] Section 251(c)(3) requires incumbent LECs to provide "nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[144] Section

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[138] *Id.*

[139] *Ameritech Michigan Order*, 12 FCC Rcd at 20718-19; *BellSouth South Carolina Order*, 13 FCC Rcd at 646.

[140] *BellSouth South Carolina Order*, 13 FCC Rcd at 646; *see also Local Competition First Report and Order*, 11 FCC Rcd at 15666-68.

[141] *Bell Atlantic New York Order*, 15 FCC Rcd at 4077-78, para. 230.

[142] *Id. In Iowa Utilities Board v. FCC*, 219 F.3d 744 (8th Cir. 2000), the Eighth Circuit had vacated the Commission's "additional combinations" rules (47 C.F.R. Sections 51-315(c)-(f)). However, on May 13, 2002, the Supreme Court reversed the Eighth Circuit with respect to those rules and remanded the case to the court of appeals "for further proceedings consistent with this opinion." *Verizon Communications Inc. v. FCC*, 122 S.Ct. 1646, 1687. *See also id*. at 1683-87. In response, the Eighth Circuit, on August 21, 2002, vacated its prior opinion insofar as it had vacated the pertinent combinations rules and denied the petitions for review with respect to those rules. *Iowa Utilities Board v. FCC*, 8th Circuit Nos. 96-3321, *et al*., Judgment, filed August 21, 2002.). *See also Competitive Telecommunications Association v. FCC*, 309 F. 3d 8 (2002) (affirming the Commission's interim decision to limit the ability of competitive local exchange carriers to gain access to a network element combination known as the enhanced extended link).

[143] 47 U.S.C. § 271(c)(2)(B)(ii).

[144] *Id*. § 251(c)(3).

252(d)(1) requires that a state commission's determination of the just and reasonable rates for network elements shall be based on the cost of providing the network elements, shall be nondiscriminatory, and may include a reasonable profit.[145] Pursuant to this statutory mandate, the Commission has determined that prices for UNEs must be based on the total element long run incremental cost (TELRIC) of providing those elements.[146] The Commission also promulgated rule 51.315(b), which prohibits incumbent LECs from separating already combined elements before providing them to competing carriers, except on request.[147] The Commission has previously held that it will not conduct a *de novo* review of a state's pricing determinations and will reject an application only if "basic TELRIC principles are violated or the state commission makes clear errors in factual findings on matters so substantial that the end result falls outside the range that the reasonable application of TELRIC principles would produce."[148]

46. Although the U.S. Court of Appeals for the Eighth Circuit stayed the Commission's pricing rules in 1996,[149] the Supreme Court restored the Commission's pricing authority on January 25, 1999, and remanded to the Eighth Circuit for consideration of the merits of the challenged rules.[150] On remand from the Supreme Court, the Eighth Circuit concluded that while TELRIC is an acceptable method for determining costs, certain specific requirements contained within the Commission's pricing rules were contrary to Congressional intent.[151] The

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[145] 47 U.S.C. § 252(d)(1).

[146] *Local Competition First Report and Order*, 11 FCC Rcd at 15844-46, paras. 674-79; 47 C.F.R. §§ 51.501 *et seq*.; *see also Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98*, Third Report and Order and Fourth Report and Order, 14 FCC Rcd 20912, 20974, para. 135 (*Line Sharing Order*) (concluding that states should set the prices for line sharing as a new network element in the same manner as the state sets prices for other UNEs).

[147] *See* 47 C.F.R. § 51.315(b).

[148] *Bell Atlantic New York Order*, 15 FCC Rcd at 4084, para. 244; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6266, para. 59.

[149] *Iowa Utils. Bd. v. FCC*, 120 F.3d 753, 800, 804, 805-06 (8th Cir. 1997).

[150] *AT&T Corp. v. Iowa Utils. Bd*., 525 U.S. 366 (1999). In reaching its decision, the Court acknowledged that section 201(b) "explicitly grants the FCC jurisdiction to make rules governing matters to which the 1996 Act applies." *Id.* at 380. Furthermore, the Court determined that section 251(d) also provides evidence of an express jurisdictional grant by requiring that "the Commission [shall] complete all actions necessary to establish regulations to implement the requirements of this section." *Id.* at 382. The Court also held that the pricing provisions implemented under the Commission's rulemaking authority do not inhibit the establishment of rates by the states. The Court concluded that the Commission has jurisdiction to design a pricing methodology to facilitate local competition under the 1996 Act, including pricing for interconnection and unbundled access, as "it is the States that will apply those standards and implement that methodology, determining the concrete result." *Id*.

[151] *Iowa Utils. Bd. v. FCC*, 219 F.3d 744 (8th Cir. 2000), *petition for cert. granted sub nom. Verizon Communications v. FCC*, 121 S. Ct. 877 (2001).

Eighth Circuit stayed the issuance of its mandate pending review by the Supreme Court.[152] The Supreme Court, on May 13, 2002, upheld the Commission's forward-looking pricing methodology in determining costs of UNEs and "reverse[d] the Eighth Circuit's judgment insofar as it invalidated TELRIC as a method for setting rates under the Act."[153] Accordingly, the Commission's pricing rules remain in effect.

C. Checklist Item 3 – Poles, Ducts, Conduits and Rights of Way

47. Section 271(c)(2)(B)(iii) requires BOCs to provide "[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates in accordance with the requirements of section 224."[154] Section 224(f)(1) states that "[a] utility shall provide a cable television system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it."[155] Notwithstanding this requirement, section 224(f)(2) permits a utility providing electric service to deny access to its poles, ducts, conduits, and rights-of-way, on a nondiscriminatory basis, "where there is insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes."[156] Section 224 also contains two separate provisions governing the maximum rates that a utility may charge for "pole attachments."[157] Section 224(b)(1) states that the Commission shall regulate the rates, terms, and conditions governing

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[152] *Iowa Utils. Bd. v. FCC*, No. 96-3321 *et al.* (8th Cir. Sept. 25, 2000).

[153] *Verizon v. FCC,* 122 S.Ct. at 1679. On August 21, 2002, the Eighth Circuit implemented the Supreme Court's mandate with respect to the Commission's TELRIC pricing rule by vacating its prior opinion insofar as it had invalidated that rule and by denying the petitions for review of that rule. *Iowa Utilities Board v. FCC*, 8th Circuit Nos. 96-3321, et al., Judgment, filed August 21, 2002.

[154] 47 U.S.C. § 271(c)(2)(B)(iii). As originally enacted, section 224 was intended to address obstacles that cable operators encountered in obtaining access to poles, ducts, conduits, or rights-of-way owned or controlled by utilities. The 1996 Act amended section 224 in several important respects to ensure that telecommunications carriers as well as cable operators have access to poles, ducts, conduits, or rights-of-way owned or controlled by utility companies, including LECs. *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20706, n.574.

[155] 47 U.S.C. § 224(f)(1). Section 224(a)(1) defines "utility" to include any entity, including a LEC, that controls "poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications." 47 U.S.C. § 224(a)(1).

[156] 47 U.S.C. § 224(f)(2). In the *Local Competition First Report and Order*, the Commission concluded that, although the statutory exception enunciated in section 224(f)(2) appears to be limited to utilities providing electrical service, LECs should also be permitted to deny access to their poles, ducts, conduits, and rights-of-way because of insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes, provided the assessment of such factors is done in a nondiscriminatory manner. *Local Competition First Report and Order*, 11 FCC Rcd at 16080-81, paras. 1175-77.

[157] Section 224(a)(4) defines "pole attachment" as "any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by a utility." 47 U.S.C. § 224(a)(4).

pole attachments to ensure that they are "just and reasonable."[158] Notwithstanding this general grant of authority, section 224(c)(1) states that "[n]othing in [section 224] shall be construed to apply to, or to give the Commission jurisdiction with respect to the rates, terms, and conditions, or access to poles, ducts, conduits and rights-of-way as provided in [section 224(f)], for pole attachments in any case where such matters are regulated by a State."[159] As of 1992, nineteen states, including Connecticut, had certified to the Commission that they regulated the rates, terms, and conditions for pole attachments.[160]

D. Checklist Item 4 – Unbundled Local Loops

48. Section 271(c)(2)(B)(iv) of the Act, item 4 of the competitive checklist, requires that a BOC provide "[l]ocal loop transmission from the central office to the customer's premises, unbundled from local switching or other services."[161] The Commission has defined the loop as a transmission facility between a distribution frame, or its equivalent, in an incumbent LEC central office, and the demarcation point at the customer premises. This definition includes different types of loops, including two-wire and four-wire analog voice-grade loops, and two-wire and four-wire loops that are conditioned to transmit the digital signals needed to provide service such as ISDN, ADSL, HDSL, and DS1-level signals.[162]

49. In order to establish that it is "providing" unbundled local loops in compliance with checklist item 4, a BOC must demonstrate that it has a concrete and specific legal obligation to furnish loops and that it is currently doing so in the quantities that competitors demand and at an acceptable level of quality. A BOC must also demonstrate that it provides nondiscriminatory access to unbundled loops.[163] Specifically, the BOC must provide access to any functionality of the loop requested by a competing carrier unless it is not technically feasible

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[158] 47 U.S.C. § 224(b)(1).

[159] *Id*. § 224(c)(1). The 1996 Act extended the Commission's authority to include not just rates, terms, and conditions, but also the authority to regulate nondiscriminatory access to poles, ducts, conduits, and rights-of-way. *Local Competition First Report and Order*, 11 FCC Rcd at 16104, para. 1232; 47 U.S.C. § 224(f). Absent state regulation of terms and conditions of nondiscriminatory attachment access, the Commission retains jurisdiction. *Local Competition First Report and Order*, 11 FCC Rcd at 16104, para. 1232; 47 U.S.C. § 224(c)(1); *see also Bell Atlantic New York Order*, 15 FCC Rcd at 4093, para. 264.

[160] *See States That Have Certified That They Regulate Pole Attachments*, Public Notice, 7 FCC Rcd 1498 (1992); 47 U.S.C. § 224(f).

[161] 47 U.S.C. § 271(c)(2)(B)(iv).

[162] *Local Competition First Report and Order*, 11 FCC Rcd at 15691, para. 380; *UNE Remand Order*, 15 FCC Rcd at 3772-73, paras. 166-67, n.301 (retaining definition of the local loop from the *Local Competition First Report and Order*, but replacing the phrase "network interconnection device" with "demarcation point," and making explicit that dark fiber and loop conditioning are among the features, functions and capabilities of the loop).

[163] *SWBT Texas Order*, 15 FCC Rcd at 18481-81, para. 248; *Bell Atlantic New York Order*, 15 FCC Rcd at 4095, para. 269; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20637, para. 185.

to condition the loop facility to support the particular functionality requested. In order to provide the requested loop functionality, such as the ability to deliver xDSL services, the BOC may be required to take affirmative steps to condition existing loop facilities to enable competing carriers to provide services not currently provided over the facilities. The BOC must provide competitors with access to unbundled loops regardless of whether the BOC uses digital loop carrier (DLC) technology or similar remote concentration devices for the particular loops sought by the competitor.

50. On December 9, 1999, the Commission released the *Line Sharing Order*, which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL).[164] HFPL is defined as "the frequency above the voiceband on a copper loop facility that is being used to carry traditional POTS analog circuit-switched voiceband transmissions." This definition applies whether a BOC's voice customers are served by cooper or by digital loop carrier equipment. Competing carriers should have access to the HFPL at either a central office or at a remote terminal. However, the HFPL network element is *only* available on a copper loop facility.[165]

51. To determine whether a BOC makes line sharing available consistent with Commission rules set out in the *Line Sharing Order*, the Commission examines categories of performance measurements identified in the *Bell Atlantic New York* and *SWBT Texas Orders*. Specifically, a successful BOC applicant could provide evidence of BOC-caused missed installation due dates, average installation intervals, trouble reports within 30 days of installation, mean time to repair, trouble report rates, and repeat trouble report rates. In addition, a successful BOC applicant should provide evidence that its central offices are operationally ready to handle commercial volumes of line sharing and that it provides competing carriers with nondiscriminatory access to the pre-ordering and ordering OSS functions associated with the provision of line shared loops, including access to loop qualification information and databases.

52. Section 271(c)(2)(B)(iv) also requires that a BOC demonstrate that it makes line splitting available to competing carriers so that competing carriers may provide voice and data service over a single loop.[166] In addition, a BOC must demonstrate that a competing carrier, either alone or in conjunction with another carrier, is able to replace an existing UNE-P configuration used to provide voice service with an arrangement that enables it to provide voice

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[164] *See Line Sharing Order*, 14 FCC Rcd at 20924-27, paras. 20-27; *see also* n.63 at C-12 *supra*.

[165] *See Deployment of Wireline Services offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, 16 FCC Rcd 2101, 2106-07, para. 10 (2001).

[166] *See generally SWBT Texas Order*, 15 FCC Rcd at 18515-17, paras. 323-329 (describing line splitting); 47 C.F.R. § 51.703(c) (requiring that incumbent LECs provide competing carriers with access to unbundled loops in a manner that allows competing carriers "to provide any telecommunications service that can be offered by means of that network element").

and data service to a customer. To make such a showing, a BOC must show that it has a legal obligation to provide line splitting through rates, terms, and conditions in interconnection agreements and that it offers competing carriers the ability to order an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment, and combine it with unbundled switching and shared transport.[167]

E. Checklist Item 5 – Unbundled Local Transport

53. Section 271(c)(2)(B)(v) of the competitive checklist requires a BOC to provide "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services."[168] The Commission has required that BOCs provide both dedicated and shared transport to requesting carriers.[169] Dedicated transport consists of BOC transmission facilities dedicated to a particular customer or carrier that provide telecommunications between wire centers owned by BOCs or requesting telecommunications carriers, or between switches owned by BOCs or requesting telecommunications carriers.[170] Shared transport consists of transmission facilities shared by more than one carrier, including the BOC, between end office switches, between end office switches and tandem switches, and between tandem switches, in the BOC's network.[171]

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[167] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6348, para. 220.

[168] 47 U.S.C. § 271(c)(2)(B)(v).

[169] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20719, para. 201.

[170] *Id.* A BOC has the following obligations with respect to dedicated transport: (a) provide unbundled access to dedicated transmission facilities between BOC central offices or between such offices and serving wire centers (SWCs); between SWCs and interexchange carriers points of presence (POPs); between tandem switches and SWCs, end offices or tandems of the BOC, and the wire centers of BOCs and requesting carriers; (b) provide all technically feasible transmission capabilities such as DS1, DS3, and Optical Carrier levels that the competing carrier could use to provide telecommunications; (c) not limit the facilities to which dedicated interoffice transport facilities are connected, provided such interconnections are technically feasible, or restrict the use of unbundled transport facilities; and (d) to the extent technically feasible, provide requesting carriers with access to digital cross-connect system functionality in the same manner that the BOC offers such capabilities to interexchange carriers that purchase transport services. *Id.* at 20719.

[171] *Id.* at 20719, n.650. The Commission also found that a BOC has the following obligations with respect to shared transport: (a) provide shared transport in a way that enables the traffic of requesting carriers to be carried on the same transport facilities that a BOC uses for its own traffic; (b) provide shared transport transmission facilities between end office switches, between its end office and tandem switches, and between tandem switches in its network; (c) permit requesting carriers that purchase unbundled shared transport and unbundled switching to use the same routing table that is resident in the BOC's switch; and (d) permit requesting carriers to use shared (or dedicated) transport as an unbundled element to carry originating access traffic from, and terminating traffic to, customers to whom the requesting carrier is also providing local exchange service. *Id.* at 20720, n.652.

F. Checklist Item 6 – Unbundled Local Switching

54. Section 271(c)(2)(B)(vi) of the 1996 Act requires a BOC to provide "[l]ocal switching unbundled from transport, local loop transmission, or other services."[172] In the *Second BellSouth Louisiana Order*, the Commission required BellSouth to provide unbundled local switching that included line-side and trunk-side facilities, plus the features, functions, and capabilities of the switch.[173] The features, functions, and capabilities of the switch include the basic switching function as well as the same basic capabilities that are available to the incumbent LEC's customers.[174] Additionally, local switching includes all vertical features that the switch is capable of providing, as well as any technically feasible customized routing functions.[175]

55. Moreover, in the *Second BellSouth Louisiana Order*, the Commission required BellSouth to permit competing carriers to purchase UNEs, including unbundled switching, in a manner that permits a competing carrier to offer, and bill for, exchange access and the termination of local traffic.[176] The Commission also stated that measuring daily customer usage for billing purposes requires essentially the same OSS functions for both competing carriers and incumbent LECs, and that a BOC must demonstrate that it is providing equivalent access to billing information.[177] Therefore, the ability of a BOC to provide billing information necessary for a competitive LEC to bill for exchange access and termination of local traffic is an aspect of unbundled local switching.[178] Thus, there is an overlap between the provision of unbundled local switching and the provision of the OSS billing function.[179]

56. To comply with the requirements of unbundled local switching, a BOC must also make available trunk ports on a shared basis and routing tables resident in the BOC's switch, as necessary to provide access to shared transport functionality.[180] In addition, a BOC may not limit

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[172] 47 U.S.C. § 271(c)(2)(B)(vi); *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20722. A switch connects end user lines to other end user lines, and connects end user lines to trunks used for transporting a call to another central office or to a long-distance carrier. Switches can also provide end users with "vertical features" such as call waiting, call forwarding, and caller ID, and can direct a call to a specific trunk, such as to a competing carrier's operator services.

[173] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20722, para. 207.

[174] *Id*.

[175] *Id.* at 20722-23, para. 207.

[176] *Id.* at 20723, para. 208.

[177] *Id.* at 20723, para. 208 (citing *Ameritech Michigan Order*, 12 FCC Rcd at 20619, para. 140).

[178] *Id.*

[179] *Id.*

[180] *Id.* at 20723, para. 209 (citing the *Ameritech Michigan Order*, 12 FCC Rcd at 20705, para. 306).

the ability of competitors to use unbundled local switching to provide exchange access by requiring competing carriers to purchase a dedicated trunk from an interexchange carrier's point of presence to a dedicated trunk port on the local switch.[181]

G. Checklist Item 7 – 911/E911 Access and Directory Assistance/Operator Services

57. Section 271(c)(2)(B)(vii) of the Act requires a BOC to provide "[n]ondiscriminatory access to – (I) 911 and E911 services."[182] In the *Ameritech Michigan Order*, the Commission found that "section 271 requires a BOC to provide competitors access to its 911 and E911 services in the same manner that a BOC obtains such access, *i.e.*, at parity."[183] Specifically, the Commission found that a BOC "must maintain the 911 database entries for competing LECs with the same accuracy and reliability that it maintains the database entries for its own customers."[184] For facilities-based carriers, the BOC must provide "unbundled access to [its] 911 database and 911 interconnection, including the provision of dedicated trunks from the requesting carrier's switching facilities to the 911 control office at parity with what [the BOC] provides to itself."[185] Section 271(c)(2)(B)(vii)(II) and section 271(c)(2)(B)(vii)(III) require a BOC to provide nondiscriminatory access to "directory assistance services to allow the other carrier's customers to obtain telephone numbers" and "operator call completion services," respectively.[186] Section 251(b)(3) of the Act imposes on each LEC "the duty to permit all [competing providers of telephone exchange service and telephone toll service] to have nondiscriminatory access to . . . operator services, directory assistance, and directory listing, with no unreasonable dialing delays."[187] The Commission concluded in the *Second BellSouth*

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[181] *Id.* (citing the *Ameritech Michigan Order*, 12 FCC Rcd at 20714-15, paras. 324-25).

[182] 47 U.S.C. § 271(c)(2)(B)(vii). 911 and E911 services transmit calls from end users to emergency personnel. It is critical that a BOC provide competing carriers with accurate and nondiscriminatory access to 911/E911 services so that these carriers' customers are able to reach emergency assistance. Customers use directory assistance and operator services to obtain customer listing information and other call completion services.

[183] *Ameritech Michigan Order*, 12 FCC Rcd at 20679, para. 256.

[184] *Id.*

[185] *Id.*

[186] 47 U.S.C. §§ 271(c)(2)(B)(vii)(II), (III).

[187] *Id*. § 251(b)(3). The Commission implemented section 251(b)(3) in the *Local Competition Second Report and Order*. 47 C.F.R. § 51.217; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996) (*Local Competition Second Report and Order*) *vacated in part sub nom. People of the State of California v. FCC*, 124 F.3d 934 (8th Cir. 1997), *overruled in part*, *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366 (1999); *see also Implementation of the Telecommunications Act of 1996: Provision of Directory Listings Information under the Telecommunications Act of 1934*, Notice of Proposed Rulemaking, 14 FCC Rcd 15550 (1999) (*Directory Listings Information NPRM*).

Louisiana Order that a BOC must be in compliance with the regulations implementing section 251(b)(3) to satisfy the requirements of sections 271(c)(2)(B)(vii)(II) and 271(c)(2)(B)(vii)(III).[188] In the *Local Competition Second Report and Order*, the Commission held that the phrase "nondiscriminatory access to directory assistance and directory listings" means that "the customers of all telecommunications service providers should be able to access each LEC's directory assistance service and obtain a directory listing on a nondiscriminatory basis, notwithstanding: (1) the identity of a requesting customer's local telephone service provider; or (2) the identity of the telephone service provider for a customer whose directory listing is requested."[189] The Commission concluded that nondiscriminatory access to the dialing patterns of 4-1-1 and 5-5-5-1-2-1-2 to access directory assistance were technically feasible, and would continue.[190] The Commission specifically held that the phrase "nondiscriminatory access to operator services" means that "a telephone service customer, regardless of the identity of his

[188] While both sections 251(b)(3) and 271(c)(2)(B)(vii)(II) refer to nondiscriminatory access to "directory assistance," section 251(b)(3) refers to nondiscriminatory access to "operator services," while section 271(c)(2)(B)(vii)(III) refers to nondiscriminatory access to "operator call completion services." 47 U.S.C. §§ 251(b)(3), 271(c)(2)(B)(vii)(III). The term "operator call completion services" is not defined in the Act, nor has the Commission previously defined the term. However, for section 251(b)(3) purposes, the term "operator services" was defined as meaning "any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call." *Local Competition Second Report and Order*, 11 FCC Rcd at 19448, para. 110. In the same order the Commission concluded that busy line verification, emergency interrupt, and operator-assisted directory assistance are forms of "operator services," because they assist customers in arranging for the billing or completion (or both) of a telephone call. *Id.* at 19449, para. 111. All of these services may be needed or used to place a call. For example, if a customer tries to direct dial a telephone number and constantly receives a busy signal, the customer may contact the operator to attempt to complete the call. Since billing is a necessary part of call completion, and busy line verification, emergency interrupt, and operator-assisted directory assistance can all be used when an operator completes a call, the Commission concluded in the *Second BellSouth Louisiana Order* that for checklist compliance purposes, "operator call completion services" is a subset of or equivalent to "operator service." *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20740, n.763. As a result, the Commission uses the nondiscriminatory standards established for operator services to determine whether nondiscriminatory access is provided.

[189] 47 C.F.R. § 51.217(c)(3); *Local Competition Second Report and Order*, 11 FCC Rcd at 19456-58, paras. 130-35. The *Local Competition Second Report and Order's* interpretation of section 251(b)(3) is limited "to access to each LEC's directory assistance service." *Id.* at 19456, para. 135. However, section 271(c)(2)(B)(vii) is not limited to the LEC's systems but requires "nondiscriminatory access to . . . directory assistance to allow the other carrier's customers to obtain telephone numbers." 47 U.S.C. § 271(c)(2)(B)(vii). Combined with the Commission's conclusion that "incumbent LECs must unbundle the facilities and functionalities providing operator services and directory assistance from resold services and other unbundled network elements to the extent technically feasible," *Local Competition First Report and Order*, 11 FCC Rcd at 15772-73, paras. 535-37, section 271(c)(2)(B)(vii)'s requirement should be understood to require the BOCs to provide nondiscriminatory access to the directory assistance service provider selected by the customer's local service provider, regardless of whether the competitor; provides such services itself; selects the BOC to provide such services; or chooses a third party to provide such services. *See Directory Listings Information NPRM*.

[190] *Local Competition Second Report and Order*, 11 FCC Rcd at 19464, para. 151.

or her local telephone service provider, must be able to connect to a local operator by dialing '0,' or '0 plus' the desired telephone number."[191]

58. Competing carriers may provide operator services and directory assistance by reselling the BOC's services, outsourcing service provision to a third-party provider, or using their own personnel and facilities. The Commission's rules require BOCs to permit competitive LECs wishing to resell the BOC's operator services and directory assistance to request the BOC to brand their calls.[192] Competing carriers wishing to provide operator services or directory assistance using their own or a third party provider's facilities and personnel must be able to obtain directory listings either by obtaining directory information on a "read only" or "per dip" basis from the BOC's directory assistance database, or by creating their own directory assistance database by obtaining the subscriber listing information in the BOC's database.[193] Although the Commission originally concluded that BOCs must provide directory assistance and operator services on an unbundled basis pursuant to sections 251 and 252, the Commission removed directory assistance and operator services from the list of required UNEs in the *UNE Remand Order*.[194] Checklist item obligations that do not fall within a BOC's obligations under section 251(c)(3) are not subject to the requirements of sections 251 and 252 that rates be based on forward-looking economic costs.[195] Checklist item obligations that do not fall within a BOC's UNE obligations, however, still must be provided in accordance with sections 201(b) and 202(a), which require that rates and conditions be just and reasonable, and not unreasonably discriminatory.[196]

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[191] *Id*. at 19464, para. 151.

[192] 47 C.F.R. § 51.217(d); *Local Competition Second Report and Order*, 11 FCC Rcd at 19463, para. 148. For example, when customers call the operator or calls for directory assistance, they typically hear a message, such as "thank you for using XYZ Telephone Company." Competing carriers may use the BOC's brand, request the BOC to brand the call with the competitive carriers name or request that the BOC not brand the call at all. 47 C.F.R. § 51.217(d).

[193] 47 C.F.R. § 51.217(C)(3)(ii); *Local Competition Second Report and Order*, 11 FCC Rcd at 19460-61, paras. 141-44; *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Provision of Directory Listing Information Under the Communications Act of 1934, as amended*, Third Report and Order, Second Order on Reconsideration, and Notice of Proposed Rulemaking, 14 FCC Rcd 15550, 15630-31, paras. 152-54 (1999); *Provision of Directory Listing Information Under the Communications Act of 1934, as amended*, First Report and Order, 16 FCC Rcd 2736, 2743-51 (2001).

[194] *UNE Remand Order*, 15 FCC Rcd at 3891-92, paras. 441-42.

[195] *UNE Remand Order*, 15 FCC Rcd at 3905, para. 470; *see generally* 47 U.S.C. §§ 251-52; *see also* 47 U.S.C. § 252(d)(1)(A)(i) (requiring UNE rates to be "based on the cost (determined without reference to a rate-of-return or other rate-based proceeding) of providing the … network element").

[196] *UNE Remand Order*, 15 FCC Rcd at 3905-06, paras. 470-73; *see also* 47 U.S.C. §§ 201(b), 202(a).

H. Checklist Item 8 – White Pages Directory Listings

59. Section 271(c)(2)(B)(viii) of the 1996 Act requires a BOC to provide "[w]hite pages directory listings for customers of the other carrier's telephone exchange service."[197] Section 251(b)(3) of the 1996 Act obligates all LECs to permit competitive providers of telephone exchange service and telephone toll service to have nondiscriminatory access to directory listing.[198]

60. In the *Second BellSouth Louisiana Order*, the Commission concluded that, "consistent with the Commission's interpretation of 'directory listing' as used in section 251(b)(3), the term 'white pages' in section 271(c)(2)(B)(viii) refers to the local alphabetical directory that includes the residential and business listings of the customers of the local exchange provider."[199] The Commission further concluded, "the term 'directory listing,' as used in this section, includes, at a minimum, the subscriber's name, address, telephone number, or any combination thereof."[200] The Commission's *Second BellSouth Louisiana Order* also held that a BOC satisfies the requirements of checklist item 8 by demonstrating that it: (1) provided nondiscriminatory appearance and integration of white page directory listings to competitive LECs' customers; and (2) provided white page listings for competitors' customers with the same accuracy and reliability that it provides its own customers.[201]

I. Checklist Item 9 – Numbering Administration

61. Section 271(c)(2)(B)(ix) of the 1996 Act requires a BOC to provide "nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers," until "the date by which telecommunications numbering administration, guidelines, plan, or rules are established."[202] The checklist mandates compliance

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[197] 47 U.S.C. § 271(c)(2)(B)(viii).

[198] *Id*. § 251(b)(3).

[199] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20748, para. 255.

[200] *Id*. In the *Second BellSouth Louisiana Order*, the Commission stated that the definition of "directory listing" was synonymous with the definition of "subscriber list information." *Id.* at 20747 (citing the *Local Competition Second Report and Order*, 11 FCC Rcd at 19458-59). However, the Commission's decision in a later proceeding obviates this comparison, and supports the definition of directory listing delineated above. *See Implementation of the Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket No. 96-115, Third Report and Order; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Second Order on Reconsideration; *Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273, FCC 99-227, Notice of Proposed Rulemaking, para. 160 (rel. Sept. 9, 1999).

[201] *Id.*

[202] 47 U.S.C. § 271(c)(2)(B)(ix).

with "such guidelines, plan, or rules" after they have been established.[203] A BOC must demonstrate that it adheres to industry numbering administration guidelines and Commission rules.[204]

J. Checklist Item 10 – Databases and Associated Signaling

62. Section 271(c)(2)(B)(x) of the 1996 Act requires a BOC to provide "nondiscriminatory access to databases and associated signaling necessary for call routing and completion."[205] In the *Second BellSouth Louisiana Order*, the Commission required BellSouth to demonstrate that it provided requesting carriers with nondiscriminatory access to: "(1) signaling networks, including signaling links and signaling transfer points; (2) certain call-related databases necessary for call routing and completion, or in the alternative, a means of physical access to the signaling transfer point linked to the unbundled database; and (3) Service Management Systems (SMS)."[206] The Commission also required BellSouth to design, create, test, and deploy Advanced Intelligent Network (AIN) based services at the SMS through a Service Creation Environment (SCE).[207] In the *Local Competition First Report and Order*, the Commission defined call-related databases as databases, other than operations support systems, that are used in signaling networks for billing and collection or the transmission, routing, or other provision of telecommunications service.[208] At that time the Commission required incumbent LECs to provide unbundled access to their call-related databases, including but not limited to: the Line Information Database (LIDB), the Toll Free Calling database, the Local Number Portability database, and Advanced Intelligent Network databases.[209] In the *UNE Remand Order*, the Commission clarified that the definition of call-related databases "includes, but is not limited to, the calling name (CNAM) database, as well as the 911 and E911 databases."[210]

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[203] *Id.*

[204] *See Second Bell South Louisiana Order*, 13 FCC Rcd at 20752; *see also Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (2000); *Numbering Resource Optimization*, Second Report and Order, Order on Reconsideration in CC Docket No. 99-200 and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 96-98; 99-200 (rel. Dec. 29, 2000); *Numbering Resource Optimization*, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200 (rel. Dec. 28, 2001).

[205] 47 U.S.C. § 271(c)(2)(B)(x).

[206] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20753, para. 267.

[207] *Id.* at 20755-56, para. 272.

[208] *Local Competition First Report and Order*, 11 FCC Rcd at 15741, n.1126; *UNE Remand Order*, 15 FCC Rcd at 3875, para. 403.

[209] *Id*. at 15741-42, para. 484.

[210] *UNE Remand Order*, 15 FCC Rcd at 3875, para. 403.

K. Checklist Item 11 – Number Portability

63. Section 271(c)(2)(B) of the 1996 Act requires a BOC to comply with the number portability regulations adopted by the Commission pursuant to section 251.[211] Section 251(b)(2) requires all LECs "to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission."[212] 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."[213] In order to prevent the cost of number portability from thwarting local competition, Congress enacted section 251(e)(2), which requires that "[t]he cost of establishing telecommunications numbering administration arrangements and number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission."[214] Pursuant to these statutory provisions, the Commission requires LECs to offer interim number portability "to the extent technically feasible."[215] The Commission also requires LECs to gradually replace interim number portability with permanent number portability.[216] The Commission has established guidelines for states to follow in mandating a competitively neutral cost-recovery mechanism for interim number portability,[217] and created a competitively neural cost-recovery mechanism for long-term number portability.[218]

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[211] 47 U.S.C. § 271(c)(2)(B)(xii).

[212] *Id.* at § 251(b)(2).

[213] *Id.* at § 153(30).

[214] *Id.* at § 251(e)(2); *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20757, para. 274; *In the Matter of Telephone Number Portability*, Third Report and Order, 13 FCC Rcd 11701, 11702-04 (1998) (*Third Number Portability Order*); *In the Matter of Telephone Number Portability*, Fourth Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 16459, 16460, 16462-65, paras. 1, 6-9 (1999) (*Fourth Number Portability Order*).

[215] *Fourth Number Portability Order*, 15 FCC Rcd at 16465, para. 10; *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8409-12, paras. 110-16 (1996) (*First Number Portability Order*); *see also* 47 U.S.C. § 251(b)(2).

[216] *See* 47 C.F.R. §§ 52.3(b)-(f); *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20758, para. 275; *First Number Portability Order*, 11 FCC Rcd at 8355, 8399-8404, paras. 3, 91; *Third Number Portability Order*, 13 FCC Rcd at 11708-12, paras. 12-16.

[217] *See* 47 C.F.R. § 52.29; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20758, para. 275; *First Number Portability Order*, 11 FCC Rcd at 8417-24, paras. 127-40.

[218] *See* 47 C.F.R. §§ 52.32, 52.33; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20758, para. 275; *Third Number Portability Order*, 13 FCC Rcd at 11706-07, para. 8; *Fourth Number Portability Order* at 16464-65, para. 9.

L. Checklist Item 12 – Local Dialing Parity

64. Section 271(c)(2)(B)(xii) requires a BOC to provide "[n]ondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3)."[219] Section 251(b)(3) imposes upon all LECs "[t]he duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service with no unreasonable dialing delays."[220] Section 153(15) of the Act defines "dialing parity" as follows:

> [A] person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customer's designation.[221]

65. The rules implementing section 251(b)(3) provide that customers of competing carriers must be able to dial the same number of digits the BOC's customers dial to complete a local telephone call.[222] Moreover, customers of competing carriers must not otherwise suffer inferior quality service, such as unreasonable dialing delays, compared to the BOC's customers.[223]

M. Checklist Item 13 – Reciprocal Compensation

66. Section 271(c)(2)(B)(xiii) of the Act requires that a BOC enter into "[r]eciprocal compensation arrangements in accordance with the requirements of section 252(d)(2)."[224] In turn, pursuant to section 252(d)(2)(A), "a state commission shall not consider the terms and conditions for reciprocal compensation to be just and reasonable unless (i) such terms and conditions provide for the mutual and reciprocal recovery by each carrier of costs associated

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[219] Based on the Commission's view that section 251(b)(3) does not limit the duty to provide dialing parity to any particular form of dialing parity (*i.e.*, international, interstate, intrastate, or local), the Commission adopted rules in August 1996 to implement broad guidelines and minimum nationwide standards for dialing parity. *Local Competition Second Report and Order*, 11 FCC Rcd at 19407; *Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, CC Docket No. 95-185, Further Order On Reconsideration, FCC 99-170 (rel. July 19, 1999).

[220] 47 U.S.C. § 251(b)(3).

[221] *Id.* § 153(15).

[222] 47 C.F.R §§ 51.205, 51.207.

[223] *See* 47 C.F.R. § 51.207 (requiring same number of digits to be dialed); *Local Competition Second Report and Order*, 11 FCC Rcd at 19400, 19403.

[224] 47 U.S.C. § 271(c)(2)(B)(xiii).

with the transport and termination on each carrier's network facilities of calls that originate on the network facilities of the other carrier; and (ii) such terms and conditions determine such costs on the basis of a reasonable approximation of the additional costs of terminating such calls."[225]

N. Checklist Item 14 – Resale

67. Section 271(c)(2)(B)(xiv) of the Act requires a BOC to make "telecommunications services . . . available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3)."[226] Section 251(c)(4)(A) requires incumbent LECs "to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers."[227] Section 252(d)(3) requires state commissions to "determine wholesale rates on the basis of retail rates charged to subscribers for the telecommunications service requested, excluding the portion thereof attributable to any marketing, billing, collection, and other costs that will be avoided by the local exchange carrier."[228] Section 251(c)(4)(B) prohibits "unreasonable or discriminatory conditions or limitations" on service resold under section 251(c)(4)(A).[229] Consequently, the Commission concluded in the *Local Competition First Report and Order* that resale restrictions are presumed to be unreasonable unless the LEC proves to the state commission that the restriction is reasonable and nondiscriminatory.[230] If an incumbent LEC makes a service available only to a specific category of retail subscribers, however, a state commission may prohibit a carrier that obtains the service pursuant to section 251(c)(4)(A) from offering the service to a different category of subscribers.[231] If a state creates such a limitation, it must do so consistent with requirements established by the Federal Communications Commission.[232] In accordance with sections 271(c)(2)(B)(ii) and 271(c)(2)(B)(xiv), a BOC must also demonstrate that it provides nondiscriminatory access to operations support systems for the resale of its retail

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[225] *Id*. § 252(d)(2)(A).

[226] *Id*. § 271(c)(2)(B)(xiv).

[227] *Id*. § 251(c)(4)(A).

[228] *Id*. § 252(d)(3).

[229] *Id*. § 251(c)(4)(B).

[230] *Local Competition First Report and Order*, 11 FCC Rcd at 15966, para. 939; 47 C.F.R. § 51.613(b). The Eighth Circuit acknowledged the Commission's authority to promulgate such rules, and specifically upheld the sections of the Commission's rules concerning resale of promotions and discounts in *Iowa Utilities Board*. *Iowa Utils. Bd. v. FCC*, 120 F.3d at 818-19, *aff'd in part and remanded on other grounds*, *AT&T v. Iowa Utils. Bd.*, 525 U.S. 366 (1999). *See also* 47 C.F.R. §§ 51.613-51.617.

[231] 47 U.S.C. § 251(c)(4)(B).

[232] *Id.*

telecommunications services.[233] The obligations of section 251(c)(4) apply to the retail telecommunications services offered by a BOC's advanced services affiliate.[234]

V. COMPLIANCE WITH SEPARATE AFFILIATE REQUIREMENTS – SECTION 272

68. Section 271(d)(3)(B) requires that the Commission shall not approve a BOC's application to provide interLATA services unless the BOC demonstrates that the "requested authorization will be carried out in accordance with the requirements of section 272."[235] The Commission set standards for compliance with section 272 in the *Accounting Safeguards Order* and the *Non-Accounting Safeguards Order*.[236] Together, these safeguards discourage and facilitate the detection of improper cost allocation and cross-subsidization between the BOC and its section 272 affiliate.[237] In addition, these safeguards ensure that BOCs do not discriminate in favor of their section 272 affiliates.[238]

69. As the Commission stated in the *Ameritech Michigan Order*, compliance with section 272 is "of crucial importance" because the structural, transactional, and nondiscrimination safeguards of section 272 seek to ensure that BOCs compete on a level playing field.[239] The Commission's findings regarding section 272 compliance constitute

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[233] *See, e.g.*, *Bell Atlantic New York Order*, 15 FCC Rcd at 4046-48, paras. 178-81 (Bell Atlantic provides nondiscriminatory access to its OSS ordering functions for resale services and therefore provides efficient competitors a meaningful opportunity to compete).

[234] *See Verizon Connecticut Order*, 16 FCC Rcd 14147, 14160-63, paras. 27-33 (2001); *Association of Communications Enterprises v. FCC*, 235 F.3d 662 (D.C. Cir. 2001).

[235] 47 U.S.C. § 271(d)(3)(B).

[236] *See Implementation of the Accounting Safeguards Under the Telecommunications Act of 1996*, CC Docket No. 96-150, Report and Order, 11 FCC Rcd 17539 (1996) (*Accounting Safeguards Order*), Second Order On Reconsideration, FCC 00-9 (rel. Jan. 18, 2000); *Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 21905 (1996) (*Non-Accounting Safeguards Order*), *petition for review pending sub nom. SBC Communications v. FCC*, No. 97-1118 (filed D.C. Cir. Mar. 6, 1997) (held in abeyance May 7, 1997), First Order on Reconsideration, 12 FCC Rcd 2297 (1997) (*First Order on Reconsideration*), Second Order on Reconsideration, 12 FCC Rcd 8653 (1997) (*Second Order on Reconsideration*), *aff'd sub nom. Bell Atlantic Telephone Companies v. FCC*, 131 F.3d 1044 (D.C. Cir. 1997), Third Order on Reconsideration, FCC 99-242 (rel. Oct. 4, 1999) (*Third Order on Reconsideration*).

[237] *Non-Accounting Safeguards Order*, 11 FCC Rcd at 21914; *Accounting Safeguards Order*, 11 FCC Rcd at 17550; *Ameritech Michigan Order*, 12 FCC Rcd at 20725.

[238] *Non-Accounting Safeguards Order*, 11 FCC Rcd at 21914, paras. 15-16; *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346.

[239] *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346; *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

independent grounds for denying an application.[240] Past and present behavior of the BOC applicant provides "the best indicator of whether [the applicant] will carry out the requested authorization in compliance with section 272."[241]

VI. COMPLIANCE WITH THE PUBLIC INTEREST – SECTION 271(D)(3)(C)

70. In addition to determining whether a BOC satisfies the competitive checklist and will comply with section 272, Congress directed the Commission to assess whether the requested authorization would be consistent with the public interest, convenience, and necessity.[242] Compliance with the competitive checklist is itself a strong indicator that long distance entry is consistent with the public interest. This approach reflects the Commission's many years of experience with the consumer benefits that flow from competition in telecommunications markets.

71. Nonetheless, the public interest analysis is an independent element of the statutory checklist and, under normal canons of statutory construction, requires an independent determination.[243] Thus, the Commission views the public interest requirement as an opportunity to review the circumstances presented by the application to ensure that no other relevant factors exist that would frustrate the congressional intent that markets be open, as required by the competitive checklist, and that entry will therefore serve the public interest as Congress expected. Among other things, the Commission may review the local and long distance markets to ensure that there are not unusual circumstances that would make entry contrary to the public interest under the particular circumstances of the application at issue.[244] Another factor that could be relevant to the analysis is whether the Commission has sufficient assurance that markets will remain open after grant of the application. While no one factor is dispositive in this analysis, the overriding goal is to ensure that nothing undermines the conclusion, based on the Commission's analysis of checklist compliance, that markets are open to competition.

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[240] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20785-86, para. 322; *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

[241] *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

[242] 47 U.S.C. § 271(d)(3)(C).

[243] In addition, Congress specifically rejected an amendment that would have stipulated that full implementation of the checklist necessarily satisfies the public interest criterion. *See Ameritech Michigan Order*, 12 FCC Rcd at 20747 at para. 360-66; *see also* 141 Cong. Rec. S7971, S8043 (June. 8, 1995).

[244] *See Second BellSouth Louisiana Order*, 13 FCC Rcd at 20805-06, para. 360 (the public interest analysis may include consideration of "whether approval . . . will foster competition in all relevant telecommunications markets").

STATEMENT OF
COMMISSIONER MICHAEL J. COPPS

Re: Application by Qwest Communications International, Inc., for Authorization to Provide In-Region InterLATA Services in the States of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming

Today's decision is not an easy one for me. I note at the outset, however, that Qwest has taken significant steps to open its local markets to competition. Additionally, its new corporate leadership strikes me as committed to more open practices in the conduct of the company's business.

Notwithstanding these efforts, this remains one of the more difficult applications we have encountered. Troubling allegations have been raised, including, among other things, the existence of confidential unfiled agreements, accounting depredations, withholding of information, and provision of in-region long-distance services without authority. Accordingly, we have subjected this application to very close scrutiny. Indeed, Qwest withdrew previous versions of these applications in order to address such issues.

The Order finds that the record does not demonstrate that there are ongoing violations that call into question the current openness of the local market. I believe that moving ahead now is the right thing to do and that our approval today, combined with rigorous and sustained follow-through, can well serve the public interest.

This must not be the end of the matter, however. For past violations, we must demonstrate our commitment to address these serious allegations expeditiously through investigations, the adjudication of complaints, and through whatever enforcement activities and penalties may be warranted. State Commissions have put in place processes to address some of these issues and I commend them for it. But it is also the Commission's statutory responsibility to ensure past, present, and future compliance with statutory obligations.

For example, if there were confidential unfiled agreements, certain competitors may have faced discrimination by not being able to take advantage of the terms of the agreements. Or, if a Bell company provides in-region long distance services without first opening its local markets to competition, that company may have violated its statutory obligations. These and the other allegations in the record require our close attention.

I am further troubled by past accounting irregularities at Qwest. These accounting practices, and those at other companies as well, should inform – or perhaps even serve as a case study – for the Joint Conference on Accounting as we consider the accounting and auditing requirements the Commission and the State Commissions need to carry out their statutory responsibilities.

Finally, if evidence is brought forward of ongoing violations of the requirements of Section 271, we must not hesitate to use all of the enforcement tools at our disposal -- up to and including revocation of long-distance authority. In light of the serious allegations in the record, this Commission and the State Commissions must be especially vigilant going forward. I commend the Regional Oversight Committee (ROC) for its unique collaborative process to share the limited resources of the State Commissions in the region. This extensive undertaking should serve as a model for future Federal–State cooperative efforts as we seek to ensure that Qwest complies with its statutory obligations.

I repeat today what I have advocated previously – the need for sustained and systematic follow-up to our approval of Section 271 applications in all the states where they have been granted. The reality of a competitive environment and compliance with our check list today is not determinative of the existence of competition one or two or five years hence. That happy result will issue only from hard work and commitment from all of the companies involved, coupled with vigorous monitoring and enforcement action from the state and federal regulatory bodies where necessary. We have moved far along in the grant of Section 271 applications nationally, and we can even begin to see an end to this complex and laborious process. He would be a daring soul, however, who assumed that once we act on that final application, competition will automatically sustain itself in all places where it has been permitted.