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BEFORE THE ARIZONA CORPORATION COMMISSION

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IN THE MATTER OF U S WEST COMMUNICATIONS, INC.'S COMPLIANCE WITH SECTION 271 OF THE TELECOMMUNICATIONS ACT OF 1996	Docket No. T-00000A-97-0238 **NOTICE OF FILING AND REQUEST FOR SUBSTITUTION OF REPORTS**

It has come to the attention of Staff that the wrong Final Reports on Qwest's Compliance with Checklist Items 7 and 10 were appended to the Commission's February 16, 2001, Orders approving the reports. Staff has attached a copy of the Final Reports that should be appended to those Orders and respectfully requests that Docket Control substitute the attached Reports in place of those currently appended to the Commission's February 16, 2001 Orders approving Checklist Items 7 and 10.

RESPECTFULLY SUBMITTED this 12th day of July, 2001.

ARIZONA CORPORATION COMMISSION
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Original and ten copies of the foregoing were filed this 12th day of July, 2001 with:

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CERTIFICATE OF SERVICE

Copies of the foregoing "Notice of Filing" were mailed this 12th day of July, 2001 to:

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IN THE MATTER OF QWEST CORPORATION 'S SECTION 271 APPLICATION

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

AMENDED FINAL REPORT ON QWEST'S COMPLIANCE

With

CHECKLIST ITEM: NO. 7 - 911/E911, DIRECTORY ASSISTANCE AND OPERATOR SERVICES

FEBRUARY 7, 2001

I. FINDINGS

A. PROCEDURAL HISTORY

1. On January 25, 2000, the first Workshop on Checklist Items No. 7 (911/E911, Directory Assistance and Operator Services) and No. 10 (Databases and Associated Signaling) took place at Qwest Corporation's[1] offices in Phoenix. Qwest relied upon its original testimony submitted in March, 1999. Supplemental Comments were filed by AT&T on January 20, 2000. Qwest filed rebuttal comments on January 24, 2000.

2. On March 7, 2000, an additional Workshop was conducted on Checklist Items 3, 7 and 10. Comments were filed by AT&T on March 2, 2000 with Reply Comments filed by Qwest on March 6, 2000. Parties appearing at the Workshops included Qwest, AT&T, MCI WorldCom, Sprint, Cox, e-spire and the Residential Utility Consumer Office ("RUCO"). Many previously disputed issues were resolved at the March 7, 2000 Workshop.

3. The parties decided to negotiate further among themselves on several remaining issues concerning Qwest internal and field documentation. On June 12, 2000, Qwest submitted documentation responding to AT&T's and WorldCom's concerns regarding provisioning of direct connections for 911 and signaling.[2] AT&T responded in a letter dated June 15 and a supplemental filing dated July 27, 2000. In its July 27, 2000 filing, AT&T indicated that with the agreements reached on the documentation at the Washington Section 271 Workshops, AT&T considered all outstanding issues on Checklist Item 7 to be resolved.

4. Staff filed its Proposed Findings of Fact and Conclusions of Law on Checklist Item No. 7 on December 29, 2000. Comments were filed by WorldCom and AT&T. On January 26, 2001, Qwest filed an Objection to the Comments of WorldCom and AT&T. In their Comments on Checklist Item 7, both WorldCom and AT&T stated that Qwest had agreed to bring agreements reached in other region Workshops on Checklist Item 7 back to Arizona for incorporation into the Arizona SGAT and that Qwest has not done so. On January 25, 2000, Qwest filed a pleading indicating that it would incorporate into the Arizona SGAT, all agreements reached with respect to SGAT language in other region Workshops on Checklist Item 7. On February 2, 2001, AT&T filed a Motion with the Hearing Division requesting that it establish a procedure for developing a record in Arizona for issues raised for the first time in other jurisdictions after the Workshops had been completed.

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[1] As of the date of this Report, U S WEST Communications, Inc. has merged with Qwest Corporation, which merger was approved by the Arizona Commission on June 30, 2000. Therefore, all references in this Report to U S WES T have been changed to Qwest.

[2] Letter from Steven R. Beck, Senior Attorney, Qwest.

B. DISCUSSION

1. Checklist Item No. 7

a. FCC Requirements

5. Section 271(c)(2)(B)(vii) of the Telecommunications Act of 1996 requires a 271 applicant to provide or offer to provide: "[n]ondiscriminatory access to -- (I) 911 and E911 services; (II) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and (III) operator call completion services."

6. In the *Ameritech Michigan Order* and the *Bell Atlantic New York Order,* the FCC found that "section 271 requires a BOC [Bell Operating Company] to provide competitors access to its 911 and E911 services in the same manner that a BOC obtains such access, i.e., at parity." [3] More specifically, the FCC 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."[4] 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."[5]

7. 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[6], directory assistance, and directory listing with no unreasonable dialing delays." The FCC implemented Section 251(b)(3) in the *Local Competition Second Report and Order.*[7] In the *Second*

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[3] *Ameritech Michigan Order*, 12 FCC Rcd at 20679; *Bell Atlantic New York Order*, 15 FCC Rcd 3953, at 3949.
[4] *Id.; Id.*
[5] *Id.; Id.*
[6] The FCC defined the term "operator services" to mean "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. In the same Order, the FCC concluded that busyline 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.
[7] *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket 96-91, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd. 19392 (1996)(Local Competition Second Report and Order) aff'd in part and 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.*, 119 S. Ct. 721 (1999); Provision of Directory Listings Information under the Telecommunications Act of 1934, as amended, CC Docket No. 99-273, FCC 99-227, Notice of Proposed Rulemaking (rel. Sept. 9, 1999).

BellSouth Louisiana Order[8], the FCC concluded 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).

8. In the *Local Competition Second Report and Order*, the FCC 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 identify of the telephone service provider for a customer whose directory listing is requested. The FCC also concluded that nondiscriminatory access to the dialing patterns of 4-1-1 and 5-5-5-1-2-1-2 to access directory assistance was technically feasible.

9. The FCC also held that the phrase "nondiscriminatory access to operator services" means that "...a telephone service customer, regardless of the identity of his 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."[9] The FCC's rules require BOCs to permit competitive LECs desiring to resell the BOC's operator service and directory assistance to obtain branding for their calls.[10]

10. Competing carriers desiring to provide operator services or directory assistance using their own 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 its own directory assistance data base by obtaining the subscriber listing information in the BOC's database.[11]

b. Background

11. The 911/E911 service components Qwest provides include:

a. 911 Trunking - These trunks interconnect an end office switch – whether owned by Qwest or a CLEC - to the governmental agency that answers emergency calls. E911 trunks extend from an end office switch to a selective router, with separate E911 trunks extending from the selective router to the emergency agency.

b. E911 Selective Router - The selective router connects an incoming E911 trunk from an end office to an outgoing E911 trunk to the appropriate emergency

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[8] *Application of BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Louisiana,* CC Docket No. 98-1221, Memorandum Opinion and Order, 13 FCC Rcd 20599 (1998) (Second BellSouth Louisiana Order).

[9] *Id.* at 19449, 19450.

[10] *Local Competition Second Report and Order*, 11 FCC Rcd. at 19455, 19463; *See also* 47 C.F.R. Section 51.217(d).

[11] *Local Competition Second Report and Order*, 11 FCC Rcd. at 19460-61; *See Also* 47 C.F.R. Section 51.217(c)(3)(ii).

agency. It acts as a tandem switch that is connected by E911 trunks, to each of the end office switches in the geographical areas served by the router.

c. Public Safety Answering Point (PSAP) - This is the name for the governmental agency that answers emergency calls. A PSAP may be connected directly to a particular end office switch through 911 trunks or, alternatively, the PSAP may be connected to an end office switch through a selective router for E911.

d. E911 Database - The E911 database contains the Automatic Number Identification ("ANI") which includes customer name, street address, and local service provider for each subscriber for the geographic area it serves.

e. 911 Database Updates - Updates are required whenever a customer's name, ANI, street address or service provider changes.

USW-7 at pp. 9-10.

12. Directory assistance service consists of the following elements:

a. Directory Assistance Listing - includes the name, address and telephone number of a telephone subscriber.

b. Directory Assistance Listings Updates - required whenever a telephone subscriber changes a telephone number or address.

c. Directory Assistance Database - contains directory assistance listings.

d. Operators and Operator Positions - receives requests from callers and, after searching the directory assistance database, provides the caller with the requested listing.

e. Directory Assistance Trunking - provides the connection between an end user's end office switch and the directory assistance platform.

USW-1, pp. 6-7.

13. Operator Services consist of the following primary functions:

a. Local Assistance - assists end users requesting help or information on placing or completing local calls; connects end users to home NPA directory assistance, and provides other information and guidance, as may be consistent with Qwest's customary practices for providing end user assistance.

b. IntraLATA Toll Assistance - assists end users requesting help or information on placing or completing intraLATA toll calls.

c. Emergency Assistance -assists end users who are attempting to place local or intraLATA toll calls to emergency agencies, including but not limited to, police, sheriff, highway patrol and fire.

d. Busy Line Verification - permits an end user to request assistance from the operator bureau to determine if the called line is in use.

e. Busy Line Interrupt - permits an end user to request assistance from the operator bureau to interrupt a telephone call in progress.

f. Quote Service - provides time and charges to hotel/motel and other CLEC end user guest/account identification.

c. Qwest Position

Access to 911/E911

14. On March 25, 1999, Qwest witness Margaret S. Bumgarner provided Direct Testimony stating that Qwest meets the requirements of Checklist Item No. 7. USW-7 at p. 1.

15. Qwest provides both Basic 911 ("911") and Enhanced 911 ("E911") services in Arizona. USW-7 at p. 8. Basic 911 and E911 both route 911 calls from an end user to the appropriate Public Safety Answering Point ("PSAP"). Id. E911 also provides the name and address of the calling party to the PSAP. Id.

16. Qwest has put in place methods and procedures for access by CLECs to 911/E911 services. USW-7 at p. 8. These processes are documented for the CLECs in the Qwest Interconnect and Resale Resource Guide, which is available at Qwest's website at http//www.uswest.com/wholesale/index.htm. USW-7 at p. 8.

17. Ms. Bumgarner stated that Qwest processes provide for nondiscriminatory access to 911/E911 service to both facilities-based CLECs and resellers in Arizona and that Qwest's obligation to do so is set forth in its proposed SGAT and through the terms of Commission-approved interconnection agreements. USW-7 at p. 2. According to Ms. Bumgarner, Qwest provides access to 911/E911 services to CLECs in the same manner as Qwest obtains such access. USW-7, p. 3.

18. Trunking requirements are dependent on whether the 911 services are Basic 911 or E911. USW-7 at p. 10. Typically for Basic 911, a facilities-based CLEC will establish 911 trunks from its end office switch directly to the PSAP. USW-7 at p. 10. For E911, a facilities-based CLEC will typically establish E911 trunks from its end office switch to the Qwest selective router in the same manner as Qwest connects its own end office switch to the selective router. USW-7 at p. 11.

19. Facilities-based CLECs may establish 911/E911 interoffice trunk facilities between the CLEC's end office switch and the PSAP or selective router either by self-provisioning the facility, or by obtaining the facility from Qwest. USW-7 at p.11.

20. Section 10.3.7.4 of Qwest's SGAT obligates Qwest to provide 911/E911 trunks to facilities-based CLECs in a nondiscriminatory manner:

> For a facility-based CLEC, Qwest shall provide 911 interconnection, including the provision of dedicated trunks from CLEC end office switch to the 911 control office, at parity with what Qwest provides itself.

21. If a CLEC's end users are served by a Qwest end office switch, either through resale or through unbundled switching, the CLEC's 911 calls are routed from the Qwest end office switch to the E911 selective router on the same E911 trunks used for Qwest's end user customers, and between the selective and the PSAPs as Qwest uses. USW-7 at p. 11.

22. Where E911 is available, Qwest will provide access to the shared transport of 911 call delivery for facilities-based CLECs and CLECs who purchase unbundled switching or resale affording the same arrangements, standards and elements used by Qwest. USW-7 at p. 12.

23. The routing of an emergency call from a Qwest end office and a CLEC end office from the selective router to the PSAP is identical. USW-7 at p. 15. The same selective router is used for both Qwest and CLEC emergency traffic, and Qwest and CLEC traffic share the same E911 trunks between the selective router and the PSAPs. USW-7 at p. 15.

24. Qwest and the facilities-based CLECs must perform monthly studies on their own 911/E911 trunks to determine if sufficient trunks are in place to handle the emergency call volume. USW-7 at p. 12. The blockage data is shared and discussed with the PSAP operator. If a CLEC determines, with the approval of the PSAP operator, that its 911/E911 trunk quantities are insufficient to handle its emergency call volume, the CLEC may place an order with Qwest for additional 911 trunks. USW-7 at p. 13. Trunk additions are made for the CLEC on the same terms that Qwest adds 911/E911 trunks for itself. USW-7 at p. 13.

25. Qwest's SGAT, Section 10.3.7.2, requires it to take corrective action to alleviate 911/E911 trunk blockages, on a non-discriminatory basis.

> For CLEC-identified 911 trunk blockages, Qwest agrees to take corrective action using the same trunking service procedures used for Qwest's own E911 trunk groups.

26. Qwest also provides 911/E911 trunk circuit protection to CLECs. USW-7 at p. 13. It attaches red tags or labels to every appearance of a 911 circuit in the central office to guard against accidental intrusive access. Id. at pp. 13-14. Qwest also has procedures in place to ensure that a facilities-based CLECs 911 or E911 trunks are not deactivated without adequate notice. Id. at p. 14. Before any 911/E911 trunk can be deactivated by a Qwest employee, the Qwest 911 Care Center in Minneapolis must verify that a valid deactivation service order request has been submitted by the CLEC. Id. at p. 14. This same process is used for Qwest 911/E911 trunks. Id.

27. Where Qwest provides E911 services, the E911 database is owned and managed by SCC (a third party database manager that provides services to Qwest, other local exchange carriers and CLECs). The E911 database is also known as the Automatic Location Identification/Data Management System ("ALI/DMS"). USW-7 at p. 16. The database contains the name, street address, ANI, and local service provider of each telephone subscriber in the geographic area served by the E911 database. Id.

28. For resellers, Qwest provides E911 updates on behalf of the CLEC using the same procedures Qwest uses to update the E911 database for Qwest's own end users. USW-7 at p. 16. Facilities-based CLECs must perform their own E911 database updates because Qwest does not have the ANI, customer name, or street address for customers of facility-based CLECs. USW-7 at p. 17.

29. For a facilities-based CLEC routing traffic over E911 trunks, the CLEC must forward the ANI of the calling party on each E911 call. USW-7, at p. 15. When the call arrives at the selective router, a selective routing table will identify the PSAP associated with the end user's ANI. USW-7, at p. 15. The selective router forwards the E911 call along with the ANI to the designated PSAP. Id.

30. If a CLEC resells Qwest's retail services, Qwest will update the E911 database at the same time as Qwest updates its own customers' records. USW-7 at p. 18. The Qwest records and the reseller CLEC records are sent together in the same batch update that is sent every night on the data link to SCC. USW-7 at p. 18. The batch updates include all the completed service records for that day. USW-7 at p. 18. There is no way to identify which records are for Qwest customers versus the customers of the CLECs. E911 database entries for resold services flow directly from Qwest to SCC in the identical way and at the same time that updates for Qwest retail customer records flow to SCC. USW-7 at p. 19.

31. When an end user changes services providers from Qwest to a CLEC, and the CLEC uses unbundled switching or resale, the previous E911 database entry will continue to contain the same ANI, name and address information. USW-7 at p. 17. The service provider information will be updated from the completed service order. Id. When a customer changes from Qwest to a facilities-based CLEC, both Qwest and the CLEC must update the database Id.

32. Qwest stated that where interim number portability ("INP") is still in place, it is not technically possible for the CLEC's switch to use the same ANI that the Qwest switch used. Id. The CLEC must place the customer's new ANI in the E911 database prior to the time the customer will utilize the CLEC's service. Id.

33. Where long-term number portability ("LNP") is in place, the customer's ANI does not change, but the CLEC is still responsible for updating the E911 database record for its customer. USW-7 at p. 18. Qwest sends a disconnect order, and the CLEC sends a connect order to the E911 database administrator, who then knows that future updates for this record should only be generated by the CLEC. USW-7 at p. 18.
The SCC will institute a new industry developed procedure that will delay the removal of a customer's record in the E911 database after a disconnect order has been received, to ensure that a customer's ANI is not removed prematurely. Id.

34. Qwest states that 911 database entries for all CLECs are maintained with the same accuracy and reliability as database entries for Qwest. Id. Furthermore, Qwest's proposed SGAT, Section 10.3.4.1, obligates it to provide database entries for facilities-based CLECs with the same accuracy and reliability that Qwest provides for its own customers. Id. In addition, Section 10.3.5.1 of the SGAT ensures that resellers of Qwest's services will have 911 database updates at the same level of accuracy and reliability as Qwest provides for its end users.

35. Qwest has implemented preventative measures to ensure that E911 database errors are minimized. USW-7 at p. 19. For resold services, it has implemented an edit function in the service order process to assist in determining errors in the customer record data prior to processing. Id. SCC's current practice is to begin resolution of database errors for Qwest retail and resold services within 24 hours after receipt. Id. For facilities-based CLECs, the third party administrator will interface directly with the CLEC to resolve record errors. Id. SCC analysts are available to CLECs to reconcile all error files during normal business hours of operation. Id. Each facilities-based CLEC has its own data link to SCC to update its customers' records, therefore, SCC has the capability to report speed and accuracy results separately for Qwest and facilities-based CLECs. Id.

36. Qwest will develop a new performance report to demonstrate the nondiscriminatory provision of database updates by the database administrator SCC. USW-7 at p. 22. Qwest has also committed as part of its proposed SGAT to measure E911 database accuracy and provide reports to the CLECs. USW-7 at p. 22.

37. SCC will provide reports to Qwest and the CLECs on SCC's performance. Id. at p. 23. To enable such reporting, a CLEC identifier (one for resellers and one for facilities-based providers) will be used. Qwest stated that SCC would have this capability in January 2000 in conformance with the National Emergency Number Association ("NENA") III standards. Id. In December 1998, SCC started producing reports on the speed and accuracy of the database updates for Qwest, which is aggregated

with the reseller data, and individual company data for the other facilities-based local service providers. Id.

38. In order to insure that Qwest is providing access to 911/E911 services in a non-discriminatory manner, Qwest will provide CLECs with performance indicators. USW-7 at p. 20.

39. Qwest performance indicator ES-1 is designed to demonstrate that Qwest provides E911 database updates for resellers in a non-discriminatory manner. The indicator, ALI Data Base Updates Completed with 24 hours, provides a measure of the timeliness of E911 database updates performed by Qwest on behalf of CLECs. USW-7 at p. 21. Results of the ES-1 performance indicator for the months of July 1998 through January 1999 are that 100% of the E911-ALI Database updates were accomplished within 24 hours. Id.

40. Qwest performance indicator ES-2 is designed to demonstrate that Qwest provides 911/E911 trunking in a non-discriminatory manner. USW-7 at p. 22. Performance Indicator ES-2, 911/E911 Emergency Service (ES) Trunk Installation Interval, measures the average time (in business days) between the application date and the completion date for 911/E911 trunks ordered by CLECs. Id. As of the date of Qwest's testimony, no data was available for ES-2. Id.

41. The proposed SGAT and contracts negotiated in Arizona do not charge CLECs for access to 911/E911 service. Id. The management of the E911 database is performed by SCC who may assess charges to both Qwest and CLECs for updates to the E911 database and for other services, such as providing copies of the Master Street Address Guide. Id.

42. Qwest provides E911 service to approximately fourteen facility-based CLECs in Arizona, by providing 150 E911 trunks between the CLECs' switches and the Qwest selective router. USW-13, pp. 1-2. Qwest also provides 911/E911 services to approximately thirty-four resellers, who obtain 911/E911 services using the same facilities as Qwest end user customers. USW-13, p. 2.

Access to Directory Assistance (DA)

43. Qwest witness Lori A. Simpson provided written testimony in March, 1999, indicating that Qwest had met this Checklist requirement through its proposed SGAT and 58 approved interconnection and resale agreements. USW-1 at p. 2. Under the provisions in these documents, Qwest is obligated to provide CLECs with nondiscriminatory access to Qwest's directory assistance services. USW-1 at p. 5.

44. CLECs may purchase directory assistance and operator services from Qwest, they may provide their own services, or they may purchase the services from a third party. USW-1 at p. 2.

45. Resellers and purchasers of unbundled switching, who use Qwest end office switches to serve their end users, may use the same directory assistance operator-type trunking used by Qwest to reach the directory assistance platform. Id. A facility-based CLEC that serves its end users from its own end office switch can obtain access to Qwest's directory assistance service but must obtain dedicated operator-type trunks to connect its end office switch to the Qwest directory assistance platform. Id.

46. CLECs can also provide their own directory assistance service for their end users, or they can provide access to the directory assistance service of a third party provider. USW-1, p. 11. Resellers or CLECs purchasing unbundled switching from Qwest, can provide their own, or a third party's, directory assistance service by purchasing customized routing, and routing its end users' directory assistance traffic from Qwest end offices to the CLEC's own directory assistance platform, or to the platform of a third party provider. USW-1, p. 11. Facilities-based CLECs can provide their own directory assistance service by routing their directory assistance traffic directly from their end office switch to their directory assistance platform, or to the platform of a third party provider. USW-1, p. 11.

47. The directory assistance traffic originating from resold services, as well as traffic from unbundled switching, is delivered to the directory assistance platform via trunks that CLEC end users' share with Qwest's retail end users. USW-1 at p. 14. When traffic arrives at the directory assistance platform, CLEC and Qwest calls are handled on a first-come, first-served basis -- regardless of whether the call arrives on a shared trunk from a Qwest end office switch or a dedicated trunk from a CLEC switch. USW-1, p. 15. Directory assistance operators handle both CLEC and Qwest directory assistance traffic. Id. Calls feed automatically and mechanically into "open" operator positions; the operators have no capability to choose one call over another. Id. The directory assistance data base does not identify the party providing local service to the listed party, so the Qwest operator is unable to discriminate in the provision of CLEC and Qwest listings information. Id.

48. Section 10.5.2.4 of Qwest's SGAT provides:

> Qwest will perform DA Services for CLEC in accordance with operating methods, practices, and standards in effect for all Qwest end users. Qwest will provide the same priority of handling for CLEC's end user calls to Qwest's DA service as it provides for its own end user calls. Calls to Qwest's directory assistance are handled on a first come, first served basis, without regard to whether calls are originated by CLEC or Qwest end users.

49. Qwest provides dialing parity for CLEC access to Qwest's directory assistance services. USW-1, p. 10. An end user of a CLEC that resells Qwest's local exchange services or uses unbundled switching, accesses Qwest's directory assistance services by dialing the same number (e.g., "411") as a retail end user of Qwest. Id. An end user of a facilities-based CLEC dials a number selected by the CLEC to access

Qwest's directory assistance service. The CLEC may choose the same number used by Qwest or a different number. Section 10.5.2.7 and 10.5.2.8 of Qwest's SGAT states:

10.5.2.7 CLEC's customers may dial 1+411 or 1+NPA+555+1212 to access Qwest.

10.5.2.8 A facility-based CLEC may choose to have its customers dial a unique number or use the same dialing pattern as Qwest end users to access Qwest Directory Assistance operators.

50. The listings provided to CLECs include all listings available to Qwest. USW-1, p. 13. Qwest's Directory Assistance List and Directory Assistance Database services provide CLECs with all the listings contained in Qwest's directory assistance database, including nonlisted and nonpublished listings, and the listings of all service providers including Qwest, CLEC, and independent telephone company listings. Id.

51. Qwest is obligated to place CLECs' listings in its directory assistance database under Section 10.4.2.4 of Qwest's original SGAT which states:

> CLEC grants Qwest a non-exclusive license to incorporate CLEC's end user listings information into its directory assistance database. Qwest will incorporate CLEC end user listings in the directory assistance database. Qwest will incorporate CLEC's end user listings information in all existing and future directory assistance applications developed by Qwest.

Qwest includes the CLEC's end users in the Qwest directory assistance database regardless of the option a CLEC chooses to serve its end users. USW-1, p. 8. This ensures that callers to the Qwest directory assistance service will be able to obtain telephone numbers assigned to the CLEC's end users. Id.

52. In accordance with FCC rules, Qwest allows CLECs to obtain Qwest's directory assistance listings in an electronic format, on magnetic tape, or a CLEC's operators may access the Qwest directory assistance database on a read-only real-time basis per FCC rules [47 C.F.R. 51.217(C)(3)(ii)]. Qwest's obligations to provide listing information is contained in its proposed SGAT, Sections 10.5.1.1.2 and 10.5.1.1.2.1. Alternatively, a CLEC's directory assistance operators may also access Qwest's directory assistance databases on a real-time basis, making "dips" into the database for individual listings, just as Qwest's operators do. See, Section 10.5.1.1.3 of Qwest's proposed SGAT.

53. CLECs that want to offer their own directory assistance service have several choices for establishing their directory assistance database. USW-1, p. 7. CLECs can: 1) access the Qwest directory assistance database on a real-time, "per-dip" basis, 2) establish its own directory assistance database, but populate that database with listings provided by Qwest, and 3) obtain its directory assistance listings from a third party, just as Qwest does for listings for its National Directory Assistance service. USW-1, p. 8.

54. In accordance with FCC rules, 47 C.F.R. Section 51.217(d), Qwest allows CLECs to brand calls to Qwest's directory assistance service, where technically feasible. Qwest's branding obligations are also contained in Section 10.5.1.1.1.3 of the SGAT. There is no recurring charge for branding. There is a non-recurring charge to establish each branding message of $3,560.00. USW-1, p. 10.

55. CLECs that use Qwest operators to provide directory assistance service can obtain branded or unbranded service. Branded directory assistance includes a message such as "Thank You for using (CLEC)" at the beginning and end of each directory assistance call. USW-1, p. 7. Qwest will provide branded directory assistance service to a CLEC that resells or uses unbundled switching, where technically feasible, through customized routing and dedicated trunks. These allow the CLEC's directory assistance traffic to be recognized by the directory assistance platform and branded with the CLEC's unique brand. USW-1, p. 10. Facilities-based CLEC traffic can also be branded. The operator-type trunks that deliver CLEC traffic from a CLEC's end office switch identify the CLEC's traffic so that it can be uniquely branded. USW-1, p. 10.

56. The following two performance indicators are intended to measure the service provided to CLECs versus that provided to Qwest:

1) Speed of Answer - measures the average time following the first ring before Qwest directory assistance system answers a call
2) Calls Answered Within 10 Seconds - measures the percent of directory assistance calls that the Qwest directory assistance system answers within ten seconds of the first ring.

USW-1, at p. 14.

57. For the months of November 1998 through January 1999, Qwest published the following results:

	November	December	January
Speed of Answer:	10.20	8.60	8.40
Calls Answered w/i 10 secs.	89.8%	91.4%	91.6%

USW-1, at p. 14.

58. Qwest provides monthly bills to reseller CLECs and CLECs using unbundled switching. Section 10.5.5.1 of the SGAT obligates Qwest to issue bills in the following manner:

> Qwest will track and bill CLEC for the number of calls placed to Qwest's Directory Assistance service by CLEC's end users as well as for the number of requests for Call Completion Link.

59. Ms. Simpson testified that Qwest provides directory assistance services for 19,734 end users of 30 reseller CLECs and for end users of four facilities based CLECs in Arizona USW-1, p. 8. Qwest has processed more than 19,000 CLEC end user listings and included them in Qwest's directory assistance database in Arizona (except for nonpublished listings, which are not available to directory assistance.). Id. CLEC end users have access to the same listings to which Qwest's end users have access. Id.

Operator Services (OS)

60. Qwest witness Lori A. Simpson provided written testimony in March, 1999, indicating that Qwest had met Checklist 7's requirements for Operator Services through provisions contained in its proposed SGAT and 58 approved interconnection and resale agreements. USW-1, p. 20.

61. Section 10.7.1.1 of Qwest's SGAT provides:

> Toll and assistance operator services are a family of offerings that assist end users in completing EAS/Local and long distance calls. Qwest provides nondiscriminatory access to Qwest operator service centers, services and personnel.

62. Callers access operator services by dialing "0" or "0" plus a phone number. Callers to Operator Services can request operator assistance to complete local and intraLATA long distance calls, including person-to-person calls, collect calls, third party billing calls, and calls to verify or interrupt busy lines.

63. CLECs have several options for providing operator services. CLECs that serve their end users through Qwest end office switches, such as resellers and purchasers of unbundled switching, may use the same trunking used by Qwest to reach the operator services switch. USW-1, p. 21. Facilities-based CLECs that serve their end users from their own end office switch can obtain access to Qwest operator services but must obtain dedicated operator-type trunks to connect their end office switch to the Qwest operator services platform. Id. CLECs can provide their own operator services for their end users or a third party provider's services. Resellers can provide their own, or a third party's, operator services by purchasing customized routing, and routing its end users' operator traffic from Qwest end offices to the CLEC's operator services platform, or to the platform of a third party provider. Facility-based CLECs can provide their own operator services by routing its OS traffic directly from its end office switch to its own OS platform, or to the platform of a third party provider.

64. Trunks that reseller CLEC end users share with Qwest retail end users deliver operator services traffic to the operator services platform. Id. Further, when operator traffic arrives at the operator services platform, CLEC and Qwest calls are handled on a first-come, first-served basis -- regardless of whether the call arrives on a shared trunk from a Qwest end office switch or a dedicated trunk from a CLEC switch. Id. The operator services platform feeds each call to an operator on the same first-come,

first-served basis. Id. The same pool of operators handles both CLEC and Qwest operator services traffic. Id. Calls feed mechanically and automatically into each available operator position based on the order in which the calls arrived. USW-1, p. 27. Operators have absolutely no capability to select one call over another. Id.

65. Section 10.7.2.7 of Qwest's SGAT states:

> Qwest will perform Operator Services in accordance with operating methods, practices, and standards in effect for all its end users. Qwest will respond to CLEC's end user calls to Qwest's operator services according to the same priority scheme as it responds to Qwest's end user calls. Calls to Qwest's operator services are handled on a first come, first served basis, without regard to whether calls are originated by CLEC or Qwest end users.

66. Qwest provides dialing parity for CLEC access to Qwest's operator services. USW-1, p. 24. An end user of a CLEC that resells Qwest's local exchange services or of a CLEC that uses unbundled switching, accesses Qwest's operator services by dialing the same number, i.e., "0" or "0" plus a phone number, as a retail end user of Qwest. An end user of a facilities-based CLEC dials a number selected by the CLEC to access Qwest's operator services. USW-1, p. 24. The CLEC may choose the same number used by Qwest or a different number. Id. See also, Section 10.7.2.12 of Qwest's proposed SGAT which codifies these obligations.

67. CLECs that use Qwest operators to provide operator services can also obtain branded or unbranded service. Id. Alternatively, CLECs may also choose to use their own operator services and operators. For resellers, establishment of dedicated operator-type trunk from the Qwest end office switch to the CLEC's operator services platform would have to occur. Id.

68. CLEC's that use Qwest operators to provide operator services can also obtain branded or unbranded service. See also Qwest's proposed SGAT, Section 10.7.2.10. Qwest will provide branded operator services to a CLEC that resells or uses unbundled switching, where technically feasible, through customized routing and dedicated trunks. The dedicated facilities allow the CLEC's operator services traffic to be recognized by the operator services platform and branded with the CLEC's unique brand. Id. For facilities-based CLECs, the operator services trunks that deliver CLEC traffic from a CLEC's end office switch to Qwest's operator services platform identify the CLEC's traffic so that it can be uniquely branded. Id. A nonrecurring charge to establish each branding message is $3,560. (See SGAT Exhibit A -Price List) USW-1, p. 24.

69. The following two performance indicators were established to measure Qwest's ability to provide nondiscriminatory operator services:

1) <u>Speed of Answer - Operator Services</u> -- measures the average time following the first ring before an operator answers a call

2) Calls Answered Within 10 Seconds - measures the percentage of operator assisted calls that operators answered within ten seconds of the first ring

70. Qwest reported the following results for the months of November, 1998 through January, 1999:

	November	December	January
Speed of Answer (secs.)	10.90	11.60	10.40
Calls Answered w/i 10 secs.	89.1%	88.4%	89.6%

USW-1, p. 26.

71. Qwest provides monthly bills to CLECs. Sections 10.7.5.1 and 10.7.5.2 respectively of the SGAT obligates Qwest to issue bills in the following manner:

10.7.5.1 Qwest will track usage and bill CLEC for the calls placed by CLEC's end users and facilities.

10.7.5.2 Qwest will compute CLEC's invoice based on both Option A (Price Per Message) and Option B (Price Per Work Second and Computer Handled Calls). Qwest will charge CLEC whichever option results in lower charges.

72. Ms. Simpson testified that Qwest provides operator services for 19,734 end users of 30 reseller CLECs and for end users of one facilities-based CLEC in Arizona. USW-1, p. 22. As of January, 2000, Qwest provided operator services to eight facilities-based CLECs in Arizona. USW-13, at p. 10.

c. Competitor's Position

73. Preliminary Statements of Position were filed on July 22, 1999, by AT&T, Sprint, MCIW, NEXTLINK Arizona, L.L.C. ("NEXTLINK"), ELI, e-spire and Rhythms. In their preliminary Statement of Position, AT&T stated that Qwest did not provide nondiscriminatory access to 911/E911. AT&T-1, p.11. Cox stated that Qwest is not in compliance with the 911/E911 provision of this Checklist Item citing delays in having its customers' information included in appropriate 911 databases. Cox also stated that with respect to Qwest's provision of Directory Assistance and Operator Services, COX had inadequate information to determine Qwest's compliance. Cox, however, did not submit any evidence at the Workshops on these issues and Staff, accordingly, presumes that these issues have now been resolved. In addition, the parties have agreed to certain performance measurements to measure Qwest's response times which should alleviate the concerns expressed by Cox.

74. e-spire stated it had inadequate information to determine Qwest's compliance with Checklist Item No. 7. MCIW stated that Qwest has been unwilling to provide independent telephone company ("ITC") listings for certain ITCs that Qwest uses in its databases. With this possible exception, MCIW has no other information to suggest that Qwest is not in compliance with this Checklist Item at this time. Rhythms did not offer a Statement of Position on Checklist Item No. 7. Sprint stated that Qwest has failed to satisfy Checklist Item 7 by making the ordering process for 911 and E911 confusing and unmanageable. NEXTLINK stated that it has no basis to conclude that Qwest meets this Checklist Item.

75. Only AT&T filed additional comments on January 19, 2000. AT&T disputed Qwest's compliance with Checklist Item 7. AT&T's first three concerns relate to Qwest's provision of 911/E911, which AT&T claims is discriminatory. First, AT&T argues that Qwest requires provisioning trunking used for 911/E911 to traverse unnecessary intermediate frames, increasing the risk of failure for CLECs' customers. AT&T-4 at p. 2. AT&T states that Qwest has taken the position in most States in its region that CLECs must interconnect and access unbundled network elements through an Interconnection Distribution Frame ("ICDF") or Single Point of Termination ("SPOT") frame . The 911 transport facilities to the 911 tandem, the PSAP and the Automatic Line Identification ("ALI') database will all traverse a DSO, DS1 or DS3 ICDF or SPOT frame when the CLEC provides facilities to collocated space in the Qwest's wire center or when the CLEC accesses 911 service through unbundled elements. AT&T-4 at p. 3. AT&T states that the ICDF or SPOT frame proposed by Qwest is a piece of equipment that is functionally similar to an older vintage Main Distribution Frame ("MDF"). AT&T-4 at p. 3. AT&T further states that Qwest has replaced the old MDF technology with a new technology called a COSMIC frame. Id. AT&T states that COSMIC frames are more reliable, require shorter jumper cables, and are easier to manage and provision than MDFs. Id. AT&T further stated that the majority of Qwest's plain old telephone service ("POTS") loops connect on COSMIC frames. Id. AT&T acknowledged that Qwest witness Karen Stewart in her testimony appeared to describe an option where the CLEC could get access to unbundled loops directly at the COSMIC or MDF or through the ICDF/SPOT frame. Id. However, AT&T noted that Qwest's operations and installation manuals show an ICDF or SPOT frame associated with unbundled loops. Id.

76. AT&T argues that Qwest's ICDF or SPOT frame proposal conflicts with the FCC's *Advanced Services Order*. AT&T-4 at p.3. AT&T states that the FCC's *Advanced Services Order* requires that CLECs be afforded direct access to the ILEC's network. Id. The ICDF or SPOT frame is an additional or intermediate frame that introduces additional points of failure into a circuit.

77. AT&T also argued that under the CLEC circuit configuration using the Qwest proposal, three jumper pair connections would be required instead of the one jumper pair connection for the same Qwest customer connection. Id. at p. 7. Under the proposal CLECs would also have to purchase additional facilities and equipment from Qwest and in return would end up with a configuration that is much more likely to fail than a Qwest circuit. Id. The CLEC would have to pay for the ICDF or SPOT frame, the

cabling to and from the ICDF or SPOT frame, the additional jumper work on the ICDF or SPOT frame and on the COSMIC, as well as any regeneration equipment needed to bring the signal back into specification. Id. AT&T-4 at p. 7.

78. AT&T summarized its concerns by stating that manual combining of CLEC facilities at an ICDF or SPOT frame will result in UNE-based service that is inferior in quality and inherently less reliable than the service Qwest offers to its own retail customers; will cause significant customer service interruptions at the time of conversion; will substantially restrict the number of customers who can be converted to service provided through UNEs; will require CLECs to provide service over the same network components; and is a substantial delay to competition using combinations of UNEs. AT&T-4, pp. 7-8.

79. AT&T's second issue pertained to known problems in Qwest's provisioning of number portability and CLEC NXX prefixes in Arizona which raises the specter of serious 911 problems. AT&T-4 at p. 2. If a customer converts to a CLEC provider, and opts to keep his/her old telephone number, the number must be ported from the Qwest switch to the CLEC switch. AT&T-4 at p. 9. AT&T states that in some situations Qwest is: 1) not properly programming its switches to recognize that the number has been ported, or 2) is porting numbers and disconnecting the old service before the customer is ready or before the CLEC has established service to its switch. Id. at 10. This would affect the ability of a 911 PSAP to return a call received from a CLEC customer. Id. AT&T states that TCG customers have been affected by Qwest's failure in Arizona to promptly program its switches to route calls to new CLEC prefixes. Id. Also, due to NPA splits in Arizona, AT&T customers have also experienced problems associated with Qwest failing to promptly provision new AT&T NNX's in Arizona. Id.

80. AT&T's final issue relates to updating of 911/E911 databases. AT&T-4 at p. 11. AT&T argued that Qwest's policies were discriminatory and that Qwest needed to put corrective processes in place. Id. AT&T stated that Qwest had maintained in negotiations that AT&T customers using number portability or unbundled elements would be removed from the ALI database with a disconnect order before Qwest transferred the customer to AT&T. This would eliminate the customer from the ALI database for an undefined period of time which is a critical element in providing prompt emergency service. Id. AT&T states that a similar problem may exist for resale migration and that it is unclear whether Qwest is processing resale migration properly. Id. at p. 12. AT&T also states that it is not clear when SCC's (the company that manages the database) process will be complete and if it will provide adequate assurances. Id. Moreover, AT&T argued that Qwest's SGAT needed to be updated to reflect these assurances. Id.

81. AT&T also has several concerns regarding Qwest's provision of directory assistance and operator services. First, AT&T argues that Qwest is not providing nondiscriminatory access to their directory assistance list, which is the list of all in-region telephone numbers it uses to provide directory assistance. AT&T-4 at p. 15. AT&T states that SGAT Section 10.6.1.1 states that Qwest will not provide to a CLEC the

complete listing for an end user who has a non-published listing. Id. AT&T argues that if the Qwest directory assistance personnel have access to these numbers for emergency situations, the CLECs should have them as well. Id. Section 10.6.2.1 of the SGAT also prohibits CLECs from using the directory assistance list to respond to directory assistance calls from customers who are not local exchange end users. AT&T-4 at p. 15 . AT&T claims paragraph 10.6.2.5 of the Qwest SGAT is overly broad as it could be interpreted as restricting a CLEC from divulging information that is acquired from sources other than Qwest's directory assistance list. AT&T-4, at p. 15.

82. AT&T's last issue related to what appears to be Qwest's intent to impose improper restrictions on the CLEC's ability to access their Operator Service/Directory Assistance platforms when using UNE combinations. AT&T-4, at p. 16. AT&T argued that as a result of definitional differences, it appeared that Qwest would not allow CLECs to access their own Operator Service/Directory Assistance platforms when using currently combined UNEs. Id. at 16. AT&T also stated that it appeared Qwest would not be providing dialing parity for CLECs when the CLEC wants to use its own Operator Service/Directory Assistance platform when provisioning service using currently combined UNEs. Id. at 17. AT&T argued that Qwest needed to update its SGAT to fix these problems before it could satisfy the requirements of Checklist Item 7. Id.

83. On March 2, 2000, AT&T filed supplemental comments on all outstanding issues regarding checklist items 3,7,10 and 13. Subsequent to the March 7, 2000 workshop, many of AT&T's issues were resolved and are no longer in dispute.

d. <u>Qwest Response</u>

84. Qwest filed a response on January 24, 2000. Qwest stated that it does not require CLECs to use an ICDF or SPOT Frame to access unbundled network elements or to obtain 911/E911. USW-13 at p. 2. Qwest further stated that AT&T's objection related to the extremely small subset of facilities-based CLECs which utilize collocation to provision the E911 trunks to the PSAP or selective router. Id. at p. 3. For CLECs who provision services to their end user customers through the use of Qwest's end office switching, either through resale or unbundled switching, the CLEC's 911 calls are routed from the Qwest end office switch to the E911 selective router on the same trunks used for Qwest's end user customers. There are no "additional points of failure" since both Qwest and CLEC 911 traffic traverse the same E911 trunks. USW-13 at p.3.

85. Facilities-based CLECs who use their own end office switches must establish 911/E911 interoffice trunk facilities between the CLEC's end office switch and the PSAP or selective router either by self-provisioning the facility or by obtaining the facility from Qwest. USW-13, at p. 3.

86. Qwest also states that it has provisioned unbundled trunks to CLECs via intermediate frames throughout its region without any incidents involving 911. USW-13, at p. 3. If unbundled elements provisioned through intermediate frames were of a lower quality, one would expect to see a higher "trouble rate" for these elements as compared to

loops serving Qwest's retail customers. USW-13, at p. 3. The data shows that the trouble rate for unbundled elements is substantially the same as or lower than that experienced by Qwest's own retail customers. USW-13 at p. 3.

87. Though Qwest no longer requires CLECs to interconnect through an ICDF or SPOT frame, Qwest still firmly believes that such a frame is consistent with industry practice and the best, most efficient means by which to provision UNEs. Id. at p. 4. Qwest oftentimes uses intermediate frames to provision service to its own retail customers. However, Qwest now permits CLECs the option to make direct connections from the CLEC's collocation space. Id. at p. 4. Qwest will allow CLECs direct access to Qwest's COSMIC frames or MDFs on a BFR basis. Id. at 5.

88. Qwest also claimed that AT&T in other cases in other States supported the SPOT frame as a means by which to provision individual UNEs, such as the unbundled loop. Id. Qwest states that since it has made direct access available, not one CLEC has requested it. Id.

89. In response to AT&T's concerns regarding E911/911 problems arising from Qwest's processes for provisioning LNP and activating CLEC NXX prefixes in Arizona, Qwest reiterated that the 911 system is constructed to permit customers to make 911 calls even if one of AT&T's hypothetical provisioning problems occurs. Id. at p. 6. For CLECs providing service through resale or unbundled switching, it is not necessary to send a disconnect order to the E911 database if there is no change in the customer's telephone number, name, or address. Id. at p. 7. The same result is true when the CLEC serves the customer through its own switch because LNP affects the CLEC's customer's ability to receive (not originate) telephone calls. Id. at p. 7. Qwest also states that the absence of NXX codes does not interfere with a customer's ability to make a 911 call. Id. While Qwest acknowledges that it does pose a potential problem for returning a call to a 911 caller, Qwest states that it believes this risk is extremely remote because it would also require the failure to properly activate a NXX prefix in the central office serving the PSAP. Id.

90. AT&T's third issue relating to E911/911 had to do with database updates to which Qwest responded that it follows a standard process for ensuring ALI database accuracy. Id. at p. 8. The ALI or E911 database contains the name street address, ANI and local service provider for each telephone subscriber in the geographic area the E911 database serves. Id. at p. 8. The E911 database is owned and administered by a third party, SCC. Qwest only provides E911 updates on behalf of resellers. Facilities-based providers must provide their updates directly to SCC. Id. at pp. 8-9. Further, AT&T's concerns are taken care of through a process SCC instituted based upon industry developed procedure in 1999 that delays removal of a customer's record from the E911 database after a disconnect order has been received. Id. at 9. The parties agreed to defer the issue raised by AT&T regarding 911 problems arising from Qwest's provisioning of LNP to Checklist Item 11.

91. In response to AT&T's issues regarding directory assistance, Qwest stated that the FCC had approved the BellSouth and Bell Atlantic applications which allowed the BOC to provide all listings in its operator services and directory assistance databases except listings for unlisted numbers. Id. at p. 11. Qwest also states that its directory assistance operators do not have access to nonpublished numbers. Id. at p. 12.
Qwest also stated that SGAT Sections 10.6.2.1 and 10.6.2.2 were not intended to restrict the use of directory assistance lists by CLECs so they would be unable to respond to calls from customers who are not local exchange end users. The provisions were intended to restrict the use of the directory list by CLECs to provide directory assistance service to other carriers. Id. at p.12. Qwest made modifications to its SGAT clarifying the intent of these two sections of the SGAT. Id. at pp. 12-13.

92. Qwest also modified Sections 10.6.1.1, 10.6.2.3, 10.6.2.6 and 10.6.9 to address AT&T's issues regarding access to the directory assistance list. Qwest amended Section 10.6.2.10 to address CLEC's ability to contact end users with unlisted numbers in emergency situations.

93. Qwest responded that SGAT Section 10.6.2.5 does not prohibit a CLEC from divulging information that is acquired from sources other than Qwest's Directory Assistance List because this would be covered by the exceptions contained in Section 5.16.4 of the SGAT. USW-13 at p. 13.

94. Finally, Qwest states that CLECs may access their own operator service/directory assistance platforms when using UNE combinations. Id. at p. 14. Qwest, in its Reply Comments, also agreed to make changes to its SGAT as long as the UNE Remand Order was not stayed or vacated. USW-13, at p. 14. Qwest modified Section 9.23.3.81 to address this concern.

e. Verification of Compliance

95. On February 28, 2000, Qwest submitted updates to its Interconnect and Resale Resource Guide as discussed during the January 25, 2000 Workshop on Checklist Items 7(I) and 10. See USW-22. Qwest indicated in its accompanying letter that the information would be added to the Collocation Section of Tab 4 of the IRRG which describes the options CLEC's have for interconnection. Qwest also indicated that references to this information would be added to the sections addressing Signaling and 911/E911 and that its Website would be updated with the information by the end of the week.

96. In its additional Comments filed on March 2, 2000, AT&T indicated that many of the issues it had raised were no longer in dispute. AT&T-11 at p. 1. For the remaining issues regarding the use of intermediate frames including ICDF or Spot Frames, AT&T proposed specific language changes to provisions in the Qwest SGAT, Sections 8.2.1.23 et seq. AT&T also proposed specific SGAT changes to address its concerns regarding the availability of customized routing to allow CLECs to route end users' calls to the CLEC's directory assistance and operator services platform. AT&T-11

at p. 4. AT&T also proposed specific language changes to the SGAT directory assistance provisions to ensure nondiscriminatory processes and procedures for contacting end users with non-published numbers. AT&T-11 at p. 4

97. AT&T indicated that with its proposed SGAT language changes, Checklist Item 7 could still not be resolved until it had an opportunity to review the changes to Qwest's Wholesale Guide used by Qwest employees (AT&T-5 and 6) and the Interconnect and Resale Resource Guide. AT&T-11, at p. 4.

98. In Supplemental Comments filed on March 6, 2000, Qwest accepted the changes proposed by AT&T to SGAT Section 9.X.3.8.1, with minor changes, regarding UNE-P and custom routing to operator services and directory assistance. USW-20 at p. 2. At the March 7, 2000 workshop, the parties agreed to these changes.

99. At the March 7, 2000 Workshop, Qwest agreed to update its Arizona SGAT to include three sections from the Colorado SGAT on the provision of 911/E911 service to CLECs, to clarify that the use of spot or intermediate frames was not required. Those additions include sections 8.2.1.24, 8.2.1.25 and 8.2.1.26 that are listed below: Qwest Ex. 15.

> 8.2.1.24 Qwest will provide CLEC the same connection to the network as Qwest uses for provision of services to Qwest customers. The direct connection to Qwest's network is provided to CLEC through the direct use of Qwest's existing cross connection network. CLEC and Qwest will share the same distributing frames for similar types and speeds of equipment, where technically feasible and space permitting.
>
> 8.2.1.25 CLEC terminations will be placed on the appropriate Qwest cross connection frames using standard engineering principles. CLEC terminations will share frame space with Qwest terminations on Qwest frames without a requirement for an intermediate device, such as a SPOT (Single Point of Termination) frame, and without direct access to the COSMIC(TM) or MDF. This provides a clear and logical demarcation point for Qwest and CLEC.
>
> 8.2.1.26 IF CLEC disagrees with the selection of the Qwest cross connection frame, CLEC may request a tour of the Qwest wire center cross connection frame alternatives, and may request use of an alternative frame through the BFR process.

TR at pp. 9-10, and 24; See also USW-15.

100. A further change was agreed to Section 8.2.1.26 above to bring the language into alignment with the language in the Nebraska SGAT. Tr. at p. 60.

101. AT&T and MCIW had some concerns regarding the language of Section 8.2.1.24 and were willing to accept the language proposed by Qwest for discussion of 911 purposes only. TR at p. 22. AT&T and MCIW also agreed to defer discussion of proposed language changes to sections 8.2.1.24 through 8.2.1.26 to other Checklist Items including but not limited to Checklist Items 2 and 4. TR at p. 26.

102. AT&T wanted to review the revisions made by Qwest regarding its wholesale guide and Interconnect and Resale Resource Guide (IRRG), USW-22. Qwest indicated that revisions to those documents would be made and delivered to AT&T and MCIW for review. Qwest also submitted a copy of its Tech Pub 77386 at the Workshop which addresses how the SS7 interconnection and the 911 type trunks are to be connected. USW-21. AT&T reiterated its concerns over how field personnel were using these guides for collocation and that the guides appeared to require the use of intermediate or SPOT frames. MCIW brought up concerns it had with shared access language in that there should be some statement concerning unrestricted access to the demarcation point 24 hours per day, seven days a week. TR at p 45-46. Qwest stated that MCIW's language concerns have already been added to its IRRG. TR at p.48-49.

103. Qwest agreed to resolve AT&T's final concern regarding Non-Published Telephone Numbers by inserting the word "nondiscriminatory" to proposed language to the SGAT regarding the process and procedures for contacting end users with non-published numbers.

104. Qwest, WorldCom, and AT&T continued negotiations in an attempt to resolve remaining concerns regarding Qwest's internal and field documentation. By letter dated June 12, 2000, Qwest submitted public and confidential documents describing Qwest's provisioning of direct connections for 911 and signaling. AT&T responded in letters dated June 15, 2000 and July 27, 2000. In its July 28, 2000, supplemental filing, AT&T indicated that it and Qwest had recently reached agreement on the non-SGAT documentation regarding Checklist Items 7 and 10. AT&T attached a copy of the non-SGAT documentation agreed to for inclusion in the record. AT&T stated in its filing that with the documentation recently agreed to by AT&T and Qwest in the Washington Section 271 workshops, all outstanding issues on Checklist Item 7 were resolved.

105. Qwest agreed that carriers could opt into any revised SGAT language resulting from the Workshops.

106. Both WorldCom and AT&T filed Comments in response to Staff's Proposed Findings of Fact and Conclusions of Law filed on January 4, 2001. AT&T raised several issues where changes had been agreed to in other States, which Qwest had not yet incorporated into its Arizona SGAT. Qwest did commit in the Arizona Workshops to incorporate into its SGAT any subsequent agreements reached between Qwest and the CLECs in other region Workshops. Qwest has filed a pleading indicating that it will do so and giving parties in Arizona a right to object to any of those changes. However, Qwest's compliance with Checklist 7 shall be conditioned upon its meeting its

commitment and incorporating into its SGAT in Arizona any agreements reached with the CLECs in other States in its region on Checklist Item 7 issues.

107. AT&T and WorldCom went on to argue in their Comments that although they agreed when the Workshops closed that they had no objection to a finding that Qwest met the requirements of Checklist Item 7, they want to further develop a record in Arizona on issues that were raised for the first time in other jurisdictions. AT&T Comments, pp. 1-3; WorldCom Comments at pp. 1-2. Qwest objects to this and states that simple fairness dictates that parties not be allowed to bring disputes in from other State workshops after the record has closed or the 271 process would become circular from State to State and would never end. Qwest Objection at p. 4.

108. On February 2, 2001, AT&T filed a Motion with the Hearing Division requesting that it establish a procedure for developing a record in Arizona for issues raised for the first time in other jurisdictions after the Workshops have been completed.

109. All outstanding issues raised in the Workshops in Arizona were resolved. Checklist Item No. 7 in Arizona is no longer in dispute. Qwest has agreed to incorporate SGAT language agreed to in other States. Accordingly, Staff is forwarding its Report on Checklist Item No. 7 to the Commission consistent with the provisions of the June 12, 2000 Procedural Order on undisputed issues. If the Hearing Division/Commission does not allow parties to bring up issues raised for the first time in other States, after the record has closed, Checklist Item No. 7 will remain undisputed. If the Hearing Division does permit parties to bring up issues raised for the first time in other State, once the issues are addressed and/or resolved, a supplemental Report will be filed by the Staff and submitted to the Hearing Division or Commission, depending on whether the issue(s) remain in dispute or are resolved by the parties.

II. CONCLUSIONS

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

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

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

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

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

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

7. Section 271(c)(2)(B)(vii) of the Telecommunications Act of 1996 requires Qwest to provide or offer to provide: "[n]ondiscriminatory access to -- (I) 911 and E911 services; (II) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and (III) operator call completion services."

8. Qwest's compliance with the requirements of Checklist Item 7 regarding Basic 911 and Enhanced 911 service to both facilities-based CLECs and resellers in Arizona is undisputed.

9. Qwest's compliance with the requirements of Checklist Item 7 with respect to Directory Assistance is undisputed.

10. Qwest's compliance with the requirements of Checklist Item 7 with respect to the nondiscriminatory provision of Operator Services to CLECs is undisputed.

11. Based upon the testimony, comment and exhibits submitted, Qwest complies with the requirements of Checklist Item No. 7, subject to Qwest's meeting the relevant performance measurements in the OSS test in Arizona, updating its SGAT with language for Checklist Item No. 7 agreed to by the parties in other region Workshops, and resolution by the Hearing Division/Commission of the issue of how to treat issues arising in other State Workshops which the parties would like to bring back to Arizona after the record has closed.