

**CONTRACT LANGUAGE DISCUSSED IN COLLABORATIVES/ CLEC FORUMS*****COMPARE:*****Albersheim MN Surrebuttal, p. 9, lines 6-12:****Q. ARE THERE ANY FACTUAL ERRORS IN ESCHELON'S DISCUSSION OF NEGOTIATION LANGUAGE?**

A. Yes. While the errors are not relevant to the issues at hand, it is important that the factual record be correct . First, Ms. Johnson claims that CLEC forums used to be held in which Qwest discussed contract language changes.<sup>1</sup> I have confirmed with Qwest participants in those forums, including the manager of contract negotiations, that contract language was not discussed at CLEC forums. . .

***WITH:*****1. CMP Redesign Final Meeting Minutes at which contract language was discussed, Nov. 27-29, 2001 (excerpt)**

[http://www.qwest.com/wholesale/downloads/2002/020110/CMP\\_Redesign\\_Meeting\\_Nov\\_27-29\\_Final\\_Minutes-01-08-02.doc](http://www.qwest.com/wholesale/downloads/2002/020110/CMP_Redesign_Meeting_Nov_27-29_Final_Minutes-01-08-02.doc), p. 14 (emphasis added):<sup>2</sup>

“After a short break the meeting resumed with Schultz-Qwest requested the CLECs to explain why the interim process was for only changes which result from the workshops or OSS testing. She continued that if this were the case, all other issues would be handled under the existing CMP, and why, if that were the case did the “CLEC altering” list contain TN changes, for example, which clearly were not workshop related. Menezes-AT&T stated that he was not satisfied with the way the current CMP forced CLECs to dispute resolution if their CRs were denied. ***Zulevic-Covad asked why the additional testing CR wasn’t managed through the same collaborative process as the collocation decommissioning CR was. He explained that the collocation CR had been submitted by AT&T in response to a Qwest notification. Steve Nelson-Qwest had met with the CLECs to discuss the CR, and asked them for ideas to handle the decommissioning. A collaborative proposal was developed and managed through CMP as a CR. He further explained that if any CLEC was not satisfied with the agreement, they were allowed to negotiate a separate agreement to their contract.*** Clauson-Eschelon stated that this is not a good model because it began with Qwest issuing a notice, when Qwest should have issued a CR. Clauson-Eschelon stated that Qwest should bring each product change it wishes to make to the CLECs as a CR for

their comment. She stated that Qwest should have to request a change, rather than making an announcement. She stated that CLECs should have the option of denying

<sup>1</sup> Qwest provides no cite. Ms. Johnson has testified in previous arbitrations that: “With respect to Qwest’s template proposals, Qwest previously held collaborative sessions and CMP CLEC Forums to discuss some contract language changes with CLECs.”

<sup>2</sup> Reply of Allegiance, Covad, and Eschelon to Qwest’s response to their escalation of cr # pc100101-5 regarding Additional testing and related issues, 12/21/01: “Allegiance, Covad, and Eschelon have made a reasonable request to Qwest to consider a collaborative effort, modeled after successful aspects of the one ultimately used to address collocation decommissioning, to address all of the issues raised in this escalation.” <http://www.qwest.com/wholesale/downloads/2001/011221/122101email.pdf>

Qwest CRs. Quintana-PUC asked how this was different from the current CR process. Clauson-Eschelon stated that under the current process CLECs couldn't veto Qwest CRs. Schultz-Qwest stated that the difference is that systems CRs are prioritized and product/process CRs are not. She explained that Qwest has never committed to stop doing business or allow CLECs to reject or deny Qwest CRs. Clauson-Eschelon stated that once Qwest agreed to submit CRs for product/process changes it was a fair assumption that Qwest would allow CLECs to accept or deny them. Quintana-PUC asked what the difference was between a notice and a CR. Schultz-Qwest stated that a CR gives CLECs 45 days advance notice of a pending change and solicited their comments. Clauson-Eschelon stated that CLECs believed they would have denial privileges. Wicks-Allegiance stated that the CLECs also want dialogue to modify the elements of a Qwest CR. Menezes-AT&T stated that he felt Qwest and CLEC CRs were handled differently, because Qwest can deny CLEC CRs in both the product/process and systems arenas and CLECs cannot deny a Qwest CR. Schultz-Qwest stated that she wanted to see some definition around what was not CLEC altering. Clauson-Eschelon suggested that all Qwest changes become CRs.. Schultz-Qwest asked the Team to come up with a list of those changes that would require notification only. Quintana-PUC stated that she thought the Team could close the process and list today. Schultz-Qwest stated that Qwest had issues with CLEC denial of product/process CRs and suggested that the Team work to get more clarity around the notification list. Clauson-Eschelon stated that she wanted to see the redlining expanded. She asked if she could get a commitment from Qwest to the current interim process. Schultz-Qwest stated that the Team had identified gaps in their collective understanding. She stated it would take some time to clarify within Qwest what would get redlined. McNa-Qwest stated that anything that Qwest is adding is going on the notification form. She stated it would be confusing with multiple versions of a document in the holding tank. Clauson-Eschelon stated that she wanted the process to be easy for CLECs to use and asked that a definition of the specific changes be included in the notice. Schultz-Qwest explained the versioning process and the time intervals involved. She stated that Qwest was looking to CLECs for a list of changes Qwest could just send a notice on without redlining. Clauson-Eschelon asked if all substantive changes would be redlined in the future. Schultz-Qwest stated that she would discuss the issue with Sue McNa over lunch and bring an answer back. The meeting broke for lunch."

## **2. AT&T CR 5582318 (Decommission Process) (except)**

[http://www.qwest.com/wholesale/cmp/archive/CR\\_5582318.htm](http://www.qwest.com/wholesale/cmp/archive/CR_5582318.htm)

### "Status History:

"07/27/01 - 90 day review process for Joint Planning process for Cancel ,Decom and change of Responsibility Offering letter distributed.

08/09/01 - Proposed meetings for a collaborative re-design of the Collocation Cancellation, Decommission, and Change of Responsibility product offerings began. Meeting notice sent on July 27th with a reminder sent August 6th.

09/12/01 - Joint planning meeting held, chaired by Steve Nelson. . .

10/10/01 - Template agreement to be finalized with AT&T, chaired by Steve Nelson."

### Project Meetings: (p. 4)

"Interconnection Agreements. Please join Qwest in participating in the following calendar of meetings. These meetings will be chaired by Steve Nelson, Group Product Manager

Collocation. He can be reached on 303-896-6357. Interested CLECs are encouraged to participate."

**3. Qwest/CLEC Forum on Procedures for Cancellation, Decommission, Change of Responsibility for Collocation Sites**

<http://www.qwest.com/wholesale/tradeShow/collodecommission.html>

**“Next Meeting**

Wednesday, February 6, 2002

1:00 - 3:30 PM MST

Purpose: A series of interactive sessions with Qwest's CLEC customers to shape procedures for collocation activity.

**Location**

1801 California, 23rd Floor, Conference Room 23-1

Denver, CO

For conference call participants, dial 1-877-561-8688, and enter a pass code of 2924070# when prompted.

**Minutes From Previous Meetings**

[January 23, 2002 Meeting](#)

[December 12, 2001 Meeting](#)

[November 14, 2001 Meeting](#)

[October 17, 2001 Meeting](#)

[August 29, 2001 Meeting - Revised Minutes](#)

[August 29, 2001 Meeting](#)

[August 15, 2001 Meeting](#)

[August 9, 2001 Meeting](#)

**Last Update:** February 4, 2002”

**4. CLEC Forum Meeting Minutes, Nov. 14, 2001 Qwest/CLEC Forum on Procedures for Cancellation, Decommission, Change of Responsibility for Collocation Sites**

p.2:

**“1.Housekeeping -**

- ✓ The revised procedures for Collocation Cancellation and Decommission will be launched on 12/21/01. Amendments for both Cancellation and Decommission will be available 11/21/01. Customers will be required to sign and date by 12/21 in order for Qwest to accept an application for Collocation Cancellation and Decommission after December 21<sup>st</sup>.”

**5. CLEC Forum Meeting Minutes of October 17, 2001 Meeting**  
**Collocation – Decommission and Cancellation, Change of Responsibility**

[http://www.qwest.com/wholesale/downloads/2001/011113/October\\_17\\_2001\\_Meeting.doc](http://www.qwest.com/wholesale/downloads/2001/011113/October_17_2001_Meeting.doc)

p.1:

“Where: Qwest, 1801 California, 23rd Floor

When: October 17, 2001

**Purpose:** The agenda included the following:

- ✓ Roll call.
- ✓ Review the minutes from the 10/10 meeting.
  - ✓ Review updated draft version of the Cancellation procedure document.
  - ✓ Review updated draft version of the Decommission procedure document.
  - ✓ Review Decommission Reimbursable Element calculation.
  - ✓ Review of the Cancellation and Decommission Amendments
  - ✓ Other minutes”

pp. 1-2:

“1. **Housekeeping -**

- ✓ Jane, Qwest, updated everyone on the process regarding the Amendments:
  - ✓ Once the product is announced there will be a 30 day grace period in which to sign and return the Cancellation and Decommission Amendments to Qwest.
  - ✓ If a CLEC would like to negotiate specific terms related to the Cancellation and Decommission Amendments they will need to Amend the 1.7 SGAT language to their contract. This will give them the ability to continue to place Cancel and Decommission Request while negotiating the specific Terms and Conditions.
- ✓ Based on group consensus on the Cancellation and Decommission Procedure documents the following is a tentative schedule:
  - ✓ Recommended changes discussed in the 10/17 meeting will be completed by Jane on 10/17 and forward to Legal for final review.
  - ✓ Once Legal has approved the documents will be put into the Amendment format week of 10/29.
  - ✓ CMP Notification will occur on 11/15.
- ✓ CLEC Review period between 11/16-12/01.
- ✓ Final Cancellation and Decommission procedures for review available on 12/15/01.
- ✓ Effective date for the final Cancellation and Decommission procedures to be posted on the Collocation PCAT on 1/1/02.”

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**Announcement Date: November 21, 2001**

**Effective Date: December 21, 2001**

**Document Number: PROD.11.21.01.00603.Collocation\_Decommission**

**Notification Category: Product Notification**

**Target Audience: CLECS, Resellers**

**Subject: Collocation Decommissioning Update: Action Required by December 21, 2001**

Beginning December 21, 2001, Qwest will issue updates to its Wholesale Product Catalog that include new/revised documentation on Collocation.

Procedures regarding Collocation Cancellation and Decommission have been modified. You will be required to sign, date and return the Collocation Cancellation and/or the Collocation Decommission Amendments by **December 21, 2001** in order to submit a Collocation Cancellation or Decommission request.

[http://www.qwest.com/wholesale/downloads/2001/011113/October\\_17\\_2001\\_Meeting.doc](http://www.qwest.com/wholesale/downloads/2001/011113/October_17_2001_Meeting.doc)

**Minutes of October 17, 2001 Meeting  
Collocation – Decommission and Cancellation, Change of Responsibility**

**Where:** Qwest, 1801 California, 23rd Floor

**When:** October 17, 2001

**Purpose:** The agenda included the following:

- ✓ Roll call.
- ✓ Review the minutes from the 10/10 meeting.
  - ✓ Review updated draft version of the Cancellation procedure document.
  - ✓ Review updated draft version of the Decommission procedure document.
  - ✓ Review Decommission Reimbursable Element calculation.
  - ✓ Review of the Cancellation and Decommission Amendments
  - ✓ Other minutes

**Chair:** Steve Nelson

**Minutes provided by:** Jane Lacy

**Next Meeting: Wednesday, November 14<sup>th</sup>, Qwest, 1:00-4:30 MT, 1801 California, 23<sup>rd</sup> Floor, Call in phone number: 1-877-542-1778, pass code: 6904985#.**

Attendees:

[attendee list and contact information omitted]

**Notes from the Meeting:**

**1. Housekeeping -**

- ✓ Jane, Qwest, updated everyone on the process regarding the Amendments:
  - ✓ Once the product is announced there will be a 30 day grace period in which to sign and return the Cancellation and Decommission Amendments to Qwest.
  - ✓ If a CLEC would like to negotiate specific terms related to the Cancellation and Decommission Amendments they will need to Amend the 1.7 SGAT language to their contract. This will give them the ability to continue to place Cancel and Decommission Request while negotiating the specific Terms and Conditions.
- ✓ Based on group consensus on the Cancellation and Decommission Procedure documents the following is a tentative schedule:
  - ✓ Recommended changes discussed in the 10/17 meeting will be completed by Jane on 10/17 and forward to Legal for final review.
  - ✓ Once Legal has approved the documents will be put into the Amendment format week of 10/29.
  - ✓ CMP Notification will occur on 11/15.
- ✓ CLEC Review period between 11/16-12/01.
- ✓ Final Cancellation and Decommission procedures for review available on 12/15/01.
- ✓ Effective date for the final Cancellation and Decommission procedures to be posted on the Collocation PCAT on 1/1/02.

**2. Steve, Qwest, reviewed the meeting minutes from the 10/10 meeting and agenda for the 10/17 meeting.**

**3. Reviewed the Procedures document for Collocation Cancellation –**

- ✓ Jane, Qwest, reviewed the document.

- ✓ Only requested correction was 4.1.3 “Order Validation” should not be capitalize.
- ✓ **CLECs and Qwest were in agreement that the Cancellation Procedures document is approved once the above mentioned change was made to the document.**

#### **4. Review the Procedures Document for Collocation Decommission –**

- ✓ Jane, Qwest, reviewed the document.
- ✓ Recommended removing the second sentence in section 1.1.
- ✓ Bob, MCI Worldcom recommended that in section 2.5 “CLEC-to-CLEC Cross Connects” needs to be removed.
- ✓ Talia, Sprint, also asked that the following sentence be added to section 2.5: “services should be disconnected via ASR/LSR process”.
- ✓ It was agreed that item 2.9 (Splitter Collocation) should be removed.
- ✓ Mike, Covad, requested that in item 5.2 mention that the appropriate documentation is covered in 2.0 and 5.0.
- ✓ Requested in item 6.2 that the credit could possibly be in the form of a check.
- ✓ Talia, Sprint, asked the time frame to process ASRs/LSRs? Peggy said that intervals could be found in the Service Guide.
- ✓ Talia asked why the ASR/LSR could not be done with the Decommission Application? Peggy said that they must be done in order to process the Decommission request.
- ✓ Sharon, AT&T asked what the time frame for a MOP? Kay said that the MOP would need to be in place prior to taking out the equipment.

#### **5. Next Steps –**

On November 14<sup>th</sup> will be the next Qwest/CLEC meeting to review the Change of Responsibility procedure document. The meeting will be from 1:00 – 4:30. Jane will distribute the draft document prior to the meeting.

**Qwest/CLEC Forum on Procedures for Cancellation, Decommission, Change of Responsibility for Collocation Sites**

**Where:** Qwest, 1801 California, 23rd Floor

**When:** November 14, 2001

**Purpose:** The agenda included the following:

- ✓ Roll call.
- ✓ Review status for launching the revised procedures for Collocation Cancellation and Collocation Decommission.
- ✓ Review 1<sup>st</sup> draft version of the Change of Responsibility procedure document.
- ✓ Review updated draft version of the Decommission procedure document.

**Chair:** Steve Nelson

**Minutes provided by:** Jane Lacy

**Next Meeting:** Wednesday, December 14<sup>th</sup>, Qwest, 1:00-3:30 MT, 1801 California, 23<sup>rd</sup> Floor, Call in phone number: 1-877-561-8688, pass code: 2924070# (NOTE NEW CONFERENCE BRIDGE PHONE NUMBER AND PASS CODE).

**Attendees:**

[attendee list and contact information omitted]

**Notes from the Meeting:**

**2. Housekeeping -**

- ✓ The revised procedures for Collocation Cancellation and Decommission will be launched on 12/21/01. Amendments for both Cancellation and Decommission will be available 11/21/01. Customers will be required to sign and date by 12/21 in order for Qwest to accept an application for Collocation Cancellation and Decommission after December 21<sup>st</sup>.
- ✓ Next meeting to discuss Change of Responsibility will be on 12/14 from 1:00 – 3:30.

**2. Reviewed the Procedures document for Collocation Change of Responsibility –**

- ✓ Jane, Qwest, reviewed the document.
- ✓ Due to new participants on the call and the unfamiliarity of who was speaking, I may not identify the person that asked a question in the meeting minutes.
- ✓ **Description section:**
  - ✓ Item 1.5:
    - ✓ It was suggested that the “R” in request be changed to lower case.
    - ✓ It was requested that I include “or Qwest” after “CLECs”.

- ✓ It was asked that Qwest get clarity from Legal as to what conditions would Qwest check the queue, i.e. buyout of a company, bankruptcy, etc. Also if it mattered if the request was for working circuits or non-working circuits. **ACTION ITEM:** Jane to verify with legal and public commission.
- ✓ Jennifer, Fairpoint, asked if CLECs could check themselves to determine if anyone is in the queue. Mike, Qwest, said that we post on the web a space denial list, which contains the office and number of CLECs in the queue.
- ✓ Sharon, AT&T, asked for the web site address. **ACTION ITEM:** Jane to provide the Qwest web site address for the Space Denial report. **ANSWER:** the web site for the Space Denial and Space Exhaust report is – <http://www.qwest.com/wholesale/notices/collo/spaceAvail.html>.
- ✓ Item 1.6, Bob, Worldcom, asked why we have to have different CLLI codes. Reason was due to system limitations, but Qwest to revisit and determine if the initial CLLI code can remain. **ACTION ITEM:** Jane to research and report back at our next meeting.
- ✓ Item 1.7, requested that we re-word this item so that the Change of Responsibility request would be irrevocable upon 100% payment of the NRC on the quote.
- ✓ **Terms and Conditions section:**
  - ✓ Item 2.2, requested that “pertaining” be switched to “referenced in”.
  - ✓ Item 2.3, Sharon, AT&T, asked if we could reconsider since the vacating maybe in trouble and the assuming is willing to accept financial responsibility for the vacating. **ACTION ITEM:** Jane to check with Legal.
  - ✓ Item 2.6, CLECs asked why Qwest needs to know that they have notified their customers of the transfer. Someone also mentioned that they may have a waiver from the FCC. Sharon asked if in ICA would Qwest not be liable? **ACTION ITEM:** Jane to check with Legal and also find out if the notification needs to be done at a certain point in time in the process.
  - ✓ Item 2.8.1, Kay, Qwest, asked if I could add “all” before “BAN”.
  - ✓ Item 2.8.3, much discussion regarding the need of CLECs to submit ASRs/LSRs if the COR request is with working circuits. **ACTION ITEM:** Jane to verify if ASRs/LSRs will be required.
  - ✓ Item 2.10, requested that I add “or Qwest” after “CLECs”.
  - ✓ Item 2.11, requested that the second sentence be re-worded to say “Qwest will manage the database and records transfer”.
  - ✓ Item 2.12, need to re-word to say that Qwest is not responsible for the physical condition of the CLECs equipment.
  - ✓ Item 2.14, need to re-word.
  - ✓ Item 2.15, change out “altering” with “augmenting” and add “to Qwest” at the end of the sentence.
  - ✓ Item 2.17 re-word to vacating existing site.
- ✓ **Rate Elements section:**
  - ✓ Item 3.2.1, requested that I break out what the charges are.
  - ✓ Item 3.2.2, requested that I add “for ASR/LSR activity”.
- ✓ **Ordering section:**



- ✓ Item 4.1.2 change the “R” in request to lower case.
- ✓ **Procedures section:**
  - ✓ Item 5.2 add “or Qwest”.
  - ✓ Item 5.3 requested that I add “recommended time frames”.
  - ✓ Item 5.4.4 correct “CLLI”.
  - ✓ Item 5.8 modified to say “...ASR/LSR orders have been submitted and scheduled completion date”.
  - ✓ Item 5.9 need to re-word.
  - ✓ Add an item 5.10 to say “Walkthrough acceptance of the site with assuming CLEC will occur 100% of the NRC have been paid or notified for the schedule walkthrough after the RFS date”.
- ✓ **Billing section:**
  - ✓ Item 6.1 change the “R” in request to lower case.

-----Original Message-----

**From:** mailouts@qwest.com [SMTP:mailouts@qwest.com]  
**Sent:** Wednesday, November 21, 2001 1:13 PM  
**To:** qwest.all.notices@eschelon.com  
**Subject:** Product: Collo: RN: Action Req- Collo Decommissioning Amendment, Effective November 21, 2001, Final

[I <http://www.geocities.com/lchuck78/logo.gif>](http://www.geocities.com/lchuck78/logo.gif)

November 21, 2001

Qwest All Notices  
Eschelon Telecom Inc.  
730 Second Ave S #1200  
Minneapolis, MN 55402  
qwest.all.notices@eschelon.com

To: Qwest All Notices

**Announcement Date: November 21, 2001**  
**Effective Date: December 21, 2001**  
**Document Number: PROD.11.21.01.00603.Collocation\_Decommission**  
**Notification Category: Product Notification**  
**Target Audience: CLECS, Resellers**  
**Subject: Collocation Decommissioning Update: Action Required by December 21, 2001**

Beginning December 21, 2001, Qwest will issue updates to its Wholesale Product Catalog that include new/revised documentation on Collocation.

Procedures regarding Collocation Cancellation and Decommission have been modified. You will be required to sign, date and return the Collocation Cancellation and/or the Collocation Decommission Amendments by **December 21, 2001** in order to submit a Collocation Cancellation or Decommission request.

The amendments can be viewed at the following web site:

<http://www.qwest.com/wholesale/clecs/negotiations.html>. Please call your Qwest Sales Executive to request the formal Collocation Cancellation Amendment and the Collocation Decommission Amendment.

Information on collocation can be found on the Qwest Wholesale Web site at URL:

<http://www.qwest.com/wholesale/pcat/collocation.html>

You are encouraged to provide feedback to this notice through our web site. We provide an easy to use feedback form at <http://www.qwest.com/wholesale/feedback.html>. A Qwest representative will contact you shortly to discuss your suggestion.

If you have any questions or would like to discuss this notice please contact your Qwest Service Manager, Pat Levene on 6126636265. Qwest appreciates your business and we look forward to our continued relationship.

Sincerely,  
Qwest

Note: While these updates reflect current practice, it is important to note that there are additional changes that will be forthcoming as a result of ongoing regulatory activities e.g., collaborative workshops, and state commission orders. As these changes are defined and implementation dates are determined, notice of additional updates will be provided accordingly.

The Qwest Wholesale Web Site provides a comprehensive catalog of detailed information on Qwest products and services including specific descriptions on doing business with Qwest. All information provided on the site describes current activities and process.

Prior to any modifications to existing activities or processes described on the web site, wholesale customers will receive written notification announcing the upcoming change.

cc: Judy Rixe

Pat Levene

[http://www.qwest.com/wholesale/cmp/archive/CR\\_5582318.htm](http://www.qwest.com/wholesale/cmp/archive/CR_5582318.htm)

Resources Change Management Process (CMP)

Open Product/Process CR 5582318 Detail

Title: Decommission process

CR Number Current Status

Date Area Impacted Products Impacted

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5582318 Completed

11/14/2001 Pre-Ordering Collocation

Originator: Osborne-Miller, Donna

Originator Company Name: AT&T

Owner: Nelson, Steve

Director: Campbell, William

CR PM: Wirth, Pete  
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#### Description Of Change

Qwest has recently changed their Collocation Decommission Policy. AT&T objects to the fact that Qwest made this process change unilaterally – without the input of AT&T. Objections that AT&T has regarding the new policy are:

·1: A certified letter - stating that either no customers were ever installed in the collo or if customers were installed, AT&T has notified them their service will be disconnected or moved - and a copy of the decommission application must to be sent to the Account Team Representative. Prior to this process change, AT&T was not required to do this. We have processed approximately 10 decommission applications so far this year and have not sent a certified letter for any of them.

Resolution: AT&T wants to send the application via email only as before.

2. The decommission process reads "The completion of a decommission request and 100% payment of any outstanding financial obligation, will terminate the billing of recurring charges for the site." What this means to AT&T is that we should be current on any bills for the collocation we are decommissioning. What this means to Qwest is that if there is any outstanding bills - either non recurring or recurring - due for any collocation in Qwest territory, they will NOT process the decommission application until all bills for all sites are paid. AT&T may incur additional monthly charges for the collocation being decommissioned since the application is on hold.

Resolution: It is AT&T's request that only the non recurring and recurring bills for the collocation being decommissioned be subject to scrutiny.

3. Since Qwest charges AT&T a flat fee to decommission a site, AT&T has inquired about the possibility of conducting a site visit to ensure that Qwest has completed the decommissioning of the site. Qwest has denied AT&T this final site visit. Although Qwest may disconnect power cables, conduct a site visit and complete database work, they do not actually tear down the actual site. Qwest is hoping to lease the space to another CLEC and will not have to rebuild the space. Qwest assures AT&T that if the space is leased within a year of the decommissioning, AT&T will be reimbursed some monies for the collocation space.

Resolution: AT&T would like proof that the work has been completed.

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#### Status History

06/06/01 - CR received by Donna Osborne Miller of AT&T

06/07/01 - Status changed to New – to be evaluated

06/25/01 - Status changed to Reviewed – Under consideration

06/25/01 - Revised CR submitted by AT&T

07/09/01 - Completed Draft Response

07/12/01 - Drafted Response sent to CICMP team via email (MR)

07/27/01 - 90 day review process for Joint Planning process for Cancel, Decom and change of Responsibility Offering letter distributed.

08/09/01 - Proposed meetings for a collaborative re-design of the Collocation Cancellation, Decommission, and Change of Responsibility product offerings began. Meeting notice sent on July 27th with a reminder sent August 6th.

09/12/01 - Joint planning meeting held, chaired by Steve Nelson

09/14/01 - AT&T verbal notice received from Sharon Van Meter to not close this CR as the Decommission process is still being worked on.

09/19/01 - CMP Meeting - Qwest provided status of CLEC meetings to develop the process.

10/10/01 - Template agreement to be finalized with AT&T, chaired by Steve Nelson.

10/17/01 - CMP Meeting: Steve Nelson to finalize decommission policies and procedures with CLEC community. No status change.

10/31/01 - Qwest response submitted to database CLEC Community.

11/14/01 - CMP Meeting - AT&T moved to "Close" CR.

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**Project Meetings**

**New Interim Procedures to Terminate or Decommission An Existing Collocation Site**

As a result of your feedback concerning Qwest's recently issued Decommission procedures for existing Collocation sites, Qwest is adopting an interim plan for 90 days. During this interim 90-day period, Qwest will hold a series of meetings and conference calls with the industry to develop mutually acceptable procedures to follow concerning this issue. Please review the interim changes and the calendar of meetings below. We sincerely hope that you will participate.

**Interim Changes Effective August 9, 2001 • Qwest will no longer issue a Quote of \$3455 for each decommission before monthly recurring billing stops.**

Qwest is waiving the Decommission Quote charges effective immediately with issuance of this announcement. Future pricing will be reviewed as part of the "Future Procedures Modifications Process" as described below.

- Qwest will credit past decommission quotes paid and any monthly charges paid past the date of acceptance of the valid application. CLECs can contact their Wholesale Project Manager regarding past decommissions processed or currently being processed.
- The vacating CLEC submitting the "Collocation Application for Cancel, Decommission, or Change of Responsibility" will no longer be required to be current on all billing for all collocation sites, including both monthly and non-recurring quotes before Qwest will process a decommission request.
- The interim requirement will state that a CLEC must be current on "all billing for the specific site for which the decommission application is submitted" for Qwest to decommission a site.

- Qwest will no longer require receipt of the quote charges to stop billing. Monthly billing will stop effective with the valid receipt of a decommission application.
- Applications will no longer need to be sent via certified mail for processing. "Electronic submission of requests to decommission a site can be sent to colo@qwest.com"

Future Procedures Modifications Process Qwest intends to issue future procedures that are acceptable to those parties concerned. For Qwest to implement satisfactory procedures, CLEC feedback is needed and valued. At the completion of this joint 90-day effort, the revised product procedures will be priced, and if appropriate, a template offered by Qwest for an amendment to the CLEC/Qwest

Interconnection Agreements. Please join Qwest in participating in the following calendar of meetings. These meetings will be chaired by Steve Nelson, Group Product Manager Collocation. He can be reached on 303-896-6357. Interested CLECs are encouraged to participate.

#### Kick-off meeting

August 9th, from 9am to 3pm, 1801 California, Executive Conference room, 23rd floor. Conference bridge: 877-542-1778, pass code 6904985.

1. Review existing product offerings and proposed changes, gather information on additional proposed changes, understand all concerns. Here is a brief outline of the discussion:
2. Agree to as many items as possible initially, table for future review those items requiring detailed response, and respond to disputed items by next meeting for resolution.
3. Capture voting record of participants on each issue, and dissenting opinion as agreed to by the team.
4. Prioritization of changes and timelines.
5. Review costing of current products. Items included in the costing model.
6. Discuss how other ILECs handle cancellation, decommission, change of responsibility or network transfer.

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#### QWEST Response

"The below response does not include the attachments referenced in the response. Please see the CMP Web Site for complete response to include Cancellation and Decommissioning Procedures"

October 31, 2001 Sharon Van Meter Manager, AT&T 1875 Lawrence St., 10th floor  
Denver, Colorado 80202

CC: William Campbell Steve Nelson Jane Lacy

This letter is in response to CLEC Change Request Form #5582318, dated June 25, 2001. This Change Request pertains to several issues regarding the Decommission product

offering. On July 9th Qwest committed to partnering with the CLEC industry to resolve the issues identified in the Change Request Form specifically referring to decommission procedures. In addition, Qwest expanded this effort to review the product offerings for Cancellation, and Change of Responsibility. Throughout the month of August, September and October representatives from Qwest and the CLEC industry met to review the procedures for administering a Cancellation and Decommission request. The Qwest/CLEC Forum meetings will continue as we work together to revamp the Change of Responsibility product offering procedures. Successful resolution was achieved for those items addressed in the Decommission Change Request Form. Your efforts were instrumental in this partnership effort.

The following is a summary of the issues identified in the Decommission Change Request Form and the resolution for each: AT&T objected to process changes unilaterally without input from AT&T. Qwest committed to participate in a joint effort to review the Cancel, Decommission, and Change of Responsibility product offerings with CLEC industry and met that commitment. AT&T objected to the requirement to submit a certified letter stating that AT&T customers were notified of the disconnect or move. Qwest agreed to modify the process and allow both the application and confirmation notice to be sent electronically to the rfsmet@qwest.com mailbox. AT&T objected to the requirement that 100% payment of any outstanding financial obligation must be met in order to terminate billing of recurring charges. Qwest modified the procedures to state that financial obligations must be met with respect to the collocation site that is being decommissioned only. We further defined the financial obligations to include all non-recurring and monthly recurring charges must not be greater than thirty (30) days past due. AT&T objected to when the monthly recurring charges would cease. Qwest agreed that the billing end date will coincide with the date of a valid Decommission Application submit date. AT&T felt that they should be entitled to some monies for reimbursable elements at the Decommission site. Qwest agreed that a CLEC would be eligible for reimbursement on the re-usable elements for up to one (1) year from the Decommission Application submit date.

The following is the implementation schedule for the revised Cancellation and Decommission procedures: 11/15/01 - CMP Notification 12/01/01 - CLEC Review Period 12/15/01 - Revised Cancellation and Decommission procedures posted on the Collocation PCAT 01/01/02 - Effective date for the revised Cancellation and Decommission procedures

In summary, Qwest believes that we have satisfied your concerns regarding the Decommission and Cancellation procedures and therefore are considering this Change Request closed.

Sincerely,

Steve Nelson Group Collocation Product Manager



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Information Current as of 10/9/2006

[http://www.qwest.com/wholesale/downloads/2002/020110/CMP\\_Redesign\\_Meeting\\_Nov\\_27-29\\_Final\\_Minutes-01-08-02.doc](http://www.qwest.com/wholesale/downloads/2002/020110/CMP_Redesign_Meeting_Nov_27-29_Final_Minutes-01-08-02.doc)

## **FINAL MEETING MINUTES**

**CLEC – Qwest Change Management Process Re-design  
Tuesday, November 27 thru Thursday November 29, 2001 Working Session**  
1801 California Street, 23<sup>rd</sup> Floor, Executive Conference Room, Denver, CO  
Conference Bridge: 1-877-847-0304, passcode 7101617#

**NOTE:** These are FINAL meeting minutes Qwest developed following the three day working session. Draft minutes were circulated to the CMP Re-design Core Team Members on Dec. 7, 2001. As of January 8, 2002, no comments were received from the meeting attendees.

## **INTRODUCTION**

The Core Team (Team) and other participants met November 27th through November 29th to continue with the Re-design effort of the Change Management Process. Following is the write up of the discussions, action items, and decisions in the working session. The attachments to these meeting minutes are as follow;

## **ATTACHMENTS**

Attachment 1: CMP Re-Design November 27 – 29, 2001 Attendance Record  
Attachment 2: CMP Re-Design Meeting November 27 – 29, 2001 Notice and Agenda – 11-20-01  
Attachment 3: CMP Redesign Meeting November 28 – 29, 2001 Revised Agenda – 11-27-01  
Attachment 4: CMP Re-Design Meeting November 29, 2001 Revised Agenda – 11-28-01  
Attachment 5: CMP Re-Design Issues and Action Log – Revised 11-19-01  
Attachment 6: Qwest Proposed Interface Testing Language - Revised 11-27-01  
Attachment 7: Qwest Proposed Production Support - Revised 11-27-01  
Attachment 8: IT Wholesale Systems Help Desk Severity levels 11-27-01  
Attachment 9: 10.0 Regulatory with PID References 11-15-01  
Attachment 10: Schedule of CMP Re-design Working Sessions - Revised 11-29-01  
Attachment 11: Qwest Initiated Product Process CR Initiation Process - Revised 10-3-01  
Attachment 12: NOT CLEC Impacting 11-26-01  
Attachment 13: Change Management Process Improvements 11-26-01  
Attachment 14: Master Redlined CLEC-Qwest CMP Re-design Framework - Revised 11-29-01  
Attachment 15: IT CR Flow Diagram - Qwest 11-28-01

stated that the CLECs couldn't comment on the changes if they cannot see them. There was further discussion of the OSS testing procedures and the way that McNa affected the changes to the documentation.

Menezes-AT&T stated that he was confused about why Qwest couldn't understand what had been written in the interim process. He stated that the CLECs wanted everything redlined or highlighted and included in a historical log. He asked why this wasn't currently being done. Schultz-Qwest stated that this was not currently being done because the subcommittee defined changes that were not part of the workshops. Clauson-Eschelon stated that she had stated in the first subcommittee meeting that all language agreed to in a subcommittee had to be brought back through a formal CMP Redesign meeting. She stated that the subcommittee meeting only formed tentative language. She stated that she was unhappy that Qwest had implemented a tentative process that the CMP Redesign team had not approved.

The discussion then turned to Eschelon's concern that the interim process was broken because Qwest had introduced the additional testing CR. Schultz-Qwest stated that the CR was submitted to CLECs in good faith since Qwest felt it may be CLEC impacting, but was not expressly included in the list of four items. Clauson-Eschelon repeated her concerns with the additional testing CR and stated that Qwest was out of process. Schultz-Qwest stated that under the current process Qwest had the option of noticing CLECs of the change and implementing it. Menezes-AT&T stated that Qwest was breaking contractual obligations and restructuring contractual agreements without negotiations. Clauson-Eschelon asked how the team could keep a situation like the additional testing CR from happening again. Zulevic-Covad stated that any CR which Qwest submitted which had contractual impacts should state that its implementation did not override contractual obligations. Bahner-AT&T stated that she wanted to discontinue all subcommittees and bring all issues to the CMP Redesign team. Clauson-Eschelon stated that nothing should be implemented based on subcommittee action.

After a short break the meeting resumed with Schultz-Qwest requested the CLECs to explain why the interim process was for only changes which result from the workshops or OSS testing. She continued that if this were the case, all other issues would be handled under the existing CMP, and why, if that were the case did the "CLEC altering" list contain TN changes, for example, which clearly were not workshop related. Menezes-AT&T stated that he was not satisfied with the way the current CMP forced CLECs to dispute resolution if their CRs were denied. Zulevic-Covad asked why the additional testing CR wasn't managed through the same collaborative process as the collocation decommissioning CR was. He explained that the collocation CR had been submitted by AT&T in response to a Qwest notification. Steve Nelson-Qwest had met with the CLECs to discuss the CR, and asked them for ideas to handle the decommissioning. A collaborative proposal was developed and managed through CMP as a CR. He further explained that if any CLEC was not satisfied with the agreement, they were allowed to negotiate a separate agreement to their contract. Clauson-Eschelon stated that this is not a good model because it began with Qwest issuing a notice, when Qwest should have issued a CR. Clauson-Eschelon stated that Qwest should bring each product change it wishes to make to the CLECs as a CR for their comment. She stated that Qwest should have to request a change, rather than making an announcement. She stated that CLECs should have the option of denying Qwest CRs. Quintana-PUC asked how this was different from the current CR process. Clauson-Eschelon stated that under the current process CLECs couldn't veto Qwest CRs. Schultz-Qwest stated that the difference is that systems CRs are prioritized and product/process CRs are not. She explained that Qwest has never committed to stop doing business or allow CLECs to reject or deny Qwest CRs. Clauson-Eschelon stated that once Qwest agreed to submit CRs for product/process changes it was a fair assumption that Qwest would allow CLECs to accept or deny them. Quintana-PUC asked what the difference was between a notice and a CR. Schultz-Qwest stated that a CR gives CLECs 45 days advance notice of a pending change and solicited their comments. Clauson-Eschelon stated that CLECs believed they would have denial privileges. Wicks-Allegiance stated that the CLECs also want dialogue to modify the elements of a Qwest CR. Menezes-AT&T stated that he felt Qwest and CLEC CRs were handled differently,

because Qwest can deny CLEC CRs in both the product/process and systems arenas and CLECs cannot deny a Qwest CR. Schultz-Qwest stated that she wanted to see some definition around what was not CLEC altering. Clauson-Eschelon suggested that all Qwest changes become CRs. Schultz-Qwest asked the Team to come up with a list of those changes that would require notification only. Quintana-PUC stated that she thought the Team could close the process and list today. Schultz-Qwest stated that Qwest had issues with CLEC denial of product/process CRs and suggested that the Team work to get more clarity around the notification list. Clauson-Eschelon stated that she wanted to see the redlining expanded. She asked if she could get a commitment from Qwest to the current interim process. Schultz-Qwest stated that the Team had identified gaps in their collective understanding. She stated it would take some time to clarify within Qwest what would get redlined. McNa-Qwest stated that anything that Qwest is adding is going on the notification form. She stated it would be confusing with multiple versions of a document in the holding tank. Clauson-Eschelon stated that she wanted the process to be easy for CLECs to use and asked that a definition of the specific changes be included in the notice. Schultz-Qwest explained the versioning process and the time intervals involved. She stated that Qwest was looking to CLECs for a list of changes Qwest could just send a notice on without redlining. Clauson-Eschelon asked if all substantive changes would be redlined in the future. Schultz-Qwest stated that she would discuss the issue with Sue McNa over lunch and bring an answer back. The meeting broke for lunch.

After lunch the Team agreed to discuss the documentation history log. Schultz-Qwest stated that during lunch she had communicated with Sue McNa. She explained the CLECs' underlying need was to have a clear delineation of what has changed. Schultz proposed that all changes would be tracked in the Historical Tracking Log. She stated small changes (in terms of size, not substance) could be redlined within the notification letter, and only large changes would be redlined in the holding tank. Wicks-Allegiance stated that Schultz's proposal sounded good as long as the Team agreed that any change could alter CLEC operating procedures and the timing would need to be scheduled accordingly. Clauson-Eschelon stated that the key was the format of the notification. She stated that the notice must be more detailed and clearly define what the changes were. Wicks-Allegiance stated that three to four page notices would be acceptable. Wicks-Allegiance stated that a history log entry would suffice for typo corrections and that all changes should be captured in the history log. Schultz-Qwest suggested that for changes that did not alter the meaning that Qwest include an entry in the history log but not notice the CLECs or redline the document. She suggested that changes that did not alter the meaning would include misspellings, punctuation mark errors, repeated word errors, renumbering to correct a typo, and correction of incorrect capitalization.

The Team next discussed the Qwest document versioning process and the impacts of changes on multiple versions in the holding tank.

The Team then discussed the format of the history log. The team agreed that the history log would be placed at the beginning of the document.

Clauson-Qwest stated that she was concerned that Qwest was making changes due to OSS tester questions and not noticing the CLECs. She asked if there were any situations where some changes became effective immediately. Schultz-Qwest stated that she could not adequately respond to this question now. She stated that Qwest would not intentionally implement a change that would affect the CLECs without notifying the CLECs. She stated that if Qwest felt a need to make a change like this Qwest would invoke the exception process. Clauson-Eschelon stated that if Qwest was not sure if a change was CLEC altering it should submit a CR. Schultz-Qwest stated that there was no documented process to capture what Clauson just stated. She explained that this was why she had been pushing to get clarity around what is CLEC altering. Clauson-Eschelon stated that Qwest must do its best to determine what is CLEC altering. She stated that Qwest should submit a CR for everything Qwest determines, using its best judgement, alters CLEC operating procedures. Clauson-Eschelon stated that she wanted the list of four CLEC altering items removed from implementation immediately and for Qwest to use common

**NO CLEC FORUMS HELD SINCE 2003**

***COMPARE:***

**Albersheim MN Surrebuttal, p. 9, lines 13-17:**

**Q. ARE THERE ANY FACTUAL ERRORS IN ESCHELON'S DISCUSSION OF NEGOTIATION LANGUAGE?**

A. . . .Ms. Johnson's claim that Qwest has not held a CLEC Forum since June 2003 is also not correct. The last forum was held in June of 2005, and was repeated in July of 2005. Admittedly, the forum venue has changed. Qwest can no longer afford to host CLEC representatives at a hotel, such as the site of the forum in 2003. Instead, the last forum was conducted via conference call."

***WITH:***

Qwest's own Wholesale Calendar (attached as the following page), which shows that, according to Qwest's records, the last CLEC Forum was held in June 2003.

The screenshot shows a Windows Internet Explorer browser window displaying the Qwest Wholesale Event Calendar search results. The browser's address bar shows the URL <http://www.qwest.com/wholesale/calendar/searchResults>. The page header includes the Qwest logo and navigation tabs for WHOLESALE, PRODUCTS & SERVICES, CUSTOMER SERVICE, and MANAGE MY ACCOUNT. The main content area is titled "WHOLESALE" and features a "Resources" sidebar on the left and a "Wholesale Calendar" section on the right. The "Wholesale Calendar" section displays "Search Results" with a list of dates and corresponding forum links. The footer contains legal notices and copyright information.

**Resources**

- CMP
  - General & Contact Information
  - Calendars & Meeting Material
  - Change Requests (CRs)
  - Document Review
    - Product/Process Archive
    - Systems Archive
  - Oversight Comm & Escalation/Disp
  - Customer Notification Letter Archive (CNLA)
  - Related Links

**Wholesale Calendar**

**Search Results** [back to calendar](#)

July 27, 2006 8:00 AM MT	<a href="#">Qwest Wholesale Wireless Forum</a>
July 26, 2006 6:30 PM MT	<a href="#">Qwest Wholesale Wireless Forum</a>
July 28, 2006 8:00 AM MT	<a href="#">Qwest Wholesale Wireless Forum</a>
June 29, 2005 8:30 AM MT	<a href="#">Qwest Whsl Provisioning Forum</a>
July 12, 2005 11:30 AM MT	<a href="#">Qwest Whsl Provisioning Forum</a>
January 06, 2004 9:00 AM MT	<a href="#">Batch Hot Cut Forum</a>
January 07, 2004 8:00 AM MT	<a href="#">Batch Hot Cut Forum</a>
January 08, 2004 8:00 AM MT	<a href="#">Batch Hot Cut Forum</a>
May 13, 2004 9:00 AM MT	<a href="#">Loop Qual CLEC Tech Forum</a>
June 16, 2003 12:00 AM MT	<a href="#">Qwest CLEC Forum</a>
June 17, 2003 8:00 AM MT	<a href="#">Qwest CLEC Forum</a>
June 18, 2003 8:00 AM MT	<a href="#">Qwest CLEC Forum</a>
June 19, 2003 8:00 AM MT	<a href="#">Qwest CLEC Forum</a>
September 16, 2002 8:00 AM MT	<a href="#">Qwest CLEC Forum</a>
September 17, 2002 8:00 AM MT	<a href="#">Qwest CLEC Forum</a>
May 13, 2002 8:00 AM MT	<a href="#">Qwest CLEC Forum</a>
May 14, 2002 8:00 AM MT	<a href="#">Qwest CLEC Forum</a>
January 14, 2002 8:00 AM MT	<a href="#">Qwest CLEC Forum</a>
January 15, 2002 8:00 AM MT	<a href="#">Qwest CLEC Forum</a>
April 30, 2002 8:00 AM MT	<a href="#">Wholesale Repair Mini-Forum</a>
May 01, 2002 8:00 AM MT	<a href="#">Wholesale Repair Mini-Forum</a>
May 02, 2002 8:00 AM MT	<a href="#">Wholesale Repair Mini-Forum</a>
December 14, 2001 8:00 AM MT	<a href="#">Qwest Interim Repair Forum</a>
February 06, 2002 8:00 AM MT	<a href="#">Collocation Procedure Forum</a>
May 08, 2001 8:00 AM MT	<a href="#">Unbundled Loop Forum</a>
February 28, 2007 4:00 PM MT	<a href="#">Reseller Solutions Forum</a>

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