# Open Product/Process CR PC121106-1 Detail

**Title: Grandfathering ADSL Compatible UBL**

| CR Number | Current Status Date | Area Impacted | Products Impacted |
|---|---|---|---|
| **PC121106-1** | Completed 3/21/2007 | Ordering | Unbundled Loop |

**Originator:** Buckmaster, Cindy

**Originator Company Name:** Qwest Corporation

**Owner:** Buckmaster, Cindy

**Director:** Coyne, Mark

**CR PM:** Esquibel-Reed, Peggy

## Description Of Change

REVISED 1/17/2007:

Removing ADSL Compatible UBL from the Negotiations Template for future contract negotiations. See attached minutes from previous CR (PC102704-1ES). The NC/NCI Combinations to be grandfathered include: 02QB9.00A/02DU9.00A, 02QB9.01A/02DU9.01A, 02QB9.00C/02DU9.00C, 02QB9.01C/02DU9.01C.

This change is being made consistent with Qwest's implementation of FCC Report and Order and NPPR, FCC 05-150 Adopted: 8/5/05 Released: 9/23/05

105. In so concluding, we reject arguments that companies using their own facilities to provide wireline broadband Internet access service simultaneously provide a telecommunications service to their end user wireline broadband Internet access customers.326 The record demonstrates that end users of wireline broadband Internet

access service receive and pay for a single, functionally integrated service, not two distinct services.327 This conclusion also is consistent with certain past Commission pronouncements that the categories of 'information service' and 'telecommunications service' are mutually exclusive.328 Moreover, the fact that the Commission has, up to now, required facilities-based providers of wireline broadband Internet access service to separate out a telecommunications transmission service and make that service available to competitors on a common carrier basis under the Computer Inquiry regime has no bearing on the nature of the service wireline broadband Internet access service providers offer their end user customers.329 We conclude now, based on the record before us, that wireline broadband Internet access service is, as discussed above, a functionally integrated, finished product, rather than both an information service and a telecommunications service.

106. Finally, some parties argue (without clearly distinguishing between the transmission component as a wholesale input and transmission used to provide the information service to the end user) that Commission precedent mandates that we classify the transmission underlying wireline broadband Internet access as a telecommunications service.330 We disagree. As an initial matter, as the Supreme Court held in relation to the transmission underlying cable modem service, 'the Commission is free within the limits of reasoned interpretation to change course if it adequately justifies the change.'331 The Court acknowledged the Commission's ability to respond to changed circumstances and market conditions, factors which serve as the basis for the actions we take in this Order.332 The previous orders upon which commenters rely assumed, correctly in each instance, that the offering of DSL transmission on a common carrier basis was a telecommunications service.333 These decisions, however, did not address the important threshold public interest issue we address in this Order - whether this broadband transmission component must continue to be offered to competing providers of facilities-based wireline broadband Internet access service on a common carrier basis. And as we explain above, the current record does not support a finding or compulsion that the transmission component of wireline broadband Internet access service is a telecommunications service as to the end user.334

Qwest alternatively offers the 2-wire non-loaded Unbundled Loop already available in Qwest's Wholesale Product family.

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ORIGINAL 12/11/2006:

Limiting the Availability and Applicability or functionality of an existing product or existing feature.

| Date | Action | Description |
|---|---|---|
| 12/11/2006 | CR Submitted | |
| 12/11/2006 | CR Acknowledged | |
| 12/14/2006 | Discussed at Monthly CMP Meeting | Discussed in the December Monthly Product Process CMP Meeting. |
| 12/19/2006 | Communicator Issued | PROD.12.19.06.F.04410.Grandparent_ADSL (Level 4) |
| 1/17/2007 | Record Update | Received Revision To CR Description. |
| 1/18/2007 | Communicator Issued | PROD.01.18.07.F.04457.QwestDelayResp_UBL_ADSL (Level 4) |
| 1/17/2007 | Discussed at Monthly CMP Meeting | Discussed in the January Monthly Product Process CMP Meeting. |
| 2/5/2007 | Communicator Issued | PROD.02.05.07.F.04491.ReNotice_Grandparnt_ADSL (Level 4 Re-Notice & Qwest Response to Comments) |
| 2/21/2007 | Discussed at Monthly CMP Meeting | Discussed in the February Monthly Product Process CMP Meeting |
| 3/2/2007 | Communicator Issued | PROD.03.02.07.F.04536.Final_ADSL_Grandparenting (Level 4) |
| 3/21/2007 | Discussed at Monthly CMP Meeting | Discussed in the March Monthly Product Process CMP Meeting |

## Project Meetings

March 21, 2007 Product Process CMP Meeting: Peggy Esquibel Reed-Qwest stated

that a Level 4 had gone out on December 19, 2006, the delayed response notice on January 18, 2007, the Level 4 re-notice on February 5th, and the Final Notice with the Qwest response to comments on March 2nd. Peggy then noted that this change was effective on March 19, 2007 and stated that Qwest would like to close the CR. There was no objection to the closure request.

- February 21, 2007 Product Process CMP Meeting: Peggy Esquibel Reed-Qwest stated that the Level 4 re-notice had been sent on February 5th and that 2 comments had been received. Peggy noted that the Qwest Response to Comments would be available on March 2nd and that the proposed effective date is March 19th. There were no questions or comments brought forward. This CR is in Development Status.

- January 17, 2007 Monthly CMP Meeting Discussion: Mark Coyne-Qwest stated that this CR was discussed in December. Cindy Buckmaster-Qwest stated that Qwest received a number of comments and wants to address them. Cindy stated that she thought that everyone understood this effort and then received the comments. Cindy stated that it appears to still be unclear and apologized. Cindy asked if there were any questions before she starts going over the comments. There were no questions brought forward. Cindy stated that there are 2 pieces – she offered to start with general comments then specifically address CLEC respondents. General Comments: Qwest currently offers Unbundled Loop products and the ADSL Compatible UBL product cited in this CR is a type of Unbundled Loop. Cindy stated that there is a similar product, 2-wire non-loaded Unbundled Loop. On the ADSL Compatible UBL, Cindy stated that Qwest ran the loop request through an algorithm and it was limiting to locations where Qwest provisioned DSL. In contrast, 2-wire non-loaded loops will allow DSL nearly anywhere you want. The ADSL Compatible UBL was originally created in order for CLECs to use the same stringent algorithm that Qwest uses. That algorithm limits availability of DSL to customers that are within certain distances from the Central Office, don't have facilities with certain equipment on them, and don't have significant other influences on the line. On the other hand, the 2-Wire Non-Loaded UBL was originally created in order for CLECs to avoid the stringent algorithm that Qwest uses. This less stringent process allows availability of DSL capability to CLECs all the way up to the ANSI standard limitations without additional limiters. This product provides more flexibility for the capability of more current or stronger CLEC equipment capability. Per the Broadband Order, Broadband was moved from a Title 1 product to a Title 2 product. DSL is no longer a telecom product. It is a data product which is outside the telecom scope. It is up to the provider to decide whether or not it wants to be in the DSL market. This is applicable only to Qwest DSL and Qwest decided to provide it under a separate agreement for both Retail and Wholesale including the Commercial agreement available for UNE-P/QPP/QLSP, there is no impact to 2-wire non-loaded. DSL is no longer under the Tariff and Commercial Agreements will be needed. Qwest will no longer provide its DSL service via the Tariff and will remove the capabilities for the more stringent algorithm from its systems. Therefore, it is proposing that CLECs, who have more current DSL equipment, would still have the same (even better) capability to get qualification for DSL via the 2-Wire Non-Loaded UBL. Qwest will not make any changes to CLECs who currently have a

contract that includes provisions for the ADSL Compatible UBL. Qwest will not make any changes to contracts that are currently in negotiations in which this item is already available. Qwest will only remove the ADSL Compatible UBL from its family of UBL products that will be available at the expiration of your current contract. Qwest will not require you to disconnect any ADSL Compatible UBLs already in effect and will maintain those circuits until you disconnect or convert those services to a different product. Review of CLEC Respondents: Cindy then began the review of the submitted comments and noted that Cbeyond and ComspanUSA had submitted comments and are not in attendance. Cindy then stated that the Covad and Eschelon comments were pretty much the same. Comment submitted by Covad: Covad objects to this change request at this time. Qwest has not identified the specific circuit types affected and has not provided sufficient information from which those circuit types could be identified. Moreover, Qwest has not identified a sufficient legal or other basis to support the change request. Qwest is required to provide ADSL compatible loops to Covad pursuant to its effective interconnection agreements and other effective agreements as well pursuant to applicable law. Accordingly, Covad requests the following information from Qwest: 1. Identify the circuit type(s) affected by or identified in the change request ("Affected Circuits") including, without limitation, the NC/NCI codes, and all other circuit identification Qwest maintains in its records for the Affected Circuits. RESPONSE: The NC/NCI Combinations include: 02QB9.00A/02DU9.00A, 02QB9.01A/02DU9.01A, 02QB9.00C/02DU9.00C, 02QB9.01C/02DU9.01C. Covad comment continued: 2. State whether Qwest will accept orders for the Affected Circuits under the current and effective interconnection agreements, commercial line sharing agreement or any other applicable agreements between Qwest and Covad, notwithstanding the proposed grandfathering identified in the change request. RESPONSE: Yes, if your contract is still in effect. When the contract expires, we will renegotiate for 2-wire non-loaded UBL and it will be the same facility. There is no impact to what we are doing today. Bonnie Johnson-Eschelon stated that on a previous call it was said that if an ICA was currently being renegotiated, this would be included. Bonnie asked for confirmation. Cindy Buckmaster-Qwest said yes. Covad comment continued: 3.Identify the date after which Qwest will no longer accept orders for the Affected Circuits. RESPONSE: After the effective date of the new contract. Covad comment continued: 4. If the answer to any part of question 2 is no then, (a) identify all agreement(s) between Covad and Qwest under which Qwest will not provision the Affected Circuits after a date certain if the change request becomes effective;and (b) identify all terms and conditions of those agreements, if any, under which Qwest claims it has a right to refuse to accept orders for the Affected Circuits after a date certain if the change request becomes effective. RESPONSE: After the effective date of the new contract, and will renegotiate for 2/4-wire non-loaded UBL. There is no impact to what is currently occurring. Greg Diamond-Covad asked in regard to the template language, if Qwest would make available on an ICA amendment to implement. Cindy Buckmaster-Qwest stated that the templates are available on www.qwest.com and noted that the negotiations templates are constantly going through changes. Greg Diamond-Covad asked if the posted template is the up-to-date template for up-to-date agreements. Cindy Buckmaster-Qwest said yes. Greg Diamond-Covad asked to

confirm that for the identification of the circuit types, Covad looked and asked if the circuit types were those in Tech. Pub. 77384, page 321, table 3-14, and at the bottom. Posted there are four circuit types under ADSL compatible loops and asked if those were the effected circuits and asked if there were any others. Cindy Buckmaster-Qwest stated that was the exact spot (in Tech. Pub. 77384) and stated that there were no others. Greg Diamond-Covad asked for the difference between ADSL compatible UNE-L and 2/4 wire UNE-L and asked if they were substantially different. Cindy Buckmaster-Qwest stated that they were physically identical. Greg Diamond-Covad asked to confirm that the only thing that Qwest is doing is no longer making available the algorithm that tests circuits, to Qwest's standards. Cindy Buckmaster-Qwest said yes. Greg Diamond-Covad the asked for the technical reason. Cindy Buckmaster-Qwest stated that the reasons are that Qwest moved the product off the platform, moved it to a new platform, the broadband order, and due to new technology. Greg Diamond-Covad asked if Qwest's standard is more stringent then that of a 2/4 wire non-loaded loop. Cindy Buckmaster-Qwest said yes. Greg Diamond-Covad asked to confirm that Qwest is not delisting a UNE-L; Qwest is simply saying that Qwest will not test certain types under the more stringent algorithm. Cindy Buckmaster-Qwest stated that the NC-NCI codes drive it to the algorithm. Qwest IS delisting that set of NC/NCI codes that point to the old algorithm. Greg Diamond-Covad asked why and asked if it is historical that NC-NCI's that are assigned drive it to the algorithm. Cindy Buckmaster-Qwest stated yes and noted that it is due to parity. Greg Diamond-Covad asked if the circuit was more then 13,000 feet, it does not mean that Covad couldn't provide DSL. Cindy Buckmaster-Qwest confirmed that it does not mean that Covad couldn't. Covad comment continued: 5.Identify with specificity all laws, rules, regulations, commission decisions, regulatory agency decisions, court decisions or the decisions of any other tribunal or authority upon which Qwest relies upon to support the change request including, without limitation, full citations to the specific sections, paragraphs, subsections,subparagraphs, footnotes, notes, comments, remarks, recitations, page numbers or other writings in such laws, rules, regulations and decisions that Qwest relies upon to support the change request. RESPONSE: FCC Report and Order and NPPR, FCC 05-150. Adopted 8/5/05 and Released 9/23/05. The following paragraphs: (Comments to minutes received from Eschelon 1/26/07) – The following paragraphs are provided in response to the comments, however, were not discussed on the call. 105. In so concluding, we reject arguments that companies using their own facilities to provide wireline broadband Internet access service simultaneously provide a telecommunications service to their end user wireline broadband Internet access customers. 326 The record demonstrates that end users of wireline broadband Internet access service receive and pay for a single, functionally integrated service, not two distinct services. 327 This conclusion also is consistent with certain past Commission pronouncements that the categories of "information service" and "telecommunications service" are mutually exclusive. 328 Moreover, the fact that the Commission has, up to now, required facilities-based providers of wireline broadband Internet access service to separate out a telecommunications transmission service and make that service available to competitors on a common carrier basis under the Computer Inquiry regime has no bearing on the nature of the service wireline

broadband Internet access service providers offer their end user customers. 329 We conclude now, based on the record before us, that wireline broadband Internet access service is, as discussed above, a functionally integrated, finished product, rather than both an information service and a telecommunications service. Paragraph 106: Finally, some parties argue (without clearly distinguishing between the transmission component as a wholesale input and transmission used to provide the information service to the end user) that Commission precedent mandates that we classify the transmission underlying wireline broadband Internet access as a telecommunications service. 330 We disagree. As an initial matter, as the Supreme Court held in relation to the transmission underlying cable modem service, "the Commission is free within the limits of reasoned interpretation to change course if it adequately justifies the change." 331 The Court acknowledged the Commission's ability to respond to changed circumstances and market conditions, factors which serve as the basis for the actions we take in this Order. 332 The previous orders upon which commenters rely assumed, correctly in each instance, that the offering of DSL transmission on a common carrier basis was a telecommunications service. 333 These decisions, however, did not address the important threshold public interest issue we address in this Order – whether this broadband transmission component must continue to be offered to competing providers of facilities-based wireline broadband Internet access service on a common carrier basis. And as we explain above, the current record does not support a finding or compulsion that the transmission component of wireline broadband Internet access service is a telecommunications service as to the end user. 334. Covad comment continued: 6.Produce copies of any and all documents in Qwest's possession or control not otherwise publically available on www.qwest.com relating to the change request and/or the subject matter of the change request. RESPONSE: Can attach to the meeting minutes or point to the website. Lynn Oliver-Covad stated that she would let Qwest know if it is still requested. Covad comment continued: 7. Identify the name(s) of all agents, contractors, representatives or employees of Qwest that have had or currently have any direct or indirect involvement with the change request and/or the subject matter of the change request. Lynn Oliver-Covad stated that Covad would get back to Qwest on this one as well. END COVAD COMMENTS. Comment Received from Eschelon: Eschelon objects to Qwest's change request. Qwest needs to provide ADSL compatible loops under the Commission's and FCC's rulings as well as the ICA. RESPONSE: Cindy Buckmaster-Qwest stated that Qwest is continueing to provide under an ICA and stated that she could not find where ADSL Compatible Loop is required. Cindy then asked if Eschelon could point her to where that requirement is. Bonnie Johnson-Eschelon stated that she would check into and get back with Qwest. Eschelon comment continued: If CLEC orders a clean copper pair, Qwest needs to deliver a clean copper pair. RESPONSE: Qwest provides and is aavailable via a 2/4-wire non-loaded loop and is physically the same, it is just not run through the algorithm. Greg Diamond-Covad asked if Qwest would run the algorithm if a CLEC requested Qwest to do so. Cindy Buckmaster-Qwest stated that she believed not, because of the old platform and would have to look at how that would work and how much the funding would be. Cindy stated that it would likely be out of the scope of this CR. Greg Diamond-Covad noted that in the Tech. Pub. For ADSL Compatible Loop, it

states that the circuit would be run through an algorithm but that it was not a separate circuit at all. Cindy Buckmaster-Qwest said that was absolutely correct. Cindy then stated that it is compatible but that it is based on the equipment that the customer is using and that Qwest had no control over the customer's equipment. Cindy stated that it runs the same and that the CLEC would control how it works based on their equipment. Eschelon comment continued: Qwest cited no authority saying it need not do so (and it provided insufficient information to know how this would be affected). Qwest is still providing a line to its own customers, just as it needs to provide a loop to us. If Qwest choosesnot to place DSL over that pipe for its own customers, that does not prevent CLECs from choosing to do so for their own on-net customers. RESPONSE: Correct. Qwest is still providing via 2/4 wire non-loaded loop. Bonnie Johnson-Eschelon asked if all of this information would be in the meeting minutes. Cindy Buckmaster-Qwest said yes. Eschelon comment continued: One of the purposes of the Act was to allow choices and diversity. Qwest needs to continue to provide that ADSL compatible loop to CLECs. RESPONSE: Cindy Buckmaster-Qwest asked Eschelon to point her to where this requirement is stated. Greg Diamond-Covad asked that if Covad were to order Qwest Resale DSL, under the Commercial High Speed Internet, if the circuits would get run through the algorithm. Cindy Buckmaster-Qwest stated that they would be run under some algorithm as Qwest HSI. Greg Diamond-Covad asked if it would be as stringent as the current algorithm. Cindy Buckmaster-Qwest stated that she would need to refer that question to the Retail arm. Greg Diamond-Covad stated that he would also ask Cliff Dinwiddie (Qwest). Eschelon comment continued: If Qwest is claiming that there is a change of law, then Qwest needs to use the change of law provisions of the ICAs and, for new ICAs, provide the basis for its position in negotiations. The notice contains very little informatio!n, and Qwest was unable to provide additional detail at the recent CMP meeting. Qwest said at the meeting that this change will not affected ICAs in arbitration and Qwest will not re-open closed language (so ADSL will be available under those negotiated/arbitrated ICAs), but Qwest's notice and proposed PCAT change do not include this statement. RESPONSE: Cindy Buckmaster-Qwest stated that she has been the only person speaking to this and that she thought that everyone had an understanding of this effort. Cindy asked if there were additional questions, to please bring them forward and ask them now. Cindy then stated that the intent is that the contracts under renegotiations are not subject to this change (Comments to minutes from Eschelon 1/26/07 - if the language is closed.) Bonnie Johnson-Eschelon said thank you. Cindy Buckmaster-Qwest stated that there is a footnote in the new template that says that the existing Resale Qwest DSL service was grandfathered effective January 28, 2006 and will not be available as a new service. Likewise, ADSL compatible UBL is not available in new contracts executed on the Negotiations Template after xx/xx/xx. CLECs who sign the new contract will be able to maintain their existing ADSL Compatible UBLs until they are disconnected. No new ADSL Compatible UBLs can be ordered under this new contract. For information on alternative UNE products, contact your Qwest Sales Executive. Cindy noted that the x's for the dates are because the date is depends on when a CLEC signs the contract and that the date will be different for all. Cindy said that Qwest made available as 2-wire non-loaded loop and then stated that she was open

to modifying the CR. Kim Isaacs-Eschelon asked if Cindy was referring to the template that is posted on the Qwest web site. Cindy Buckmaster-Qwest stated that the template currently has ADSL Compatible loops in it and will be updated at the next posting. Cindy isn't personally responsible for posting so is unaware of when that will take place. None-the-less, until the new template posts, CLECs who have a need to negotiate from the current template will be allowed to continue to offer ADSL Compatible UBLs. Bonnie Johnson-Eschelon asked that if they use the template or not, when they started negotiations, if it was available, if it would stay. Cindy Buckmaster-Qwest said Negotiations generally begin with the template. If the product is in that template - yes. Greg Diamond-Covad asked if Qwest could document the clarity of what is happening, needs some record with clarity of what is happening today, with detail of the 4 NC-NCI codes. Cindy Buckmaster-Qwest stated that the information would be published within the meeting minutes. Greg Diamond stated that the meeting minutes would be a good place to do that. Bonnie Johnson-Eschelon noted (Comments to minutes received from Eschelon 1/26/07 in response to Cindy Buckmaster's comment above to ask question today) that this is a forum for questions but this is dealing with issues that are more technically complex; legal and negotiations. Bonnie stated that all took the information back and that is what prompted these questions. Bonnie stated that she may have more questions after today. Cindy Buckmaster-Qwest said okay. Eschelon comment continued: When Integra requested additional information at the CMP meeting, Qwest said it would provide more information, but did not commit to doing so before or even within the comment period. Eschelon has also, since then, requested additional information, including the NC/NCI codes that would be affected. Qwest has provided insufficient information for full comment. RESPONSE: Cindy Buckmaster-Qwest stated that she was not aware of what Integra requested that was not provided and noted that the NC-NCI codes have been discussed. Cindy asked Eschelon to provide specific information as to what was not provided. Kim Isaacs-Eschelon stated that it would have been to get the NC-NCI codes in the CR, which is what Sheila Harris (Integra) asked for in last months meeting. Cindy Buckmaster-Qwest stated that she was not aware of the request and stated that she would modify the CR to include the NC-NCI codes. Sheila Harris-Integra stated that she would appreciate that. Kim Isaacs-Eschelon asked if it was possiblt to re-notice so they could submit comments. Cindy Buckmaster-Qwest stated that we could discuss that at the end of this discussion. Eschelon comment continued: In addition, Qwest has chosen to distribute this notice over the holidays, when it is known that many individuals, including many at Qwest, are unavailable. This creates the appearance that Qwest is attempting to avoid a full and fair comment opportunity. To the extent t!hat Qwest continues to pursue this through CMP, Qwest should w!ithdraw this notice and renotice this CR in the new year with more detailed information, including a statement about negotiated/arbitrated ICAs including ADSL compatible loops and providing the affected NC/NCI codes, and allow a comment period after that new notice,so CLECs have information upon which to provide informed comment. RESPONSE: Cindy Buckmaster-Qwest stated that there was no malicious intent to cram the timeframe. END ESCHELON'S COMMENTS. Recived Comment from Integra: Integra Telecom supports the comments filed earlier today by Eschelon and Cbeyond and therefore

strongly objects to the proposed change. RESPONSE: Cindy Buckmaster-Qwest asked if Sheila Harris (Integra) got answers to her concerns. Sheila Harris-Integra said yes, with the NC-NCI codes. END INTEGRA COMMENT. Cindy Buckmaster-Qwest stated that a comment was submitted by McLeod and noted that they were not in attendance in this meeting. Sheila Harris-Integra stated that McLeod is the third company that is not on this call and asked if Cindy could still share the information with the todays call participants. Received Comment from McLeod: McLeodUSA objects to this change request. Qwest has not provided any justification for their removal of this unbundled loop as a service offering. Providing XDSL loops is required per the TRRO. RESPONSE: Cindy Buckmaster-Qwest stated that this is just another DSL type of loop and that Qwest is just eliminating this type of loop. END MCLEOD COMMENT. Received XO Comment: XO has reviewed the proposed change as well as the comments made by Eschelon and Cbeyond. XO opposes Qwest's proposed changes on the same grounds as stated by Eschelon and Cbeyond in their comments. RESPONSE: Cindy Buckmaster-Qwest stated that this has been addressed. END XO COMMENT. Cindy Buckmaster-Qwest then reviewed the comment received from Cbeyond: Cbeyond objects to this change. Qwest has not provided any justification for their removal of this unbundled loop as a service offering. xDSL capable loops are required by the TRRO and may not be arbitrarily removed at the whim of the ILEC. RESPONSE: Cindy Buckmaster-Qwest stated that this has been addressed with McLeods comment. END CBEYOND COMMENT. Cindy Buckmaster-Qwest then reviewed the comment received from ComspanUSA: As I read this it seems we will no longer be able to resell Qwest DSL to our customers to whom we resell Qwest dial tone. Is this correct? RESPONSE: Cindy Buckmaster-Qwest stated that this is an unrelated issue and would need the Resale product manager to address HSI. END COMSPANN COMMENT. Greg Diamond-Covad asked that in proposing this change, if it was Qwest’s position that loops under applicable law, if they are less capable of provisioning DSL, is less robust, then what Qwest would have for their own Retail customers. Cindy Buckmaster-Qwest stated that this is just the opposite. The CLEC will have more access to your end users then you currently do, which is that we would provide where the algorithm would allow and is limited. Cindy stated that there would be no degrading of the circuit. Cindy Buckmaster-Qwest then asked if we could reintroduce the CR and re-open the comment period. Susan Lorence-Qwest stated that since the comment cycle closed and the responses are due tomorrow (January 18), and Cindy has responded to the questions, we can issue a formal response to comments and extend the implementation date or we can reissue the Level 4 notice and start all over again with an attachemnt which would include the information shared today. Mark Coyne-Qwest asked if the preference would be for Qwest to renotice with a new comment cycle. Greg Diamond-Covad stated that he would like the comment period to start again and stated that they would need the detail that was provided today. Susan Lorence-Qwest stated that Qwest would not issue the Final Notice on the level 4, would renotice with the information on the comment responses. Greg Diamond-Covad asked if it would have the detail that Qwest provided today. Cindy Buckmaster-Qwest said yes and noted that the information would include the NC-NCI codes and the citations from applicable legal rulings. The CLECs agreed that Qwest should renotice.

There were no additional questions or comments.

December 14, 2006 Monthly CMP Meeting Discussion: Cindy Buckmaster-Qwest presented the CR and stated that this would be in contracts on a going forward basis and that the product would no longer be available. [Comment from Eschelon: Cindy Buckmaster-Qwest presented the CR. Cindy stated Qwest did not want to surprise anyone and stated that this product would not be in contracts on a going forward basis and that the product would no longer be available. Cindy said that this will only impact CLECs as they renegotiate.] Cindy noted that this is to mirror Retail and will have no impact on the current contracts, until contracts expire and will then need to be renegotiated for a 2 wire non-loaded and would really be the same service. Mark Coyne-Qwest asked if there were any questions. Bonnie Johnson-Eschelon stated that she would review this request internally with Eschelon. Bonnie stated that she wanted to recapture what Cindy said and stated that all contracts would be honored, including new, and would not be available in new contracts. Bonnie asked to confirm that there would be a comparable product that would do the exact same thing. Cindy Buckmaster-Qwest stated that Eschelon's contract is currently in negotiation. [Comment from Eschelon: and that will not change. This product will remain in that contract until it expires.] Bonnie Johnson-Eschelon asked if this request would change the current negotiations. [Comment from Eschelon: Bonnie Johnson-Eschelon confirmed this request would not change the current negotiations.] Cindy Buckmaster-Qwest said there would be no impact to the current negotiations. Sheila Harris-Integra asked if it was possible to get an overview, as the information in the CR is limited. Cindy Buckmaster-Qwest stated that she would put the information in the meeting minutes. Sheila Harris-Integra asked when they would be available. Mark Coyne-Qwest stated that they would be available in 5 business days. Mark Coyne-Qwest asked if there were any additional questions or comments. There were none. This CR moves to Presented Status.

**Qwest Response to Document In Review**

**Response Date:** **March 02, 2007**

**Document:** **Product: CMP - Re-Notice - Grandparenting Asymmetric Digital Subscriber Line (ADSL)**

**Original Notification Date:** **February 05, 2007**

**Notification Number:** **PROD.02.05.07.F.04491.ReNotice_Grandparnt_ADSL**

**Category of Change:** **Level 4**

Qwest recently posted proposed updates to CMP - Re-Notice - Grandparenting Asymmetric Digital Subscriber Line (ADSL). CLECs were invited to provide comments to these proposed changes during a Document Review period from February 05, 2007 through February 20, 2007. The information listed below is Qwest's Response to CLEC comments provided during the review/comment cycle.

**Resources**:
Customer Notice Archive http://www.qwest.com/wholesale/cnla/
Document Review Site http://www.qwest.com/wholesale/cmp/review.html

If you have any questions on this subject or there are further details required, please contact Qwest's Change Management Manager at cmpcomm@qwest.com.

Qwest Response to Product/Process **CMP - Re-Notice - Grandparenting Asymmetric Digital Subscriber Line (ADSL)** Comments

| # | Page/ Section | CLEC Comment | Qwest Response |
|---|---|---|---|
| 1 | | *Covad*<br>*February 05, 2007*<br>Comment:<br>*Comment on behalf of Covad Commications:*<br><br>*At the CMP meeting on December 17, 2007, Qwest represented that it would provide a complete written explanation regarding the actual impact of this change request.*<br>*At that meeting, Qwest stated verbally that this CR would not result in the grandfathering of any particular physical circuit or circuit type. Rather, Qwest represented verbally that this CR was intended only to* | Qwest stated that it IS grandfathering the specific NC/NCI codes that apply to the ADSL Compatible UBL. That grandfathering will not impact your current contract.<br><br>The NC/NCI Codes that are available to you today will be available to you until such time as your current contract expires. The new contract will not carry a product under the same NC/NCI Code combination.<br><br>However, it is the NC/NCI code that drives the request to Qwest Loop Qualification algorithm. |

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| | | *grandfather the availability of the loop qualification algorithm that it uses for its own retail DSL finished service or product.*<br>*By letter February 5, 2007 re-noticing this CR, Qwest failed to state the impact of this CR.*<br>*Rather, it simply repeated what it said in prior written communications on this matter, to wit:*<br>*"Qwest will be grandparenting ADSL compatible UBL on new contracts executed on the Negotiations Template."*<br><br>*This written representation again can only be read to mean that Qwest is grandfatheringADSL compatible unbundled loops, which is a specific circuit type.*<br>*There is no basis under applicable law that authorizes Qwest to grandfather this particular circuit type.*<br><br>*Qwest has failed to state in writing the actual impact of this CR.*<br>*Covad requests that Qwest reduce to writing its several verbal representations regarding the actual meaning and impact of this CR and publically post this explanation on the CMP website.*<br><br>*If Qwest has provided this written explanation, Covad requests that it send a written notice containing this explanation to the CMP community or with a single click link to the exact location on Qwest's public website that contains this explanation.* | The NC/NCI Codes that are assigned for the 2-wire Non-Loaded UBL are still available, even into your new contract. That facility is physically the same facility as the grandfathered ADSL Compatible UBL. The only difference is the 2-wire Non-Loaded UBL NC/NCI combination does not drive the request to the Qwest DSL Algorithm.<br><br>The CLEC can provide a 2-wire Non-Loaded UBL in any location without regard to Qwest's limitations to length and loss.<br><br>If this response along with the notes on the CR PC121106-1 does not provide a complete answer to Covad, Qwest is willing to discuss further. |

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| 2 | | *Eschelon*<br>*February 20, 2007*<br>*Comment:*<br>*Qwest has confirmed that Qwest's proposed change(s) will not apply to Eschelon; Qwest will continue to offer ADSL compatible loops under our current contract and under the closed language in the new contracts (when they become effective, after the arbitrations). The CMP minutes confirm this in both the December and January monthly meeting minutes. Eschelon reserves all of its right relating to ADSL compatible loops. Eschelon will address issues, if any, at the applicable time, such as when Eschelon and Qwest negotiate the contract after this one.* | Comment received and noted.<br><br>Qwest would like to add that this applies to all CLECs with existing contact language or negotiation language that is currently closed. |

# Loop Qualification & Raw Loop Data

March 13, 2009

Kim Isaacs
Advanced Telcom Inc.
730 2nd Avenue South - Suite 900
Minneapolis, MN 55402
kdisaacs@integratelecom.com

TO:Kim Isaacs

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| **Announcement Date:** | **March 13, 2009** |
| **Proposed Effective Date:** | **April 20, 2009** |
| **Notification Number:** | **PROS.03.13.09.F.06150.LoopQualCLECJobAid_V25** |
| **Notification Category:** | **Process Notification** |
| **Target Audience:** | **CLECs, Resellers** |
| **Subject:** | **CMP-Loop Qualification & Raw Loop Data CLEC Job Aid V25** |
| **Level of Change:** | **Level 3** |

**Summary of Change:**
On March 13, 2009, Qwest will post planned updates to its Wholesale Product Catalog that include new/revised documentation for Loop Qualification & Raw Loop Data CLEC Job Aid V25. This update will be posted to the Qwest Wholesale Document Review site at http://www.qwest.com/wholesale/cmp/review.html. The updates for the Loop Qualification and Raw Loop Data CLEC Job Aid are identified in the Change Log on page 2 of the document.

Qwest is updating the description list for the Partial Loop Code field. In the Wire Center Raw Loop Data section two new codes will be returned for Wire Center Raw Loop make up. When performing Loop Qualification queries using the Resale (HSI) Loop Qualification and/or ADSL Loop Qualification tools, the following message may be returned:

*Because of Power Disparity, Interference may be present or may develop in the future, Central Office Based ADSL service may be degraded or may not work at all. Qwest can not guarantee the feasibility CO Based ADSL.*

This message indicates the existence of a Remote DSL Terminal at the cross-box serving the TN or Address you are attempting to qualify.

Current operational documentation is found on the Qwest Wholesale Web site at:
http://www.qwest.com/wholesale/training/desc_loopqualjobaid.html

April 3, 2009

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TO:Kim Isaacs

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| **Announcement Date:** | **April 3, 2009** |
| **Effective Date:** | **April 20, 2009** |
| **Notification Number:** | **PROS.04.03.09.F.06222.FNLLoopQualCLECJobAidV25** |
| **Notification Category:** | **Process Notification** |
| **Target Audience:** | **CLECs, Resellers** |
| **Subject:** | **CMP-FINAL NOTICE with PARTIAL IMPLEMENTATION and Qwest Response to CLEC Comments on Loop Qualification & Raw Loop Data CLEC Job Aid V25** |
| **Level of Change:** | **Level 3** |

Qwest recently posted proposed updates to Loop Qualification & Raw Loop Data CLEC Job Aid V25. CLECs were invited to provide comments to these proposed changes during a Document Review period from March 14, 2009 through March 28, 2009.

This notification included the following two updates to the Loop Qualification & Raw Loop Data CLEC Job Aid V25:

- Updates to the description list for the Partial Loop Code field to include two new codes for Wire Center Raw Loop makeup
- Identification of a new message indicating the existence of a Remote DSL Terminal at the cross-box serving the TN or Address you are attempting to qualify

As a result of a CLEC comments during the formal comment cycle and per CMP requirements, Qwest held an ad hoc meeting on March 26, 2009 to discuss. It was agreed that the changes related to the two new codes for Wire Center Raw Loop makeup were satisfactory and will be implemented on April 20, 2009 as scheduled. It was also agreed that the change associated with the new message indicating the existence of a Remote DSL Terminal will not be implemented at this time.

The responses have been posted to the Document Review archive web site under the original document review segment for Loop Qualification & Raw Loop Data CLEC Job Aid V25. The response will be listed in the Comments/Response bracket. The URL is http://www.qwest.com/wholesale/cmp/review_archive.html.

**Resources**:

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| Customer Notification Letter Archive | http://www.qwest.com/wholesale/notices/cnla/ |
| Original Notice Number | PROS.03.13.09.F.06150.LoopQualCLECJobAid_V25 |

If you have any questions on this subject, please submit comments at http://www.qwest.com/wholesale/cmp/comment.html.

**Qwest Response to Document In Review**

**Comment Response Date:** **April 3, 2009**
**Document Subject:** **CMP-Loop Qualification & Raw Loop CLEC Job Aid V25**
**Initial Notification Date:** **March 13, 2009**
**Initial Notification Number:** **PROS.03.13.09.F.06150.LoopQualCLECJobAid_V25**
**Category of Change:** **Level 3**

Qwest recently posted proposed updates to CMP- Loop Qualification & Raw Loop CLEC Job Aid V25. CLECs were invited to provide comments to these proposed changes during a Document Review period from March 14, 2009 through March 28, 2009. The information listed below is Qwest's Response to CLEC comments provided during the review/comment cycle.

**Resources**:
Customer Notice Archive http://www.qwest.com/wholesale/notices/cnla/
Document Review Site http://www.qwest.com/wholesale/cmp/review.html

If you have any questions on this subject or there are further details required, please contact Qwest's Change Management Manager at cmpcomm@qwest.com.

Qwest's Response to Comments on Loop Qualification & Raw Loop CLEc Job Aid V25

| # | CLEC Comment | Qwest Response |
|---|---|---|
| 1 | **Integra**<br>**March 17, 2009**<br>Integra (and its affiliates) objects to notice PROS.03.13.09.F.06150.LoopQualCLECJob Aid_V25. When Qwest provisions a product, such as an ADSL Loop, Qwest is obligated under the Interconnect Agreements and the Act not to interfere with the services related to or provided under the Interconnect Agreements. It is inappropriate for Qwest to state that it can degrade or impair the quality of service provided on an ADSL Loop sometime "in the future". Therefore, Integra requests that Qwest retract notice PROS.03.13.09.F.06150.LoopQualCLECJob Aid_V25 immediately. Thank you. | As a result of discussion in an ad hoc meeting held on March 26, 2009 to address CLEC objections, Qwest agreed not to implement the following message:<br><br>*Because of Power Disparity, Interference may be present or may develop in the future, Central Office Based ADSL service may be degraded or may not work at all. Qwest can not guarantee the feasibility CO Based ADSL.*<br><br>Based on these discussions, Qwest will review the message and will re-notify as appropriate. The March 26, 2009 meeting minutes are available at http://wholesalecalendar.qwestapps.com/. |
| 2 | **PAETEC** | As a result of discussion in an ad hoc |

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| | **March 23, 2009**<br><br>McLeodUSA dba PAETEC Business Services objects to notice PROS.03.13.09.F.06150.LoopQualCLECJob Aid_V25. When Qwest provisions a product, such as an ADSL Loop, Qwest is obligated under the Interconnect Agreements and the Act not to interfere with the services related to or provided under the Interconnect Agreements. It is inappropriate for Qwest to state that it can degrade or impair the quality of service provided on an ADSL Loop sometime "in the future," This is of particular concern in situations where Qwest knows their actions will interfere with and/or degrade and impair the service, and Qwest will not take steps to avoid such negative impacts..<br><br>Therefore, McLeodUSA dba PAETEC Business Services requests that Qwest retract notice PROS.03.13.09.F.06150.LoopQualCLECJob Aid_V25 immediately.<br><br>Also, as a note, PAETEC finds that Qwest's use of CMP notice(s) as a means to avoid their responsibility to work with CLEC in good faith to resolve issues is an inappropriate use of the CMP process. PAETEC brought issues (customers experiencing interrupted or impaired ADSL/SDSL services), which are directly due to Qwest's Remote DSLAM installation process, to light. This CMP notice does not constitute "good faith" on the part of Qwest.<br><br>Thank you. | meeting held on March 26, 2009 to address CLEC objections, Qwest agreed not to implement the following message:<br><br>*Because of Power Disparity, Interference may be present or may develop in the future, Central Office Based ADSL service may be degraded or may not work at all. Qwest can not guarantee the feasibility CO Based ADSL.*<br><br>Based on these discussions, Qwest will review the message and will re-notify as appropriate. The March 26, 2009 meeting minutes are available at http://wholesalecalendar.qwestapps.com/. |