

**Qwest Wholesale Change Management Process (CMP) Meeting Minutes****CMP Oversight Committee Meeting Minutes****January 4, 2005****1-877-572-8687, Conference ID 3393947#****2:00 p.m. – 3:00 p.m. Mountain Time****PURPOSE**

This was a meeting of the CMP Oversight Committee to review an issue submitted to the committee on 11/30/04 by Liz Balvin of Covad. The following is the write-up of the discussion.

**List of Attendees:**

Jen Arnold – TDS Metrocom/U S Link  
 Liz Balvin – Covad  
 Becky Quintana – Colorado PUC  
 Bonnie Johnson – Eschelon  
 Kim Isaacs - Eschelon  
 Sharon Van Meter – AT&T  
 Kathy Stichter – Eschelon  
 Doug Denny – Eschelon  
 Amanda Silva – VCI  
 Jeff Sonnier – Sprint  
 Susie Bliss - Qwest  
 Susan Lorence – Qwest  
 Cindy Buckmaster – Qwest  
 Bill Campbell – Qwest  
 Cindy Macy – Qwest  
 Jill Martain – Qwest  
 Linda Sanchez-Steinke – Qwest

**MEETING MINUTES**

The meeting began with Qwest making introductions.

Linda Sanchez-Steinke of Qwest reviewed the issue Covad submitted to Oversight on 11/30/04. Linda read from the Description of the Issue; Qwest inappropriate use of CMP to drive legal interpretation of the Law, and the desired resolution; the proposed changes (PC102704-1ES) be withdrawn until Qwest can properly follow the CMP governing document. Qwest responded on 12/10/04 requesting that Oversight meet to discuss how to move forward with the Change Request.

Liz Balvin reviewed the history of the issue and stated Covad's position that the biggest issue is Qwest is out of scope of CMP. She stated that the first problem is that the Systems CR SCR102704-1RG was identified as Regulatory and did not follow the process of referencing the page and paragraph and called into question the law or mandate. The second problem is that six CLECs objected to the regulatory classification of the CR and the objections should have been addressed. The CR was then converted to Product / Process, the regulatory classification removed, and Qwest did not follow the crossover guidelines. Qwest's binding response to the Covad escalation continued to assert that Product / Process is not the correct category and it is a regulatory CR. Qwest has been out of scope of CMP for this CR. [Comment received from Covad: Qwest's binding response to the Covad escalation continued to base decision on USTA II and FCC interim rules but not call regulatory. Qwest has been out of scope of CMP for this CR.]

Susie Bliss of Qwest stated Qwest's position was when objections to the regulatory classification were received, the regulatory definition in CMP did not fit. There was not unanimous agreement that the CR was regulatory. Section 5.1.1 states that if there is not unanimous agreement then the CR will be treated as non-regulatory. PCAT changes

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need to be made and when PCAT changes are made, Qwest is obligated to notify the CLECs by following 5.4.5 limiting the product availability. Qwest proceeded as a Product / Process Level 4 change.

Liz Balvin and Susie Bliss discussed the concern that CLECs were not given a chance to discuss the CR and whether Qwest was limiting or restricting availability of products. [Comment received from Covad: Liz Balvin stated that CLECs were not given the opportunity to iron out whether the CR should have been categorized as regulatory. Susie Bliss indicated that Qwest has the right to limit the availability of products based on the CMP document. Liz Balvin stated that Qwest is not limiting, but restricting products that other carriers continue to be able to purchase.]

Bonnie Johnson of Eschelon stated that Qwest can not make a decision as a company and not allow the customer to order the product any longer. It is required to provide the basis under which the product is removed.

Bill Campbell of Qwest, Liz Balvin, Bonnie Johnson and Susie Bliss discussed resolving the issue by providing the USTA II document and identifying for each product the page and paragraph reference.

Liz Balvin and Bonnie Johnson were concerned that CMP process has not been followed, and stated the CR is lacking the steps required. Susie Bliss asked if citing the paragraph would resolve. Liz recalled that the CMP document was written to address regulatory CRs and that Qwest tried to remove the regulatory classification and page and paragraph of law should be provided to move forward with the change.

Cindy Buckmaster of Qwest restated Liz's position; Covad does not want the Regulatory classification removed, but instead would like Qwest to add the page and paragraph. [Comment received from Covad: Cindy Buckmaster of Qwest asked to restate Liz's (Covad's) position; does Covad want the Regulatory classification removed or Qwest to cite add the page and paragraph. Liz's stated that Qwest continues to call into question the law but not want to cite page and paragraph, there is a difference.] Further discussion ensued between Liz Balvin and Cindy Buckmaster whether appropriate to revise the CR or leave the CR as is currently. Susan Lorence of Qwest added that when grandparenting products, the CRs remove the product availability.

Liz Balvin felt that Qwest has called into question the law and has jerry rigged the CMP process to meet Qwest's needs because there are system edits in place to restrict ordering the products. [Comment received from Covad: products and that the notifications, even level 4 notices carry the clause that IA supercede PCAT documents.]

Becky Quintana of the Colorado PUC asked if Liz's issue was there is not a way the CR can be categorized as a regulatory CR. Liz Balvin responded that Qwest has called into question the law and should follow the CMP guidelines and provide page and paragraph. Becky Quintana stated that if Qwest withdraws the CR and then re-submits the CR as regulatory it is not clear how the CLECs could object.

Sharon Van Meter of AT&T stated AT&T had objected to the regulatory classification and read the AT&T attorney position. Cindy Buckmaster interjected that this is the very objection that resulted in Qwest removing Regulatory classification from the CR. A number of CLECs objected on this basis and that is where Qwest took its action from. Liz indicated that may have been some CLEC prematurely showing part of their hand but she didn't see these remarks nor a response from Qwest on these remarks and therefore didn't know Qwest had this information.

Bonnie Johnson, Bill Campbell and Cindy Buckmaster discussed that a regulatory classification means Qwest can not (by law) provide the product and a non-regulatory classification means that Qwest does not have an obligation to and chooses not to provide the product. It was agreed this CR is non-regulatory. Becky Quintana added that it is now clear why this is not a regulatory CR.

Liz Balvin stated that Covad had objected to the Systems CR and then escalated the Product / Process CR. If Qwest had followed the process, the CLECs would have discussed the objections and Qwest's responses to the objections. Qwest is aware of all the other CLEC's positions. [Comment received from Covad: Liz Balvin stated it is easy for Qwest, now that it has all the information in hand, to take this new position. If Qwest had followed the process, the CLECs would have discussed the objections and Qwest's responses to the objections. Qwest is aware of all the other CLEC's positions and by not following the CMP guidelines has eliminated CLECs insight to all that Qwest has.]

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Cindy Buckmaster requested input on how the CR could be moved forward. Liz Balvin requested that Qwest respond to the objections. There was discussion between Linda Sanchez-Steinke, Liz Balvin and Susie Bliss concerning Section 5.1.1 related to any requirement that Qwest respond to objections.

There was further discussion between Liz Balvin, Susie Bliss, Cindy Macy and Susan Lorence regarding the CMP voting process, classification of the CR, following CMP guidelines for the CR and the precedent that has been set with change to disposition requests. Liz felt these were different situations. [Comment received from Covad: Liz stated these situations were different because no one has requested a change in disposition.]

Becky Quintana asked if the concern was that Qwest did not follow the process outlined in 5.1.1 or if the concern would be the same if 5.1.1 were followed.

Liz Balvin said she couldn't say for sure because Qwest has all the ammunition and we have none.

Bonnie Johnson and Becky Quintana discussed Qwest exercising their rights to limit product availability, basis for product limitation as it relates to PCAT comments, limiting of products prematurely, and appropriateness of legal discussion on Product / Process changes.

[Comment received from Eschelon: Bonnie Johnson and Becky Quintana discussed Qwest exercising their rights to limit product availability, basis for product limitation as it relates to PCAT comments, Bonnie said Qwest is limiting products prematurely and Becky agreed. Becky and Bonnie discussed the appropriateness of legal discussion on Product / Process changes.]

Susan Lorence and Liz Balvin discussed processing grandparenting change requests, the tariff reference being out of CMP scope and whether the products are currently ordered by CLECs. Liz felt this CR is different because Qwest is citing the law. [Comment received from Eschelon: and on grandparenting CRs no CLECs order the products.] [Comment received from Covad: Liz stated that whenever Qwest grandfather's a product, the first question from CLECs is whether anyone is ordering the products.]

Cindy Buckmaster responded that Qwest has the right to not have to offer products based on the law.

Kim Isaacs of Eschelon said that the title of the CR, USTA II, implies that the change is based on the law.

Cindy Buckmaster said that she was not involved when the CR was initiated or when it was decided it was a regulatory CR. The change is not a mandate and Qwest is obligated to notify CLECs of the change. There has been no effort to jerry rig CMP. Qwest is notifying CLECs the products will not be available on a going forward basis.

Liz Balvin and Becky Quintana discussed if notification should be through CMP and PCAT changes.

Bill Campbell said a note in the PCAT stating if the CLEC does not have these products in the current ICA then these products are not available. Bill Campbell, Liz Balvin and Cindy Buckmaster continued discussing options to process the CR, ability to vote down a regulatory CR and then move it to product / process. Re-issuing the CR and starting the clock over based on conversation and intent, changing the title and editing the CR, and posting of historical information to the CR.

Bonnie Johnson asked that the meeting minutes reflect all of the conversation that has taken place. [Comment received from Eschelon: Bonnie said Qwest often reflects their views but not CLECs.]

Liz Balvin, Sharon Van Meter, Susie Bliss and Becky Quintana presented options to process the CR; changing it to a regulatory CR because it is citing the law, submitting a new product / process non-regulatory CR stating intentions, changing the CR title, deferring, amending the current CR and maintaining the history. Susan Lorence suggested Oversight members take a poll on which would like to modify the existing CR, which would like a new CR.

Bill Campbell, Becky Quintana, Cindy Buckmaster, Bonnie Johnson and Liz Balvin discussed options related to the CR. The CR is currently accurate and may change soon. When the final rules are issued DS1 and DS3 loops may

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not be accurate. [Comment received from Eschelon: When the final rules are issued this will change because DS1 and DS3 loops may not be accurate.] Bill Campbell asked if the CR is moved to deferred status if the CLEC community is willing to waive the notification requirement.

Kim Isaacs and Bill Campbell discussed SGAT changes, PCAT changes and the ICA negotiations. [Comment received from Eschelon: Bill said that the current negotiation template reflects the correct information but the SGATs have not been updated. Bonnie asked if there was a particular CLEC that was challenging Qwest on this issue and if that is why Qwest needed to update PCATs.]

Cindy Buckmaster, Bonnie Johnson and Liz Balvin continued discussion related to processing the CR, Bonnie Johnson, Bill Campbell and Liz Balvin discussed how CLECs should be notified of the product change and the PCAT reflecting the SGAT, notification through change of law, how contracts override the PCATs, and product availability is negotiated through the ICA agreements. [Comment received from Eschelon: Bonnie said if Qwest will limit product availability in its existing ICA, Qwest would need to notify Eschelon through the change in law provision of its contract and not through a PCAT CMP notice. Bill agreed.]

Becky Quintana suggested that Qwest discuss the CR options internally. The Oversight committee agreed to meet again on 1/10/04 at 3:00 p.m. Mountain time.

The meeting was concluded.