

STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

David Boyd
J. Dennis O'Brien
Thomas Pugh
Phyllis Reha
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Commission Investigation
into Qwest Corporation's Provision of Network
Elements to CLECs and into Related Marketing
Practices Targeting CLEC Customers

MPUC Docket No. P-421/CI-09-1066

JOINT CLEC INITIAL COMMENTS

November 24, 2009

TABLE OF CONTENTS

LIST OF ATTACHMENTS	i
I. INTRODUCTION	1
A. Procedural Background.....	1
B. Importance of the Issues	4
II. ISSUES	7
III. DISCUSSION.....	10
A. xDSL-Capable Copper Loops.....	10
1. Legal Standards Generally.....	10
2. Factual Background in Context of Specific Legal Standards	13
a. Qwest refuses digital level signals via conditioned copper loops.....	14
b. Qwest restricts testing to voice transmission	16
c. Qwest refuses digital signals for two-wire loops	18
d. Qwest denies access to ADSL capable loops in some cases based on alleged grandparenting of ADSL and, even when it provides them, it says the service may be degraded or may not work at all.....	18
e. Qwest refuses to repair/restore service to data/digital levels, leaving end user customers adversely impacted.....	23
f. Qwest refuses to remove certain devices, including bridge taps	27
g. Qwest charges CLECs for repairs, even though the trouble is in Qwest's network (e.g., due to bridge tap)	32
h. Qwest refuses to proceed with repair, unless a CLEC authorizes charges for testing that is supposed to be optional.....	34
i. Qwest fails to assign the best available loop, and instead assigns to voice parameters for CLECs	36
j. Qwest ignores industry standards for NCI codes in the facilities assignment process, while blaming NCI codes for repair and spectrum management problems	41

i. <i>NCI codes - Loop Assignment/Provisioning</i>	41
ii. <i>NCI codes - Repair/Spectrum Management</i>	43
B. Network Maintenance and Modernization or Other Changes in UNEs Provisioned to CLECs.....	47
C. Advance Notice of Changes in Facilities/Maintenance Activity	50
D. Marketing Activity and Disparaging Remarks	51
E. Other Discrimination	54
IV. CONCLUSION.....	57