

DESCRIPTION OF QWEST'S OSS TESTING IN RELATION TO 271 AUTHORITY

BOC Requirements for Nondiscriminatory Access to OSS Pursuant to Section 271

Because Qwest is a Bell Operating Company (BOC) in its 14-state local service territory, it is required to demonstrate and maintain compliance with the competitive checklist under Section 271 of the Telecommunications Act in order for Qwest to provide in-region, interLATA long distance service. A primary component of satisfying the competitive checklist is for Qwest to show that it provides nondiscriminatory access to Operations Support Systems (OSS) under checklist item 2 pursuant to Section § 271(c)(2)(B)(ii). The FCC defines OSS to include five functions: (1) pre-ordering, (2) ordering, (3) provisioning, (4) maintenance and repair, and (5) billing.¹ The FCC also requires an adequate change management process (CMP) to handle changes to the OSS systems.² To satisfy its obligations under Section 271 regarding OSS, a BOC must show that it provides access to OSS for competitive LECs (CLECs) to perform functions in substantially the same time and manner as the BOC's retail operations, or (for functions with no retail analogue) must show that the access affords an efficient competitor a "meaningful opportunity to compete."³ The FCC uses a two-step approach to determine whether a BOC satisfies this obligation:

- Step 1 is determining whether the BOC has deployed the necessary systems, databases, and personnel to provide sufficient access to each of the necessary OSS functions, and whether the BOC is adequately assisting CLECs to understand and implement and use all of the OSS functions available.

¹ FCC Memorandum Opinion and Order, WC Docket No. 02-314 (FCC 02-332), December 23, 2002 ("Qwest 9 State 271 Order"), ¶ 33.

² Qwest 9 State 271 Order, ¶ 34.

³ Qwest 9 State 271 order, ¶ 38.

- Step 2 is determining whether the deployed OSS functions are operationally ready as a practical matter.⁴ The FCC has said that the most probative evidence that OSS functions are operationally ready is actual commercial usage.⁵

Qwest's OSS Underwent Extensive Testing to Determine Whether the Nondiscrimination Standard was Met

Qwest's OSS underwent extensive testing in conjunction with Qwest's pursuit of 271 relief. This testing involved the participation of Qwest, numerous CLECs, commission staffs from all 14 state commissions in Qwest's local service territory, numerous state regulatory commissioners, six separate vendors, a multi-state collaborative and a third-party facilitator. The testing involved an evaluation of Qwest's OSS systems, OSS processes, underlying data and collection, CMP, performance assurance plan (PAP) and Performance Indicator Definitions (PIDs). The testing process and evaluation lasted more than three years.⁶ During the testing and evaluation process countless conference calls and workshops were held, third-party testing occurred, testimony was submitted and hearings were held to address the testing process and results, and those results were examined by numerous state commissions and the FCC. The FCC considered the analyses and conclusions drawn by state commissions about Qwest's OSS when evaluating Qwest's compliance with the Section 271 competitive checklist.

Regional Oversight Committee & Third Party Vendors

In 1999, a collaborative process was initiated by the Regional Oversight Committee (ROC) to "design and execute a third-party OSS test to ensure that Qwest's wholesale support

⁴ Minnesota PUC Docket No. P-421/CI-01-1371, Commission Findings of Fact, Conclusions of Law, and Recommendations, January 24, 2003, p. 74; See Also Qwest 9 State 271 Order, Appendix K, ¶ 29.

⁵ Id. at p. 75. See also, Qwest 9 State 271 Order, Appendix K, ¶ 31.

⁶ The Regional Oversight Committee was initiated in mid to late 1999 and the FCC issued its first order on Qwest's 271 applications in December 2002.

systems would be available to competitive LECs in an open and non-discriminatory manner.”⁷

The ROC consisted of participants from 13 of the 14 state commissions from Qwest’s local service region,⁸ and was charged with designing the structure of the collaborative process, determining the scope of the OSS test, selecting third-party testers⁹ and designing a Master Test Plan (MTP) and PIDs.¹⁰ The structure of the ROC included an executive committee, a steering committee, and a Technical Advisory Group (TAG).¹¹ The ROC executive committee consisted of seven state commissioners; the ROC steering committee consisted of state commission staffs; and the TAG was a collaborative group including Qwest, CLECs, state commission staffs and industry representatives.¹² The TAG provided technical assistance, subject matter planning, developed principles applied during the development and conduct of the test, assisted in reviewing the results of the test, and sought comment and reached agreement on the PIDs to use to measure Qwest’s commercial performance.¹³ Issues and disputes were first addressed by TAG and escalated first to the steering committee, and then escalated to the executive committee (as needed).

⁷ Qwest 9 state 271 Order, ¶ 9.

⁸ The Arizona Corporation Commission did not participate in the 13-state ROC, but instead conducted its own OSS test using Cap Gemini Ernst & Young (CGE&Y) as the OSS third-party tester, HP as the pseudo-CLEC, and Liberty for data reconciliation. The third-party test conducted by CGE&Y in Arizona was similar to the ROC OSS test, and included a TAG, a Master Test Plan, a military-style test, performance measures audit, etc. See, CGE&Y Final Report of the Qwest OSS Test, dated May 3, 2002 (Version 3.0) and CPGE&Y Functionality Test Results Comparison Report, March 29, 2002. *See also*, Memorandum Opinion and Order, WC Docket No. 03-194 (FCC 03-309), December 3, 2003 (“Qwest Arizona 271 Order”), ¶¶ 5 and 16. *See also*, Evaluation of the Arizona Corporation Commission, WC Docket No. 03-194, September 24, 2003, p. 3.

⁹ The FCC states that a “third-party test provides an objective means by which to evaluate a BOC’s OSS readiness.” Qwest 9 State 271 Order, ¶ 49.

¹⁰ Qwest 9 State 271 Order, ¶ 9.

¹¹ See, e.g., Qwest 9 State 271 Order, fn. 15 and ¶ 10.

¹² *Id.*

¹³ Qwest 9 State 271 Order, ¶ 10. *See also*, KPMG Draft Final Report on Qwest Communications OSS Evaluation, dated April 26, 2002 (“KPMG 4/26/02 Draft Final Report”), Evaluation Overview, p. 8.

The ROC hired the National Regulatory Research Institute (NRRI) as the Project Administrator and Maxim Telecom Group as the Project Manager in July 1999 and September 1999, respectively.¹⁴ In September 1999, the ROC and Qwest agreed on a regional approach for OSS third-party testing¹⁵ and by November 1999 the ROC was meeting weekly (or more often) to carry out this charge.¹⁶ On March 9, 2000, the ROC issued the Test Requirements Document (TRD) to define the scope and specific approaches to testing, and to define the roles for the three testing vendors – the Test Administrator, the pseudo-CLEC and Performance Measures Auditor.¹⁷ The TRD specified that third-party testing should cover the following service delivery methods: resale, UNE loops, UNE-Platform, UNE combinations, unbundled dedicated transport, others methods of delivery that become available during testing. In addition, the TRD identified four OSS functions – or “domains” – for testing purposes: (1) pre-order, order and provisioning (POP), (2) Maintenance and Repair (M&R), (3) Billing, and (4) Relationship Management and Infrastructure. Further, the TRD required normal, peak and stress volume testing of OSS interfaces supporting preordering, ordering, and M&R functions for resale and UNE services.¹⁸ The TRD was used to solicit proposals from prospective vendors.

In July 2000, the ROC selected KPMG Consulting (KPMG) as the test administrator and Hewlett Packard (HP) as the pseudo-CLEC.¹⁹ As a “pseudo-CLEC,” HP’s role was to replicate

¹⁴ Washington Docket Nos. UT-003022/UT-003040, 39th Supplemental Order, dated July 1, 2002 (“Washington 39th Supplemental Order”), ¶ 105. *See also*, Qwest Corp. Comments in Washington Docket Nos. UT-003022/003040, dated June 3, 2002, p. 8 (“Qwest Washington Comments”).

¹⁵ Washington 39th Supplemental Order, ¶ 105.

¹⁶ Washington 39th Supplemental Order, ¶ 107.

¹⁷ KPMG 4/26/02 Draft Final Report, Evaluation Overview, p. 8.

¹⁸ KPMG 4/26/02 Draft Final Report, Evaluation Overview, p. 9.

¹⁹ Qwest 9 State 271 Order, ¶ 10.

the conduct of a CLEC interfacing with Qwest's OSS systems to determine if Qwest's OSS was operationally ready to handle the types of orders and transactions that CLECs would actually submit in a commercial environment, and to ensure that OSS provided the information and tools necessary for a CLEC to interface with Qwest. HP's role was like that of a CLEC Information Technology and Order Operations Group, and included HP establishing electronic bonding with Qwest, translating back and forth between business rule and electronic interface rule formats, creating and tracking orders, resolving problems with missing orders and responses, and entering trouble tickets.²⁰ The ROC also hired the Liberty Consulting Group (Liberty) to conduct an audit of Qwest's performance data, verify the integrity of Qwest's commercial data, perform data reconciliation and validate each PID.²¹

The OSS Test

One of the first steps of third-party testing was KPMG's Regional Differences Assessment (RDA), which was performed to determine the extent to which Qwest's systems were similar or different across Qwest's region, such that a regional OSS test would be appropriate.²² According to KPMG, the results of the RDA showed that Qwest's systems were sufficiently similar across its region to perform a regional OSS test,²³ and KPMG tailored the test

²⁰ KPMG 4/26/10 Draft Final Report, Evaluation Overview, p. 10.

²¹ Qwest 9 State 271 Order, ¶ 13. Arizona, the only state in Qwest's region not to participate in the ROC, selected Cap Gemini Ernst & Young (CGE&Y) to serve as test administrator and HP to serve as the pseudo-CLEC.

²² Qwest 9 State 271 Order, ¶ 11.

²³ Qwest 9 State 271 Order, ¶ 11.

to address any state or regional differences so that the test environment represented the 13 states participating in the ROC.²⁴

KPMG, with assistance from the TAG, developed the Master Test Plan (MTP) based on the TRD. The MTP contained “a description of a comprehensive plan to test Qwest’s OSS, interfaces and processes”²⁵ and was designed to “...evaluate the operational readiness, performance and capability of Qwest to provide pre-ordering, ordering, provisioning, maintenance and repair and billing Operations Support Systems (OSS) documentation, interfaces, and functionality to....CLECs.”²⁶

As noted above, the MTP required KPMG to test Qwest’s OSS in relation to four “domains” (or business functions): (i) POP, (ii) M&R, (iii) Billing and (iv) Relationship Management and Infrastructure.²⁷ The MTP identified tests by domain and explained the objective for each test and criteria for passing each test.²⁸ Two types of testing were used for Qwest’s OSS: (1) a “transaction” test that tested real-world conditions of the pseudo-CLEC (HP) during which the pseudo-CLEC submitted the same types of pre-order, order and repair transactions as a real CLEC (*i.e.*, what KPMG referred to as “to live the CLEC experience”²⁹), and (2) an operational analysis test that examined the form, structure, and content of Qwest’s business practices. This second type of testing by KPMG was accomplished by evaluating Qwest’s day-to-day operations, as well as reviewing management practices and operating

²⁴ Qwest 9 State 271 Order, ¶ 36.

²⁵ Washington 39th Supplemental Order, ¶ 109, quoting the MTP.

²⁶ Washington 39th Supplemental Order, ¶ 109, quoting the MTP.

²⁷ Washington 39th Supplemental Order, ¶ 110.

²⁸ Washington 39th Supplemental Order, ¶ 110.

²⁹ KPMG 4/26/02 Draft Final Report Evaluation Overview, p. 10.

procedures in relation to legal/statutory requirements or “best practices.”³⁰ The OSS test was designed as a “military-style” test, or “test until pass” approach, whereby KPMG tested and re-tested until Qwest either satisfied the test or it was determined that further testing or action by Qwest would not be beneficial.³¹ The test was also designed to address commercial volumes of transactions. KPMG’s test used projected transaction volumes simulating peak (150% of normal) and stress (250% of normal) transaction volume conditions.³²

Actual transactional testing of Qwest’s OSS began on April 9, 2001.³³ Transactional-based testing was used extensively in the POP, M&R and Billing domains.³⁴ KPMG and HP’s third-party testing of the POP domain included transactions submitted via two pre-ordering interfaces (Electronic Data Interexchange (EDI) interface and Graphical User Interface (GUI)) as well as facsimile and a participating CLEC’s EXACT/TELIS system.³⁵ The M&R domain testing involved submitting trouble tickets through the Customer Electronic and Maintenance and Repair (CEMR) and Electronic Bonding – Trouble Administration (EB-TA) interfaces. The Billing domain was tested by evaluating three regional (Central, Eastern and Western) Customer Records Information Systems (CRIS) invoicing systems and the Daily Usage Feed (DUF) process.³⁶ During the transaction testing in the ROC OSS test, third-party vendors submitted

³⁰ Washington 39th Supplemental Order, ¶¶ 111-113. See also, KPMG 4/26/02 Draft Final Report, Evaluation Overview, p. 11.

³¹ Washington 39th Supplemental Order, ¶ 114. See also, KPMG 4/26/02 Draft Final Report, Evaluation Overview, p. 11.

³² Qwest 9 State 271 Order, ¶ 108.

³³ Qwest Washington Comments, p. 16.

³⁴ KPMG 4/26/02 Draft Final Report, Evaluation Overview, p. 10.

³⁵ KPMG 4/26/02 Draft Final Report, Evaluation Overview, p. 10.

³⁶ KPMG 4/26/02 Draft Final Report, Evaluation Overview, p. 10.

more than 21,000 pre-order transactions, more than 600 pre-order test cases,³⁷ 4,058 IMA-GUI transactions, 17,486 IMA-EDI transactions,³⁸ 4,300 initial order test scenarios and more than 3,500 order retest scenarios.³⁹ During the transaction testing in the Arizona OSS test, more than 10,000 pre-order transactions were executed, more than 1,700 ordering and provisioning transactions were executed, and more than 80 M&R transactions executed.⁴⁰

Ultimately, the third-party testing of Qwest's OSS evaluated Qwest's performance in the following areas: POP functionality and performance versus parity standards and benchmarks (Test 12), loop qualification process "parity by design" (Test 12.7), POP manual order processing (Test 12.8), order flow-through (Test 13), provisioning (Test 14), provisioning process parity (Test 14.7), provisioning coordination process (Test 14.8), POP volume performance test (Test 15), CEMR functional and performance (Test 16), MEDIACC (EB-TA) M&R trouble functional (Test 17), M&R end-to-end trouble reporting processing (Test 18), M&R work center support process (Test 18.7), end-to-end M&R process (Test 18.8), billing usage functional (Test 19), DUF returns, production and distribution processes (Test 19.6), carrier bill functional (Test 20), bill production and distribution process (Test 20.7), CLEC network provisioning – network design request, collocation and interconnection trunks (Test 22), change management (Test 23), account establishment and management (Test 24.3), CLEC forecasting (Test 24.4), CLEC training (Test 24.5), OSS interface development (Test 24.6), wholesale systems help desk (Test

³⁷ Qwest Washington Comments, p. 26.

³⁸ Qwest Washington Comments, p. 26.

³⁹ Qwest Washington Comments, p. 33.

⁴⁰ CGE&Y Final Report of the Qwest OSS Test, May 3, 2002, p. 15.

24.7), interconnect service center support (Test 24.8), network surveillance and outage support (Test 24.9), and ISC/billing and collection center (Test 24.10).⁴¹

During the 271 evaluation process, Qwest completely revamped its change management process in the “CMP Redesign” process⁴² by a redesign team consisting of CLECs, Qwest, state commission staffs, and third-party vendors (i.e., KPMG for the ROC test and CPGE&Y for the test in Arizona).⁴³ The re-designed CMP was memorialized in the “Qwest Wholesale Change Management Process Document.” KPMG evaluated Qwest’s revamped CMP process during the ROC test, testing separately for systems changes and product/process changes.⁴⁴ KPMG specifically tested the following:

- whether the CMP responsibilities and activities were defined;
- whether the CMP is in place and documented;
- whether a framework exists to evaluate/categorize/prioritize proposed changes;
- whether it allowed input from interested parties;
- the Stand-Alone Test environment for CLECs to test new releases in a non-production environment; and,
- whether Qwest’s CMP contained time intervals for considering and notifying CLECs about change requests.⁴⁵

The third-party test also included an audit of Qwest’s performance assurance plan (QPAP) (a self-executing remedy plan to ensure Qwest continues to comply with the competitive checklist)⁴⁶ and related PIDs (which are used in the QPAP to measure Qwest’s performance and

⁴¹ KPMG 4/26/02 Draft Final Report, Section III (Test Summaries).

⁴² Evaluation of the Arizona Corporation Commission, WC Docket No. 03-194, 9/24/2003, p. 12.

⁴³ Qwest Washington Comments, p. 96.

⁴⁴ Washington 39th Supplemental Order, ¶ 193.

⁴⁵ Qwest 9 State 271 Order, ¶ 147. See also, Evaluation of the Arizona Corporation Commission, WC Docket No. 03-194, September 24, 2003, p. 12.

⁴⁶ Washington Docket Nos. UT-003022/003040 30th Supplemental Order, April 2002 (“Washington 30th Supplemental Order”), ¶ 20. The QPAP requires Qwest to periodically submit reports to state commissions on

to determine whether Qwest must make remedy payments to CLECs or the state for substandard wholesale service quality).⁴⁷

In August 2000, 11 states in Qwest's region formed a collaborative process known as the ROC Post-Entry Performance Plan (PEPP), after which a series of conference calls and five multi-day workshops were held to discuss and address issues related to Qwest's wholesale performance, including the QPAP.⁴⁸ Qwest filed its PAP on June 29, 2001, and a multi-state proceeding conducted by a third-party Facilitator from Liberty was initiated to review Qwest's PAP.⁴⁹ Qwest's PIDs were developed collaboratively by the ROC TAG for use in the third-party test to measure Qwest's ability to process commercial volumes through its OSS.⁵⁰ Qwest's PIDs measure performance in three ways: retail parity (for measures with retail analogues), benchmark (for measures without retail analogues) and "parity by design" (for measures without retail analogues or benchmarks).⁵¹ Statistical measurements (modified "z- tests") were used for determining whether Qwest satisfied the parity and benchmark performance measures.⁵² The MTP directed Liberty Consulting to "develop and perform an audit to insure that all aspects of Qwest's wholesale performance measures and retail parity standards are sound and in compliance with the collaboratively developed ROC PID."⁵³ During the testing of the PIDs,

Qwest's wholesale service quality. See, e.g., New Mexico Utility Case No. 3269, et al., Final Order Regarding Compliance with Outstanding Section 271 Requirements, 2002 N.M. PUC LEXIS 2; 220 P.U.R. 4th 421 (10/8/2002), ("New Mexico PRC 271 Order"), ¶ 66.

⁴⁷ Washington 39th Supplemental Order, ¶ 29.

⁴⁸ Comments of the Nebraska Public Service Commission, WC Docket No. 02-148, July 3, 2002, p. 4.

⁴⁹ Washington 30th Supplemental Order, ¶¶ 10-11.

⁵⁰ Washington 39th Supplemental Order.

⁵¹ Washington 39th Supplemental Order, ¶ 32.

⁵² New Mexico PRC 271 Order, ¶ 65.

⁵³ Washington 39th Supplemental Order, ¶ 33.

Qwest reported on anywhere between 656 and 850 sub-measures.⁵⁴ The ROC subsequently retained Liberty to conduct a data reconciliation audit, during which 10,000 orders or trouble tickets were evaluated.⁵⁵

KPMG's and HP's Final Report on Qwest's OSS testing was issued on May 28, 2002.⁵⁶ Likewise, CGE&Y's Final Report of the Qwest OSS Test was issued on May 3, 2002 (version 3.0). Liberty Consulting issued its PID audit Final Report for the ROC test on September 25, 2001,⁵⁷ and issued its Final Report on data reconciliation on April 19, 2002.⁵⁸

The OSS Test Identified Hundreds of Issues and Resulted in Substantial Improvement to Qwest's OSS

Overall, KPMG and HP executed a total of 32 tests, consisting of 711 evaluation criteria during the ROC OSS test.⁵⁹ There were 256 "Exceptions" and 242 "Observations" (or issues of concern) identified by KPMG and HP during the test, which through improvements to systems and retesting was reduced to 14 Exceptions and 1 Observation.⁶⁰ For the OSS testing conducted in Arizona, CGE&Y documented and addressed 399 issues identified during testing.⁶¹ As a result of this testing hundreds of issues of concern regarding Qwest's OSS were identified and resolved through OSS improvements and re-testing.

⁵⁴ Order Regarding Operational Support Systems, ROC OSS Test, and Commercial Performance Data, South Dakota Public Service Commission Docket TC01-165, November 22, 2002 ("South Dakota PSC 271 Order"), p. 4; Washington 39th Supplemental Order, ¶ 31; and Minnesota PUC Findings of Fact, Conclusions of Law and Recommendations, Docket No. CI-01-1371, January 24, 2003, p. 72.

⁵⁵ South Dakota PSC 271 Order, p. 22.

⁵⁶ Washington 39th Supplemental Order, ¶ 117; KPMG 4/26/02 Draft Final Report, Evaluation Overview, p. 14.

⁵⁷ Washington 39th Supplemental Order, ¶ 33.

⁵⁸ Washington 39th Supplemental Order, ¶ 37.

⁵⁹ Brief of Qwest Corp., WC Docket No. 02-148, June 13, 2002, p. 111.

⁶⁰ Qwest 9 State 271 Order, ¶ 12. See also, Washington 39th Supplemental Order, ¶ 115.

⁶¹ Qwest Arizona 271 Order, ¶ 17.

One such example that was identified through HP's work as a pseudo-CLEC related to Qwest's failure to properly process manually handled orders – a problem the Idaho Public Utilities Commission described as “an unacceptably high level of human errors in the manual processing of orders.”⁶² For this problem, HP logged observations and exceptions to Qwest's performance related to manually handled orders; Qwest then investigated the causes of the exceptions/observations (which revealed Qwest errors) and made improvements such as system upgrades,⁶³ additional training and revised documentation after which re-testing occurred. Further, KPMG developed, under the direction of the ROC, modified Qwest's PIDs to ensure adequate performance for manually handled orders.⁶⁴ Similarly, Liberty Consulting discovered a number of deficiencies in Qwest's measurement and reporting processes and PIDs during its audit, which when resolved, resulted in “significant improvements to both the processes used by Qwest and the specificity and clarity of the PID.”⁶⁵ Liberty's data reconciliation audit also revealed the need for Qwest to revise its data collection efforts and provide additional user documentation and training.⁶⁶ One state commission which participated in this testing process stated that the OSS testing resulted in “meaningful and effective changes to Qwest's systems and processes.”⁶⁷

⁶² Written Consultation of the Idaho Public Utilities Commission, WC Docket No. 02-148, June 11, 2002, p. 6.

⁶³ See, e.g., Qwest Washington Comments, p. 40 (“Qwest will implement an IMA 10.1 enhancement...substantially reducing manual processing errors in this area. In addition, Qwest has instituted an extensive quality assurance program...”)

⁶⁴ Qwest Manual Order Entry Performance Indicator Description Adequacy Study, issued by KPMG Consulting, June 11, 2002.

⁶⁵ Washington 39th Supplemental Order, ¶ 34 (quoting Liberty's 9/25/01 Final Report).

⁶⁶ Washington 39th Supplemental Order, ¶¶ 35-39.

⁶⁷ Evaluation of the Arizona Corporation Commission, WC Docket No. 03-194, September 24, 2003, p. 5.

The Testing of Qwest's OSS was Extensive

According to Qwest, the ROC OSS test “was the most comprehensive and collaborative of all of the OSS tests conducted to date.”⁶⁸ Referring to KPMG’s OSS report, Qwest said: “This *Final Report* marked the culmination of more than three years of exhaustive and comprehensive effort, *unlike any seen before*, to determine whether Qwest’s OSS meet the standards set forth under Section 271 of the Telecommunications Act of 1996, as those standards have been amplified and applied by the FCC.”⁶⁹ Qwest also described the OSS testing as: “years of rigorous factfinding and analysis...”⁷⁰ and the Liberty audits as “extensive audits of Qwest’s performance measures.”⁷¹ Qwest’s opinion was shared by the state commissions that participated and oversaw the testing. For instance the Arizona Corporation Commission said: “The ACC believes that during the last four years, Qwest systems, processes, and performance measurements have undergone one of the most comprehensive reviews to-date...result[ing] in an extremely rigorous test, resolution of many disputed issues through compromise, and meaningful and effective changes to Qwest’s systems and processes.”⁷² The Colorado Public Utilities Commission referred to the testing process as “the epitome of collaborative, open decision making.”⁷³ Furthermore, the FCC said “the OSS testing conducted under the auspices of the ROC was broad-based and comprehensive.”⁷⁴

⁶⁸ Brief of Qwest Corp., WC Docket No. 02-148, June 13, 2002, p. 111.

⁶⁹ Qwest Verified Comments, Washington Docket No. UT-003022, pp. 1-2 (emphasis added).

⁷⁰ Reply Comments of Qwest Corp., WC Docket No. 02-148, p. 2.

⁷¹ Rebuttal Testimony of Renee Albersheim, Utah Docket No. 07-2263-03, July 27, 2007, p. 66, lines 16-19.

⁷² Evaluation of the Arizona Corporation Commission, WC Docket No. 03-194, September 24, 2003, p. 5.

⁷³ Reply Comments of Qwest Corp., WC Docket No. 02-148, p. 2.

⁷⁴ Qwest 9 State 271 Order, ¶ 12.

Today, despite the extensive industry efforts, Qwest's OSS is not perfect from a CLEC perspective. Nevertheless, it is far better than it was prior to the OSS investigation and testing. Clearly the industry and consumers have benefitted from the Section 271 review process and the resulting changes that came from that extensive process.

The OSS Test Experience Demonstrates that Commitments on OSS Capabilities Must be Evaluated and Monitored

Before the test of Qwest's OSS test began, Qwest claimed that its OSS met the Section 271 obligations imposed on BOCs. In November 1999, Qwest testified:

US West has deployed the necessary system and personnel to provide sufficient access to its OSS, adequately assists CLECS to use all of the OSS functions available to them, and demonstrates that its OSS functions are operational ready, as a practical matter.⁷⁵

Qwest made the same claims regarding the CMP (or Co-Provider Industry Change Management Process or CICMP) process that existed in 1999.⁷⁶ However, this was *before* the hundreds of issues of concern regarding Qwest's OSS were identified and addressed through third-party testing, and *before* Qwest's CICMP was completely revamped into the CMP by the CMP Redesign. This was also *before* tens of millions of dollars⁷⁷ and countless hours⁷⁸ were spent to

⁷⁵ Colorado Docket 97I-198T, Notarianni Affidavit on behalf of US WEST, November 30, 1999, p. 4.

⁷⁶ See, e.g., *In the Matter of the Investigation into Qwest Corporation's Compliance with §271(C) of the Telecommunications Act of 1996*, Washington Docket No. UT-003022, Direct Testimony of James H. Allen on behalf of Qwest Corp., May 16, 2001, p. 5 ("Yes. The CICMP has been working effectively since Qwest implemented it.")

⁷⁷ See, e.g., US WEST's Status Report and Notice of Intent to File with FCC Pursuant to Section 27(C) of the Telecommunications Act of 1996, November 30, 1999, p. 27 ("US WEST has spent over \$160 million developing these interfaces and adjusting its systems to meet the demands of CLECs.") This does not account for the millions of dollars expended by CLECs to build interfaces with Qwest's OSS, observing and participating in testing process and related regulatory proceedings, etc.

ensure that the OSS that Qwest uses in its BOC territories would provide CLECs with the same level of quality as Qwest's retail operations enjoy and a meaningful opportunity to compete. Obviously, the claims Qwest was making about its OSS and CMP back in 1999 – no matter how well-intentioned – did not square with the evidence that was subsequently collected and examined through third-party OSS testing.

This shows that CLEC concerns about the proposed acquisition of Qwest by CenturyLink are well-founded. CenturyLink and Qwest use different OSS, and, importantly, CenturyLink's OSS has not undergone the third-party OSS tests that brought about the "meaningful and effective changes to Qwest's systems and processes."⁷⁹ While CenturyLink is making similar statements about its OSS as Qwest made back in 1999,⁸⁰ the test of Qwest's OSS shows that these statements cannot be accepted at face value. Moreover, CenturyLink has indicated that CLECs should expect changes if the acquisition is approved without providing any information about those future changes.⁸¹ This is particularly concerning to CLECs because it is well-known that OSS in CenturyTel's legacy service territory has traditionally been overly-manual, and CenturyLink is still in the process of integrating OSS as a result of the CenturyTel/Embarq merger.

⁷⁸ The Arizona Corporation Commission states: "The parties contributed extensive time, resources and expertise to the process over the last four years." Evaluation Report of the Arizona Corporation Commission, WC Docket No. 03-194, September 24, 2003, p. 5.

⁷⁹ Evaluation of the Arizona Corporation Commission, WC Docket No. 03-194, September 24, 2003, p. 5.

⁸⁰ See, e.g., Direct Testimony of Michael Hunsucker on behalf of CenturyLink, Inc. Oregon Docket UM-1484, June 22, 2010 ("Hunsucker Direct"), pp. 2-3. ("The purpose of my direct testimony is to: 1) provide an overview of the CTL Wholesale Operations organization, 2) provide a high level overview of CTL's ability to service our wholesale customers via our Operations Support System (OSS), and 3) **provide assurances** relative to the current obligations of Qwest relative to the CLEC market. . . . In addition, the combined company will continue to employ highly skilled and experienced personnel in its wholesale operations group.") (emphasis added)

⁸¹ See, e.g., Hunsucker Direct, p. 8 ("...so changes could be expected over time.")

The FCC has found that CLECs would be “severely disadvantaged, if not precluded altogether, from fairly competing,” if they did not have nondiscriminatory access to OSS,⁸² and Qwest has described its existing OSS as playing “a crucial role in the transactions between Qwest and all CLECs”⁸³ and “the lifeblood of...Qwest’s wholesale operation...”⁸⁴ The proposed merger should not be approved when the “lifeblood” of the CLECs’ relationship with Qwest is “up in the air.”

⁸² FCC *Local Competition First Report and Order*, ¶518.

⁸³ Qwest Post Hearing Brief, Utah Docket 07-2263-03, p. 75.

⁸⁴ Surrebuttal Testimony of Renee Albersheim, on behalf of Qwest Corp., Utah Docket 07-2263-03, August 10, 2007, p. 39.