THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Qwest Corporation, Denver, Colorado, filing its notice of intention to file Section 271(c) application with the FCC and request for Commission to verify Qwest Corporation's compliance with Section 271(c).	)	Application No. C-1830
	)	CHECKLIST ITEM NUMBERS 4, 5 and 6 SATISFIED
	)	Entered: May 7, 2002

BY THE COMMISSION:

1. In November 1998, US West Communications, Inc. (now known as Qwest Corporation) presented its initial evidence to demonstrate compliance with Section 271 of the Telecommunications Act of 1996 (the Act). On April 9, 1999, this Commission issued an order finding US West in compliance with eight checklist items, specifically, Checklist Item Nos. 3, 7, 8, 9, 10, 11, 12 and 14. The Commission also found US West in compliance with Track A, Section 272 and the public interest requirements of the Act. The Commission withheld judgment on Checklist Item No. 13 to further investigate issues concerning reciprocal compensation for Internet service provider (ISP) traffic.

2. The Commission's April 9, 1999, order, however, also required US West to periodically present performance data showing that it continued to remain in compliance with the requirements of these checklist items. Specifically, the April 9, 1999, order provided: "[B]efore the Commission enters a final order, US West must provide updated data on those items we have already found in compliance. By so doing, the Commission can evaluate whether US West is continuing to meet its obligations." *April 9, 1999 Order at 58*.

3. In September 1999, US West presented additional evidence with respect to Checklist Item Nos. 1, 4, 5 and 6. On May 10, 2000, the Commission entered its second order on these checklist items. The Commission found US West in compliance with Checklist Item No. 1, but requested additional information on Checklist Item Nos. 4, 5 and 6. Specifically, at that point, the Regional Oversight Committee (ROC) was in the process of creating and

finalizing performance indicator definitions (PIDs) that would allow US West to establish that it was providing these and most of the remaining checklist items to competitive local exchange carriers (CLECs) at an acceptable level of quality. The Federal Communications Commission (FCC) established in December 1999, in its *Bell Atlantic New York* decision, that negotiated performance metrics are a critical component of a Bell operating Company's (BOC) 271 application. Therefore, before the Commission found US West in compliance with Checklist Item Nos. 4, 5 and 6, the Commission wanted to evaluate performance data under the ROC negotiated and agreed upon PIDs.

4. On June 30, 2000, Qwest Corporation (Qwest) and US West consummated their merger.

5. On May 25, 2001, Qwest reinstated its state-specific Section 271 proceedings before this Commission by, *inter alia*, submitting performance data testimony through Michael G. Williams [hereinafter *Williams 1*]. The Commission set a hearing for August 22, 2001, and in the process, ordered Qwest and all other interested parties to submit additional performance testimony on August 8, 2001. On August 8, 2001, Qwest submitted supplemental testimony of Michael G. Williams [hereinafter *Williams 2*]. AT&T was the only other party to submit testimony. It submitted testimony of Mr. Steven L. Kail. Mr. Kail's primary assertion was that he had not been able to recreate Qwest's data around interconnection trunks and unbundled loops; therefore, AT&T claimed it could not be certain that the data in these areas were accurate.[1]

6. In late August 2001, Qwest and AT&T of the Midwest, Inc. (AT&T) met to discuss their data differences. Mr. Kail described the meetings in his supplemental testimony submitted on September 4, 2001. [hereinafter *Kail 2*]. To provide the parties with additional time to reconcile their data, the Commission continued the hearing from August 22 to September 6, 2001.

[1] Since AT&T's original submission in August 2001, it has opted to not present its own performance data and to, instead, rely upon Qwest's data. While AT&T took issue with both the accuracy and adequacy of various aspects of Qwest's performance, this Commission finds it important to note that AT&T no longer asks the Commission to analyze its data as well.

7. On September 6, 2001, the Commission held a hearing to discuss Qwest's performance data. Due to ongoing data reconciliation being conducted by Liberty Consulting Group (LCG), the Commission decided to withhold making a final decision on Qwest's performance until the reconciliation process was concluded and the Commission could hold a further hearing.

8. From December through March 2002, LCG issued a number of reports on Qwest Performance Measures Data Reconciliation for the states of Arizona, Colorado, Nebraska and Washington. LCG has since issued another report for the State of Oregon. In this data reconciliation, LCG has followed ROC's observation and exception process to identify potential areas of concern. After analyzing over 10,000 orders on an individualized basis, LCG has issued one exception and 13 observations concerning data reconciliation. LCG has closed the exception and 11 of the observations.

9. After the completion and release on January 27, 2002, of the Third Report on Qwest Performance Measure Data Reconciliation – Nebraska, the Commission scheduled a hearing to be conducted on LCG's Data Reconciliation and Qwest's Performance Data.

10. On March 4, 2002, pre-hearing testimony was filed by Mike Williams [hereinafter *Williams 3*] on behalf of Qwest. Mr. Robert L. Stright of LCG filed comments regarding LCG's data reconciliation efforts. AT&T, likewise, filed comments, which at the hearing held on March 12, 2002, were adopted by Mr. John Finnegan of AT&T.

11. The Commission held evidentiary hearings on March 11 and 12, 2002, regarding data reconciliation issues and Qwest's performance data. On March 13, 2002, the Commission also heard oral arguments on Qwest's compliance with the 14-point competitive checklist items under Section 271 of the Act.

12. The Commission hereby finds and concludes that Qwest is in compliance with all aspects of the competitive checklist, with the exception of Checklist Item No. 2. Summarized below are the facts that support the Commission's finding and conclusion that Qwest meets each aspect of said checklist items.

II. THE RECONCILIATION OF QWEST'S DATA

13. Mr. Robert L. Stright from LCG testified as to the reconciliation of Qwest's data.

14. In order for the Operational Support Systems (OSS) tests to be meaningful, ROC concluded that it was critical to conduct an audit to evaluate and analyze Qwest's PIDs to ensure that they "accurately and reliably report actual Qwest performance." The ROC retained LCG to conduct a Performance Measure Audit. LCG issued an initial draft report of its audit on July 11, 2001. The audit focused on three primary elements: (i) examining the business processes related to the performance measures, (ii) tracking data through the process to performance results reporting, and (iii) independently calculating performance results.

15. To respond to some CLECs' continuing arguments about the accuracy of Qwest's performance data, Qwest agreed to participate in data reconciliation as an adjunct to the audit. LCG was retained to perform this task as well. Three CLECs – AT&T, MCI WorldCom (WorldCom) and Covad Communications Company (Covad) – sought to reconcile data with respect to selected PIDs.

16. In August 2001, ROC asked LCG to conduct data reconciliation as an extension of the performance measures audit. According to Mr. Stright, LCG is performing "data validation to resolve any debates concerning the accuracy of performance data emanating from particular ROC PIDs." (ROC Change Request #20) The data reconciliation process was designed to determine whether any of the information provided by CLECs demonstrated inaccuracy in Qwest's reported performance results as these measures were defined in the PID. Any CLEC involved in any aspect of Section 271 proceedings anywhere in Qwest's region had an opportunity to identify PIDs that they thought were generating inaccurate information.

17. Mr. Stright testified that only AT&T, WorldCom and Covad expressed concerns about the accuracy of Qwest's reported performance results as they relate to service received by those CLECs. These three CLECs participated in the data reconciliation to help determine whether the data

Qwest inputs into its systems are accurate and reliable. These CLECs only sought reconciliation of a few PIDs around four different products: interconnection trunks, analog loops, 2-wire non-loaded loops and line sharing. Thus, the data reconciliation only affected Checklist Item Nos. 1 and 4 – interconnection and unbundled loops.

18. The reconciliation process began in September 2001, and over the last several months, LCG has issued six Data Reconciliation Reports, each based on a detailed order-by-order review of various records. In total, Mr. Stright testified that LCG analyzed well over 10,000 orders on an item-by-item basis, as well as several-hundred trouble tickets, also on an item-by-item basis.

19. On September 25, 2001, LCG issued its final audit report, covering all PIDs and conclusively finding that the audited performance measures accurately and reliably reported Qwest's actual performance. The LCG report concluded that Qwest's performance reports "accurately and reliably report actual Qwest performance" under the Performance Indicator Definitions (PIDs) adopted by the ROC. *See 9/6/01 Hearing Exhibit 2*. The initial LCG report covered all but seven of the PIDs.

20. LCG issued its first data reconciliation report, using data from Arizona, on December 3, 2001; and on January 3, 2002, issued its second report using data from Colorado. On January 28, 2002, LCG issued its third report, which provided the results of LCG's review of the data from Nebraska. On February 2, 2002, LCG issued an update to the Colorado report, which provided the status of observations and exceptions issued as a result of the data reconciliation process. On March 1, 2002, LCG issued a report on the results of its reconciliation of data from the state of Washington. Mr. Stright testified that, although reconciliation work is ongoing in the states of Oregon, Utah and Minnesota, it was his opinion that the data reconciliation work completed by LCG to date is representative of what LCG will find in these remaining states. Since the hearing, LCG issued its report for the state of Oregon.

21. To date, LCG has issued one exception and 13 observations to Qwest's performance data, of which the exception and 11 observations have since been closed. Of

the 12 exceptions and observations discussed by Mr. Stright at the hearing, six were system-related problems that Qwest has since remedied. The other six issues were problems related to human error, all but two of which have since been closed. One of those two outstanding observations was closed in LCG's Oregon report.

22. Mr. Stright testified at length on both direct and cross-examination as to the rigorous measures taken by LCG before closing an observation or exception. Before LCG would consider closing an observation or exception, LCG required evidence to establish that Qwest had improved its procedures and processes to minimize or, when possible, eliminate the likelihood of recurrence. In response to questions from Commission staff regarding the reliability of Qwest's data, Mr. Stright confirmed that "in general, yes, the - [data] based on our [LCG's] work . . . are accurate and reliable." Tr. 97:2-24.

23. The two observations that remained at the hearing concern incidents of human error, which do not degrade Qwest's performance results. Observation 1036, which closed in the Oregon Report, concerned human error on the issue of interconnection trunk reterminations. According to Mr. Stright, retermination occurs when Qwest takes LIS trunks and moves the connections from an old switch to a new switch or moves an older facility portion of a switch to a new one. Observation 1036 concerned the issue of whether those orders should or should not be included in the performance measure. In Mr. Stright's opinion, Observation 1036 is a fairly simple and isolated matter that should be easily resolved. (Tr. 41 7-19.) The second outstanding issue, Observation 1031, relates to Service Order Miss Codes in which Qwest improperly determined that a due date was missed for customer reasons. In reality, the problem orders were missed for Qwest reasons. Mr. Stright testified that Observation 1031 did not significantly degrade Qwest's performance results.

24. After summarizing all of the findings regarding Qwest's performance data, Mr. Stright concluded that the Commission may rely on Qwest's performance results as representative of the level of performance that Qwest delivers in the marketplace to CLECs. (Tr. 60:3-14.)

25. AT&T offered no direct rebuttal testimony to Mr. Stright's testimony. Rather, Mr. Finnegan of AT&T claims that the reliability of Qwest's performance data remains an open issue that will not be settled until the completion of both the Liberty Consulting data reconciliation effort and KPMG's independent calculation of performance results for the pseudo-CLEC as part of the ROC-OSS test must be concluded before this Commission can consider the reliability of Qwest's data. AT&T asserts that KPMG will be validating Qwest's data in the OSS test by comparing KPMG's independently calculated PID results for the pseudo-CLEC to the Qwest PID results for the pseudo-CLEC. According to AT&T, KPMG has not yet reported its findings on this subject. AT&T argues that the Commission should not make a final determination as to the accuracy and reliability of Qwest's performance results until Liberty completes its data reconciliation effort and KPMG has completed its data verification.

26. After reviewing the evidence submitted by LCG, and arguments of both Qwest and AT&T, the Commission concludes that Qwest's audited and reconciled performance results demonstrate, as testified by Mr. Stright, that the Commission can rely on Qwest's performance data to evaluate whether Qwest satisfies Section 271 of the Act.

27. This Commission will consider adopting LCG's final data reconciliation reports after they are finished.

28. AT&T also argued that the Commission should not give Qwest credit for provisioning and repairing various services that have had low volumes in the state of Nebraska. From the very beginning of this process, the Commission has made clear that our strongest interest is the performance in the state of Nebraska for services CLECs actually order. Contrary to AT&T's assertions, this Commission finds it highly relevant and persuasive that Qwest is performing at a high level of quality on the orders it actually receives in the state of Nebraska. As the FCC itself has recognized, the most probative evidence of a BOC's ability to perform is how it actually performs in the marketplace for actual CLECs. Thus, the Commission will evaluate all of Qwest's commercial performance. Of course, any checklist approval is conditioned upon successful passage of the ROC OSS Test.

III. FCC'S LEGAL STANDARD FOR EVALUATING PERFORMANCE DATA

29. On July 20, 2001, the FCC issued its order approving the Section 271 application of Verizon for Connecticut. In Appendix D to that Order, the FCC summarized the standards it applies in Section 271 proceedings. The FCC noted that when, as here, parity and benchmark standards are developed through open proceedings with input from the incumbent and competing carriers, those standards represent informed and reliable attempts to objectively measure compliance with the Act.

> Thus, to the extent there is no statistically significant difference between a BOC's provision of service to competing carriers and its own retail customers, the Commission generally need not look any further. Likewise, if a BOC's provision of service to competing carriers satisfies the performance benchmark, the analysis is usually done.

Connecticut Order at Appendix D-5, ¶ 8. Even when statistically significant differences in performance exist, the Commission may "conclude that such differences have little or no competitive significance in the marketplace. In such cases, the Commission may conclude that the differences are not meaningful in terms of statutory compliance." *Id*. Moreover, when "there are multiple performance measures associated with a particular checklist item, the Commission considers the performance demonstrated by all the measurements as a whole. Accordingly, a disparity in performance for one measure, by itself, may not provide a basis for finding noncompliance with the checklist." *Id*. ¶ 9. This Commission analyzed the Qwest performance data using the FCC's framework.

30. Except for the issues raised by AT&T and one minor issue raised by counsel for Cox Communications, no other participant challenged Qwest's performance data submitted to the Commission.

31. The following are the Commission's conclusions regarding Qwest's commercial performance related to each checklist item.

I. CHECKLIST ITEM NO. 1 – INTERCONNECTION AND COLLOCATION

32. There are 26 PIDs that provide objective criteria by which to judge Qwest's actual commercial performance related to interconnection and collocation. The interconnection measures track data on trunk blockage as well as interconnection trunk installation and repair. This data is then compared to Qwest's performance in provisioning Feature Group D trunks which ROC determined comparable. The collocation measures provide data on both collocation installation and collocation feasibility studies.

A. Interconnection

33. Section 271(c)(2)(B)(i) of the Act requires a Section 271 applicant to provide "interconnection in accordance with the requirements of Sections 251(c) and 252(d)(1)." Checklist Item No. 1 requires Qwest to provide CLECs with interconnection in substantially the same time and manner as it provides similar services to its retail customers. Interconnection concerns the mutual exchange of traffic between Qwest and CLECs. Interconnection is measured by trunk blockage, interconnection trunk installation and interconnection trunk repair.

34. Qwest's performance in limiting call blockage on interconnection trunks is acceptable. Qwest's audited performance data shows that Qwest's trunk blockage on CLEC interconnection trunks to Qwest tandem offices for the months of October 2001 through January 2002 was well below the ROC's 1 percent benchmark. *Williams 3 at 12,* Exhibit 1[2] at 32, NI-1A. Similarly, trunk blockage on CLEC interconnections trunks to Qwest end offices was equally minimal. While Cox raised this issue, Qwest was of the opinion that Cox experienced trunk blockage because it did not augment its trunks after Qwest issued Trunk Group Service Requests informing Cox that additional trunks were necessary to prevent blockage. In our May 10, 2000, order, this Commission held that Qwest should not be held responsible when a CLEC fails to act after Qwest notice is provided.

[2] Exhibit 1 to the testimony of Mike Williams (*Williams 3*), which is Nebraska Performance Indicator dated February 20, 2002, and part of Exhibit 2 to the March 11 and 12, 2002, hearing, shall hereinafter be referred to as MW-1.

35. Qwest's audited trunk installation performance data meets the ROC standards. In Zone 1, Qwest met 100 percent of its installation commitments to CLECs in three of the last four months of presented data, with an average interval between 10 and 31 days. *Williams 3 at 12,* MW-1 at 24, OP-3 and OP-4. In Zone 2 (low density areas), Qwest also met 100 percent of its trunk installation commitments to CLECs each month with an average interval below 26 days. Qwest's wholesale performance in both Zone 1 and Zone 2 was statistically identical to its retail performance in at least three of the last four months. (*Id.* MW-1 *at 24-25, OP-3 and OP-4.)* Overall, trunk installation quality is convincing as well, as 100 percent of the newly installed trunks have not experienced any trouble within 30 days. *Id. at 12-13,* MW-1 *at 3 OP-5 and OP-5*.*

36. Qwest also achieved success in maintaining and repairing interconnection trunks. Qwest's audited data shows the rate of trouble reports for interconnection trunks has been extremely low—0.02 percent (2 in 10,000 trunks) or less each month. (*Williams 3 at 13*, MW-1 at 30, MR-8.) Qwest cleared 100 percent of CLEC trouble reports within four hours in Zones 1 and 2 each month. (*Id.* MW-1 *at 28-29,* MR-5.) The mean time to restore service for CLECs was one hour and 15 minutes or less in both Zone 1 and 2. (*Williams 3 at 13*, MW-1, MR-6.)

37. At the March 11 and 12, 2002, hearing, Qwest presented data showing that it had provided statistically equal or better performance data for CLECs on 17 of 18 ROC PIDs concerning interconnection for at least three of the last four months. *3/11-12//02 Hearing MW-1 at 1*.

38. The Commission finds Qwest continues to meet the performance requirements of the Act with regard to interconnection.

B. Collocation

39. Collocation allows CLECs to place equipment in a Qwest premises (primarily central offices) for the purpose of interconnection or accessing unbundled network elements (UNEs). Recently, in response to two collocation decisions from the FCC, ROC significantly revised the collocation PIDs. The revised PIDS set installation intervals of 90 days when the collocation is forecasted, and 120 to 150

days when no forecast is provided (depending on whether major infrastructure modifications are necessary). The PIDs also set a 10-day benchmark for feasibility studies.

40. Although Qwest had little performance data to report in Nebraska for October 2001 through January 2002, Qwest's regional results demonstrate it continues to provide collocation in compliance with the Act. From October 2001 though January 2002, Qwest met the 90-, 120- and 150-day installation benchmarks, with average intervals substantially shorter than the ROC-set benchmark. (*Williams 3 at* 14. *Exhibit 2 at 33*[3] CP-1A to 1C.) Qwest completed 100 percent of its installation commitments for collocations on time.

41. Feasibility is the second measurable component of collocation. In the first 10 days of the installation interval, feasibility studies are completed and require Qwest to inform CLECs whether the requisite central office contains adequate space and power to meet the CLEC's request. Qwest's region-wide data demonstrates that in the months of October 2001 through January 2002, Qwest met the collocation feasibility obligations 100 percent of the time in three months and 96 percent of the time in the remaining month. (*Williams* 3 at 14. *Exhibit 2 at 34*, CP-4.) Qwest's performance exceeds ROC's 90 percent benchmark. Moreover, Qwest provided these feasibility studies in less than 9.5 days each month, besting ROC's 10-day benchmark. (*Id., Ex. 2,* CP-3*.)*

42. Given that Qwest is consistently meeting or exceeding the standards contained in the ROC PIDs, the Commission finds that Qwest continues to satisfy its collocation requirements of Checklist Item No. 1.

III. CHECKLIST ITEM No. 2 – OSS AND UNE COMBINATIONS

A. OSS

43. The FCC has defined Checklist Item No. 2 principally as access to UNE Combinations and access to OSS. Access to OSS is being tested by ROC. The Commission is fully participating in and committed to the ROC OSS

[3] Exhibit 2 to the testimony of Mike Williams (*Williams 3*), which is Regional Performance Indicator dated February 20, 2002, and part of Exhibit 2 to the March 11 and 12, 2002, hearing, shall hereinafter be referred to as MW-2.

Testing process. The ROC OSS test was designed to evaluate all of Qwest's OSS. The test's military-style "test until you pass" approach ensures that all significant exceptions will be tested, modified and re-tested until the relevant success criteria are met. Hewlett-Packard, the pseudo-CLEC, is currently testing Qwest's OSS, with KPMG Consulting serving as Test Administrator. Given that the ROC Test is military-style, this Commission finds that Qwest likely satisfies its OSS obligations under the Act subject to successful passage of the ROC Test. Once KMPG determines that the Test is passed, this Commission will be prepared to recommend to the FCC that Qwest is in compliance with Section 271 of the Act, as long as Qwest has modified its QPAP as directed by the Commission and has received approval of its Change Management Processes.

44. Qwest's OSS is a combination of the systems, databases, personnel and documentation that are integral to pre-ordering, ordering, provisioning, maintenance and repair and billing of facilities and services to CLECs. Qwest's principal evidence on this subject will come from the ROC OSS Test. However, Qwest presented its commercial performance data from the state of Nebraska and regionally as evidence of how it has been performing in the actual marketplace over the last four months.

45. The commercial performance data that Qwest presented is encouraging. It shows that Qwest consistently meets the ROC-determined benchmarks for gateway availability, pre-order response times, change management, timeouts, reject notifications, firm order confirmations, jeopardy notifications and center access. Qwest is also meeting newly developed performance objectives for order flow-through, a topic we specifically mentioned as an issue of concern in our April 9, 1999, order.

46. However, the billing data is somewhat mixed and AT&T has expressed concern. Qwest testified that it has instituted changes to remedy some issues identified in the past. Even though most of Qwest's commercial data is positive, the Commission will reserve judgment on this aspect of the checklist until it reviews the OSS Report. If, however, the OSS Report validates the data Qwest presented at hearing, the Commission will approve this item as well.

B. UNE Combinations

47. Checklist Item No. 2 also requires Qwest to provide CLECs with UNE Combinations. UNE Combinations allow CLECs to offer finished services to end-user customers over combinations of UNEs. Qwest tracks three forms of UNE Combinations in its performance data: unbundled network elements-platform (UNE-P) (both UNE-P-plain old telephone service (POTS) and UNE-P-Centrex) as well as Enhanced Extended Loops (EELs).

48. Qwest's audited performance data shows that Qwest has generally successfully and promptly installed and repaired UNE-P for CLECs in commercial quantities.

49. *Installation of UNE-P Without Dispatch.* Whether Qwest is meeting its obligations is centered on how it provides and maintains UNE-P-POTS without the dispatch of a technician, since Qwest installs the vast majority of all UNE-P-POTS lines in Nebraska and the rest of its region without a dispatch. For UNE-P orders in that category, Qwest provisioned over 99 percent of its installation commitments in each of the last four months in an average interval of less than 2.9 days. (*Williams 3 at* 79, OP-3 & OP-4.) These results were usually at parity with equivalent retail performance. The evidence presented by Qwest demonstrates that in the limited circumstance when delays in installations occurred, the delays were brief and consistently at parity with retail. (*Id.*, OP-6A & 6B.)

50. *Installation of UNE-P With Dispatch.* When the provision of UNE-P-POTS requires the dispatch of a technician, Qwest also performed well during the months of October 2001 through January 2002. For dispatches within metropolitan statistical areas (MSAs), Qwest met 100 percent of its CLEC installation commitments in an average of about 3 to 10 days. (*Williams 3* at 23, *MW-1 at 77*, OP-3 & OP-4.) For dispatches outside MSAs, Qwest also met 100 percent of its installation commitments to CLECs in each of the last four months in an average of about 3-4 days. (*Williams 3* at 78, OP-3 & OP-4.) Irrespective of the type of technician dispatch, all of these results were at parity with retail performance. Additionally, Qwest completed over 85 percent of all new UNE-P-POTS installations without the CLEC experiencing any trouble. (*Williams 3* at 80, OP-5.)

51. *Repair of UNE-P-POTS Lines Without Dispatch.* The overall trouble report rate for all UNE-P installations in Nebraska was very low—1.66 percent or less for October 2001 through January 2002. This was at parity with the trouble rates for comparable retail installations.)*Williams 3 at 23, MW-1 at 86, MR-8.)* Qwest clears 94 percent of CLEC out of service reports within 24 hours and 100 percent of all CLEC trouble reports within 48 hours when no technician dispatch is required to clear trouble. *(Id.*, *MW-1 at 85*, MR-3, MR-4.) The mean time to restore UNE-P service was only seven hours or less. *Id.* For the months of October 2001 through January 2002, all these measures were at parity with retail.

52. *Repair of UNE-P-POTS Lines With Dispatch.* In the repair of UNE-P-POTS lines requiring a technician dispatch, Qwest cleared 100 percent of out-of-service troubles whether the repairs required a dispatch within an MSA or outside an MSA. The mean time to restore service to CLECs was comparable to, or lower than, the mean time to restore retail service. (*Id.* at 24, MW-1 at *82-84, 69*, MR-3, MR-6.) Across all performance metrics, Qwest's repair of UNE-P-POTS lines for the months of October through January 2002 was consistently at parity with equivalent retail performance.

53. *Installation of UNE-P-Centrex Without Dispatch*. CLECs have not ordered UNE-P-Centrex in Nebraska. Qwest's regional data shows Qwest installs the majority of its UNE-P-Centrex lines in its region without technician dispatch. For UNE-P-Centrex orders without a technician dispatch, Qwest met at least 97.6 percent of its installation commitments in the months of October 2001 through January 2002, and in an average interval of about five days. (*Williams 3 at 24, MW-2 94, OP-3 and OP-4.)* For dispatches within and outside MSAs with dispatch of a technician, Qwest met over 88 percent of its CLEC installation commitments in an average of about 6.5 days. (*Williams 3* at 24, *MW- 2*, OP-3 & OP-4.) Three of four of the measures were consistently at parity with retail performance. The audited performance data for the months of October 2001 through January 2002 demonstrates that Qwest can provision this service when requested.

54. *Repair of UNE-P-Centrex Lines.* Qwest's repair of UNE-P-Centrex lines throughout the region has been quite good for the months of October 2001 through January 2002. The overall trouble rate for CLEC UNE-P-Centrex has been less than 1 percent each month. (*Williams 3 at* 25, *MW-2 at 101*, MR-8 and MR-8*.) When troubles occur, Qwest demonstrated that it resolves them efficiently and at parity with equivalent retail service. Irrespective of whether a technician dispatch is required to clear the trouble, Qwest clears over 92 percent of CLEC out-of-service reports within 24 hours and over 97 percent of all CLEC trouble reports within 48 hours. (*Id*. *MW-2 97-100*, MR-3, MR-4.) The mean time to restore UNE-P-Centrex service was always less than 14 hours and always at parity with retail. (*Id*., *MW-2* MR-6.)

55. *Provisioning EELs*. According to the record, CLECs in Nebraska have not ordered Enhanced Extended Link (EELs) from Qwest. The only performance measurement for EELs set to date by the ROC concerns the percentage of commitments met (OP-3). The ROC determined that Qwest should meet 90 percent of its OP-3 EEL obligations. From October 2001 through January 2002 in Zone 1 and Zone 2 combined, Qwest provisioned 122 of 143 (85.3 percent) EELs on time. (*Exhibit 1 at 103*, OP-3.) Although just below the 90 percent benchmark, the Commission finds Qwest's performance adequate given that this service is still relatively new and infrequently ordered. Nonetheless, the Commission encourages Qwest to make improvements in this area.

56. At the March 11 and 12, 2002, hearing, Qwest presented data showing that it had provided statistically equal or better performance data in at least three of the last four months on all 29 ROC PIDs concerning UNE-P-POTS – the only UNE-Combinations with any volume in the state of Nebraska. Given that Qwest is consistently meeting or exceeding the standards contained in the ROC PIDs, the Commission finds that Qwest continues to satisfy its UNE-Combination requirements of Checklist Item No. 2.

IV. CHECKLIST ITEM NO. 3 — ACCESS TO POLES, DUCTS, CONDUITS AND RIGHTS-OF-WAY

57. As of June 30, 2001, Qwest reported that CLECs had attached to 16 poles and occupied 424,601 feet of duct

space in Nebraska. (*Williams 2 at 9*.) ROC has not adopted any performance measures for this checklist item. The Commission reaffirms that Qwest remains in compliance with Checklist Item No. 3.

V. CHECKLIST NO. ITEM 4 — UNBUNDLED LOOPS

58. Unbundled loops are the facility that connects the Qwest central office to the end-user premises. The FCC has found this to be a key aspect of the competitive checklist. In Nebraska, virtually all of the unbundled loops in service – 96 percent — are either analog (voice) loops or 2-wire non-loaded (DSL) loop. As of January 31, 2002, Qwest reported that it had supplied CLECs with: (1) 14,663 analog unbundled loops; (2) 1,135 2-wire non-loaded loops; (3) 582 ISDN capable loops; (4) 2 asymmetrical digital subscriber line (ADSL) qualified loops; and (5) 7 DS-1 capable loops. (See *Exhibit 1,* MR-8 denominator for each type of loop.) In total there are 16,659 unbundled loops in service in Nebraska of which 88.5 percent are analog loops, 7.9 percent are 2-wire non-loaded loops, 3.5 percent are ISDN capable loops and 0.1 percent are DS-1 capable and/or ADSL qualified loops. Due to the type of loops ordered in Nebraska, to determine whether Qwest is meeting its Checklist Item No. 4 obligations, the inquiry focuses on the three types of loops with volume.

A. Analog Voice Loops

59. *Installation of Unbundled Analog Loops.* From October 2001 through January 2002, in Zone 1, Qwest met over 96 percent of its commitments in three of the months, exceeding the ROC's 90 percent benchmark. (*Williams 3* at 27, *MW-1 at 101*, OP-3.) In December, Qwest met 87 percent of its commitments; this was the first time since June 2001 that Qwest's performance fell below the 90 percent benchmark. Williams testified that this result was driven in large part by a disproportionately large number of loops—151 to be exact—delayed for facility reasons. (*MW-1 at 101*, OP-6B.) In Zone 2, Qwest met over 94 percent of its installation commitments in each of the last four months, besting ROC's 90 percent benchmark. (*MW-1 at 102*, OP-3.) Qwest has also generally maintained the average installation interval for CLEC loops below the ROC's six-day benchmark. In each of the last four months, the average interval to install analog loops in Zone 1 has been

right around 6 days (5.6 to 6.2 days). (*MW-1 at 101*, OP-4.) In Zone 2, the interval has been less than 6-days in each of the last four months. (*Id. MW-1 at 102*, OP-4.) When delays in provisioning did occur, the CLEC delays were usually at parity with retail performance. (*Id. MW-1 at 101-02*, OP-6A and 6B.) Qwest also installed over 93 percent of new loops without a CLEC filing a trouble report in the months of October 2001 through January 2002. Those results exceed Qwest's retail performance. (*Id. MW-1 at 103*, OP-5.)

60. In its *New York Order*, the FCC concluded that a BOC satisfies the requirements of Checklist Item No. 4 if it meets 90 percent of its installation commitments, less than five percent of loop installations result in a service outage, and less than two percent of loops experience trouble. (*New York Order* at 162-63, ¶ 309.) Qwest is exceeding this standard. The Commission finds that Qwest is meeting the FCC's standard in Nebraska for installation of unbundled analog loops.

61. *Repair of Unbundled Analog Loops.* Qwest's audited performance data shows that Qwest performs timely and accurate repairs for CLECs. The overall trouble rate was less than 1.2 percent in October 2001 through January 2002. In each instance the trouble rate for CLEC loops was at parity to the trouble rate for Qwest's retail analog loops. (*Williams 3* p. 28, *MW-1 at 107*, MR-8.) In Zone 1, Qwest always cleared over 96 percent of out-of-service troubles within 24 hours. (*MW-1 at 105*, MR-3.) In Zone 2, Qwest cleared 100 percent of such troubles within 24 hours. (*MW-1 at 106*, MR-3.) In both Zones, Qwest cleared over 99 percent of all CLEC trouble reports within 48 hours. (*Id.* at 105-06, MR-4.) This performance was always at parity with Qwest's retail service. Similarly, the mean time to restore service to CLECs was always less than seven hours in Zone 1, and below 12 and ahalf hours in Zone 2. (*Id*. MR-6.) Qwest data demonstrates that Qwest provided parity repair service to CLECs for all nine performance metrics addressing unbundled analog loops in each month from October 2001 through January 2002. (*Id. MW-1 at 92-94*, MR-3, MR-4, MR-6, MR-7 and MR-8.)

62. At the March 11 and 12 hearing, Qwest presented data showing that it had provided performance for CLECs at or above ROC standards on 17 of the 18 ROC PIDs concerning

analog loops in at least three of the last four months. As described above, Qwest's current performance overall generally meets ROC expectations. Given the performance results for analog loops, the Commission finds that Qwest satisfies this aspect of Checklist Item No. 4.

B. Coordinated Cutovers Completed on Time

63. Qwest opened a center in Omaha in March 2001 to manage coordinated cuts across Qwest's 14-state region. Since that time, Qwest's performance has exceeded the ROC 95 percent benchmark. Qwest timely provisioned analog loops in Nebraska over 97.5 percent of the time, for the months October 2001 through January 2002. (*MW-1 at 153*, OP-13A.) For all other loops, Qwest is also installing over 95 percent of such loops on time. *Id.*

64. At the March 11 and 12 hearing, Qwest also presented data showing that it met benchmarks on the ROC PIDs—coordinated cuts for analog loops in each of the last four months. Given these performance results for coordinated cuts, the Commission finds that Qwest satisfies this aspect of Checklist Item No. 4.

C. Non-Loaded (2-Wire) Loops

65. *Installation of 2-wire non-loaded unbundled loops.* In each of the last four months of audited performance data, Qwest installed over 92 percent of such loops on time in Zone 1 and over 96 percent in Zone 2, surpassing ROC's 90 percent benchmark. (*Id.* at 109-10, OP-3. Qwest provisioned these loops in short intervals, averaging four days in Zone 1, and 4.5 days in Zone 2, shorter time frames than the six-day benchmark in each month in both Zone 1 and Zone 2. (*MW-1*, OP-4.)

66. *Repair of 2 wire non-loaded unbundled loops.* In October 2001 through January 2002, Qwest's audited data shows the trouble rate for such CLEC loops was always less than 0.9 percent, and always at parity with that experienced by Qwest's retail customers. (*MW-1 at 115*, MR-8.) Qwest consistently cleared 100 percent of CLEC out of service reports within 24 hours in both Zone 1 and Zone 2. (*Id.* at 113-14, MR-3.) Similarly, Qwest always cleared 100 percent of all trouble reports within 48 hours in both Zones. (*Id.*, MR-4.) All nine of Qwest's repair metrics

for 2-wire non-loaded loops were comparable to Qwest's retail performance in each of the months from October 2001 through January 2002. Id.

67. *Conditioning Loops to become DSL Loops.* In September 2001, Qwest began reporting how well it conditioned loops. Loop conditioning is sometimes necessary to create 2-wire non-loaded loops. In three of the last four months in Zone 1, Qwest conditioned over 90 percent of its loops within the standard 15-day interval, and at an average interval of approximately five days. *MW-1 at 155*, OP-3 & OP-4. In Zone 2, Qwest conditioned 100 percent of such loops on time in an average of five days. *Id.* In both Zones, this performance is consistently better than the ROC's 90 percent and 16.5-day benchmarks.

68. At the March 11 and 12, 2002, hearings, Qwest presented data showing that it had provided these loops to CLECs at or above ROC standards on 17 of the 18 ROC PIDs concerning 2-wire non-loaded loops in at least three of the last four months. Given the performance results for 2-wire non-loaded loops, the Commission finds that Qwest satisfies this aspect of Checklist Item No. 4.

D. ISDN Capable Loops

69. *Installation of ISDN capable loops*. In three of the last four months, Qwest met 100 percent of its installation commitments in Zone 1, and in the remaining month it only missed one commitment. *(MW-1 at 131,* OP-3*.)* Those results met or exceeded installation commitments for analogous retail loops. In Zone 2, Qwest consistently met 100 percent of its commitments. *(Id.* at 132, OP-3*.)* In both zones, the average installation interval for CLEC loops continued to be significantly shorter for retail customers*. (Id. at 131-32, OP-4.)* *I*nstallation delays rarely occurred. (*Id*., OP-6A and 6B.) Qwest's installations for CLECs have been of a consistent quality, with over 94 percent of such loops not experiencing new installation trouble. (Id. at 133, OP-5 and OP-5.)

70. *Repair of ISDN capable loops.* The CLEC trouble rate in each of the months from October 2001 through January 2002 was less than 1.9 percent. This trouble rate was often at parity with retail troubles. (*MW-1 at 137*, MR-8.) Qwest's data demonstrates that it performs timely

and reliable repairs of ISDN Capable Loops for CLECs in the limited instances when repairs were needed. Moreover, Qwest clears a high percentage of troubles on CLEC loops on time. In each of the last four months, Qwest cleared 100 percent of out of service troubles within 24-hours in Zone 1. (*Id.* at 135, MR-3.) Qwest also cleared 100 percent of all CLEC trouble reports within 48-hours every month in Zone 1. (*Id*., MR-4.) Over the last four months, no such troubles at all were experienced in Zone 2. (*Id*. at 136, MR-3.) In Zone 1, the mean time to restore CLEC service was three and one half hours or less in each month, which was consistently at parity with retail in both zones. (*Id.* at 135, MR-6.)

71. At the March 11 and 12, 2002, hearings, Qwest presented data showing that in at least three of the last four months, Qwest provided performance to CLECs at or above ROC standards on 12 of the 13 ROC PIDs. Given the positive performance results, the Commission finds that Qwest satisfies this aspect of Checklist Item No. 4.

E. DS-1 Capable Loops

72. *Installation of DS-1 Capable Loops.* As virtually no demand exists for DS-1 Capable loops in the state of Nebraska, Qwest presented its regional performance data at the March 11 and 12 hearing. Over the last four months, Qwest provided CLECs with effective installations of DS-1 loops. Qwest met over 90 percent of such installation commitments in December in Zone 1. (*MW-2 at 136*, OP-3.) In both Zones, installations were usually provided at parity. (*Id*. at 136-37, OP-3.) Moreover, in both Zones, CLECs experienced a shorter average installation interval for DS-1 loops than did Qwest retail customers. (*Id.*, OP-4.) Similarly, when delays in provisioning occurred, in both Zones the average delay CLECs experienced were consistently shorter than that experienced by retail customers. (*Id*., OP-6A and OP-6B.) In each month, new installation quality showed that over 87 percent of these complex circuits were provisioned without trouble. (*Id*. at OP-5 and OP-5*.)

73. *Repair of DS-1 Capable Loops.* Throughout the region, Qwest is performing reliable repair of DS-1 loops for CLECs. The CLEC trouble rate for DS-1 loops was 4 percent or less in each of the months of October 2001

through January 2002. Although the trouble rate for CLECs exceeded that for Qwest's retail customers, the margin of difference was slight. *Id.* at 142, MR-8. Qwest improved its success at restoring CLEC DS-1 service within four hours, reaching 78 percent in December in Zone 1 and 100 percent in January in Zone 2. *Id*. at 140-41, MR-5. This service has usually been at parity with retail. Moreover, in each of the last four months in both Zones, the mean time to restore has been right around or below the four-hour restoration objective. (*Id*., MR-6.)

F. ADSL Qualified Loops

74. *Installation of ADSL Qualified Loops.* As virtually no demand exists for ADSL Qualified loops in Nebraska, Qwest presented its regional performance data at the March 11 and 12 hearing. For the months of October 2001 through January 2002, Qwest's overall installation record for ADSL Qualified Loops was good. In Zone 1 and Zone 2, Qwest met 100 percent of its CLEC installation commitments in virtually every month. (*Id.* at 151-52, OP-3.) In each instance, Qwest provisioned well above the 90 percent benchmark on time. *Id*. Qwest also consistently met the six-day installation interval benchmark with an average interval below six-days in every circumstance but one. (*Id*., OP-4.) Moreover, in the limited situation when delays occurred, Qwest cleared them promptly and at parity with equivalent retail service. (*Id.*, OP-6A and 6B.) Finally, more than 96 percent of all ADSL loop installations were installed without trouble in each of the last four months. (*Id.* at 153, OP-5 & OP-5*.)

75. *Repair of ADSL Qualified Loops.* In the months of October 2001 through January 2002, the trouble rate for such CLEC loops was one percent or less, which was always at parity for comparable retail loops. (*Id*. at 156, MR-8.) In both Zone 1 and Zone 2, Qwest cleared 100 percent of all CLEC troubles on time. (*Id.* at 154-55, MR-3 and MR-4.) The mean time to restore service continued to be lower for CLECs, and always averaged less than 4 hours in Zone 1 and 8 hours in Zone 2. *(Id*., MR-6.)

G. Line Sharing

76. *Installation of Line Sharing.* At the March 11 and 12 hearing, Qwest presented its regional performance

data because according to the record, no CLEC has yet ordered a shared loop in the state of Nebraska. Qwest's audited performance data shows that Qwest met over 99 percent of its installation commitments in each month from October 2001 though January 2002. (*MW-2 at 170*, OP-3.) Qwest's performance was above the ROC 95 percent benchmark in two months and just below it the remaining two months. Qwest's performance for the installation interval, which ranged from 3.05 to 3.20 days, was better than the ROC's 3.3-day benchmark. (*Id.*, OP-4.) The new installation quality of line-shared loops is also quite good with over 95 percent of such lines installed without trouble. (*Id.* at 146, OP-5.)

77. *Repair of Line-Shared Loops.* For the months of October 2001 through January 2002, the overall trouble rate remained less than two percent and always at parity with equivalent retail service. (*Williams 3*, *MW-2 at 180*, MR-8 & MR-8*. Qwest's data demonstrates that when trouble occurs, more than 89 percent of nondispatched out-of-service troubles cleared within 24 hours, and more than 92 percent of all troubles cleared within 48 hours. (*MW-2 at 178*, MR-3 and MR-4.) The mean time to restore these services is less than 15 hours. (*MW-2 at 178*, MR-6.) Nonetheless, Qwest admits that the trouble cleared in 48 hours and mean time to restore is often outside of parity. Mr. Williams explained that the reason for this is the same for both measurements. Line-sharing is a unique service, as both voice and data are on the same circuit. As such, it is expected to receive a higher percentage of trouble reports for line-sharing than for POTS alone, and many of these troubles are for other than an out-of-service situation. For the months October 2001 through January 2002, about 20 percent of the reported line-sharing troubles were for an out-of-service situation. Qwest further explained that for the retail comparable (an aggregate of residential and business POTS), over 50 percent of the troubles were out-of-service situations. Since out-of-service situations have a higher priority in the repair queue, a much higher percentage of retail orders have a higher priority. Although Qwest cleared over 94 percent of such troubles each month, it has demonstrated why it cleared less troubles on line-sharing than on Qwest retail.

H. Other Types of Unbundled Loops

78. In October 2001 through January 2002, Nebraska CLECs did not order any unbundled nonloaded (4 wire) loops, DS1 capable loops or DS3 or higher capable loops. Accordingly, there are no performance data to report for these products. Qwest indicates that it stands ready to provision and repair such loops on a nondiscriminatory basis if and when CLECs order them.

79. Qwest's audited performance data shows that Qwest is consistently meeting its unbundled loop obligations to CLECs in Nebraska. The Commission is now satisfied that Qwest meets the requirements of Checklist Item No. 4.

CHECKLIST ITEM NO. 5: UNBUNDLED TRANSPORT

80. Unbundled dedicated transport allows CLECs to transport signals between Qwest central offices. As Qwest had virtually no demand for unbundled transport in the state of Nebraska, from October 2001 through January 2002, Qwest presented its regional performance data for Checklist Item No. 5.

81. *The Provision of DS-1 Dedicated Transport.* In both Zones 1 and 2, Qwest met 100 percent of its CLEC installation commitments in virtually every month, with an average interval of about eight days. (*Exhibit 2 at 188-89*, OP-3 and OP-4.) This performance was at parity with retail performance. Moreover, in the circumstances when delays occurred, they were short and provided at parity with retail. (*Id.*, OP-6A and 6B.) Installation quality for DS-1 UDIT is also outstanding. In every month but one, Qwest installed over 96 percent of such UDIT facilities without CLECs filing a trouble report in October. (*Id.* at 190, OP-5.)

82. *The Repair of DS-1 Dedicated Transport.* The overall trouble rate for DS1 UDIT facilities continued to be low, less than three percent each month for the months of October 2001 through January 2002. (*MW-2 at 169*, MR-8.) Qwest has steadily improved its repair record when troubles occur. In Zones 1 and 2, Qwest has continued to clear CLEC troubles a high percentage of the time (75 percent to 100 percent) in four hours and in a manner comparable to its

retail performance. (*Id*. at 192-93, MR-5.) Similarly, the mean time to restore these circuits was less than two and a half hours, and consistently at parity with retail service in both zones. (*Id*., MR-6.)

83. *The Provision of DS-1 Dedicated Transport.* Qwest achieved similar success installing UDITs above DS-1 levels in the last four months. As to these facilities, Qwest met 100 percent of its commitments in both Zones 1 and 2 in virtually every month. (*Id*. at 195-96, OP-3.) These facilities were installed at parity with retail performance in average intervals that were also at parity with retail every month. (*Id*., OP-4.) New installation quality is also strong, with 94.5 percent or more of such circuits delivered without trouble. (*MW-2* at 197, OP-5 and OP-5*.)

84. *The Provision of DS-1 Dedicated Transport.* The CLEC trouble rate for DS-3 UDIT was also three percent or smaller in each of last four months of audited performance data. (Id. at 176, MR-8.) During that time, Qwest usually cleared at least 92 percent of troubles in both Zone 1 and Zone 2 within four hours. (Id. at 170-71, MR-5.) The mean time to restore was two hours or less and was at parity with retail. (Id., MR-6.)

85. At the March 11 and 12 hearing, Qwest presented data showing that it had provided performance to CLECs at or above ROC standards on all ROC PIDs that contained data for unbundled transport. No CLEC has challenged these results here or in the ROC data reconciliation. The Commission is now satisfied that Qwest meets the requirements of Checklist Item No. 5.

CHECKLIST ITEM NO. 6 UNBUNDLED SWITCHING

86. Qwest reports that no CLECs have ever requested unbundled local switching on a stand-alone basis in Nebraska. ROC did not adopt any performance measures for stand-alone unbundled switching because there is no demand for it. Instead, the ROC captured unbundled switching as part of the UNE-P Combinations. As stated above, the Commission has already found that Qwest meets its performance obligations as to UNE-P. Qwest’s UNE-P performance establishes that Qwest can provide unbundled switching to CLECs upon request.

87. Moreover, in September 1999, Qwest submitted the results of a bench test showing that it can provide unbundled switching on a stand-alone basis in the unlikely event that a CLEC orders it. The Commission is now satisfied that Qwest meets the requirements of Checklist Item No. 6.

IX. CHECKLIST ITEM NO. 7: 911/E911, DIRECTORY ASSISTANCE & OPERATOR SERVICES

88. *911/E911 Services*. Qwest measures 911 services in two ways. First, it measures the amount of "Time to Update Databases." This measurement is "parity by design" because Qwest's E911 database does not distinguish between updates for Qwest or CLECs. (*MW-1 at 183*, DB-1A.) In each of the last four months, Qwest's E911 database was updated in three hours, nine minutes or less. *Id.* Second, Qwest installs trunks to carry 911 traffic. Throughout the region, Qwest has little data to report for 911/E911 installations over the last four months. The limited data in the state of Nebraska shows that Qwest provisioned the one 911 trunk ordered in Zone 2 on time. (*Id*. at 184, OP-3.) Installation quality on this E911 circuit was perfect. *Id.* at 184, OP-5. Over the last four months, there has not been a single trouble experienced on any 911 trunk throughout the state of Nebraska. (*Id.* at 188, MR-8.)

89. At the hearing, AT&T argued that Qwest was not unlocking records for AT&T on a timely basis. In rebuttal, Qwest witness Ms. Margaret Bumgarner testified that (1) this issue is a national issue; (2) the National Emergency Number Association (NENA) has made recommendations on this issue; (3) Qwest has implemented NENA's recommendations; and (4) even though AT&T attempted to stress test the system, Intrado (the company responsible for unlocking records) completed all unlocks on a timely basis. There is not sufficient evidence to reverse course on this checklist item as, in fact, the evidence shows that Qwest is performing as it should in this area. To the extent that Qwest's process does not work as anticipated, interested CLECs may bring an independent action before this Commission to consider this issue.

90. *Operator Services*. The only PIDs for operator services and directory assistance measure the speed of answering. These are "parity by design" measures because

the persons answering calls do not know whether the caller is a Qwest or CLEC customer. (*Ex. 1 at 189, DA-1, OS-1.)* For the months of October 2001 through January 2002, the speed-of-answer for directory assistance and operator service calls consistently averaged eight and 11 seconds. (*Id. Williams 3 at 39*.)

91. The data shows that Qwest is continuing to provide 911, E911, operator services and directory assistance to competitors on a nondiscriminatory basis. The Commission finds that Qwest is continuing to meet the requirements of Checklist Item No. 7.

X. CHECKLIST ITEM NO. 8: WHITE PAGES DIRECTORY LISTINGS

92. The only PIDs for white pages directory listings are "parity by design" because Qwest processes CLEC end-user listings with the same or similar systems, databases, methods, procedures and personnel used by Qwest for its own retail end-user listings. (*Williams 3* at 39.) In each of the last four months, Qwest completed electronically processed updates to the directory listings database in an average of 0.10 seconds or less, with an accuracy rate of over 90 percent. (*Id. MW-2 at 190*, DB-1 C-1, DB-2 C-1.)

93. The data demonstrates that Qwest is continuing to provide white pages listings for CLEC customers with the same accuracy and reliability that it provides for its own customers. Accordingly, the Commission concludes that Qwest continues to satisfy Checklist Item No. 8.

XI. CHECKLIST ITEM NO. 9: NUMBER ADMINISTRATION

94. Qwest ceased performing North American Numbering Plan (NANP) numbering administration or assignment functions on September 1, 1998, when the FCC transferred those functions to Lockheed Martin, and subsequently to NeuStar, the current NANP Administrator. Before and after the transfer of numbering administration functions to the NANP Administrator, this Commission found that Qwest complied with all industry guidelines and FCC rules applicable to carriers with respect to numbering administration.

95. Nonetheless, Qwest still must activate its switches to recognize CLECs' NXX prefixes. The ROC PIDs

track how well Qwest loads these NXXs into its switches. Qwest has no data from Checklist Item No. 9 over the last four months in the state of Nebraska. Qwest's regional data, however, is perfect. Qwest provides nondiscriminatory access to telephone numbers for assignment by CLECs to their customers. In each of the last four months, Qwest loaded and tested 100 percent of CLEC NXX codes prior to the LERG effective date. *MW-2 at 217*, NP-1A. The percentage of NXX code activations delayed for facility reasons was 0.0 percent each month. *Id.*, NP-1B.

96. At the March 11 and 12 hearing, Qwest presented data showing that it had provided performance to CLECs at or above ROC standards on the one ROC PID that concerned NXX code activation. *(MW-2 at 217.)* No CLEC has challenged these results here or in the ROC data reconciliation. On this record, the Commission concludes that Qwest continues to comply with Checklist Item No. 9.

XII. CHECKLIST ITEM NO. 10: CALL-RELATED DATABASES AND ASSOCIATED SIGNALING

97. Qwest continues to offer CLECs access to, and routing over, its call-related databases and associated signaling in the same manner that Qwest accesses those services. Qwest uses a queuing and routing system that treats all carriers alike. The sole ROC performance measure concerning this checklist item is DB-1B, which evaluates the time to update the line identification database (LIDB). This is a parity by design measure. The aggregate Qwest and CLEC result under that measurement has consistently been less than 7.5 seconds. (*Williams 3 at 40, MW-2 at 193*, DB-1B.) At the March 11 and 12 hearing, Qwest presented data showing that it had provided performance to CLECs at or above ROC standards on this one ROC PID. No CLEC challenged these results here or in the ROC data reconciliation. In light of Qwest's continuing nondiscriminatory performance, the Commission finds that that Qwest continues to satisfy Checklist Item No. 10.

XIII. NUMBER PORTABILITY

98. Number portability requires Qwest to set a "trigger" before the scheduled sort time or frame due time. In each of the last four months October 2001 through January 2002, Qwest set 100 percent of local number

portability (LNP) triggers prior to the scheduled start time for coordinated loop cutovers, exceeding the ROC's 95 percent benchmark. During the same period, Qwest set over 97 percent of LSA triggers prior to the scheduled start time for LNP orders not requiring loop coordination, again beating the 95 percent benchmark. (*Williams 3*, *MW-1 at 194*, OP-8B & OP-8C.) These results demonstrate that Qwest is meeting its requirements for local number portability.

99. Beginning with the December report, Qwest also began reporting the percentage of ported numbers that are disconnected before the CLEC completes its side of the number porting. ROC requires that Qwest provide at least 98.25 percent of all ported numbers without an associated disconnect. The data shows that over the last three months ,99.99 percent of all numbers were ported without an associated disconnect.

100. At the March 11 and 12 hearing, Qwest presented data showing that it had provided performance to CLECs at or above ROC standards on both of the ROC PIDs that concern number portability. No CLEC has challenged these results here or in the ROC data reconciliation. By setting the LNP triggers in advance, Qwest enables CLECs to activate number portability without any further involvement by Qwest. The Commission finds that these results demonstrate that Qwest continues to be in compliance with Checklist Item No. 11.

XIV. CHECKLIST ITEM NO. 12: LOCAL DIALING PARITY

101. ROC has not adopted any performance measures for this checklist item. The Commission reaffirms that Qwest remains in compliance with Checklist Item No. 12.

XV. CHECKLIST ITEM NO. 13: RECIPROCAL COMPENSATION

102. Carriers compensate each other for interconnection through reciprocal compensation payments. Qwest's performance is reflected in the total number of minutes of traffic and the total reciprocal compensation revenues exchanged.

103. The ROC PIDs measure the accuracy and completeness of reciprocal compensation bills. Reciprocal compensation is made between carriers for terminating local

calls on behalf of the other. In Nebraska, Qwest's bills for reciprocal compensation have been both accurate and complete. For the months of October 2001 through January 2002, Qwest's bills have been accurate at least 99.99 percent of the time and complete 100 percent of the time. (*Williams 3* at 41, *MW-1 at 196*, BI-3B and BI-4B.) The Commission finds that these results demonstrate that Qwest provides reciprocal compensation to CLECs in accordance with the Act.

104. At the March 11 and 12 hearing, Qwest presented data showing that it had provided performance to CLECs at or above ROC standards on both of the ROC PIDs that concern reciprocal compensation. No CLEC has challenged these results here or in the ROC data reconciliation. The Commission finds that these results demonstrate that Qwest continues to comply with Checklist Item No. 13 by accurately tracking and billing reciprocal compensation with CLECs.

XVI. CHECKLIST ITEM NO. 14: RESALE

105. The PIDs for resale measure performance for 12 products: residential lines, business lines, Centrex, Centrex 21, PBX, Basic ISDN, Qwest DSL, Primary ISDN, DS0, DS1, DS3 and higher, and Frame Relay. Qwest's audited performance results for October through January 2002 show that Qwest continues to provision, maintain and repair resold services in substantially the same time and manner (i.e., at parity) with the provision, maintenance and repair of services Qwest provides to retail customers. Due to the small volumes for some of these services, the focus of our review is on residential POTS, business POTS and Centrex 21 services.

106. *Provisioning Resold Residential, Business and Centrex 21 Services Without Dispatch.* Qwest provides a vast percentage of all resold orders without requiring a technician dispatch, just like UNE-P and line sharing. For the last four months of audited performance measures October 2001 through January 2002, Qwest demonstrates the following: For residential POTS without a dispatch, Qwest met over 98.95 percent of its CLEC installation commitments each month in an average of 2.9 days or less (*Williams 3 at 42, MW-1 at 199*, OP-3 and OP-4); for business POTS without a dispatch Qwest met 100 percent of its CLEC installation

commitments each month in an average of 2.2 days or less (*Id. MW-1 at 210*, OP-3 and OP-4); and for Centrex 21 without a dispatch Qwest met 100 percent of its CLEC installation commitments each month in an average of five days. (*Id. MW-1 at 232*, OP-3 and OP-4.) With the exception of intervals for residential service where there is a slight difference, Qwest's performance remained at parity with retail performance.

107. *Provisioning Resold Residential, Business and Centrex 21 Services That Require Dispatch.* Qwest's performance in provisioning resold services for the four months of October 2001 through January 2002 is superior when a dispatch is required. For a dispatch within MSAs for residential POTS, Qwest met over 96 percent of its CLEC installation commitments each month in an average of 3.8 days or less (*MW-1 at 197*, OP-3 & OP-4); for business POTS, Qwest met 100 percent of its CLEC installation commitments each month in an average of 4.0 days or less (*Id.* at 208, OP-3 & OP-4); and for Centrex 21 Qwest met 100 percent of its CLEC installation commitments in an average of 3.0 days or less (*Id*. at 230, OP-3 and OP-4). Qwest's performance consistently remains at parity with retail performance. As to dispatches outside of MSAs, Qwest consistently meets between 80 percent and 100 percent of its commitments. (*Id.* at 198, 209, 220 & 231, OP-3 and OP-4.) In each month from October 2001 through January 2002, these installation commitments met were statistically equal to equivalent retail service as was the average installation interval.

108. *Repairing Resold Residential, Business and Centrex 21 Services.* In each of the last four months October 2001 through January 2002, the overall trouble rate for resold CLEC lines has been extremely small: 2.4 percent or less for residential POTS (*MW-1 at 206*, MR-8); 1.0 percent or less for business POTS (*Id*. at 217, MR-8); less than 0.75 percent for Centrex (*Id*. at 228, MR-8); and less than 0.9 percent for Centrex 21 (*Id.* at 239, MR-8). These results were in and out of parity; however, the absolute level of performance remained strong. There are nine primary repair measurements per type of resold service. For resold residential POTS service in each of the last four months, Qwest cleared at least 87 percent of all out-of-service situations in 24-hours and all nine metrics were always at parity with retail service. (*MW-1 at 202-05*, MR-3, MR-4 and MR-6.) For resold business POTS service, Qwest

cleared 100 percent of all out of service situations in 24 hours and all nine metrics were consistently at parity with retail service. (*Id*. at 213-16, MR-3, MR-4 and MR-6.) Finally, for resold Centrex 21 service, Qwest cleared 100 percent of all out of service situations in 24 hours and all nine metrics were at parity with retail service at least three of the last four months. (*Id.* at 235-38, MR-3, MR-4 and MR-6.) Qwest met or exceeded performance expectations for all 27 key repair metrics around the three-key resold products.

109. At the March 11 and 12 hearing, Qwest presented data showing that it had provided performance to CLECs at or above ROC standards in three of the last four months on 26 of 29 ROC PIDs that concern residential resale, 28 of 29 PIDs that concern business POTS resale and all 29 PIDs that concern resale of Centrex 21. No CLEC has challenged these results here or in the ROC data reconciliation. Given the positive performance results, the Commission finds that Qwest continues to satisfy Checklist Item No. 14.

XVII. CONCLUSION

The Commission understands that Qwest must successfully complete its ROC OSS Test. The Commission also understands that the FCC will evaluate the most recent four months of performance data when the federal application is filed. Nonetheless, the Commission is impressed with the evidence presented by Qwest and concludes that it will recommend approval of Qwest’s 271 application if this level of performance is reflected in the ROC OSS Test and Qwest satisfies all other requirements in regards to its QPAP and Change Management Process.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Qwest has satisfied Checklist Item Numbers 4, 5 and 6 of Section 271 of the Telecommunications Act of 1996 as set forth above.

IT IS FURTHER ORDERED that when the Commission determines that Qwest has passed the Regional Oversight Committee Operational Support Systems Test and has satisfied all other Commission requirements in regards to its Qwest Performance Assurance Plan and Change Management

Process, the Commission will recommend approval of Qwest's 271 application to the FCC.

MADE AND ENTERED at Lincoln, Nebraska, this 7th day of May, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director