

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

	)	
In the Matter of the Second Six-Month	)	DOCKET NO. UT-043007
Review of Qwest Corporation's	)	
Performance Assurance Plan	)	ORDER NO. 06
	)	
	)	PREHEARING CONFERENCE
	)	ORDER; MODIFYING
	)	PROCEDURAL SCHEDULE
	)	<b>(Prehearing Conference set for</b>
	)	<b>September 8, 2004, at 10:30 a.m.)</b>
	)	<b>(Hearing set for September 13</b>
	)	<b>and 14, 2004)</b>
.....	)	

1 **NATURE OF THE PROCEEDING.** In Docket No. UT-043007, the Washington Utilities and Transportation Commission (Commission) conducts its second six-month review of Qwest Corporation's (Qwest) Performance Assurance Plan, or QPAP. The Commission conducts a review of performance measures and performance indicator definitions (PIDs) in the QPAP every six months following the December 23, 2002, approval by the Federal Communications Commission (FCC) of Qwest's Section 271 application for the state of Washington.

2 **PREHEARING CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on June 28, 2004, before Administrative Law Judge Ann E. Rendahl.

3 **APPEARANCES.** Douglas N. Owens, attorney, Seattle, Washington, represents Qwest. Karen Shoresman Frame, Senior Counsel, Denver, Colorado, represents Covad Communications Company (Covad). Ray Smith of Eschelon Telecom

Inc., and Karen Clauson, attorney, Minneapolis, Minnesota, represent Eschelon Telecom, Inc (Eschelon). Michel Singer Nelson, Senior Attorney, Denver, Colorado, represents WorldCom, Inc., d/b/a MCI, Inc (MCI). Gregory J. Trautman, Assistant Attorney General, Olympia, Washington, represents Commission Staff.

4 **NARROWING OF ISSUES.** On June 25, 2004, Qwest filed a copy of the final issues list in the proceeding, compiling the issues all parties propose to address in the proceeding. During the conference, Qwest objected to inclusion of issues No. 6, 8 and 9. Issue No. 6 addresses whether Qwest should be required to publish its aggregate payments under the QPAP. Issues No. 8 and 9 address Qwest's decision to no longer participate in the Long-Term PID Administration (LTPA) collaborative, in particular, whether the Commission concurs in Qwest's proposal and how issues will be addressed if Qwest refuses to participate in the LTPA collaborative.

5 Following argument on the issue, Issues 8 and 9 were rejected as issues for consideration during this proceeding. The Commission cannot force Qwest to work within the LTPA collaborative process. The Commission encourages Qwest, however, to work with the parties and other CLECs to develop a collaborative process to address issues relating to the PIDs. Eschelon may pursue Issue No. 6 in this proceeding, subject to consideration as this proceeding moves forward.

6 **QWEST'S PETITION TO MODIFY SGAT EXHIBITS B & K.** On June 25, 2004, Qwest also filed a petition to modify SGAT Exhibits B & K to formalize several agreed to or uncontested changes, and to implement in Exhibits B and K certain benchmark standards and reporting standards for the new PID PO-20. Qwest requested approval of these changes within the 60-day period set forth in 47 U.S.C. § 252(f)(3). These PO-20 implementation issues are also included on the final issues list as Issues No. 4 and 5.

- 7 Following discussion in the conference concerning how best to address Qwest's proposal for implementing PID PO-20, Qwest agreed to allow the PO-20 implementation issues to be addressed in this proceeding rather than in the 60-day SGAT filing. On July 1, 2004, Qwest filed a letter with the Commission consenting to an extension of the sixty-day approval period set forth in 47 U.S.C. § 252(f)(3) for the provisions in the June 25, 2004 proposed Exhibit K addressing PID PO-20 to and including the conclusion of this proceeding. As set forth in the procedural schedule, below, the remaining uncontested issues in Qwest's SGAT filing will be addressed in an Order entered by August 11, 2004.
- 8 **PROCEDURAL SCHEDULE.** The Commission adopts the following procedural schedule, which modifies the procedural schedule established in Order No. 04 in this proceeding:

<u>Deadline for</u>	<u>Date</u>
Comments on SGAT Filing	Friday, July 16, 2004
Qwest Response to Comments / Initial Testimony / Comments	Friday, July 23, 2004
Order on agreed elements of SGAT Responsive Testimony / Comments	Wednesday, August 11, 2004 Friday, August 13, 2004
Prehearing Briefs	Friday, August 27, 2004
Cross-examination Exhibits, Exhibit Lists, Witness Lists, Cross- Examination Estimates Due	Tuesday, September 7, 2004 by Noon
Prehearing Conference	Wednesday, September 8, 2004, 10:30 am
Hearings	Monday & Tuesday, September 13 & 14, 2004, beginning at 9:30 am
Post Hearing Briefs	TBD

- 9 **NOTICE OF PREHEARING CONFERENCE.** The Commission convenes a prehearing conference in this matter to address the issues to be determined in the proceeding, the format of the proceeding, and to finalize the procedural schedule. **The conference will be held on Wednesday, September 8, 2004 at 10:30 a.m. in Room 108 of the Commission's Offices in the Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.** Persons who cannot attend in person may participate via the Commission's teleconference bridge line **360-664-3846**. Persons desiring to participate via the bridge line must make advance reservations, by calling Margret Kaech at 360-664-1140, no later than **Noon on Monday, September 6, 2004.**
- 10 **NOTICE OF HEARING.** The Commission convenes a hearing in this matter to consider the issues identified in the parties' final issues list, except for Issues No. 8 and 9. **The hearing will be held on Monday, September 13 and 14, 2004 beginning at 9:30 a.m. on September 13, in Room 108 of the Commission's Offices, located in the Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.**
- 11 **NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective this 13<sup>th</sup> day of July, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL

DOCKET NO. UT-043007  
ORDER NO. 06

PAGE 5

Administrative Law Judge