

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

In the Matter of the Second Six-Month	)	
Review of Qwest Corporation's	)	DOCKET NO. UT-043007
Performance Assurance Plan	)	
	)	ESCHELON AND MCI'S
	)	COMMENTS ON QWEST'S JUNE 25,
	)	2004 PETITION TO MODIFY SGAT
	)	EXHIBITS B AND K.
	)	

Eschelon Telecom, Inc. ("Eschelon") and WorldCom, Inc. on behalf of its regulated subsidiaries in Washington ("MCI") submit the following comments pursuant to the Commission's July 13, 2004 Order No. 6 in this proceeding on Qwest's June 25, 2004 petition to modify its Statement of General Terms and Conditions ("SGAT") Exhibits B and K.

**I. Introduction**

On June 25, 2004, Qwest filed a petition to modify SGAT Exhibits B & K to formalize several agreed to or uncontested changes. Qwest's filing, however, requests changes that would have the effect of pre-judging disputed issues in this proceeding. As such, Eschelon and MCI request that the Commission reject Qwest's changes to the following sections of Exhibit K (and allow the remainder to go into effect):

- Section 7.4, including footnote 1, regarding PO-20 on page 9;<sup>1</sup>
- Attachment 1, including note "c," regarding PO-20 on pages 22-23; and

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<sup>1</sup> Eschelon and MCI's page references are to Qwest's proposed redlined changes to Exhibit K available at <http://www.qwest.com/about/policy/sgats/SGATSDocs/washington/WA-Ex-K-Redline-062504.pdf>.

- Section 14.2 regarding aggregate CLEC reporting on page 18.

## II. Discussion

### A. Qwest's proposed changes to Section 7.4 of PO-20 of the revised Exhibit K to the SGAT should be rejected at this time.

Qwest's proposed change to Section 7.4 of revised Exhibit K provides that Qwest will continue to calculate PO-20 payments on Phase 0.<sup>2</sup> Phase 0 of PO-20 was the measure Qwest originally proposed in 2002. Phase 0 of PO-20 no longer applies. Based on agreements in LTPA, PO-20 reporting is currently in Phase 1.<sup>3</sup> Therefore, payments must be calculated based on Phase I requirements. The difference between Phase 0 and Phase 1 is that PAP payments in Phase 0 were based on an old version of the PID using a sampling methodology whereas PAP payments in Phase 1 are supposed to be based on the aggregate CLEC report (not sampling).<sup>4</sup>

The parties agreed to multiple phases for PO-20.<sup>5</sup> In Phase 0 and currently, PO-20 is a Tier 2 measure under the PAP.<sup>6</sup> The parties agree that the Tier designation for PO-20 will change at the conclusion of this proceeding.<sup>7</sup> Until the Commission approves a change to the Tier, however, Qwest should be required to make payments to the state based on aggregate PO-20 performance pursuant to the existing Tier 2 designation. In Phase 1, Qwest makes payments based on whether it passes or fails Phase 1's 97%

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<sup>2</sup> See Qwest's SGAT Filing, Exhibit K at 9.

<sup>3</sup> Phase 1 began with Qwest's May 2004 performance cite. See the "Availability" section of the PO-20 filed by Qwest in its revised SGAT Exhibit B on June 25, 2004 at 29. Available at available at: [http://www.qwest.com/about/policy/sgats/SGATSDocs/washington/WA\\_Ex\\_B\\_Redline\\_062504.pdf](http://www.qwest.com/about/policy/sgats/SGATSDocs/washington/WA_Ex_B_Redline_062504.pdf).

<sup>4</sup> See PO-20's "Note 2" in Qwest's revised SGAT Exhibit B at 29.

<sup>5</sup> See LTPA Impasse Document and Recommendation, "...the parties have agreed to a revised measure that would be phased in over a period of months. Phase 1 will be implemented in May 2004;" Available at: [http://www.qwest.com/about/policy/ltpa/docs/PO20%20Impasse\\_Document.pdf](http://www.qwest.com/about/policy/ltpa/docs/PO20%20Impasse_Document.pdf).

<sup>6</sup> See Section 7.4 of the PAP.

<sup>7</sup> See Final Issues List, Issue #4. While the parties disagree as to what the new Tier designation should be, they agree that the Tier should change.

standard. To ensure that Qwest complies with the Phase 1 standard and the PAP's current Tier designation, the Commission should reject Qwest's proposed changes to Section 7.4, including footnote 1, regarding PO-20 in Qwest's redlined Exhibit K. If this proposed change is rejected, the proper standard and Tier designation for Phase 1 will apply as intended.

B. Qwest's proposed changes to PO-20 on pages 22-23 of the revised Exhibit K to the SGAT should be rejected at this time.

Qwest requests that the Commission allow it to revise Attachment 1 to PAP to define PO-20 as a Tier 1 Low measure.<sup>8</sup> Qwest also requests the Commission to allow it to implement a low volume exception and a burn in period.<sup>9</sup> These changes are disputed issues in this six-month review proceeding.<sup>10</sup> Rather than attempt to resolve these disputed issues as part of the SGAT, the Commission should reject Qwest's changes and require Qwest to refile an Exhibit K at the conclusion of this proceeding that reflects the Commission's decisions.

C. Qwest's proposed changes to the aggregate CLEC reporting requirements in Section 14.2 on page 18 of the revised Exhibit K to the SGAT should be rejected.

With its revised Exhibit K, Qwest proposes to change its aggregate reporting obligations in Section 14.2. The extent of such reporting obligations is a disputed issue in this proceeding.<sup>11</sup> Qwest does not explain the need for the change at this time nor does it include a change requested by CLECs to the same section. The Commission should reject Qwest's proposal and make any required changes to Section 14.2 at one time at the conclusion of the six-month review.

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<sup>8</sup> See Qwest's redlined SGAT, Exhibit K at 22.

<sup>9</sup> See footnote "c" to Qwest's redlined SGAT, Exhibit K at 23.

<sup>10</sup> See Final Issues List, Issue #4.

<sup>11</sup> See Final Issues List, Issue #6.

### III. Conclusion

Qwest's June 25, 2004 SGAT filing proposes several changes that are at issue in this six month review proceeding. Rather than attempting to resolve these issues in the SGAT filing, the Commission should reject Qwest's changes to Exhibit K that affect PO-20 and aggregate reporting in the following sections:

- Section 7.4, including footnote 1;
- Attachment 1, including note "c;" and
- Section 14.2 regarding aggregate CLEC reporting.

For these changes, the Commission should direct Qwest to file an appropriate Exhibit K that reflects the Commission's decisions on these issues at the conclusion of the six-month review. Qwest's other proposed changes should be allowed to go into effect at this time.

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