

October 24, 2001

NOTICE OF OPPORTUNITY TO FILE COMMENTS

RE: In the Matter of the Investigation Into U S WEST COMMUNICATIONS, INC.'s Compliance with Section 271 of the Telecommunications Act of 1996, Docket No. UT-003022; In the Matter of U S WEST COMMUNICATIONS, INC.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996, Docket No. UT-003040.

TO ALL INTERESTED PARTIES AND PARTIES OF RECORD:

On October 22, 2001, the facilitator for the Multi-state QPAP proceedings issued his Report on Qwest's Performance Assurance Plan (QPAP). In the Nineteenth Supplemental Order in this proceeding, this Commission scheduled hearings for December 18-21, 2001 to address the QPAP and the facilitator's report, along with other issues. In preparation for those hearings, the prehearing conference scheduled for October 30, 2001, and to allow comment on the facilitator's report, the Commission seeks certain comments, and establishes the following comment schedule:

QPAP:

The Commission seeks comments from all parties regarding the October 22, 2001 QPAP Report. In addition to comments on the Report itself, the Commission requests that parties provide comments on the following topics:

1. WAC 480-120-560 establishes standards and CLEC payments for collocation in Washington. The QPAP provides for different collocation standards and payments. How should the Commission address the differences in collocation standards and payments between the QPAP and Washington rules? What changes, if any, should be made to the QPAP to address the differences.
2. The 36% cap in the QPAP is based upon 1999 ARMIS revenue. Should the Commission amend the QPAP to base the cap on more recent ARMIS data?
3. Are the provisions of the QPAP, as amended by the Report, consistent with existing Washington SGAT and ICA provisions? If not, how should the QPAP be amended?

4. Page 42 of the Report recommends language regarding payment of Tier II funds “for any purpose allowed to it by state law.” For what purposes should the Commission consider Tier II payments?
5. Does the QPAP require modification to address any of the terms and conditions contained in the Qwest merger settlement agreement?
6. How should the pick and choose principles contained in the Commission’s Interpretive and Policy Statement in Docket UT-990355 apply to provisions of the QPAP?

Comments must be filed with the Commission no later than **November 21, 2001**. Any party may file responses to comments no later than **December 5, 2001**.

Simultaneously with this Notice, the Commission has issued Bench Requests to Qwest concerning the QPAP and the Report. Responses to those Bench Requests must be filed with the Commission on **November 7, 2001**. Any party seeking to respond to the information filed in responses to those Bench Requests must do so by **November 21, 2000**. Qwest may file any rebuttal comments by **December 5, 2001**.

Performance Results

On September 7, 2001, Qwest filed with the Commission its performance data for Washington from July 2000 to June 2001. In the Eighteenth Supplemental Order, the Commission requested that parties file comments on this filing no later than October 12, 2001. Qwest may file responses to those comments with the Commission no later than **November 7, 2001**.

SGAT Compliance

In the Eighteenth Supplemental Order, the Commission also notified parties that the Commission would address Qwest’s compliance with Commission orders in its December hearing. Filing dates for comments or pre-filed testimony on this issue will be discussed at the pre-hearing conference scheduled for Tuesday, October 30, 2001.

Data Verification

The Eighteenth Supplemental Order also notified parties that Liberty Consulting had planned to issue a Data Reconciliation Report on October 31, 2001. In preparation for the prehearing conference scheduled for October 30, 2001, please be prepared to discuss whether this issue should be addressed during the December hearings and suggested filing dates for comments on the proposed report.

Sincerely,

ANN E. RENDAHL
Administrative Law Judge