

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Six-Month Review of Qwest Corporation's Performance Assurance Plan
DOCKET NO. UT-033020
ORDER NO. 06
ORDER GRANTING QWEST'S MOTION FOR LEAVE TO REPLY

1 SYNOPSIS. In this Order, the Commission grants Qwest's Motion for Leave to Reply for cause under WAC 480-07-370(1)(d)(i) and (ii).

2 NATURE OF THE PROCEEDING. The Washington Utilities and Transportation Commission (Commission) conducts a review every six months following the December 23, 2002, approval by the Federal Communications Commission (FCC) of Qwest Corporation's (Qwest) Section 271 application for the state of Washington of Qwest's Performance Assurance Plan (QPAP). The review focuses on whether certain performance measures or performance indicator definitions (PIDs) should be added to, removed from, or revised in the set of performance measures, whether standards should be modified, and whether payment classifications in the QPAP should be modified. The first six-month review period began on June 23, 2003, and closed at the end of December 2003.

3 PROCEDURAL HISTORY. On January 16, 2004, the Commission entered Order No. 05 in this proceeding, resolving issues raised by the parties during the first six-month review period. On January 26, 2004, Qwest filed a Petition for Clarification seeking clarification of the requirements of Order No. 05 concerning effectiveness of payment opportunities for standards for enhanced extended links (EELs). By notice served on January 27, 2004, the Commission sought responses from the parties concerning Qwest's petition by January 29, 2004.

4 On January 26 and 28, 2004, Qwest filed letters with the Commission correcting errors in its petition. Commission Staff and Eschelon Telecom Inc. (Eschelon) filed responses with the Commission on January 29 and 30, 2004. On January 30, 2004, Qwest filed a Motion for Leave to Reply.

5 **QWEST'S MOTION.** Qwest establishes cause under WAC 480-07-370(1)(d)(i) and (ii) for filing a motion for permission to reply. In its motion, Qwest seeks leave to respond to the request of the Administrative Law Judge for responses concerning Qwest's statement that PIDs are effective 60 days after filing. In addition, Qwest seeks to respond to allegations Eschelon makes in its response to Qwest's Petition for Clarification.

6 Qwest's motion and the reply contained therein explain the reference in Qwest's Motion for Clarification to a 60-day period before changes to PIDs may become effective. In addition, Qwest's motion and reply shed additional light on matters asserted in Eschelon's response. Qwest's Motion for Leave to Reply is granted.

7 **NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810(3).**

Dated at Olympia, Washington, and effective this 4th day of February, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge