

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

IN THE MATTER OF CENTURYLINK  
QC'S PETITION FOR APPROVAL OF  
ELIMINATION OF THE QWEST  
PERFORMANCE ASSURANCE PLAN  
AND PERFORMANCE INDICATOR  
DEFINITIONS

DOCKET NO. UT-  
CENTURYLINK QC'S PETITION FOR  
APPROVAL OF ELIMINATION OF THE  
QWEST PERFORMANCE ASSURANCE  
PLAN AND PERFORMANCE INDICATOR  
DEFINITIONS

**I. INTRODUCTION**

- 1* Qwest Corporation d/b/a CenturyLink QC (“CenturyLink”) requests that the Commission issue an order eliminating the Performance Indicator Definitions (“PIDs”) and Performance Assurance Plan (“PAP”) portions of its interconnection agreements (“ICAs”) with each Washington CLEC.<sup>1</sup> The PIDs and PAP have been in place for nearly twenty (20) years and have become less relevant each year.
- 2* In 2019 and 2020, the Federal Communications Commission (“FCC”) further reduced the products CenturyLink must provide to CLECs as unbundled network elements. Rather than incorporating those changes and making expensive system changes to modify them, CenturyLink believes it is time to eliminate the PIDs and PAP entirely. The states of South Dakota, Idaho, Iowa, Montana, Nebraska, Wyoming, North Dakota, Colorado, Utah, New Mexico and Minnesota have approved the elimination of the PIDs and PAP.<sup>2</sup>

---

<sup>1</sup> The PIDs are included as Exhibit B to each ICA; the PAP is Exhibit K.

<sup>2</sup> *In the Matter of CenturyLink QC's Petition for Elimination of the Qwest Performance Assurance Plan and Performance Indicator Definitions*, Order Granting Approval of the Elimination of the Qwest Performance Assurance Plan and Performance Indicator Definitions, SD PUC Docket No. TC20-047 (October 29, 2020); *In the Matter of Qwest Corporation's Petition for Elimination of Performance Assurance Plan and Performance Indicator Definitions*, Order No. 35379, Idaho Public Utilities Commission, Case No. QWE-T-21-13 (April 21, 2022); *In re: Qwest Corporation d/b/a CenturyLink QC, Order Granting Petition for Elimination*, Iowa Utilities

Similar petitions are also pending in Arizona and Oregon.<sup>3</sup> CenturyLink respectfully requests the Commission’s approval of this Petition. In support, CenturyLink offers the following:

## II. BACKGROUND

- 3 The PAP is a self-effectuating performance assurance plan that is implemented as Exhibit K of ICAs between CenturyLink and CLECs that opt to include it in their ICAs. The PIDs are implemented as Exhibit B to CenturyLink’s ICAs and contain the definitions and metrics that support the PAP.
- 4 The PAP contains terms and conditions, including performance indicator definitions, that were established as part of CenturyLink’s (then known as Qwest) efforts in the early

---

Board, Docket No. M-0272 (June 25, 2021); *In the Matter of CenturyLink QC’s Petition for Elimination of the Qwest Performance Assurance Plan and Performance Indicator Definitions*, Default Order No. 7813a, Montana Department of Public Service Regulation Docket No. 2021.07.102 (March 16, 2022); *In the Matter of Qwest Corporation dba CenturyLink QC, Overland Park, Kansas, seeking authority to eliminate the Performance Indicator Definitions and Performance Assurance Plan from its Interconnection Agreements with Nebraska CLECs*, Order Granting, NE PSC Docket No. C-5309 (Nov. 16, 2021); *In the Matter of CenturyLink QC’s Petition for Elimination of the Qwest Performance Assurance Plan and Performance Indicator Definitions*, Order Granting 15954, Public Service Commission of Wyoming, Docket No. 70000-1737-TA-21 (February 4, 2022); *Qwest Corporation PIDs & PAP Cancellation/Application*, Findings of Fact, Conclusions of Law and Order, Public Service Corporation of North Dakota, Case No. PU-22-20 (September 7, 2022); *In the Matter of the Verified Petition of CenturyLink for Elimination of the Qwest Performance Assurance Plan (PAP) and Associated Performance Indicator Definitions (PIDs)*, Recommended Decision of Administrative Law Judge Dismissing Intervention and Granting Petition, Public Utilities Commission of Colorado, Proceeding No. 22M-0092T, Decision No. R22-0602 (October 6, 2022); and *Qwest Corporation d/b/a CenturyLink QC’s Petition for Elimination of Performance Assurance Plan and Performance Indicator Definitions, Order*, Public Service Commission of Utah, Docket No. 22-049-60 (October 13, 2022). *In the Matter of CenturyLink QC’s Verified Petition for Elimination of the Qwest Performance Assurance Plan and Performance Indicator Definitions, Order Granting CenturyLink QC’s Verified Petition*, New Mexico Public Regulation Commission, Docket No. 22-00310-UT (May 17, 2023); *In the Matter of CenturyLink QC’s Petition for Elimination of the Qwest Performance Assurance Plan and Performance Indicator Definitions, Order*, Minnesota Public Utilities Commission, Docket No. P-421/M-23-115 (May 16, 2023).

<sup>3</sup> *Arizona Corporation Commission, CenturyLink QC’s Application for Elimination of the Qwest Performance Assurance Plan and Performance Indicator Definitions*, Docket No. T-01051B-23-0106 (filed April 26, 2023). On June 23, 2023, Arizona Commission Staff recommended approval of the petition. *Public Utility Commission of Oregon, In the Matter of QWEST CORPORATION D/B/A CENTURYLINK QC Petition for Approval of Elimination of the Qwest Performance Assurance Plan and Performance Indicator Definitions*, Docket No. UM-2293 (filed June 23, 2023).

2000s, to obtain FCC approval, pursuant to 47 U.S.C. § 271, to enter the interstate long distance telecommunications market. The PAP was negotiated to provide additional assurance of continued appropriate interconnection and network access between CenturyLink and CLECs.

- 5 To stay compliant with the FCC’s August 2, 2019, Order titled “UNE Analog Loop and Resale Forbearance Order,” CenturyLink filed to update the PIDs and PAP (Exhibit B and Exhibit K to ICAs) in the state of Washington on February 19, 2020. The Commission approved these changes by Order 01 issued July 30, 2020 in Docket No. UT-200114. This change significantly reduced the remaining volume of products and metrics under the PIDs/PAP. Earlier changes to the PIDs and PAP were approved by the Commission in Docket No. UT-131949.
- 6 On October 28, 2020, the FCC issued its “UNE Modernizing Forbearance Order” (the “Second Order”) that made further significant changes:
  - a. Eliminating unbundling requirements, subject to a reasonable transition period, for enterprise-grade DS1 and DS3 loops;
  - b. Eliminating unbundling requirements for broadband-capable DS0 loops in the most densely populated areas, and for voice-grade narrowband loops nationwide;
  - c. Eliminating unbundled dark fiber transport provisioned from wire centers within a half-mile of competitive fiber networks but provide an eight-year transition period for existing circuits so as to avoid stranding investment and last-mile deployment by competitive LECs that may harm

consumers.<sup>4</sup>

- 7 Complying with the FCC’s Second Order would remove almost all the PIDs and PAP over various product level timelines. Modifying the PIDs and PAP to comply with the Second Order would require CenturyLink to completely change the architecture of the automated reporting processing. The Second Order lists which counties are deemed competitive and open to the forbearance. Complying would require that metrics be compiled at a wire center level rather than at a state level. Doing so for both our wholesale CLECs and all our retail customers (for the parity calculation of non-discrimination) would be very costly.
- 8 Some of CenturyLink’s CLECs have already signed Amendments to their ICAs as well as new Commercial Agreements. They have begun to order products outside of these short-term remaining UNEs from their ICAs, thus making these remaining months of metric tracking no longer relevant in proving non-discrimination, which was the original intent of the PIDs/PAP framework under the Telecommunications Act.

### III. ICA AMENDMENTS TO IMPLEMENT FCC’S 2020 MODERNIZATION ORDER

- 9 CenturyLink has notified impacted CLECs of its proposal to eliminate the PIDs and PAP. A copy of the notice is attached as **Exhibit 1**.
- 10 Amendments of PIDs and PAP require a separate proceeding independent from the normal ICA amendment filing process, as outlined in Section 17.2 of the current PAP:

17.2 If CenturyLink QC or CLEC wishes to modify a PID or a PAP provision, the change must be approved by the Commission. Prior to seeking Commission approval, CenturyLink QC and CLEC will use the

---

<sup>4</sup> *In the Matter of Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services*, Report and Order, WC Docket No. 19-308, Released Oct. 28, 2020, ¶ 3.

dispute resolution process set forth in Section 16.0 as the procedure for resolving the issues. Either CenturyLink or CLEC may submit its proposed modification(s) to the Commission for approval. The Commission will establish a process for providing notice and considering such request, including timelines for interested parties or Staff to oppose the request. If the request is unopposed, the Commission may grant such request without a hearing or further notice.

*11* Such changes do not require interconnection agreement amendments. Paragraph 15.2 of the current PAP provides:

15.2.1 Subsequent changes to the PAP approved by the Commission will be incorporated into individual interconnection agreements that contain the PAP as soon as the effective date of the Commission order, and without further Amendment to those Agreements.

*12* Consistent with this requirement, in advance of this filing, CenturyLink notified CLECs and reached out to CLECs regarding their position on the proposed amendments on November 29, 2022, December 2, 2022 and April 21, 2023. CenturyLink provides a notice in the Change Management Process attached as **Exhibit 1**. It reached out to the CLECs with the highest volume and/or payments under the current plan and received no objections related to the state of Washington.

*13* This Petition is consistent with other petitions CenturyLink filed with Commissions in South Dakota, Idaho, Iowa, Montana, Nebraska, Wyoming, North Dakota, Colorado, Utah, New Mexico and Minnesota. The South Dakota order approving the petition is attached as **Exhibit 2**. The Idaho order approving the petition is attached as **Exhibit 3**. The Iowa order approving the petition is attached as **Exhibit 4**. The Montana order approving the petition is attached as **Exhibit 5**. The Nebraska order approving the

petition is attached as **Exhibit 6**. The Wyoming order approving the petition is attached as **Exhibit 7**. The North Dakota order approving the petition is attached as **Exhibit 8**. The Colorado order approving the petition is attached as **Exhibit 9**. The Utah order approving the petition is attached as **Exhibit 10**. The New Mexico order approving the petition is attached as **Exhibit 11**. The Minnesota order approving the petition is attached as **Exhibit 12**.

#### **IV. THE IMPACT ON WASHINGTON CLECS WILL BE MINIMAL**

**14** CLECs' reliance on the PAP has declined dramatically in Washington. CenturyLink's most significant competitors (cable and wireless) have their own networks and unbundled network elements are no longer significant components of the competitive landscape. Payments under the PAP have declined from \$3,948,882 in 2003 to only \$3,950 in 2022:

///

///

///

///

///

///

**All-Tiers PAP Payments for the State of Washington**  
**All PAP Metrics**  
**Official Centurylink Corporate 271 Results**  
**January 2003 through April 2023**

	<b>Washington</b>
<b>Year</b>	<b>Total PAP Payments</b>
2003	\$3,948,882
2004	\$1,385,663
2005	\$1,183,544
2006	\$509,872
2007	\$420,141
2008	\$234,827
2009	\$209,232
2010	\$231,248
2011	\$311,256
2012	\$340,931
2013	\$250,465
2014	\$7,496
2015	\$6,301
2016	\$15,786
2017	\$12,227
2018	\$12,768
2019	\$4,211
2020	\$957
2021	\$4,918
2022	\$3,950
2023 YTD	\$0

**15** Both CLEC order volume for services and repair volume still covered by the PAP continue to decline:

CLEC PID/PAP Provisioning Orders, Repair Tickets, and PAP Payments for the State of Washington  
 By Product Reported in Metrics OPS, MR8 and Payments Filed  
 Official Centurylink Corporate 271 Results - January 2014 through April 2023

Non-UNE Product		Products in Transition Unbundled Loop Products Transitioning From ICAs/UNEs From 2020 FCC UNE Forbearance Order *					Products Removed from PID/PAP From 2019 FCC UNE Forbearance Order		
Year	Non-UNE Outside Telecom Act	Products Currently Transitioning and Can No Longer be Ordered As of 2/8/2023					Product Removed September 2022 **	Products Removed May 2021 (orders) and August 2022 (tickets) ***	
	LIS Trunk	DS1 Capable	2 Wire Non- Loaded	Sub Loop	XDSLi	ADSL Capable		Enhanced Extended Loops - DS1 Capable	Residence
<b>Order Volume (Reported in Metric OP5A)</b>									
Year	# Orders	# Orders					# Orders		
2014	127	1119	4997	0	0	640	0	20	2345
2015	217	841	3518	0	0	112	0	16	1353
2016	104	620	3075	8	0	165	0	7	838
2017	79	357	1468	9	0	3	0	6	632
2018	48	408	1057	7	0	3	0	4	414
2019	53	249	683	12	0	4	0	19	707
2020	144	110	552	15	0	0	27	3	379
2021	57	23	321	5	0	4	23	0	37
2022	20	8	78	10	0	0	0	0	0
2023 YTD	9	2	1	0	0	3	0	0	0
<b>Repair Volume (Reported in Metric MR8)</b>									
Year	# Tickets	# Tickets					# Tickets		
2014	33	808	335	3	2	159	508	3	1221
2015	11	703	358	11	1	126	275	8	897
2016	25	541	285	11	1	102	249	9	885
2017	15	483	229	12	0	62	168	11	744
2018	7	408	136	14	0	51	135	6	621
2019	8	343	91	11	0	39	95	3	565
2020	4	241	114	11	0	25	77	2	436
2021	0	223	100	17	0	34	64	4	455
2022	2	228	110	4	0	21	46	0	264
2023 YTD	1	55	10	0	0	1	0	0	0
<b>CLEC PAP Payments by Product</b>									
Year	Payment \$	Payment \$					Payment \$		
2014	\$ -	\$ 5,019	\$ -	\$ -	\$ 300	\$ 635	\$ 965	\$ -	\$ 577
2015	\$ -	\$ 3,285	\$ -	\$ -	\$ -	\$ -	\$ 2,858	\$ 158	\$ -
2016	\$ -	\$ 1,502	\$ 9,150	\$ -	\$ -	\$ 3,300	\$ 1,226	\$ -	\$ 608
2017	\$ -	\$ 8,078	\$ 2,280	\$ -	\$ -	\$ -	\$ 1,869	\$ -	\$ -
2018	\$ -	\$ 7,393	\$ 2,180	\$ -	\$ -	\$ -	\$ 2,610	\$ -	\$ 585
2019	\$ -	\$ 1,167	\$ 345	\$ -	\$ -	\$ -	\$ 1,193	\$ -	\$ 1,506
2020	\$ -	\$ 290	\$ -	\$ -	\$ -	\$ -	\$ 667	\$ -	\$ -
2021	\$ -	\$ 2,464	\$ 180	\$ -	\$ -	\$ -	\$ 2,274	\$ -	\$ -
2022	\$ -	\$ 3,950	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2023 YTD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

\* Products transitioning to either tariffed or commercial agreement products at CLEC discretion and as they sign commercial agreements.  
 \*\* Transport Forbearance. Product transitioned to tariffed product.  
 \*\*\* Voice Forbearance. Commission approved these removals under changes to Exhibit B and Exhibit K. Reporting implementation was delay until all states approved.

16 CenturyLink systems record how often CLECs log into the PAP to review performance in Washington. Most CLECs do not even check their results. Since 2014, only 4 CLECs (a total of 10 times) have checked results:



**Washington State CLEC's Who've Logged Into QPID to Access Their PID/PAP Results \***  
**Official Centurylink QPID Admin Report as of April 2023**

CUSTOMERNAME	# of Log-In's									
	2023 YTD	2022	2021	2020	2019	2018	2017	2016	2015	2014
WA CLEC #1	2		2	1				1		
WA CLEC #2						2				
WA CLEC #3						1			1	1
WA CLEC #4								1		
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>

\* These are Washington CLEC's who logged into the QPID application where all state reports reside. They could have accessed any state, not necessarily Washington.

17 As evidenced by the changes to unbundling obligations ordered by the FCC, the decline in services covered by the PIDs and PAP, and the cost of updating these documents and systems compared to CLECs interest in them, it is time to eliminate the PIDs and PAP entirely. For instance, processing PIDs/PAP reports requires CenturyLink to pull data from numerous source systems internally. As technology changes, CenturyLink has been required to consolidate those source systems. Historically CenturyLink completes 3-5 major conversion projects per year at a cost of \$2,000,000 to \$4,000,000 annually, and the inclusion of otherwise unnecessary PIDs/PAP data sets continues to contribute to ever-increasing conversion costs. More specifically, the necessary PIDs/PAP reporting statistical analysis software is required exclusively for PIDs/PAP and costs an additional \$400,000 to \$500,000 annually on top of the yearly conversion project costs.

**V. PRAYER FOR RELIEF**

WHEREFORE, CenturyLink requests that the Commission do the following:

**VI. APPROVE THE ELIMINATION OF PIDS AND PAP FROM ALL INTERCONNECTION AGREEMENTS IN WASHINGTON AS SOON AS POSSIBLE;**

1. Deem all existing interconnection agreements that currently contain the PAP and PIDs be modified to incorporate these revisions as soon as possible, and without

need for further filings or approvals;

2. In the event there is no opposition to this Petition within 30 days, CenturyLink requests that the Petition be granted without a hearing, further filings, or proceedings;
3. To the extent there is opposition to this Petition, CenturyLink recommends that the Commission schedule a technical conference to further discuss the elimination of PAP and PIDs.

Respectfully submitted this 27<sup>th</sup> day of June, 2023.

CENTURYLINK



---

Adam L. Sherr (WSBA # 25291)  
Assistant General Counsel  
120 Lenora Street, 5<sup>th</sup> Floor  
Seattle, WA 98121  
206 398 2507  
[adam.sherr@lumen.com](mailto:adam.sherr@lumen.com)