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Lisa A. Anderl
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October 15, 2013

Via E-mail and Overnight Mail

Mr. Steven King, Executive Director and Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

Re: Docket No. UT-_____ [NEW]
CenturyLink QC's Petition for Approval of Amendments to
the Qwest Performance Assurance Plan

Dear Mr. King:

Enclosed please find an original and one copy of CenturyLink QC'S Petition for Approval of Amendments to the Qwest Performance Assurance Plan. Due to the size of the filing, I spoke with and received permission from ALJ Kopta to provide an original and one copy for filing rather than the standard 19 copies.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa A. Anderl".

Lisa A. Anderl

LAA/jga

Enclosure(s)

cc: Service List

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF CENTURYLINK QC'S
PETITION FOR APPROVAL OF
AMENDMENTS TO THE QWEST
PERFORMANCE ASSURANCE PLAN

DOCKET NO. UT-____ (NEW)_____

CENTURYLINK QC'S PETITION FOR
APPROVAL OF AMENDMENTS
TO THE QWEST PERFORMANCE
ASSURANCE PLAN

- 1 Qwest Corporation d/b/a CenturyLink QC ("CenturyLink" or "CenturyLink QC")¹ requests that the Commission modify the Qwest Performance Assurance Plan ("PAP") and Performance Indicator Definitions ("PIDs"). CenturyLink requests that the Commission replace the existing Washington PAP and PIDs with the PAP and PIDs that were recently negotiated between CenturyLink and numerous competitive local exchange carriers ("CLECs").
- 2 The negotiated PAP and PIDs were recently approved by the Colorado Public Utilities Commission ("CPUC"). As an integral part of the Colorado settlement, participating CLECs and CenturyLink agreed that the redesigned PAP and PIDs in Colorado should be proposed for adoption in the 13 other CenturyLink QC RBOC² states, including Washington. Accordingly, and consistent with the manner in which past such changes have been handled in Washington and other states, CenturyLink QC also requests that the Commission's action in response to this petition be applicable to all interconnection

¹ Prior to April 1, 2011, Qwest Corporation did business as Qwest.

² Regional Bell Operation Company.

agreements that have opted to include the PAP, without the need for further filings or approvals. In support of this Petition, CenturyLink offers the following information:

I. PAP BACKGROUND

- 3 The PAP is a self-effectuating performance assurance plan that is implemented as Exhibit K of interconnection agreements ("ICAs") between CenturyLink and CLECs that opt to include it in their ICAs.
- 4 The PAP contains terms and conditions, including performance indicator definitions, that were established as part of Qwest's effort, in the early 2000's, to obtain Federal Communications Commission ("FCC") approval, pursuant to 47 U.S.C. § 271, to enter into the interstate long distance telecommunications market.
- 5 Originally, there was concern that RBOCs, including Qwest, could "back-slide" in their interconnection performance and network provisioning once the RBOCs were permitted to enter the long distance telecommunications market.
- 6 The PAPs were negotiated to provide additional assurance of continued appropriate interconnection and network access between Qwest and CLECs.
- 7 The Commission approved the Washington PAP in Consolidated Docket Nos. UT-003022 and 003040. The PAP has been amended a number of times since then.³ Those changes, like the ones proposed in this case, were the result of a negotiation between Qwest (now CenturyLink QC) and several CLECs. The parties to the 2007 stipulation intended that it be implemented in all PAP's throughout Qwest's 14-state service territory, similar to the Colorado settlement at issue in this proceeding.
- 8 After the most recent Washington PID/PAP amendments were approved, Qwest filed actions seeking to terminate the PID/PAP in several states. While those actions were

³ See, for example, Docket Nos. UT-033041 and 033051, approving agreed-to changes in Exhibits B and K for all ICAs in the State; Docket Nos. UT-043010, 043007, 043029, 043088 all approving changes to Exhibits B and K; Docket No. UT-043119 reflecting agreed-to changes as a result of a settlement; and, Docket No. UT-073034, also implementing agreed-to changes and deciding disputed issues regarding Exhibits B & K.

pending, the Qwest/CenturyLink merger was announced. Several states, including Washington, required approval of the merger. In those states requiring approval, settlements were reached that impacted the PAP. Among the conditions in the merger settlements was one in which CenturyLink would not seek to change the PAP before October 1, 2012, or seek to eliminate the PAP before April 1, 2014. Accordingly, negotiations between CenturyLink and CLECs in Colorado resumed in October 2012.

II. THE COLORADO SETTLEMENT

- 9 On May 23, 2013, CenturyLink, Comcast Phone of Colorado, LLC (“Comcast”), MegaPath Corporation fka DIECA Communications, Inc. dba Covad Communications Company (“MegaPath”),⁴ tw telecom of Colorado LLC (“tw telecom”), Eschelon Telecom of Colorado, Inc. dba Integra Telecom (“Integra”), and Staff of the CPUC (collectively the “Settling Parties”) filed a settlement agreement with the CPUC for the purpose of redesigning CenturyLink’s PAP (the “Colorado Settlement”). A copy of the Colorado Settlement is attached hereto as Exhibit V.⁵
- 10 The redesigned Colorado Performance Assurance Plan (“CPAP”) is included as Attachments 1 and 2 to the Colorado Settlement. Attachment 1 of Exhibit V consists of the new Exhibit K for interconnection agreements that constitutes the new CPAP; Attachment 2 of Exhibit W consists of the new Exhibit B for interconnection agreements

⁴ On August 20, 2010, MegaPath, Inc., CCGI Holding, Inc., and Speakeasy Broadband Services, LLC merged, with respective operating companies continuing to operate as separate entities. As part of an intra-company pro forma roll-up merger, Covad Communications Company was merged into its sister affiliate, DIECA Communications, Inc., effective December 30, 2011. Effective January 1, 2012, DIECA changed its name to MegaPath Corporation.

⁵ References to Exhibits “V,” “W,” “X,” “Y,” and “Z” are being used to identify the four exhibits to this Petition, in order to more easily distinguish and separate them from Exhibits K (PAP) and B (PIDs) of interconnection agreements that are also referenced herein as attachments to the Colorado Settlement. The only differences between the revised CPAP (Attachment 1 of the Exhibit V settlement agreement) and the new PAP (Exhibit Y hereto) are that the former contains an Appendix A that does not apply in states other than Colorado, along with some related, parenthetical notations within the CPAP (at the beginning of sections 4.0, 5.0, and 6.0). Regarding the PID document, Exhibit B of interconnection agreement, Exhibit Z of this petition is the same as Attachment 2 of the Exhibit V settlement agreement, but without the markings borne by Attachment 2 that identify it as a filing made with the CPUC.

that contain the PIDs. Attachments 1A and 2A of Exhibit V to Colorado Settlement show in legislative redline format the changes from the prior version of the Colorado Exhibits K and B, respectively.

- 11 On June 17, 2013, the CPUC entered a written order approving the Colorado Settlement.⁶ The Colorado order is now final, and is not subject to any petitions for reconsideration. A copy of the order is attached as Exhibit W1. After the Colorado approval, petitions similar to this one were filed in several other CenturyLink QC RBOC states. Orders approving the PAP and PID revisions have already been issued in Utah (Exhibit W2) and Idaho (Exhibit W3).
- 12 All of the CLECs that were parties to the Colorado Settlement either directly, or through an affiliate, are CLECs in Washington.
- 13 Further, there are several other CLECs that actively participated in the Colorado PAP proceeding and settlement negotiations, but were not Settling Parties (hereinafter referred to as "Active CLECs"). These Active CLECs included Access Point, Inc., Liberty Bell Telecom,⁷ McLeodUSA Telecommunications services, Inc., dba PAETEC Business Services (now Windstream), and XO Communications Services, Inc. None of the Active CLECs opposed the Colorado Settlement. All of these CLECs also have ICAs in Washington.
- 14 In addition to the Active CLECs, all other CLECs in Colorado had notice and an opportunity to participate in that proceeding, including the settlement negotiations. There was no opposition to the Colorado Settlement, and many Colorado CLECs also have ICAs in Washington.

⁶ See, CPUC Decision No. C13-0722, Docket No. 02M-259T.

⁷ Liberty Bell Telecom is now known as dishNET Wireline, LLC.

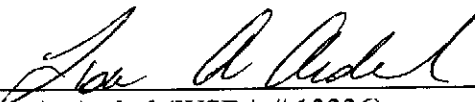
- 15 The Settling Parties agreed that the redesigned PAP that was approved by the CPUC should be proposed for adoption in the 13 other CenturyLink RBOC states, and should be effective in the 13 other states on January 1, 2014.
- 16 Given the terms of the Colorado Settlement, the CPAP is the basis for the redesigned PAP and PIDs proposed in Washington and the other CenturyLink RBOC states. Exhibit X describes in detail the changes in the redesigned PAP and PIDs, in comparison with the PAP and PIDs currently in effect.
- 17 CenturyLink requests that the redesigned PAP (Exhibit Y hereto, which constitutes the proposed new Exhibit K for interconnection agreements) and the revised PIDs (Exhibit Z hereto, which constitutes the proposed new Exhibit B for interconnection agreements) replace the existing PAP and PIDs effective January 1, 2014.⁸ The Parties further request that the Commission deem all existing interconnection agreements that currently contain the PAP and PIDs be modified to incorporate these revisions, also effective January 1, 2014, without need for further filings or approvals.
- 18 The provisions of the redesigned PAP and PIDs in Exhibits Y and Z are just, reasonable, and not contrary to the public interest.
- 19 CenturyLink requests that the Commission do the following:
- a. Approve Exhibits Y (redesigned PAP) and Z (redesigned PIDs) with an effective date of January 1, 2014, to replace the existing PAP and PIDs in Washington;
 - b. Deem all existing interconnection agreements that currently contain the PAP and PIDs be modified to incorporate these revisions, also effective January 1, 2014, without need for further filings or approvals;

⁸ The only differences between the revised CPAP (Attachment 1 of the Colorado Settlement, Exhibit V hereto) and the new PAP (Exhibit Y hereto) are that the former contains an Appendix A that does not apply in states other than Colorado, along with some related, parenthetical notations within the CPAP (at the beginning of sections 4.0, 5.0, and 6.0). The PID document (Exhibit B of interconnection agreements, Exhibit Z of this Petition) is the same as Attachment 2 of the Colorado Settlement (Exhibit V hereto), but without the markings borne by Attachment 2 that identify it as a filing made with the CPUC.

- c. In the event there is no opposition to this Petition within 30 days, CenturyLink requests that the Petition be granted without a hearing or further filings or proceedings;
- d. To the extent there is opposition to this Petition, CenturyLink recommends that the Commission schedule a technical conference to further discuss the redesign of the PAP and PIDs consistent with the Colorado Settlement and to determine the remaining process in this proceeding.

Respectfully submitted this 15th day of October, 2013

CENTURYLINK



Lisa A. Anderl (WSBA # 13236)

CenturyLink

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CERTIFICATE OF SERVICE

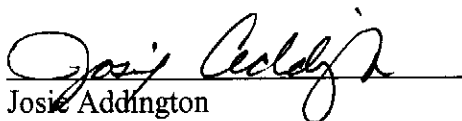
Docket No. UT-[New]

**CenturyLink QC's Petition for Approval of Amendments
to the Qwest Performance Assurance Plan**

I certify that I have caused to be served copies of CenturyLink's Petition for Approval of Amendments to the Qwest Performance Assurance Plan Service by email and overnight mail on the following parties:

<p>Sally Brown Assistant Attorney General WUTC Attorney General 1400 S Evergreen Park Dr SW P.O. Box 40128 Olympia, WA 98504-0128 Email: sbrown@utc.wa.gov</p>	<p>Simon ffitich Public Counsel Section Office of the Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188 Tel: (206) 464-7744 Email: simonf@atg.wa.gov</p>
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DATED this 15th day of October, 2013.


Josie Addington