

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

In the Matter of the Petition of)	DOCKET UT-073034
)	
QWEST CORPORATION)	ORDER 04
)	
Petitioner,)	
)	ORDER GRANTING IN PART
For Commission Approval of Stipulation)	QWEST’S MOTION;
Regarding Certain Performance Indicator)	SUSPENDING PROCEDURAL
Definitions and Qwest Performance)	SCHEDULE; NOTICE OF
Assurance Plan Provisions.)	PREHEARING CONFERENCE
)	<i>(Set for November 8, 2007, at 1:30</i>
)	<i>p.m.)</i>
.....)	

1 **NATURE OF PROCEEDING.** Docket UT-073034 involves a petition by Qwest Corporation (Qwest) and four (4) competitive local exchange carriers (CLECs)¹ seeking approval of a stipulation modifying various Performance Indicator Definitions (PIDs) as well as the Qwest Performance Assurance Plan (QPAP), each of which is an exhibit to Qwest’s Statement of Generally Available Terms (SGAT). Qwest has filed the stipulation and is pursuing the same action before 13 other state commissions.

2 **APPEARANCES.** Lisa A. Anderl, Associate General Counsel, Seattle, Washington, represents Qwest. Ginny Zeller, Associate General Counsel, Minneapolis Minnesota, represents Eschelon Telecom, Inc. (Eschelon). Gregory J. Kopta, Davis Wright Tremaine LLP, Seattle, Washington, represents Integra Telecom of Washington, Inc. (Integra), Time Warner Telecom of Washington, LLC (Time Warner), and XO Communications Services, Inc. (XO). Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).²

¹ Three of these CLECs (Eschelon Telecom, Inc., DIECA Communications, Inc., d/b/a Covad Communications Company, and McLeodUSA Telecommunications Services, Inc.) conduct business in Washington. The fourth CLEC (US Link, Inc.) does business only in North Dakota and Minnesota.

² In formal proceedings, such as this case, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an

- 3 **QWEST’S MOTION.** On October 18, 2007, Qwest filed a Motion to Convert Proceeding to a Six-Month Review and to Vacate the Current Schedule. Qwest requests the Commission convert the proceeding to a six-month proceeding under Section 16.1 of the QPAP, asserting that this will address the procedural concerns Staff and other parties raise about the scope of this docket. Qwest requests the Commission vacate the procedural schedule, in particular the deadline for reply comments to be filed on October 26, 2007. Qwest states that it has discussed the motion with other parties and that the CLEC parties do not object.
- 4 Staff filed a response on October 24, 2007, stating that it does not oppose Qwest’s motion. Staff agrees that a six-month review process would provide a useful opportunity to resolve the issues in the case and would not preclude Staff’s participation in regional efforts to consider changes to the QPAP.
- 5 Staff notes that in the early days of implementing the QPAP, the Commission directed Staff to participate in multi-state collaborative efforts, referred to as the Long Term PID Administration (LTPA), to evaluate the performance indicator definitions, or PIDS, prior to initiating a six-month review process. Staff asserts that the LTPA has been discontinued, making it difficult to comply with the Commission’s directive. Staff notes that to meet the spirit of the Commission’s orders, it is participating in bi-weekly conference calls sponsored by the Regional Oversight Committee (ROC) on this issue, is working directly with Staff from other states and attended the Fall ROC meeting.
- 6 Qwest’s motion is granted. Qwest’s motion and Staff’s response demonstrate that there is merit in converting this docket to a six-month proceeding described under the QPAP. The exact nature of the conversion and schedule for a six-month proceeding, however, must be addressed in a prehearing conference. Thus, it is appropriate to vacate the procedural schedule to relieve the parties of the October 26 filing deadline. In this notice, the Commission schedules a prehearing

conference to address conversion of the proceeding and the appropriate procedural schedule.

- 7 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter on November 8, 2007, at 1:30 p.m. in Room 108, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the prehearing conference in person, you may attend via the Commission's teleconference bridge line, **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.
- 8 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective October 25, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge