

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Six-Month Review	)	DOCKET NO. UT-033020
of)	
QWEST CORPORATION'S	)	ORDER NO. 08
)	
Performance Assurance Plan	)	ORDER APPROVING
	)	COMPLIANCE FILING
.....)	
)	
In the Matter of	)	DOCKET NO. UT-043010
)	
QWEST CORPORATION'S	)	ORDER NO. 01
)	
Notice of Modifications to Exhibit B	)	ORDER APPROVING PETITION
and Exhibit K to the Statement of	)	TO MODIFY SGAT EXHIBIT B
Generally Available Terms and	)	AND EXHIBIT K, AND INTER-
Conditions	)	CONNECTION AGREEMENTS
	)	CONTAINING EXHIBIT B AND
	)	EXHIBIT K
.....)	

I. SYNOPSIS

1 In this Order, the Commission approves Qwest's compliance filing in Docket No. UT-033020 and approves Qwest's petition in Docket No. UT-043010 to modify SGAT Exhibit B and Exhibit K and interconnection agreements containing Exhibit B and Exhibit K.

II. PROCEDURAL HISTORY

- 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 Docket No. UT-033020, resolving issues raised by the parties during the first six-month review period. The Order directed Qwest to modify Exhibit B of the Statement of Generally Available Terms and Conditions (SGAT) to include a separate product category for line splitting, and to modify SGAT Exhibits B and K to incorporate standards and payment opportunities for enhanced electronic links (EELs).
- 4 On January 29, 2004, Qwest filed a letter notifying the Commission that all parties agreed that additional changes to performance indicator definitions (PIDs) arising from the Long Term PID Administration (LTPA), a multistate collaborative forum addressing changes to the PIDs, would be filed with the Commission on February 17, 2004.

- 5 On February 17, 2004, Qwest filed with the Commission in Docket Nos. UT-033020 and UT-043010 a Notice of Modifications to Exhibit B and Exhibit K to the SGAT. In response to the Commission's February 19, 2004, Notice of Opportunity to File Comments concerning Qwest's compliance filing, Commission Staff filed comments on the filing with the Commission on February 27, 2004. No other party filed comments. On March 8, 2004, Qwest filed a letter with the Commission replying to Commission Staff's comments.
- 6 These matters are consolidated only for purposes of entering this Order, as the proposed changes to SGAT Exhibit B and Exhibit K submitted in the two dockets are identical.

III. MEMORANDUM

- 7 Qwest's February 17, 2004, petition to modify Exhibits B and K to the SGAT filing is both a compliance filing in response to provisions of Order No. 05 in Docket No. UT-033020 and a request in Docket No. UT-043010 that the Commission approve additional changes to Exhibits B and K agreed to by LTPA collaborative participants. Qwest further requests that the changes to Exhibit B and Exhibit K automatically apply to and modify all existing interconnection agreements that currently contain Exhibit B and Exhibit K as exhibits.
- 8 Exhibit B to the SGAT is the set of Qwest's Service Performance Indicator Definitions, or PIDs. Exhibit B is referred to as the ROC 271 Working PID, and indicates the current version of the document. Qwest's filing in this docket replaces current version 5.0a with version 6.0. Exhibit K to the SGAT is Qwest's Performance Assurance Plan, or QPAP.

- 9 **A. Compliance Filing.** In paragraph 116 of Order No. 05, the Commission ordered Qwest to amend SGAT Exhibit B to include a product category for line splitting separate from line sharing under PIDs PO-5, OP-3, OP-4, OP-5, OP-6, MR-3, MR-4, MR-6, MR-7, and MR-8. In paragraph 118 of Order No. 05, the Commission ordered Qwest to incorporate in SGAT Exhibit B and Exhibit K the standards and payment opportunities for EELs approved for reporting and payment purposes in the Colorado performance assurance plan.
- 10 **Line Splitting.** In its compliance filing, Qwest asserts that it has modified the PIDs to include separate product category for line splitting as ordered, but explains that the Commission approved the disaggregation of line splitting from line sharing in OP-5 on October 2, 2003, and that no further changes to OP-5 were required to comply with Order No. 05. Further, Qwest explains that the structure of PO-5 required inclusion of line splitting within one of three product categories. In order to comply with Order No. 05, Qwest made certain modifications to PO-5 that LTPA participants agreed to in January 2004.
- 11 **EELs.** Qwest asserts that it has incorporated the EEL performance standards in Exhibit B and the payment opportunities in Exhibit K to which Qwest stipulated in Colorado, and the Colorado Commission approved. Qwest explains that it made certain modifications to how it reports performance and makes payments for EEL performance to comply with Order No. 05.
- 12 **Discussion and Decision.** After reviewing Qwest's modifications to Exhibit B and Exhibit K to the SGAT, Staff believes that the modifications correctly reflect the requirements of paragraphs 116 and 118 of Order No. 05. The Commission finds that the modifications to SGAT Exhibit B and Exhibit K are consistent with

the requirements of Order No. 05, and approves the corresponding modifications to SGAT Exhibit B and Exhibit K filed with the Commission on February 17, 2004. The Commission also grants Qwest's request to apply the changes to SGAT Exhibit B and Exhibit K to and modify all existing interconnection agreements that currently contain Exhibit B and Exhibit K as exhibits.

- 13 **B. Other SGAT Changes.** In addition to the compliance filing discussed above, Qwest also filed with the Commission on February 17, 2004, certain administrative and substantive changes to SGAT Exhibit B and Exhibit K that LTPA participants agreed to in December 2003. These changes are intended to increase the clarity, accuracy, and completeness of the PIDs, but not change the meaning of any PID. The changes correct typographical errors, update outdated information and make certain terms and phrases consistent throughout the PIDS. PID GA-1 has been changed to reflect the fact that two interface components, Fetch-n-Stuff and Data Arbiter, are no longer in use.
- 14 **Discussion and Decision.** After reviewing Qwest's modifications to Exhibit B and Exhibit K to the SGAT, Staff believes that the modifications correctly reflect the changes to SGAT Exhibit B and Exhibit K agreed to by LTPA participants. Staff expresses concern that Exhibit B does not contain PID PO-20, which measures manual service order accuracy. In reply, Qwest explains that PID PO-20 was not originally included in the ROC PID document. When the Commission approved inclusion of PO-20 as a new PID in September 2002, Qwest included the PID in a separate exhibit to the SGAT, Exhibit B1. Qwest notes that once agreement concerning PO-20 is reached at a regional level in the LTPA collaborative process, PO-20 will be incorporated in Exhibit B on a regional basis, and Qwest will seek removal of Exhibit B1 in Washington.

15 The Commission finds that the additional modifications to SGAT Exhibit B and Exhibit K are appropriate, and approves the administrative and substantive modifications to SGAT Exhibit B and Exhibit K filed with the Commission on February 17, 2004. Further, the Commission grants Qwest's request to apply the changes to SGAT Exhibit B and Exhibit K to and modify all existing interconnection agreements that currently contain Exhibit B and Exhibit K as exhibits.

IV. FINDINGS OF FACT

16 Having discussed above in detail the documentary evidence received in this proceeding concerning all material matters, and having stated findings and conclusions upon issues at impasse among the parties and the reasons and bases for those findings and conclusions, the Commission now makes and enters the following summary of those facts. Those portions of the preceding detailed findings pertaining to the ultimate findings stated below are incorporated into the ultimate findings by reference.

17 (1) Qwest Corporation is a Bell operating company as defined in 47 U.S.C. § 153(4), as well as a telecommunications company and public service company subject to the jurisdiction of the Commission.

18 (2) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the review of statements of generally available terms and conditions filed by Bell operating companies, such as Qwest. *47 U.S.C. § 252(f); RCW 80.36.610(1).*

- 19 (3) 47 U.S.C. § 252(f) authorizes Bell operating companies to file with state commissions a statement of generally available term and conditions and authorizes state commission review of, and action on, the filing no later than 60 days after the filing date.
- 20 (4) The performance measures, or PIDs, upon which Qwest reports its performance and makes payments for failure to meet standards are included in Exhibit B to Qwest's Statement of Generally Available Terms and Conditions (SGAT).
- 21 (5) Qwest's Performance Assurance Plan, or QPAP, is included in Exhibit K to the SGAT.

V. CONCLUSIONS OF LAW

22 Having discussed above in detail all matters material to this decision, and having stated general findings and conclusions, the Commission now makes the following summary conclusions of law. Those portions of the preceding detailed discussion that state conclusions pertaining to the ultimate decisions of the Commission are incorporated by this reference.

- 23 (1) The Commission has jurisdiction over the subject matter of this proceeding and the parties to the proceeding.
- 24 (2) The modifications to Exhibit B and Exhibit K to Qwest Corporation's Statement of Generally Available Terms and Conditions (SGAT) filed by Qwest on February 17, 2004, are consistent with the changes to the

exhibits required by paragraphs 116 and 118 of Order No. 05 in Docket No. UT-033020.

- 25 (3) The administrative and substantive changes reflected in Qwest Corporation's petition to modify SGAT Exhibit B and Exhibit K in Docket No. UT-043010 have been agreed to by all LTPA participants and are reasonable.

VI. ORDER

THE COMMISSION ORDERS:

- 26 (1) The modifications to Exhibit B and Exhibit K to Qwest Corporation's Statement of Generally Available Terms and Conditions filed by Qwest on February 17, 2004, in accordance with paragraphs 116 and 118 of Order No. 05 in Docket No. UT-033020 are approved, and effective as filed on the date this Order is entered.
- 27 (2) Qwest Corporation's petition to modify SGAT Exhibit B and Exhibit K in Docket No. UT-043010 to reflect various administrative and substantive changes is approved.
- 28 (3) Qwest Corporation's request to modify existing interconnection agreements that currently contain Exhibit B and Exhibit K as exhibits is approved.

DOCKET NO. UT-033020
ORDER NO. 08

PAGE 9

DOCKET NO. UT-043010
ORDER NO. 01

- 29 (4) The Commission retains jurisdiction over the subject matter and Qwest Corporation to effectuate the provisions of this Order.

Dated at Olympia, Washington, and effective this 16th day of March, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK OSHIE, Commissioner