

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

In the Matter of the Petition of	)	DOCKET UT-073034
	)	
QWEST CORPORATION	)	
	)	ORDER 05
Petitioner,	)	
	)	
For Commission Approval of Stipulation	)	PREHEARING CONFERENCE
Regarding Certain Performance Indicator	)	ORDER; NOTICE OF RIGHT TO
Definitions and Qwest Performance	)	PARTICIPATE IN SIX-MONTH
Assurance Plan Provisions.	)	REVIEW; REVISING
	)	PROCEDURAL SCHEDULE
.....	)	

1     **NATURE OF PROCEEDING.** Docket UT-073034 originally involved a petition by Qwest Corporation (Qwest) and four (4) competitive local exchange carriers (CLECs)<sup>1</sup> 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 filed the stipulation and is pursuing the same action before 13 other state commissions.

2     **CONVERSION OF PROCEEDING TO A SIX-MONTH REVIEW.** On October 18, 2007, Qwest filed a Motion to Convert Proceeding to a Six-Month Review and to Vacate the Current Schedule. Qwest’s motion indicated that all CLEC parties in the case did not object to its request. On October 24, 2007, Commission Staff filed its Response to Qwest’s Motion indicating no objection to the request. Therefore, on October 25, 2007, the Commission entered Order 04, converting the docket to a six-month review proceeding as contemplated by Section 16.1 of the QPAP and vacating the previously established procedural schedule in this docket. Order 04 also scheduled a prehearing conference to determine a new schedule.

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<sup>1</sup> 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.

- 3     **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington, on November 8, 2007, before Administrative Law Judge (ALJ) Adam E. Torem.
- 4     **APPEARANCES.** Lisa A. Anderl, Associate General Counsel, Seattle, Washington, represents Qwest. Ginny Zeller, Associate General Counsel, Minneapolis Minnesota, represents Integra Telecom of Washington, Inc. (Integra), and Eschelon Telecom, Inc., (Eschelon).<sup>2</sup> Gregory J. Kopta, Davis Wright Tremaine LLP, Seattle, Washington, represents 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”).<sup>3</sup> Contact information for all parties’ representatives is attached as Appendix A to this order.
- 5     **NOTICE OF RIGHT TO PARTICIPATE IN SIX-MONTH REVIEW.** As required by due process and in accordance with the terms of Section 16.1 of the QPAP, this prehearing conference order is being served to all potentially interested Washington CLECs. *Any Washington CLEC wishing to participate in the six-month review must file and serve a letter of intent to participate, a notice of appearance by its representative, and its preliminary list of issues to be discussed no later than Monday, December 10, 2007.*
- 6     **ISSUES LIST.** Qwest’s original petition in this docket proposed a number of modifications to its PIDs as well as to the QPAP. Commission Staff and the Intervenor filed comments raising additional issues to be resolved in this proceeding. In order to clarify the currently contemplated scope of the six-month review now being undertaken, Commission Staff has compiled a preliminary issues list summarizing each issue already presented in this matter. A copy of this list is

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<sup>2</sup> Integra recently acquired Eschelon. As a result, Ms. Zeller has assumed representation of Integra.

<sup>3</sup> In formal proceedings such as this, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including regulatory Staff. *RCW 34.05.455.*

attached as Appendix B to this order. **The parties shall collaborate and file a Final Issues List with the Commission no later than Friday, December 21, 2007.**

- 7 **REVISED PROCEDURAL SCHEDULE.** The parties agreed during the conference to modify the procedural schedule for this proceeding. The parties agreed that two rounds of settlement conferences would be beneficial, with the possibility of seeking the assistance of a settlement judge or mediator for the second round of discussions. The Commission adopts the following modified procedural schedule, which is attached to this Order as Appendix C:

<b>Finalization of Issues List</b>	<b>December 21, 2007</b>
<b>Settlement Conferences – First Round</b>	<b>Week of January 14-18, 2008</b>
<b>Settlement Conferences – Second Round</b>	<b>Week of January 28-31, 2008</b>
<b>Deadline for Initial Comments and Legal Argument</b>	<b>Wednesday, February 20, 2008</b>
<b>Deadline for Responsive Comments and Legal Argument</b>	<b>Monday, March 10, 2008</b>
<b>Commission Order (approximate date)</b>	<b>March 31, 2007</b>

- 8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **five (5) paper copies** of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

- 9 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park

Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

10 An electronic copy of all filings must be provided either through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail delivery to [records@utc.wa.gov](mailto:records@utc.wa.gov). Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Pursuant to WAC 480-07-145(6), the presiding officer grants a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties must submit documents either through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov), and file an original, plus **five (5) paper copies**, of the documents with the Commission by noon on the following business day. **Parties must provide courtesy copies of their electronic submissions to the presiding administrative law judge and the parties to the proceeding.**

12 **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 November 19, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM  
Administrative Law Judge

<b>APPENDIX A</b>				
<b>PARTIES' REPRESENTATIVES</b>				
<b>DOCKET UT-073034</b>				
<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>QWEST</b>	<b>LISA A. ANDERL</b> Associate General Counsel 1600 7 <sup>th</sup> Avenue, Rm 3206 Seattle, WA 98191	206-345-1574	206-343-4040	<a href="mailto:lisa.anderl@qwest.com">lisa.anderl@qwest.com</a>
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<b>COVAD</b>	<b>GREGORY DIAMOND</b> Senior Counsel 7901 Lowry Blvd. Denver, CO 80230	720-670-1069		<a href="mailto:gdiamond@covad.com">gdiamond@covad.com</a>
<b>MCLEODUSA.</b>	<b>WILLIAM A. HAAS</b> Vice President and Deputy General Counsel One Martha's Way Hiawatha, IA 52233	319-298-7295		<a href="mailto:Whaas@mcleodusa.com">Whaas@mcleodusa.com</a>



**APPENDIX B**

**Preliminary Issues List UT-073034**

The following issues are raised by the stipulation between Qwest Corporation, Eschelon Telecom, Inc., DIECA Communications, Inc. d/b/a Covad Communications Company, and McLeodUSA Telecommunications Services, Inc. on June 26, 2007, in Docket UT-073034.

<b>Issue</b>	<b>Ref.</b>	<b>Description</b>
ISDN BRI (designed)		Update the PID references to unbundled 2-wire non-loaded loop and unbundled ISDN capable loop disaggregations to reflect the retail analogue of "ISDN BRI (designed)."
Reinstatement/Removal		Remove the PIDs specified in the 2007 Stipulation from PAP payment mechanisms to the extent they currently are included in a specific state's PAP, subject to a Reinstatement/Removal process. Also, add a root cause analysis provision.
One-hour exclusion	MR-6	Add exclusion to MR-6 PID that allows No Trouble Found (NTF) and Test Okay (TOK) trouble reports to be removed when the ticket's duration is one hour or less.
UNE billing accuracy	BI-3A	Change the standard for BI-3A PID to a 98% benchmark and add a provision to the PAP for the BI-3A PAP payment calculation, creating a tiered structure of per occurrence amounts and modifying the per measurement cap for the sub-measure.
One Allowable Miss		Add one allowable miss provision to the PAP for individual CLEC results when the CLEC aggregate results have met the standard.

Issue	Ref.	Description
Tiered Minimums		Revise the PAP to change the flat minimum payment amounts of \$300/\$600 (MN) and \$2000 (the remaining states, including Washington) with a tiered minimum payment approach that establishes a relationship between the monthly PAP payment and the required minimum payment amount.
Low-volume services		Remove the following list of product disaggregations from all applicable OP and MR PIDs in the 13 state PAPs: Resale Centrex, Resale Centrex 21, Resale DS0, E911/911 Trunks, Resale Frame Relay, Resale Basic ISDN, Resale Primary ISDN, Resale PBX, Sub-loop Unbundling, UNE-P POTS, UNE-P Centrex and UNE-P Centrex 21.
Tier 2 payments	PAP §7.3 PAP §9	Adopt the Montana Tier 2 provision to modify Sections 7.3 and 9 of the PAP such that Tier 2 payments will be based on the number of performance measurements exceeding critical z-value for three consecutive months unless there have been two misses in any three consecutive months during the past 12 months. If there have been two misses in any three consecutive months during the last 12 months, Tier 2 payments will be triggered by either two additional consecutive months' misses (for PIDs that are classified as both Tier 1 and Tier 2) or the current month's miss (for PIDs that are Tier 2 only).
Tier 1 Cap Elimination	PAP §6.2	Eliminate six-month cap on Tier 1 escalation payment amounts so that payments will continue to increase in the event the payment level indicator increases beyond payment level 6.
Remove DSL		Eliminate resale DSL from PIDs and Modify PID and PAP references to Qwest DSL.
LNP Name change	MR-11	Change the MR-11 PID title to "LNP Trouble Reports Cleared within Specified Timeframes."
Manual Service Orders – Phase 2,3	PO-20	Update PO-20 to reflect it is fully implemented by making PID and PAP revisions specified in the 2007 Stipulation.



In addition to the above issues raised by the June 26, 2007, stipulation, Commission Staff proposes the following issues for consideration in the six-month review. Other parties have proposed, and all parties will have an opportunity to propose, additional issues. The final issues list for the six month proceeding will not be compiled until December 21.

Issue	Ref.	Description
Repair Intervals		Federal Communications Commission's most recent service quality report finding that there is a statistically significant increase in length of repair interval for the industry.
PID Mgmt / LTPA		PID Management Process replacing Long Term PID Administration.
Review CLEC entry into developing markets	PAP §6.3	Consider adding new products disaggregation to the low-volume products list of qualifying performance sub-measurements, representing new modes of CLEC entry into developing markets.
Review measures	PAP §16.1	Determine whether measurements should be added, deleted, or modified.
Review standards	PAP §16.1	Whether the applicable benchmark standards should be modified or replaced by parity standards.
Review classifications	PAP §16.1	Whether to move a classification of a measurement to High, Medium, or Low or Tier 1 to Tier 2.

**APPENDIX C  
PROCEDURAL SCHEDULE  
DOCKET UT-073034**

<b>EVENT</b>	<b>DATE</b>	<b>INTERVAL</b>
<b>Finalization of Issues List</b>	<b>December 21, 2007</b>	<b>—</b>
<b>Settlement Conferences – First Round</b>	<b>Week of January 14-18, 2008</b>	<b>24 Days</b>
<b>Settlement Conferences – Second Round</b>	<b>Week of January 28-31, 2008</b>	<b>~ 14 Days</b>
<b>Deadline for Initial Comments and Legal Argument</b>	<b>Wednesday, February 20, 2008</b>	<b>20 Days</b>
<b>Deadline for Responsive Comments and Legal Argument</b>	<b>Monday, March 10, 2008</b>	<b>19 Days</b>
<b>Commission Order (approximate)</b>	<b>March 31, 2008</b>	<b>~ 21 Days</b>