

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

IN THE MATTER OF CENTURYLINK QC'S  
PETITION FOR APPROVAL OF AMENDMENTS  
TO THE QWEST PERFORMANCE ASSURANCE  
PLAN AND PERFORMANCE INDICATOR  
DEFINITIONS TO IMPLEMENT THE FCC'S  
2019 FORBEARANCE ORDERS

DOCKET NO. UT-\_\_\_\_\_

**I. INTRODUCTION**

- 1.* Qwest Corporation d/b/a CenturyLink QC (“CenturyLink” or “CenturyLink QC”) requests that the Commission modify the Performance Indicator Definitions (“PIDs”) and Performance Assurance Plan (“PAP”) portions of its interconnection agreements (“ICAs”) with each Washington CLEC.<sup>1</sup> More specifically, CenturyLink requests that the Commission amend the existing PAP and PIDs by deleting references to products and network elements for which the FCC recently ruled that Regional Bell Operating Companies (“RBOCs”) like CenturyLink will no longer be required to offer. In support of this Petition, CenturyLink offers the following:

**II. BACKGROUND**

- 2.* 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. The Performance Indicator Definitions (“PIDs”) are implemented as Exhibit B to CenturyLink’s ICAs, and contains the definitions and metrics that support the PAP.

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

3. 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. The PAPs were negotiated to provide additional assurance of continued appropriate interconnection and network access between Qwest and CLECs.
4. This Commission approved the Washington PAP in Docket Nos. UT-003022 and UT-003040. The PAP has been amended several times since then. The most recent amendment was filed on October 15, 2013 and was approved by the Commission in Docket UT-131949 by order dated December 30, 2013.
5. Since the last amendment to the PIDs and PAP approved by this Commission, the FCC has eliminated and modified some obligations of RBOCs to provide certain products and network elements. Specifically, in *Petition of US Telecom et al. for Forbearance*, WC Dkt. No. 18-141, Memorandum Opinion and Order, FCC Release 19-72; Released August 2, 2019 ("*UNE Analog Loop and Resale Forbearance Order*"), and the *Report and Order on Remand and Memorandum Opinion and Order*, FCC Release 19-66; Released July 12, 2019 ("*UNE Transport Order*"), (collectively the "*2019 Forbearance Orders*"), the Commission eliminated the requirement for RBOCs to continue offering the avoided cost retail discount to resellers, and also eliminated the requirement for RBOCs to continue offering analog loops:

We forbear from UNE Analog Loop and Avoided-Cost Resale obligations for price cap incumbent LECs throughout their local service areas. This forbearance relief is warranted in light of overwhelming evidence demonstrating the increasing migration from legacy TDM voice service to IP-based and wireless voice communications capabilities provided by multiple intermodal providers. We find it is no longer necessary to require price cap LECs to bear these once-upon-a-time market-opening obligations that today amount to disparate regulatory burdens that frustrate the

transition to advanced communications services offered over next-generation networks.<sup>2</sup>

6. While the FCC's *2019 Forbearance Orders* eliminated these obligations, those orders also established a transition period. For UNE analog loops, CLECs were permitted to order new UNE analog loops for six months after the August 2, 2019 effective date of the *UNE Analog Loop and Resale Forbearance Order*, or until February 2, 2020. CLECs are also permitted to keep existing UNE analog loop arrangements for three years, or until August 2, 2022.<sup>3</sup>
7. The FCC established a similar transition period for the avoided cost resale discount: New avoided cost resale arrangements could be requested until February 2, 2020, and existing resale discount arrangements can be maintained until August 2, 2022.<sup>4</sup>

### III. ICA AMENDMENTS TO IMPLEMENT FCC'S 2019 FORBEARANCE ORDERS

8. To implement these changes, CenturyLink has notified impacted CLECs, and has proposed interconnection agreement amendments to change the language in the base agreements. A sample copy of the letter and proposed ICA amendments is attached as **Appendix 1** (the precise amendments required may vary depending on the specific ICA, but the standard sample should provide the Commission with a fair picture of the proposed amendments to the base ICAs). Those amendments, along with an amendment to Exhibit A to each contract (Exhibit A contains the ICA pricing information) will be filed with the Commission once executed.

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<sup>2</sup> *UNE Analog Loop and Resale Forbearance Order*, ¶ 9 (footnotes omitted).

<sup>3</sup> *UNE Analog Loop and Resale Forbearance Order*, ¶ 23.

<sup>4</sup> *UNE Analog Loop and Resale Forbearance Order*, ¶ 45-46.

9. As compared to amendments to the base ICAs, amendments of PIDs and PAPs 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 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.

10. Consistent with this requirement, in advance of this filing, CenturyLink notified CLECs, and reached out to CLECs regarding their position on the proposed amendments – particularly Integra, which has taken a leadership position among CLECs in past PID/PAP negotiations and changes. Integra’s representatives informed CenturyLink that they do not object to the proposed amendments (see email attached as **Appendix 2**).

#### **IV. PROPOSED AMENDMENTS TO THE PIDs AND PAP**

11. **Appendix 3** to this filing contains the redesigned PID/Exhibit B. Appendix 3A is a clean version, and Appendix 3B shows redlines compared to the current language. **Appendix 4** contains the redesigned PAP/Exhibit K: Appendix 4A is the clean version, and Appendix 4B shows redlines.
12. The changes reflected in Appendices 3 and 4 are limited to modifying and eliminating language necessary to implement the FCC’s *2019 Forbearance Orders* with respect to avoided cost resale and UNE analog loops only; no other provisions, definitions, or metrics are changed.

**13.** The provisions of the redesigned PAP and PIDs in Appendices 3 and 4 are just, reasonable, and not contrary to the public interest, and to CenturyLink's knowledge are unopposed. As set forth in the prayer for relief below, CenturyLink therefore requests that the Commission approve the redesigned PIDs and PAP to replace the existing PAP and PIDs, effective April 1, 2020. Consistent with prior Commission proceedings and orders amending the PIDs and the PAP, CenturyLink further requests that the Commission deem all existing interconnection agreements that currently contain the PAP and PIDs be modified to incorporate these revisions, also effective April 1, 2020, without need for further filings or approvals.

## **V. PRAYER FOR RELIEF**

WHEREFORE, CenturyLink requests that the Commission do the following:

1. Approve Appendices 3A (redesigned PIDs) and 4A (redesigned PAP) with an effective date of April 1, 2020, to replace the existing PAP and PIDs in Washington;
2. Deem all existing interconnection agreements that currently contain the PAP and PIDs be modified to incorporate these revisions, also effective April 1, 2020, without need for further filings or approvals;
3. 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;

4. 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 *2019 Forbearance Orders* and to determine the remaining process in this proceeding.

Respectfully submitted this 19<sup>th</sup> day of February 2020.

**CENTURYLINK QC**

*/s/ Lisa A. Anderl*

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Lisa A. Anderl, WSBA #13236  
Assistant General Counsel  
1600 7th Avenue, Room 1506  
Seattle, Washington 98191  
(206) 345-1574  
Lisa.anderl@centurylink.com