

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

In the Matter of the Second Six-Month Review of)	DOCKET NO. UT-043007
)	
)	ORDER NO. 07
QWEST CORPORATION'S)	
)	
Performance Assurance Plan)	
.....)	
In the Matter of the Petition of)	DOCKET NO. UT-043068
)	
QWEST CORPORATION,)	ORDER NO. 01
)	
To Modify its Statement of Generally Available Terms and Condition)	ORDER APPROVING PETITION TO MODIFY SGAT EXHIBIT B AND INTERCONNECTION AGREEMENTS CONTAINING EXHIBIT B; ORDER APPROVING, IN PART, PETITION TO MODIFY SGAT EXHIBIT K AND INTERCONNECTION AGREEMENTS CONTAINING EXHIBIT K
.....)	

1 **SYNOPSIS.** *This Order approves Qwest's request to modify SGAT Exhibit B and approves, in part, Qwest's request to modify Exhibit K. The Order provides that Qwest's proposed changes to SGAT Exhibit K relating to the implementation of expanded PID PO-20 will be addressed in the six-month review proceeding in Docket No. UT-043007.*

PROCEDURAL HISTORY

2 On June 25, 2004, Qwest Corporation, (Qwest) filed a petition with the Washington Utilities and Transportation Commission (Commission) pursuant to 47 U.S.C. § 252(f) requesting that the Commission allow modifications to Exhibits B and K of its Statement of Generally Available Terms and Conditions (SGAT) to

become effective no later than 60 days after submitting the changes to the Commission, *i.e.*, August 24, 2004.

- 3 On June 29, 2004, Qwest filed a letter with the Commission consenting to an extension of the sixty-day review period as allowed by 47 U.S.C. § 252(f)(3) for the proposed changes in Exhibit K addressing the implementation of expanded Performance Indicator Definition (PID) PO-20 until the conclusion of the six-month review proceeding in Docket No. UT-043007.
- 4 On July 9, 2004, Qwest filed a letter noting that the footer throughout the June 25, 2004, SGAT Exhibit K refers to “Washington SGAT Ninth Revision” when the correct designation is “Washington SGAT Eighth Revision.” Qwest requests the Commission enter a correcting order. On July 13, 2004, Qwest filed a replacement version of the proposed Exhibit K, noting that a footnote was missing on page 9 of the June 25, 2004, version. On July 16, 2004, Qwest filed a letter noting that the replacement version of Exhibit K also included an incorrect footer reference to “Washington SGAT Ninth Revision” and requesting a correcting order.
- 5 Also on July 16, 2004, Qwest filed a letter with the Commission noting that the footer throughout the June 25, 2004, SGAT Exhibit B refers to “Fourth Amended Exhibit B” when the correct designation is “Fifth Amended Exhibit B.” Qwest notes that the same error occurred in the May 6, 2004, Exhibit B filing, in which the footer refers to the “Third Amended Exhibit B” when the correct designation should have been “Fourth Amended Exhibit B,” and the February 17, 2004, Exhibit B filing, in which the footer refers to the “Second Amended Exhibit B” when the correct designation should have been “Third Amended Exhibit B.” Qwest requests the Commission enter a correcting order.

- 6 On July 16, 2004, Eschelon Telecom, Inc. (Eschelon) and WorldCom, Inc. on behalf of its regulated subsidiaries in Washington (MCI) filed joint comments and Commission Staff filed comments concerning Qwest's proposed changes to SGAT Exhibits B and K. On July 23, 2004, Qwest filed comments in reply.

MEMORANDUM

- 7 Exhibit B to the SGAT comprises Qwest's Service Performance Indicator Definitions, or PIDs. Qwest's filing in these dockets replaces the current 14-State 271 PID Version 7.0 with Version 7.1. This new version of Exhibit B contains changes to PID PO-2 concerning electronic flow-through, and PID PO-20, concerning manual service order accuracy. Qwest reports that both changes to Exhibit B Version 7.1 were agreed to in the Long Term PID Administration (LTPA) collaborative or through the impasse process. Representatives from Qwest, various CLECs, and state commission staff participate in the LTPA collaborative, and meet to continue regional collaborative efforts to refine and develop the PIDs used to assess Qwest's performance in opening the local exchange market to competition.
- 8 Exhibit K to the SGAT is Qwest's Performance Assurance Plan, or QPAP. Qwest proposes modifications to Exhibit K to implement the expanded PID PO-20 in the QPAP, including a tier designation, a low-volume differentiated benchmark, and a three-month stabilization period prior to each implementation phase. The Commission approved an earlier version of PID PO-20 in Exhibit B-1 to the SGAT on December 13, 2002, in the 45th Supplemental Order in Docket Nos. UT-003022 and UT-003040. Qwest proposes to eliminate Exhibit B-1 when the new expanded PID PO-20 is implemented in the QPAP.

- 9 Qwest proposes two administrative changes to Attachment 1 to the QPAP to delete a footnote reference for PID OP-3 and reflect that performance for Enhanced Extended Loops (EELs) is reported only in subparts D and E of PID MR-6. Qwest also proposes to modify QPAP section 14.2 to eliminate the requirement to provide paper copies of its monthly performance reports to Public Counsel, noting that Public Counsel requested the change and that no party has opposed the change.
- 10 Staff notes that the proposed changes to Exhibit B accurately reflect the changes agreed to by LTPA participants and recommends approval of the Exhibit B changes. Staff did not address the proposed changes to Exhibit K, given Qwest's waiver of the 60-day review period.
- 11 Eschelon and MCI request that the Commission reject Qwest's proposed changes to Exhibit K concerning the implementation of expanded PID PO-20, *i.e.*, changes to QPAP section 7.4 and Attachment 1, as well as the proposed change to section 14.2 concerning paper copies sent to Public Counsel. Eschelon and MCI argue that these proposed changes are at issue in the six-month review proceeding and should not be addressed in this filing.
- 12 In reply, Qwest asserts that Eschelon and MCI's concerns about proposed changes to Exhibit K implementing the expanded PID PO-20 are moot, given Qwest's letter consenting to an extension of the review period for these proposed changes. Qwest also notes that Public Counsel has requested the change to QPAP section 14.2, and that MCI has stated that it does not object to the change. Qwest requests that the Commission approve the change.
- 13 **Discussion and Decision.** Qwest's proposed changes to Exhibit B Version 7.1, *i.e.*, a new expanded PID PO-20 and revisions to PO-2, were agreed to during the

LTPA collaborative or in the impasse process, and the parties appear to agree to these changes. For this reason, the Commission will approve the June 25, 2004, proposed changes to SGAT Exhibit B.

- 14 Qwest's administrative changes to Appendix 1 of Exhibit K, *i.e.*, deleting a footnote reference for PID OP-3 and reflecting that performance for EELS is reported only in subparts D and E of PID MR-6, are not contested by any party and are reasonable. The Commission approves these proposed changes to Exhibit K.
- 15 Qwest proposes to eliminate section 14.2 of the QPAP, asserting that Public Counsel has requested to receive only an electronic version of the monthly reports. Eschelon and MCI contest Qwest's proposed change to section 14.2 asserting that the matter is an issue in the six-month review proceeding. Eschelon has raised as Issue No. 6 in that proceeding whether Qwest should be required to publish its aggregate payments under the QPAP.
- 16 Section 14.2 of the QPAP currently requires Qwest to provide paper and electronic copies to the Commission and Public Counsel of its aggregate CLEC performance results. This change does not relate to Eschelon's request for public access to Qwest's aggregate payments under the QPAP: The issues are different. Removing the requirement to provide paper copies to Public Counsel upon Public Counsel's request is reasonable and should be approved.
- 17 While the parties have agreed to the PID definition for PO-20 and certain implementation issues concerning the PID, the parties have not agreed on how the PID will be implemented or treated under the QPAP. The matter was designated as an issue for determination during the six-month review proceeding in Docket No. UT-043007. In its June 25, 2004, SGAT filing, however,

Qwest proposed changes to SGAT Exhibit K to implement the expanded PID PO-20 in the QPAP. During the June 28, 2004, prehearing conference in Docket No. UT-043007, Qwest agreed to an extension of the review period under 47 U.S.C. § 252(f)(3) to allow the issue to be addressed in the six-month review proceeding. Qwest's June 29, 2004, letter to the Commission confirms Qwest's consent to this extension.

- 18 Given Qwest's consent to an extension of the review period, we deny Eschelon and MCI's request to reject Qwest's SGAT Exhibit K proposals relating to PID PO-20. Qwest's request to modify SGAT Exhibit K Section 7.4 and Appendix 1 relating to the implementation of expanded PID PO-20 in the QPAP will not be considered in this Order and will be addressed in the six-month review proceeding.
- 19 Qwest must file within 30 days of the service date of this Order a new version of the Qwest Washington SGAT Eighth Revision, Fifth Amended Exhibit K, to include only those portions of the June 25, 2004, and July 13, 2004, filings approved by the Commission. This filing will also eliminate the need for the correcting order Qwest requested on July 7 and July 16, 2004.
- 20 The modifications to SGAT Exhibits B and K modify existing interconnection agreements that currently contain Exhibits B and K as an exhibit. Qwest posts PID changes to its website for performance information, and notifies all LTPA participants of changes made to Exhibits B and K. Consistent with prior SGAT filings, all existing interconnection agreements that currently contain Exhibits B and K as exhibits should be modified to include the June 25, 2004, proposed changes to SGAT Exhibit B, and the June 25, 2004, and July 13, 2004, changes to SGAT Exhibit K as approved in this Order.

ORDER

THE COMMISSION ORDERS:

- 21 (1) Qwest Corporation's petition to modify SGAT Exhibit B, as filed on June 25, 2004, is approved as the Fifth Amended Exhibit B.
- 22 (2) All existing interconnection agreements that currently contain Exhibit B as an exhibit are modified to include the Fifth Amended Exhibit B.
- 23 (3) Qwest's June 25, 2004, SGAT Exhibit B filing is properly referred to as the "Fifth Amended Exhibit B," while Qwest's May 6, 2004, SGAT Exhibit B filing is properly the "Fourth Amended Exhibit B," and Qwest's February 17, 2004, SGAT Exhibit B filing is the "Third Amended Exhibit B."
- 24 (4) The portions of Qwest Corporation's petition to modify SGAT Exhibit K relating to Section 14.2 and Appendix 1 relating to PIDs PO-3 and MR-6, as filed on June 25, 2004, and July 13, 2004, are approved.
- 25 (5) Qwest's request to modify SGAT Exhibit K Section 7.4 and Appendix 1 to provide for the implementation of the expanded PID PO-20 in the QPAP will be addressed in the six-month review proceeding in Docket No. UT-043007, pursuant to Qwest's consent to an extension of the review period.
- 26 (6) Qwest Corporation must refile with the Commission within 30 days of the service of this Order an original and one copy of the Qwest Washington SGAT Eighth Revision, Fifth Amended Exhibit K to include only those

portions of the June 25, 2004, and July 13, 2004, filings approved by the Commission.

- 27 (7) All existing interconnection agreements that currently contain Exhibit K as an exhibit are modified to include the Fifth Amended Exhibit, as approved by the Commission.
- 28 (8) 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 29th day of July, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner