

**BEFORE THE WASHINGTON UTILITIES  
AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation Into )  
U S WEST Communications, Inc.'s ) Docket No. UT-003022  
Compliance With Section 271 of the )  
Telecommunications Act of 1996 )  
\_\_\_\_\_ )

In the Matter of U S WEST Communications, ) Docket No. UT-003040  
Inc.'s Statement of Generally Available )  
Terms Pursuant to Section 252(f) of the )  
Telecommunications Act of 1996 )  
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**ADDITIONAL STATEMENT OF SUPPLEMENTAL AUTHORITY  
REGARDING QWEST'S PERFORMANCE ASSURANCE PLAN**

As stated in previous Statements of Supplemental Authority submitted by AT&T, in the States of Montana, Nebraska, Iowa, Idaho, and Wyoming, the relevant commissions have also ordered that they maintain ultimate change control authority to the plan without limitation.

On May 15<sup>th</sup>, the Federal Communications Commission issued its Memorandum Opinion and Order on the BellSouth Georgia and Louisiana Order.<sup>1</sup> In that Order, the FCC explicitly stated as follows:

We also recognize that the development of performance measures and appropriate remedies is an evolutionary process **that requires changes to both measures and remedies over time** .... We anticipate that these state Commissions will continue to build on their own work and the work of other states in order for such measures and remedies to most accurately reflect actual commercial performance in the local marketplace. We note that both the Georgia and Louisiana Commissions anticipate modifications to BellSouth's SQM from their respective pending six-month reviews. We anticipate that these state Commissions will continue to build on their own

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<sup>1</sup> *Memorandum Opinion and Order, In the Matter of Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services In Georgia and Louisiana*, CC Docket No. 02-35, FCC 02-147 (rel. May 15, 2002).

work and the work of other states in order for such measures and remedies to most accurately reflect actual commercial performance in the local marketplace<sup>2</sup> . . . Both the Georgia and Louisiana Commissions will continue to subject BellSouth's performance metrics to rigorous scrutiny in their on-going proceedings and audits; thus, **it is not unreasonable for us to expect that these commissions could modify the penalty structure if BellSouth's performance is deficient post approval.**<sup>3</sup>

The FCC's Order speaks for itself and is completely contrary to Qwest's position that it and not the relevant public utilities commission should enjoy change control under the QPAP.

Respectfully submitted on May 16, 2002.

AT&T COMMUNICATIONS OF THE  
PACIFIC NORTHWEST, INC. AND  
AT&T LOCAL SERVICES ON BEHALF  
OF TCG SEATTLE AND  
TCG OREGON

By: \_\_\_\_\_

Mary B. Tribby  
Rebecca B. DeCook  
Steven H. Weigler  
AT&T Law Department  
1875 Lawrence Street, Suite 1575  
Denver, Colorado 80202  
(303) 298-6957

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<sup>2</sup> *Id.* at ¶294(footnote omitted)

<sup>3</sup> *Id.* at ¶300.