

QWEST CORPORATION

STATE: Washington
DOCKET NO: UT-073034
CASE DESCRIPTION: In the Matter of the Petition of Qwest Corporation for Commission Approval of Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions
INTERVENOR: Bench Requests
REQUEST NO: BCH 04-009

REQUEST:

On April 2, 2008, the parties filed a Partial Settlement of Disputed Issues (2008 Partial Settlement) and a Narrative in Support of 2008 Partial Settlement Agreement (2008 Narrative). In each of these pleadings, paragraph 17 addresses the parties' agreement on elimination of "Resale DSL" from Qwest's Performance Indicator Definitions (PIDs) and refers to a proposed resolution set out in a previously filed Narrative in Support of Settlement Agreement from September 12, 2007 (2007 Narrative).

The 2007 Narrative, paragraph 9.A.1, discusses retroactive application of retail analogues in place of the eliminated DSL products. A footnote to that paragraph (footnote 6) explains that these "new retail analogues will apply retroactively for a maximum of six months or back to December 2006 if the Commission approves the changes by August 31, 2007" (as per paragraph 9 of the original filing in this docket). The footnote goes on to explain that Qwest had agreed to extend its stated deadline for affirmative Commission action beyond August 31, 2007.

The Commission has been unable to determine what deadline, if any, Qwest has imposed as a substitute for the originally suggested deadline of August 31, 2007. Neither the footnote in the 2007 Narrative nor any of the recently filed documents associated with the 2008 Partial Settlement Agreement address whether Qwest has agreed to extend this deadline to at least May 31, 2008. However, paragraph 8 in both the 2008 Partial Settlement and the 2008 Narrative suggest a deadline of June 25, 2008, for affirmative Commission action with regard to a wholly separate topic.

Please identify Qwest's deadline for retroactive application of the new retail analogues intended to replace resale DSL as discussed in paragraph 9.A.1 of the 2007 Narrative. If this previously contemplated deadline is no longer applicable or necessary, please explain.

RESPONSE:

Based on the agreement between the parties, there is no deadline for the retroactive treatment - Qwest is still willing to apply the retroactive treatment six months back from the month the change is implemented in WA (which would be the first full month following the effective date of the Commission order).

Respondent: Qwest Legal