

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

In the Matter of the Petition of)	DOCKET UT-073034
)	
QWEST CORPORATION)	ORDER 06
)	
For Commission Approval of Stipulation)	INITIAL ORDER APPROVING
Regarding Certain Performance Indicator)	AND ADOPTING 2008 PARTIAL
Definitions and Qwest Performance)	SETTLEMENT AGREEMENT;
Assurance Plan Provisions.)	REQUIRING COMPLIANCE
)	FILING
.....)	

1 ***SYNOPSIS:*** *This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Commission or allowed to become effective pursuant to the notice at the end of this Order. This Order would approve, adopt, and apply the parties’ 2008 Partial Settlement Agreement in making various changes to Qwest’s Performance Assurance Plan, including modifications to several Performance Indicator Definitions, updates to terminology, and removal of certain low-volume product disaggregations. This Order requires Qwest to make a compliance filing to update all affected exhibits to its SGAT.*

MEMORANDUM

2 **PROCEEDINGS:** Docket UT-073034 originally involved a petition by Qwest Corporation (Qwest) and four (4) competitive local exchange carriers (CLECs) seeking approval of a stipulation modifying certain Performance Indicator Definitions (PIDs) as well as the Qwest Performance Assurance Plan (PAP or QPAP), each of which is an exhibit to Qwest’s Statement of Generally Available Terms (SGAT). Qwest filed the stipulation with the Washington Utilities and Transportation Commission (Commission) on June 26, 2007, and was pursuing the same or similar action before thirteen other state commissions across its service territory.

3 **BACKGROUND AND PROCEDURAL HISTORY.** On October 25, 2007, the Commission issued Order 04 in this matter granting Qwest’s Motion to Convert Proceeding to Six-Month Review and vacate the existing procedural schedule in the docket.

- 4 On November 19, 2007, the Commission issued Order 05 in this docket, setting deadlines for the parties to submit a disputed issues list, conduct settlement negotiations, and file two rounds of responsive comments on those issues.
- 5 On April 2, 2008, the parties filed a proposed Partial Settlement of Disputed Issues (2008 Partial Settlement) and Narrative in Support of 2008 Partial Settlement Agreement (2008 Narrative), requesting the Commission to approve the proposed 2008 Partial Settlement.
- 6 Of the original list of seventeen discrete issues, two remain unresolved by the 2008 Partial Settlement: (1) adding a “one allowable miss” provision to the PAP and (2) changing the monthly trigger for “Tier 2” payments. On April 2, 2008, Qwest and Commission Staff filed their initial comments on these two remaining disputed issues; the parties later filed responsive comments in accordance with the procedural schedule. The Commission will resolve the parties’ remaining differences in a subsequent initial order.
- 7 **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). Gregory J. Kopta, Davis Wright Tremaine LLP, Seattle, Washington, represents Time Warner Telecom of Washington, LLC (Time Warner Telecom), and XO Communications Services, Inc., (XO). Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).¹
- 8 **2007 STIPULATION.** The issues raised in this matter initially arose during collaborative work sessions held by Qwest and several CLECs between May 23, 2006, and May 17, 2007, in an attempt to update Qwest’s PAP across the company’s fourteen-state service territory. Although there were initially disagreements, the participants in those meetings reached accord on a number of specific modifications to the PIDs and PAPs that they believed to be a fair resolution of their differences and

¹ 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*.

to be in the public interest.² Thirteen of their proposed PID/PAP modifications applied to Washington.³

- 9 On June 26, 2007, Qwest filed a Petition for Commission Approval of Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions (Petition for Approval of Stipulation). As relevant to Washington, Eschelon, Covad, and McLeod USA Telecommunications Services, Inc. (McLeod) joined Qwest in the Petition for Approval of Stipulation.⁴
- 10 Over the course of subsequent months, Staff expressed its concerns with potential Commission approval of the Stipulation without allowing adequate time for Staff to discuss the issues within a multi-state collaborative being conducted under the auspices of the Regional Oversight Committee (ROC).⁵ In addition, two additional CLECs intervened in these proceedings: Time Warner Telecom and XO.
- 11 Qwest worked with Staff and the CLECs to jointly reach agreement that this proceeding should be converted to a biannual review of the QPAP which would address issues beyond those included in the Stipulation. As noted above, the Commission entered Order 04 and Order 05 to effectuate this broader approach to considering the proposed PID/PAP modifications.
- 12 On December 21, 2007, the parties jointly submitted an Issues List setting out a total of seventeen discrete issues for consideration. The Issues List included all thirteen of the original issues addressed in the Stipulation.
- 13 **2008 PARTIAL SETTLEMENT AGREEMENT:** In the Partial Settlement, Qwest, Staff, the stipulating CLECS, and the intervening CLECs reached agreement on fifteen of the seventeen disputed topics set out in the Issues List. As an overview of the 2008 Partial Settlement Agreement, a summary of each topic and its resolution is provided below.

² Narrative in Support of Settlement Agreement (September 12, 2007), ¶¶ 4-7; *see also* ¶ 9 for individual descriptions of the proposed changes to the PIDs and PAP.

³ Narrative in Support of Settlement Agreement (September 12, 2007), ¶ 9, sets out individual descriptions of each issue (as applicable in this jurisdiction) raised between Qwest and the parties to the Stipulation.

⁴ Petition for Approval, ¶ 10. The fourth CLEC joining Qwest in the Stipulation, US Link, Inc. d/b/a TDS Metrocom, does not conduct business in Washington.

⁵ *See* Comments of Commission Staff (July 24, 2007), ¶ 7.

- 14 ***AFOR Compliance.*** The parties considered whether the PAP should be modified to reflect the requirements of the Commission's orders in Docket UT-061625 (Qwest AFOR Docket). All parties agreed to update various PAP provisions to align them with the requirements imposed by the Commission's orders in the Qwest AFOR Docket.⁶ These new provisions can be found in Sections 1.1, 13.2, 16.1, and 16.3 of the redlined version of the PAP attached to the proposed 2008 Partial Settlement as Exhibit 1.
- 15 ***SGAT Availability and LTPA Status.*** The parties considered whether the PAP should be modified to reflect current availability of Qwest's SGAT and the current status of the Long Term PID Administration (LTPA) process. All parties agreed that two new footnotes should be added to the PAP to explain that (a) although the PAP is attached as Exhibit K to the SGAT, the PAP will remain in effect and available for adoption without regard to the legal status of the SGAT as a whole and (b) although the PIDs are attached as Exhibit B to the SGAT, the PIDs will remain in effect and available for adoption without regard to the legal status of the SGAT as a whole.⁷ These new PAP footnotes, numbered 1 and 6, can be found on the first two pages of the redlined version of the PAP attached to the proposed 2008 Partial Settlement as Exhibit 1.
- 16 ***Reinstatement / Removal.*** The parties considered whether to establish a reinstatement and removal process for a variety of different PIDs.⁸ All parties agreed that the relevant PIDs had generated very few payments in the past and, because they were not effectively impacting customers, should be removed from the PAP, subject to a reinstatement/removal process. In sum, Qwest's obligation to report its performance on those measures and track avoided payments will continue and, if Qwest falls below set performance standards for these PIDs, they will be reinstated with retroactive payments due for the most recent three months that triggered their reinstatement.⁹ Section 3 of the redlined version of the PAP attached to the proposed

⁶ 2008 Partial Settlement, ¶ 8; *see also* 2008 Narrative, ¶ 8.

⁷ 2008 Partial Settlement, ¶ 9; *see also* 2008 Narrative, ¶ 9.

⁸ There are sixteen (16) PIDs at issue, including three involving Gateway Availability (GA-3, GA-4, and GA-7), six involving Pre-Order/Orders (PO-2B, PO-3, PO-5D, PO-7, PO-8, and PO-16), two involving Ordering and Provisioning (OP-7 and OP-17), one involving Maintenance and Repair (MR-17), one involving Billing (BI-4), and two involving Network Performance (NI-1 and NP-1). The sixteenth PID, involving Collocation (CP-3), was also part of the parties' discussions as part of Qwest's regional services, but it is not part of the Washington PAP.

⁹ 2008 Partial Settlement, ¶ 10; *see also* 2008 Narrative, ¶ 10 and 2007 Narrative, ¶ 9.A.5.

2008 Partial Settlement as Exhibit 1 implements this portion of the parties' agreement.

- 17 **Root Cause Analysis.** The parties also considered whether to add a root cause analysis provision for retaining or removing PIDs as part of reinstatement/removal process. All parties agreed to adopt a root cause analysis provision in the PAP.¹⁰ It can be found in Section 16.1.3 of the redlined version of the PAP attached to the proposed 2008 Partial Settlement as Exhibit 1.
- 18 **Tier 1 Payment Cap.** The parties considered eliminating the six-month cap on Tier 1 escalation payment amounts so as to allow further increases beyond payment level 6. All parties agreed that the six-month cap should be eliminated.¹¹ Section 6.2 of the redlined version of the PAP attached to the proposed 2008 Partial Settlement as Exhibit 1 implements the parties' agreement in this regard.
- 19 **Minimum Payments.** The parties considered whether the flat minimum payment amount of \$2,000 should be changed to a tiered minimum payment approach that establishes a relationship between the monthly PAP payment and the required minimum payment amount. After exchanging various proposals, all parties agreed that the flat minimum payment amounts of \$2,000 should be replaced with a tiered minimum payment approach in order to establish a relationship between Qwest's overall performance level and the required minimum payment amount.¹² Section 6.4 of the redlined version of the PAP attached to the proposed 2008 Partial Settlement as Exhibit 1 implements the parties' concurrence on this topic.
- 20 **ISDN BRI.** The parties considered whether PID references to unbundled 2-wire non-loaded loop and unbundled ISDN capable loop disaggregations should be updated to reflect the retail analogue of "ISDN BRI (designed)." A previous ROC audit of the PAP discovered that Qwest had already put this update into practice for several of its Ordering and Provisioning (OP) and Maintenance and Repair (MR) PIDs. All parties agreed, in the interest of consistency and without making any judgment on the propriety of Qwest's historical practices, to go forward with this practice and update the relevant PID references.¹³ The necessary changes are reflected in Exhibit 3 to the proposed 2008 Partial Settlement.

¹⁰ 2008 Partial Settlement, ¶ 15; *see also* 2008 Narrative, ¶ 15 and 2007 Narrative, ¶ 9.A.5.

¹¹ 2008 Partial Settlement, ¶ 12; *see also* 2008 Narrative, ¶ 12 and 2007 Narrative, ¶ 9.D.

¹² 2008 Partial Settlement, ¶ 13; *see also* 2008 Narrative, ¶ 13 and 2007 Narrative, ¶ 9.B.2.

¹³ 2008 Partial Settlement, ¶ 16; *see also* 2008 Narrative, ¶ 16 and 2007 Narrative, ¶ 9.A.3.

- 21 **Resale DSL.** The parties considered whether to eliminate resale digital subscriber line (DSL) from the PIDs, modifying multiple PID references to Qwest DSL and removing Section 10 QPAP references to megabit resale. Qwest asserted that in the wake of the Federal Communications Commission's Broadband Order, DSL offerings should be classified as information services, not telecommunication services.¹⁴ Therefore, all parties agreed that resold DSL product offerings, as information services, should be removed from all PIDs.¹⁵ Section 10 of the redlined version of the PAP attached to the proposed 2008 Partial Settlement as Exhibit 1 executes the parties' accord on these modifications; additional necessary changes to the PIDs are reflected in Exhibit 3 to the proposed 2008 Partial Settlement. Further, in response to Bench Request No. 9, Qwest confirmed on behalf of all parties that there is no deadline for the retroactive treatment of retail analogues in place of the eliminated DSL products; Qwest is willing to extend the retroactive treatment (as discussed in footnote 6 to the 2007 Narrative) six months back from the date of the first full month following the effective date of a Commission order approving the 2008 Settlement Agreement.¹⁶
- 22 **EDI to XML.** The parties considered whether various PIDs should be modified as a result of the change from Electronic Data Interchange (EDI) to Extensible Markup Language (XML).¹⁷ The parties agreed that this update should be accomplished using a 3 month "stabilization period" to evaluate the new measures and sub-measures.¹⁸ The language in Section 7.4 of the redlined version of the PAP (and Attachment 1 thereto at note "h") attached to the proposed 2008 Partial Settlement as Exhibit 1 implements the parties' accord on these modifications; additional necessary changes to the PIDs are reflected in Exhibit 3 to the proposed 2008 Partial Settlement.
- 23 **One Hour Tickets.** The parties considered whether a Maintenance and Repair PID (MR-6) should allow No Trouble Found (NTF) and Test Okay (TOK) trouble reports to be removed when the ticket's duration is one hour or less. All parties agreed it was appropriate to add an exclusion to the MR-6 PID allowing removal of NTF and TOK

¹⁴ *In the Matters of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, et al.*, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853 (2005), *per se* pending, sub nom, *Time Warner v. FCC*, No. 05-4769 (and consolidated cases) (3rd Cir. Filed Oct. 26, 2005) [Broadband Order].

¹⁵ 2008 Partial Settlement, ¶ 17; *see also* 2008 Narrative, ¶ 17 and 2007 Narrative, ¶ 9.A.1.

¹⁶ *See* Qwest's Response to Bench Request No. 9; *see also* 2007 Narrative, ¶ 9.A.1, footnote 6.

¹⁷ For this topic, the parties considered the impact of the change from EDI to XML on eleven (11) PIDs: GA-2, GA-7, PO-1, PO-2, PO-3, PO-5, PO-6, PO-7, PO-8, PO-16, and PO-20.

trouble reports where such tickets are closed out in one hour or less.¹⁹ The modified MR-6 PID can be found in Exhibit 3 to the proposed 2008 Partial Settlement.

- 24 ***Low Volume Product Disaggregations.*** The parties considered whether to remove several product disaggregations from all applicable Ordering and Provisioning (OP) and Maintenance and Repair (MR) PIDs in the QPAP.²⁰ All parties recognized that a variety of products offered throughout Qwest's service region continue to exist despite lack of demand. Therefore, they agreed that streamlining the PAP by removing these low-demand / no-demand products was appropriate and did not diminish the PAP in any substantive way. However, in Washington, the Unbundled Network Element – Platform (UNE-P) Plain Old Telephone Service (POTS) product disaggregation will not be removed unless a further analysis of demand for that product demonstrates such a need.²¹ The language in Section 10 of the redlined version of the PAP (and Attachment 1 thereto at note “g”) attached to the proposed 2008 Partial Settlement as Exhibit 1 implements the parties' accord on these modifications; additional necessary changes to the PIDs are reflected in Exhibit 3 to the proposed 2008 Partial Settlement.
- 25 ***LNP Title.*** The parties considered whether the title of the MR-11 PID should be changed from “LNP Trouble Reports Cleared within 24 Hours” to “LNP Trouble Reports Cleared within Specified Timeframes.” All parties agreed that because MR-11A and MR-11B measure trouble reports cleared within 4 hours and 48 hours, respectively, the existing title was misleading and the new title more appropriate.²² Section 3.2 of the redlined version of the PAP (and Attachment 1 thereto) attached to the proposed 2008 Partial Settlement as Exhibit 1 implement this solution; Exhibit 3 to the proposed 2008 Partial Settlement reflects the change to the title of this PID.
- 26 ***Manual Service Orders.*** The parties considered whether a Pre-Order/Order (PO) PID, PO-20, should be updated to reflect its complete implementation. All parties concurred that at this time there are no further details to implement under PO-20. Nevertheless, all parties agree that PID change proposals to PO-20 could be submitted

¹⁸ 2008 Partial Settlement, ¶ 18; *see also* 2008 Narrative, ¶ 18.

¹⁹ 2008 Partial Settlement, ¶ 19; *see also* 2008 Narrative, ¶ 19 and 2007 Narrative, ¶ 9.A.6.

²⁰ The twelve product disaggregations affected by this topic are: Resale Centrex, Resale Centrex 21, Resale DS0, E911/911 Trunks, Resale Frame Relay, Resale Basic Integrated Services Digital Network (ISDN), Resale Primary ISDN, Resale PBX, Sub-loop Unbundling, Unbundled Network Element – Platform (UNE-P) Plain Old Telephone Service (POTS), UNE-P Centrex, and UNE-P Centrex 21.

²¹ 2008 Partial Settlement, ¶ 20; *see also* 2008 Narrative, ¶ 20 and 2007 Narrative, ¶ 9.B.3.

²² 2008 Partial Settlement, ¶ 21; *see also* 2008 Narrative, ¶ 21 and 2007 Narrative, ¶ 9.A.2.

in the future.²³ Exhibit 3 to the proposed 2008 Partial Settlement contains the updated language of PID PO-20 which eliminates references to time-related or otherwise phased implementation objectives or standards.

- 27 ***Standard Service Interval for Splitter Collocation.*** The parties considered whether several Collocation PIDs²⁴ should be modified to define intervals for splitter collocation when no interval is specified in individual interconnection agreements (ICAs). All parties agreed that no modification was required.²⁵
- 28 ***UNE Billing Accuracy.*** The parties considered whether the standard set out in Billing PID BI-3A should be changed from parity to a 98 percent benchmark, which would require adding a new payment calculation provision to the PAP to create a tiered structure of per occurrence amounts and modify the per measurement cap for the sub-measure. All parties agreed that establishing a high benchmark would provide Qwest with sufficient incentive to ensure high billing quality. The parties also agreed to alter the methodology for measuring this standard and significantly increase the cap on payment amounts in the PAP.²⁶ Sections 2.2 and 6.2 of the redlined version of the PAP (and Attachment 1 thereto) attached to the proposed 2008 Partial Settlement as Exhibit 1 implement this solution; Exhibit 3 to the proposed 2008 Partial Settlement reflects the necessary changes to the affected PID.
- 29 ***Administrative Changes to QPAP.*** The parties note that additional administrative changes are incorporated in the redlined version of the PAP attached to the proposed 2008 Partial Settlement. These clerical alterations include correction of typographical errors, minor wording changes, spacing changes, and substitution of “PAP” for “QPAP” throughout the document.²⁷
- 30 **DISCUSSION AND DECISION:** In considering settlement agreements, the Commission “may accept the proposed settlement, with or without conditions, or may reject it.”²⁸ The Commission must “determine whether a proposed settlement meets all pertinent legal and policy standards.”²⁹ The Commission may approve settlements “when doing so is lawful, when the settlement terms are supported by an appropriate

²³ 2008 Partial Settlement, ¶ 22; *see also* 2008 Narrative, ¶ 22 and 2007 Narrative, ¶ 9.A.4.

²⁴ The three affected PIDs are CP-1, CP-2, and CP-4.

²⁵ 2008 Partial Settlement, ¶ 23; *see also* 2008 Narrative, ¶ 23.

²⁶ 2008 Partial Settlement, ¶ 24; *see also* 2008 Narrative, ¶ 24 and 2007 Narrative, ¶ 9.A.7.

²⁷ 2008 Partial Settlement, ¶ 25; *see also* 2008 Narrative, ¶ 25.

²⁸ WAC 480-07-750(2).

²⁹ WAC 480-07-740.

record, and when the result is consistent with the public interest in light of all the information available to the commission.”³⁰

- 31 The parties’ Settlement Agreement, attached to and made part of this Initial Order by this reference, would resolve the majority of issues pending in this docket. These resolved issues address a litany of changes to Qwest’s existing PAP. The remaining disputed issues are limited to a “one allowable miss” provision sought by Qwest and the appropriate structure of Tier 2 payments under the PAP.
- 32 Early resolution of the parties’ disputes conserves valuable party and Commission resources that would otherwise be devoted to litigating or analyzing Qwest’s request for changes to its QPAP and corresponding PIDs. Further, collaborative work toward evaluating the effectiveness of the QPAP and its PIDs is essential to the success of the biannual review process. As the parties’ note in their 2008 Narrative, Qwest compromised on a number of issues, as did Staff and the CLECs, allowing timely resolution of the majority of the issues originally raised in this docket.³¹
- 33 The agreed changes to Qwest’s PAP and the affected PIDs, as set out in the 2008 Partial Settlement and explained in the 2008 Narrative, are limited in nature and reflect the current market conditions in which Qwest and the CLECs operate. These changes reflect mutual competitive interests, and thereby the public interest, in updating Qwest offerings and obligations as a result of a changing competitive landscape.
- 34 Consistent with WAC 480-07-750, the Commission finds that its approval and adoption of the 2008 Partial Settlement is in the public interest, that the 2008 Partial Settlement is supported by an appropriate record, and that approving this agreement is lawful. The Commission concludes that it should approve and adopt the 2008 Partial Settlement as partial resolution of the issues pending in this proceeding.

FINDINGS OF FACT

- 35 Having discussed above in detail the evidence received in this proceeding concerning all material matters, and having stated findings and conclusions upon issues in dispute among the parties and the reasons therefore, the Commission now makes and enters

³⁰ WAC 480-07-750(1).

³¹ 2008 Narrative, ¶¶ 29, 30, 33, and 34.

the following summary of those facts, incorporating by reference pertinent portions of the preceding detailed findings:

- 36 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including telecommunications companies.
- 37 (2) Qwest Corporation (Qwest) is a “public service company” and a “telecommunications company,” as those terms are defined in RCW 80.04.010 and as those terms otherwise are used in Title 80 RCW. Qwest is engaged in Washington State in the business of supplying telecommunications service for hire, sale, or resale to the general public for compensation.
- 38 (3) On June 26, 2007, Qwest, with the support of several CLECs, filed a Petition for Commission Approval of Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions.
- 39 (4) On October 25, 2007, the Commission granted Qwest’s Motion to Convert Proceeding to Six-Month Review.
- 40 (5) On April 2, 2008, the parties filed a 2008 Partial Settlement Agreement that, if approved, would resolve the majority of the pending issues in the proceeding.
- 41 (6) The terms of the 2008 Partial Settlement are in the public interest.
- 42 (7) The proposed limited modifications to Qwest’s existing Performance Assurance Plan and Performance Indicator Definitions reflect changing market conditions.

CONCLUSIONS OF LAW

43 Having discussed above all matters material to this decision, and having stated detailed findings, conclusions, and the reasons therefore, the Commission now makes the following summary conclusions of law, incorporating by reference pertinent portions of the preceding detailed conclusions:

- 44 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of, and parties to, these proceedings. *Title 80 RCW.*
- 45 (2) Qwest's Washington Performance Assurance Plan provisions and Performance Indicator Definitions remain subject to Commission review.
- 46 (3) The 2008 Partial Settlement Agreement filed by the Parties to this proceeding on April 2, 2008, if approved, would result in appropriate and limited modifications to Qwest's Washington Performance Assurance Plan provisions and Performance Indicator Definitions.
- 47 (4) The 2008 Partial Settlement Agreement, attached as an appendix to this Order, and incorporated by reference as if set forth here, should be approved by the Commission as a reasonable resolution of the majority of the issues presented.
- 48 (5) Approval and adoption of the 2008 Partial Settlement Agreement is lawful, supported by an appropriate record, and is in the public interest.
- 49 (6) The Commission Secretary should be authorized to accept by letter, with copies to all parties to this proceeding, a filing that complies with the requirements of this Order. *WAC 480-07-170; WAC 480-07-880.*
- 50 (7) The Commission should retain jurisdiction over the subject matters and the parties to this proceeding to effectuate the terms of this Order. *RCW Title 80.*

ORDER

THE COMMISSION ORDERS:

- 51 (1) The 2008 Partial Settlement Agreement filed by the parties on April 2, 2008, which is attached as an appendix to this Order and incorporated by reference as if set forth in full here, is approved and adopted in partial resolution of the issues in this proceeding.
- 52 (2) The terms of the 2008 Partial Settlement Agreement shall be applied to the Performance Indicator Definitions (PIDs), the Qwest Performance Assurance

Plan (PAP), and to all interconnection agreements containing the PIDs and/or PAP between Qwest and CLECs under the Commission's jurisdiction, effective June 15, 2008, without individual amendment.

- 53 (3) Qwest Corporation is authorized and required to make a compliance filing including updated and "clean" versions of the each of the affected exhibits to Qwest's Statement of Generally Available Terms (SGAT), specifically the Performance Indicator Definitions (PIDs are Exhibit B to SGAT) and the Qwest Performance Assurance Plan (PAP is Exhibit K to SGAT).
- 54 (4) The Commission Secretary is authorized to accept by letter, with copies to all parties to this proceeding, a filing that complies with the requirements of this Order.
- 55 (5) The Commission retains jurisdiction to effectuate the terms of this Order.

DATED at Olympia, Washington and effective May 23, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge

NOTICE TO THE PARTIES

This is an Initial Order. The action proposed in this Initial order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order, any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such an answer.

RCW 80.01.060(3), as amended in the 2006 legislative session, provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion. You will be notified if this order becomes final.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and (8) copies of any Petition or Answer must be filed by mail delivery to:

Attn: Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

APPENDIX