

August 31, 2004

**NOTICE OF CANCELLATION OF HEARING DATES
(Scheduled for September 13-14, 2004)**

**NOTICE OF AGENDA FOR PREHEARING CONFERENCE
(Scheduled for September 8, 2004, at 10:30 a.m.)**

RE: *In the Matter of the Second Six-Month Review of Qwest Corporation's Performance Assurance Plan*, Docket No. UT-043007.

On August 27, 2004, Qwest Corporation (Qwest), MCI Inc., Eschelon Telecom, Inc., and Covad Communications Company (collectively the CLECs) filed a settlement agreement with the Commission. On that day, Qwest filed a notice of modifications to SGAT Exhibits B, B1 and K to the SGAT, as well as a narrative summary of the settlement. The CLECs also filed a narrative summary of the settlement agreement with the Commission. Commission Staff, not a party to the settlement, filed a statement of position on the settlement agreement.

In its transmittal letter, Qwest requests that the hearings scheduled in this proceeding for September 13 and 14, 2004, be cancelled and that the prehearing conference set for September 8, 2004, be held as scheduled to discuss the remaining issue in the proceeding. Staff also requests that the Commission address the remaining issue, whether to require Tier 2 payments for PID PO-20, at the September 8, 2004, prehearing conference. Both Qwest and Staff request that the Commission address the settlement agreement at a hearing on September 22, 2004, should the Commission require a hearing. Staff requests that the PO-20 Tier 2 issue also be addressed at that hearing.

The settlement agreement between Qwest and the CLECs appears to resolve all but one issue identified in this proceeding. Given this nearly complete settlement, it is

appropriate to cancel the hearing dates in this proceeding. **The hearings scheduled for September 13-14, 2004, are cancelled.**

The prehearing conference set for September 8, 2004, will be held as scheduled. Parties should be prepared to discuss scheduling a hearing on the settlement, if necessary, as well as the procedural schedule necessary to address the remaining issue in this proceeding, whether to require Tier 2 payments for PID PO-20. Parties should also be prepared to discuss whether the Commission should initiate the next six-month review proceeding, the period for which began at the end of June, 2004, and any issues the Commission should address in that proceeding.

Sincerely,

ANN E. RENDAHL
Administrative Law Judge