

October 20, 2008

**NOTICE OF OPPORTUNITY TO FILE COMMENTS**

**(Initial Comments Due on Wednesday, November 12, 2008;  
Responsive Comments Due on Monday, November 24, 2008)**

Re: *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; Docket UT-073034*

TO ALL PARTIES AND ALL WASHINGTON CLECS:

This proceeding addressed a petition by Qwest Corporation (Qwest) and a group of competitive local exchange carriers (CLECs) seeking approval of a stipulation modifying, provisions of Qwest's Performance Assurance Plan (QPAP), including, Sections 1.1 and 16.3.<sup>1</sup> The Washington Utilities and Transportation Commission (Commission) approved all but two of those provisions in Order 06 in this proceeding. Specifically, the parties proposed and the Commission approved language in Section 1.1 which acknowledges the Commission's decisions in the Qwest Alternate Form of Regulation (AFOR) proceeding in Docket UT-061625 (AFOR Orders) requiring that the QPAP remain in effect for the full four-year term of the AFOR and remain available to all carriers in its current form, unless modified by the Commission. In addition, the Commission approved the parties' proposal to modify Section 16.3 as follows:

~~This QPAP will expire six years from its effective date.~~ Only the submeasures identified in Attachment 3 and payments will continue beyond six years of the PAP effective date, and these submeasures and payments shall continue until the Commission orders otherwise. Five and one-half years after the QPAP's effective date, a review shall be conducted with the objective of phasing-out the QPAP entirely. ~~This~~The review shall focus on ensuring that phase-out of the QPAP is indeed appropriate at that time, and on identifying any submeasures in addition that should continue as part of the QPAP.

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<sup>1</sup> The QPAP is an exhibit to Qwest's Statement of Generally Available Terms (SGAT).

Given the interplay between the original terms and conditions of the QPAP, the revisions adopted in Order 06 in Docket UT-073034, and the Commission's AFOR Orders, the Commission seeks comments on or responses from parties and interested Washington CLECs to the following questions to determine whether further action is necessary in a five and one-half year review proceeding:

1. Aside from determining whether the issues pending in the petition for review of Order 07, the initial order in this docket, should be addressed in a five and one-half year review proceeding, the Commission does not believe there is a need to conduct such a proceeding at this point in time, given the fact that the QPAP remains in place for the duration of the AFOR. If any interested person or party believes there is a need to conduct such a proceeding now, please explain why.
2. Should the Commission defer the commencement of a proceeding to take the place of a five and one-half year review to the period approximately six months prior to the expiration of Qwest's AFOR in 2011?
3. Given the modifications to Sections 1.1 and 16.3 of the QPAP approved in Order 06 in Docket UT-073034, what operational or effective changes to any measure, submeasure, Tier 1 payment, or Tier 2 payment, if any, will occur on or after December 23, 2008 (the original expiration date of the QPAP)?

Parties and interested CLECs must submit comments to the Commission electronically by **3:00 p.m. on Wednesday, November 12, 2008**, through the Commission's Web Portal ([www.wutc.wa.gov/e-filing](http://www.wutc.wa.gov/e-filing)) or by e-mail to [records@wutc.wa.gov](mailto:records@wutc.wa.gov), and file an original and **eight** paper copies with the Commission on **Thursday, November 13, 2008**, by mailing or delivering the comments to the Commission's Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

Responses to comments must be submitted to the Commission electronically by **3:00 p.m. on Monday, November 24, 2008**, and an original and **eight** paper copies must be filed with the Commission on **Tuesday, November 25, 2008**.

After reviewing all comments and responses, the Commission will enter an order addressing the need for and scheduling of a five and one-half year review proceeding, and resolving any disagreements or inconsistencies about the effect of the changes to the QPAP.

Sincerely,

ADAM TOREM  
Administrative Law Judge

ANN E. RENDAHL  
Administrative Law Judge