

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of)
Qwest Corporation) Docket No. UT-073034
For Commission Approval of Stipulation)
Regarding Performance Indicator Definitions) INTEGRA TELECOM’S COMMENTS IN
and Qwest Performance Assurance Plan) RESPONSE TO THE COMMISSION’S
Provisions) OCTOBER 20, 2008 NOTICE
.....)

Integra Telecom¹ provides these comments in response to the Commission’s October 20, 2008 *Notice of Opportunity to File Comments* (“Notice”). Integra is a CLEC doing business across the western states with a significant presence in Washington.

The Commission sought comments from interested parties to the following numbered issues below to determine “whether further action is necessary in a five and one-half year review proceeding.”²

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 Qwest Performance Assurance Plan (“PAP”) 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.³

In response to the first query, Integra agrees with the Commission that, aside from the determination of whether the pending petition for review of Order 07 should be included in the five and one-half year review, there is no need to conduct such a proceeding at this time. Though Section 16.3 of the Washington PAP calls for a five and one-half year review with the focus of reviewing what portions of the PAP remain appropriate⁴ section 1.1.1 of the PAP recognizes that, “The PAP shall remain in effect for the full four-year term of the AFOR, unless

¹ Integra Telecom includes Integra Telecom of Washington, Inc., Electric Lightwave, LLC, Eschelon Telecom of Washington, Inc., Advanced TelCom, Inc., Shared Communications Services, Inc., Oregon Telecom Inc., and United Communications, Inc.

² Notice, p. 2.

³ Notice, p. 2.

⁴ Performance Assurance Plan, Section 16.3 (available at: <http://www.qwest.com/wholesale/clecs/sgatswireline.html>).

modified by the Commission.”⁵ Significant changes to the PAP, including the elimination and reduction of Qwest’s financial obligations associated with the PAP were recently implemented.⁶ Therefore, no reason exists to conduct further proceedings at this time.

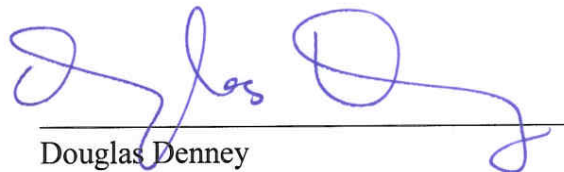
2. Should the Commission defer the commencement of a proceeding to take the place of a five and one-half year review to the period approximately six months prior to the expiration of Qwest’s AFOR in 2011?⁷

Integra believes that there is no reason to make a definitive decision with respect to this issue at this time. Potential industry negotiations, state collaborations, future AFOR dockets, and other changes in circumstances will put companies in a better position to answer this question closer to the expiration of the AFOR. Integra recommends that approximately one year prior to the expiration of Qwest’s AFOR, the Commission seek comments regarding whether a “five and one-half year review” is necessary, and if so, the issues that should be included in such a review.

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)?⁸

Integra does not anticipate any changes on or after December 23, 2008, unless ordered by the Commission. As the Commission previously noted, “the effect of Qwest’s recently approved AFOR must be fully considered before any such fundamental changes are made to the PAP.”⁹

November 12, 2008



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⁵ Performance Assurance Plan, Section 1.1.1 (available at: <http://www.qwest.com/wholesale/clecs/sgatswireline.html>).

⁶ Order 06, *Initial Order Approving and Adopting 2008 Partial Settlement Agreement; Requiring Compliance Filing*, Docket UT-073034, May 23, 2008.

⁷ Notice, p. 2.

⁸ Notice, p. 2.

⁹ Order 07, ¶ 24. Note, this statement was made in the context of the review of “One Allowable Miss” and “Tier 2 Payments,” but the rationale applies to all changes to the PAP.

CERTIFICATE OF SERVICE

Docket No. UT-073034

I hereby certify that on the date given below the Initial Comments of Eschelon Telecom of Washington, Inc. were filed by email and an original and eight copies filed by UPS Overnight Express Mail with:

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On the same date, a true and correct copy was sent by email and by regular U.S. Mail, postage prepaid, to:

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DATED this 12th day of November, 2008.

By: 

Kim K. Wagner