

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

In the Matter of the Second Six-Month
Review of Qwest Corporation's
Performance Assurance Plan)
)
) DOCKET NO. UT-0043007
)
) QWEST CORPORATION'S
) PETITION FOR REVIEW OR
) CLARIFICATION OF ORDER
) NO. 2.
)
)
.....)
In the Matter of the Investigation Into)
)
)
U S WEST COMMUNICATIONS,)
INC.'s)
) DOCKET NO. UT-003022
)
Compliance With Section 271 of the)
Telecommunications Act of 1996)
.....)
)
In the Matter of)
)
)
U S WEST COMMUNICATIONS,)
INC.'s)
) DOCKET NO. UT-003040
)
Statement of Generally Available)
Terms and Conditions Pursuant to)
Section 252(f) of the)
Telecommunications Act of 1996)
)
)
.....)

I. INTRODUCTION

QWEST CORPORATION'S
PETITION FOR REVIEW OR
CLARIFICATION

Law Offices of
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Qwest Corporation (“Qwest”) respectfully seeks review or clarification of Docket No. UT-043007, Order No. 2’s required disposition of funds that are now held in the temporary holding account for Tier 2 payments due to the State of Washington, that exceed the \$625,000 that the Commission directed Qwest to transfer to the Public Service Revolving Fund within thirty days of the order.

II. REQUEST FOR REVIEW OR CLARIFICATION

Pursuant to WAC 480-07-810, Qwest respectfully seeks review or clarification of the portion of Order No. 2 in Docket No. UT-043007 that directs Qwest to transfer \$625,000 of the total amount held in the temporary holding account, to the Public Service Revolving Fund (PSRF). This request is supported by the following.

1. In paragraph 9 of Order No. 2, the Commission noted that Qwest has, since March 2003, made payments of approximately \$1,160,000 to the temporary holding account for Tier 2 payments due to the State of Washington.
2. In paragraph 10 of Order No. 2, the Commission observed that the Legislature appropriated \$625,000 to the Commission to meet additional workload created by the FCC’s requirements in the Section 271 review process for performance standards, and that the said workload results from the Commission’s actions under the QPAP in conducting periodic reviews and audits. In paragraph 11, Order No. 2 requires the transfer of \$625,000, which is a portion of the amount in the temporary holding account, to the PSRF within thirty days of the effective date of the order. The order is silent with regard to the treatment of the remainder of the funds in the account.

3. In paragraph 12 of Order No. 2, the Commission finds that Tier 2 payments due to the State of Washington are appropriately placed in the PSRF and that Section 7.5 of the QPAP should be modified to require Tier 2 payments to be so deposited, and in paragraph 13 the Commission provides notice of its intent to amend the 30th and 47th Supplemental Orders in Dockets Nos. UT-003022 and UT-003040 to identify the proper placement of Tier 2 payments, and to modify Section 7.5 of the QPAP in Docket No. UT-043007.

4. In paragraph 15 of Order No. 2, the Commission stated that the proposed change to Section 7.5 of the QPAP is highly exigent, as it is necessary for the Commission to clarify the proper placement of the funds to enable their expenditure for authorized purposes, and to relieve Qwest of the administration of the escrow account without waiting another year for the biennial review.

5. The foregoing determinations are generally included in the formal findings, conclusions and order. Based on these determinations, Qwest is left unsure as to its responsibility for the treatment of the approximately \$535,000 of Tier 2 payments that will remain in the temporary holding account after Qwest complies with Order No. 2's directive to transfer \$625,000 to the PSRF within thirty days. Plainly Qwest will not be relieved of the administration of this escrow, so long as funds remain within the account. It appears that the Commission has determined "the proper placement of Tier 2 payments." Qwest understands that one likely outcome of the current six-month review and the Commission's proposed amendment of Section 7.5 of the QPAP and the 30th and 47th Supplemental Orders in Dockets Nos. UT-003022 and UT-003040 is that the Commission will determine that all Tier 2 payments should be deposited in the PSRF. Qwest does not envision a different outcome as being possible.

What is unclear to Qwest is the need for Qwest to continue to administer the escrow containing some \$535,000 of existing Tier 2 payments while that review proceeds and the amendments to the orders are considered.

Wherefore, Qwest respectfully requests that the Commission review or clarify Order No. 2, and state that Qwest should transfer all existing and future Tier 2 payments to the PSRF or indicate the reasons that Qwest should continue to administer the escrow for amounts in excess of the \$625,000 the Commission ordered to be transferred, pending the amendment of Section 7.5 of the QPAP and the 30th and 47th Supplemental Orders in Dockets Nos. UT-003022 and UT-003040.

Respectfully submitted this 9th day of April, 2004

QWEST CORPORATION

LAW OFFICES OF DOUGLAS N. OWENS

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CERTIFICATE OF SERVICE

Docket No. UT-003022 and UT-003040

I certify that a copy of Petition for Review or Clarification of Qwest Corporation was e-mailed and deposited in the U.S. Mail on April 8, 2004, to the following parties:

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** Denotes signed protective agreement

Dated this 9th day of April, 2004.

Douglas N. Owens