

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: QWEST CORPORATION d/b/a CENTURYLINK QC	DOCKET NO. M-0272
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ORDER GRANTING PETITION FOR ELIMINATION

BACKGROUND

On May 18, 2021, Qwest Corporation d/b/a CenturyLink QC (CenturyLink) filed with the Utilities Board (Board) a Petition for Elimination of the Qwest Performance Assurance Plan (PAP) and Performance Indicator Definitions (PIDs) portions of its interconnection agreements with each Iowa competitive local exchange carrier (CLEC). CenturyLink states that each year, the PAP and PIDs become less relevant, largely due to the Federal Communications Commission (FCC) reducing the number of unbundled elements CenturyLink is required to provide to CLECs.

In its petition, CenturyLink explains that the PAP is a self-effectuating performance plan implemented as part of the interconnection agreements between CenturyLink and CLECs. The PIDs are implemented as part of the agreements and contain definitions and metrics supporting the PAP. These requirements were necessary for CenturyLink to receive FCC approval to enter into the interstate long distance telecommunications market.

The Iowa PAP was originally approved by the Board in Docket No. INU-2000-0002, and it has been amended several times.

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On August 2, 2019, the FCC issued a UNE (unbundled network elements) Analog Loop and Resale Forbearance Order, which “eliminated and modified some obligations” for regional Bell operating companies to provide specified products and network elements. See *CenturyLink*, Petition for Approval of Amendments to the PAP and PIDs to Implement the FCC’s 2019 Forbearance Orders, Docket No. M-0272 (February 26, 2020). CenturyLink is a successor to a regional Bell operating company.

On February 26, 2020, CenturyLink filed a petition with the Board to amend the PAP and PIDs in response to the FCC order. On March 3, 2020, Board staff requested a list of CLECs notified by CenturyLink of the filed petition and the docket numbers for interconnection agreements that would be affected. On March 12, 2020, CenturyLink filed the requested information. On April 6, 2020, the Board approved changes based upon CenturyLink’s filing and the FCC order. On October 28, 2020, the FCC issued a second order, UNE Modernizing Forbearance Order, which made further changes, such as:

- Eliminating unbundling requirements, subject to a reasonable transition period, for enterprise-grade DS1 and DS3 loops;
- Eliminating unbundling requirements for broadband-capable DS0 loops in the most densely populated areas, and for voice-grade narrowband loops nationwide; and
- Eliminating unbundled dark fiber transport provisioned from wire centers within a half mile of competitive fiber networks but provide an eight-year transition period for existing circuits so as to avoid stranding investment and last-mile deployment by competitive LECs that may harm consumers.

CenturyLink states that by complying with the second FCC Order, CenturyLink would remove almost all the PAP and PIDs, and it would require CenturyLink to “completely change the architecture of the automated reporting processing.”

Additionally, CenturyLink asserts that complying with the second FCC order would

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“remove almost all the PIDs and PAP over various product level timelines,” and modifying the PAP and PIDs requires metrics to be compiled at a wire center and not at a state level, which would be very costly. CenturyLink states that some CLECs have already started ordering products outside of the short-term remaining UNEs, so the remaining months of metric tracking are not relevant for non-discrimination purposes, which was the original intent.

In its petition, CenturyLink states that it has notified impacted CLECs about the petition to eliminate the PAP and PIDs. CenturyLink states that it has received no objections as of May 18, 2021. CenturyLink states its “most significant competitors” are cable and wireless providers that have their own networks, and those elements are no longer significant competition components. Additionally, CenturyLink states that these payments have been reduced from \$1,104,528 in 2003 to \$1,730 in 2020. CenturyLink also states that the orders for services and repairs decline yearly, and the number of times CLECs log into the PAP to review performance has declined to where most CLECs do not ever log into the PAP.

CenturyLink requests the following:

1. Approve the elimination of PAP and PIDs from all interconnection agreements in Iowa effective August 1, 2021.
2. Deem all existing interconnection agreements that currently contain the PAP and PIDs be modified to incorporate the revisions in the petition, also effective August 1, 2021, without need for further filings or approvals.
3. In the event there is no opposition to the petition within 30 days, CenturyLink requests that the petition be granted without a hearing, further filings, or proceedings.
4. To the extent there is opposition to the petition, CenturyLink recommends that the Board schedule a technical conference to further discuss the elimination of PAP and PIDs.

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BOARD ANALYSIS

The Board has reviewed the petition for elimination of the Qwest performance assurance plan and performance indicator definitions filed by CenturyLink. It appears from CenturyLink's petition that all affected CLECs were notified about the petition. Additionally, on May 25, 2021, the Board provided notice to affected CLECs. No objections were filed within 30 days of the filing of the petition.

Because there have been no objections to the petition, and the elimination of the PAP and PIDs from the interconnection agreements is consistent with FCC orders, the Board will approve the elimination as proposed by CenturyLink. As described by CenturyLink, the PAP and PIDs are of declining importance and are less relevant to the current telecommunications environment. In addition to approving CenturyLink's request, the Board will deem all existing interconnection agreements that currently contain the PAP and PIDs to be modified to incorporate the amendments, effective August 1, 2021. No further approval is needed to modify the interconnection agreements in relation to the removal of the PAP and PIDs. CenturyLink will, however, be required to provide the docket numbers for those interconnection agreements affected by this order in the same manner as provided previously on March 12, 2020.

ORDERING CLAUSES

IT IS THEREFORE ORDERED:

1. Amendments to the Performance Indicator Definitions and Performance Assurance Plan portion of the existing interconnection agreements between Qwest

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Corporation d/b/a CenturyLink QC and competitive local exchange carriers, as filed by Qwest Corporation d/b/a CenturyLink QC on May 18, 2021, are approved.

2. Within 30 days of the date of this order, Qwest Corporation d/b/a CenturyLink QC shall provide the docket numbers for the interconnection agreements affected by Ordering Clause 1 in the same manner as previously provided on March 12, 2020.

UTILITIES BOARD

Geri Huser Date: 2021.06.25
13:05:00 -05'00'

Richard Lozier Date: 2021.06.25
11:52:48 -05'00'

ATTEST:

Anna Hyatt Date: 2021.06.25
14:19:15 -05'00'

Joshua J Byrnes Date: 2021.06.25
13:29:26 -05'00'

Dated at Des Moines, Iowa, this 25th day of June, 2021.