

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of A Complaint By The
Joint CLECs Against the Joint Applicants
Regarding OSS For Maintenance And
Repair

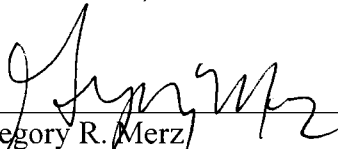
Docket No. UT-111254

JOINT CLECS' NOTICE OF SUPPLEMENTAL AUTHORITY

Attached as supplemental authority in the above-referenced matter is the Order Requiring Retention of Technical Expert, Negotiations, and Compliance Filings, issued by the Minnesota Public Utilities Commission on February 27, 2012, in *In the Matter of the Complaint by Joint CLECs Against Qwest and CenturyLink Regarding OSS Implementation*, MN PUC Docket No. P-5340, et al./C-11-684.

Dated: February 28, 2012

GRAY, PLANT, MOOTY, MOOTY
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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Phyllis A. Reha
David C. Boyd
J. Dennis O'Brien
Betsy Wergin

Vice Chair
Commissioner
Commissioner
Commissioner

In the Matter of the Joint Petition for Approval
of Indirect Transfer of Control of Qwest
Operating Companies to CenturyLink

ISSUE DATE: February 27, 2012

DOCKET NO. P-421, *et al.*/PA-10-456

In the Matter of the Complaint by Joint CLECs
Against Qwest and CenturyLink Regarding
OSS Implementation

DOCKET NO. P-5340,5643,5323,5981,
438,465,5986,421/C-11-684

ORDER REQUIRING RETENTION OF
TECHNICAL EXPERT, NEGOTIATIONS,
AND COMPLIANCE FILINGS

PROCEDURAL HISTORY

On March 31, 2011, the Commission issued its Merger Order approving the transfer of Qwest Corporation, Qwest Long Distance Corporation, and Qwest Communications Company LLC (collectively, Qwest) to CenturyTel, Inc.¹ The combined entity is known as CenturyLink or the Merged Company.

The order incorporated the terms of settlement agreements that CenturyLink had negotiated with competitive local exchange carriers (CLECs).² In particular, CenturyLink agreed to continue to “use and offer to [CLECs] the legacy Qwest Operational Support Systems (OSS)” for 30 months following the merger and beyond.³

¹ *In the Matter of the Joint Petition for Approval of Indirect Transfer of Control of Qwest Operating Companies to CenturyLink*, Docket No. P-421, *et al.*/PA-10-456, Order Accepting Settlement Agreements and Approving Transfer of Control Subject to Conditions (the Merger Order).

² In addition to the settlements with CLECs, the order incorporated the terms of settlements with the Communication Workers of America and the International Brotherhood of Electrical Workers, and with the Minnesota Department of Commerce.

³ Docket No. P-421, *et al.*/PA-10-456, Joint CLECs Settlement (March 4, 2011), ¶ 1, supplementing Integra Settlement (November 8, 2010), ¶ 12; see Merger Order at 12.

On June 6, 2011, the Joint CLECs⁴ filed a petition asking the Commission to investigate, among other things, CenturyLink's proposal to develop an alternative OSS. In response, CenturyLink acknowledged that it intends to develop, offer, and use alternative OSS software, called the Maintenance Ticketing Gateway (MTG), due to concern about the reliability of its existing – and aging – repair tracking systems called the Mediated Access for Electronic Bonding and Trouble Administration (MEDIACC) and the Customer Electronic Maintenance and Repair (CEMR) System.

On September 6, 2011, the Commission issued an order directing CenturyLink to, among other things, report the specific concerns and risks associated with CenturyLink's current OSS, and work with CLECs in developing alternative OSS.⁵

On October 6, 2011, CenturyLink filed a report identifying concerns and risks associated with CenturyLink's current OSS, and including a remedial plan to be implemented immediately if the existing MEDIACC/CEMR System were to fail (failover plan).

The Joint CLECs and the Minnesota Department of Commerce (the Department) filed comments finding CenturyLink's report inadequate. All parties filed replies; in its reply comments, CenturyLink included a disaster recovery plan.

On February 16, 2012, the matter came before the Commission.

FINDINGS AND CONCLUSIONS

The Department and the Joint CLECs read CenturyLink's report to cast doubt upon CenturyLink's ability to fulfill its commitment to provide the legacy OSS to CLECs throughout the 30-month period prohibiting OSS changes, and beyond, as required by the Merger Order. These parties argue that remedial measures are needed. CenturyLink argues that it has already established the appropriate procedures for dealing with potential system failure, and that no additional measures are warranted.

To address concerns acknowledged by all parties about the stability of CenturyLink's MEDIACC/CEMR System, the Commission will direct all parties – CenturyLink, the Joint CLECs, and the Department -- to pursue creative technical and managerial solutions in a prompt and rigorous manner.

⁴ Eschelon Telecom of Minnesota, Inc. d/b/a Integra Telecom and Integra Telecom of Minnesota (Integra); McLeodUSA Telecommunications Services L.L.C. d/b/a PAETEC Business Services; tw telecom of minnesota llc; Popp.Com; US Link, Inc., d/b/a TDS Metrocom, LLC; and Velocity Telephone, Inc. Not every member of the "Joint CLECs" set forth above also entered into the Joint CLEC Settlement, discussed supra.

⁵ Order Barring Implementation of New Operational Support Systems and Requiring Cooperation and Filings.

To this end, the Commission will direct the parties to jointly select a third-party expert to review and test CenturyLink's failover plan and disaster recovery plan, including all the relevant software, hardware, tasks, deadlines and operational procedures. CenturyLink will bear the cost of retaining the expert's services.

Specifically, the expert will be charged with the task of reviewing and testing the failover plan to verify that the plan is effective and sufficient to seamlessly transfer functions in the event of a failure of CenturyLink's MEDIACC/CEMR System. Similarly, the expert would review and test the disaster recovery plan to verify that it is effective and sufficient to mitigate harm in the event of a MEDIACC/CEMR System failure.

The Commission will direct CenturyLink to file the resulting failover and disaster recovery plans by May 1, 2012, for Commission review and approval. The Commission will authorize its Executive Secretary to vary this deadline upon the request of all parties.

In the meantime, the Commission will direct the parties to explore how CenturyLink could facilitate the voluntary transition of each CLEC to CenturyLink's MTG prior to the expiration of the 30-month moratorium on changes to the legacy OSS, as approved in the Merger Order. The parties must engage in no fewer than four negotiation sessions within the next month. Each party's representative must have authority to make commitments on the party's behalf, and must bring whatever technical experts the party deems necessary. The parties must then notify the Commission of the progress of negotiations no later than April 1, 2012. The Commission will address this matter promptly thereafter.

By vigorously pursuing multiple avenues of inquiry, the parties should be best able to identify the most appropriate measures for ensuring high quality telecommunications service and the maintenance of a competitive telecommunications market.

ORDER

1. By May 1, 2012, CenturyLink shall file for Commission review and approval a failover plan and a disaster recovery plan -- including a detailed description of all relevant software, hardware, tasks, deadlines and operational procedures -- developed as follows:
 - A. The parties shall select, and retain at CenturyLink's expense, a third-party expert to review and test CenturyLink's failover plan and disaster recovery plan.
 - B. The expert shall review and test the failover plan to verify that the plan is effective and sufficient to seamlessly transfer functions in the event of a failure of CenturyLink's Mediated Access for Electronic Bonding and Trouble Administration (MEDIACC)/Customer Electronic Maintenance and Repair (CEMR) System.
 - C. The expert shall review and test the failover plan to verify that the plan is effective and sufficient to mitigate harm in the event of a MEDIACC/CEMR System failure.

- D. The Executive Secretary may vary the May 1, 2012 date upon the request of all parties.
2. CenturyLink shall negotiate with the other parties to explore how CenturyLink could facilitate the voluntary transition of each competitive local exchange carrier (CLEC) to CenturyLink's Maintenance Ticketing Gateway (MTG) prior to the expiration of the 30-month moratorium approved in the Merger Order. Each party to this proceeding shall authorize representatives to negotiate commitments on its behalf and shall send these representatives – along with technical experts – to four negotiating sessions within one month of the date of this order. The parties shall notify the Commission of the progress of negotiations no later than April 1, 2012.
 3. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Burl W. Haar
Executive Secretary



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