

NEBRASKA

PUBLIC SERVICE COMMISSION

COMMISSIONERS:
ROD JOHNSON
CRYSTAL RHOADES
MARY RIDDER
TIM SCHRAM
DAN WATERMEIER



November 9, 2021

CERTIFICATION

To Whom It May Concern:

I, Shanicee L. Knutson, Deputy Director of the Nebraska Public Service Commission, hereby certify that the enclosed is a true and correct copy of the original order made and entered in the proceeding docketed C-5309 on the 9th day of November, 2021. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Shana Knutson at 402-471-3101.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 9th day of November, 2021.

Sincerely,

A handwritten signature in cursive script that reads "Shanicee Knutson".

Shanicee L. Knutson
Deputy Director



cc: Al Lubeck, Qwest Corporation, 13116 West 128th Street, Overland Park KS 66213
Brook Villa, CenturyLink Communications LLC, 301 Main St, Suite 1200, Baton Rouge LA 70801
Elizabeth A. Culhane, FRASER STRYKER PC LLO, 409 S. 17th St., Suite 500, Omaha NE 68102

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Qwest Corporation dba CenturyLink QC, Overland Park, Kansas, seeking authority to eliminate the Performance Indicator Definitions and Performance Assurance Plan from its interconnection agreements with Nebraska CLECs.) Application No. C-9302)
) GRANTED)
) Entered: November 16, 2021)

BY THE COMMISSION:

By application filed July 27, 2021, Qwest Corporation dba CenturyLink QC, Overland Park, Kansas, ("CenturyLink") seeks approval to eliminate the Performance Indicator Definitions ("PIDs") and Performance Assurance Plan ("PAP") from its interconnection agreements with Nebraska Competitive Local Exchange Companies ("CLECs"). Notice of the application was published in The Daily Record, Omaha, Nebraska, on August 5, 2021. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

OPINION AND FINDINGS

CenturyLink is requesting approval to eliminate the PIDs and PAP from its interconnection agreements with Nebraska CLECs and to modify all existing interconnection agreements that currently contain the PIDs and the PAP to incorporate these revisions. CenturyLink states that each year, the PIDs and PAP become less relevant, largely due to the Federal Communications Commission (FCC) reducing the number of unbundled elements CenturyLink is required to provide to Nebraska CLECs. As a result, payments to CLECs in Nebraska have declined dramatically, from \$244,710 in 2003 to \$6,797 in 2020.

The PAP is a self-effectuating performance assurance plan that is implemented as Exhibit K of interconnection agreements between CenturyLink and CLECs. The PIDs are implemented as Exhibit B to CenturyLink's interconnection agreements and contain the definitions and metrics that support the PAP. Furthermore, CenturyLink states that the PIDs and the PAP have served their purpose and the elimination would be just, reasonable, and is consistent with the public interest, convenience and necessity. On February 15, 2020, CenturyLink sent notice of this filing to all

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CLECs doing business in Nebraska. No CLECs contacted CenturyLink with any concerns or objections to this proposed change.

Pursuant to Section 252(a) of the Telecommunications Act of 1996 (the Act), CenturyLink seeks to modify its interconnection agreements with Nebraska CLECs. No objection to the proposed modifications was filed by a Nebraska CLEC. Section 252(e) of the Act requires this Commission to review interconnection agreements adopted by negotiation or arbitration to ensure they comply with Sections 251 and 252(d) of the Act, as well as all applicable state laws. In consideration of CenturyLink's application, we find that should be granted as requested. Existing interconnection agreements that currently contain the Performance Indicator Definitions and Performance Assurance Plan are deemed to be modified to incorporate the requested revisions without the need for further filings for approval.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Qwest Corporation aka CenturyLink QC's request to eliminate the Performance Indicator Definitions and Performance Assurance Plan from its interconnection agreements with Nebraska Competitive Local Exchange Companies be, and is hereby, approved.

IT IS FURTHER ORDERED that all existing interconnection agreements that currently contain the Performance Indicator Definitions and Performance Assurance Plan are deemed to be modified to incorporate the revisions in this Order without the need for further approvals.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 16th day of November, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rob Johnson
Cystal Sueder
Mary Kyder
Tim Schram

Don Waddell
Chair

ATTEST:

Sharice K. Whitson
Deputy Director