

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

In the Matter of the Six-Month Review	)	
of Qwest Corporation's Performance	)	DOCKET NO. UT-033020
Assurance Plan	)	ORDER NO. 04
	)	
	)	ORDER ESTABLISHING
	)	PROCEDURAL SCHEDULE FOR
	)	FIRST SIX-MONTH REVIEW
	)	PERIOD
	)	
	)	<b>(Initial Filings Due December 8,</b>
	)	<b>2003; Responsive Filings Due</b>
.....	)	<b>December 29, 2003)</b>

1 **Synopsis.** *In this Order, the Commission determines that it is appropriate to evaluate in this six-month review period the issues of performance standards for line sharing and line splitting, performance standards and payment opportunities for EELs, and the propriety of including PID PO-2 in the QPAP. The Commission will address the issues through a paper record. All other issues will be addressed through SGAT filings with the Commission, the LTPA collaborative, or in the next six-month review period.*

2 **Nature of the Proceeding.** In this proceeding, the Washington Utilities and Transportation Commission (Commission) will review performance measures and performance indicator definitions (PIDs) in Qwest Corporation's (Qwest) Performance Assurance Plan, or QPAP, every six months following the December 23, 2002, approval by the Federal Communications Commission (FCC) of Qwest's Section 271 application for the state of Washington. The first six-month review period began on June 23, 2003 and will end at the end of December 2003.

3 **Procedural History.** On May 15, 2003, the Commission issued a notice in Docket No. UT-033020 to all parties in Docket Nos. UT-003022 and UT-003040, as well as all CLECs registered in the state and attorneys included on the Commission's telecommunications mailing lists, requesting comments on how the Commission should structure its QPAP six-month review proceeding.

- 4 On May 30, 2003, the Commission received responses from Eschelon Telecom Inc. (Eschelon), AT&T Communications of the Pacific Northwest, Inc., and AT&T Local Services on behalf of TCG Seattle and TCG Oregon (AT&T), Covad Communications Company (Covad), and Qwest. These companies identified a number of issues to be addressed in a six-month review proceeding, and requested that the Commission address issues first in the Regional Oversight Committee's ad hoc multi-state collaborative, known as the Long-Term PID Administration (LTPA) collaborative.
- 5 On August 21, 2003, the Commission entered Order No. 01 in this proceeding, directing Commission Staff to participate in the LTPA collaborative, and noting that it would be more efficient to address common issues first in a regional forum.
- 6 On October 2, 2003, the Commission convened a prehearing conference in this docket. During the conference, some parties requested that the Commission forgo the first six-month review period, and begin a proceeding in the second six-month review period in January 2004, following a report from the LTPA collaborative. Others, however, requested that the Commission address certain issues in the first six-month review period, but defer the remaining issues to the LTPA or the next six-month review period.
- 7 Covad, Eschelon, WorldCom, Inc. (WorldCom), and Qwest filed additional comments with the Commission on October 17, 2003, identifying issues that the Commission should consider in the first six-month review period, and issues that could be addressed by the LTPA collaborative or deferred to the next review period. WorldCom, Qwest and Commission Staff filed responsive comments with the Commission on October 27, 2003.
- 8 Covad, WorldCom, and Staff request that the Commission establish performance measures for line sharing and line splitting as soon as possible, due to the FCC's decision in the Triennial Review Order to eliminate line sharing as an unbundled network element (UNE). Eschelon, WorldCom, and Staff request that the Commission establish performance standards and payment opportunities for Enhanced Extended Links (EELs) asserting that the Commission previously ordered Qwest to provide payment opportunities for EELs standards without waiting for a six-month review proceeding. Eschelon, WorldCom, and Staff also request that the Commission address tier and payment levels for PIDs OP-5 and PO-20. Qwest requests that the Commission defer all issues to the LTPA

collaborative or the next six-month review period. If the Commission addresses any issues in the first six-month review period, Qwest requests, and Staff concurs, that the Commission address the issue of whether PID PO-2 was properly included in the QPAP.

- 9 **Issues For Consideration in First Six-Month Review Period.** After reviewing the parties' comments, the Commission will evaluate in this six-month review period the issues of performance standards for line sharing and line splitting, performance standards and payment opportunities for EELs, and the propriety of including PO-2 in the QPAP.
- 10 **Line Sharing/Line Splitting.** Covad, WorldCom, and Staff urge the Commission to include line splitting as a separate reporting category in the PIDs. Covad and WorldCom assert that volumes of line splitting are increasing and that the FCC's decision in the Triennial Review Order to remove line sharing as a UNE will cause companies such as Covad and WorldCom to move towards even greater use of line splitting and loop splitting. Covad and WorldCom argue that performance monitoring is important for the line splitting product. Qwest argues that it is not necessary to review line splitting in this six-month review period as it is under review in the LTPA, and will be addressed in the Commission's Triennial Review docket, No. UT-033044. Line splitting will not be addressed in Docket No. UT-033044. It is appropriate to address performance measures for line splitting now, rather than wait for LTPA review, as many companies, WorldCom and Covad included, will be using line splitting in greater numbers.
- 11 **EELs.** The Washington QPAP contains performance standards for provisioning of EELs in PIDs OP-3, OP-4, OP-5, OP-6, OP-15, MR-5, MR-6, MR-7, and MR-8, as required by paragraph 124 of the Thirtieth Supplemental Order in Docket Nos. UT-0033022 and UT-003044. That Order required Qwest to "provide payment opportunities in the QPAP for these measures as the standards are determined and not wait until a six-month review to do so." Qwest has not made any filing with the Commission to address payment opportunities for EELs standards. WorldCom and Eschelon assert that Qwest and other parties have filed a stipulation concerning EELs standards and payments in Colorado. Given the Commission's directions to Qwest in paragraph 124 of the Thirtieth Supplemental Order and the fact that the parties reached agreement on payment opportunities for EELs in Colorado, the issue is appropriate for resolution in this six-month review period.

- 12 **PO-2.** The performance measure PO-2 measures the extent that Qwest's processing of local service requests (LSRs) flows through electronically. The inclusion of PO-2 in the QPAP was a contested issue during the Section 271 proceedings before the Commission. The Commission included PID PO-2(b) in the QPAP finding that the PID was developed, standards had been agreed upon, and the "measure is important to a CLEC's ability to compete with Qwest." *Thirtieth Supplemental Order, Docket Nos. UT-003022 and UT-003044, at ¶129.* Qwest raised the issue of the propriety of including PO-2 in the QPAP in its May 30, 2003, comments. The issue is ripe for resolution, and should not be deferred to the next six-month review period.
- 13 **Other Issues.** It is not necessary to address in this six-month review period the issues of the inclusion in the QPAP of revisions to PIDs OP-5 and PO-20. Through informal LTPA collaborative discussions, Qwest and other participants agreed to modifications to PID OP-5, and continue to work on modifications to PO-20. On October 2 and October 31, 2003, Qwest filed requests with the Commission to modify SGAT Exhibits B (list of working PIDs) and K (the QPAP) to include the revised PID OP-5. The Commission will address Qwest's filings in Docket No. UT-033041 at its November 26, 2003, open meeting.
- 14 If the parties reach agreement on changes to PO-20, Qwest should make a separate filing to modify the SGAT, and the Commission will address the issue through its open meeting process. All other issues raised by the parties in their comments filed on May 30, 2003, and in October 2003 should be addressed in the LTPA collaborative or in the next six-month review period, which begins in January 2004.
- 15 **Procedural Schedule.** The Commission will address in this six-month review period the three issues discussed above, line sharing and line splitting performance standards, performance and payment standards for EELs, and the propriety of including PO-2 in the QPAP, through a paper record and final order. Parties may file briefs, testimony or supporting affidavits, and exhibits with the Commission in simultaneous initial and reply filings to support their positions on these issues. The Commission establishes the following filing schedule:

**Simultaneous Initial Filings:**

**December 8, 2003**

**Simultaneous Responsive Filings:**

**December 29, 2003**

This compressed filing schedule is necessary to allow the Commission to complete its evaluation of the issues and enter an order before beginning the next six-month review period. If it appears, after reviewing the briefs and evidence, that the issues are not ripe for resolution, the Commission may defer its review of the issues until the next six-month review period.

Dated at Olympia, Washington, and effective this 12<sup>th</sup> day of November, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Administrative Law Judge