

UT-073334

Qwest

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION



June 26, 2007

Via E-Mail and Messenger

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

Re: Docket No. UT-(NEW)
Qwest's Petition for Approval of Stipulation

Dear Ms. Washburn:

Enclosed for filing are an original and twelve (12) copies of Qwest Corporation's Petition for Approval of the Stipulation Regarding Certain Performance Indicator Definitions and the Qwest Performance Assurance Plan Provisions, and redline and clean versions of Exhibit B - Revised Eight Amendment and Exhibit K - Revised Tenth Amendment.

An electronic copy of each document will be provided by e-mail.

Very truly yours,

Adam L. Sherr

ALS/jlr
Enclosures

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of

QWEST CORPORATION

Petition for Commission Approval of
Stipulation Regarding Certain
Performance Indicator Definitions and
Qwest Performance Assurance Plan
Provisions

DOCKET NO. UT- 073034

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STATE OF WASH.
UTIL. AND TRANSP.
DIVISION

1 Qwest Corporation (“Qwest”), on behalf of itself, Eschelon Telecom, Inc. (“Eschelon”), DIECA Communications, Inc. d/b/a Covad Communications Company (“Covad”) and McLeodUSA Telecommunications Services, Inc. (“McLeodUSA”) (collectively, the “Stipulating Parties” and each individually, a “Party”), petitions the Commission to consider and approve the attached Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions (“2007 Stipulation”). The Stipulating Parties¹ respectfully recommend that the Commission approve the 2007 Stipulation, apply the agreed upon changes to the Qwest Performance Assurance Plan (“PAP”) and to interconnection agreements containing the PAP, and also allow the Performance Indicator Definitions (“the PID” or “PIDs”) to take effect.

¹ US Link, Inc. d/b/a TDS Metrocom (“TDS Metrocom”) is a Stipulating Party, however, it is certified as a CLEC only in North Dakota and Minnesota, and as such is not bringing this motion with the other Stipulating Parties.

I. Background

- 2 This submission results from collaborative work sessions among certain Competitive Local Exchange Carriers (“CLECs”) and Qwest. The participants identified above agreed upon a number of modifications to the PIDs and PAPs that would provide a fair resolution and be in the public interest. The Stipulating Parties’ agreement has been documented in the 2007 Stipulation attached as Exhibit 1.
- 3 These agreements were reached between Qwest and the CLECs in meetings between May 23, 2006, and May 17, 2007.
- 4 All of these changes were discussed by the participants in one or more of the sessions. Qwest provided notice of the opportunity to participate in the process as well as the issues presented for discussion to each CLEC certified in each of its fourteen states; nineteen CLECs in the region then elected to be notified of updates and meetings while six regularly participated.
- 5 State Commission staffs in each of the fourteen Qwest local service region states were notified that Qwest and CLECs were engaged in PID/PAP modification discussions. *2007 Stipulation*, page 1.
- 6 The Stipulating Parties recommend that the Stipulation be approved by the Commission and the changes implemented in each of the fourteen states in Qwest’s local region. *2007 Stipulation*, page 1.
- 7 The impacted PIDs are currently found in Exhibit B to the Statement of Generally Available Terms and Conditions (“SGAT”), while the PAP is currently found in Exhibit K of the SGAT. A comprehensive redline of the changes to the PAP is attached as Exhibit 2. A comprehensive redline of the PIDs is attached as Exhibit 4. The Stipulating Parties have reviewed the proposed changes to both documents and agree that they appropriately delineate the agreement

and appropriate administrative changes, and that the 2007 Stipulation should be approved. The “clean” versions of both documents are also attached as Exhibits 3 and 5 respectively.²

8 The Stipulating Parties believe that the 2007 Stipulation provides a fair resolution and is in the public interest. *2007 Stipulation*, page 1.

9 The Stipulating Parties seek to have the Commission approve the Stipulation and implement the described changes for both the PIDs and the PAP without a hearing. *2007 Stipulation*, page 2.

10 Each of the other Stipulating Parties (*i.e.*, Eschelon, Covad, TDS Metrocom and McLeodUSA) has authorized Qwest to file the 2007 Stipulation and jointly requests with Qwest the applicable changes be implemented in each state.

II. Summary of Agreed Upon Changes

11 The revisions include several provisions that do not apply in some states; for convenience, a summary of the portions applicable to Washington is provided below.

Agreements Applicable to all 14 States, including WA

- a. Eliminate resale DSL from PIDS and Modify PID and PAP references to Qwest DSL.
- b. Change the MR-11 PID title to “LNP Trouble Reports Cleared within Specified Timeframes.”
- c. Update the PID references to unbundled 2-wire non-loaded loop and unbundled ISDN capable loop disaggregations to reflect the retail analogue of ISDN BRI “(designed).”

² As in past filings, Qwest submits “clean” and “red-lined” versions of both the PID and the PAP in which redlines appear on the document that is currently in effect.

- d. Update PO-20 to reflect it is fully implemented by making PID and PAP revisions specified in the 2007 Stipulation.
- e. Remove the PIDs specified in the 2007 Stipulation from PAP payment mechanisms to the extent they currently are included in a specific state's PAP, subject to a Reinstatement/Removal process. Also, add a root cause analysis provision.
- f. Add exclusion to MR-6 PID that allows No Trouble Found (NTF) and Test Okay (TOK) trouble reports to be removed when the ticket's duration is one hour or less.
- g. Change the standard for BI-3A PID to a 98% benchmark and add a provision to the PAP for the BI-3A PAP payment calculation, creating a tiered structure of per occurrence amounts and modifying the per measurement cap for the sub-measure.

Agreements Applicable to all States, including WA, but excluding CO

- a. Add one allowable miss provision to the PAP for individual CLEC results when the CLEC aggregate results have met the standard.
- b. Revise the PAP to change the flat minimum payment amounts of \$300/\$600 (MN) and \$2000 (the 12 remaining states) with a tiered minimum payment approach that establishes a relationship between the monthly PAP payment and the required minimum payment amount.
- c. Remove the following list of product disaggregations from all applicable OP and MR PIDs in the 13 state PAPs:
Resale Centrex, Resale Centrex 21, Resale DS0, E911/911 Trunks, Resale Frame Relay, Resale Basic ISDN, Resale Primary ISDN, Resale PBX, Sub-loop Unbundling, UNE-P POTS, UNE-P Centrex and UNE-P Centrex 21

Agreements Applicable to MT, NE, NM, SD, UT, WA, and WY Only

- a. Adopt the MT Tier 2 provision to modify Sections 7.3 and 9 of the PAP such that Tier 2 payments will be based on the number of performance measurements exceeding critical z-value for three consecutive months unless there have been two misses in any three consecutive months during the past 12 months. If there have been two misses in

any three consecutive months during the last 12 months, Tier 2 payments will be triggered by either two additional consecutive months' misses (for PIDs that are classified as both Tier 1 and Tier 2) or the current month's miss (for PIDs that are Tier 2 only)

Agreements Applicable to CO, ID, MN, ND, OR, UT and WA Only

- a. Eliminate six-month cap on Tier 1 escalation payment amounts so that payments will continue to increase in the event the payment level indicator increases beyond payment level 6.

12 *Additional Administrative Change.* In addition to the agreed upon changes described in the 2007 Stipulation, Qwest also removed MR-12 from the PAP, as illustrated in the attached Exhibits 2 and 3, provided the other Stipulating Parties with the opportunity to review this deletion, and no comments, concerns or objections were noted. Qwest initiated the change because the MR-12 PID was eliminated prior to the initial approval of the PAP, but references remained in the text through administrative error.

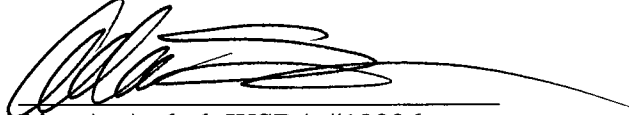
13 *Information Regarding Changes Provided to CLECs in the 14 States.* Additionally, Qwest will provide notice of the filings, including a description of the changes expected to result from the 2007 Stipulation, to all Washington CLECs in its region through the wholesale notification process within five days and additionally if required by a specific interconnection agreement.

III. RELIEF REQUESTED

14 The Qwest, on behalf of itself and the Stipulating Parties, respectfully requests that the Commission approve the 2007 Stipulation describing proposed changes to the PAP and PID, apply the changes to any interconnection agreements containing the PAP, and allow the PID to go into effect no later than 60 days after this submission in accordance with 47 U.S.C. § 252(f)(3).

DATED this 26th day of June, 2007.

QWEST



Lisa A. Anderl, WSBA #13236

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CERTIFICATE OF SERVICE

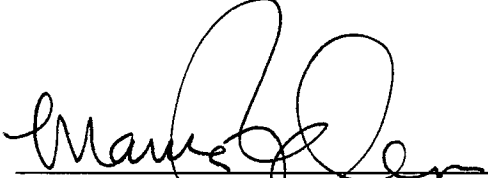
Docket No. UT-(NEW)

I certify that I have caused to be served a copy of the *Qwest Corporation Petition for Commission Approval of Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions* to the following parties by e-mail and U.S. Mail:

WUTC

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation
Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

DATED this 26th day June, 2007.


Maura Peterson