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July 13, 2004

C. Robert Wallis, Administrative Law Judge
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

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STATE OF WASHINGTON
OFFICE OF THE ATTORNEY GENERAL

Re: *Qwest Petition to Terminate Service Quality Performance Program*
Docket No. UT-991358

Dear Judge Wallis:

This letter provides a detailed reference for the letter filed yesterday (July 12, 2004) in this docket relating to inaccurate statements made by Qwest at the oral argument. Please see the attached copy of the transcript at pages 2127 through 2129.

Very truly yours,

CHRISTOPHER SWANSON
Assistant Attorney General

CS:kl
Enclosure
cc: Parties



1 thought it made financial sense for us, and I'm sorry I
2 forgot to mention them when I listed off Comcast and
3 wireless and VOIP, but they are definitely a component
4 in the mix.

5 CHAIRWOMAN SHOWALTER: I have a question
6 about the timing of our adoption of the rules,
7 vis-a-vis timing of our approval of the merger
8 conditions. My recollection, but please correct me if
9 I'm wrong, is that at the time of the approval of the
10 merger, we had a rule-making underway on many of these
11 metrics were under discussion, and some of the drafts
12 had provisions that looked something like the merger
13 conditions, but in any event, the rules that we did
14 later adopt cover those areas but sometimes in a
15 different way. Is that sequence approximately correct?

16 MS. ANDERL: At the time of the merger, June
17 30th, 2000, the Commission service quality rules were
18 similar to what they are today, but they were lacking
19 in several respects. There were several metrics in the
20 SQPP as to which rules do not exist, and in the
21 Commission's rule-making that then promulgated the
22 rules that were effective last July 3rd, July of 2003,
23 the rules that we are under now filled those gaps.

24 In fact, I think it was very important, and
25 one of the reasons why we are suggesting that the

1 Commission's new rules are an adequate standard, an
2 adequate customer protection, whereas the Commission's
3 old rules were not and necessitated the SQPP, there was
4 no rule on out-of-service repair within two days or 48
5 hours. That's a huge metrics. It's one that's very
6 important for us and customers. At the time the SQPP
7 was approved or the merger was approved, there was no
8 Commission rule that had the out-of-service standard in
9 it. Now do you have an out-of-service rule.

10 CHAIRWOMAN SHOWALTER: Is it correct to say
11 that the old rules had some gaps. The merger
12 conditions filled in the gaps. The rules filled the
13 gaps in in a different way but that in addition, the
14 merger conditions contained automatic payments that the
15 rules don't.

16 MS. ANDERL: That's right, and there is
17 really only one rule that is just completely different
18 from the SQPP metric, and that's the business office
19 response time and repair response time, and in your
20 rule it says it has to be a 60-second average wait
21 time, no more than 60-second average wait time.

22 In the SQPP, it is the 80 percent of the
23 calls within 30 seconds, and I'm going to talk a little
24 more about that as I move into discussions of some of
25 the metrics. With regard to the installation

1 intervals, five-day and 90-day intervals, there is the
2 old rule and the new rule and the SQPP metrics are all
3 the same.

4 CHAIRWOMAN SHOWALTER: I'm sorry. It's
5 really hard for me to listen to what Ms. Anderl is
6 saying when there is a side conversation going on. If
7 you need a few minutes before you start, that's fine.
8 I didn't really hear what you were saying in the last
9 couple of minutes.

10 MS. ANDERL: In the installation intervals,
11 90 percent of all orders within five days and 99
12 percent in 90 days, there was no change in the old
13 rule, the new rule, and the SQPP. That's the same
14 metric there. For the out of service, there is no
15 rule, and now the Commission rule says 100 percent of
16 those out-of-service conditions must be repaired in 48
17 hours. The SQPP says 100 percent of the out-of-service
18 conditions must be repaired in two business days. The
19 difference is that if you violate the rule, you don't
20 automatically pay anything unless somebody brings a
21 complaint against you.

22 CHAIRWOMAN SHOWALTER: But there is no
23 subject, is there, in the SQPP, that is not also in the
24 new rules?

25 MS. ANDERL: That's right. That's exactly