

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PETITION OF)
QWEST CORPORATION REQUESTING) CASE NO. QWE-T-08-04
AUTHORIZATION TO WITHDRAW ITS)
STATEMENT OF GENERALLY) ORDER NO. 32106
AVAILABLE TERMS AND CONDITIONS)

On July 30, 2010, Qwest Corporation filed an Amended Petition that “supersedes the pending portion of Qwest’s Petition filed herein on May 2, 2008, in which Qwest sought permission to withdraw its Statement of Generally Available Terms and Conditions (SGAT).” Amended Petition, p. 2. In Order No. 30750, issued March 17, 2009, the Commission granted Qwest’s request to withdraw the SGAT, but left open consideration of Qwest’s proposal to also withdraw its Performance Assurance Plan (QPAP) and associated performance indicator definitions (PIDs) that originally were attached to the SGAT. The QPAP, normally part of interconnection agreements between Qwest and other telecommunication providers, gives assurance that Qwest will provide fair and reliable access to its network.

In its Amended Petition, Qwest proposes a new Performance Assurance Plan (QPAP II) that Qwest states will provide economic incentive for it to provide non-discriminatory service to competitive local exchange carriers (CLECs) as required under the federal Telecommunications Act of 1996. According to Qwest’s Amended Petition, QPAP II streamlines the measurements used to determine service levels, removes measurements that are currently in the PIDs but are not in the current QPAP, and moves some measurements into categories that continue to track the information for possible future reinstatement of the measurements. The proposed QPAP II also streamlines product categories by combining the reporting for similar products or processes into one product category and removing products that have very low activity levels. Amended Petition, pp. 11-12.

On October 8, 2010, Qwest filed a Motion to Approve QPAP changes. Qwest’s Motion is based on a Stipulation the Company filed on October 4 stating the parties had reached an agreement regarding three specific changes to Qwest’s QPAP. Qwest’s Motion identifies the three changes for approval by the Commission as (1) removal of the service known as “unbundled network element – platform (POTS)” or “UNE-P (POTS)”; (2) changing the form of computer-to-computer interface used by CLECs from Electronic Data Interchange (EDI) to

Extensible Markup Language; and (3) removal of the Tier 2 payment provisions. The Stipulation filed by the parties on October 4, 2010, states that Staff and Intervenors do not oppose Qwest's proposal that the unbundled network element – platform be removed from the Idaho PAP, and that the Staff and Intervenors support Qwest's proposal to modify the form of computer-to-computer interface used by CLECs from Electronic Data Interchange to Extensible Markup Language. Finally, the Stipulation states that Staff and Intervenors do not oppose Qwest's proposal to remove Tier 2 payment provisions from the QPAP.

The QPAP currently provides for Qwest to make payments to CLECs if it fails to meet specific performance standards (Tier 1 payments) and to make payments to a fund administered by the Commission if additional specific standards or benchmarks are not met (Tier 2 payments). Tier 2 payments are made to a Special Fund account and to a Discretionary Fund account. The Special Fund is to be used for QPAP administrative expenses and oversight activities. The Special Fund was used for audits in 2005 and 2007, as well as the more thorough review completed by Liberty Consulting in 2009 that is part of this case. Since 2003 when the Special Fund was opened, approximately \$16,300 has been used for administration and audit activities. The current balance in the Special Fund is \$34,713.14.

Qwest also established the Discretionary Fund in 2003, and its stated purpose "shall be limited to competitive neutral Idaho telecommunications initiatives" as determined by the Commission. The fund was established with \$14,000, and has grown to a current balance of \$56,698. To date the Commission has not approved a use for any Discretionary Funds.

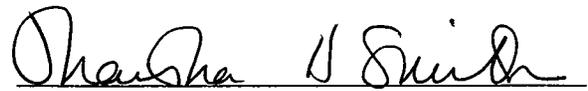
The Commission finds it reasonable to approve the three specific changes to the QPAP identified by the parties in the Stipulation filed October 4, 2010. The first two changes directly affect Qwest's delivery of interconnection services to CLECs, and the fact that the CLEC parties to this case approve them provides a reasonable basis for the Commission to also approve those changes. The third change – discontinuation of Tier 2 payments to the state – also is reasonable in light of the intended use of the funds and the current balances in the Tier 2 accounts. The Commission has used less than \$17,000 in Tier 2 funds to review and audit Qwest's performance under the QPAP during the past seven years. The balances in the Special Fund and Discretionary Fund should be adequate to fund additional reviews in the future.

ORDER

IT IS HEREBY ORDERED that the three specific changes to the QPAP identified by the parties in the Stipulation filed October 4, 2010 are approved. Qwest may file a revised QPAP with the following changes: (1) removal of the service known as “unbundled network element – platform (POTS)” or “UNE-P (POTS)”; (2) changing the form of computer-to-computer interface used by CLECs from Electronic Data Interchange (EDI) to Extensible Markup Language; and (3) removal of the Tier 2 payment provisions.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 4th day of November 2010.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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