

## **DECISION MEMORANDUM**

**TO:           COMMISSIONER KEMPTON  
COMMISSIONER SMITH  
COMMISSIONER REDFORD  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL**

**FROM:       WELDON STUTZMAN  
DEPUTY ATTORNEY GENERAL**

**DATE:       AUGUST 17, 2010**

**SUBJECT:    CASE NO. QWE-T-08-04  
QWEST CORPORATION'S AMENDED PETITION**

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 were part of 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 to Qwest 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 August 13, 2010, the active parties in the case agreed on a schedule for the initial processing of Qwest's Amended Petition, as follows:

|                    |  |
|--------------------|--|
| September 20, 2010 | Discovery questions due from intervenors and Staff |
| October 20, 2010   | Qwest responses to discovery due                   |
| November 19, 2010  | Second round discovery requests due                |
| December 10, 2010  | Qwest responses to discovery                       |

In addition, the parties will hold a conference call on November 18, 2010, to determine the remaining procedure to complete the record on Qwest's Amended Petition.

Staff recommends the Commission issue a Procedural Order adopting the schedule proposed by the parties to begin the process for Qwest's Amended Petition.

#### **COMMISSION DECISION**

Should the Commission issue a Procedural Order adopting the procedural schedule recommended by the parties?



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Weldon Stutzman  
Deputy Attorney General

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