

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF QC’S PETITION FOR</b>	)	
<b>APPROVAL OF AMENDMENTS TO THE</b>	)	<b>CASE NO. QWE-T-20-02</b>
<b>QWEST PERFORMANCE ASSURANCE</b>	)	
<b>PLAN AND PERFORMANCE INDICATOR</b>	)	
<b>DEFINITIONS TO IMPLEMENT THE FCC’S</b>	)	<b>ORDER NO. 34766</b>
<b>2019 FORBEARANCE ORDERS</b>	)	
	)	

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On February 21, 2020, Qwest Corporation dba CenturyLink QC (“Company”) requested authority to modify the Company’s Performance Assurance Plan (“PAP”) and Performance Indicator Definitions (“PIDs”) with each Idaho competitive local exchange carrier (“CLEC” or “CLECs”) by deleting references to products and network elements that the Federal Communications Commission (“FCC”) no longer requires.

On June 17, 2020, the Commission issued its Notice of Petition, Notice of Modified Procedure and Order. *See* Order No. 34694. The Commission Staff (“Staff”) filed written comments on July 8, 2020. The Company did not file reply comments.

Having reviewed the record, the Commission enters this Order approving the Company’s Petition.

**THE PETITION**

The Company stated the PAP is a self-effectuating performance assurance plan implemented in the Company’s interconnection agreements (“ICAs”) with CLECs that opt to include the PAP in their ICAs. *Petition* at 2. The Company represented PIDs in ICAs contain definitions and metrics that support the PAP. *Id.* The Company stated the PAP has terms, including PIDs, that were set when the Company sought FCC approval to enter the interstate long distance telecommunications market. *Id.* The Company contended the PAP was negotiated to assure continued interconnection and network access between the Company and CLECs. *Id.*

The Company noted that in 2002 the Commission approved the Idaho PAP. *See* Case No. USW-T-00-03. Since then, the Company has amended the PAP, with the Commission approving the most recent amendment on September 26, 2013. *Id.* at 2; *see also* Order No. 32899. The Company asserted the FCC has eliminated and modified some obligations of regional bell operating companies (“RBOCs”) to provide certain products and network elements. *Id.*; *see also* Petition of US Telecom et al. for Forbearance, WC Dot. No. 18-141, Memorandum Opinion and

Order, FCC Release 19-72; Released August 2, 2019 (“UNE Analog Loop and Resale Forbearance Order”) and the Report and Order on Remand and Memorandum Opinion and Order, FCC Release 19-66; Released July 12, 2019 (“UNE Transport Order”)(collectively the “2019 Forbearance Orders”). The Company asserted the 2019 Forbearance Orders eliminated: 1) the requirement for RBOCs to continue offering the avoided cost retail discount to resellers; and 2) the requirement for RBOCs to continue offering analog loops. *Id.* However, the Company stated the FCC established a transition period to allow: 1) CLECs to order new UNE analog loops for six months after the August 2, 2019 effective date of the UNE Analog Loop and Resale Forbearance Order; 2) CLECs to keep existing UNE analog loop arrangements for three years; 3) CLECs to request new avoided cost resale arrangements until February 2, 2020; and 4) existing resale discount arrangements to be maintained until August 2, 2022. *Id.*

Before filing the Petition, the Company asserted it notified CLECs of the proposed changes to the PAP. *Id.* at 4. The Company represented Integra has taken a leadership position among CLECs in past PIDs/PAP negotiations and changes and did not object to the proposed modifications. *Id.*

## COMMENTS

### 1. Staff Comments.

Staff has reviewed the Petition for approval of modifications to the PIDs and PAP filed by the Company. Staff noted that the Company appeared to have contacted affected CLECs about the proposed amendments. *Staff Comments* at 3. Staff also stated that the Company’s proposed modifications appear to follow FCC orders. *Id.* Further, Staff noted no one opposed the Petition. *Id.* Staff recommended that the Commission approve the Company’s Petition. However, Staff asserted it has concerns about granting blanket changes to all existing ICAs without the Company filing the updated ICAs with the Commission. *Id.* Staff recommended that the Commission require the Company to file all ICAs that the Company amended due to the 2019 Forbearance Orders for Commission review. *Id.*

## COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over this matter under *Idaho Code* § 62-615 (the Commission’s authority to implement the Telecommunications Act of 1996) and *Idaho Code* § 62-605(5)(b) (the Commission’s continuing, noneconomic authority over Title 62 telephone corporations). *See also generally* 47 U.S.C. 252(e)(1).

The Commission has reviewed the record and finds it fair, just, and reasonable to grant the Company's Petition and authorizes the Company to modify the PAP and PIDs consistent with the FCC's 2019 Forbearance Orders. The Commission finds it reasonable to require that the Company file, for Commission review, all ICAs that the Company has amended with CLECs due to the 2019 Forbearance Orders.

**ORDER**


IT IS HEREBY ORDERED that the Company's Petition is granted.

IT IS FURTHER ORDERED that the Company file, for Commission review, all ICAs that the Company has amended with CLECs due to the 2019 Forbearance Orders.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order about any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See* Idaho Code §§ 61-626 and 62-619.

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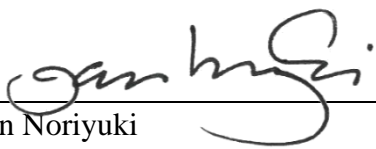
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this  
28<sup>th</sup> day of August 2020.

  
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PAUL KJELLANDER, PRESIDENT

  
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KRISTINE RAPER, COMMISSIONER

  
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ERIC ANDERSON, COMMISSIONER

ATTEST:

  
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Jan Noriyuki  
Commission Secretary

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