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Attorney for the Commission Staff

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF QC'S PETITION FOR )**  
**APPROVAL OF AMENDMENTS TO THE )** **CASE NO. QWE-T-20-02**  
**QWEST PERFORMANCE ASSURANCE )**  
**PLAN AND PERFORMANCE INDICATOR )**  
**DEFINITIONS TO IMPLEMENT THE FCC'S )** **COMMENTS OF THE**  
**2019 FORBEARANCE ORDERS )** **COMMISSION STAFF**  
**)**

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COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its attorney of record, John R. Hammond, Jr., Deputy Attorney General, and in response to the Notice of Petition and Notice of Modified Procedure issued in Order No. 34694 on June 17, 2020, in Case No. QWE-T-20-02, submits the following comments.

**BACKGROUND**

On February 21, 2020, Qwest Corporation dba CenturyLink QC ("Company") filed a Petition requesting 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.

The Company states the PAP is a self-effectuating performance assurance plan that is implemented as Exhibit K to the Company's interconnection agreements ("ICAs") with CLECs that opt to include the PAP in their ICAs. *Petition* at 2.

The Company represents PIDs are implemented as Exhibit B to ICAs and contains the definitions and metrics that support the PAP. *Id.*

The Company states the PAP has terms, including PIDs, that were established when it sought the FCC's approval to enter the interstate long distance telecommunications market. *Id.* The Company contends the PAP was negotiated to provide additional assurance of continued, appropriate interconnection and network access between the Company and CLECs. *Id.*

The Commission approved the Idaho PAP in Case No. USW-T-00-03 in 2002 and has amended the Idaho PAP several times since. *Id.* at 2. The most recent amendment was approved by the Commission on September 26, 2013. *Id.*; *see also* Order No. 32899.

The Company asserts 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 contends the *2019 Forbearance Orders* eliminated the requirement for RBOCs to continue offering the avoided cost retail discount to resellers and eliminated the requirement for RBOCs to continue offering analog loops. *Id.* However, the Company states the FCC also established a transition period that: 1) allows CLECs to order new UNE analog loops for six months after August 2, 2019 effective date of the *UNE Analog Loop and Resale Forbearance Order*; 2) allows CLECs to keep existing UNE analog loop arrangements for three years; 3) allows CLECs to request new avoided cost resale arrangements until February 2, 2020; and 4) allows existing resale discount arrangements to be maintained until August 2, 2022. *Id.*

Prior to filing the Petition, the Company notified CLECs of the proposed changes. *Id.* at 4. The Company represents Integra, which the Company contends has taken a leadership position among CLECs in past PIDs/PAP negotiations and changes, does not object to the amendments. *Id.*

The Company requests the Commission do the following:

1. Approve Appendices 3A (redesigned PIDS) and 4A (redesigned PAP with an effective date of April 1, 2020, to replace the PAP and PIDs in Idaho;
2. Deem all existing interconnection agreements that currently contain the PAP and PIDs be modified to incorporate these revisions, also effective April 1, 2020, without need for further filings or approvals;
3. In the event there is no opposition to this petition within 30 days, the Company requests that the Petition be granted without a hearing or further filings or proceedings; and
4. To the extent there is opposition to the Petition, the Company requests that the Commission schedule a technical conference to further discuss the redesign of the PAP and PIDs consistent with the 2019 Forbearance Orders and to determine the remaining process in this proceeding.

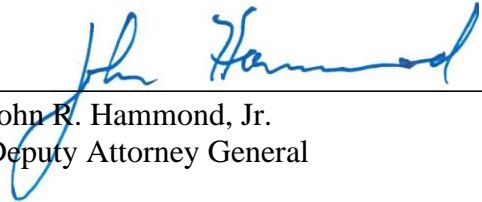
#### **STAFF ANALYSIS**

Staff has reviewed the petition for approval of amendments to the PIDs and PAP filed by the Company. It appears from the sample letter attached to the petition and the response from Allstream that the Company has contacted affected CLECs about the proposed amendments. It also appears the amendments as proposed by the Company are consistent with FCC orders. Staff has some concerns about granting blanket changes to all existing ICAs without updated copies being filed with the Commission.

#### **STAFF RECOMMENDATION**

Based on its review of the Company's Petition, Staff believes it is consistent with FCC orders. Further, there has been no opposition filed to the Petition. As a result Staff recommends that the Commission approve the Company's Petition in part. Staff also recommends that the Commission order that all Company ICAs affected and subsequently amended as a result of the 2019 Forbearance Orders discussed above be filed with the Commission for review by Staff and the Commission by December 31, 2020.

Respectfully submitted this 8<sup>th</sup> day of July 2020.



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John R. Hammond, Jr.  
Deputy Attorney General

Technical Staff: Daniel Klein

i:umisc:comments/qwet20.2jhd comments

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 8<sup>th</sup> DAY OF JULY 2020, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. QWE-T-20-02, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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*Reyna Quintero*

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SECRETARY