

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF QWEST** ) **CASE NO. QWE-T-21-13**  
**CORPORATION’S PETITION FOR** )  
**ELIMINATION OF PERFORMANCE** )  
**ASSURANCE PLAN AND PERFORMANCE** ) **ORDER NO. 35379**  
**INDICATOR DEFINITIONS** )  
\_\_\_\_\_ )

On December 1, 2021, Qwest Corporation d/b/a Century Link QC (“Company”) petitioned the Commission to issue an order eliminating the Performance Indicator Definitions (“PIDs”) and Performance Assurance Plan (“PAP”) portions of its interconnection agreements (“ICAs”) with each Idaho competitive local exchange carrier (“CLEC”).

On December 17, 2021, the Commission received additional documents in support of the Company’s Petition.

On February 4, 2022, the Commission issued Notice of Petition and Notice of Modified Procedure.

Staff filed comments on February 25, 2022. The Company did not respond.

With this Order, we approve the Company’s Petition.

**THE PETITION**

Under the Telecommunications Act of 1996, the Company, as an incumbent local exchange carrier (“ILEC”), was required to enter interconnection agreements with other telecommunications service providers who requested access to the Company’s network, facilities, or services. Petition at 2 (citing 47 U.S.C. §§ 251-252). The processes and procedures outlined by 47 U.S.C. § 271 (“section 271 requirements”) also allowed the Company to enter, for the first time, in-region inter LATA services markets. *Id.*

However, before the Federal Communications Commission (“FCC”) would allow the Company to enter such markets, the Company was required under the section 271 requirements to submit its systems and processes to third-party testing and develop performance measurements by implementing PIDs and putting in place a PAP.

The Company represented that, by 2020, many of the elements of the PIDs and PAP process became unnecessary due to the proliferation of cable and wireless services and, furthermore, were eliminated by the FCC and this Commission. *See Id.* at 3-4.

The Company represented that it followed the procedures for eliminating the PAP process. The Company further represented that CLECs are no longer interested in ordering or seeking repair of the remaining PAP services, nor are they expressing interest in the PAP performance metrics. *Id.* at 5.

### **STAFF COMMENTS**

Staff noted the Company's representation that it contacted the CLECs that would be affected by the proposed amendments to the ICAs. Staff Comments at 2. Staff believed the Company's proposed amendments to the ICAs were consistent with the FCC's forbearance orders. Staff noted the Company filed similar petitions in other states and that the Commissions in South Dakota, Iowa, Nebraska, and Wyoming approved the Company's petitions while approval in Montana and North Dakota was still pending.

Noting its consistency with FCC forbearance orders, Staff recommended the Commission grant the Petition. Staff expressed concern, however, that if the Commission were to grant blanket changes to all existing ICAs, the Company might fail to file the updated ICAs with the Commission. This concern was based on the scenario in Case No. QWE-T-20-02 wherein the Company failed to follow the Commission's order to file all the ICAs it had with CLECs that had been amended. Accordingly, to allow for sufficient review, Staff further recommended the Commission order the Company to file all of the ICAs that it amends through removal of the PIDs and PAPs by July 1, 2022.

### **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* 47 U.S.C. 252(e)(1).

Based on our review of the record in this case, including the comments of Staff, the Commission finds it fair, just, and reasonable to grant the Company's Petition and authorizes the removal of PIDs and PAPs from the Company's ICAs with Idaho CLECs. We direct the Company to file for Commission review by July 1, 2022, all ICAs that have the PIDs and PAPs removed.

**ORDER**

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

IT IS FURTHER ORDERED that the Company shall file, by July 1, 2022, all ICAs that have been amended by removing the PIDs and PAPs.

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 with regard to 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.*

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 21<sup>st</sup> day of April 2022.



ERIC ANDERSON, PRESIDENT

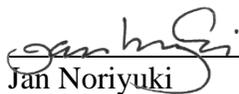


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Commission Secretary

I:\Legal\TELECOM\QWE-T-21-13\Orders\QWET2113\_final\_rm.docx