

George Baker Thomson, Jr.
Senior Attorney
Qwest Services Corporation
1801 California St, Suite 1000
Denver, CO 80202
303-383-6645
303-296-3132 (fax)
George.Thomson@qwest.com

Attorney for Qwest Corporation

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

| | |
|---|---|
| <p>In the Matter of Qwest Corporation's Request for Approval of a Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions</p> | <p>Docket No. 07-049-__</p> <p>NOTICE OF STIPULATION REGARDING CERTAIN PERFORMANCE INDICATOR DEFINITIONS AND QWEST PERFORMANCE ASSURANCE PLAN PROVISIONS AND JOINT MOTION TO APPROVE SAME ON BEHALF OF THE STIPULATING PARTIES</p> |
|---|---|

Qwest Corporation (“Qwest”) on behalf of itself, Eschelon Telecom, Inc. (“Eschelon”), DIECA Communications, Inc. d/b/a Covad Communications Company (“Covad”), US Link, Inc. d/b/a TDA Metrocom, and McLeodUSA Telecommunications Services, Inc. (“McLeodUSA”) (collectively, the “Stipulating Parties” and each individually, a “Party”) submits the Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions (“2007 Stipulation”).

The Stipulating Parties¹ respectfully recommend that the Commission approve the 2007 Stipulation, accept the agreed upon changes to the Qwest Performance Assurance Plan

¹ US Link, Inc. d/b/a TDS Metrocom (“TDS Metrocom”) is a Stipulating Party, however, it is certified as a CLEC only in North Dakota and Minnesota.

(“PAP”) and to interconnection agreements containing the PAP, and also allow the Performance Indicator Definitions (“the PID” or “PIDs”) to take effect.

1. This submission results from collaborative work sessions among certain Competitive Local Exchange Carriers (CLECs) and Qwest. The participants identified above agreed upon a number of modifications to the PIDs and PAPs that would provide a fair resolution and be in the public interest. The Stipulating Parties’ agreement has been documented in the 2007 Stipulation attached as Exhibit 1.
2. These agreements were reached between Qwest and the CLECs in meetings between May 23, 2006, and May 17, 2007.
3. All of these changes were discussed by the participants in one or more of the sessions. Qwest provided notice of the opportunity to participate in the process as well as the issues presented for discussion to each CLEC certified in each of its fourteen states; nineteen CLECs in the region then elected to be notified of updates and meetings while six regularly participated.
4. State Commission staffs in each of the fourteen Qwest local service region states were notified that Qwest and CLECs were engaged in PID/PAP modification discussions. *2007 Stipulation*, page 1.
5. The Stipulating Parties recommend that the Stipulation be approved by the Commission and the changes implemented in each of the fourteen states in Qwest’s local region. *2007 Stipulation*, page 1.
6. The impacted PIDs is currently Exhibit B to the Statement of Generally Available Terms and Conditions (“SGAT”) while the PAP is currently found in Exhibit K of

the SGAT. A comprehensive redline of the changes to the PAP is attached as Exhibit 2. A comprehensive redline of the PIDs is attached as Exhibit 4. The Stipulating Parties have reviewed the proposed changes to both documents and agree that they appropriately delineate the agreement and appropriate administrative changes, and that the 2007 Stipulation should be approved. The “clean” versions of both documents are also attached as Exhibits 3 and 5 respectively.²

7. The Stipulating Parties believe that the 2007 Stipulation provides a fair resolution and is in the public interest. *2007 Stipulation*, page 1.
8. The Stipulating Parties seek to have the Commission approve the Stipulation and implement the described changes for both the PIDs and the PAP without a hearing. *2007 Stipulation*, page 2.
9. Each of the other Stipulating Parties, *i.e.*, Eschelon, Covad, TDS Metrocom and McLeodUSA, has authorized Qwest to file the 2007 Stipulation and jointly requests with Qwest the applicable changes be implemented in each state.
10. **Summary of Agreed Upon Changes**

The revisions include several provisions that do not apply in some states; for convenience, a summary of the portions applicable to Utah is provided below.

Agreements Applicable to all 14 States

- a. Eliminate resale DSL from PIDS and Modify PID and PAP references to Qwest DSL.
- b. Change the MR-11 PID title to “LNP Trouble Reports Cleared within

² As in past filings, Qwest submits “clean” and “red-lined” versions of both the PID and the PAP in which redlines appear on the document that is currently in effect.

Specified Timeframes.”

- c. Update the PID references to unbundled 2-wire non-loaded loop and unbundled ISDN capable loop disaggregations to reflect the retail analogue of ISDN BRI “(designed)”,.
- d. Update PO-20 to reflect it is fully implemented by making PID and PAP revisions specified in the 2007 Stipulation.
- e. Remove the PIDs specified in the 2007 Stipulation from PAP payment mechanisms to the extent they currently are included in a specific state’s PAP, subject to a Reinstatement/Removal process. Also, add a root cause analysis provision.
- f. Add exclusion to MR-6 PID that allows No Trouble Found (NTF) and Test Okay (TOK) trouble reports to be removed when the ticket’s duration is one hour or less.
- g. Change the standard for BI-3A PID to a 98% benchmark and add a provision to the PAP for the BI-3A PAP payment calculation, creating a tiered structure of per occurrence amounts and modifying the per measurement cap for the sub-measure.

Agreements Applicable to all States excluding CO:

- a. Add one allowable miss provision to the PAP for individual CLEC results when the CLEC aggregate results have met the standard.
- b. Revise the PAP to change the flat minimum payment amounts of \$300/\$600 (MN) and \$2000 (the 12 remaining states) with a tiered minimum payment approach that establishes a relationship between the monthly PAP payment and the required minimum payment amount.
- c. Remove the following list of product disaggregations from all applicable OP and MR PIDs in the 13 state PAPs:

Resale Centrex, Resale Centrex 21, Resale DS0, E911/911 Trunks, Resale Frame Relay, Resale Basic ISDN, Resale Primary ISDN, Resale PBX, Sub-loop Unbundling, UNE-P POTS, UNE-P Centrex and UNE-P Centrex 21

Agreements Applicable to MT, NE, NM, SD, UT, WA, and WY Only:

- a. Adopt the MT Tier 2 provision to modify Sections 7.3 and 9 of the PAP such that Tier 2 payments will be based on the number of performance measurements exceeding critical z-value for three consecutive months unless there have been two misses in any three consecutive months during

the past 12 months. If there have been two misses in any three consecutive months during the last 12 months, Tier 2 payments will be triggered by either two additional consecutive months' misses (for PIDs that are classified as both Tier 1 and Tier 2) or the current month's miss (for PIDs that are Tier 2 only). Modify MT Section 9 language to make it consistent with Section 7.3.

Agreements Applicable to CO, ID, MN, ND, OR, UT and WA Only:

- a. Eliminate six-month cap on Tier 1 escalation payment amounts in CO, ID, MN, ND, OR, UT and WA PAPs so that payments will continue to increase in the event the payment level indicator increases beyond payment level 6.

Information Regarding Changes Provided to CLECs in the 14 States

11. Additionally, Qwest will provide notice of the filings, including a description of the changes expected to result from the 2007 Stipulation, to all Utah CLECs in its region through the wholesale notification process within five days and additionally if required by a specific interconnection agreement.

Qwest, on behalf of itself and the Stipulating Parties, respectfully requests that the Commission approve the 2007 Stipulation describing proposed changes to the PAP and PID, apply the changes to any interconnection agreements containing the PAP, and allow the PID to go into effect no later than 60 days after this submission in accordance with 47 U.S.C. § 252(f)(3).

Respectfully submitted this 27th day of June, 2007.

Qwest Corporation

By _____
George Baker Thomson, Jr.
Senior Attorney

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the foregoing Notice of Stipulation Regarding Certain Performance Indicator Definitions And Qwest Performance Assurance Plan Provisions And Joint Motion To Approve Same On Behalf Of The Stipulating Parties was served by electronic mail on the persons on the Commission's service list for telecommunications orders on June 27, 2007.
