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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF QWEST CORPORATION'S PETITION TO OPEN A SIX-MONTH REVIEW UNDER SECTION 16.1 OF THE UTAH PERFORMANCE ASSURANCE PLAN	Docket No. 08-049-50 PETITION TO OPEN A SIX-MONTH REVIEW UNDER SECTION 16.1 OF THE UTAH PERFORMANCE ASSURANCE PLAN
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Qwest Corporation ("Qwest") hereby petitions the Commission to initiate a six-month review under Section 16.1 of the Utah Performance Assurance Plan ("QPAP" or "PAP") for the limited purpose of reviewing and approving, in the context of a six-month review, the stipulated PID ("Performance Indicator Definitions") and PAP modifications that the Commission approved in its June 30, 2008 Order ("Order") in Docket No. 07-049-31 (the "Stipulated Changes"), for the purpose of making the Stipulated Changes applicable to all CLECs that have opted into the QPAP and PIDs in Utah. A six-month review is necessary to address certain procedural issues that the Commission raised in its Order approving the Stipulated Changes.¹ Namely, the Commission stated in its Order as follows:

The changes to the PAP and PIDs will only be effective on a going forward basis. Our approval herein is not intended to alter PAP terms and conditions or PIDs in any interconnection agreement existing or entered into prior to this order. *Order*, p. 4.

¹ These procedural issues are described at length in Qwest's July 28, 2008 Petition for Review, Reconsideration or Rehearing in Docket No. 07-049-31.

The Commission's Order effectively requires Qwest to either create multiple versions of the QPAP and PIDs, or to obtain amendments to every Utah interconnection agreement that contains the QPAP.² The former approach would be unworkable because the nature and structure of the QPAP is such that it must be administered in the same manner to all CLECs to which it applies in any given state. In short, there can only be one version of the QPAP in effect at one time.

Moreover, negotiating amendments with each CLEC would not only take a significant amount of time, thereby indefinitely delaying implementation of the Stipulated Changes (which both Qwest and the stipulating CLECs have already agreed to after almost a full year of negotiations and another year of pending proceedings), but it would also undoubtedly lead to the need for multiple interconnection agreement arbitrations. This is especially so given that it is unlikely that each and every CLEC would respond to and sign such an amendment, and past history confirms that this is so.

Accordingly, the fairest and most efficient way to review, approve and implement the Stipulated Changes to the QPAP and PIDs for all CLECs in Utah is through a six-month review proceeding with the Commission in which all interested CLECs will have an opportunity to participate. The QPAP itself provides (in Section 16.1) that "any changes made at the six-month review pursuant to this section shall apply to and modify this agreement between Qwest and CLEC." In other words, the QPAP contemplates that any QPAP and PID changes approved by the Commission during a six-month review will apply to all CLECs that have included the QPAP, or intend to include the QPAP, as part of their interconnection agreements. Qwest will then be able to implement the Stipulated Changes and efficiently administer the QPAP.

² Currently, there are approximately 80 interconnection agreements in Utah that contain the QPAP.

WHEREFORE, Qwest Corporation respectfully requests that the Utah Public Service Commission grant this Petition and open a six-month review for the limited purpose of reviewing and approving the Stipulated Changes that the Commission approved in its June 30, 2008 Order in Docket No. 07-049-31 for the purpose of making the Stipulated Changes applicable to all CLECs that have opted (or will opt) into the QPAP and PIDs in Utah.

DATED this 22nd day of September, 2008

Respectfully submitted,

QWEST CORPORATION

A handwritten signature in black ink, appearing to read 'Alex M. Duarte', written over a horizontal line.

By _____

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