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Division of Public Utilities

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October 13, 2008

**TO: PUBLIC SERVICE COMMISSION**

**FROM: DIVISION OF PUBLIC UTILITIES**

Philip J. Powlick, Director  
Bill Duncan, Manager, Telecommunications  
Casey J. Coleman, Technical Consultant

**RE:** Docket No. 08-049-50, In the Matter of Qwest Corporation's Petition to Open a Six-month Review under Section 16.1 of the Utah Qwest Performance Assurance Plan

**RECOMMENDATION:**

The Division recommends that the Commission provide the opportunity for comments and schedule a technical conference.

**ISSUES:**

On September 23, 2008, Qwest Corporation ("Qwest") filed a petition with the Commission to initiate a six-month review under Section 16.1 of the Utah Qwest Performance Assurance Plan ("QPAP"), for the limited purpose of reviewing and approving, in the context of a six-month review, the stipulated PID (Performance Indicator Definitions) and QPAP modifications that the Commission approved in its June 30, 2008 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. Qwest's petition was filed in the context that the Commission's June 30th Order applied stipulated changes only on a forward-going basis,<sup>1</sup> noting

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<sup>1</sup> The Commission states in the Order: "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.

that the six-month review constitutes a QPAP-authorized method for applying changes to all interconnection agreements that adopt the QPAP. Specifically, the QPAP 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.”

The Commission should send out notice for opportunity to comment regarding the issues to be discussed in this six-month review and should also provide notice of a technical conference scheduled to take place soon after the due date for the comments. Parties filing comments should intervene and provide a list of questions that they believe should be addressed in the six-month review or regarding how they believe the Stipulated Changes should be applied in the six-month review.