

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Qwest’s Petition for Review)
and Termination of Qwest’s Performance) DOCKET NO. 09-049-60
Assurance Plan Termination pursuant to)
Section 16.3) ORDER
)

ISSUED: August 22, 2011

By The Commission:

This matter is before us on the motion of Qwest Corporation/CenturyLink (“Qwest”) to limit the scope of this proceeding to considering Tier 2 payments and to eliminate the requirement for said payments. The motion was filed June 13, 2011, and is unopposed. The Utah Division of Public Service (“Division”) at the Commission’s request has reviewed Qwest’s motion and, for reasons summarized below, recommends the Commission grant the motion and eliminate the requirement for Tier 2 payments.

By way of background, on December 15, 2009, Qwest Corporation (“Qwest”) filed a petition to terminate the Qwest Performance Assurance Plan (“QPAP”). As a result of that petition, the Commission opened Docket No. 09-049-60 to evaluate the QPAP. Over the next few months parties discussed the QPAP and potential changes, but no specific resolution was reached. With the merger of Qwest Corporation and CenturyLink, Docket No 09-049-60 was left unresolved, but certain requirements of the QPAP continued as a result of settlement commitments made by Qwest in the merger proceeding. Accordingly, Qwest no longer seeks to terminate the QPAP in its entirety. Instead Qwest now moves to amend its original petition by narrowing its scope to elimination of Tier 2 payments from the QPAP.

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The Division supports Qwest's motion to limit the scope of Docket No. 09-049-60 to consideration of Tier 2 payments. The Division also recommends the Commission take the additional step of approving Qwest's request to terminate the Tier 2 payment requirement. The Division reports it is unaware of any opposition to Qwest's initial QPAP petition. To the Division, this implies an absence of opposition to the Commission eliminating the Tier 2 payments.

In further support of its position, the Division notes Qwest has only been obligated to make Tier 2 payments once in the last eight months. The amount of the payment was only \$150.00. The Division concludes this payment history results from Qwest generally meeting the requirements outlined in the QPAP. The Division believes that continuing Tier 2 payments going forward is not necessary and recommends the Commission terminate the requirement for Tier 2 payments.

In light of the Division's report and the absence of opposition to Qwest's motion, the motion is granted to limit the scope of this proceeding to consideration of the Tier 2 payment requirement. The Commission also provisionally grants Qwest's request to terminate Tier 2 payments. If no party files comments opposing termination of Tier 2 payments within 30 days of the date of this order, the termination will become final. In the event of timely opposition, the Commission will provide further direction in a future order.

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DATED at Salt Lake City, Utah, this 22nd day of August, 2011.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
D#209345