

PERFORMANCE ASSURANCE PLAN PROCEDURAL FRAMEWORK

Philip J. Weiser, Associate Professor of Law and Telecommunications at the University of Colorado, will perform work for the Colorado Public Utilities Commission (Commission). Professor Weiser will conduct an expedited proceeding designed to develop a Performance Assurance Plan (PAP). This procedural framework outlines the nature of this process and sets out a tentative schedule.

I. Nature of the Process

This proceeding will focus on designing a PAP that will work in Colorado, not on negotiating or deciding between plans proposed by interested parties. In so doing, this proceeding seeks to develop a PAP that will: (1) guard effectively against any deficient performance by Qwest of its market opening requirements, particularly after Section 271 authority is granted; (2) be as clear and simple as possible; (3) be easy to administer by the Commission; and (4) follow any applicable federal or state requirements, particularly Section 271 of the federal Telecom Act. In developing this plan, Professor Weiser, working with Commission staff, will provide a full and fair opportunity for all interested parties to articulate any arguments, to submit relevant evidence, and to explain their positions. Through this process, Prof. Weiser and involved Commission staff will endeavor to forge a rough consensus on basic principles, to identify any lingering areas of disagreement, and to develop a model plan that will meet the goals set out above.

II. Procedural Rules and Scheduling

The PAP proceeding is an investigatory docket and will proceed under its own set of rules. All meetings that occur between interested parties, Commission staff, and Prof. Weiser will require an *ex parte* filing that outlines the substance of the matters discussed at the meeting. These meetings will take place at the Commission, and Prof. Weiser will make every effort to schedule such meetings so as to minimize conflicts.

III. Schedule

The tentative schedule is as follows:

- A. *Request for Comments* – a request for comments will be made available no later than Monday, February 12, 2001 to all interested parties and will be due on Wednesday, February 28th at 12:00 pm (noon). This request for comments will focus on a series of critical principles that will enable Prof. Weiser, in conjunction with Commission staff, to develop a proposed PAP.
- B. *Ex Parte Meetings* – beginning on Monday, March 5th through Friday, March 23rd, Prof. Weiser, along with involved Commission staff, will hold a series of meetings to discuss answers to the questions and issues relevant to the development of the PAP.

- C. *Comments on Proposed PAP* – During the week of April 2, Prof. Weiser will release a draft PAP that will outline proposed or alternate approaches for the final report. Comments on this draft proposal will be due two weeks after it is made available.

- D. *Submission of Final Report* – In early May, Prof. Weiser will issue a final report and recommendation to the Hearing Commissioner that will outline a proposed PAP. Based on this report, the Hearing Commissioner will then determine what, if any, further procedures or proceedings to undertake with respect to the proposed PAP.

Staff will assist Prof. Weiser in his work for the Commission.