

Decision No. C03-1310

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02M-259T

IN THE MATTER OF QWEST CORPORATION'S COLORADO PERFORMANCE
ASSURANCE PLAN.

DOCKET NO. 03M-078T

IN THE MATTER OF THE FILING OF QWEST CORPORATION'S STATEMENT OF
GENERALLY AVAILABLE TERMS AND CONDITIONS.

**ORDER APPROVING REPORT OF INDEPENDENT
MONITOR AND ORDERING CHANGES TO THE
COLORADO PERFORMANCE ASSURANCE PLAN**

Mailed Date: November 21, 2003
Adopted Date: November 19, 2003

I. BY THE COMMISSION

A. Statement

1. On October 3, 2003, Qwest Corporation (Qwest) filed a Notice of Compliance Filing Regarding Modified Exhibits K and B to Qwest Corporation's Statement of Generally Available Terms and Conditions (SGAT) and Motion for Approval (Notice). Attached to that Notice were updated versions of Qwest's Exhibits B and K to the SGAT. Qwest stated that the revisions include: 1) the inclusion of the measurement titled "Timely and Complete Notification of Product/Process Changes" ordered by Decision No. C03-0295; 2) modifications from the Commission's six-month review, namely by Decision Nos. C03-0733 and C03-0961; and 3) updates to Qwest's Performance Indicator Definition (PID), OP-5.

2. By Decision No. C03-1236, we accepted Qwest's proposed changes on items 1 and 2, but agreed with Staff of the Commission (Staff) that the Colorado Performance Assurance Plan (CPAP) requires the OP-5 revisions first to be approved by the Independent Monitor, and then by the Commission. Specifically, § 18.9 of the CPAP states: "If Qwest or CLEC wishes to modify a PID outside of the six-month review process the change must be approved by the Independent Monitor and then also approved by the Commission." Qwest submitted the proposed revisions for OP-5 to the Independent Monitor, Frank Lamancusa, for his approval. The Commission withheld approval on the requested modifications to OP-5 until the Independent Monitor's approval was received by the Commission.

3. On November 18, 2003, Mr. Lamancusa, the CPAP's Independent Monitor, filed his Recommendation of the Independent Monitor Concerning a Request by Qwest Corporation to Modify a Performance Indicator Definition Under the Colorado Performance Assurance Plan (Recommendation). In this Recommendation, Mr. Lamancusa states that the Commission should approve Qwest's request to modify OP-5.

4. Mr. Lamancusa does raise several procedural concerns that he highlights in his Recommendation. Specifically, Mr. Lamancusa states that Qwest's filing lacked corroborating documentation to verify that the proposed PID modifications were in fact what were agreed to during the Long Term PID Administration (LTPA) forum. He states that that problem was further exacerbated by questions surrounding the notice of the filing from Qwest and who actually received the notice. Mr. Lamancusa does state, however, that he has worked with Qwest and Staff since that filing to jointly address his notice concerns.

5. Finally, Mr. Lamancusa endorses the Commission's suggestion to modify § 18.9 of the CPAP. He agrees with the Commission that there is no need for the Independent Monitor to review uncontested matters.

6. We agree with Mr. Lamancusa's assessment of OP-5, and grant Qwest's request to include these revisions in Exhibit K to the SGAT.

7. We agree with Staff and Mr. Lamancusa's concern that Qwest should be required to include supporting information (*e.g.*, minutes or other meeting documentation) with future filings for PID changes that were discussed and either approved or contested by the LTPA. We neglected to order this support in our initial decision, but do so now.

8. The revision of OP-5 approved in this decision shall be applicable without further amendment to any CPAP incorporated into an existing Interconnection Agreement (ICA), any ICA pending before the Commission, and any ICA amendment delivered to a competitive local exchange carrier but not yet executed or submitted to the Commission for approval. This decision is consistent with past Commission actions, and will lessen the administrative burden on both Qwest and other telecommunications providers.

9. Qwest is required to file an advice letter and tariff pages to make corresponding changes to its Local Network Interconnection and Service Resale Tariff, PUC No. 22.

II. ORDER

A. The Commission Orders That:

1. The Performance Indicator Definition, OP-5, contained in Qwest Corporation's Notice of Compliance Filing Regarding Modified Exhibits K and B to Qwest Corporation's Statement of Generally Available Terms and Conditions and Motion for Approval is approved.

2. Qwest Corporation is ordered to file an advice letter and tariff pages to make corresponding changes to its Local Network Interconnection and Service Resale Tariff, PUC No. 22.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 19, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners