

Decision No. C04-0342

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 97A-540T

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IN THE MATTER OF THE APPLICATION OF U S WEST COMMUNICATIONS, INC. FOR  
SPECIFIC FORMS OF PRICE REGULATION

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DOCKET NO. 90A-665T

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THE APPLICATION OF THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH  
COMPANY DOING BUSINESS AS U S WEST COMMUNICATIONS, INC., FOR  
APPROVAL OF A FIVE YEAR PLAN FOR RATE AND SERVICE REGULATION AND FOR  
A SHARED EARNINGS PROGRAM

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**ORDER GRANTING EXTENSION OF TIME AND  
WAIVING RESPONSE TIME**

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Mailed Date: April 2, 2004  
Adopted Date: March 31, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of the Joint Motion For A Sixty-Day Extension Of Time For Qwest To Make Its 2003 Bill Credit Compliance Filing (Joint Motion) and Request for Waiver of Response Time. The Joint Motion was filed on March 25, 2004, by Qwest Corporation (Qwest), the Colorado Office of Consumer Counsel, and the Staff of the Colorado Public Utilities Commission (Parties).

2. Within the Joint Motion, the Parties state that they have engaged in discussions to examine and modify the various service quality measure contained in the Retail Service Quality Plan (RSQP). Consequently they need sixty days to reach an agreement on the modifications and then present those modifications to the Commission for approval. The Parties note that other

parties to these dockets will have the opportunity to respond to the agreement once it is submitted to the Commission for approval.

3. As justification for the waiver of response time, the Parties state that if no waiver is granted, responses to this motion would not be due until after the bill credit compliance filing is to be filed with the Commission.

### **B. Findings**

4. The RSQP was created as part of a stipulation reached in this docket.<sup>1</sup> The RSQP provides for automatic remedies for noncompliance by Qwest with specific service quality measures. Under the plan, every April 1<sup>st</sup> Qwest is to file with the Commission a calculation setting forth any bill credits resulting from its RSQP. Any resulting bill credits are scheduled to take effect on June 1<sup>st</sup> of each year. Should Qwest choose to spread the bill credits over a period of months, instead of a one-time credit, interest accrues at 10.11% from June 1<sup>st</sup> forward. As noted above, the Joint Motion states that the Parties are considering modifying various measures in the RSQP and need additional time to complete those discussions prior to Qwest making its 2003 bill credit compliance filing.

### **C. Conclusions**

5. We grant the request to waive response time to the Joint Motion. We also grant the motion for a 60 day extension of time for Qwest to submit its 2003 bill credit compliance filing. In this order we do not address the merits of the Parties' proposal to modify the service

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<sup>1</sup> The stipulation was approved in Commission Decision No. C99-0222

quality measures, nor any proposal to apply new measures retroactively to the 2003 filing.<sup>2</sup>

6. In granting this motion, the Commission makes clear that to the extent any 2003 bill credits are due to retail ratepayers under the RSQP, interest will accrue at 10.11% commencing on June 1, 2004.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Joint Motion For A Sixty Day Extension Of Time For Qwest To Make Its 2003 Bill Credit Compliance Filing filed by Qwest Corporation, the Colorado Office of Consumer Counsel, and the Staff of the Colorado Public Utilities Commission is granted.

2. Response time to the motion is waived.

3. This Order is effective on its Mailed Date.

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<sup>2</sup> Beginning on page 18, the stipulation provides that any modifications to the RSQP are limited to the changes necessary to align the service quality plan measures with the relevant changes in the Commission's existing service quality rules. It is unclear from the Joint Motion whether the Parties are attempting to change the RSQP to align those metrics with relevant changes in the Commission's existing service quality rules. Additionally, the Joint Motion implies that the parties may be contemplating that any change to the RSQP be retroactively applied to the 2003 bill credit calculation. We assume that any proposal by the Parties regarding changes to the service quality measures now contained in RSQP will address these issues.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
March 31, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners