

Decision No. C04-0880

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

DOCKET NO. 03M-078T

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

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DOCKET NO. 02M-259T

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

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**ORDER ON NOTICE OF MODIFICATION**

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Mailed Date: August 2, 2004

Adopted Date: July 20, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. On June 16, 2004, Qwest Corporation (Qwest) filed a Notice of Modification to Exhibits B and K to the Ninth Revised Statement of Generally Available Terms and Conditions (SGAT) and Motion for Approval. On June 22, 2004, Qwest filed an errata to its Notice that made some corrections to the "clean" version of Exhibit K attached to the Notice.

2. In this Notice filing, Qwest proposes to make several changes to both Exhibit B, the 14-State 271 Performance Indicator Definitions (PIDs), and Exhibit K, the Colorado Performance Assurance Plan (CPAP). Qwest states that it proposes to make these changes for three reasons. Part One of the Notice filing includes changes made to Exhibit B and Appendices A and/or B to Exhibit K. These changes resulted from work performed during the Long Term PID Administration (LTPA) sessions where participants agreed upon a number of modifications

to the PIDs. Part Two of the filing reviews changes to Exhibit B that Qwest filed in February of 2004 in Docket No. 03M-078T, which the Commission approved by Decision No. C04-0250. Qwest is now filing changes to Appendix A and/or B to reflect the changes to Exhibit B to the extent a change is required. Part Three of the filing reviews revisions to the CPAP to correct typographical and clerical errors.

3. Part One of the filing contains new product reporting and/or standards for line sharing, DS-1 capable loops, line splitting, and enhanced extended loops (EELs). Part One also contains a new hyperlink for terms for definition and clarification of certain language that increases clarity, accuracy, or completeness of certain PIDs, but does not change the meaning. Also in this Part, Qwest proposes to revise MR-7, Repair Repeat Report Rate, to more closely tie a repeated trouble report with the initial trouble report, to adopt revised language for PO-1 and PO-19 from the Arizona PID version, and to delete PO-10, Local Service Request Accountability. Qwest would like to delete PO-10 from the CPAP as well.

4. Part Two of the filing corrects typographical errors, updates certain information, and makes certain terms and phrases consistent throughout the CPAP.

5. Part Three of the filing corrects more typographical errors including the change to the EEL Stipulation that was approved in Decision No. C04-0859, updates the benchmarks for PO-2, corrects hyperlinks in Attachment 1 to Appendix B, and makes other changes.

6. On July 9, 2004, Eschelon Telecom, Inc. (Eschelon), and MCImetro Access Transmission Services LLC (MCImetro) (collectively CLECs) filed a joint objection to Qwest's Notice of Modification. In this objection, the CLECs state that Qwest failed to file all agreements reached in the LTPA. Specifically, the CLECs assert that Qwest has not filed an agreement reached with respect to reporting the product UNE-P Centrex 21 in the PID PO-2.

Additionally, the parties agreed that UNE-P Centrex 21 would be reported together with the UNE-P POTS data Qwest already reports. MCImetro and Eschelon state that Qwest has failed to revise Exhibit B to reflect this change as it has in other states. The CLECs contend that, because Qwest has agreed to report this performance starting with its July 2004 performance reports, the Commission should require Qwest to immediately file a revised Exhibit B to the SGAT that includes UNE-P Centrex 21 in PO-2.

7. MCImetro and Eschelon also argue that the Commission should reject certain Qwest changes to the CPAP that Qwest made unilaterally in violation of CPAP section 18.9. Section 18.9 states that, "If Qwest or CLEC wishes to modify a PID outside of the six-month review process..., and if that change is contested, the change must be approved by the Independent Monitor and then also approved by the Commission. If the modification is uncontested, then only approval by the Commission is necessary." The CLECs state that the changes that Qwest made to the CPAP to maintain the status quo should not have been made. Rather, the CLECs contend that Qwest should have changed the CPAP to reflect the agreements reached in the LTPA as Qwest did in Exhibit B. The CLECs contend that Qwest did not discuss the CPAP changes in the LTPA, and certainly the CLECs did not agree to those changes.

8. The CLECs go on to state that Qwest understands the process when it serves its own purpose. For example, by Qwest making no CPAP change to MR-7, Qwest is allowing the reporting change in Exhibit B to become part of the CPAP as well. Therefore, the CLECs assert, Qwest should be required to file an Appendix B to the CPAP without the redlined changes to the standards for DS-1 capable loops in OP-4, to achieve the agreed to 5.5 day standard, and line sharing and line splitting in OP-6 at parity with Qwest's retail DSL.

9. The CLECs state that they do not have a problem with Qwest's proposed changes in Part Three of its filing. They make no comment on the proposed changes in Part Two.

10. Qwest filed a response to the CLEC opposition on July 13, 2004. In this response, Qwest states that the CLECs misunderstand the design and operation of the CPAP. Qwest asserts that, by its terms, the CPAP dictates that no changes will be made to the CPAP without the express permission of the Commission. Qwest complied with these terms by changing language to maintain the status quo for measure changes in Exhibit B because these changes cannot be permitted to impact the calculation of payments under the CPAP without Commission approval.

11. Qwest states that it also sought to make changes to the CPAP that Qwest believed would be uncontested, namely the change to the method of reporting MR-7. Changes to a calculation method are difficult to administer on a state-specific basis, so Qwest contends that it requests simultaneous changes to the CPAP when methodology changes are made to a PID. Qwest agrees, however, to modify the CPAP to incorporate the old MR-7 and include the new MR-7 only in Exhibit B.

12. Qwest states that the Commission should reject the CLECs' request that the CPAP standards for OP-4 and OP-6 be changed. Qwest asserts that, since OP-4, OP-6, and MR-7 are contested, they should be brought back for decision at a six-month review.

13. As for PO-2, Qwest states that it has every intention of including the changes mentioned in the CLEC filing. Qwest plans to modify Exhibit B in Colorado when it also incorporates ordered changes to PO-20 shortly after the rehearing, reargument, or reconsideration period ends on July 23, 2004.

14. We agree with Qwest's assessment of the way the CPAP is supposed to work with respect to the LTPA and Exhibit B. The LTPA was not designed to discuss Colorado specific

CPAP issues or how the CPAP should be changed. The LTPA is to discuss and work to consensus region-wide Exhibit B issues that may or may not be ultimately included in the CPAP. We approve all of Qwest's changes proposed in Part Two and Part Three of its Notice filing. As for the Part One proposed changes, we approve all changes, but note that the issues of line sharing, DS-1 capable loops and line splitting standards and reporting are also issues in the third six-month review. We allow Qwest to maintain the status quo as proposed in the CPAP for these products while waiting for the outcome of the third six-month review proceeding.

15. This decision includes our approval of the proposed change to Exhibit B for the reporting of MR-7 and no change to Exhibit K. We read the CLEC opposition to reflect a concern with the manner by which Qwest made changes in its filing, not in opposition to the MR-7 change itself. Even though Qwest stated in its response to the opposition that it will incorporate the old MR-7 back into the CPAP, we allow the new change.

16. As for the inclusion of UNE-P Centrex 21 in PO-2 in Exhibit B, we find Qwest's response acceptable. We expect Qwest to make the change with its next SGAT filing. However, Qwest does not address whether it will incorporate UNE-P Centrex 21 or line sharing in PO-2 in the CPAP. We will address this issue in our decision on the third six-month review.

## **II. ORDER**

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

1. Qwest Corporation's Notice of Modification to Exhibits B and K to the Ninth Revised Statement of Generally Available Terms and Conditions and Motion for Approval is approved consistent with the above discussion.

2. All existing interconnection agreements that currently contain Exhibit B and/or Exhibit K are deemed modified in accordance with the updated Exhibits B and K without need for further filings.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
July 20, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER CARL MILLER  
NOT PARTICIPATING.