

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.

ORDER ON THE THIRD SIX-MONTH REVIEW

Mailed Date: August 12, 2004

Adopted Date: July 20, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of Staff of the Commission's Third Six-Month Review Report of Qwest Corporation's (Qwest's) Colorado Performance Assurance Plan (CPAP or Plan) filed on June 4, 2004, and served on the parties June 7, 2004. Sections 18.2 through 18.6 of the CPAP require the Plan to be reviewed every six months. Section 18.6 specifically states that "[T]he review process shall focus on refining, shifting the relative weighing of, deleting, and adding new Performance Indicator Definitions (PIDs)..."

2. In Staff's Report, Staff reviewed approximately 15 months of performance data that began February of 2003 and 14 months of payment data that began March of 2003. Staff states that during those 14 months of payments, Qwest has made payments to Competitive Local Exchange Carriers¹ (CLECs) of approximately \$1.26 million and to the Special Fund of approximately \$1.16 million.

¹ Staff's Report indicates that to-date 66 CLECs have opted-in to the CPAP.

3. The Staff Report identifies 12 issues before us for decision. Staff provides background and recommendations on all 12 issues.

4. On June 21, 2004, we received comments on Staff's Report from Eschelon Telecom, Inc., DIECA Communications, Inc., doing business as Covad Communications Company, and MCI, Inc., on behalf of its regulated subsidiaries, and Qwest. These comments generally responded to Staff's recommendations and agreed, disagreed, or asked for clarification.

5. Section 18.5 of the CPAP states that "[T]he Commission shall conduct a proceeding to resolve any disputed issues." Qwest, in its response, requests a hearing be held on the following issues on which it does not agree with Staff's recommendation:

- a) Change DS1 capable loop standards from parity with retail DS1 private line to benchmark of 5.5 days for OP-4.
- b) Add line splitting as a separate product category to all measures where line sharing is currently included (PO-5, OP-3,4,5, and 6, MR-3,6,7 and 8).
- c) Add loop splitting as a separate product category to all measures where line sharing is currently included (PO-5, OP-3,4,5, and 6, MR-3,6,7 and 8).
- d) Set a standards for line sharing and line splitting to replace the current diagnostic standard for OP-6.
- e) Set standards for line splitting and loop splitting product categories for PO-5, OP-3,4,5, and 6, MR-3,6,7 and 8.
- f) Add xDSL-I capable loops product reporting to existing measures OP-3,4,5, and 6, and MR-3,5,6,7,8 and 10.
- g) Eliminate payment requirements for PO-2.
- h) Include UNE-P Centrex 21 and line sharing as new product disaggregations for PO-2.
- i) Remove line sharing as a product category from all measures.

6. We note that the above nine issues concern only potential changes to the CPAP. Corresponding changes to Exhibit B to the Statement of Generally Available Terms and

Conditions were dealt with in Decision No. C04-0880. We set the above matters for hearing before an Administrative Law Judge so that the parties' arguments can be fully heard and a recommended decision can be issued.

7. Two other issues remain from Staff's Report. Staff makes a recommendation on the removal of Performance Indicator Definition (PID) PO-10 from the CPAP. PO-10 measures Local Service Request (LSR) Accountability or the number of LSRs received via IMA-GUI and IMA-EDI that Qwest has issued or accounted for in specific status categories as a percentage of all LSRs received in the reporting period. The CPAP has a 99 percent standard for this PID. Staff states that Qwest's performance for the past 12 months has been at 100 percent. Further, Staff reports that the CLECs agreed to delete this PID as long as Qwest retains that ability to recode and resume capturing the data if the need arises. Staff recommends that the Commission allow the removal of this PID from the CPAP.

8. The CLECs and Qwest do not address PO-10 in their Responses to Staff's report. We allow the removal of PO-10 from the CPAP. Qwest has shown that it can consistently meet and even exceed the standard for this measure.

9. Consistent with § 18.6.1 of the CPAP, Staff states that any PID that triggers escalation payments for six months or more must be reviewed at the next six-month review. OP-4A for line sharing/line splitting has fallen into this category for this third six-month review. OP-4A reports dispatches within a metropolitan statistical area and currently has a standard of 3.3 days.² Staff recommends that this submeasure be referred to the Independent Monitor to order Qwest to perform a root cause analysis.

² This standard is currently under review in a separate proceeding before the Commission.

10. We agree with Staff's recommendation. The Independent Monitor should order Qwest to analyze OP-4A for line sharing/line splitting. He should then review the analysis, allow for comments on the analysis, and make a recommendation to the Commission on how to proceed.

11. The final issue to address is the inclusion of a new billing measure, BI-5. BI-5 evaluates the promptness with which Qwest acknowledges and resolves CLEC billing adjustment claims processed in the Service Delivery Center. Staff acknowledges that parties are still meeting on this PID both through the Long Term PID Administration forum as well as the Change Management Process. Staff states because of these on-going meetings it is premature to add BI-5 to the CPAP at this time. We agree with Staff's recommendation not to add BI-5 at this six-month review. If the parties reach consensus on the PID before the next six-month review, any party can file that PID for inclusion in the CPAP. If it is determined that consensus cannot be reached, any party may file for Commission resolution of the matter.

II. ORDER

A. The Commission Orders That:

1. Nine issues from the Staff of the Commission's Third Six-Month Review are set for hearing before an Administrative Law Judge consistent with the above discussion.

2. Qwest Corporation is ordered to delete Performance Indicator Definition PO-10 from the Colorado Performance Assurance Plan.

3. The Independent Monitor shall order Qwest Corporation to perform a root cause analysis on OP-4A for product category line sharing/line splitting.

4. 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

Commissioners

COMMISSIONER CARL MILLER
NOT PARTICIPATING.