

Decision No. C04-1546

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03M-078T

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

DOCKET NO. 02M-259T

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

ORDER APPROVING NOTICE OF MODIFICATION

Mailed Date: January 4, 2005
Adopted Date: December 21, 2004

I. BY THE COMMISSION

A. Statement

1. On November 24, 2004, Qwest Corporation (Qwest) filed a Notice of Modification to Exhibit K, the Colorado Performance Assurance Plan (CPAP), and Exhibit B, the 14-state Performance Indicator Definitions (PIDs) of the Ninth Revised Statement of Generally Available Terms and Conditions and Motion for Approval.

2. In this Notice filing, Qwest proposes to make several changes to Exhibits B and K based on an agreement reached in Arizona. Qwest states that the Parties of Arizona Docket No. T-01051B-03-0859 settled certain matters in a six-month review of the performance plan in that state. Specifically, the matters settled in Arizona are: the application of a 96.5 percent benchmark standard to all but three product categories reported under OP-5B; and low volume treatment for calculation of the OP-5B standard such that when the competitive local exchange

carrier volume of orders is less than or equal to 29, and the number of orders with trouble in OP-5A is no more than one, then a standard of no more than one order with new service trouble applies.

3. In addition to these changes from the Arizona stipulation, Qwest also proposes changes made in compliance with the Commission's Decision No. R04-1011 to make changes to the language in the CPAP concerning line sharing and line splitting. On November 30, 2004, Qwest filed an Erratum that included additional language ordered by the Commission that was inadvertently not included in the November 24, 2004 filing.

4. Finally, Qwest states that due to administrative ease, it includes the changes that it proposed with its November 12, 2004 Notice of Modification from a Washington Stipulation as if the Commission had approved those changes prior to this current filing.

5. No comments were received on this filing.

6. The standard for line splitting and loop splitting for OP-5, and other PIDs, is currently before Administrative Law Judge (ALJ) Jennings-Fader in Docket No. 04M-424T. However, as listed in Exhibit B, there are many other product categories under OP-5B besides line and loop splitting for which Qwest and the parties have agreed to the 96.5 percent standard. The signatories to the Arizona stipulation are the same parties, with the exception of Staff of the Commission (Staff), as in our Docket No. 04M-424T. We assume that if Staff had any concerns with these changes, they would have filed comments for our review. Consequently, we approve the changes to OP-5B, including both the standard of 96.5 percent as well as the low volume treatment. We direct Qwest to make a filing in Docket No. 04M-424T informing the ALJ about the changes now approved for OP-5B including the new language from Exhibits B and K.

7. We find that the changes made in the language for line sharing and line splitting comply with the language order in Decision No. R04-1011 and therefore approve those changes as well.

8. As for the changes made as a result of the Notice filed on November 12, 2004, we note that in Decision No. C04-1483 effective December 15, 2004, we rejected the changes proposed. Therefore, those changes should not be included until the outcome of Docket No. 04M-424T is final.

II. ORDER

A. The Commission Orders That:

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

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

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 21, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners