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Attorney for the Commission Staff

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF QWEST CORPORA- )**  
**TION'S REVISIONS TO THE IDAHO QWEST )** **CASE NO. QWE-T-03-23**  
**PERFORMANCE ASSURANCE PLAN (QPAP) )**  
**)** **COMMENTS OF THE**  
**)** **COMMISSION STAFF**  
**)**

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**COMES NOW** the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Weldon B. Stutzman, Deputy Attorney General, in response to the Notice of Application and Notice of Modified Procedure in Case No. QWE-T-03-23 issued in Order No. 30394 on July 27, 2007 and Order No. 30416 issued on August 29, 2008, submits the following comments.

**BACKGROUND**

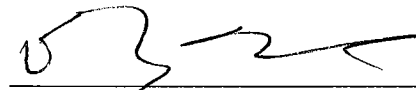
On June 26, 2007, Qwest filed a Notice of Stipulation regarding certain performance indicator definitions (PIDs) and Qwest's Performance Assurance Plan (QPAP) provisions. The QPAP was developed in a regional workshop process during 2001-02 in which Qwest, numerous competitive local exchange carriers (CLECs), and nine state commissions, including Idaho, participated. The PIDs comprise Exhibit B of Qwest's *Statement of Generally Available Terms and Conditions* (SGAT). The QPAP is Exhibit K of the SGAT.

The QPAP includes incentives to ensure Qwest provides service to its competitors at parity with the service it provides to itself and to ensure Qwest's local service market continues to remain open to competitive carriers. The QPAP requires Qwest to comply with agreed-upon performance standards (PIDs) related to the wholesale service Qwest provides to CLECs. Like the QPAP, the PIDs were developed in a multi-state collaborative process. Under the terms of the QPAP, Qwest's failure to comply with the PIDs results in automatic payments from Qwest to affected CLECs (Tier 1 payments) and, in certain instances, to the state special QPAP account (Tier 2 payments).

Qwest filed its Stipulation and motion in all 14 states where Qwest is the incumbent local exchange company and it is currently being discussed by the Regional Oversight Committee (ROC) staff. Qwest agreed to an extension of time, until September 28, 2007, for Staff to review the particular PID/QPAP changes and file comments. The ROC staff has not completed its review, however, and in addition Qwest on June 29, 2007 filed an Amended Stipulation and Motion to replace the initial pleading. Accordingly, Staff will not be able to complete its review and file comments by September 28, 2007.

Qwest through its counsel informed Staff that the Company has no objection to allowing Staff until October 19, 2007 to complete its review and file supplemental comments regarding Qwest's Stipulation and Motion. Accordingly, Staff recommends the Commission take no action on the Stipulation and Motion until Staff is able to review the filing with the ROC staff to ensure the proposed changes to the PIDs and QPAP are compatible with the objectives of the SGAT. Staff will file supplemental comments on or before October 19, 2007 apprising the Commission of the results of the ROC staff review, as well as the effects of the proposed changes on CLECs in Idaho.

Respectfully submitted this 28<sup>th</sup> day of September 2007.



Weldon B. Stutzman  
Deputy Attorney General

Technical Staff: Carolee Hall

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 28<sup>th</sup> DAY OF SEPTEMBER 2007, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. QWE-T-03-23, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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