

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
JOE CUSICK
WELDON STUTZMAN
WORKING FILE

FROM: CAROLEE HALL

DATE: NOVEMBER 7, 2003

RE: QWEST'S REQUEST TO OPEN TWO NEW DOCKETS IN RESPONSE TO REVISED EXHIBIT K IN THE STATEMENT OF GENERALLY AVAILABLE TERMS AND CONDITIONS (SGAT) CASE NO. QWE-T-03-24; AND QWEST'S PERFORMANCE ASSURANCE PLAN (QPAP); CASE NO. QWE-T-03-23.

On October 31, 2003, Qwest filed two applications asking the Commission to open two dockets for anticipated revisions to its Statement of Generally Available Terms and Conditions (SGAT) and Qwest's Performance Assurance Plan (QPAP). The filings were prompted by changes to the OP-5 performance indicator in the QPAP. Because the QPAP is also Exhibit K to Qwest's SGAT, a change to the QPAP necessitates in a change in Qwest's SGAT.

QWE-T-03-24 QPAP

As part of Qwest's Section 271 case the Company developed a QPAP to provide assurance that it will continue to meet its access and interconnection requirements following the grant of interLATA long distance relief by the FCC.

On March 15, 2003, following the Section 271 approval by the FCC, this Commission issued a decision approving revised QPAP language and also closing the case. Because the QPAP will continue to change, a docket should remain open for future revisions and modifications.

QWE-T-03-24 SGAT

On June 10, 2000, Qwest (formerly US WEST) filed its Statement of Generally Available Terms and Conditions (SGAT). Pursuant to the 1996 Federal Telecommunications Act, 47 U.S.C. § 252 (f)(3), the Commission allowed the SGAT to go into effect without approval after 60 days. The matter was given docket number USW-T-00-15. Over the years, the SGAT has seen several revisions, all of which were allowed to go into effect without Commission approval. Case No. USW-T-00-15 remains open, but Qwest asks that a new docket be opened to accommodate future SGAT revisions. Qwest has requested that the Commission close Case No. USW-T-00-15 and open Case No. QWE-T-03-24 for the OP-5 indicator revision and future SGAT revisions.

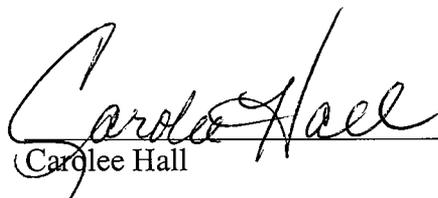
These filings reflect the need for two separate, yet current, dockets to be opened. Qwest is making revisions to its Exhibit K, which modifies the QPAP and reflects changes stemming from the Long Term PID Administration in August of this year. The Company proposes that this QPAP modification to Exhibit K, Attachment 1, reflect the change from OP-5 to OP-5A. The Company further proposes that the new OP-5A measurement become effective beginning January 2004 using November 2003 data. This modification also affects the SGAT, which has already been presented to the Commission through Advice No. SGAT-03-2 dated October 2, 2003. This change reflects changes agreed to between the Company and its wholesale customers.

STAFF RECOMMENDATION

Staff recommends that the Commission open the dockets requested by Qwest, issue a joint Notice of Application, and process the modification to the OP-5 performance indicator by Modified Procedure.

COMMISSION DECISION

Does the Commission agree?


Carolee Hall

u/chall/decision memo/QWE-T-03-23 and 24 new cases