

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER REDFORD  
COMMISSIONER SMITH  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL**

**FROM: WELDON STUTZMAN  
DEPUTY ATTORNEY GENERAL**

**DATE: AUGUST 6, 2013**

**SUBJECT: QWEST CORPORATION DBA CENTURYLINK QC'S PETITION TO  
APPROVE REPLACING THE PERFORMANCE ASSURANCE PLAN,  
CASE NO. QWE-T-13-05**

On July 31, 2013, Qwest Corporation dba CenturyLink QC (CenturyLink QC) filed a Petition requesting the Commission approve replacement of the Company's Idaho Quality Performance Assurance Plan (Plan or QPAP) with a revised QPAP. The new Plan results from a settlement agreement between CenturyLink QC and various competitive local exchange carriers (CLECs) that participated in a Plan review before the Colorado Public Utilities Commission.

Under the federal Telecommunications of 1996 (1996 Act) CenturyLink is a Bell Operating Company (BOC) as defined in 47 U.S.C. § 153(35) and also operates as an "incumbent local exchange carrier" (ILEC) as defined in section 251(h) of the 1996 Act 47 U.S.C. § 251(h). Pursuant to the 1996 Act, CenturyLink is required to enter into interconnection agreements with other providers of telecommunications services who request access to its network, facilities or services. See 47 U.S.C. §§ 251-252. Petition, p. 2.

The 1996 Act also provided a means by which BOCs could gain entry into in-region interLATA services markets from which they had been legally precluded, commonly referred to as "the 271 process." See 47 U.S.C. § 271. The focus of the 271 process was on assuring that the local exchange marketplace was open for wireline competition, that the market would remain open and that nondiscriminatory service quality would be maintained once the BOCs received 271 approval and re-entered the interLATA service markets. Petition, pp. 2-3.

In seeking FCC approval under Section 271, CenturyLink worked with interested parties to develop performance measures known as Performance Indicator Definitions (PIDs), and put into place a QPAP that applied specific standards to the performance data to assure compliance with Section 271 interconnection requirements. The PIDs and the QPAP became exhibits to the interconnection agreements that CenturyLink offers to CLECs (specifically, Exhibits B and K, respectively). Petition, p. 3.

On May 2, 2008, CenturyLink filed a petition with the Commission seeking to withdraw its Statement of Generally Available Terms (SGAT) and eliminate its QPAP and PIDs. The Commission granted Qwest's request to withdraw its SGAT by Order No. 30750 entered March 17, 2009, but left open Qwest's request to withdraw its Plan. On July 30, 2010, Qwest filed an amended petition proposing adoption of a new performance plan (QPAP II) in lieu of withdrawing the existing QPAP. As that docket progressed, the Commission approved some changes agreed to by the parties, but the issue of replacement of the existing QPAP with QPAPII remained undecided. On July 1, 2011, a joint request of CenturyLink and a group of participating CLECs collectively referred to as "Integra" asked that the Commission take no further action in the docket "until at least eighteen months after the Closing Date of the Qwest/CenturyLink merger." The merger officially closed April 1, 2011. Petition, pp. 3-4.

CenturyLink filed a similar proceeding before the Colorado Public Utilities Commission (CPUC). The CPUC in 2009 issued Decision No. C09-0747 that began a six-year review of the Colorado PAP (CPAP). In the review process, the CPUC gave specific directions regarding some CPAP issues and general directions on other issues, and directed the parties to negotiate a new CPAP that complied with those directions. The parties in the Colorado CPUC case ultimately agreed upon a Settlement Agreement and a redesigned CPAP. An integral provision of that Settlement Agreement was that CenturyLink would petition the other 13 states in which the QPAP operates seeking the adoption of the redesigned QPAP in place of the QPAPs currently in effect in the respective states. Petition, p. 4.

CenturyLink's Petition, which offers a redesign of the current Idaho QPAP, is based on the Colorado CPAP review and the redesign that was adopted in that jurisdiction and supported by the CLECs engaged in that docket. Petition, p. 5. CenturyLink provides the redesigned Idaho QPAP and PIDs as Attachments 1 and 2 to its Petition. Attachment 1 consists of the redesigned QPAP which constitutes a new Exhibit K for interconnection agreements;

Attachment 2 consists of the new PIDs that constitute Exhibit B for interconnection agreements. Attachment 3 provides a comprehensive description of changes that the proposed, redesigned QPAP and PIDs would make to the existing Idaho QPAP and PIDs.

CenturyLink requests that the redesigned QPAP (Attachment 1) and the revised PIDs (Attachment 2) become effective on January 1, 2014. CenturyLink further requests that the Commission deem all existing interconnection agreements that currently contain the QPAP be modified to incorporate these revisions, also effective January 1, 2014, without need for further filings or approvals. Petition, p. 5.

CenturyLink believes that the public interest may not require a formal hearing in this matter and requested that review of this Petition proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201-204.

Staff recommends the Commission issue a Notice of Petition and Notice of Modified Procedure, providing a 30-day comment period for interested parties to file written comments, followed by a 14-day period to file reply comments.

#### **COMMISSION DECISION**

Should the Commission issue a Notice of Petition and Notice of Modified Procedure, providing a 30-day comment period for interested parties to file written comments, followed by a 14-day period to file reply comments?



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Weldon B. Stutzman  
Deputy Attorney General

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