

**MARILYN FOSS**

- Attorney at Law -

Post Office Box 2216

Bismarck, ND 58502-2216

Phone: 701-355-4538

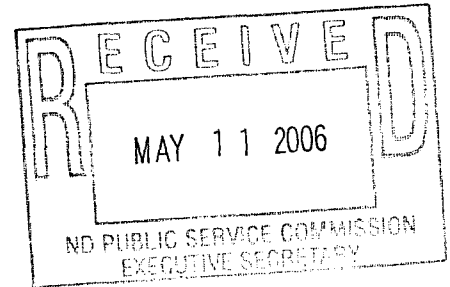
Fax: 701-355-4539

Email: foss@btinet.net

Cell: 701-471-3045

May 10, 2006

Illona Jeffcoat-Sacco  
Executive Secretary  
North Dakota Public Service Commission  
State Capitol, Dept. 480  
Bismarck, ND 58505-0480



RE: Public Service Commission Qwest Performance Assurance Plan Investigation  
Case No. pu-06-58

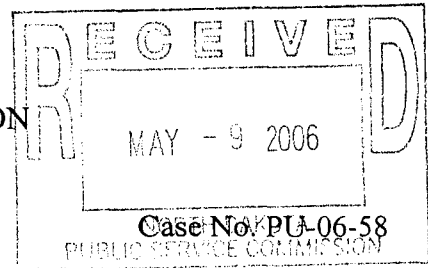
Dear Ms. Jeffcoat-Sacco:

Enclosed for filing in the caption matter is the certificate of service for the Petition to Intervene and comments of Verizon Business on the 6-month Performance Assurance Plan Review. The original petition was filed on May 9.

Sincerely Yours,

*Marilyn Foss*  
Marilyn Foss

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION



Public Service Commission  
Qwest Performance Assurance Plan  
Investigation

**PETITION TO INTERVENE AND COMMENTS OF VERIZON BUSINESS ON  
THE 6-MONTH PERFORMANCE ASSURANCE PLAN REVIEW**

MCImetro Access Transmission Services LLC dba Verizon Access Transmission Services ("Verizon Business")<sup>1</sup> is a telecommunications company that currently has an interconnection agreement with Qwest Corporation ("Qwest"). As part of its interconnection agreement with Qwest, Verizon Business is governed by Qwest's Performance Assurance Plan ("QPAP"). The QPAP provides for self-executing payments to Verizon Business for certain wholesale services provided by Qwest if Qwest does not provide the relevant interconnection services to Verizon Business at certain standards. Accordingly, Verizon Business is interested in and substantially affected by the outcome of this proceeding. Thus, Verizon Business petitions to intervene in this proceeding.

**COMMENTS**

In its Notice of 6-Month Review, Notice of Opportunity for Comment, and Notice of Opportunity for Hearing, dated February 22, 2006, the Commission specifically requested that interested parties provide comments concerning the 6-Month Performance Assurance Plan ("PAP") Review and whether there was a need for a hearing. In response

---

<sup>1</sup> MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services is a competitive local exchange carrier that is eligible for payments from Qwest's North Dakota Performance Assurance Plan and a subsidiary of MCI, LLC. MCI, LLC was formerly known as MCI, Inc. prior to its merger with Verizon Communications Inc.

to that request, Verizon Business submits the following comments supporting the Settlement of Disputed Issues filed on September 22, 2005, and subsequently modified on October 25, 2005 in an errata filing (collectively, the "Settlement of Disputed Issues" or the "Settlement"). Verizon Business respectfully requests that the Commission approve and adopt the Settlement of Disputed Issues, without holding a hearing. A hearing is unnecessary given the comprehensive nature of the Settlement.

**The Settlement of Disputed Issues Filed Should Be Adopted.**

On September 22, 2005 and October 25, 2005, Qwest, Verizon Business, Dieca Communications d/b/a Covad Communications Company ("Covad"), and AT&T Communications of the Midwest, Inc. (now "AT&T"), (collectively the "Stipulating Parties") filed the Settlement of Disputed Issues for adoption by the Commission. This Settlement of Disputed Issues superseded two previously filed stipulations resulting from PAP reviews in two other states that applied to the North Dakota QPAP: the Washington Stipulation filed on September 15, 2004, and the Arizona Stipulation filed on November 30, 2004, (collectively the Washington and Arizona Stipulations").

The Settlement of Disputed Issues incorporates the terms contained in the Washington and Arizona Stipulations into the North Dakota QPAP. Verizon Business requests the Commission approve and adopt the Settlement of Disputed Issues. In light of the settlement of all relevant issues that might be addressed in the Qwest 6-Month PAP Review in the Settlement of Disputed Issues, a hearing for the 6-month PAP review is unnecessary.

Accordingly, Verizon Business requests that its petition to intervene be granted and that its comments be considered by the Commission to support approval and

adoption of the Settlement of Disputed Issues filed September 22, 2005, as modified on October 25, 2005, without a hearing.

Dated: May 9, 2006

*Marilyn Foss*

Marilyn Foss. ND ID. No. 03474

P.O. Box 2216

Bismarck, N.D. 58502-2216

701-355-4538

701-355-4539 (fax)

[foss@btinet.net](mailto:foss@btinet.net)

And

Thomas F. Dixon

c/o Verizon Business

707 -17th Street, #4200

Denver, Colorado 80202

303-390-6206

303-390-6333 (fax)

[thomas.f.dixon@verizon.com](mailto:thomas.f.dixon@verizon.com)

Attorneys for MCI metro Access

Transmission Services LLC dba

Verizon Access Transmission Services

Certificate of Service

Marilyn Foss certifies that she served a copy of the attached PETITION TO INTERVENE AND COMMENTS OF VERIZON BUSINESS ON THE 6-MONTH PERFORMANCE ASSURANCE PLAN REVIEW on the 10<sup>th</sup> day of May, 2006, via first class US Mail addressed as follows:

Jason Topp  
Qwest Communication Services Corporation  
200 S5th St. 395  
Minneapolis, MN 55402

*Marilyn Foss*

---

Marilyn Foss, ND ID No. 03474  
P.O. Box 2216  
Bismarck, ND 58502-2216  
701-355-4538 (Phone)  
701-355-4539 (Fax)  
foss@btinet.net