

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Qwest Performance Assurance Plan  
Investigation**

**Case No. PU-06-58**

**NOTICE OF OPPORTUNITY FOR COMMENT  
AND NOTICE OF OPPORTUNITY FOR HEARING**

**July 26, 2006**

For telecommunications companies that currently have or intend to have an interconnection agreement(s) with Qwest Corporation (Qwest), Qwest offers its Statement of Generally Available Terms and Conditions for terms, conditions, and prices for interconnection, unbundled network elements, ancillary services, and resale services. As part of an interconnection agreement, competitive local exchange companies (CLECs) also have the option of a Performance Assurance Plan (PAP). The PAP provides for self-executing payments to CLECs if Qwest does not provide interconnection services to the CLEC at parity to the service it provides to its own retail customers, or if Qwest fails to meet certain service benchmarks.

PAP section 16.1 provides for a review of the PAP every six months. Participants of the review include Qwest, CLECs, and the Commission.

The purpose of the review is to determine whether performance measurements should be added to, deleted from, or modified in the PAP; whether the applicable benchmark standards should be modified or replaced by parity standards; and whether to move a classification of a measurement to High, Medium, or Low or Tier 1 to Tier 2.

On February 22, 2006 the Commission issued a Notice of 6-month Review, Notice of Opportunity for Comment, and Notice of Opportunity for Hearing indicating that proposed revisions to performance measurements that have been filed in Case Nos. PU-04-500, PU-04-632, PU-05-583 and proposed revisions to the PAP have been filed in Case Nos. PU-04-501, PU-04-631, and PU-05-584 would be included in the 6-month review.

On May 9, 2006 MCImetro Access Transmission Services LLC (MCImetro) filed a Petition to Intervene and filed comments in the proceeding. MCImetro's comments supported approval and adoption of the revisions to performance measurements and revisions to the PAP subject to this proceeding. On May 24, 2006 the Commission granted the petition of MCImetro to intervene.

On July 27, 2005 the Commission opened a proceeding to join in a multi-state audit of Qwest's PAP, Case No. PU-05-399. The multi-state audit was organized by the Qwest Regional Oversight Committee (ROC). The Liberty Consulting Group (Liberty) was chosen to audit Qwest's wholesale performance remedy payments and the results

of certain Qwest wholesale performance measures for the year 2004 for 13 states in the region served by Qwest. Liberty was directed to verify the accuracy of 2004 Qwest PAP payments to CLECs and the states participating in the audit, and verify the performance results for selected measures. The Commission has received a copy of Liberty's October 28, 2005 final report. The report lists 21 findings for North Dakota that may have affected Qwest's reported performance results or payments under the PAP.

The Commission intends to incorporate by reference Case No. PU-05-399 into this proceeding and now issues a Notice of Opportunity for Comment and Notice of Opportunity for Hearing concerning the findings of the Liberty audit. Comments, requests for hearing, and requests for intervention must be filed by August 31, 2006.

Comments should address the following issues:

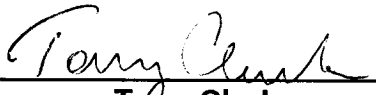
1. Whether there exists an omission or failure of existing performance measures to capture intended performance.
2. Whether there is duplication of another performance measurement.
3. Whether such omission, failure, or duplication of a performance measure justifies the addition, modification, or removal of a performance measure.
4. Whether any benchmark standards should be modified or replaced by parity standards.
5. Whether the actual volume of data points have been less or greater than anticipated and, if so, whether there is justification for the reclassification of a performance measurement.

Any disputes regarding adding, deleting, or modifying performance measurements shall be resolved by the Commission. Any changes at the 6-month review under PAP section 16.1 shall apply to and modify interconnection agreements between Qwest and CLECs that have incorporated the PAP.

A copy of Qwest's performance measures, the PAP, Qwest's performance measure and PAP filings, and the Liberty October 28, 2005 final report may be obtained from the Commission. For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Illona A. Jeffcoat-Sacco, Executive Secretary at least 24 hours in advance.

### PUBLIC SERVICE COMMISSION

  
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