

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

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

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

**NOTICE OF INFORMAL HEARING**

**November 22, 2006**

**Background**

This proceeding is a review of Qwest Corporation's Performance Assurance Plan (PAP). 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 Commission issued Notices of Opportunity in this proceeding on February 22, 2006 and July 26, 2006. Parties include Qwest Corporation and MCImetro Access Transmission Services LLC.

The review will determine whether performance measurements should be added to, deleted from, or modified; whether 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 indicating that proposed revisions to performance measurements that have been filed in Case Nos. PU-04-500, PU-04-632, and 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 comments supported approval and adoption of the revisions to performance measurements and revisions to the PAP subject to this proceeding.

On July 26, 2006 the Commission issued a second Notice of Opportunity in this proceeding indicating that the Commission had joined a multi-state audit of Qwest's PAP concerning 2004 performance results reporting and penalty payments, Case No. PU-05-399. Rather than duplicating the work of an ongoing Colorado PAP audit, the scope of the 13-state audit was limited to seven performance measures but the audit did review the payments associated with all performance measures. The multi-state audit report listed 21 issues with Qwest's methods, procedures, or calculations for North

Dakota that may have affected Qwest's reported performance results or payments. The Commission has incorporated Case No. PU-05-399 in this proceeding.

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.

### Notice

An **informal hearing** of these matters is scheduled for **January 10, 2007 at 1:30 p.m. CST** in the Commission Hearing Room on the 12th Floor of the State Capitol in Bismarck. Written comments, requests for hearing, and requests for intervention must be filed by January 5, 2007.

At the Informal Hearing, Qwest will provide the following:

1. An executive summary of the proposals in PU-04-500, PU-04-632, PU-05-583, PU-04-501, PU-04-631, and PU-05-584.
2. An executive summary of each of the 13-state PAP audit findings, Qwest's response or recommendation to each finding, and the status concerning resolution of each finding.
3. In its May 10, 2006 comments, Qwest proposed that many issues resolved by the Colorado 3<sup>rd</sup> Year Review would apply to the North Dakota PAP and should be included in the ND 6-month PAP review. The Commission would appreciate a summary of those Colorado PAP issues by Qwest or any other party, and responses or recommendations on those issues, the status concerning resolution of those issues in the Colorado 3<sup>rd</sup> Year Review, and the status of the discussion of these issues through Qwest's PID Management Process (PMP).
4. Whether PAP changes that may result from the 13-state audit or the Colorado 3<sup>rd</sup> Year Review will supersede any of the proposals in PU-04-500, PU-04-632, PU-05-583, PU-04-501, PU-04-631, and PU-05-584 and require prior adoption of the proposals in PU-04-500, PU-04-632, PU-05-583, PU-04-501, PU-04-631, and PU-05-584.
5. A detailed list of proposed changes to the North Dakota PAP at this time.
6. The need for and timing of a formal hearing in this proceeding.

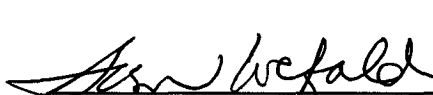
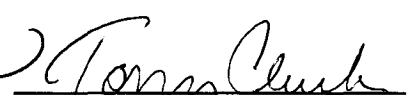

Comments may address the following issues:

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.

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.

#### **PUBLIC SERVICE COMMISSION**

		
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