

**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 25, 2007

Preliminary Statement

On February 22, 2006 the Commission issued a Notice of 6-month Review. This proceeding is a review of Qwest Corporation's (Qwest's) Performance Assurance Plan (PAP). PAP section 16.1 provides for a review every six months. Participants of the review include Qwest, competitive local exchange companies (CLECs), and the Commission.

The purpose of the review is to 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 performance measurement to High, Medium, or Low or Tier 1 to Tier 2. Any changes to the PAP as a result of the 6-month review under PAP section 16.1 will apply to new interconnection agreements between Qwest and CLECs that incorporate the PAP, and will modify existing interconnection agreements between Qwest and CLECs that have incorporated the PAP.

On May 9, 2006 MCImetro Access Transmission Services LLC (MCImetro) filed a Petition to Intervene.

On January 24, 2007 the Commission issued an order that this proceeding be continued for a few months in anticipation of new revisions to the PAP that may result from a multi-state Regional Oversight Committee audit or a Colorado PAP review.

On June 22, 2007 Qwest filed a Notice of Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions and Joint Motion to Approve Same on Behalf of the Stipulating Parties. The Stipulating Parties; DIECA Communications, Inc. d/b/a Covad Communications Company, Eschelon Telecom, Inc., McLeodUSA Telecommunications Services, Inc., and US Link, Inc. d/b/a TDS Metrocom; negotiated a 2007 Stipulation. The Stipulating Parties request approval of the PAP changes and Performance Indicator Definition (PID) modifications included in the 2007 Stipulation that would be applicable in North Dakota.

In addition to the 2007 Stipulation, Qwest also proposes administrative changes to remove references to the MR-12 PID which no longer exists.

The Commission now issues a Notice of Opportunity for Comment and Notice of Opportunity for Hearing concerning the changes proposed by the 2007 Stipulation. **Comments, requests for hearing, and requests for intervention must be filed by August 31, 2007.**

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. If deemed appropriate, the Commission can determine these matters without a hearing.

A copy of Qwest's June 22, 2007 application, including the 2007 Stipulation, 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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