

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-06-58

ORDER

December 14, 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) 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.

On July 25, 2007 the Commission issued a Notice of Opportunity for Comment and Notice of Opportunity for Hearing concerning the changes proposed by the 2007 Stipulation. The Notice identified 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.

No comments or requests for hearing were received. The Notice stated that, if deemed appropriate, the Commission can determine these matters without a hearing.

A multistate collaborative consisting of regulatory personnel in states where Qwest provides interconnection services is evaluating the impacts of the changes and modifications contained in the 2007 Stipulation. The Commission is participating in the evaluation which began November 26, 2007 with a letter to Qwest requesting further information concerning the changes and modifications. The evaluation will continue into 2008.

Qwest's letter of November 21, 2007 states that some of the components contained in the 2007 Stipulation are time sensitive and administration of these types of items is simplified by not rolling into a subsequent year. Qwest requests that the Commission issue an order before the end of 2007.

Should the ROC investigation result in revisions to the PAP and PID changes proposed by Qwest's filing in this proceeding, the Commission has authority to reconsider its decision in this order.

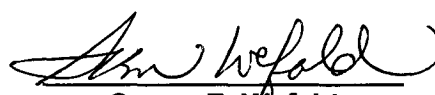
Order

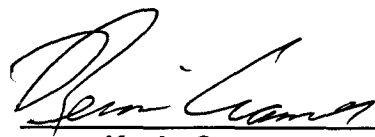
The Commission orders:

1. The Performance Assurance Plan revisions and Performance Indicator Definition modifications filed on June 22, 2007 are approved and effective beginning January 1, 2008.
2. Case No. PU-06-58 is continued.

PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Susan E. Wefald
President


Kevin Cramer
Commissioner