

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

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

**Case No. PU-08-920**

**NOTICE OF QWEST PERFORMANCE ASSURANCE PLAN REVIEW  
AND NOTICE OF OPPORTUNITY FOR COMMENT**

**February 11, 2009**

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. PAP section 16.3 provides that when Qwest eliminates its Section 272 affiliate, the Commission and Qwest shall review the appropriateness of the PAP and whether its continuation is necessary.

The purpose of the review in this proceeding is to determine whether the defined standards of certain performance measures documented in the QPAP should remain in operation and, if so, whether they should be modified.

The Commission entered into a contract for services provided by Liberty Consulting Group, Inc. for the review of the QPAP. The review is a multistate effort that includes the regulatory commissions of Arizona, Colorado, Idaho, Iowa, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.

The review will include the participation of and consultation with the QPAP stakeholders including Qwest Corporation, competitive local exchange carriers with business in the states, and the 11 participating state regulatory commissions.

Comments concerning this review and requests for intervention must be filed by March 27, 2009. Comments should address the following:

1. Trends in Qwest performance results in providing interconnection, unbundled network elements, ancillary services, and resale services.
2. The structural components of the QPAP and the performance measures, and whether there exists an omission or failure of existing performance measures to capture intended performance.
3. Stakeholder recommendations and experiences.
4. The competitive environment.

A copy of Qwest's performance measures, the PAP, or Qwest's performance measure and PAP interconnection agreement filings 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 the Commission.

#### **PUBLIC SERVICE COMMISSION**



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**Tony Clark**  
Commissioner



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**Kevin Cramer**  
President



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**Brian P. Kalk**  
Commissioner