



## Public Service Commission State of North Dakota

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February 28, 2022

Public Service Commission  
Attention: Steve Kahl  
600 East Boulevard Avenue, Dept 408  
Bismarck, ND 58505-0480

In re: Qwest Corporation  
PIDs & PAP  
Cancellation/Application  
Case No. PU-22-20

Dear Mr. Kahl,

On January 6, 2022 Qwest Corporation (Qwest) filed an application with the Commission for approval to eliminate the PIDs and PAP for future and all existing interconnection agreements.

Advocacy staff (Staff) conducted a review of Qwest's application to ascertain if the request is in the public interest. Having found that it is not in the public interest, Staff requests the Commission hold a formal public hearing on this matter. Please see attached testimony from our witness Victor Schock.

Respectfully,

A handwritten signature in blue ink, appearing to be "BJ", written over a horizontal line.

Brian Johnson  
Special Assistant Attorney General Bar ID 07397  
North Dakota Public Service Commission  
600 East Boulevard Avenue, Dept 408  
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BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION

*Qwest Corporation*

*PIDs & PAP, Cancellation/Application, Case No. PU-22-20*

DIRECT TESTIMONY  
OF  
VICTOR SCHOCK

ON BEHALF OF THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION  
ADVOCACY STAFF

February 28, 2022

1 Q: Provide your name and qualifications.

2 A: My name is Victor Schock. I am a Public Utility Analyst with the North Dakota  
3 Public Service Commission (Commission). I have 17 years of accounting  
4 experience and seven years of utility regulatory experience.

5 I received a Bachelor of Science Degree in Accounting from Dickinson State  
6 University in 2007. I have testified before the Commission on damage  
7 prevention, advanced determination of prudence, certificate of public  
8 convenience and necessity, and rate cases. Prior to my work with the  
9 Commission I completed hundreds of financial reviews of both public and  
10 private companies as well as government entities in my work as a Credit &  
11 Collections Manager with Unisys Corporation.

12  
13 Q: What is the purpose of your testimony?

14 A: The Commission has appointed me to Advocacy Staff (Staff) in this proceeding.  
15 As such, I will provide the Commission with an analysis and recommendation  
16 concerning Qwest Corporation's (Qwest) request to eliminate its Performance  
17 Indicator Definitions (PIDs) and Performance Assurance Plan (PAP) portions  
18 of its interconnection agreements with each Competitive Local Exchange  
19 Carrier (CLEC) operating in North Dakota.

20  
21 Q: Please summarize your testimony.

22 A: I believe the proposed elimination of PIDs and PAP is not in the public interest  
23 and should be rejected.

24  
25 Q: What are PIDs and PAP?

26 A: PIDs provide specific data about the quality of open access provided by  
27 Incumbent Local Exchange Carriers (ILEC) such as Qwest to CLECs. A PAP  
28 applies specific standards or goals that the performance measures must

1 accomplish. To put it another way, the PIDs and PAP work together to ensure  
2 ILECs provide an adequate level of service to CLEC customers.

3

4 Q: Why is it important to ensure that the service provided by ILECs to CLEC  
5 customers is adequate?

6 A: CLECs provide a competitive operating environment to ILECs, which helps to  
7 ensure customer prices are competitive.

8

9 Q: Absent the PIDs and PAP, what exists to ensure adequate service is provided  
10 by Qwest to CLECs?

11 A: In the absence of PIDs and PAP, Qwest's only motivation to provide adequate  
12 service to CLECs is its corporate morals.

13

14 Q: Do you believe Qwest's corporate morals provide sufficient motivation?

15 A: No. As this Commission can attest, we receive numerous and continuous  
16 complaints from Qwest customers in North Dakota regarding quality of service  
17 issues. These complaints serve as a reminder of how Qwest may operate if not  
18 held to specific and measurable standards of service.

19

20 Q: How many informal complaints does the Commission receive from Qwest  
21 customers annually?

22 A: The Commission received the following complaints over the past five years.  
23 Year - # of Complaints, 2021 – 27, 2020 – 28, 2019 – 37, 2018 – 33, 2017 – 88

24

25 Q: This seems to indicate a declining number of customer complaints. Does this  
26 indicate that Qwest is providing better service to its customers?

27 A: No. This simply shows a minimal decline in annual complaints in the past few  
28 years. The North Dakota Public Service Commission has regulated  
29 telecommunication providers in North Dakota for well over 100 years. Just as  
30 it would be imprudent to consider three years of data as sufficient reason to

1           abandon our century long regulation, it would be similarly imprudent to consider  
2           Qwest's assertion that there has been waning interest in their open access  
3           service over the past few years as a reason to abandon the requirements for  
4           the quality of that service. We have no idea what the future may hold for  
5           telecommunications needs in North Dakota. However, we do know if Qwest's  
6           application is granted, that future will have a lower quality of service.

7

8   Q:    Why do you believe Qwest wants to remove the PIDs and PAP from its  
9           interconnection agreements in North Dakota?

10   A:    I believe Qwest is trying to reduce its administrative costs in any way possible.  
11           This is evident in the lack of attention to North Dakota customer outage issues,  
12           as well as responses to data requests. As an example, please review Qwest's  
13           response to DR 1.6 (docket item 8 in this case). When asked to provide a listing  
14           of active interconnection agreements and their associated approval case  
15           number in North Dakota, Qwest simply stated this would be burdensome and  
16           unnecessary. I believe this Commission to be the appropriate party to  
17           determine if something is necessary or not, and likewise whether a request is  
18           overly burdensome. If Qwest truly does not have many CLECs impacted by the  
19           elimination of PIDs and PAP, then a list of those CLECs should be short. This  
20           indicates to me that the list of impacted interconnection agreements is more  
21           extensive than Qwest would have us believe, or they are not willing to put in a  
22           very small amount of work to provide adequate evidence to this Commission.  
23           In either case, this Commission should find their response unacceptable.

24

25   Q:    Why do you believe the Commission should reject Qwest's request to eliminate  
26           PIDs and PAP?

27   A:    In summary of my earlier comments, permitting the elimination of PIDs and  
28           PAP would not be in the public interest, and would be an imprudent conclusion  
29           drawn from a shortsighted review of Qwest's recent performance history. This  
30           Commission should consider that it can always expeditiously approve the

1 removal of PIDs and PAP at a later date if it can be clearly demonstrated that  
2 they are not serving a purpose to ensure service quality (which has not been  
3 accomplished in this proceeding). However, once the Commission approves  
4 their elimination, it will be far more time consuming, costly and difficult to get  
5 them back. Considering all of these facts, I respectfully ask the North Dakota  
6 Public Service Commission to deny Qwest's application.

7

8 Q: If Qwest's application is denied, does it need to make changes to the PIDs and  
9 PAP in order to be compliant with the Federal Communications Commission's  
10 2020 Forbearance Orders?

11 A: Yes. Qwest would need to make several relatively minor changes to its PIDs  
12 and PAP. This type of change has happened numerous times in the past, most  
13 recently with case PU-20-087. This is a routine filing that I would not be in  
14 opposition to. What is important for the Commission to remember in this case  
15 is that we can always make changes to the PIDs and PAP. But, once we permit  
16 their elimination, they are not likely to be brought back without a significant  
17 effort.

18

19 Q: Does this conclude your testimony?

20 A: Yes it does.