

Larry Christensen
Director – Interconnection Agreements
1801 California Street, Room 2430
Denver, CO 80202
303-896-4686
larry.christensen@qwest.com

July 26, 2005

Dear Oregon CLEC Customer,

Upon filing the executed Performance Assurance Plan Implementation Plan (“current amendment”), the Oregon Commission Staff requested that the amendment be changed to clarify two issues. Therefore, Qwest is proposing to change the first sentence of the paragraph titled “Service Performance” as shown in the revised Performance Assurance Plan Implementation Amendment (“revised amendment”), attached.

First, the Staff indicated that the Commission does not formally approve the SGAT, but rather, the Commission's orders allow SGATs and subsequent changes to the SGAT to go into effect by operation of law. Therefore, the statement in the current amendment that says “Commission approved SGAT” is technically incorrect and must be changed to reference the “effective” SGAT.

Second, the Staff requested that the amendment include a specific reference about what revision number of the SGAT the Parties are starting from. We have included a statement that the Exhibit B & K being incorporated at this time is from the “Eighteenth Revision as ordered by the Commission in Order No. 05-004”.

Qwest worked with the Commission Staff and obtained its concurrence with the proposed language change. Qwest also obtained Staff concurrence that the Parties can agree to replace the first page of the current amendment with the new language of the revised amendment without re-signing the amendment if it is completed quickly. Qwest is asking for your emailed or faxed permission to replace the first page of the Performance Assurance Plan Implementation Amendment with one that makes the following change.

Replace the following sentence:

The Performance Assurance Plan (“PAP”) and the Performance Indicator Definitions (“PIDs”) included as Exhibits K and B, respectively, to the Commission approved Statement of Generally Available Terms and Conditions (“SGAT”) are hereby incorporated into CLECs Agreement.

With:

The Performance Assurance Plan (“PAP”) and the Performance Indicator Definitions (“PIDs”) included as Exhibits K and B, respectively, in the Agreement are hereby replaced by the Exhibits K and B effective in the Oregon SGAT Eighteenth Revision as ordered by the Commission in Order No. 05-004.

If you concur with substituting the first page of the amendment with the revised language, please email intagree@qwest.com with a statement to that effect or fax same to Manager – Interconnection at 303-896-7077. Also, please print the first page and attach it to your copy of the amendment.

I apologize for any inconvenience this has caused. If you have any questions about this issue, please contact me.

Sincerely,

L T Christensen

**Performance Assurance Plan Implementation Amendment
to the Interconnection Agreement between
Qwest Corporation and
ACN Communication Services, Inc.
for the State of Oregon**

This is an Amendment ("Amendment") to the Interconnection Agreement between Qwest Corporation ("Qwest"), a Colorado corporation, and ACN Communication Services, Inc. ("CLEC"), a Michigan corporation. CLEC and Qwest shall be known jointly as the "Parties".

RECITALS

WHEREAS, the Parties entered into an Interconnection Agreement, for services in the State of Oregon, that was approved by the Oregon Public Utility Commission on January 18, 2004, as referenced in ARB 519, Order No. 04-045 ("Agreement"); and

WHEREAS, the Parties wish to amend the Agreement under the terms and conditions contained herein.

AGREEMENT

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained in this Amendment and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

Service Performance

The Performance Assurance Plan ("PAP") and the Performance Indicator Definitions ("PIDs") included as Exhibits K and B, respectively, in the Agreement are hereby replaced by the Exhibits K and B effective in the Oregon SGAT Eighteenth Revision as ordered by the Commission in Order No. 05-004. Subsequent modifications to the PIDs and PAP, filed with the Commission and made effective either by an order of the Commission or allowed to go into effect by operation of law by the Commission, shall apply to and modify the Agreement without further amendment, subject to and in accordance with terms therein and any applicable subsequent judicial review.

Further Amendments

Except as modified herein, the provisions of the Agreement shall remain in full force and effect. The provisions of this Amendment, including the provisions of this sentence, may not be amended, modified or supplemented, and waivers or consents to departures from the provisions of this Amendment may not be given without the written consent thereto by both Parties' authorized representative. No waiver by any Party of any default, misrepresentation, or breach of warranty or covenant hereunder, whether intentional or not, will be deemed to extend to any prior or subsequent default, misrepresentation, or breach of warranty or covenant hereunder or affect in any way any rights arising by virtue of any prior or subsequent such occurrence.

Entire Agreement

This Amendment (including the documents referred to herein) constitutes the full and entire understanding and agreement between the Parties with regard to the subjects of this Amendment and supersedes any prior understandings, agreements, or representations by or between the Parties, written or oral, to the extent they relate in any way to the subjects of this Amendment.

The Parties intending to be legally bound have executed this Amendment as of the dates set forth below, in multiple counterparts, each of which is deemed an original, but all of which shall constitute one and the same instrument.

ACN Communication Services, Inc.

Qwest Corporation

Signature

Signature

Name Printed/Typed

L. T. Christensen

Name Printed/Typed

Title

Director – Interconnection Agreements

Title

Date

Date

Butler, Carla

From: Dickson, Dennis
Sent: Wednesday, August 17, 2005 11:03 AM
To: Butler, Carla; Bennett, Carol
Cc: Dea, Steve
Subject: FW: REVISED QPAP Amendment per Oregon PUC

Importance: High
Sensitivity: Confidential

Attachments: ACN--Oregon QPAP Amendment final-5-10-05.doc; OREGON-QPAP-PID-Letter of Revision 7-18-05.doc



ACN--Oregon QPAP OREGON-QPAP-PID
Amendment fin... -Letter of Revi...

Hello,

I received concurrence today from ACN for replacement of page 1 of the amendment. The concurrence came via Fed/Ex, so I don't have anything to cut and past to this e-mail. This will be the only notice/concurrence you'll get for ACN. If there are any questions or concerns, please give me a call at 303-896-1038. Thanks
DKD

-----Original Message-----

From: Sullivan, Mary
Sent: Tuesday, July 26, 2005 3:14 PM
To: Interconnection Agreements
Subject: FW: REVISED QPAP Amendment per Oregon PUC
Importance: High
Sensitivity: Confidential

Thank you,
Mary Sullivan
Qwest Contract Specialist
Legal Department
303-383-6543
Mary.Sullivan@qwest.com

*** CONFIDENTIAL: Only the named recipient(s) should read this e-mail. It may contain legally privileged or confidential information. If you are not a named recipient or you received this e-mail by mistake, please notify me immediately by reply e-mail and delete the message. ***

-----Original Message-----

From: Sullivan, Mary
Sent: Monday, July 25, 2005 4:57 PM
To: 'John Tassone'
Subject: FW: REVISED QPAP Amendment per Oregon PUC
Importance: High
Sensitivity: Confidential

Re-send with Cover Letter.

Thank you,
Mary Sullivan
Qwest Contract Specialist
Legal Department
303-383-6543
Mary.Sullivan@qwest.com

*** CONFIDENTIAL: Only the named recipient(s) should read this e-mail. It may contain legally privileged or confidential information. If you are not a named recipient or you received this e-mail by mistake, please notify me immediately by reply e-mail and delete the message. ***

-----Original Message-----

From: Sullivan, Mary
Sent: Monday, July 25, 2005 4:56 PM
To: 'John Tassone'
Subject: FW: REVISED QPAP Amendment per Oregon PUC
Importance: High
Sensitivity: Confidential

Re-send with "Subject Line" information.

Thank you,
Mary Sullivan
Qwest Contract Specialist
Legal Department
303-383-6543
Mary.Sullivan@qwest.com

*** CONFIDENTIAL: Only the named recipient(s) should read this e-mail. It may contain legally privileged or confidential information. If you are not a named recipient or you received this e-mail by mistake, please notify me immediately by reply e-mail and delete the message. ***

-----Original Message-----

From: Sullivan, Mary
Sent: Monday, July 25, 2005 4:52 PM
To: 'John Tassone'
Subject:
Importance: High
Sensitivity: Confidential

John R. Tassone
Sr. Dir., Local Service Development
ACN Communications
585-720-1700 (ext. 232)

John:

Please see the revised Performance Assurance Plan Implementation Amendment and associated Letter of explanation. At the directive of the Oregon PUC, Qwest needs your concurrence around these changes (page 1, Service Performance).

If you concur with these changes, please REPLY TO: intagree@qwest.com or, via fax to Manager of Interconnection at 303-896-7077. In addition, please replace page 1 of your Amendment with this newly revised page 1.

Please contact Larry Christensen directly at 303-896-4686 should you have questions.

John, If you are not the correct person to receive this message, please forward and let me know.

Thank you,
Mary Sullivan
Qwest Contract Specialist
Legal Department
303-383-6543
Mary.Sullivan@qwest.com

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