

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 973

In the Matter of the Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunications Services Provided by U S WEST Communications, Inc., in the State of Oregon.	)	)	)	)	)	)	)
							ORDER

**DISPOSITION: NINETEENTH REVISION TO STATEMENT PERMITTED TO GO INTO EFFECT**

On April 24, 2000, U S WEST Communications, Inc., now known as Qwest Corporation (Qwest), filed a statement of generally available terms (SGAT) under Section 252(f) of the Telecommunications Act of 1996 (Act). After a notice and comment period, the Public Utility Commission of Oregon (Commission) allowed the filing to go into effect and ordered that its substance be reviewed in proceedings in docket UM 823.<sup>1</sup>

Qwest subsequently filed numerous revisions to its SGAT. To date, we have reviewed eighteen revisions and, on each occasion, allowed the SGAT, as amended, to go into effect.<sup>2</sup>

**The Notice and Joint Motion.** On June 26, 2007, Qwest, on its own behalf and on behalf of Eschelon Telecom, Inc. (Eschelon); DIECA Communications, Inc., d/b/a/ Covad Communications Company (Covad); and McLeodUSA Telecommunications Services, Inc. (McLeodUSA), filed the nineteenth revision to its SGAT and a document captioned as follows: “Notice of Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions Contained in Exhibits B and K of Qwest Corporation’s Statement of Generally Available Terms and Conditions (Nineteenth Revision) and Joint Motion to Modify Same on Behalf of the Stipulating Parties.” (Notice and Joint Motion.)

According to the Notice and Joint Motion, the Stipulation is the result of discussions among Qwest and numerous CLECs throughout the Qwest region regarding PID/PAP modifications. Staff members of each of the state public service commissions were notified of the Qwest/CLEC discussions.<sup>3</sup>

<sup>1</sup> Order No. 00-327.

<sup>2</sup> See Orders No. 01-122, 01-721, 01-878, 01-1050, 02-145, 02-315, 02-731, 03-074, 03-150, 03-189, 03-410, 03-572, 03-665, 03-753, 04-208, 04-380, 04-482, 04-700 and 05-004.

<sup>3</sup> Notice and Joint Motion, p. 1.

The parties assert that the Stipulation provides a fair resolution and is in the public interest. They ask that the Commission accept the Stipulation without a hearing and adopt the agreed-upon changes to the Qwest Performance Assurance Plan (QPAP) and allow the Performance Indicator Definitions (PIDs) to take effect.<sup>4</sup>

The Notice and Joint Motion are accompanied by a copy of the Stipulation itself (Exhibit 1), redlined and clean versions of the revised SGAT Exhibit K Performance Assurance Plan (PAP) (Exhibits 2 and 5), clean and redlined versions of the revised 14-State 271 PID Version 9.0 (Exhibits 3 and 4), a copy of the Nineteenth Revision of the SGAT dated June 26, 2007, and associated Exhibits A through M.

In summary, the agreed-upon changes in the SGAT applicable to Oregon would do the following:

- a. Eliminate resale DSL from the PIDs and modify PID and PAP references to Qwest DSL.
- b. Change the MR-11 PID title to "LNP Trouble Reports Cleared within Specified Timeframes."
- c. Update the PID references to unbundled 2-wire non-loaded loop and unbundled ISDN capable loop disaggregations to reflect the retail analogue ISDN BRI ("designed").
- d. Update PO-20 to reflect it is fully implemented by making PID and PAP revisions specified in the 2007 Stipulation.
- e. Remove the PIDs specified in the 2007 Stipulation from PAP payment mechanisms to the extent they currently are included in a specific state's PAP, subject to a Reinstatement/Removal process, and also add a root cause analysis provision.
- f. Add exclusion to MR-6 PID that allows No Trouble Found (NTF) and Test Okay (TOK) trouble reports to be removed when the ticket's duration is one hour or less.
- g. Change the standard for BI-3A PID to a 98% benchmark and add a provision to the PAP for the BI-3A PAP payment calculation, creating a tiered structure of per occurrence amounts and modifying the per measurement cap for the sub-measure.
- h. Add one allowable miss provision to the PAP for individual CLEC results when the CLEC aggregate results have met the standard.

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<sup>4</sup> *Id.*, p. 3.

i. Revise the PAP to change the flat minimum payment amounts of \$2,000 with a tiered minimum payment approach that establishes a relationship between the monthly PAP payment and the required minimum payment amount.

j. Remove the following list of product disaggregations from all applicable OP and MR PIDs in the PAP: Resale Centrex, Resale Centrex 21, Resale DS0, E911/911 Trunks, Resale Frame Relay, Resale Basic ISDN, Resale Primary ISDN, Resale PBX, Sub-loop Unbundling, UNE-P POTS, UNE-P Centrex and UNE-P Centrex 21.

k. Eliminate the six-month cap on Tier 1 escalation payment amounts in the PAP so that payments will continue to increase in the event the payment level indicator increases beyond payment "Level 6."<sup>5</sup>

In addition to the agreed-upon changes described in the Stipulation, "Qwest also removed MR-12 from the PAP, as illustrated in the attached Exhibits 2 and 3, and provided the other Stipulating Parties with the opportunity to review this deletion, and no comments, concerns or objections were noted. Qwest initiated the change because the MR-12 PID was eliminated prior to the initial approval of the PAP, but references remained in the text through administrative error." Qwest also represents that it will provide notice of the filings, including a description of the changes expected to result from the 2007 Stipulation, to all Oregon CLECs in its region through the wholesale notification process within five days and, additionally, provide notice and/or amendment if required by a specific interconnection agreement.<sup>6</sup>

At its regularly scheduled Public Meeting held August 21, 2007, the Commission considered the Notice and Joint Motion and adopted Staff's Recommendation.

## DISCUSSION

The discussion of the nature of the SGAT and the SGAT process contained in our prior orders is adopted herein and will not be repeated. This nineteenth revision to the SGAT is not unexpected. As we first noted in Order No. 00-327, "[t]he SGAT will likely undergo considerable revision \* \* \* and, once in effect, changes to the SGAT document may become cumbersome. It is conceivable that each amendment to the original document might trigger a new 60-day review period and an additional item on our Public Meeting agenda."

The law regarding federal regulation of local exchange carrier competition and the relationships among competing carriers continues to evolve. We will schedule further proceedings in this docket to consider the SGAT's entire substance for compliance with our rules and policies and the furtherance of competition and the public interest in Oregon once the legal uncertainties surrounding these issues and the applicable FCC rules

<sup>5</sup> *Id.*, pp. 3-5.

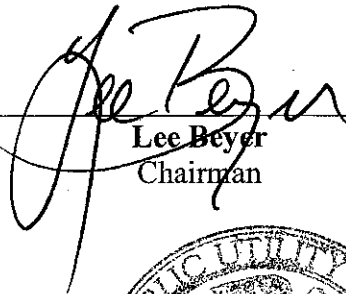
<sup>6</sup> *Id.*, p. 5.

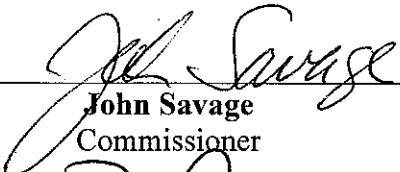
have been resolved. Since other CLECs who may not have participated in the negotiations leading up to the agreement adopting the Stipulation are able to negotiate interconnection agreements regardless of the availability of an SGAT, they will not be prejudiced by our action. As with the original SGAT submission and the first through eighteenth revisions, we neither endorse nor approve of the substance of this new revision, while, at the same time, we allow the revision to take effect.

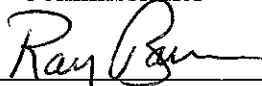
**ORDER**

IT IS ORDERED that pursuant to OAR 860-016-0040(2), the nineteenth revision to the Statement of Generally Available Terms filed by Qwest Corporation on June 26 2007, in accordance with Section 252(f) of the Telecommunications Act of 1996, is permitted to go into effect as of August 26, 2007. Existing interconnection agreements are not affected by this Order except as agreed upon by the parties named above.

Made, entered, and effective           AUG 22 2007          .

  
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**Lee Beyer**  
Chairman

  
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**John Savage**  
Commissioner

  
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**Ray Baum**  
Commissioner



A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.