

2. Under the federal Telecommunications of 1996 (“1996 Act”), Qwest was deemed a Bell Operating Company (BOC) as defined in 47 U.S.C. § 153 (35) and operated as an “incumbent local exchange carrier” (ILEC) as defined in section 251(h) of the 1996 Act. 47 U.S.C. § 251(h).

3. Pursuant to the 1996 Act, ILECs such as Qwest are required to enter into interconnection agreements with other providers of telecommunications services who request access to its network, facilities or services. *See* 47 U.S.C. §§ 251-252.

4. The 1996 Act also provided a means by which BOCs like Qwest could gain entry into certain telecommunications markets, known as the in-region interLATA services markets, from which they previously had been legally precluded. 47 U.S.C. § 271.

Proceedings by which BOCs sought regulatory approval for this market entry (“interLATA freedoms”) were termed “271 proceedings” and the path these proceedings took through state and federal regulatory tribunals is often referred to as “the 271 process.”

5. The focus of the 271 process was on demonstrating that the local exchange marketplace was open for wireline competition. One element of that market openness was assuring the BOCs’ operational support systems (“OSS”) and processes could provide and were providing nondiscriminatory service to CLECs to whom the BOCs provided interconnection and other products and services used in their CLEC operations. CLECs sought assurance that the market would remain open and that nondiscriminatory service quality would be maintained once the BOCs received 271 approval and re-entered the interLATA services markets.

6. In seeking the FCC’s approval under section 271, Qwest submitted to extensive third-party testing of its systems and processes and worked with interested parties

to develop performance measurements known as Performance Indicator Definitions (“PIDs”) that would be used to provide specific data about service quality. In addition, the company voluntarily put into place a Performance Assurance Plan (“PAP”) that applied specific standards to the performance data to help assure that the wireline marketplace would remain open after 271 approval. The PIDs and the PAP became exhibits to the interconnection agreements (“ICAs”) that Qwest offered to CLECs (specifically, Exhibits B and K, respectively).

The Colorado Process

11. The Colorado Public Utilities Commission (“CPUC”) in 2009 issued its Decision No. C09-0747 that began a six-year review of the Colorado PAP (“CPAP”). That process continued following the Qwest/CenturyLink merger, though it was delayed about eighteen months. The CPUC’s Decision Nos. C10-1075 and C10-0863 ordered a redesign of the CPAP.

12. In the review process, the CPUC gave specific directions regarding some CPAP issues and general directions on other issues, and directed the parties to negotiate a new CPAP that complied with those directions. Each CLEC in Colorado had the opportunity to participate in this docket and therefore in the negotiations that lead to the redesigned CPAP.

14. The active parties¹ in the Colorado CPUC case agreed upon a Settlement Agreement and a redesigned CPAP. An integral provision of that Settlement Agreement was

¹ In addition to CenturyLink QC, the parties in the Colorado CPAP review docket who sought approval of the redesigned PAP were Comcast Phone of Colorado, LLC (“Comcast”), MegaPath Corporation fka DIECA Communications, Inc. dba Covad Communications Company (“MegaPath”), tw telecom of colorado llc (“tw telecom”), Eschelon Telecom of Colorado, Inc., doing business as Integra Telecom (“Integra”) and the Staff of the CPUC.

that CenturyLink would petition the other 13 states in which the PAP operates and seek the adoption of the redesigned PAP in place of the PAPs currently in effect in the respective states. That provision of the Colorado Settlement Agreement gives rise to this Petition.

15. On June 17, 2013, the CPUC entered a written order approving the Colorado Settlement. This order is now final, and is not subject to any petitions for reconsideration.²

The Redesigned PAP

16. This Petition, which offers a redesign of the current PAP, is based on the Colorado CPAP review and the redesign that was adopted in that jurisdiction, supported by the CLECs that were engaged in that docket, and not opposed by any other CLECs with ICAs in Colorado.

17. CenturyLink QC provides the redesigned PAP and PIDs as Attachments 1 and 2 to this Petition. Attachment 1 consists of the redesigned PAP, which constitutes a new Exhibit K for the ICAs of CLECs that opt into the PAP; Attachment 2 consists of the new PIDs that constitute Exhibit B for ICAs. Because the former CPAP and the current PAP have substantially different document organization, it would not be useful to provide a copy of the current PAP showing the redesigned Colorado changes in a “redlined” format. Accordingly, in place of a “redlined” format, Attachment 3 provides a comprehensive description of changes that the proposed, redesigned PAP and PIDs would make to the existing PAP and PIDs.

18. CenturyLink QC requests that the redesigned PAP (Attachment 1) and the revised PIDs (Attachment 2) become effective on January 1, 2014. Further, consistent with prior changes adopted in the PAP and PIDs, CenturyLink QC requests that the Commission

² See CPUC Decision No. C13-0722, Docket No. 02M-259T.

deem all existing interconnection agreements that currently contain the PAP be modified to incorporate these revisions, also effective January 1, 2014, without need for further filings or approvals.

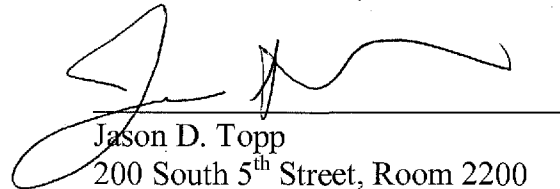
WHEREFORE, CenturyLink QC requests that the Commission:

A) Approve the redesigned PAP and PIDs, Attachments 1 and 2, to this Petition as effective on January 1, 2014; and

B) Deem all existing interconnection agreements that currently contain the PAP be modified to incorporate these revisions, also effective January 1, 2014, without need for further filings or approvals.

Dated this 12th day of September, 2013.

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CENTURYLINK QC



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