

The PAP contains terms and conditions, including performance indicator definitions, that were established as part of Qwest's effort, in the early 2000's, to obtain Federal Communications Commission ("FCC") approval, pursuant to 47 U.S.C. § 271, to enter into the interstate long distance telecommunications market. The PAPs were negotiated to provide additional assurance of continued appropriate interconnection and network access between Qwest and CLECs.

This Commission approved the South Dakota PAP in Docket No. TC01-165.² The PAP has been amended several times since then. Significant amendments eliminating portions of the PAP have occurred through an amendment that was filed on September 12, 2013 and was approved by the Commission in Case No. TC13-111 by order dated December 2, 2013 (description of relief). Most recently, the Commission eliminated portions of the PAP related to unbundled analog loops and resale in Case No TC20-003 by order dated April 15, 2020. The currently effective PAPs and PIDs are attached as Appendices 1 and 2.

Amendments of PIDs and PAPs require a separate proceeding independent from the normal ICA amendment filing process, as outlined in Section 17.2 of the current PAP:

17.2 If CenturyLink QC or CLEC wishes to modify a PID or a PAP provision, the change must be approved by the Commission. Prior to seeking Commission approval, CenturyLink QC and CLEC will use the dispute resolution process set forth in Section 16.0 as the procedure for resolving the issues. Either CenturyLink or CLEC may submit its proposed modification(s) to the Commission for approval. The Commission will establish a process for providing notice and considering such request, including timelines for interested parties or Staff to oppose the request. If the request is unopposed, the Commission may grant such request without a hearing or further notice.

Consistent with this requirement, in advance of this filing, CenturyLink notified CLECs and reached out to CLECs regarding their position on this proposal to eliminate PIDs and PAPs.

CenturyLink offered to meet with the three CLECs with the most provisioning and repair volume

² In that proceeding, the FCC concluded that CLECs served approximately 29.5% of Qwest's (now CenturyLink) lines. *In the Matter of Qwest Corporation International, Inc. Application for authority to Provide In-Region Interlata Service to New Mexico, Oregon and South Dakota*, Memorandum Opinion and Order, WC No. 03-81, ¶ 4 (Apr. 15, 2003). Today, CenturyLink's market share is significantly less than that figure.

in South Dakota regarding this Petition. One chose to meet and expressed no opposition to this Petition. CenturyLink sent individual notices to 22 CLECs on June 30 and to all CLECs doing business in South Dakota on July 24.³

No CLEC expressed opposition to this change. This lack of CLEC interest is not a surprise. CLEC reliance on the PAP has declined dramatically in South Dakota. CenturyLink’s most significant competitors (cable and wireless) have their own networks and unbundled network elements are no longer significant components of the competitive landscape. Payments to CLECs under the PAP have declined from \$543,620 in 2003 to \$162 in 2019 and \$0 so far in 2020:

All-Tiers PAP Payments for the State of South Dakota
All PAP Metrics
Official Centurylink Corporate 271 Results
April 2003 through May 2020

| Year | South Dakota Payments |
|-------------|------------------------------|
| 2003 | \$543,620 |
| 2004 | \$572,818 |
| 2005 | \$337,237 |
| 2006 | \$132,391 |
| 2007 | \$135,667 |
| 2008 | \$18,516 |
| 2009 | \$39,493 |
| 2010 | \$14,106 |
| 2011 | \$6,068 |
| 2012 | \$5,086 |
| 2013 | \$5,266 |
| 2014 | \$95 |
| 2015 | \$276 |
| 2016 | \$0 |
| 2017 | \$30 |
| 2018 | \$0 |
| 2019 | \$136 |
| 2020 | \$0 |

CLECs have placed a grand total of 12 orders for services still covered by the PAP in 2019 and 2020:

³ Appendix 3 (June 30 and July 24 notices and email lists).

South Dakota CLEC - Volume of Provisioned Orders Completed Under PID/PAP Reporting
By Product Reported in Metric OP-5A Denominator
Official Centurylink Corporate 271 Results - January 2014 through May 2020

UNE Forbearance Changes Approved By South Dakota Commission on 4/14/2020 *

| Year | Products Remaining in PID/PAP | | | Products Not Remaining in PID/PAP | | |
|--------------------|-------------------------------|------------------------------|-----------|-----------------------------------|-------------------------|------------|
| | LIS Trunk | Unbundled Loop - DS1 Capable | Total | Residence * | Unbundled Loop Analog * | Total |
| 2014 | 10 | 8 | 18 | 263 | 30 | 293 |
| 2015 | 7 | | 7 | 163 | 7 | 170 |
| 2016 | 9 | 10 | 19 | 132 | 7 | 139 |
| 2017 | 10 | | 10 | 39 | 2 | 41 |
| 2018 | 8 | 26 | 34 | 9 | | 9 |
| 2019 | 9 | | 9 | 2 | 3 | 5 |
| 2020 | 3 | | 3 | | | 0 |
| Grand Total | 56 | 44 | 82 | 345 | 19 | 364 |

* 2019 FCC UNE Forbearance Order - South Dakota Commission
Approved Exhibit B and Exhibit K filing on 4/14/2020.

There have been fewer than 25 repairs for products still covered by the PAP for all CLECs in South Dakota in each of the last 3 years and only 4 so far in 2020:

South Dakota CLEC - Volume of Repair Tickets Completed Under PID/PAP Reporting
By Product Reported in Metric MR8 Numerator
Official Centurylink Corporate 271 Results - January 2014 through May 2020

UNE Forbearance Changes Approved By South Dakota Commission on 4/14/2020 *

| Year | Products Remaining in PID/PAP | | | | | Products Not Remaining in PID/PAP | | |
|--------------------|-------------------------------|------------------------------|---------------------------------------|------------------------------------|------------|-----------------------------------|-------------------------|------------|
| | LIS Trunk | Unbundled Loop - DS1 Capable | Enhanced Extended Loops - DS1 Capable | Unbundled Loop - 2 Wire Non-Loaded | Total | Residence * | Unbundled Loop Analog * | Total |
| 2014 | 6 | 28 | | 4 | 2 | 18 | 22 | 40 |
| 2015 | 4 | 24 | | 3 | 1 | 22 | 20 | 42 |
| 2016 | 11 | 14 | | 4 | 2 | 16 | 9 | 25 |
| 2017 | 13 | 5 | | 4 | | 9 | 8 | 17 |
| 2018 | 2 | 9 | | 3 | | 3 | 9 | 12 |
| 2019 | 3 | 8 | | 11 | | 4 | 11 | 15 |
| 2020 | 2 | 1 | | 1 | | 2 | 1 | 3 |
| Grand Total | 41 | 89 | 30 | 5 | 165 | 74 | 80 | 154 |

* 2019 FCC UNE Forbearance Order - South Dakota Commission
Approved Exhibit B and Exhibit K filing on 4/14/2020.

CenturyLink systems record how often CLECs log into the PAP to review performance in South Dakota. There has not been a single login since 2018 and a total of 6 since 2014:

South Dakota State CLEC's Who've Logged Into QPID to Access Their PID/PAP Results *
Official Centurylink QPID Admin Report as of May, 2020

| CUSTOMERNAME | # of Log-In's | | | | | | |
|--------------|---------------|----------|----------|----------|----------|----------|----------|
| | YTD 2020 | 2019 | 2018 | 2017 | 2016 | 2015 | 2014 |
| SD CLEC #1 | | | 1 | | | 1 | 1 |
| SD CLEC #2 | | | | 1 | | | |
| SD CLEC #3 | | | | | 1 | | |
| SC CLEC #4 | | | | | | 1 | |
| TOTAL | 0 | 0 | 1 | 1 | 1 | 2 | 1 |

* These are South Dakota CLEC's who logged into the QPID application where all 14 state reports reside. They could have accessed any state, not necessarily South Dakota

Eliminating the PAP and PIDs in Appendices 1 and 2 is just, reasonable, and not contrary to the public interest, and to CenturyLink’s knowledge are unopposed. As set forth in the prayer for relief below, CenturyLink therefore requests that the Commission eliminate them, effective on the date of the Commission order. Consistent with prior Commission proceedings and orders amending the PIDs and the PAP, CenturyLink further requests that the Commission deem all existing interconnection agreements that currently contain the PAP and PIDs be modified to incorporate these revisions, effective on the same date without need for further filings or approvals.

PRAYER FOR RELIEF

WHEREFORE, CenturyLink requests that the Commission do the following:

1. Approve CenturyLink QC’s request to eliminate Appendices 1 (PIDs) and 2 (PAP) with an effective date of the Commission’s order;
2. Deem all existing interconnection agreements that currently contain the PAP and PIDs be modified to incorporate these revisions;
3. In the event there is no opposition to this Petition within 30 days, CenturyLink requests that the Petition be granted without a hearing, further filings or proceedings; and

4. To the extent there is opposition to this Petition, CenturyLink requests that the Commission open a proceeding to resolve this request.

Dated this 31st day of July, 2020.

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