BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public Service Commission, on its own motion, to participate in a six month review of Qwest's Performance Assurance Plans.	)	Application No.C-3943/PI-137
	)	ORDER OPENING DOCKET
	)	Entered: July 15, 2008

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

The Nebraska Public Service Commission (Commission) initiates this proceeding to participate in a collaborative effort by the fourteen states in Qwest's Corporation's ("Qwest") service territory ("collaborative states") to conduct a six month review of Qwest's Performance Assurance Plans ("QPAP"). On January 28, 2002, the Commission entered an order in Docket C-2537 approving Qwest's statement of generally available terms ("SGAT"). The SGAT includes the provisions of the QPAP attached as Exhibit K. Section 16.3 of Exhibit K of the SGAT states:

> Qwest will make the PAP available for CLEC interconnection agreements until such time as Qwest eliminates its Section 272 affiliate. At that time, the Commission and Qwest shall review the appropriateness of the PAP and whether its continuation is necessary.

On March 18, 2008, in Docket C-3898, the Commission granted Qwest's application to merge its 272 affiliate into its CLEC[1], eliminating the 272 affiliate and triggering a six month review under the provisions of the QPAP. Similar provisions regarding the elimination of the 272 affiliate are contained in many of the QPAPs of other collaborative states. The Regional Oversight Committee (ROC) which is composed of collaborative states, have proposed a collaborative six month review that would be conducted by Liberty Consulting, a consulting firm chosen by ROC on prior occasions to oversee periodic QPAP performance audits.

On July 1, 2008, the Commission gave unanimous approval to participate in the ROC collaborative review of the QPAP. Therefore, the Commission finds that a docket should be opened

[1] *See* Docket C-3898, *In the Matter of the joint Application of Qwest Corporation, Denver, Colorado, and Qwest LD Corporation, Denver, Colorado, seeking approval of Merger and Motion for Clarification and/or Waiver of Anti-Slamming Rules*. Granted. (March 18, 2008).

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to oversee and administer Nebraska's involvement in the collaborative review of the QPAP provisions.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned proceeding be initiated to administer and oversee the review of the Qwest Performance Assurance Plan contained in the Qwest statement of generally available terms.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of July, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

Anne C. Boyle
Chair

COMMISSIONERS CONCURRING:

Gerald L. Vap

Rod Johnson

Tim Schram

//s// Anne C. Boyle
//s// Frank E. Landis

ATTEST:

Michael E. Hale
Executive Director

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