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 SEEKING COMMENT Entered: July 7, 2009

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") opened 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 Application No. 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") composed of collaborative states, proposed a collaborative six month review of the QPAP 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.

[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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On June 30, 2009, the "Analysis of Qwest's Performance Assurance Plans" ("QPAP Analysis") was completed by Liberty Consulting. The Commission seeks comment on the QPAP Analysis. The QPAP Analysis Final Report is available on the Commission's website at www.psc.nebraska.gov. Any interested person may file comments on the QPAP Analysis on or before **August 21, 2009.** Persons commenting shall file one original and eight (8) paper copies of their comments as well as one (1) electronic version. Electronically submitted comments should be sent to deena.ackerman@nebraska.gov.

O R D E R

IT IS THEREFORE ORDERED that any person interested in this proceeding may file comment on the report on or before **August 21, 2009,** as outlined above.

MADE AND ENTERED at Lincoln, Nebraska, this 7th day of July, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

//s// Frank E. Landis

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