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June 1, 2015

Mr. Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

**Re: In the Matter of Qwest Wholesale Service Quality Standards
Docket No. P-421/M-00-849**

Dear Mr. Wolf:

Qwest Corporation dba CenturyLink QC (CenturyLink) files this letter requesting that the Minnesota Public Utilities Commission (MPUC or Commission) issue an order that discontinues the wholesale service quality plan it adopted in 2003 in this docket. Although the wholesale standards are similar to those in the Minnesota Performance Assurance Plan (MPAP), they do not include financial remedies. In Minnesota, every CLEC has chosen to have its relationship with CenturyLink governed by the MPAP instead of the Minnesota standards. Thus, the Minnesota standards impose administrative costs with little or no discernible benefit. CenturyLink respectfully requests that the Commission issue an order vacating the requirement that CenturyLink maintain the Minnesota service quality plan.

In 1999, Qwest applied to the Federal Communications Commission (FCC) to enter the long-distance telephone market. As part of the application process, Qwest was required to demonstrate that it would keep its local telecommunications network open to competition in a nondiscriminatory manner. *See* 47 U.S.C. § 271 (2000). In evaluating petitions to enter the long-distance market, the FCC relied on so-called Post-Entry Performance Assurance Plans. Therefore, in conjunction with Qwest's application, the MPUC, in July 2002, adopted the Minnesota Performance Assurance Plan. The MPAP requires parity between Qwest's local telephone services to its competitors and its services to itself, its subsidiaries, and its retail customers after Qwest's entry into the long-distance market. To measure Qwest's compliance, the plan incorporates a long list of performance criteria which are similar to the

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MPAP. However, unlike the Minnesota Plan, the MPAP includes a remedy scheme that requires Qwest to pay its wholesale customers if its metrics fail to meet certain benchmarks or parity standards.

In July of 2003, the Commission issued an order in this docket adopting wholesale service quality standards. Those standards were similar to the MPAP in that they contained service quality performance standards. Generally, those standards were measured on a parity basis, but in certain additional areas, the Commission adopted benchmarks. In the event Qwest failed to meet those benchmarks, the company was required to make payments to CLECs for missing those standards.

Qwest appealed the Commission's wholesale service quality order, arguing that both the standards themselves and the remedies provided for in the plan violated state and federal law. On August 18, 2005, the Minnesota Supreme Court issued an opinion that upheld the standards in the wholesale service quality plan but rejected the remedies to CLECs contained in the plan.¹

As a result of these proceedings, Minnesota has two wholesale service quality regimes in Minnesota. The MPAP provides remedies for violations and generally applies parity standards in determining adequate performance. The Wholesale Service Quality Plan uses the same metrics but adds minimum performance benchmarks and eliminates any payments to CLECs.

Pursuant to the Supreme Court order, CLECs had the choice of selecting the performance assurance plan even if they had already adopted the Minnesota Wholesale Service Quality Plan. Because of the financial remedies available under the MPAP, the vast majority of CLECs opted into the MPAP. No CLEC has opted into the plan since 2007. All of the CLECs that at one time opted into the service quality plan have changed their decision and switched to the MPAP. Thus, the Minnesota Wholesale Service Quality Plan does not govern a single agreement between CenturyLink and a CLEC.

The Minnesota Wholesale Service Quality Plan requires CenturyLink to spend resources in order to track performance and make modifications to the plan in order to keep it consistent with MPAP measurements. Because no CLEC has chosen to be governed by the plan, any utility that remains with the wholesale service quality plan is minimal.

¹ *In the Matter of Qwest's Wholesale Service Quality Standards*, 702 N.W.2d 246 (Minn. 2005).

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For these reasons, CenturyLink respectfully requests that the Commission issue an order eliminating the Minnesota wholesale service quality standards.

Very truly yours,

/s/ Jason D. Topp

Jason D. Topp

JDT/bardm

Enclosures

cc: Service List

STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
Nancy Lange
Dan Lipschultz
John Tuma
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

**Re: In the Matter of Qwest Wholesale Service Quality Standards
Docket No. P-421/M-00-849**

AFFIDAVIT OF SERVICE

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

Dianne Barthel hereby certifies that on the 1st day of June, 2015, she e-filed a true and correct copy of the attached letter by posting it on www.edockets.state.mn.us. Said document was also served on the service list via U.S. mail and e-mail as designated with the Minnesota Public Utilities Commission.

/s/ Dianne Barthel
Dianne Barthel

Subscribed and sworn to before me
this 1st day of June, 2015.

/s/ LeAnn M. Cammarata
Notary Public

My Commission Expires Jan 31, 2020

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