

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE ANALYSIS
INTO QWEST CORPORATION'S COMPLIANCE
WITH SECTION 271(C) OF THE
TELECOMMUNICATIONS ACT OF 1996

TC01-165

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Transcript of Proceedings
November 20, 2002

ORIGINAL

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BEFORE THE PUBLIC UTILITIES COMMISSION,
JIM BURG, CHAIRMAN
PAM NELSON, VICE CHAIRMAN
ROBERT SAHR, COMMISSIONER

COMMISSION STAFF
Rolayne Ailts Wiest
John Smith
Karen Cremer
Greg Rislov
Harlan Best
Keith Senger
Dave Jacobson
Michele Farris
Heather Forney
Debra Elofson
Mary Giddings

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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Reported By Cheri McComsey Wittler, RPR

PRECISION REPORTING

L I M I T E D

1 APPEARANCES BY TELEPHONE

- 2 Talbot Wieczorek, Western Wireless
- 3 Colleen Sevold, Qwest Corporation
- 4 Mary Hobson, Qwest Corporation
- 5 Larry Toll, Qwest Corporation
- 6 Jeff Carmon, Qwest Corporation
- 7 Tim Goodwin, Qwest Corporation
- 8 Joe Schuele, Martin Group
- 9 Marv Sorensen, MidAmerican Energy Company
- 10 Jean Calligan, MidAmerican Energy Company
- 11 Mary Lohnes, Midcontinent Communications
- 12 Janet Browne, AT&T
- 13 Linn Evans, Black Hills FiberCom
- 14 Jim Blundell, Western Wireless

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10

11 TRANSCRIPT OF PROCEEDINGS, held in the

12 above-entitled matter, at the South Dakota State

13 Capitol, Room 464, 500 East Capitol Avenue, Pierre,

14 South Dakota, on the 20th day of November 2002,

15 commencing at 10 o'clock a.m.

1 CHAIRMAN BURG: TC01-165, In The
2 Matter of the Analysis Into Qwest Corporation's
3 Compliance With Section 271 of the
4 Telecommunications Act of 1996.

5 Today shall the Commission grant AT&T's Motion
6 and shall the Commission grant Qwest's request and
7 shall the Commission find Qwest in compliance with
8 certain 271 requirements?

9 I would suggest we take each one of those in
10 order, the first one being is shall the Commission
11 grant AT&T's Motion.

12 Is there any discussion on that?

13 MS. AILTS WIEST: I don't think we
14 need anymore discussion.

15 CHAIRMAN BURG: With that, I would
16 move then that the Commission deny AT&T's Motion to
17 reopen and supplement the record. I believe that
18 reopening the record at this point would accomplish
19 very little. Moreover, scheduling another hearing
20 and briefing schedule would most likely
21 significantly delay the proceeding.

22 The Commission as well as AT&T will have an
23 opportunity to comment before the FCC concerning
24 Qwest's new Section 272 affiliate. So I would move
25 that we deny AT&T's Motion to reopen and supplement

1 the hearing.

2 COMMISSIONER NELSON: Second.

3 COMMISSIONER SAHR: Concur.

4 CHAIRMAN BURG: It has been denied.

5 I would move that the Commission grant Qwest's
6 request and accept PID PO-20 on an interim basis.
7 I believe that acceptance of the PO-20 on an
8 interim basis does not eliminate the opportunity to
9 make changes in this PID during the six-month
10 review.

11 COMMISSIONER SAHR: I will second.

12 COMMISSIONER NELSON: Concur.

13 CHAIRMAN BURG: It has been granted.

14 The Motion regarding Section 272, I move that the
15 Commission find that since Qwest has just recently
16 formed a new Section 272 affiliate, the details
17 which are not in the record before the Commission,
18 the Commission should make no recommendation to the
19 FCC on this issue.

20 COMMISSIONER SAHR: And I will
21 second.

22 COMMISSIONER NELSON: Concur.

23 CHAIRMAN BURG: The position of no
24 recommendation to the FCC has been adopted. I
25 would also move that the Commission find that when

1 the results of the ROC OSS test and Qwest's
2 commercial performance data are viewed in their
3 entirety Qwest has demonstrated that it has
4 subsequently met the statutory and the FCC
5 standards concerning OSS.

6 COMMISSIONER SAHR: I will second.

7 COMMISSIONER NELSON: I'd concur.

8 CHAIRMAN BURG: So the OSS testing
9 has been accepted.

10 And, finally, I would move that the Commission
11 find that in order for this Commission to find that
12 Qwest's entry into the interLATA market is in the
13 public interest, Qwest shall make the following
14 changes to its QPAP.

15 One, Qwest shall remove the cap on payments to
16 others under the QPAP. Two, Qwest shall remove the
17 tier 2 trigger and tier 2 payments will apply in
18 any individual month. Item 3, Qwest shall remove
19 the cap on the payment escalation. Number 4, that
20 Qwest shall delete the line 4 of Section 11.3.2
21 relating to the disbursements from the South Dakota
22 Discretionary Fund in order to be consistent with
23 Section 7.5.

24 Item No. 5, that Qwest shall eliminate the
25 requirement in Section 11.3 regarding the

1 appointment of a person to administer the fund.

2 Item No. 6 in Section 2.2.1, Qwest shall change the
3 phrase "established by the state regulatory
4 Commission" to "administered by the state
5 regulatory Commission."

6 Item No. 7, that Qwest shall remove the
7 100 percent cap per interval measurements. Item
8 No. 8, Qwest shall submit its summary format for
9 bill credits. Qwest shall change its audit
10 provisions to the language provided in the
11 Commission's written order and make any
12 corresponding revisions to Section 11.

13 And Item No. 10, Qwest shall change its
14 dispute resolution language to provide that the
15 Commission shall resolve disputes. Item No. 11,
16 Qwest shall change its six-month review provisions
17 to the language provided in the Commission's order.
18 Item No. 12, Qwest shall change its offset
19 provisions to the languages adopted in
20 North Dakota.

21 Item No. 13, Qwest shall delete Section 17.0
22 which states that the QPAP is a voluntary offer.
23 Item No. 14, Qwest shall revise Section 16.6 to
24 provide that Qwest may petition the Commission to
25 phase out the QPAP if it exits the interLATA market

1 or its Section 272 affiliate is eliminated.

2 Item No. 15, Qwest shall add a provision
3 prohibiting Qwest from recovering QPAP payments
4 from increased rates. 16, Qwest shall add a
5 provision regarding successor language. Number 17,
6 Qwest shall submit its proposed model amendment for
7 CLECs that incorporates the QPAP into a CLEC
8 Interconnection Agreement.

9 And, finally, Item No. 18, Qwest shall provide
10 payment estimates prior to any Section 271
11 approval.

12 And with that, with these changes the
13 Commission would find that it does meet 271. Is
14 that correct, Rolayne?

15 MS. AILTS WIEST: Subject to Qwest
16 making all of its compliance filings.

17 CHAIRMAN BURG: Correct.

18 COMMISSIONER SAHR: I will second.

19 COMMISSIONER NELSON: Concur.

20 CHAIRMAN BURG: Okay. So 271 has
21 been approved subject to the compliance filings and
22 subject to these changes as I just reiterated.
23
24
25

1 STATE OF SOUTH DAKOTA)

2 :SS

CERTIFICATE

3 COUNTY OF HUGHES)

4
5 I, CHERI MCCOMSEY WITTLER, a Registered
6 Professional Reporter and Notary Public in and for the
7 State of South Dakota:

8 DO HEREBY CERTIFY that as the duly-appointed
9 shorthand reporter, I took in shorthand the proceedings
10 had in the above-entitled matter on the 20th day of
11 November 2002, and that the attached is a true and
12 correct transcription of the proceedings so taken.

13 Dated at Pierre, South Dakota this 20th day
14 of November 2002.

15
16
17 
18 Cheri McComsey Wittler
19 Notary Public and
20 Registered Professional Reporter
21
22
23
24
25

1	8	C	[1] 8:13 Dave
<p>10 [2] 2:15 6:13 100 [1] 6:7 11 [2] 6:12 6:15 11.3 [1] 5:25 11.3.2 [1] 5:20 12 [1] 6:18 13 [1] 6:21 14 [1] 6:23 15 [1] 7:2 16 [1] 7:4 16.6 [1] 6:23 17 [1] 7:5 17.0 [1] 6:21 18 [1] 7:9 1996 [2] 1:5 3:4</p>	<p>8 [1] 6:8</p> <p style="text-align: center;">A</p> <p>A.m. [1] 2:15 Above-entitled [2] 2:12 8:10 Accept [1] 4:6 Acceptance [1] 4:7 Accepted [1] 5:9 Accomplish [1] 3:18 Act [2] 1:5 3:4 Add [2] 7:2 7:4 Administer [1] 6:1 Administered [1] 6:4 Adopted [2] 4:24 6:19 Affiliate [3] 3:24 4:16 7:1 Agreement [1] 7:8 Ailts [3] 1:13 3:13 7:15 Amendment [1] 7:6 Analysis [2] 1:4 3:2 APPEARANCES [1] 2:1 Apply [1] 5:17 Appointment [1] 6:1 Approval [1] 7:11 Approved [1] 7:21 AT&T [2] 2:7 3:22 AT&T's [4] 3:5 3:11 3:16 3:25 Attached [1] 8:11 Audit [1] 6:9 Avenue [1] 2:13</p>	<p>Calligan [1] 2:6 Cap [3] 5:15 5:19 6:7 Capitol [2] 2:13 2:13 Carmon [1] 2:4 Certain [1] 3:8 CERTIFICATE [1] 8:2 CERTIFY [1] 8:8 CHAIRMAN [10] 1:10 1:11 3:1 3:15 4:4 4:13 4:23 5:8 7:17 7:20 Change [5] 6:2 6:9 6:13 6:16 6:18 Changes [4] 4:9 5:14 7:12 7:22 Cheri [3] 1:22 8:5 8:18 CLEC [1] 7:7 CLECs [1] 7:7 Colleen [1] 2:2 Commencing [1] 2:15 Comment [1] 3:23 Commercial [1] 5:2 Commission [21] 1:1 1:10 1:12 3:5 3:6 3:7 3:10 3:16 3:22 4:5 4:15 4:17 4:18 4:25 5:10 5:11 6:4 6:5 6:15 6:24 7:13 Commission's [2] 6:11 6:17 COMMISSIONER [11] 1:11 4:2 4:3 4:11 4:12 4:20 4:22 5:6 5:7 7:18 7:19 Communications [1] 2:6 Company [2] 2:5 2:6 Compliance [5] 1:4 3:3 3:7 7:16 7:21 Concerning [2] 3:23 5:5 Concur [5] 4:3 4:12 4:22 5:7 7:19 Consistent [1] 5:22 Corporation [5] 2:2 2:3 2:3 2:4 2:4 Corporation's [2] 1:4 3:2 Correct [3] 7:14 7:17 8:12 Corresponding [1] 6:12 COUNTY [1] 8:3 Credits [1] 6:9 Cremer [1] 1:14</p>	<p>[1] 8:13 Dave [1] 1:16 Debra [1] 1:17 Delay [1] 3:21 Delete [2] 5:20 6:21 Demonstrated [1] 5:3 Denied [1] 4:4 Deny [2] 3:16 3:25 Details [1] 4:16 Disbursements [1] 5:21 Discretionary [1] 5:22 Discussion [2] 3:12 3:14 Dispute [1] 6:14 Disputes [1] 6:15 Duly-appointed [1] 8:8 During [1] 4:9</p>
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