

ORIGINAL

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Melissa Newman  
Vice President - Federal Regulatory

October 15, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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**WRITTEN EX PARTE**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 - 12<sup>th</sup> Street, SW, TW-A325  
Washington, DC 20554

RE: CC Docket No. 99-117/FOIA Request Control No. 99-163

Dear Ms. Salas:

The attached material was sent today to Linda Kinney, Legal Advisor to Commissioner Ness, in response to her request. In accordance with Commission Rule 1.1206(b)(1), an original and one copy of this letter and attachment are being filed with your office for inclusion in the public record of this proceeding.

Acknowledgment and date of receipt of this submission are requested. A duplicate of this letter is attached for this purpose.

Sincerely,

*Melissa Newman*

Attachment

cc: Ms. Linda Kinney

No. of Copies rec'd 0+1  
List ABOVE

## MCI'S FREEDOM OF INFORMATION ACT REQUEST

**It is not necessary to examine U S WEST's confidential data to respond to the NOI's question on the "reasonableness" of the Accounting Safeguards Division's ("ASD") rescoring methodology.**

- The NOI asks for comment on the reasonableness and validity of the ASD's **rescoring methodology**, not whether the methodology was correctly applied in the individual audits of the RBOCs.
  - Clearly the Commission is not asking for the commentors to review the audit itself.
  - The Commission is only asking for comments on the methodology used to determine whether to rescore or not rescore.
  - The Commission released the audit staff's methodology at the same time it released the NOI.
  - The audit workpapers document the application of the rescoring methodology.
  - Everything MCI needs to make its comments on the NOI is on the public record.
- The fact that the RBOCs were not made aware of the ASD's methodology (i.e., standard) for rescoring "not found" items until 8 months after RBOC data submissions renders any examination of the data meaningless for purposes of commenting on the validity or even the application of the standard.
  - Clearly, U S WEST's data submission would have been different had it been aware of the ASD's rescoring standard.
  - U S WEST, itself, provided extensive criticism of the ASD's rescoring methodology without any reference to the specifics of its confidential data submission.
- The reasonableness of ASD's methodology must be judged in relation to standards and practices that are employed in the normal course of professional audits – not on the basis of how it was applied to the individual RBOC audits.
- Even if there was a valid reason for allowing MCI to view confidential RBOC data and associated audit work papers, it no longer exists now that MCI and AT&T have reviewed Bell Atlantic data and submitted their comments on the NOI.