

HOGAN & HARTSON  
L.L.P.

MACE J. ROSENSTEIN  
PARTNER  
DIRECT DIAL (202) 637-5877

August 13, 2002

COLUMBIA SQUARE  
555 THIRTEENTH STREET, NW  
WASHINGTON, DC 20004-1109  
TEL (202) 637-5600  
FAX (202) 637-5910

**REDACTED - FOR PUBLIC INSPECTION**

**BY HAND DELIVERY**

RECEIVED

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

AUG 13 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: **WC Docket No. 02-148**  
**Qwest Communications International Inc.**  
**Errata to Consolidated Application for Authority to**  
**Provide In-Region, InterLATA Services in**  
**Colorado, Idaho, Iowa, Nebraska and North Dakota**

Dear Ms. Dortch:

On August 9, 2002, Qwest Communications International Inc. ("Qwest") filed an Erratum to its July 29, 2002 Reply Comments in the captioned proceeding. The transmittal letter accompanying the August 9, 2002, filing inadvertently referred to another pending Qwest proceeding (02-189). We would appreciate your help in ensuring that the August 9, 2002 submission is associated with Docket 02-148. For convenience, a copy of the August 9, 2002 Erratum is attached. Also enclosed is an additional copy of this letter to be stamped as received and returned *via* our messenger.

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HOGAN & HARTSON L.L.P.

Marlene H. Dortch, Secretary

August 13, 2002

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Please direct questions concerning this submission to the undersigned.

Respectfully submitted,

Hogan & Hartson L.L.P.

By: 

Peter A. Rohrbach  
Mace J. Rosenstein  
Yaron Dori

Attorneys for Qwest Communications  
International Inc.

Enclosure

cc: Parties of record (w/o enclosures)

**HOGAN & HARTSON**  
L.L.P.

**MACE J. ROSENSTEIN**  
PARTNER  
DIRECT DIAL (202) 637-5877

August 9, 2002

COLUMBIA SQUARE  
555 THIRTEENTH STREET, NW  
WASHINGTON, DC 20004-1109  
TEL (202) 637-5600  
FAX (202) 637-5910

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**Re: WC Docket No. 02-148  
Qwest Communications International Inc.  
Errata to Consolidated Application for Authority to  
Provide In-Region, InterLATA Services in  
Colorado, Idaho, Iowa, Nebraska and North Dakota**

Dear Ms. Dortch:

Submitted herewith on behalf of Qwest Communications International Inc. ("Qwest") are revisions to certain materials submitted in connection with its Reply Comments in the captioned proceeding, filed on July 29, 2002.

- 1. Exhibit LBB-2 to be included in Reply Declaration of Larry B. Brotherson**

This Exhibit, which consists of letters from Qwest to the state regulatory authorities in each of the states in Qwest's region, was inadvertently omitted from the Brotherson Reply Declaration submitted in support of Qwest's July 29, 2002 Reply Comments. For convenience, a copy of the complete Brotherson Reply Declaration and exhibits, including Exhibit LBB-2, is attached hereto and should be substituted for the materials at Tab 9 of Qwest's July 29, 2002, filing.

**2. Additional pages to be included in Reply Declaration of Michael G. Williams**

Pages 32 – 47 were inadvertently omitted during production from the Williams Reply Declaration submitted in support of Qwest's July 29, 2002, filing. For convenience, a copy of the complete Williams Reply Declaration is attached hereto and should be substituted for the materials at Tab 12 of Qwest's July 29, 2002, filing.

**3. Corrected pages to be included in Reply Declaration of Jerrold L. Thompson and Exhibit JLT-6 thereto**

Page 71 of the Thompson Reply Declaration and page 6 of Exhibit JLT-6 are being replaced to correct typographical errors. The correction to Declaration page 71 corrects the title on the chart to read "DS1" instead of "DS3," and the correction to the exhibit revises the Colorado port rate at line 8a to read \$1.15 instead of \$1.53.

**4. Corrections to Reply Declaration of Lynn M. V. Notarianni and Christie Doherty ("OSS Reply Declaration")**

a. Paragraph seven of the OSS Reply Declaration discussed Qwest's performance results under PO-2B-2 in Iowa in June. The second sentence in the paragraph mistakenly referred to "Idaho" when it should have referred to "Iowa." A replacement page is attached.

b. Reply Exhibit CLD-8 consisted of a July 12 ex parte letter from Qwest. On the second page of that letter, Qwest provided data on the percentage of manual LSRs rejected in error from April 2001 through May 2002. Qwest has revised its calculation of these percentages based on additional information that it recently received. Although Qwest's revised calculations do not materially affect the results, they do change the percentages slightly. Qwest is submitting these revised figures so the record is clear. An appropriately modified second page of Qwest's July 12 ex parte letter is attached.

c. Paragraph 110 of the OSS Reply Declaration discusses Qwest's commercial performance results under PO-2B in the aggregate. The last sentence in the paragraph mistakenly included a reference to "Colorado." The paragraph

Marlene H. Dortch, Secretary

August 9, 2002

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should have referred only to misses in Idaho for May and June, and in Iowa for June. A replacement page is attached.

d. Attachment A of Confidential Reply Exhibit LN-18 is a matrix that identifies reject rates for certain CLECs. The third to last category of the matrix was mistakenly labeled "% of Total Reject Messages that were Address Validation Rejects." It should have been labeled "% of Total Reject Messages that were CSR Validation Rejects." A replacement page is attached.

e. Paragraph 155 of the OSS Reply Declaration discusses Eschelon's comments regarding "unannounced dispatches." The third sentence in that paragraph mistakenly stated that "Qwest research indicates no technician was dispatched as a result of UNE-P conversion or Resale order activity." This sentence should not have been included. A replacement page is attached.

f. Footnote 209 and paragraph 240 of the OSS Reply Declaration mistakenly included a reference to "Section IV.D.1." This internal reference should have read "Section IV.C.1." Replacement pages are attached.

g. The last sentence of paragraph 188 of the OSS Reply Declaration should have begun with the word "Qwest" rather than "Qwest's." A replacement page is attached.

h. Paragraph 221 of the OSS Reply Declaration discusses Qwest's bill dispute resolution process. The third sentence in that paragraph mistakenly stated "Qwest's goal is to resolve all disputes within 30 calendar days." It should state "Qwest's goal is to resolve all disputes within 28 calendar days of the dispute acknowledgment date." A replacement page is attached.

i. Paragraph 229 of the OSS Reply Declaration discusses KPMG's evaluation of the DUF. The third sentence of that paragraph erroneously included the words "covering Qwest's." That sentence should read: "Once those test problems were resolved, a total of three region wide DUF tests were conducted." A replacement page is attached.

j. Paragraph 231 of the OSS Reply Declaration discusses KPMG's evaluation of the DUF. The final sentence in that paragraph contained a typographical error. That sentence should read: "For example, operated assisted local measured service records were involved for many of the changes, which only

accounts for 0.002% of all calls made on the Qwest network on a typical day.” A replacement page is attached.

k. Paragraph 272 of the OSS Reply Declaration discusses Qwest’s ability to provide test “match” and “near match” responses in SATE. The third sentence of that paragraph contained a typographical error. That sentence should read: “The fact that any particular input by the CLEC of a pre-defined test scenario address may result in a “not match” in SATE but not in production, is not a problem.” A replacement page is attached.

**5. Corrected page 18 to be included in Qwest’s July 29, 2002, Reply Comments**

A revised page 18 of Qwest’s Reply Comments is included to correct a misstatement of the average interval for issuing auto-rejects over the last six months. Qwest stated the average interval as “less than 10 minutes” when it should have stated “less than 10 seconds.”

**6. Corrected page 84 to be included in Qwest’s July 29, 2002, Reply Brief**

A revised page 84 of Qwest’s Reply Comments is attached to correct section heading VI.D to read “Checklist Items 9 (Number Administration) and 11 (Local Number Portability.”

\* \* \*

HOGAN & HARTSON L.L.P.

Marlene H. Dortch, Secretary

August 9, 2002

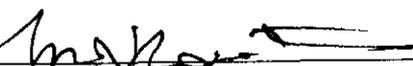
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We also have enclosed an additional copy of this letter to be stamped as received and returned to *via* our courier.

Please direct questions concerning this submission to the undersigned.

Respectfully submitted,

Hogan & Hartson L.L.P.

By:   
Peter A. Rohrbach  
Mace J. Rosenstein  
Yaron Dori

Attorneys for Qwest Communications  
International Inc.

Enclosures

cc: Attached Service List

## SERVICE LIST

Nancy M. Goodman  
Katherine E. Brown  
Lauren J. Fishbein  
Peter A Gray  
Joyce B. Hundley  
Jodi A. Smith  
Telecommunications and Media  
Enforcement Section  
Antitrust Division  
U.S. Department of Justice  
1401 H Street, N.W., Suite 8000  
Washington, D.C. 20530

Janice Myles  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room 5-C327  
Washington, D.C. 20554

Michael Carowitz  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Chris Post  
Nebraska Public Service Commission  
301 Centennial Mall South  
Post Office Box 94713  
Lincoln, NE 68509-4713

Patrick J. Fahn  
Chief Engineer  
Public Utilities Division  
North Dakota Public Service Commission  
State Capitol  
600 East Boulevard  
Dept. 408  
Bismarck, ND 58505-0480

Gary Remondino  
Wireline Competition Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room 5-C140  
Washington, D.C. 20554

Qualex International  
Portals II  
445 12<sup>th</sup> Street, S.W.  
Room CY-B402  
Washington, D.C. 20554

Bruce Smith  
Colorado Public Utilities Commission  
Logan Tower Office Level 2  
1580 Logan Street  
Denver, CO 80203

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
Post Office Box 83720  
Boise, IA 83702

Penny Baker  
Iowa Utilities Board  
350 Maple Street  
Des Moines, IA 50319-0069

Andrew D. Lipman  
Patrick J. Donovan  
Michael W. Fleming  
Rogena Harris  
Katherine A. Rolph  
Harisha J. Bastiampillai  
Counsel for Integra, Vanion and  
OneEighty  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007

Debbie Goldman  
Communications Workers of America  
501 Third Street, N.W.  
Washington, D.C. 20001

Jonathan D. Lee  
Vice President, Regulatory Affairs  
Maureen Flood  
Director, Regulatory and State Affairs  
The Competitive Telecommunications  
Association  
1900 M Street, N.W., #800  
Washington, D.C. 20002

Megan Doberneck  
Senior Counsel  
Praveen Goyal  
Senior Counsel for Government and  
Regulatory Affairs  
Jason D. Oxman  
Assistant General Counsel  
Covad Communications Company  
600 14<sup>th</sup> Street, N.W., Suite 750  
Washington, D.C. 20005

Karen L. Clauson  
Eschelon Telecom, Inc.  
730 2<sup>nd</sup> Avenue South, Suite 1200  
Minneapolis, MN 55402-2456  
Gregory A. Ludvigsen  
Attorney for the Minnesota Independent  
Payphone Association  
Ludvigsen's Law Office  
3801 E. Florida, Suite 400  
Denver, CO 80210

Penny Bewick  
New Edge Network, Inc.  
3000 Columbia House Blvd., Suite 106  
Vancouver, WA 98861

John R. Perkins  
Consumer Advocate  
Iowa Office of Consumer Advocate  
310 Maple Street  
Des Moines, IA 50319

Raymond S. Heyman  
Attorney for the Arizona Payphone  
Association  
Roshka Heyman & Dewulf, PLC  
One Arizona Center  
400 East Van Buren Street, Suite 800  
Phoenix, AZ 85004

Brooks Harlow  
Attorney for the Northwest Public  
Communications Council  
Miller, Nash LLP  
4400 Two Union Square  
601 Union Street  
Seattle, WA 98101-2352

Craig D. Joyce  
Attorney for the Colorado Payphone  
Association  
Walters & Joyce, P.C.  
2015 York Street  
Denver, CO 80205

Marybeth M. Banks  
H. Richard Juhnke  
Spring Communications Company L.P.  
401 9<sup>th</sup> Street, N.W., Suite 400  
Washington, D.C. 20004

Mark C. Rosenblum  
Lawrence J. Lafaro  
Richard A. Rocchini  
AT&T Corp.  
295 North Maple Avenue  
Basking Ridge, NJ 07920

Susan Callaghan  
Senior Counsel  
Touch America, Inc.  
130 North Main Street  
Butte, MT 59701

Randall B. Lowe  
Davis Wright Tremaine LLP  
1500 K Street, N.W.  
Washington, D.C. 20005

Becky Watson  
Executive Vice President – Operations  
Vanion, Inc.  
2 N. Cascade  
Suite 900  
Colorado Springs, CO 80903

Marc A. Goldman  
Jenner & Block, LLC  
601 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20005

Mary B. Tribby  
AT&T Communications of the Mountain  
States  
1875 Lawrence street, Room 1575  
Denver, CO 80202

Lisa B. Smith  
Lori E. Wright  
WORLD COM, INC.  
1133 19<sup>th</sup> Street, N.W.  
Washington, D.C. 20036





**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
<b>Qwest Communications</b>	)	<b>WC Docket No. 02-148</b>
<b>International Inc.</b>	)	
	)	
Consolidated Application for Authority	)	
to Provide In-Region, InterLATA Services	)	
in Colorado, Idaho, Iowa, Nebraska	)	
and North Dakota	)	

**REPLY DECLARATION OF LARRY B. BROTHERRSON**

**July 29, 2002**

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II. QWEST'S PROCESS FOR DETERMINING WHETHER PARTICULAR AGREEMENTS ARE SUBJECT TO THE FILING REQUIREMENTS OF SECTION 252(A) .....5

**TABLE OF EXHIBITS**

<b>Exhibit</b>	<b>Description</b>
LBB-1	Qualifications of Larry B. Brotherson
LBB-2	Letters from Mr. R. Steven Davis to Colorado, Idaho, Nebraska, Iowa and North Dakota State Commissions

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
<b>Qwest Communications</b>	)	<b>WC Docket No. 02-148</b>
<b>International Inc.</b>	)	
	)	
Consolidated Application for Authority	)	
to Provide In-Region, InterLATA Services	)	
in Colorado, Idaho, Iowa, Nebraska	)	
and North Dakota	)	

**REPLY DECLARATION OF LARRY B. BROTHERSON**

Pursuant to 47 C.F.R. § 1.16, Larry B. Brotherson declares as follows:

1. My name is Larry Brotherson. I am employed by Qwest Corporation ("Qwest") as a director in the Wholesale Markets organization.<sup>1</sup> My business address is 1801 California Street, Room 2350, Denver, Colorado, 80202.

**I. BACKGROUND**

2. I have two degrees: a Bachelor of Arts degree from Creighton University in 1970 and a Juris Doctorate degree from Creighton University in 1973. In 1979, I joined Northwestern Bell Telephone Company. I have held several assignments within Northwestern Bell, and later within Qwest, primarily within

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<sup>1</sup> Professional experience, education, and other biographical information are set forth in Exhibit LBB-1 of this application.

the Law Department. Over the past 20 years, I have been a state regulatory attorney in Iowa, a general litigation attorney, and a commercial attorney supporting several organizations within Qwest. My responsibilities have included evaluating and advising the company on legal issues, drafting contracts, and addressing legal issues that arise in connection with specific products. With the passage of the Telecommunications Act of 1996 ("the Act"), I was assigned to be the attorney in support of the Interconnection Group. In that role, I was directly involved in working with competitive local exchange carriers ("CLECs") negotiating contract language implementing various sections of the Act, including the Act's reciprocal compensation provisions. In 1999, I assumed my current duties as director of wholesale advocacy.

3. My current responsibilities include coordinating the witnesses for all interconnection arbitrations and for hearings related to disputes over interconnection issues. Additionally, I work with various groups within the Wholesale Markets organization of Qwest in connection with regulatory proceedings associated with interconnection services.

## **II. QWEST'S PROCESS FOR DETERMINING WHETHER PARTICULAR AGREEMENTS ARE SUBJECT TO THE FILING REQUIREMENTS OF SECTION 252(A)**

4. The purpose of this Declaration is to address issues raised regarding Qwest's filing decisions pursuant to 47 U.S.C. § 252(a). Specifically, I would like to describe Qwest's new policy and process for determining whether

particular negotiated contractual arrangements with CLECs are subject to the filing requirements of Section 252(a).

5. Qwest has always acted diligently and in good faith to fulfill its obligations under the Telecommunications Act. Qwest's corporate policy is to ensure full compliance with Section 252(a) and all other provisions of the Act. Recently, however, certain parties have questioned Qwest's decisions regarding the scope of Section 252(a) as it applies to particular contract provisions with CLECs. In general these provisions address such matters as settlement of disputes, implementation details related to provisioning, Qwest-CLEC relationship management issues (such as meeting schedules and dispute resolution processes), or subjects unrelated to Section 251 obligations at all. It is Qwest's position that these matters do not fall within the sphere of agreements that Congress intended be reviewed and approved by state utility commissions prior to their taking effect. In any event, Qwest has operated in good faith in this area, where regulators have not defined the line between those contractual provisions that must go through the prior PUC approval process, and those that do not.

6. Qwest has filed a Petition for Declaratory Ruling with this Commission in Wireline Competition Bureau Docket No. 02-89 asking for clarification of the regulatory reach of the 252(a) filing/prior approval process. We have suggested that certain agreements, such as those noted above, do not fall within Section 252(a)'s scope. We have noted the problems that arise if the filing obligation is overbroad: delays in meeting CLEC needs, interference with dispute

resolution, and other regulatory costs. At the same time, Qwest has emphasized that what it needs most in this area is certainty so that all parties -- ILECs and CLECs alike -- can have a better understanding as to which of their agreements must obtain prior PUC approval before taking effect.

7. Meanwhile, Qwest has developed a formalized business practice for reviewing agreements with CLECs as an additional assurance that it is complying with Section 252. Under the new process, a lead attorney is assigned for each negotiation or agreement involving in-region wholesale services, regardless of whether a CLEC has requested negotiations for interconnection pursuant to Section 252(a). Furthermore, the terms of any subsequent agreements are presented to a new committee comprised of senior managers from Legal Affairs, Public Policy, Wholesale Business Development, Wholesale Service Delivery, and Network as well as a Policy and Law Regulatory Attorney. After selection of the individuals, beginning in June 2002 the committee has met on a weekly basis to review and determine whether Qwest must file particular agreements with state commissions.

8. In addition, pending a decision on the Declaratory Ruling Petition on file at the FCC, the Committee is erring on the side of filing more agreements rather than fewer. Specifically, the Committee is applying the standards as set forth in the letter of Mr. R. Steven Davis sent to each of Qwest's in-region state commissions in May 2002. Copies of Mr. Davis's letters to the regulators in Colorado, Idaho, Nebraska, Iowa and North Dakota are attached here as Exhibit LBB-2. Mr. Davis advises the state commissions that, on a going

forward basis, Qwest would be applying a broad filing standard to all future negotiated CLEC contract provisions pending orders from the FCC in response to Qwest's Petition for a Declaratory Ruling. As stated in Mr. Davis's letter:

Qwest will file all contracts, agreements or letters of understanding between Qwest Corporation and CLECs that create obligations to meet the requirements of Section 251(b) or (c) on a going forward basis. We believe that commitment goes well beyond the requirements of Section 252(a). However, we will follow it until we receive a decision from the FCC on the appropriate line drawing in this area. Unless requested by the Commission, Qwest does not intend to file routine day-to-day paperwork, orders for specific services, or settlements of past disputes that do not otherwise meet the above definition.

The Committee is applying the standards as stated in Mr. Davis's letter to all future CLEC agreements. That standard does not distinguish between those contractual "obligations" that all parties would agree require prior PUC approval under Section 252(a) and "obligations" concerning minor matters that Qwest believes do not require such a regulatory process. The Committee also will be applying any standards that may be ordered by specific state commissions. In all events, Qwest will be applying these broad filing standards pending further definition and interpretation of Section 252(a).

9. In summary, Qwest's corporate policy is to comply fully with Section 252(a) and all other provisions of the Telecommunications Act. Through the new committee process, and the broad standard it applies, Qwest is ensuring that it will file and obtain necessary PUC approval for all future negotiated agreements with CLECs.

10. This concludes my Reply Declaration.