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**Melissa E. Newman**  
Vice President - Federal Regulatory

*FILED VIA ECFS*

**EX PARTE**

August 20, 2002

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: *Application by Qwest Communications International, Inc. to Provide In-Region Interlata Service in the States of Colorado, Idaho, Iowa, Nebraska and North Dakota. WC Docket No. 02-148*

Dear Ms. Dortch:

Yesterday, Gary Lytle, Melissa Newman and Dan Poole met with Matthew Brill, Senior Advisor to Commissioner Abernathy, on Qwest's 271 application to provide long distance service in Colorado, Idaho, Iowa, Nebraska and North Dakota. In the meeting we discussed the issue of unfiled agreements.

Specifically, we discussed how this issue was raised by the Department of Commerce in Minnesota and what Qwest did at the time to respond to the issue. The Minnesota Department of Commerce believed that 11 of the agreements it looked at should have been filed with the state commission. We noted that at the time this issue arose, Qwest took the following steps:

- we noted that we had obtained CLEC waiver of confidentiality provisions so that we could make the agreements public;
- we asked the Minnesota Public Utilities Commission to expedite its review process and accept the agreements as interconnection ones if it disagreed with our view;
- we submitted to other state commissions in the region any of the 11 agreements applicable to CLECs doing business in the state and asked the commissions to accept such currently effective contracts as 252 interconnection agreements if they concluded the contracts should have been filed; and
- we have cooperated fully with inquiries in other states where commissions have reviewed all of our agreements with CLECs for a determination whether some subset should have been filed.

Ms. Marlene H. Dortch  
Federal Communications Commission  
August 20, 2002  
Page 2 of 2

In addition we noted that Qwest has a petition pending at the FCC for a ruling as to whether our interpretation of Section 252 is correct. Many of Qwest's states are also looking at this issue and coming up with their own interpretations of the law and these matters will play themselves out before state and federal regulators. We underscored that all states that have 271 applications pending before the FCC who have considered this question agree that this issue is not a 271 affecting matter.

Finally, Qwest discussed its going forward plan with respect to these agreements. The details of this plan is set forth in an *ex parte* in this docket dated August 20, 2002.

Sincerely,

/s/ Melissa E. Newman  
Vice President-Federal Regulatory  
Qwest

cc: Matthew Brill