September 5, 2002

Hon. Michael Powell
Hon. Kathleen Abernathy
Hon. Michael Copps
Hon. Kevin Martin
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: Multi-State Section 271 Collaboratives, WC Docket No. 02-148, WC Docket No. 02-189.

Dear Chairman Powell, Commissioner Abernathy, Commissioner Copps, and Commissioner Martin,

As individual commissioners we are deeply committed to implementing the market-opening provisions of the Telecommunications Act, specifically including Section 271.[1] We have worked hard to ensure that our markets are effectively open to competition under the provisions of the Act, and believe that we have successfully achieved an appropriate balance between the interests of multiple stakeholders.

As active members of the Regional Oversight Committee for Qwest (ROC) we have participated in one or more of the multi-state collaboratives addressing Operations Support Systems (OSS); competitive checklist, public interest and Section 272 compliance; and, post-entry performance plan design.[2] We are also well underway in designing a multi-state approach to post entry issues, including performance indicator and performance plan implementation. We have, of course, all participated in our own Section 271 proceedings, and have filed detailed recommendations with the Federal Communications Commission.

We have resisted efforts by any party to make Section 271 primarily about something which it is not. For example, we have rejected any suggestion that the rigorous process of opening local markets under Section 271 is primarily about creating greater long distance competition. Likewise, we are concerned that as part of the FCC's appropriate review of Qwest applications and state consultative reports, the work that has been accomplished, and the results that are in hand, may be undone by a disproportionate focus on the unfiled agreements entered into by Qwest and various CLECs.

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[1] This letter is signed by individual commissioners from states which have issued reports or recommendations concerning Qwest's Section 271 applications and which participated in the Operations Support System collaborative. They are not acting on behalf of their commissions. This letter was not discussed with any other participants in the Section 271 process.

[2] Thirteen states participated in the OSS Collaborative. Seven of these states participated in the separate competitive checklist, public interest, and Section 272 collaborative. Nine states participated in the post entry performance plan collaborative.

None of us endorse the failure to file what are properly interconnection agreements under Sections 251 and 252. As evinced by the state filings in response to the FCC's recent notice dated August 21, 2002, all of us are pursuing this issue in appropriate venues, and also await the Commission's further guidance concerning the definition of interconnection agreement. We take the issue of unfiled agreements seriously, but believe that it should not be allowed to derail the Section 271 process. In the OSS Collaborative, KPMG promptly conducted a "CLEC participation study" (and subsequently expanded the study) to determine whether the OSS test results were affected by the participation, or lack of participation, of CLECs party to unfiled agreements. The study was posted to the OSS project web site, and made available to parties and state commissions for use in their comments and review. You have that record before you now, along with the states' consultative recommendations and responses to your recent notice.

Various states also considered the unfiled agreement issue as part of their public interest review or in other parts of their Section 271 review. Again, you have that record before you.

Both the Commission and the Department of Justice have consulted closely with the ROC states from the early stages of project design. We have met together in the West every six months. The states and their consultative experts have sponsored intensive briefings on the multi-state project for Commission and Department of Justice staff in Washington on a regular basis. FCC Commissioners, advisors, and staff, along with Department of Justice staff, have made tremendous contributions to the effort over a period of years. We hope that now, both the Commission and the states will continue to focus on achieving real benefits for our citizens. That has been the focus in our respective states, and in our work together, over the past years.

The ROC multi-state collaboratives have been perhaps the signal achievement of the cooperative federalist approach each of you has endorsed. We believe our work together so far lays an excellent foundation for continued close work together.

Sincerely,

Bob Rowe
Montana Public Service Commissioner
Chair, Multi-State OSS Executive Committee

Joan Smith
Oregon Public Utility Commission

Anne Boyle, Chair
Nebraska Public Service Commission
Member, Multi-State OSS Executive Committee

Steve Ellenbecker, Chairman
Wyoming Public Service Commission

Diane Munns, Chairman
Iowa Utilities Board
Member, Multi-State OSS Executive Committee

Ray Gifford, Chair
Colorado Public Utilities Commission
Member, Multi-State OSS Executive Committee

Tony Clark
North Dakota Public Service Commission

Marilyn Showalter, Chairwoman
Washington Utilities and Transportation Commission
Member, Multi-State OSS Executive Committee

Stephen F. Mecham, Chairman
Utah Public Service Commission
Member, Multi-State OSS Executive Committee