

ORIGINAL

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EX PARTE OR LATE FILED

Rick Hays
State President - Montana
State Office

December 19, 2002

EX PARTE - REDACTED FOR PUBLIC INSPECTION

RECEIVED

DEC 19 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

**Re: WC Docket No. 022-314 -Application of Qwest
Communications International Inc. for Authorization to
Provide In-Region, InterLATA Service in the States of
Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota,
Utah, Washington and Wyoming**

Dear Ms. Dortch:

The purpose of this letter is to address a December 18, 2002 *ex parte* letter filed by Ronan Telephone Company ("Ronan") in this docket. Ronan has alleged that Qwest might be providing originating in-region interLATA service. However, as discussed below, Ronan has refused to provide the necessary information to evaluate its claims, and Qwest has no present information that those claims are correct.

First, Qwest's investigation into its Montana records indicates that no originating in-region interLATA service is being provided by any Qwest entity. This conclusion is based on our review conducted beginning immediately after Ronan first made these allegations to us last Friday, December 13. We undertook this review even though Ronan has been unwilling to provide the necessary information to evaluate its claims.

Second, the Commission should be aware that Ronan confirmed in a conference call with me on Tuesday that it does not have the necessary information to arrive at the conclusion that Qwest is providing any service prohibited by Section 271.

Third, the Commission should be aware that Ronan presented these allegations to Qwest on December 13, combined with a settlement proposal to settle a separate and unrelated lawsuit in federal court. Ronan threatened to take these allegations to the Commission if Qwest did not settle the unrelated federal court lawsuit. The settlement proposal that Ronan provided to Qwest is attached to this letter as Confidential Attachment A. The Company's settlement proposal is for Qwest to pay a substantial sum of money to resolve an unrelated suit in federal court in exchange for

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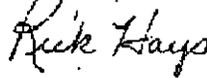
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Ms. Dortch
December 19, 2002
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Ronan agreeing not to participate or submit any comments or other information in the current Section 271 proceeding or related appeals. Ronan drafted the settlement proposal. Qwest neither participated in drafting the proposal nor provided input to it. Qwest immediately rejected the settlement proposal both orally and in writing. Attachment B to this letter is a copy of a letter that I sent to Ronan memorializing the rejection of the settlement offer and discussing issues related to Ronan's allegations.

Fourth, the Commission should be aware that Ronan has failed to provide information to Qwest that would substantiate its claims. On December 13 and 16, Qwest made written requests to Ronan to provide documents that would substantiate its claims. Those letters are attached as Attachments C and D, respectively. In a conference call on December 17, Ronan conceded that the information that it has provided to Qwest to date does not allow Qwest to evaluate the veracity of its claims. Specifically, Ronan has not provided the ten-digit originating and terminating telephone numbers (the last four digits are masked) for the calls and has not provided the complete date of the calls (the day of the month is masked) or time of day. ¹ On December 17, Ronan indicated that it would provide Qwest with this information if Qwest would settle the pending unrelated lawsuit as Ronan had requested. As discussed above, Qwest has rejected Ronan's settlement proposal. Ronan then indicated that it was unwilling to provide Qwest with the additional requested information at this time because Qwest rejected its settlement proposal. Qwest stands ready to evaluate any data from Ronan if they choose to provide it.

Sincerely,



Rick Hays

cc: E. Yockus
M. Carowitz
J. Myles
R. Harsch
J. Jewel
P. Baker

¹/ Qwest needs this information to match the data provided by Ronan with Qwest's call records data and AMA records. Qwest will then use this information for purposes of evaluating Ronan's claims to trace the calls that they claim are inappropriate.

Ms. Dortch
December 19, 2002
Page 3 of 3

C. Post
P. Fahn
B. Smith

Attachment A
Redacted for Public Inspection

Attachment A
Confidential Materials pp 1-2
Redacted for Public Inspection

Sincerely,
Rick Hays

The purpose of writing you is to confirm in writing three issues that we discussed on our conference call yesterday. First, Qwest rejects the settlement proposal that Roman Telephone Company, Hot Springs Telephone Company, and Lincoln Telephone Company made to Qwest on December 13, 2002, entitled Outline of Settlement Proposal. That two page Outline of Settlement Proposal was drafted by you and your companies, and not by Qwest. We are neither involved in nor interested in the process of negotiating a settlement with you on the separate and unrelated lawsuit in federal court.

Second, as you acknowledged, the call data information that you provided is incomplete in two critical respects: 1) it does not provide the ten digit originating or terminating telephone numbers (it masks the last four digits); and 2) it does not provide the day of the month on which the calls were made nor the time of day of the calls. Without this information, Qwest is not able to use your incomplete data to evaluate your allegations. You have indicated concerns over CPNI data. Qwest shares that concern, but expressed a desire to work with you to resolve your CPNI issues so that Qwest could see this information and evaluate your data. That position stands. However, to date, you have not provided the information necessary to evaluate your allegations.

Third, we explained that our investigation of your allegations, based on our records, indicates that no in-region originating interLATA calls are being made. You confirmed that the information that you have is not enough to arrive at the conclusion that Qwest is providing in-region originating interLATA calls in violation of the Telecommunications Act of 1996.

As we discussed, Qwest will continue to do all that we can to evaluate your claim. We also communicated that we want to evaluate your data, but that the ten digit originating and terminating telephone numbers and the complete date are required. You indicated that you are unwilling to provide Qwest with the additional requested information at this time because Qwest has rejected your settlement proposal in a separate and unrelated lawsuit. If you choose to provide us the ten digit telephone numbers and complete date, we will evaluate your data and respond to you.

Dear Jay:

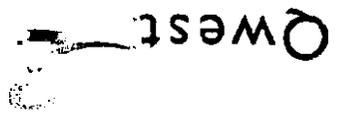
VIA FIRST CLASS MAIL & FAX 406/676-8889

Roman Telephone Company
Jay Preston, President
312 Main Street Southwest
Roman, MT 59864

December 18, 2002

Rick Hays
President - Montana
State Office
441 North Park Avenue, Room 5
Post Office Box 1715
Helena, MT 59624
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Attachment B



Qwest Communications
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Rick Hays
President - Montana
State Office
December 13, 2002

Attachment C

Ronan Telephone Company
Jay Preston, President
312 Main Street Southviest
Ronan, MT 59864

VIA FAX 406/676-8889 & FIRST CLASS MAIL

Dear Jay:

I received the draft of your December 18, 2002, letter which you gave to me on December 13, 2002.

In order for Qwest to evaluate the issue raised therein, please provide any and all documents, data and analysis that **supports** the claim made in your letter, including but not limited to, **the call** data records which includes the originating and terminating telephone numbers. Please provide this information as soon as possible to facilitate Qwest's evaluation of your claim. However, in light of the time constraints that you outlined, please provide this information no later than close of business on Monday, December 16, 2002.

Thank you for your attention to **this** matter.

Sincerely,

A handwritten signature in cursive script that reads "Rick Hays".

Qwest Communications
441 North Park Avenue, Room 5
Post Office Box 1718
Helena, MT 59624
406 441-7700 (phone)
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e-mail: rhays@qwest.com



Rick Hays
President - Montana
State Office
December 16, 2002

Attachment D

Ronan Telephone Company
Jay Preston, President
312 Main Street Southwest
Ronan, MT 59864

VIA FAX 4061676-8889 & e-mail

Dear Jay:

I received your December 16, 2002 letter. In that letter, you state that other information which is within the scope of my December 13, 2002 request "may be made available to Qwest if you request further information, but has not been provided at this time ...". I am still seeking and requesting your full response to the request I made in my December 13 letter to you. Please provide that complete information as soon as possible. Thank you for your anticipated response.

We are experiencing difficulty opening and printing the attachments to your December 16, 2002 letter and I will notify you if we need to make other arrangements to view the information that you provide.

Sincerely,

A handwritten signature in cursive script that reads "Rick Hays".