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February 21A, 2003

**Ex Parte**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW-B204  
Washington, D.C. 20554

**Re: WC Docket No. 03-11 – Application by Qwest  
Communications International Inc. for Authority to  
Provide In-Region InterLATA Services in  
New Mexico, Oregon, and South Dakota**

Dear Ms. Dortch:

At the request of FCC staff, Qwest is providing the following update on the status of negotiations with the South Dakota Public Utilities Commission (“SDPUC”) concerning its Performance Assurance Plan (“QPAP”).

On February 17, 2003, Qwest filed with the SDPUC a revised QPAP that included changes to which Qwest committed in its January 29, 2003, letter to Rolayne Wiest, SDPUC Counsel, as well as those requested in the SDPUC’s February 4, 2003, Comments to the FCC. Qwest’s compliance filing also asked the SDPUC to accept, in Section 16.0, the following language contained in other state-approved QPAPs:

16.1.2 Nothing in this PAP precludes the Commission from modifying the PAP based upon its independent state law authority, subject to judicial challenge. Nothing in this PAP constitutes a grant of authority by either party to this agreement nor does it constitute a waiver by either party to this agreement of any claim either party may have that the Commission lacks jurisdiction to make any modifications to this PAP, including any modifications resulting from the process described in Section 16.0.

On February 20, 2003, the SDPUC accepted the revised QPAP including the requested language and stated that it would recommend to

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the FCC that Qwest be granted Section 271 authority for the state of South Dakota.

The twenty-page limit does not apply to this submission.

Respectfully Submitted,

*Hance Haney*

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