

Volume 5, Tab 5 at 29-32 (Transcript of Proceedings, May 29, 2002). No CLEC raised a price squeeze argument before the MPUC, and Qwest does not anticipate that any will do so here. Any such argument would be completely without foundation. *See* Thompson Pricing Decl. ¶¶ 21-28; *Qwest 271 Order* ¶¶ 422-452 (analyzing and rejecting price squeeze claims).

**2. Qwest Has Followed the Same Processes With Respect to CLEC Agreements in Minnesota That the Commission Has Approved in Prior Section 271 Proceedings.**

Qwest takes very seriously past issues related to the so-called “unfiled agreements” matter, and is fully committed to Section 252 compliance in Minnesota. Qwest has followed the same corrective processes here that it has (i) in the nine states where the Commission already has granted Section 271 authority, and (ii) in the three pending application states. Just as in those states, any past compliance issues in Minnesota are not reasons for delaying grant of this application. Just as in those states, past Section 252 mistakes in no way counterbalance the enormous efforts Qwest has made to satisfy the competitive checklist. Nor do they justify denying consumers the benefits that will flow from increased long distance competition.

Qwest recognizes that there is sentiment in certain quarters for denying Section 271 authority pending final action in the penalties phase of the MPUC “unfiled agreements” enforcement docket. <sup>72/</sup> However, that approach would be inconsistent with Section 271 and Commission precedent. The current debate in Minnesota relates to the scope of penalties that are appropriate and within the MPUC’s legal authority for non-compliance with Section 252 in the past. Qwest has serious differences with the current penalty rulings. <sup>73/</sup> This does not mean that

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<sup>72/</sup> MPUC Docket No. P-421/C-02-197.

<sup>73/</sup> Qwest also has differences with the MPUC regarding certain liability determinations made during earlier stages of the enforcement docket, but we will not address them here. Our

Qwest is looking to prolong that dispute. Quite the contrary, Qwest made what it considers a very broad penalties phase proposal in the interest of reaching closure, but its proposal was not accepted. Qwest has sought reconsideration of the MPUC's order and that motion is pending. <sup>74/</sup> Eventually this matter will be resolved before the MPUC or, if not, in the courts. Qwest remains hopeful that it can settle this matter soon in a reasonable and proportionate manner. However, this dispute over penalties in a backwards-looking enforcement case is not grounds for withholding Section 271 authority going forward. For Section 271 purposes, Qwest's present actions are relevant, and not the consequences it may face for past mistakes.

Here the record is strong and clear. **As** in other states, Qwest has filed all contracts with CLECs in Minnesota that even arguably contain currently effective provisions creating obligations with respect to Section 251(b) or (c) matters. The FCC has found that such actions are sufficient under Section 271. Specifically, in the Qwest III proceeding AT&T argued that Qwest should be denied interLATA authority based on its previous failure to file certain contracts with CLECs pursuant to Section 252. <sup>75/</sup> The Commission rejected this position, finding that "concerns about any potential ongoing checklist violation (or discrimination) are met by Qwest's submission of agreements to the commissions of the application states pursuant to section 252 and by each state acting on Qwest's submissions of those agreements." *Qwest 271*

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preference is to reach an accommodation in Minnesota that does not require litigation of these matters on appeal or elsewhere.

<sup>74/</sup> Qwest Motion for Reconsideration, Docket No. P-421/C-02-197 (filed March 10, 2003).

<sup>75/</sup> The Commission noted the proceedings in Minnesota in the unfiled agreements docket, including the MPUC's Order, in its decision approving the nine state Qwest III proceeding. See *Qwest 271 Order* ¶ 467 and n. 1699.

*Order* ¶ 466. <sup>76/</sup> The Commission found that residual issues arising from any past violations are properly framed in an enforcement proceeding, and not a Section 271 docket. *Id.*

The FCC can appropriately make the same finding here. First, as the Commission recognized in *Qwest III*, as of May 2002 Qwest adopted policies under which all new contracts creating ongoing obligations with respect to Sections 251(b) or (c) are filed with state commissions for approval under Section 252. Qwest also created a senior-level committee to enforce compliance with this policy. *Qwest 271 Order* ¶ 470. These policies applied across all states in the Qwest region. Subsequently, on October 4, 2002, the Commission issued a Declaratory Ruling regarding the scope of the Section 252 filing requirement that was consistent with Qwest's self-defined and implemented policy standard. <sup>77/</sup>

Second, Qwest has handled its previously unfiled agreements in Minnesota the same way that it has in the nine states that the Commission already has approved, and in the three that are pending. Specifically, Qwest has made a formal submission to the MPUC of any older previously unfiled agreements insofar as those contracts contain provisions imposing ongoing obligations relating to Section 251(b) or (c) that have not been terminated or superseded by agreement, commission order, or otherwise. <sup>78/</sup> Qwest has applied this standard broadly to avoid any potential disputes as to its inclusiveness. Significantly, Qwest previously provided all

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<sup>76/</sup> The Commission also rejected all of AT&T's related allegations regarding unfiled agreement issues. *Qwest 271 Order* ¶¶ 492-499.

<sup>77/</sup> *Petition for Declaratory Ruling on the Scope of the Duty to File and Obtain Prior Approval of Negotiated Contractual Arrangements Under Section 252(a)(1)*, 17 FCC Rcd 19337 (Oct. 4, 2002).

<sup>78/</sup> These contracts were filed with the MPUC on March 25 and 26, 2003. The ninety-day period for MPUC review under Section 252(c)(4) will expire on June 23 or 24, 2003.

of these older contracts to the MDOC in connection with that agency's investigation of Qwest-CLEC filing practices. None of them are new to the MDOC

Four of these contracts involve provisions that were the subject of the MDOC's complaint and the litigation before the MPUC. At the time that Qwest answered that complaint in March 2002, it invited the MPUC to accept and review the contracts identified by the MDOC as interconnection agreements under Section 252. <sup>79/</sup> The MPUC, however, deferred action pending further proceedings in that docket. In a step toward closure, Qwest has formally filed the provisions that are still in effect in the contracts that were at issue in the litigation.

The remaining contracts are ones that the DOC did not identify as requiring require filing under Section 252, but that nevertheless are encompassed by the broad filing standard that Qwest has applied in other states to eliminate controversy. Qwest has no objection to making such additional filings - so long as doing so is not considered an admission and does not expose the company to further penalties. <sup>80/</sup> With that caveat, Qwest has followed the same course in Minnesota that it has in other states in the region. Thus, for example, Qwest has filed certain boilerplate agreements used by CLECs in the ordinary course to order ancillary

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<sup>79/</sup> See *Conditional Application for Approval*, Docket No. P-421/DI-01-814 (March 1, 2002)(submitting the agreements to the MPUC and asking that the commission determine, inter alia, whether the agreements need to be filed under section 252).

<sup>80/</sup> In February the MDOC suggested that Qwest be allowed to come forward with any previously undisclosed unfiled agreements under an amnesty plan that would permit a fresh start on compliance. Dkt. P-421-197, February 4, 2003 Hearing, at p. 8, l 16-25 ("The department supports giving Qwest a one-time opportunity to file any interconnection agreements that have not yet been submitted to the commission for approval. The commission could order that Qwest have a 30-day window in which it can file such agreements with immunity. The objective would be to make all interconnection agreements available for pick and choose as well provide Qwest with the opportunity to start with a clean slate.") There are no such "undisclosed" agreements because each of the agreements has been provided to the MDOC. But presumably the MDOC and other parties would agree all the more that Qwest should not be penalized for filing agreements that the MDOC already reviewed in the past and did not include in its complaint at the time.

interconnection services. Qwest (and perhaps the MDOC) had understood such documents to fall into the category of contract forms that did not require prior state commission approval. In the *Qwest 271 Order*, however, the Commission found that at least one such contract “does not appear on its face to fall within the scope of the filing requirement exceptions set forth in the Commission’s declaratory ruling” for form contracts. *Qwest 271 Order* ¶ 491 n.1789. Even so, the Commission found that because the terms of the agreement are available through SGATs in the relevant states, the terms of the agreement are available to other CLECs “and thus no ongoing discrimination exists that would warrant denial of this section 271 application.” *Id.*

To eliminate any such question here, Qwest has now filed similar form contracts for approval under Section 252 in Minnesota. Under these contracts CLEC collocation space is decommissioned under standard procedures, or CLECs subscribe to various standard product offerings which are and have been generally available to all CLECs under the same terms and conditions, such as ICNAM, Line Information Data Base Storage, CMDS Hosting and In-region Message Distribution, Transient Interim Signaling Capability Service, and Transit Record Exchange. Qwest must emphasize that, when examined in context as opposed to simply on their face, it is clear that these agreements are order form contracts exempt from Section 252. However, we have no objection to filing them; they simply reflect the same terms that are and have been available to all CLECs. <sup>81/</sup>

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<sup>81/</sup> Qwest also has filed several settlement agreements previously provided to the MDOC that the MDOC also did not allege required filing under Section 252. The FCC’s October 4 Declaratory Ruling similarly found that settlement agreements do not require PUC approval except insofar as they contain ongoing obligations under Section 251. Qwest believes the MDOC’s conclusion was correct, but because these contracts arguably impose obligations on Qwest that are still in effect, it has filed these contracts in other states out of an abundance of caution to avoid any future question, and now has done the same in Minnesota.

In short, the Commission here can make the same finding that it did in the **Qwest 271 Order** with respect to the “unfiled agreements” issue. The pendency of the penalties phase of the MPUC proceeding, or a potential appeal of that enforcement action, does not impact this application. Qwest continues to hope that it can reach a reasonable resolution of that case. Qwest is prepared to accept a significant penalty for its past mistakes, as its original settlement offer demonstrated.

But to be clear, Qwest is not required to waive its rights, and accept unreasonable penalties in the enforcement case, in order to satisfy Section 271. That would be both unfair procedurally, and an impermissible expansion of the requirements of Section 271 itself. Qwest appreciates that some would prefer that the “unfiled agreements” docket in Minnesota be completed in full before the FCC approves interexchange authority for Qwest. The company as well is looking forward to the day when that enforcement docket can be closed. But Section 271 is written carefully to define the conditions that a BOC must meet in order to satisfy entry requirements. Qwest has met those conditions in full. 82/

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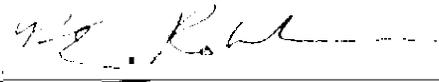
82/ The Commission does not have statutory authority to expand the checklist by requiring Qwest to waive its rights in the pending enforcement proceeding in Minnesota as a further condition of entry. Congress specifically withheld from the Commission the authority to modify the competitive checklist. *See* 47 U.S.C. § 271(d)(4) (“The Commission may not, **by rule** or otherwise, limit or extend the terms used in the competitive checklist set forth in subsection (c)(2)(B).”). In prior 271 orders, the Commission has acknowledged that the public interest analysis must remain consistent with this mandate. *See, e.g., California 271 Order*, 17 FCC Rcd at 25733 (¶ 147) (“[A]lthough the Commission must make a separate determination that approval of a section 271 application is ‘consistent with the public interest, convenience, and necessity,’ it may neither limit nor extend the terms of the competitive checklist of section 271(c)(2)(B).”)

## CONCLUSION

The local exchange market in Minnesota is demonstrably open to competition. Qwest has satisfied its statutory checklist obligations and otherwise complied with the requirements of the 1996 Act, and it will continue to do so in the future. Its entry into the interLATA market in Minnesota will fulfill the promise of competition for all the residents of the state. Accordingly, Qwest's Application should be granted.

Respectfully submitted,

**QWEST COMMUNICATIONS  
INTERNATIONAL INC.**

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Counsel for Qwest Communications  
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March 28, 2003

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analysis must remain consistent with this mandate. *See, e.g., California 271 Order*, 17 FCC Red at 25733 (¶ 147) (“[A]lthough the Commission must make a separate determination that approval of a section 271 application is ‘consistent with the public interest, convenience, and necessity,’ it may neither limit nor extend the terms of the competitive checklist of section 271(c)(2)(B).”)

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

In the Matter of	)	
	)	
Qwest Communications International <b>Inc.</b>	)	<b>WC Docket No. ____.</b>
	)	
Application for Authority to Provide In-Region. InterLATA Services in Minnesota	)	

**ATTACHMENT I**

**REQUIRED STATEMENTS**

Pursuant to the Commission's March 23, 2001 Public Notice, "Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act," Qwest states as follows.

- (a) pages i - iii of this Brief contain a table of contents;
- (b) pages 2 - 4 of this Brief contain a concise summary of the substantive arguments presented;
- (c) pages 6-9 of this Brief contain a statement identifying how Qwest meets the requirements of section 271(c)(1); the table of contents of Appendix L identifies all of the interconnection agreements that Qwest has entered into pursuant to negotiations and/or arbitrations under section 252, Attachment 3 to this Brief describes the status of federal court challenges to the agreements pursuant to section 252(e)(6),
- (d) pages 4-5 of this Brief contain a statement summarizing the status and findings of the Minnesota Public Utilities Commission proceedings examining Qwest's compliance with Section 271,

- (e) this Brief contains the legal and factual arguments outlining how the three requirements of section 271(d)(3) have been met, and is supported as necessary with selected excerpts from the supporting documentation (with appropriate citations). pages 9-99 address the requirements of section 271(d)(3)(A); pages 102-112 address the requirements of section 271(d)(3)(B); and pages 112-124 address the requirements of section 271(d)(3)(C);
- (f) Attachment 5 (separately bound) contain a list of all appendices (including declarations) and the location of and subjects covered by each of those appendices.
- (g) inquiries relating to access (subject to the terms of any applicable protective order) to any confidential information submitted by Qwest in this joint application should be addressed to.

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- (h) **An** Anti-Drug Abuse Act certification as required by 47 C.F.R. § 1.2002 is included as Attachment 2, and
- (i) **A** certification signed by an officer or duly authorized employee certifying that all information supplied in this joint application is true and accurate to the best of his or her information and belief is included as Attachment 2

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20551**

In the Matter of	)	
	)	
<b>Qwest Communications</b>	)	<b>WC Docket No.</b>
<b>International Inc.</b>	)	
	)	
Application for Authority to Provide	)	
In-Region, InterLATA Services in Minnesota	)	

**ATTACHMENT 2**

**DECLARATION AND VERIFICATION OF R. STEVEN DAVIS**

**ANTI-DRUG ABUSE ACT OF 1988 CERTIFICATION OF  
QWEST COMMUNICATIONS INTERNATIONAL INC.**

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

In the Matter of )  
 )  
**Qwest Communications** ) **WC Docket No.** \_\_\_\_\_  
**International Inc.** )  
 )  
Application for Authority to Provide )  
In-Region, InterLATA Services in Minnesota )

**DECLARATION AND VERIFICATION OF R. STEVEN DAVIS**

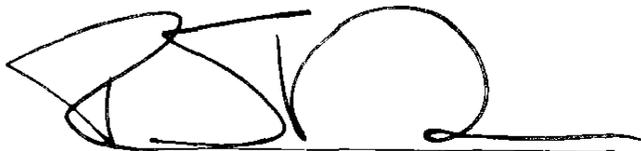
1. I am Senior Vice President, Deputy General Counsel and Assistant Secretary of Qwest Communications International Inc. ("QCII"). I am authorized to make this Declaration on behalf of QCI and its subsidiaries, Qwest Corporation, Qwest LD Corp. and Qwest Communications Corporation (collectively, and together with QCII, "Qwest"), that are parties to the captioned Application.

2. I have reviewed the foregoing Application for Authority to Provide In-Region, InterLATA Services in Minnesota and the materials filed in support thereof

3. The information contained in the Application has been provided by persons with knowledge thereof. All information supplied in the Application is true and accurate to the best of my knowledge, information and belief formed after reasonable inquiry

4. I declare under penalty of perjury that the forgoing is true and correct.

Executed on March 24, 2003.



R. Steven Davis

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

In the Matter of )  
 )  
**Qwest Communications** ) **WC Docket No.** \_\_\_\_\_  
**International Inc.** )  
 )  
Application for Authority to Provide )  
In-Region, InterLATA Services in Minnesota )

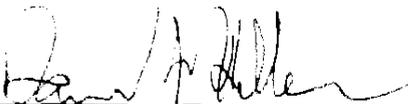
**ANTI-DRUG ABUSE ACT OF 1988 CERTIFICATION OF  
QWEST COMMUNICATIONS INTERNATIONAL, INC.**

1. I am Vice President – Risk Management of Qwest Services Corporation (“QSC”). I am authorized to make this Declaration on behalf of Qwest Communications International Inc. (“QCII”) and its subsidiaries. Qwest Corporation, Qwest LD Corp. and Qwest Communications Corporation (collectively, and together with QCII and QSC, “Qwest”), that are parties to the captioned Application.

2. I hereby certify that Qwest is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. 21 U.S.C. § 862.

3. I declare under penalty of perjury that the forgoing is true **and** correct.

Executed on ~~March~~ <sup>27</sup> 2003.

  
\_\_\_\_\_  
David J. Heller

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

In the Matter of	)	
	)	
<b>Qwest Communications International Inc.</b>	)	<b>WC Docket No.</b>
	)	
Application for Authority to Provide	)	
In-Region, InterLATA Services in Minnesota	)	

**ATTACHMENT 3**

**FEDERAL COURT CHALLENGES UNDER 47 U.S.C. § 252(E)(6)**

The following case represents the only ongoing litigation under 47 U.S.C. § 252(e)(6) that relates to interconnection agreements approved by the Minnesota Public Utilities Commission

*Qwest Corporation v. Minnesota Public Utilities Commission, et. al.*, Civil File No 02-1785 (MJD/JGL) (D. Minn). On July 18, 2002, Qwest Corporation petitioned for Judicial review of two orders of the Minnesota Public Utilities Commission, both dated June 18, 2002, imposing penalties on Qwest for its alleged failure to negotiate in good faith with AT&T Communications of the Midwest, Inc concerning certain testing of Qwest's OSS as applied to the unbundled network element platform. The testing ultimately was performed exactly as requested by AT&T. On March 21, 2003, the Court denied motions by the defendant Commission and its members to abstain and dismiss and by defendant AT&T to dismiss for lack of subject matter Jurisdiction. The matter remains pending in the District Court.

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

In the Matter of )

**Qwest Communications**  
**International Inc.**

) **WC Docket No.**  
)

Application for Authority to Provide  
In-Region, InterLATA Services in Minnesota )

**ATTACHMENT 4**

**INDEX TO ELECTRONIC DOCUMENTS**

**ATTACHMENT 4**  
**INDEX TO ELECTRONIC DOCUMENTS**

Qwest's Application for the provision of In-Region, InterLATA Services in Minnesota consists of a Brief and Attachments 1-5. The bulk of the material in the Application is located in a series of Appendices contained in Attachment 5. Those Appendices include:

- Appendix A Contains thirty Declarations from Qwest employees which provide information on 1) the 271 process in Minnesota, 2) Qwest's compliance with each of the fourteen checklist items, including a review of the extensive ROC OSS Third Party Test; 3) Qwest's compliance with Section 272 of the Act; 4) Qwest's satisfaction of the Public Interest and Track A requirements; 5) Qwest's pricing of Unbundled Network Elements, Interconnection and Resold Services in conformance with the Act; and 6) an overview of Qwest's Performance Results.
- Appendix B Contains the Statement of Generally Available Terms and Conditions for the state of Minnesota.
- Appendix C Contains the various Reports and Orders from the state regulatory agencies of Minnesota relating to the 271, Cost Docket Proceedings and Arbitrations where cost matters were resolved. Appendix C also contains the Reports and Orders from the Colorado Cost Dockets.
- Appendix D Contains the Qwest Commercial Performance Results for the state of Minnesota
- Appendix E Contains the Qwest Performance Assurance Plans for the state of Minnesota
- Appendix F Contains the Third Party Test Reports from the Region-wide ROC Third Party Test as well as the Final Report of the Cap Gemini Third Party Test for the state of Arizona.
- Appendix G Contains the record of ROC OSS Third Party Test Proceedings.

- Appendix H Contains the record of the ROC Post Entry Performance Plan Workshops, which included the participation of the Minnesota State regulatory agencies, as well as other states in the Qwest region
- Appendix I Contains the record of cost docket proceedings in the states of Colorado and Minnesota
- Appendix J Contains the record of the proceedings that considered the formal **SCAT** filings of Qwest in the state of Minnesota
- Appendix K Contains the record of the 271 Proceedings in Minnesota
- Appendix L Contains the Interconnection Agreements, including wireline, resale, wireless and paging, for the state of Minnesota.
- Appendix M Contains the record of the Arbitration Proceedings in the state of Minnesota
- Appendix N Contains the record of Miscellaneous Wholesale dockets in the state of Minnesota
- Appendix O Contains the Qwest Change Management Process Notifications.
- Appendix P Contains recent documents that were filed in the state of Minnesota

The material in Qwest's Application contains documents that are provided in three formats – paper, Compact Discs ("CD"), and the web. Not all documents are provided in all formats. The following table shows whether a particular Attachment or Appendix of the Application is provided on paper, CD or the web.

	<b>Description</b>	<b>Paper</b>	<b>CD</b>	<b>Web</b>
	Brief	Yes	Yes	Yes
Attachment 1	List of Required Statements	Yes	Yes	Yes
Attachment 2	Affidavits of Qwest Officers	Yes	Yes	Yes
Attachment 3	Federal Court Challenges	Yes	Yes	Yes
Attachment 4	index to Electronic Documents	Yes	Yes	Yes
Attachment 5	Appendices to Application			
	Table of Contents	Yes	Yes	Yes
Appendix A	Affidavits and Exhibits	Yes	Yes	Yes
Appendix B	SGAT	Yes	Yes	Yes
Appendix C	State Regulatory Agency Orders and Reports	Yes	Yes	No
Appendix D	Commercial Performance Results	Yes	Yes	Yes
Appendix E	Qwest Performance Assurance Plans	Yes	Yes	Yes
Appendix F	Third Party Test Reports	Yes	Yes	Yes
Appendix G	ROC OSS Third Party Test Record	No	Yes	No
Appendix H	ROC PEPP Workshop Record	No	Yes	No
Appendix I	State Cost Docket Records	No	Yes	No
Appendix J	State SGAT Proceedings Records	No	Yes	No
Appendix K	State 271 Proceeding Records	No	Yes	No
Appendix L				
Appendix M	Record of State Arbitration Proceedings	No	Yes	No
Appendix N	State Miscellaneous Wholesale Proceedings	No	Yes	No
Appendix O	change Management Process	No	Yes	No
Appendix P	Recent Documents	No	Yes	No

The files on the Compact Discs are organized in accordance with the Application's Table of Contents. The Table of contents is included at the beginning of Attachment 5 of the Application. The following steps can locate any document in the Application:

**Step 1 – Use the Index to the Table of Contents** -- To locate a document within the Application, turn to the Table of Contents. The documents in the Table of Contents are organized by Appendix, as described above. A few of the Appendices are further divided by state, and in some cases, are further divided by volume. For example, there are separate sections of Appendix I (Record of Cost Proceedings) for the states Colorado and Minnesota. Within each state cost docket section, there are several volumes – each volume corresponding to a particular cost docket proceeding in that state.

Due to the size of the Table of Contents, the first few pages of the Table of Contents contain an Index. For example, to find a document within the Minnesota 271 proceeding, the Index shows that there are nine volumes for the Minnesota Appendix K. The Index to the Table of Contents shows the detailed Table of Contents for Volume 1 (Documents Common to State 271 Record) begins on page 315. This page of the Table of Contents begins a listing, in chronological order, of all the documents in this proceeding. A portion of this Table of Contents appears below:

**Appendix K – Record of the 271 Proceeding  
Minnesota**

<b>Vol.</b>	<b>l a b</b>	<b>Date</b>	<b>Description</b>
1	9	12/06/96	Reply Comments of MFS
1	10	12/09/96	Reply Comments of the <b>OAG</b>
1	11	12/09/96	Reply Comments of AT&T

**Step 2 -- Use the Table of Contents to Identify a Document** – Using the above Table of Contents as an example, the December 9, 1996 AT&T Reply Comments is located in Appendix K – Minnesota, Volume I, Tab II

**Step 3 -- Identifying the Compact Disc** – With the above information in hand, the next step is to locate the particular CD upon which the document is located. Qwest's Application consists of over 15,000 documents, which are located on over 25 CDs. These CDs are provided in a notebook, with each CD placed in a sleeve, with four sleeves on each page of the notebook. Each sleeve is labeled with a Page Number and Sleeve Number. For example, the first sleeve in the CD Notebook is labeled "Page 1, Sleeve **A**", the second "Page 1, Sleeve **B**", the third "Page 1, Sleeve **C**" and the fourth "Page 1, Sleeve **D**". To locate the specific CD that contains a particular document in the index, turn to Exhibit A of this Attachment **4**. Exhibit A shows the contents and location of each of the CDs provided in this Application. The index indicates that the above document is located on the CD located in Page **3**, Sleeve **D**.

**Step 4 – Finding the Document on the Compact Disc** – Once the proper CD has been identified and loaded on a computer, the proper file can be identified using the unique file structure for all documents. All individual documents use the following file naming convention

(State)(Appendix)(Volume)(Tab)

Again, using the example document, located in Appendix K – Minnesota, Volume I, Tab 11, would have a file name of

MN\_K\_I\_0110

Where:

MN Represents the state of Minnesota;

K Represents the Appendix K

I Represents the Volume Number

0110 Represents the tab number. All tiles have a four or five digit tab number to ensure their proper sequencing on the CD

For tabs in the range 1-9, the structure is 00X0, where X is the tab number. The last digit is reserved for decimal tabs (i.e., tab X.Y) in which case the file name would be 00XY;

For tabs in the range 10-99, the structure is 0XX0, where XX is the tab number. The last digit is reserved for decimal tabs (i.e., tab XX.Y) in which case the file name would be OXXY;

For tabs in the range 100-999, the structure is XXX0, where XXX is the tab number. The last digit is reserved for decimal tabs (i.e., tab X.Y) in which case the file name would be XXXY;

And tabs in the range 1000-9999 the structure is XXXX0 where XXXX is the tab number. The last digit is reserved for decimal tabs (i.e., tab X.Y) in which case the file name would be XXXXY

Simply locate the tile on the CD that corresponds with the appropriate State, Volume, and Tab number, and open the tile to review.

**Confidential Documents** – The record of the various proceedings that have been included in this Application include the confidential and proprietary information of Qwest and third parties. In accordance with the FCC’s instructions, Qwest has provided redacted versions of these materials in its Application. Also in accordance with the instructions of the FCC, copies of the non-redacted Qwest material have been provided as a part of this Application in a separate confidential section.

**Formerly Confidential Documents** – The record of the various proceeding included in this Application include certain documents that were originally submitted by Qwest (or its predecessor, U S WEST) as confidential or proprietary documents. As time has passed, many of these Qwest/U S WEST documents are no longer considered confidential by Qwest. **As** a result, previously confidential or proprietary Qwest/U S WEST documents that are no longer considered confidential/proprietary have been included in their original non-redacted version with the “Confidential” or “Proprietary” stamp just as they appeared in the original record of the state proceeding. **All** Qwest documents that are still considered confidential or proprietary material have been redacted and treated in accordance with the preceding paragraph.

## Exhibit A

Material	Page	Sleeve
Brief	1	A
Attachment 1 -- List of Required Statements	1	A
Attachment 2 -- Declaration of Qwest Officer	1	A
Attachment 4 -- Index to Electronic Files	1	A
Table of Contents	1	A
Appendix A -- Declarations	1	A
Appendix B -- Statement of Generally Available Terms and Conditions	1	B
Appendix C -- State Regulatory Agency Reports and Orders	1	B
Appendix D -- Commercial Performance Results	1	B
Appendix E -- Qwest Performance Assurance Plans	1	B
Appendix F -- ROC Third Party Test Report	1	B
Volumes I -- 4	1	C
Volume 4 (continued), Volume 5	1	D
Appendix H -- ROC Post Entry Performance Plan Workshops	2	A
Volume 1	2	B
Volume 2 (tabs 1--248)	2	B
Volume 2 (tabs 249--391)	2	C
Volume 3	2	C
Volume 1 (tabs 1-244)	2	D
Volume 1 (tabs 245-514)	3	A
Volumes 2 -- 8	3	B
Appendix J -- SCAT Proceeding	3	C
Volumes 1, 2, 3 (tabs I -- 69)	3	D
Volume 3 (tabs 70 - 205)	4	A
Volume 3 (tabs 206 - 342). Volumes 4, 5, 6 (see ADD. J)	4	B
Volumes 7 -- 9	4	C

## Exhibit A

Material	Page	Sleeve
Volume 1 (tabs 1 – 44)	4	D
Volume 1 (tabs 45 – 90)	5	A
Volume 1 (tabs 91 – 113), Volumes 2, 3 and 4	5	B
Volumes 1a – 1b	5	C
Volumes 1c – 2d	5	D
Volumes 2e – 4d	6	A
Volumes 1a – 1g	6	B
Volumes 1h – 2a	6	C
Volumes 2b - 6	6	D
Appendix O – Change Management Process (CMP)	7	A
Appendix P – Recent Documents	7	B

DOCKET NO. 03-90

Attachment A

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