



FOOTE CONE & BELDING

150 East 42nd Street, New York, NY 10017-5612 USA Tel 212-885-3430 Fax 212-885-3426

Gene Bartley
President &
Chief Operating Officer

April 10, 2003

Maureen Del Duca
Chief, Investigations and Hearings Division
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: FCB's Erroneous Airing of Long Distance Advertisement

Dear Ms. Del Duca:

My name is Gene Bartley and I am the President and Chief Operating Officer of Foote, Cone & Belding – North America ("FCB"). FCB is the advertising agency used by Qwest Communications International Inc. ("Qwest"). One of FCB's job responsibilities with Qwest is to instruct television stations on which commercials are to air on the stations in selected markets.

As the result of a mistake solely by FCB, on April 7 and in the early morning on April 8, 2003, a Qwest Long Distance television advertisement ran in the markets of Phoenix and Tucson, Arizona, Minneapolis, Minnesota, Albuquerque, New Mexico, and Portland, Oregon. The script for the thirty-second television advertisement ("the ad") is attached to this letter. The ad aired for the first time in these markets on April 7th and at the direction of Qwest it was pulled from every market in those states that same day with the exception of the Tucson market. In Tucson, the last time the ad ran was on a cable channel around 8:50 am. on April 8th. The ad notifies those watching in these states that Qwest long distance service was not available to them by the following written statement appearing in legible type on the screen: "Offer only available in CO, ID, IA, MT, NE, ND, UT, WA, and WY."

This ad ran prematurely in these markets due to an error on the part of FCB. Qwest was not involved in the error that led to the advertisement running. Qwest has been consistent and clear in its communication with FCB that long distance advertisements inside of the Qwest 14-state region are only permitted to be aired in states where Qwest has received long distance authority from the Federal

Communications Commission (“FCC”). Qwest has also repeatedly communicated to FCB which states have approval to provide long distance. Specifically, Qwest has explicitly communicated to FCB that long distance advertisements could only run at the present time in the states of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming.

FCB understood that long distance approval would come in stages for Qwest. Qwest and FCB separate states into “LD markets” and “non-LD markets”. Frequent and ongoing discussions with Qwest have occurred since August of 2002 that make clear distinctions between “LD markets” and “non-LD markets”. In summary, Qwest was clear and consistent in its communications with FCB that long distance advertisements were not allowed to run on April 7th and 8th for Arizona, Minnesota, New Mexico, Oregon and South Dakota.

Next I will address how the problem occurred. FCB created a document that indicates which Qwest advertisement(s) should be run in specific markets. FCB then gave instructions to its own internal traffic department where an external communication was generated to send to each cable system or local television station to inform them which advertisement(s) should be run. The error that created the problem was the result of our instruction that the ad should be run in all markets except Washington and Idaho. This instruction should have said in “all LD markets except Washington and Idaho.” This mistake by FCB caused the advertisement to run in Arizona, Minnesota, New Mexico and Oregon on April 7th and 8th.

FCB has instituted new processes for Qwest to avoid replication of this error in the future. These processes include increased internal review of Broadcast Traffic Instructions and a requirement for Qwest to approve those instructions prior to the instructions being sent to cable systems and television stations. I also understand that this letter is being submitted by Qwest to the FCC in its pending application to provide long distance service in New Mexico, Oregon and South Dakota.

Sincerely,

A handwritten signature in black ink that reads "Eugene J. Bartley" with a stylized flourish at the end.

Eugene Bartley