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April 30, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *Application by Qwest Communications International Inc. for Authority to Provide In-Region InterLATA Services in the State of Minnesota*, WC Docket No. 03-11 – ***Ex Parte Filing***

Dear Ms. Dortch:

Yesterday, AT&T submitted an *ex parte* filing in the above-referenced proceeding that addressed, *inter alia*, Qwest's discussion of rejection rates in an *ex parte* letter which Qwest filed with the Commission on April 22, 2002.[1] AT&T's discussion of the issue of rejection rates was based on the confidential version of Qwest's April 22 *ex parte* that Qwest had provided to AT&T, in hard copy form, on April 24, 2003. That version consisted of Qwest's three-page letter and a two-page attachment ("Confidential Attachment A") to the letter.

Shortly after AT&T filed its *ex parte* letter yesterday, AT&T's counsel was advised by counsel for Qwest that the confidential version of Qwest's April 22 *ex parte* letter which Qwest provided to AT&T on April 24 had included only a *portion* of the data which Qwest actually submitted to the Commission in its attachment to the April 22 *ex parte*. Late yesterday afternoon, Qwest's counsel provided to AT&T's counsel an electronic version that included all of these data. When printed, the electronic version is 285 pages long. The electronic version lists monthly rejection rates (both for "auto-rejects" and "manual rejects") and flow-through rates for Qwest's EDI and GUI interfaces, from September 2002 through February 2003, apparently for all CLECs that submitted orders to Qwest during that time period. The electronic version also lists such data for March 2003 (with the exception of the rates of "auto-rejected" orders reported in Qwest's PID PO-4B-2). By contrast, the two-page Attachment A that Qwest originally provided to AT&T on April 24 included only data regarding "auto-reject"

[1] *See ex parte* letter from Richard E. Young (Sidley Austin Brown & Wood LLP) to Marlene H. Dortch, dated April 29, 2003 ("AT&T April 29 *ex parte*"), at 2-5.

rates for orders submitted via Qwest's EDI interface – and only in the aggregate and for a limited number of individual CLECs (including AT&T) from September through February.[2]

Qwest provided no explanation to AT&T for its failure to provide all of the data in the Confidential Attachment to the April 22 *ex parte* until yesterday – even though AT&T requested Qwest to provide a complete, unredacted version of that *ex parte* as soon as AT&T learned that Qwest had redacted certain material that it regarded as confidential from the publicly-filed version of the letter. When it provided AT&T with a hard copy of the confidential version on April 24, Qwest did not indicate that that there were additional data in the Confidential Attachment that were not set forth in the hard copy (much less that the additional data were vastly more comprehensive than the data in the two-page attachment that it did provide).

In any case, the newly-provided electronic version of Qwest's Confidential Attachment A does not alter the facts set forth in AT&T's April 29 *ex parte* regarding the increase in Qwest's rejection rates since December. *See* AT&T April 29 *ex parte* at 2-5. In fact, the electronic version further undermines Qwest's assertion in its April 22 *ex parte* that the dramatic increase in rejection rates for orders submitted via the EDI interface in January 2003 was due to an error in the software of a single CLEC, resulting in over 30,000 rejects that month.[3] The rejection rate data in the electronic attachment do not list *any* orders as having been submitted by that particular CLEC in January via EDI.[4] As AT&T stated in its April 29 *ex parte*, the table on EDI ordering in Qwest's Application similarly fails to list this CLEC as one of the CLECs submitting orders via EDI in January. AT&T April 29 *ex parte* at 4. The inconsistencies between Qwest's explanation in its April 22 *ex parte* and its own data (including data in the attachment to its own *ex parte* letter) are all the more reason why the Commission

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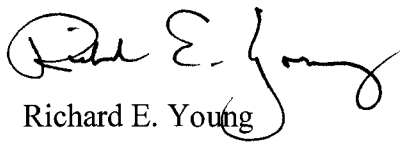
[2]It was because the two-page Attachment A set forth only the rates of orders that were "auto-rejected" that AT&T's April 29 *ex parte* stated that Qwest's attachment had not included "manual reject" rates in its calculations of rejection rates. *See* AT&T April 29 *ex parte* at 2-3 n.5. As previously indicated, the electronic version of Attachment A which Qwest belatedly provided yesterday includes rates of both "auto-rejects" and "manual rejects" for the months from September 2002 through February 2003, both in the aggregate and by individual CLEC. Like the two-page attachment originally provided to AT&T, however, the electronic version provides separate data for "AT&T" and "Teleport," rather than provide a single set of data for AT&T. *See id.*

[3]*Ex parte* letter from Melissa E. Newman (Qwest) to Marlene H. Dortch, dated April 22A, 2003, at 1.

[4]The rejection rate data for orders submitted via the EDI interface can be found on lines 233-238 of the electronic (Excel) version of Confidential Attachment A. The CLEC in question is listed in heading "CA."

should reject its attempt to blame CLECs for the increase in its regionwide rejection rates. *Id.* at 4-5.

Respectfully submitted,



Richard E. Young

cc: Gail Cohen
Gary Remandino
Janice Myles