

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Core Communications, Inc.) WC Docket No. 03-171
)
Petition for Forbearance Under)
47 U.S.C. § 160(c) from the Application of)
The ISP Remand Order)

OPPOSITION OF QWEST COMMUNICATIONS INTERNATIONAL INC.

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TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION AND SUMMARY	2
II. CORE’S ARGUMENTS ARE BASED ON FACTUAL INACCURACIES AND UNSUBSTANTIATED CONCLUSIONS	5
III. THE PETITION’S CRITICISMS OF THE <i>ISP REMAND ORDER</i> AND THE POLICY THAT UNDERLIES IT ARE MISPLACED AND BASELESS	8
A. The <i>WorldCom</i> Case Was Narrowly Decided and Did Not Reject the Substance of the <i>ISP Remand Order</i>	8
B. The <i>ISP Remand Order</i> and Its Mechanism For Transitioning to Bill and Keep Remain Consistent With Sound Policy	9
IV. THE PETITION FAILS TO ESTABLISH A SUITABLE BASIS FOR THE EXERCISE BY THE COMMISSION OF ITS FORBEARANCE AUTHORITY	12
V. CONCLUSION.....	15

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OPPOSITION OF QWEST COMMUNICATIONS INTERNATIONAL INC.

Qwest Communications International Inc. (“Qwest”) hereby respectfully submits this opposition to Core Communications, Inc.’s (“Core”) Petition for Forbearance (“Petition”)¹ requesting the Federal Communications Commission (“Commission”) to forbear from applying the *ISP Remand Order*² to the exchange of Internet service provider (“ISP”)-bound traffic between telecommunications carriers. In the Petition, Core argues that it should have the right to charge reciprocal compensation for ISP-bound traffic that originates from other local exchange carriers (“LEC”) and is terminated by Core.

As demonstrated below, the Petition relies on unsubstantiated conclusions and factual inaccuracies; misconstrues and misapplies the Commission’s sound policy, reflected in the *ISP Remand Order*, that seeks to avoid the massive economic dislocations and injury to the public

¹ Petition for Forbearance, filed July 14, 2003. *See Public Notice*, DA 03-2362, rel. July 18, 2003.

² *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Intercarrier Compensation for ISP-Bound Traffic*, 16 FCC Rcd 9151 (2001) (“*ISP Remand Order*”).

interest that would arise from the application of a reciprocal compensation mechanism to all ISP-bound traffic; and fails to establish a suitable basis for the exercise by the Commission of its forbearance authority. Qwest therefore urges the Commission to deny the Petition.

I. INTRODUCTION AND SUMMARY

This proceeding involves the appropriate compensation mechanism for the exchange of ISP-bound traffic. The Commission is in the process of addressing the issue of intercarrier compensation in general as part of a currently pending rulemaking proceeding in which the treatment of ISP-bound traffic is one of the issues under consideration. In the meantime, the *ISP Remand Order* is the principal regulatory decision governing compensation for ISP-bound traffic.

The Commission adopted the *ISP Remand Order* and its predecessor³ to address a serious problem affecting the telecommunications industry: the severe market distortions and regulatory arbitrage arising from the application of “reciprocal compensation”⁴ to the delivery of ISP-bound traffic to competitive local exchange carriers (“CLEC”).⁵ In particular, the Commission in the *ISP Remand Order* concluded that permitting CLECs to charge other carriers for handling ISP-bound traffic based on the fiction that such traffic was “terminated” at the ISP’s point of presence undermined the development of viable, efficient competition and produced retail rates that did not accurately reflect the costs of the services provided.⁶

³ *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Intercarrier Compensation for ISP-Bound Traffic*, 14 FCC Rcd 3689 (1999) (“*Declaratory Ruling*”).

⁴ Reciprocal compensation is a “calling party’s network pays” system in which the originating carrier pays an interconnecting carrier for transport from the point of interconnection and for any tandem and/or end-office switching. 47 C.F.R. § 51.703(a).

⁵ See, e.g., *ISP Remand Order* at ¶¶ 2, 68-69.

⁶ *ISP Remand Order* at ¶ 71.

In the *ISP Remand Order*, the Commission correctly noted that the dramatic rise in Internet traffic had upset the traditional assumption that traffic flows between carriers should in most cases roughly balance. In fact, under a reciprocal compensation regime, the one-way flow of Internet traffic created a major arbitrage opportunity that led many CLECs to focus their business models primarily or exclusively on the delivery of in-bound dial-up traffic to ISP customers. This approach enabled CLECs to recover their costs not from their customers but from other carriers that originated the calls. In turn, this led to a “reciprocal compensation windfall” as CLECs were encouraged to charge end-user rates that bore little relationship to their actual costs, providing them an unfair competitive advantage and creating massive market distortions.⁷

Based on extensive evidence confirming the harmful effects of the application of reciprocal compensation to ISP-bound traffic,⁸ the Commission in the *ISP Remand Order* tentatively concluded that the most efficient recovery mechanism for ISP-bound traffic is a “bill and keep” arrangement, whereby each carrier recovers costs from its own end-users. The Commission reasoned that such a mechanism would remove the arbitrage opportunities that plague the reciprocal compensation system and motivate carriers to compete on the basis of quality and efficiency rather than their ability to shift costs to other carriers.⁹

To start the transition towards a bill and keep mechanism for all ISP-bound traffic, the *ISP Remand Order* set out a plan that established a series of declining caps for ISP-bound

⁷ *Id.* at ¶¶ 68, 70.

⁸ *Id.* at ¶ 70.

⁹ *Id.* at ¶¶ 4, 74-76.

termination rates during a 36-month interim period.¹⁰ A different mechanism was established for carriers that were not exchanging traffic pursuant to interconnection agreements prior to the adoption of the *ISP Remand Order*. In particular, they were required to move directly to a bill and keep arrangement for ISP-bound traffic for the entire three-year transition period.¹¹

On review, the Court of Appeals for the District of Columbia Circuit found that the Commission had erroneously based the *ISP Remand Order* on section 251(g) of the Telecommunications Act of 1996 (“Act”)¹² and remanded the matter to the Commission for further proceedings.¹³ In its decision, the D.C. Circuit did not fault the policy analysis made by the Commission in the *ISP Remand Order* and specifically decided *not* to vacate the *ISP Remand Order* pending action on remand.¹⁴ Accordingly, the *ISP Remand Order*, including its interim rules for the implementation of bill and keep, remains in effect.

Nothing in the record, and certainly nothing in the Petition, provides evidence that the factual and policy bases underlying the *ISP Remand Order* are any less relevant today than they were more than two years ago. Yet Core, relying on factual inaccuracies and clear misconstructions of the *ISP Remand Order*, would have the Commission turn back the clock and revert to the discredited reciprocal compensation mechanism for all ISP-bound traffic, again opening the flood gates to regulatory arbitrage and market distortions. As demonstrated below, such a move is wholly unwarranted and would lead to serious anti-competitive consequences.

¹⁰ *Id.* at ¶ 78. In addition to the rate caps, the *ISP Remand Order* established caps on the total number of ISP-bound minutes for which a LEC may receive reciprocal compensation during 2001, 2002 and 2003. *Id.*

¹¹ *Id.* at ¶ 81.

¹² See 47 U.S.C. § 251(g), Communications Act of 1934, as amended by the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (Feb. 8, 1996).

¹³ *WorldCom, Inc. v. FCC*, 288 F.3d 429 (D.C. Cir. 2002) (“*WorldCom*”).

¹⁴ *Id.* at 434.

II. CORE'S ARGUMENTS ARE BASED ON FACTUAL INACCURACIES AND UNSUBSTANTIATED CONCLUSIONS

Core's Petition is riddled with unsubstantiated conclusions, misplaced speculation and outright misstatements of fact.¹⁵ At the heart of its argument, Core states that as a result of the *ISP Remand Order*, "the BOCs have continued to collect literally billions of dollars in intercarrier compensation payments[.]"¹⁶ The clear implication of this statement is that incumbent local exchange carriers ("ILEC") continue to collect enormous sums in reciprocal compensation payments.¹⁷ This statement is false, at least as applied to Qwest, which continues to pay considerably more in reciprocal compensation than it receives. For example, during the first six months of 2003, Qwest paid approximately \$17.8 million in reciprocal compensation to CLECs (of which approximately \$6.2 million was paid to terminate ISP-bound traffic). During the same period, Qwest received reciprocal compensation of approximately \$3.96 million from CLECs. As can be seen, the notion that Qwest is getting rich off reciprocal compensation is clearly at variance with the facts.

The evidence also reveals that because the transition to bill and keep is not yet complete, ISP-bound traffic remains heavily imbalanced in favor of CLECs. In this regard, Qwest's records reveal that for the first six months of 2003, it originated some 14.3 billion minutes of traffic that were delivered to CLECs and for which reciprocal compensation was paid (of which

¹⁵ Core has previously raised essentially the same arguments presented in the Petition in an emergency petition for writ of mandamus filed with the Court of Appeals for the D.C. Circuit and a petition for writ of certiorari filed with the Supreme Court. Both those petitions were denied. *In re Core Communs., Inc.*, 2001 U.S. App. LEXIS 18043 (June 14, 2001); *Core Communs., Inc. v. FCC*, 123 S. Ct. 1927 (2003).

¹⁶ Petition at 2.

¹⁷ Core's statement could also be read to include compensation that is received by ILECs from all carriers, including interexchange carriers. Such an implication would clearly be disingenuous, as tariffed payments for access charges obviously have nothing to do with reciprocal compensation. In any event, Core's statement is meaningless for purposes of analyzing the issue at hand.

9.8 billion minutes were rated at ISP rates). During the same period, Qwest estimates it received only 2.2 billion minutes of traffic that originated from CLECs. This is a ratio of 6.5 to 1, clear evidence that ISP-bound traffic remains substantially imbalanced.¹⁸

Core attempts to obfuscate the issue further by alleging that “the ILECs persistently have contorted the *ISP Remand Order* to maximize the amount of the intercarrier compensation payments that they collect, and to minimize the amount of the intercarrier compensation payments that they make to CLECs[.]” tying this to the Commission’s concern “about the superior bargaining power of incumbent LECs[.]”¹⁹ The implication is that the ILECs are benefiting from reduced intercarrier compensation rates for ISP-bound traffic while exchanging traffic at (higher) reciprocal compensation rates that favor ILECs. This implication is likewise false. In fact, the terms of the *ISP Remand Order* allow an ILEC to rely on the rate caps set out in the *ISP Remand Order* if, and only if, the ILEC offers to exchange all traffic subject to section 251(b)(5) of the Act at the same rate.²⁰ Qwest follows this rule in its dealings with other carriers; doing so has actually resulted in a substantial *decline* in the reciprocal compensation revenue that Qwest receives from cellular mobile radio service providers.

The Petition also alleges, again with no factual support, that the *ISP Remand Order* has forced new entrant CLECs to “offer telecommunications service to consumers at higher, non-competitive rates vis-à-vis the BOCs[.]”²¹ Core’s claim in this respect is belied by the continued rapid growth and accelerating market success of the CLEC sector since the adoption of the *ISP*

¹⁸ Although ISP-bound traffic remains heavily imbalanced, this statistic indicates that the *ISP Remand Order* is having the desired effect, as the ratio of compensable CLEC terminating to originating traffic, while still unreasonably high, has declined from the stratospheric levels described in the *ISP Remand Order*. See *ISP Remand Order* at ¶ 70.

¹⁹ Petition at 2 (citation omitted).

²⁰ *ISP Remand Order* at ¶ 89.

Remand Order. In this regard, statistics recently published by the Commission indicate that:

- Between June 2001 (two months following the release of the *ISP Remand Order*) and December 2002, the number of switched access lines provided by CLECs to end-user customers grew by 43%, from 17.3 million to 24.8 million.²²
- During the same period, the CLECs' share of the national market for switched access lines grew from 9% to 13.2%.²³
- Between 2001 and 2002, the number of CLECs (including competitive access providers) grew from 511 to 609, an increase of 19%.²⁴
- Between 2001 and 2002, the gross revenues of CLECs (including competitive access providers) jumped from \$13 billion to \$16.6 billion, an increase of 27%. During the same period, ILEC gross revenues *declined* from \$117.9 billion to \$109.5 billion.²⁵
- Finally, between 2000 and 2002, the CLEC (including competitive access provider) share of total fixed local service revenue grew from 7.7% to 13%.²⁶

The above figures hardly support the contention that the CLEC industry is operating at a competitive disadvantage compared to the ILECs.

Finally, Core's factual misstatements include the blatantly false assertion that ILEC earnings have "soared" in the last several years.²⁷ In fact, ILEC earnings have *declined*

²¹ Petition at 5.

²² FCC Industry Analysis and Technology Division, Wireline Competition Bureau, *Trends in Telephone Service* (August 2003) at 8-5.

²³ *Id.*

²⁴ *Id.* at 15-5.

²⁵ *Id.* at 15-6.

²⁶ *Id.*

²⁷ Petition at 8.

significantly during that period.²⁸

As can be seen from the foregoing, the factual predicate for the entire Petition is based on a series of misstatements and unsupported conclusions.

III. THE PETITION'S CRITICISMS OF THE *ISP REMAND ORDER* AND THE POLICY THAT UNDERLIES IT ARE MISPLACED AND BASELESS

The Petition sets out a range of criticisms of the *ISP Remand Order*, attacking the Commission's legal authority to regulate ISP-bound traffic and alleging that the policy reflected in the *ISP Remand Order* improperly discriminates among telecommunications carriers. As demonstrated below, these criticisms reflect a profound misinterpretation of the D.C. Circuit's ruling in the *WorldCom* case and a fundamental misunderstanding of the policy underlying the *ISP Remand Order*.

A. The *WorldCom* Case Was Narrowly Decided and Did Not Reject the Substance of the *ISP Remand Order*

The Petition incorrectly states that in the *WorldCom* decision, "the D.C. Circuit held that the Commission's efforts to directly regulate the rates and terms that apply to the exchange of ISP-bound traffic between telecommunications carriers, including the Commission's intercarrier compensation regime for ISP-bound traffic, are an unlawful exercise of the Commission's authority under the Act."²⁹

The *WorldCom* decision states nothing of the kind. In fact, the ruling in *WorldCom* was

²⁸ For 2000, 2001 and 2002, the Automated Reporting Management Information System ("ARMIS") data filed with the Commission by Verizon Communications Inc. reveals ILEC net income of \$5.354 billion, \$2.665 billion and \$3.654 billion, respectively. For the same three years, the ARMIS data filed by BellSouth Corporation reveals a decline in ILEC net income from \$2.627 billion to \$2.275 billion and \$1.753 billion, respectively, while the ARMIS data filed by SBC Communications Inc. reveals a decline in ILEC net income from \$4.356 billion to \$4.322 billion and \$2.233 billion, respectively. Qwest is making restatement adjustments to its books of account for the years 2000 and 2001 and is awaiting completion of its financial statement audit for 2002.

narrowly tailored, holding only that section 251(g) of the Act does not provide a suitable basis for the Commission’s adoption of the *ISP Remand Order*. Having made that finding, the court went on to state that it was making “no further determinations.”³⁰ In sharp contrast to Core’s misreading of the *WorldCom* decision, the D.C. Circuit specifically emphasized that it was not deciding “whether the Commission may adopt bill-and-keep for ISP-bound calls pursuant to § 251(b)(5)[.]”³¹ Indeed, the court found that “there is plainly a non-trivial likelihood that the Commission has authority to elect” bill and keep for ISP-bound traffic.³² Based on the likelihood that the Commission does in fact have the legal authority to impose bill and keep for ISP-bound traffic, the D.C. Circuit decided *not* to vacate the *ISP Remand Order*, leaving all its provisions in effect pending further proceedings before the Commission.³³ The Commission clearly does have this authority, and the evidence shows that bill and keep is unquestionably the most rational way to handle the exchange of ISP-bound traffic.

B. The *ISP Remand Order* and Its Mechanism For Transitioning to Bill and Keep Remain Consistent With Sound Policy

The Petition claims that the *ISP Remand Order* discriminates unfairly against certain individual CLECs, namely carriers that have entered the market since April 18, 2001 (the effective date of the *ISP Remand Order*). In particular, the Petition alleges that the *ISP Remand Order* “imposed a new market bar” because it requires CLECs to utilize bill and keep arrangements if they were not exchanging traffic pursuant to interconnection agreements prior to

²⁹ Petition at 4.

³⁰ *WorldCom* at 434.

³¹ *Id.*

³² *Id.*

³³ *Id.*

the adoption of the *ISP Remand Order*.³⁴

As described above, the *ISP Remand Order* does indeed establish different transitional mechanisms for those CLECs that were exchanging traffic pursuant to interconnection agreements prior to the adoption of the *ISP Remand Order* and those that were not.³⁵ The transitional rules were based on a well-conceived policy and promulgated to alleviate a well-documented and severe problem. The *ISP Remand Order* provides ample evidence of the market distortions and regulatory arbitrage arising from the application of reciprocal compensation to ISP-bound traffic.³⁶ To address this problem, the Commission in the *ISP Remand Order* tentatively concluded that bill and keep is the most effective payment mechanism for ISP-bound traffic because of the clear and significant pro-competitive benefits of requiring CLECs to recover their costs from their own ISP customers rather than from other carriers.³⁷ Among other things, the Commission concluded that bill and keep will lead to more efficient, cost-based pricing of the services CLECs offer to ISPs.³⁸

Although it could have ordered an immediate transition to bill and keep for all ISP-bound traffic, the Commission decided to avoid a “flash cut” for those CLECs that were already exchanging traffic at the time of the *ISP Remand Order* in order not to upset their legitimate

³⁴ Petition at 4. The repeated use of the phrase “new market bar” in the Petition is highly misleading, as the *ISP Remand Order* does not in any way prohibit new CLECs from entering the market; rather, it simply requires carriers that were not exchanging traffic pursuant to interconnection agreements prior to the adoption of the *ISP Remand Order* to utilize a bill and keep arrangement for ISP-bound traffic.

³⁵ *See supra* at pp. 3-4.

³⁶ *ISP Remand Order* at ¶ 70.

³⁷ *Id.* at ¶¶ 74-76.

³⁸ *Id.* at ¶ 71.

business expectations.³⁹ As such, the Commission’s decision to allow certain CLECs to continue applying reciprocal compensation to ISP-bound traffic was not unreasonable. However, the Commission correctly concluded that those CLECs that were not then exchanging traffic were in an entirely different position, given the severity of the regulatory arbitrage problem and the fact that such CLECs had no need for a transition period during which they could adjust their prior business plans.⁴⁰ The record and the facts demonstrate that the disparate treatment of different types of CLECs based on when their interconnection agreements were in place is entirely justifiable and legitimate.

The essence of Core’s argument is that the industry should return to the use of a thoroughly discredited mechanism for the delivery of ISP-bound traffic (*i.e.*, reciprocal compensation) because to do so would be much more profitable for Core and other CLECs that have based their business plans on regulatory arbitrage. Of course, this is not a legitimate basis upon which to deviate from the conclusion that bill and keep is the most appropriate compensation mechanism for the delivery of ISP-bound traffic. Moreover, accepting Core’s argument would entail a wholesale repudiation of the sound policy underlying the *ISP Remand Order*, as it would allow CLECs “to expand into new markets using the very intercarrier compensation mechanisms that have led to the existing problems[.]”⁴¹

Similarly, Core complains that as a result of the *ISP Remand Order*, “several years of business planning and financial investment by CLECs were rendered meaningless[.]”⁴² While this may or may not be the case (it can hardly have come as a surprise to Core that the

³⁹ *Id.* at ¶ 77.

⁴⁰ *Id.* at ¶ 81.

⁴¹ *Id.*

⁴² Petition at 8.

Commission tentatively adopted bill and keep for ISP-bound traffic, given the fact that the Commission had been considering this approach ever since the adoption of the Act and had already concluded in the *Declaratory Ruling* that ISP-bound traffic is not subject to the reciprocal compensation provisions of section 251(b)(5)), there is no reason consumers and the rest of the telecommunications industry should be subjected to the substantial harm arising from the application of reciprocal compensation to ISP-bound traffic just because certain CLECs based their business planning on an uneconomic system of regulatory arbitrage that the Commission had signaled it was likely to change.

It should be stressed that in the *ISP Remand Order*, the Commission correctly anticipated and disposed of the substance of Core's arguments in this regard:

We are not persuaded by arguments proffered by CLECs that requiring them to recover more of their costs from their ISP customers will render it impossible for CLECs profitably to serve ISPs or will lead to higher rates for Internet access. First, as noted above, this compensation mechanism is fully consistent with the manner in which this Commission has directed ILECs to recover the costs of serving ISPs...Second, next-generation switching and other technological developments appear to be contributing to a decline in the costs of serving ISPs (and other customers). Third, if reciprocal compensation merely enabled CLECs to recover the costs of serving ISPs, CLECs should be indifferent between serving ISPs and other customers...Finally, there is reason to believe that our failure to act, rather than the actions we take here, would lead to higher rates for Internet access, as ILECs seek to recover their reciprocal compensation liability, which they incur on a minute-of-use basis, from their customers who call ISPs.⁴³

This logic was never called into question by the court in *WorldCom*. Moreover, the Petition presents no new evidence that should in any way cause the Commission to change its analysis of this issue.

IV. THE PETITION FAILS TO ESTABLISH A SUITABLE BASIS FOR THE EXERCISE BY THE COMMISSION OF ITS FORBEARANCE AUTHORITY

The Petition clearly fails to meet the statutory standard set out in section 10(a) of the Act

⁴³ *ISP Remand Order* at ¶ 87 (footnotes omitted).

for the exercise by the Commission of its forbearance authority.⁴⁴ To justify an exercise of the Commission's forbearance authority, all three conditions set out in section 10(a) must be satisfied. As shown below, Core has failed to meet any of the three tests.

First, the Petition fails to provide any sound reasoning to support the contention that the *ISP Remand Order* is unjustly or unreasonably discriminatory towards Core.⁴⁵ The “discrimination” that Core complains of is a direct result of the Commission's well-reasoned decision to move towards a bill and keep regime to remedy the egregious regulatory arbitrage that characterized the application of reciprocal compensation to ISP-bound traffic in the past. As such, any differentiation between carriers that may occur as a result of the *ISP Remand Order* is entirely just and reasonable and not properly subject to attack under section 10(a)(1). In fact, enforcement of the *ISP Remand Order's* provisions is necessary precisely because a reversion to the reciprocal compensation mechanism for all ISP-bound traffic would unquestionably cause unjust and unreasonably discriminatory harm to the telecommunications industry.

Second, the Petition fails to provide any evidence to support the claim that enforcement of the *ISP Remand Order* is not necessary to protect consumers. In fact, quite the contrary is the case. A reversion to reciprocal compensation for all ISP-bound traffic would effectively result in the massive subsidization of CLECs by ILEC voice customers, a development that hardly would

⁴⁴ Section 10(a) of the Act requires the Commission to forbear from applying any regulation or provision of the Act if it determines that that “(1) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier ... are just and reasonable and are not unjustly or unreasonably discriminatory; (2) enforcement of such regulation or provision is not necessary for the protection of consumers; and (3) forbearance from applying such provision or regulation is consistent with the public interest.” 47 U.S.C. § 160(a).

⁴⁵ Qwest notes that Core misconstrues the provisions of section 10(a) by introducing the notion of “anticompetitive harm” as a justification for invoking the Commission's forbearance authority. Petition at 10. Of course, section 10(a) makes no reference whatsoever to anticompetitive harm, further weakening Core's already dubious argument on this point.

serve the interests of consumers. Furthermore, the enormous market progress made by CLECs since the adoption of the *ISP Remand Order*⁴⁶ is clear evidence that a bill and keep mechanism for the delivery of ISP-bound traffic, far from harming the competitive environment, has actually contributed to an overall level of competition in the telecommunications sector that has never been higher, a development which has unquestionably benefited consumers.

Third, Core presents no convincing argument that forbearing from applying the *ISP Remand Order* would be consistent with the public interest. The *ISP Remand Order* clearly identifies the public interest benefits deriving from the move away from reciprocal compensation to bill and keep for ISP-bound traffic.⁴⁷ Nothing in the Petition indicates that the Commission should change its assessment of the clear public interest that is served by moving to a bill and keep regime. Indeed, the facts presented in this Opposition demonstrate that the *ISP Remand Order* is already serving the public interest and will continue to benefit the public interest as bill and keep is implemented for all ISP-bound traffic in the future.

⁴⁶ *See supra* at pp. 6-7.

⁴⁷ *ISP Remand Order* at ¶¶ 71-74.

V. CONCLUSION

As demonstrated above, Core seeks forbearance with respect to the *ISP Remand Order* so that it and other CLECs can revert to a compensation system for ISP-bound traffic that has resulted in major market distortions, unjustifiable regulatory arbitrage and severe harm to the telecommunications industry and consumers. Because Core has failed to offer any convincing arguments as to why the Commission should exercise its forbearance authority with respect to the *ISP Remand Order*, Qwest respectfully submits that Core's Petition should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that on this 29th day of August, 2003, I have caused a copy of the foregoing **OPPOSITION OF QWEST COMMUNICATIONS INTERNATIONAL INC.** be filed with the FCC via its Electronic Comment Filing System, served via e-mail on the FCC's duplicating contractor, Qualex International, Inc., and served, via First-Class United States mail on petitioner Core Communications, Inc. and its counsel as indicated on the attached service list.

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