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**Hance Haney**  
Executive Director-Federal Relations

September 29B, 2003

**EX PARTE**

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

**Re: WC Docket No. 03-194 – Application by Qwest Communications International Inc. for Authority to Provide In-Region InterLATA Services in the State of Arizona**

Dear Ms. Dortch:

Qwest Communications International Inc. (“Qwest”) submits this filing at the request of the Department of Justice to explain whether Qwest’s DS1 construction policy is affected by Qwest’s Petition for Mandamus or Petition for Stay filed in connection with the FCC’s *Triennial Review Order*.

On August 28, 2003, the United States Telecom Association (“USTA”), Qwest, SBC, and BellSouth filed a Petition for Mandamus with the Court of Appeals for the D.C. Circuit, asking that the court vacate portions of the FCC’s *Triennial Review Order*. In particular, petitioners have requested that the court vacate the FCC’s rules governing the unbundling of mass-market switching, high-capacity loops and dedicated transport. On September 12, 2003, USTA, Qwest, BellSouth, and SBC separately filed a Joint Motion for Stay and Expedition with the D.C. Circuit. That motion seeks a stay of the FCC’s new unbundling rules in the following areas: circuit switching, high-capacity loops and dedicated transport, enhanced extended links (EELs), and unbundled network elements used by wireless providers. Neither of the above-referenced filings asks the D.C. Circuit to overturn or stay the effectiveness of the FCC’s rules addressing construction or network modifications adopted in the *Triennial Review Order*.

The 20 page limit does not apply to this filing. Please contact the undersigned if you have any questions concerning this submission.

Respectfully submitted,

A handwritten signature in black ink that reads "Hance Haney". The signature is written in a cursive, slightly slanted style.

Hance Haney

Letter to Ms. Dortch  
September 29B, 2003  
Page 2

cc: A. Goldberger  
G. Remondino  
J. Myles  
R. Harsch  
M. Scott