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***EX PARTE***

July 30, 2004

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW-A325  
Washington, DC 20554

Re: *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications, ET Docket No. 04-35*

Dear Ms. Dortch:

On July 28, 2004, prior to Sunshine, Cronan O'Connell of Qwest Communications International Inc., ("Qwest"), and Timothy Boucher, Dennis Pappas and Glenda Weibel also of Qwest via telephone, met with Sheryl Wilkerson, Legal Advisor to Chairman Michael Powell. The purpose of this discussion was to discuss the status of the Commission's *Notice of Proposed Rulemaking* ("NPRM") in the above-captioned proceeding.<sup>1</sup> In particular, Qwest pointed out serious flaws with most of the threshold reporting proposals. Qwest agreed with the suggestions offered by BellSouth in its *ex parte* as to what the reporting thresholds should be. Qwest also discussed the need for confidentiality of the information to be provided in the outage reports.

During the meeting Qwest was asked to respond further in detail on proposals in the *NPRM* relating to: 1) content requirements; 2) tracking and reporting of lost Integrated Services Digital Network User Part ("ISUP") messages; and 3) assigned numbers as the common metric for wireline reporting. This *ex parte* is in response to that request.

1. Content Requirements

The *NPRM* proposes that a statement be included in the final report of an outage that all causes of an event have been identified.<sup>2</sup> First, there generally is always a single root cause associated with any outage, although there may be different contributing factors. Service providers should spend their limited resources and work efforts focusing on a timely root cause analysis, not attempting to identify each cause of an outage. Additionally, the *NPRM* proposes an attestation obligation in the final report.<sup>3</sup> This proposed requirement creates an unwarranted concern for

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<sup>1</sup> *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications, Notice of Proposed Rulemaking*, 19 FCC Rcd 3373 (2004).

<sup>2</sup> *Id.* at 3389 ¶ 31.

<sup>3</sup> *See id.* at 3409, proposed new Section 4.11.

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service providers because employees of service providers will overanalyze an outage to the extent they must attest that they have captured “all the causes” of an outage; and legal counsel would be sought on the potential penalties associated with omissions (be it accidental or negligent) consuming even more resources on tangential causation issues.

## 2. Tracking ISUP Messages

As the *NPRM* is written, reporting blocked ISUP messages is considered relevant in the context of the SS7 network and the impact of any event on end users.<sup>4</sup> Qwest does not collect and uniquely categorize, on an individual call basis, historical or real-time ISUP messages when the call is established using the SS7 network. In particular, the ISUP message is contained in a Message Signaling Unit (“MSU”) and it is actually the MSU that is captured at the signaling transfer point (“STP”). ISUP messages are just one of many data elements in the MSU. The MSU can be thought of as a box containing multiple tools or “protocols.” Some of the tools are signaling information while others are ISUP messages. If the Commission were to proceed with an ISUP message measurement (or even an MSU measurement), capturing of such information would be overly burdensome and costly requiring Qwest to request an extension of time to implement.

Also, when considering that it takes multiple ISUP messages to set up a single call, ISUP messages overstate the impact to the end user which is of utmost importance to the FCC in the tracking of network outages. There is no relevance between the number of ISUP messages per call and the impact on an end user. Tracking of blocked calls alternatively, captures the relevant facts that the FCC requires in order to monitor network outages.

## 3. Access Line Reporting

The Qwest proposed metric of reporting by access lines versus assigned numbers better reflects the actual level of a network outage both for large as well as rural wire centers. Access lines will allow Qwest to assess the scope of an outage and report accurate line count information in the event that an outage meets the threshold and requires reporting. Assigned numbers overstate the impact of an outage in both large and rural wire centers because it does not take into account potential large blocks of numbers that have a low percent of utilization.

In accordance with Commission Rule 47 C.F.R. § 1.49(f), this *ex parte* letter is being filed electronically for inclusion in the public record of the above-referenced proceeding pursuant to Commission Rule 47 C.F.R. § 1.1206(b)(2).

Sincerely,

/s/ Cronan O’Connell

cc: Sheryl Wilkerson ([sheryl.wilkerson@fcc.gov](mailto:sheryl.wilkerson@fcc.gov))

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<sup>4</sup> There is a difference in tracking ISUP messages for billing. ISUP messages for the purpose of billing are gathered at the local switch or access tandem not the STP.