

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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

**COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.  
REGARDING THE UNITED STATES TELECOM ASSOCIATION'S  
PETITION FOR PARTIAL STAY**

Qwest Communications International Inc. ("Qwest"), through counsel and on behalf of itself and its affiliates, hereby submits the following comments in support of the Petition for Stay (the "Petition") filed by the United States Telecom Association ("USTA") in the above-captioned proceeding.<sup>1</sup>

Qwest supports USTA's request that the requirement in paragraph 134 of the Report and Order<sup>2</sup> be stayed pending reconsideration. Paragraph 134 specifies that communications providers must report as "outages" events in which a DS3 is part of a protection scheme that switches to protect. Qwest concurs in USTA's conclusion that this requirement is both procedurally improper and inequitable. In support of its Petition, USTA files six sworn statements demonstrating the huge new burden imposed by this new DS3 simplex requirement.<sup>3</sup> As with the six companies submitting those affidavits in the Petition, this new reporting burden will lead to significant additional costs to Qwest. Qwest estimates that the anticipated number of DS3 simplex events anticipated by Qwest, alone, will far exceed the Commission's estimate for the total number of reports that would occur from all reporting sources combined from the new

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<sup>1</sup> Petition for Partial Stay, filed Nov. 19, 2004

<sup>2</sup> *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications, Report and Order and Further Notice of Proposed Rulemaking*, ET Docket No. 04-35, FCC 04-188, rel. Aug. 19, 2004 ("Report and Order" or "Order").

<sup>3</sup> Companies filing affidavits in support of USTA's Petition were BellSouth Telecommunications, Inc., Verizon, SBC Communications Inc., ALLTEL Corporation, the Frontier and Citizens ILECs and Iowa Telecommunications Services, Inc. d/b/a Iowa Telecom.

rule changes – 1,000, annually.<sup>4</sup> Similarly, the new costs Qwest will incur to meet this new reporting burden will far exceed the Commission’s estimate for the total annual cost to each carrier for its new rules - \$41,600.<sup>5</sup>

Qwest supports USTA’s Petition and urges the Federal Communications Commission (“Commission”) to grant the requested relief – a stay pending reconsideration of the Order, or, in the alternative, the issuance of a Further Notice of Proposed Rulemaking asking for comment on the benefits and burdens implementing the report requirements set forth in paragraph 134 and staying the effect of paragraph 134 pending conclusion of that Further Notice of Proposed Rulemaking. USTA’s request is a modest one, given the overall reporting scheme established by the Order and given that the new DS3 simplex requirement was imposed without adequate notice and without significant factual support in the record. Qwest urges the Commission to publicly notice USTA’s Petition for comment so that a full record can be presented on this issue during the reconsideration phase.

Respectfully submitted,

QWEST COMMUNICATIONS  
INTERNATIONAL INC.

By: /s/ Timothy M. Boucher  
Andrew D. Crain  
Kathryn Marie Krause  
Timothy M. Boucher  
Suite 950  
607 14<sup>th</sup> Street, N.W.  
Washington, DC 20005  
(303) 383-6608

November 24, 2004

Its Attorneys

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<sup>4</sup> Report and Order ¶ 168.

<sup>5</sup> *Id.* ¶ 24.

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL, INC. REGARDING THE UNITED STATES TELECOM ASSOCIATION'S PETITION FOR PARTIAL STAY** to be: 1) filed with the FCC via its Electronic Comment Filing System in ET Docket No. 04-35; 2) served via email on Ed Thomas of the Office of Engineering and Technology ([ed.thomas@fcc.gov](mailto:ed.thomas@fcc.gov)), and the FCC's duplicating contractor, Best Copy and Printing, Inc. ([fcc@bcpiweb.com](mailto:fcc@bcpiweb.com)); and 3) served via First Class United States Mail, postage prepaid, on the party listed on the attached service list.

/s/ Richard Grozier  
Richard Grozier

November 24, 2004

James W. Olson  
Indra Sehdev Chalk  
Michael T. McMEnamin  
Robin E. Tuttle  
United States Telecom Association  
1401 H Street, N.W., Suite 600  
Washington, D.C. 20005

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