



**Qwest**  
607 14<sup>th</sup> Street, NW, Suite 950  
Washington, DC 20005  
Phone 202-429-3121  
Fax 202-293-0561

**Cronan O'Connell**  
Vice President-Federal Regulatory

**REDACTED – FOR PUBLIC INSPECTION**

December 6, 2004

**EX PARTE VIA ECFS/HAND-DELIVERY**

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 Unbundled Access to Network Elements, WC Docket No. 04-313; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338*

Dear Ms. Dortch:

On June 21, 2004, Qwest Corporation (“Qwest”) filed a Petition for Forbearance Pursuant to 47 U.S.C. § 160(c) requesting that the Federal Communications Commission (“Commission”) forbear from applying the requirements of Section 251(c) and Section 271(c)(2)(B)(i-vi) and (xiv) of the 1996 Act to Qwest’s provision of telecommunications services in the Omaha, Nebraska Metropolitan Statistical Area (“MSA”) and also forbear from regulating Qwest as a dominant carrier and as the incumbent local exchange carrier in the Omaha MSA.<sup>1</sup>

Qwest believes that its Omaha Forbearance Petition and the market share data referred to therein is also relevant in the above-captioned proceedings and respectfully requests that the Commission include on the record in the above-captioned proceedings Qwest’s Omaha Forbearance Petition and its Reply Comments in WC Docket No. 04-223.

Both a redacted and non-redacted version of Qwest’s Omaha Forbearance Petition was filed in WC Docket No. 04-223. On June 25, 2004 the Wireline Competition Bureau adopted a *Protective Order*, WC Docket No. 04-223, 19 FCC Rcd 11377 (2004), to facilitate the review of confidential information submitted by parties in WC Docket No. 04-223. As well, the Wireline Competition Bureau adopted an *Order* and *Protective Order* on August 20, 2004; the *Protective*

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<sup>1</sup> On June 25, 2004, the Commission publicly noticed Qwest’s Omaha Forbearance Petition; *see Public Notice*, 19 FCC Rcd 11374 (2004), *and see Public Notice Erratum*, dated July 7, 2004, which corrected the docket number to WC Docket No. 04-223, *and also see Public Notice*, 19 FCC Rcd 14798 (2004), extending the comment cycle on Qwest’s Omaha Forbearance Petition.

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*Order* was modified subsequently by a further *Order* and *Protective Order* adopted on September 29, 2004 in the above-captioned proceedings, WC Docket No. 04-313 and CC Docket No. 01-338 (*see* 19 FCC Rcd 16292 (2004); 2004 FCC Lexis 5624 (Sept. 29, 2004)). Qwest requests that the Commission withhold from public inspection the non-redacted (confidential) version of its Omaha Forbearance Petition pursuant to the *Orders* and *Protective Orders* adopted in WC Docket No. 04-313 and CC Docket No. 01-338.

Qwest is filing today, via the Commission's Electronic Comment Filing System, as attached hereto, the 1) redacted (non-confidential) version of its Omaha Forbearance Petition (this document carries the same markings – "**REDACTED – FOR PUBLIC INSPECTION**" – as required by the *Orders* and *Protective Orders* in WC Docket No. 04-313 and CC Docket No. 01-338) and 2) Reply Comments to its Omaha Forbearance Petition (only a public version was filed), also to be submitted for inclusion on the record in WC Docket No. 04-313 and CC Docket No. 01-338. Qwest is filing today under separate cover the non-redacted (confidential) version of its Omaha Forbearance Petition, to be submitted in hard copy via hand delivery for inclusion on the record in WC Docket No. 04-313 and CC Docket No. 01-338. Each page of the non-redacted version of Qwest's Omaha Forbearance Petition continues to carry the markings: "**NON-REDACTED – NOT AVAILABLE FOR PUBLIC INSPECTION,**" as required by the *Protective Order* adopted in WC Docket No. 04-223. Each page of the non-redacted version of Qwest's Omaha Forbearance Petition, as filed herein, now also reflects the following legend, as required by the *Orders* and *Protective Orders* in WC Docket No. 04-313 and CC Docket No. 01-338: **CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-338 AND WC DOCKET NO. 04-313 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION.**

All inquiries relating to access to the confidential information submitted by Qwest in WC Docket No. 04-313 and CC Docket No. 01-338, subject to the terms of the *Orders* and *Protective Orders*, should be directed to Craig Brown of Qwest (303-383-6649) or Charles Keller or Christine Crowe of Wilkinson Barker Knauer (202-783-4141).

Thank you for your assistance with this matter and please contact the undersigned with any questions.

Sincerely,

/s/ Cronan O'Connell

Attachments

cc: J. Myles, WCB, electronic copy via e-mail at Janice.myles@fcc.gov