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REDACTED - FOR PUBLIC INSPECTION

August 24, 2005

RECEIVED

AUG 24 2005

Federal Communications Commission
Office of Secretary

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW, Room 8B201
Washington, DC 20554

Re: Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in
the Omaha Metropolitan Statistical Area
WC Docket No. 04-223
Notice of Oral Ex Parte Communication

Dear Ms. Dortch:

I am writing this letter to report that on August 23, 2005, James Robbins, President and Chief Executive Officer of Cox Communications, Inc. ("Cox") and Alexander Netchvolodoff, Senior Vice President, Public Policy, of Cox Enterprises, Inc., met with Chairman Kevin Martin and Michelle Carey and Catherine Bohigian of Chairman Martin's office regarding issues raised in the above-captioned proceeding. The topics that were discussed are summarized on the attachment, which was provided to the Commission participants in the meeting.

The handout contained information for which Cox seeks confidential treatment pursuant to the *Protective Order* issued in this proceeding. The confidential information is marked "REDACTED" on the attached copy of the handout. The confidential version of Cox's handout is being filed today with the Secretary's Office under a separate cover.

In accordance with Section 1.1206 of the Commission's rules, an original and one copy of this letter are being filed with the Secretary's Office on this date and a copy of this letter is being provided to Chairman Martin, Ms. Carey and Ms. Bohigian.

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Marlene H. Dortch, Esq.

August 24, 2005

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Please inform me if any questions should arise in connection with this letter.

Respectfully submitted,



J.G. Harrington

Counsel to Cox Communications, Inc.

Attachment

cc (w/attachment): Hon. Kevin Martin
Michelle Carey
Catherine Bohigian

KEY CONSIDERATIONS IN QWEST OMAHA FORBEARANCE PROCEEDING

- **A fully facilities-based competitor, Cox provides local circuit-switched telephone services to residential and business subscribers in Omaha.** Cox offers a well-priced, highly reliable lifeline alternative to the phone services provided by Qwest, the incumbent provider. The value that customers place on Cox's phone service is reflected in the fact that Cox has won the top J.D. Power award for Local Residential Telephone Customer Satisfaction in the Western region – which includes Nebraska and Iowa – for the last three years in a row.
- **Cox's success in Omaha depends on its ability to interconnect with Qwest under the protections granted by the 1996 Act.** Even though Cox uses its own network to provide competitive phone services to Omaha consumers, Cox still must rely on the rights granted to it under the 1996 Act as a CLEC:
 - *Economic Interconnection at any point and collocation* are vital to Cox and to the consumer.
 - *Negotiation in good faith and network change notification* also are important.

These protections are enforced effectively by the states through the arbitration process created by the 1996 Act, and anything that changes that process would create new risks for competition.

- **Facilities-based CLECs do not have interconnection alternatives in Omaha:**
 - *Qwest has the only ubiquitous network in the Omaha MSA.* Cox, which is the most successful competitor in the area, provides service in only 18 of the 24 wire centers identified by Qwest. Even in the areas it covers, Cox does not have access to more than 8,000 apartment and office buildings. The ubiquity and much broader reach of Qwest's network give it significant bargaining advantages in interconnection negotiations with competitive LECs.
 - *All competitive LECs and wireless providers depend on Qwest for interconnection because Qwest has the only ubiquitous network in Omaha.* Over [REDACTED] percent of Cox's traffic to other carriers goes through its collocation facilities with Qwest thereby making Cox reliant on Qwest for interconnection with about half of the other carriers in the Omaha market.
 - *Notwithstanding Cox's success in the market Qwest still has the incentive and ability to discriminate.* As the only ubiquitous provider of interconnection, Qwest retains power over other carriers in the MSA. Qwest also is by far the dominant carrier in the remainder of Nebraska and Iowa, with little or no competition in areas outside of Omaha.
- **Qwest mischaracterizes Cox's market share.** Qwest consistently has overstated Cox's share of the business and residential markets in Omaha, despite the detailed evidence that Cox has provided to the Commission.
- **Cox does not oppose nondominant treatment for Qwest.** Granting nondominant status would be consistent with the Commission's actions in proceedings involving other carriers and consistent with Qwest's evidence concerning retail market share.

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