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EX PARTE

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September 20, 2005

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

RE: CC Docket No. 02-53 *In the Matter of Presubscribed Interexchange Carrier Charges*

Dear Ms. Dortch:

On February 17, 2005, the Commission issued its Order in the above referenced docket requiring that the safe harbor rates for changing a primary interexchange carrier ("PIC") be amended to \$5.50 for manual changes and \$1.25 for electronic changes. The Order also instituted the 50 percent rule for performing simultaneous interLATA and intraLATA PIC changes. These new rules are to become effective on November 1, 2005.

If the Commission makes amendments to these safe harbor rates and to the 50 percent rule, Qwest will need to take state notification requirements into account when implementing these changes. As discussed in our ex parte meeting September 14, 2005, Qwest is submitting this more detailed ex parte presentation in order to set forth a timeline for meeting these state obligations.

Historically, there has been a direct link between the PIC-change rates set forth in Qwest's federal tariff and the rates in Qwest's state tariffs. Qwest's federal tariff prescribes the charge for a change in selection of the interLATA PIC. In turn, the state tariffs prescribe the charge for intraLATA PIC changes. The state tariffs also prescribe the simultaneous charge when changing both the interLATA and intraLATA primary interexchange carrier.

For example, Section 13.15 of Qwest's Tariff F.C.C. No. 1 specifies the charges for changing an end user's interstate PIC. In Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota and Wyoming, Qwest's state tariffs currently specify that, "[W]hen end users or PSPs simultaneously choose or change an intraLATA and interLATA primary IC, only the PIC change charge from F.C.C. No. 1, Section 13 will apply."

Separately, Qwest's Minnesota tariff incorporates the federal rate by stating that, "[W]hen an end user or PSP chooses the same carrier at the same time for their interLATA and intraLATA primary IC, only the PIC change charge from F.C.C. No. 1, Section 13, will be applied." If an end user or PSP chooses different carriers for their interLATA and intraLATA PICs at the same time, then the PIC change charge from Section 13 of Tariff F.C.C. No.1 will be applied in addition to the charge specified in Section 13.3.3.D.

In turn, Qwest's Iowa tariff incorporates the federal rate by stating that, "[W]hen end users or PSPs simultaneously choose or change an intraLATA and interLATA primary IC, no charge applies for the intraLATA choice or change." And Qwest's Washington tariff incorporates the federal rate by stating that, "[I]f a customer picks a single carrier for both intraLATA and interLATA toll calls during one transaction, only one PIC charge will apply."

Because of links such as these between Qwest's federal and state PIC charges, Qwest has been moving forward at both the federal and state level to make the changes to its systems and tariffs that are necessary to implement the PIC-change rates and the 50 percent rule as the Commission ordered in February. Any further changes will therefore have both federal and state ramifications.

Qwest is currently in the process of doing customer notifications in these states to allow for regulatory approval of its tariff changes prior to November 1, 2005. Seven of Qwest's states -- specifically Colorado, Iowa, Minnesota, Montana, New Mexico, South Dakota and Washington -- require customer notifications for the proposed rate changes. The states of Iowa and Washington further require that the customer notification must be received by the customer thirty days prior to any proposed tariff change being filed with the commission. Colorado requires that the customer notification be received by the customer ten days prior to the tariff filing submission to the Colorado commission.

If the only change that the Commission makes to its Order is to eliminate the 50 percent rule, Qwest would not need to re-notify its customers. However, if the Commission changes its safe harbor rates, Qwest would be required to do new customer notifications in each of the states referenced above.

Customer notification of the level and the effective date of new rates would require the following timeline:

- Week 1: Qwest would develop the new customer notice language and secure internal approval for the changes.
- Week 2: Qwest would submit the new language to the Iowa and Washington commissions for their approval. Regulatory approval for these states will typically take two weeks. For the remaining five states, Qwest would start printing the notice in preparation for deploying to customers via a bill insert.

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- Week 3: Qwest would start noticing customers in all states except Iowa and Washington. The process of noticing customers would be complete in 35 days.
- Week 4: Qwest would file tariff changes for commission approval in Minnesota, Montana, New Mexico, and South Dakota. Qwest would also start printing the Iowa and Washington customer notices.
- Week 5: Qwest would start sending notices to customers in Iowa and Washington. The process would be complete in 35 days.
- Week 10: Qwest would file changes to Colorado, Iowa and Washington tariffs. Regulatory approval in Iowa and Washington will take 30 days.

From first to last, it will therefore take approximately 100 days from the start of the customer notification process to the final approval of Qwest's state tariffs in both Iowa and Washington.

This timeline does not take into consideration any delay in the normal process. Unless and until the Commission issues a Reconsideration Order in this proceeding, Qwest cannot start these processes, as Qwest will need both the rate levels and the effective date of the rate change in order to give its customers proper notice under state law.

Thank you for your consideration of the implementation issues associated with this Order.

Sincerely,  
/s/ Melissa E. Newman  
Vice President – Federal Regulatory  
Qwest

Copy to:  
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Jennifer McKee  
Dick Kwiatkowski