

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
)  
Petition of Neutral Tandem, Inc. for ) WC Docket No. 06-159  
Interconnection with Verizon Wireless, Inc. )  
Pursuant to Sections 201(a) and 332(c)(1)(B) )  
of the Communications Act of 1934, as )  
amended )

**REPLY COMMENTS OF  
QWEST COMMUNICATIONS INTERNATIONAL INC.**

Qwest Communications International Inc., through counsel and on behalf of itself and its affiliates, including Qwest Corporation (“QC,” its local exchange carrier affiliate) (collectively, “Qwest”), hereby submits the following reply comments in connection with the Federal Communications Commission’s (the “Commission’s”) *Notice*<sup>1</sup> requesting comment with respect to the Petition of Neutral Tandem, Inc. for Interconnection with Verizon Wireless, Inc. Pursuant to Sections 201(a) and 332(c)(1)(B) of the Communications Act of 1934, as amended (the “Neutral Tandem Petition”) seeking an order that Verizon Wireless establish direct physical connections with Neutral Tandem.

Qwest files these comments for the limited purpose of asking that the Commission clarify, as a part of whatever action it takes in this matter, the narrow scope of the Neutral Tandem Petition. Neutral Tandem, in its Petition, requests that the Commission require Verizon Wireless, as a commercial mobile radio service (“CMRS”) provider, to establish direct

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<sup>1</sup> *Public Notice*, Pleading Cycle Established for Comments on Petition for Interconnection of Neutral Tandem, Inc. Pursuant to 47 U.S.C. §§ 201(a) and 332(c)(1)(B), WC Docket No. 06-159, DA 06-1603 (rel. Aug. 9, 2006).

connections with Neutral Tandem for traffic that Neutral Tandem terminates to Verizon Wireless. Thus, the narrow factual context of this Petition is to address the rights of an independent tandem service provider to establish connections for *terminating traffic* only and only vis-à-vis *CMRS* providers. Additionally, the legal and procedural grounds for the Neutral Tandem Petition are, by its own terms quite narrow. Neutral Tandem's request is based expressly and solely on Sections 201(a) and 332(c)(1)(B) of the Communications Act of 1934 (the "Act"). Moreover, Neutral Tandem argues, as part of the grounds for the relief it seeks in its Petition, the "fact-specific nature of this dispute."<sup>2</sup> In other words, the scope of the Neutral Tandem Petition expressly excludes, among other things, the rights of an independent tandem provider when *receiving* traffic from a *CMRS* provider, the rights of an independent tandem provider when seeking direct connections with *any other type of carrier* such as an incumbent local exchange carrier ("ILEC"), the rights of any type of provider to interconnection under provisions of law other than Sections 201(a) and 332(c)(1)(B). By way of example, the rules regarding the exchange of traffic between independent tandem providers and ILECs – both with respect to receiving and terminating traffic -- are different from such rights between independent tandem providers and *CMRS* providers. The rights of parties seeking interconnection under Sections 251 and 252 are quite different from those seeking interconnection under Sections 201(a) and 332(c)(1)(B).

Qwest submits this request for clarification because, while most of the commenting parties in this docket clearly recognize the limited scope of this proceeding,<sup>3</sup> other parties'

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<sup>2</sup> Petition at 18.

<sup>3</sup> See, e.g., Comments of COMPTTEL, filed herein on Sept. 8, 2006, at 2 ("Neutral Tandem does not ask the Commission to impose any new regulatory burdens of general applicability"); Comments of CTIA – The Wireless Association, filed herein on Sept. 8, 2006, at 2 (noting that Neutral Tandem asserts no claim under Section 251(a)(1)).

comments suggest that the proceeding is broader than it is. For example, the National Cable & Telecommunications Association (“NCTA”) suggests that the issues raised by the Neutral Tandem Petition are related to the issues raised by the Time Warner Cable petition<sup>4</sup> currently pending before the Commission as well as to other transit issues not at issue in the Neutral Tandem Petition such as the question of whether ILECs have an obligation under the Act to provide transit services.<sup>5</sup> Similarly, the Rural Cellular Association suggests that resolution of the Neutral Tandem Petition requires consideration of rights and obligations under Sections 251 and 252 of the Act and, among other things, that the Commission should, in ruling on the Neutral Tandem Petition, address the interconnection rights of Neutral Tandem vis-à-vis ILECs.<sup>6</sup> These parties misapprehend the scope of the Neutral Tandem Petition.

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<sup>4</sup> *In the Matter of Petition of Time Warner Cable for Declaratory Ruling That Competitive Local Exchange Carriers May Obtain Interconnection Under Section 251 of the Communications Act of 1934, as Amended, to Provide Wholesale Telecommunications Services to VoIP Providers*, filed on Mar. 1, 2006; *see also Public Notice*, Pleading Cycle Established for Comments on Time Warner Cable’s Petition for Declaratory Ruling That Competitive Local Exchange Carriers May Obtain Interconnection to Provide Wholesale Telecommunications Services to VoIP Providers, 21 FCC Rcd 2276 (Mar. 6, 2006).

<sup>5</sup> NCTA Comments, filed herein on Sept. 8, 2006, at 5-7.

<sup>6</sup> Comments of Rural Cellular Association, filed herein on Sept. 8, 2006, at 6-9.

In light of the above, Qwest asks that the Commission address only the issues presented by the Neutral Tandem Petition and expressly limit the application of any ruling in this matter to the narrow context presented by the Neutral Tandem Petition.

Respectfully submitted,

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September 25, 2006

CERTIFICATE OF SERVICE

I, Ross Dino, do hereby certify that I have caused the foregoing **REPLY COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.** to be 1) filed via ECFS with the Office of the Secretary of the FCC in WC Docket No. 06-159; 2) served via email on Ms. Victoria Goldberg, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission at [Victoria.goldberg@fcc.gov](mailto:Victoria.goldberg@fcc.gov); 3) served via email on the FCC's duplicating contractor Best Copy and Printing, Inc. at [FCC@bcpiweb.com](mailto:FCC@bcpiweb.com); and 4) served via First Class United States Mail, postage prepaid, on the parties listed on the attached service list.

/s/ Ross Dino  
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