



Qwest
807 14th Street, NW, Suite 950
Washington, DC 20005
Phone 202-429-3120
Facsimile 202-293-0561

Melissa E. Newman
Vice President – Federal Regulatory

Qwest
1801 California Street, 10th Floor
Denver, CO 80202
Phone 303-383-6649
Facsimile 303-896-1107

Craig J. Brown
Corporate Counsel

Qwest
1801 California Street, 10th Floor
Denver, CO 80202
Phone 303-383-6608
Facsimile 303-896-1107

Timothy M. Boucher
Corporate Counsel

FILED/ACCEPTED

JAN 10 2007

Federal Communications Commission
Office of the Secretary

Via Courier

EX PARTE

ORIGINAL

January 10, 2007

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: **REDACTED – FOR PUBLIC INSPECTION** – *In the Matter of Petition of Qwest Communications International Inc. for Forbearance from Enforcement of the Commission's Dominant Carrier Rules As They Apply After Section 272 Sunset Pursuant To 47 U.S.C. § 160, WC Docket No. 05-333*

Dear Ms. Dortch:

Qwest Communications International Inc. ("Qwest") hereby provides notice for the public record that Qwest today is filing separately under seal confidential information submitted in response to the following requests contained in a letter ("Information Request") dated January 5, 2007 from Thomas J. Navin of the FCC to Craig J. Brown of Qwest: 1.a; 1.a.i; 1.a.ii; 1.a.iii; 1.e; 1.f; and 1.i.ii. In this submission Qwest is providing quarterly data, where available, beginning with the first quarter 2004 through the present.

In addition, Qwest is filing as Attachment A, under seal, one copy of the Yankee Group report regarding wireless displacement referenced in Qwest's response to Information Requests 1.h and 1.j.ii, previously filed on January 8, 2007.

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List A B C D E

Notwithstanding the *Protective Orders* adopted in this proceeding,¹ Qwest believes there is also a separate statutory basis for not making its confidential responses to the Information Request available for public inspection. See 47 C.F.R. §§ 0.457(d), 0.459. As such, appended hereto is Qwest's associated confidentiality justification. The non-redacted portions of Qwest's responses to the Information Request contain Qwest's confidential information and confidential information associated with the operations of other telecommunications providers (with their identities masked) that Qwest has in its possession.² This information would not ordinarily be made available to the public, and disclosure may cause substantial competitive harm to Qwest and to other telecommunications providers. Accordingly, the non-redacted information is appropriate for non-disclosure both under Sections 0.457(d) and 0.459, as well as under the *Protective Orders*.

As required by the Wireline Competition Bureau's *Protective Orders*, Qwest is also submitting one (original) copy of the non-redacted attachments to the Secretary's office. In addition, Qwest is submitting with this letter two copies of the redacted confidential attachments. As required by the *Protective Orders*, these redacted copies include the following legend: "REDACTED – FOR PUBLIC INSPECTION".

The confidential, non-redacted version of Qwest's response will be made available for inspection, pursuant to the terms of the *Protective Orders*, at 607 14th St. NW, Suite 950, Washington DC. Arrangements for inspection may be made by contacting Joan O'Donnell at 202-429-3104.

Acknowledgment and date of receipt of this submission are requested. A duplicate copy is included for this purpose. If you have any questions regarding this submission, please contact Melissa Newman at 202-429-3120.

Sincerely,



Melissa Newman
Vice President-Federal Regulatory
Qwest

¹ *Petition of Qwest Communications International Inc. for Forbearance from Enforcement of the Commission's Dominant Carrier Rules As They Apply After Section 272 Sunsets*, WC Docket No. 05-333, First and Second Protective Orders (rel. Jan. 5, 2007) (DA 07-22 & 07-23) (collectively, "*Protective Orders*").

² Specifically, in addition to requesting confidential treatment of the information of other telecommunications providers, Qwest has masked the identity of these providers by labeling carrier-specific information as information of Carrier XX, Carrier XY, and so on.

Marlene H. Dortch
January 10, 2007
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Attachments

Copy (via e-mail) to:

Randy Clarke randy.clarke@fcc.gov

William Dever william.dever@fcc.gov

Heather Hendrickson heather.hendrickson@fcc.gov

William Kehoe william.kehoe@fcc.gov

Albert Lewis albert.lewis@fcc.gov

Deena Shetler deena.shetler@fcc.gov

Debra Weber debra.weber@fcc.gov

Renee Crittendon renee.crittendon@fcc.gov

APPENDIX

Confidentiality Justification

Qwest requests confidential treatment of the information being provided in its *ex parte* because this information is competitively sensitive and its disclosure would have a negative competitive impact on Qwest and other telecommunications providers were it made publicly available. Such information would not ordinarily be made available to the public, and should be afforded confidential treatment under the *Protective Orders* and both 47 C.F.R. § 0.457 and § 0.459.

47 C.F.R. § 0.457

The attachments contain information which is confidential and proprietary to Qwest and to other telecommunications providers as “commercial or financial information” under Section 0.457(d). Disclosure of such information to the public would risk revealing company-sensitive proprietary information in connection with Qwest’s ongoing business plans and operations and the operations of other telecommunications providers. Therefore, in the normal course of Commission practice this information should be considered “Records not routinely available for public inspection.”

47 C.F.R. § 0.459

Specific information in the attachments to the *ex parte* is also subject to protection under 47 C.F.R. § 0.459, as demonstrated below.

Information for which confidential treatment is sought

Qwest requests that the attachments be treated on a confidential basis under Exemption 4 of the Freedom of Information Act. This information is competitively-sensitive data which Qwest and other telecommunications providers maintain as confidential and is not normally made available to the public. Release of the information would have a substantial negative competitive impact on both Qwest and other telecommunications providers. The confidential information is contained in the non-redacted version of Qwest’s *ex parte* submission, which is marked with the following legends: **HIGHLY CONFIDENTIAL INFORMATION – SUBJECT TO SECOND PROTECTIVE ORDER IN WC DOCKET NO. 05-333 before the Federal Communications Commission – COPYING PROHIBITED and CONFIDENTIAL INFORMATION – SUBJECT TO FIRST PROTECTIVE ORDER IN WC DOCKET NO. 05-333 before the Federal Communications Commission.**

Commission proceeding in which the information was submitted

The information is being submitted in WC Docket No. 05-333, *In the Matter of Petition of Qwest Communications International Inc. for Forbearance from Enforcement of the Commission's Dominant Carrier Rules As They Apply After Section 272 Sunset Pursuant To 47 U.S.C. § 160.*

Degree to which the information in question is commercial or financial, or contains a trade secret or is privileged

The information designated as confidential includes detailed confidential information for both Qwest and other telecommunications providers in the form of estimates of shares and other sensitive data for various types of services and geographic areas and subscriber volumes/amounts of services provisioned to different classes of customers. As noted above, the data are competitively sensitive information which is not normally released to the public as such release would have a substantial negative competitive impact on Qwest and other telecommunications providers.

Degree to which the information concerns a service that is subject to competition; and manner in which disclosure of the information could result in substantial competitive harm

This type of commercial information would generally not be subject to routine public inspection under the Commission's rules (47 C.F.R. § 0.457(d)), demonstrating that the Commission already anticipates that the release of this kind of information likely would produce competitive harm. Qwest confirms that release of its confidential and proprietary information would cause it competitive harm by allowing its competitors to become aware of sensitive proprietary information regarding the operation of Qwest's business. Qwest assumes that the same would be true regarding the confidential and proprietary information of other telecommunications providers.

Measures taken by Qwest to prevent unauthorized disclosure; and availability of the information to the public and extent of any previous disclosure of the information to third parties

Qwest has treated and treats the information disclosed in its non-redacted *ex parte* as confidential and has protected it from public disclosure to parties outside of the company.

Justification of the period during which Qwest asserts that the material should not be available for public disclosure

Qwest cannot determine at this time any date on which this information should not be considered confidential or would become stale for purposes of the current inquiry, except

that the information would be handled in conformity with general Qwest records retention policies, absent any continuing legal hold on the data.

Other information that Qwest believes may be useful in assessing whether its request for confidentiality should be granted

Under applicable Commission and court rulings, the information in question should be withheld from public disclosure. Exemption 4 of the Freedom of Information Act shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The information in question satisfies this test.

Attachment 1(a)

Request 1(a): For each Qwest franchise area, provide the number of Qwest's retail residential wireline local exchange service lines.

Response: See attached tables.

Attachment 1(a)

Table(s) -

REDACTED IN FULL

REDACTED – FOR PUBLIC INSPECTION

Attachment 1(a)(i)

Request 1(a)(i): For each Qwest franchise area, provide the number of Qwest's retail residential wireline local exchange service lines for which Qwest is the presubscribed interstate long distance carrier. Also, provide the number of these lines that are presubscribed to (1) a Qwest usage per minute plan, (2) a Qwest plan that includes a bucket of minutes, and (3) a Qwest plan that includes an unlimited number of interexchange minutes. For each plan, provide the number of lines, the number of interLATA long distance minutes, the average number of minutes used, and the standard deviation of minutes used.

Response: Since the requested data is contained in two separate Qwest systems, and since Qwest now has the data for the data requested in the first sentence of this request, Qwest responds at this time with that data. The enclosed Excel spreadsheet provides the requested counts of Qwest's retail residential wireline local exchange service lines, at the end of each Quarter, beginning with First Quarter 2004 and running through Fourth Quarter 2006, for which Qwest is the presubscribed interLATA long distance carrier. As requested, this information reflects totals for each state in Qwest's 14 state service territory.

Qwest will respond to the remainder of this request in a future submission, except for the standard deviation which we explained we are unable to provide.

Attachment 1(a)(i)

Table(s) -

REDACTED IN FULL

REDACTED – FOR PUBLIC INSPECTION

Attachment 1(a)(ii)

Request 1(a)(ii): For each Qwest franchise area, provide the number of Qwest's retail residential wireline local exchange service lines for which each of AT&T (or SBC), Verizon (or MCI), Sprint, BellSouth, or another long distance carrier is the presubscribed interstate long distance carrier.

Response: The attached Excel spreadsheet provides the requested counts of Qwest's retail residential wireline local exchange service lines, at the end of each Quarter, beginning with First Quarter 2004 and running through Fourth Quarter 2006, which are presubscribed to a non-Qwest interLATA long distance carrier. As requested, this information reflects totals for each state in Qwest's 14 state service territory.

Attachment 1(a)(ii)

Table(s) -

REDACTED IN FULL

REDACTED – FOR PUBLIC INSPECTION

Attachment 1(a)(iii)

Request 1(a)(iii): For each Qwest franchise area, provide the number of Qwest's retail residential wireline local exchange service lines for which there is no presubscribed interstate long distance carrier.

Response: The attached Excel spreadsheet provides the requested counts of Qwest's retail wireline local exchange service lines, at the end of each Quarter, beginning with First Quarter 2004 and running through Fourth Quarter 2006, for which there is no presubscribed interLATA long distance carrier. As requested, this information reflects totals for each state in Qwest's 14 state service territory.

Attachment 1(a)(iii)

Table(s) -

REDACTED IN FULL

REDACTED – FOR PUBLIC INSPECTION

Attachment 1(e)

Request 1(e): For each Qwest franchise area, provide the number of Qwest's retail residential DSL lines and the proportion of these customers for which Qwest does not also provide wireline local exchange service.

Response: See attached tables.

Attachment 1(e)

Table(s) -

REDACTED IN FULL

REDACTED – FOR PUBLIC INSPECTION

Attachment 1(f)

Request 1(f): For each Qwest franchise area, provide: by carrier, the number of residential access lines provided by facilities-based providers other than Qwest (e.g., E-911 listings in which Qwest is not the underlying local exchange carrier).

Response: Qwest does not have access to E911 data that would provide the requested level of detail. CLECS, however, purchase from Qwest white pages listings for CLEC customers. As a result, Qwest is able to estimate the number of access lines that are associated with facilities-based CLECs (i.e., those utilizing CLEC-owned switches and non-Qwest loop facilities and/or unbundled loops purchased from Qwest). Qwest calculated this estimate by deducting total residential white pages listings purchased by CLECs utilizing resale, UNE-P or QPP services from total residential white pages listings purchased by CLECs. This calculation yields a proxy for the number of CLEC access lines attributable to facilities-based CLECs. This use of white pages listings to develop estimate does not produce a precise count of total facilities-based CLEC access lines. For example, some customers may subscribe to an additional listing and a primary listing for the same access line. Also, if a facilities-based CLEC does not place a request to list an access line, that line will not be included in Qwest's white pages database for that customer. The attached tables contain estimates of facilities-based CLEC access lines in each Qwest state as well as estimates of the access lines for the top three facilities-based CLECs in each state with the identity of each CLEC masked.

Attachment 1(f)

Table(s) -

REDACTED IN FULL

REDACTED – FOR PUBLIC INSPECTION

Attachment 1(i)(ii)

Request 1(i)(ii): For each Qwest franchise area, provide an estimate of the churn rate for consumers (i.e., retail residential wireline local exchange customers) switching among Qwest plans, and the churn rate for consumers switching to non-Qwest long distance services.

Response: Qwest does not maintain tracking of churn among its own Qwest long distance calling plans, and therefore cannot respond to the first part of this request. However, Qwest does track residential subscribers served by Qwest's long distance subsidiary who elect to shift to non-Qwest long distance carriers. The attached Excel spreadsheet provides the requested data, and shows in category A the number of subscribers of Qwest interLATA long distance services who have discontinued Qwest long distance service during each respective Quarter. Category B shows the total number of residential subscribers to Qwest interLATA long distance services at the beginning of each Quarter. The churn rate for each Quarter, shown in the bottom line of the spreadsheet, is calculated by dividing Qwest interLATA service disconnects during the Quarter by total Qwest interLATA long distance subscribers in service at the beginning of the Quarter (category A divided by category B). These data were drawn from the OneQwest LATIS database, which does not track these counts by state. The data therefore reflects data at the Qwest Regional level.

Attachment 1(i)(ii)

Table(s) -

REDACTED IN FULL

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Attachment A

Yankee Group Report

REDACTED IN FULL

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