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EX PARTE

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February 6, 2007

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

Re: *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:

On February 6, 2007, Tim Boucher, Lynn Starr and Melissa Newman, all of Qwest, met in separate meetings with Scott Deutchman, Legal Advisor to Commissioner Copps, and with Ian Dillner, Legal Advisor to Commissioner Tate, to discuss the above-referenced proceeding.

The discussion reflected Qwest's position in its Forbearance Petition as described previously in its submissions in WC Docket No. 05-333. We also provided the attached document to Mr. Deutchman.

This submission is made pursuant to Sections 1.49(f) and 1.1206(b) of the rules of the Federal Communications Commission, 47 C.F.R. §§ 1.49(f), 1.1206(b).

Sincerely,

/s/ Melissa E. Newman

Attachment

Copy via email to:
Scott Deutchman
Ian Dillner

Qwest Ex Parte January 9, 2007

*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*

Request for Relief

- Forbearance from dominant carrier regulation for all existing and future interstate IXC services offered to residential, small business and enterprise customers
- Relief would take effect in all Qwest states upon grant of Qwest's petition since section 272 has already sunset in all Qwest states
- Relief would permit Qwest to offer such in-region services on an integrated basis or through non-272 affiliates, as its rivals currently are permitted

Section 10 Requirements (47 U.S.C. § 160)

- The Commission “shall forbear from applying any regulation ... to a telecommunications carrier...if the Commission determines that” :
 - Enforcement is not necessary to ensure that rates are just and reasonable and not unreasonably discriminatory
 - Enforcement is not necessary to protect consumers
 - Forbearance is consistent with the public interest

Qwest Lacks Market Power in the Provision of In-Region Interstate IXC Services

- Dominant carrier regulation warranted only if carrier possesses market power in the provision of the services that are regulated
- Data filed by Qwest demonstrates that Qwest has no ability to increase prices unilaterally for in-region interstate IXC services provided to residential, small business and enterprise customers
- Qwest faces vigorous competition from CMRS, cable and VoIP as well as traditional wireline providers

Grant of the Relief Is Consistent With the Public Interest

- Forbearance would avoid unnecessary and costly regulation of the prices, terms, and conditions of Qwest's in-region interstate IXC services
- Forbearance would promote competition among providers of such in-region services
- Safeguards that are in place are more than adequate to deter unreasonably discriminatory practices

Qwest Lacks the Ability to Increase In-Region Prices By Raising Rivals' Costs

- Qwest faces significant and growing competition in the provision of local telecommunications services
- In any event, section 272(e) and other existing safeguards will continue to be effective in deterring Qwest from engaging in unreasonably discriminatory practices in the provision of interstate exchange access services

Dominant Carrier Regulation of the Affected Services Is Not Necessary:

- To ensure that Qwest's in-region interstate IXC rates are just and reasonable – rates, terms, and conditions of all providers are and will continue to be constrained by competition
- To protect consumers – to the contrary consumers would be harmed by limitations on Qwest's ability to effectively compete on a level playing field with cable, wireless, VoIP and all other competitors

Objections to Qwest's Petition Are Without Merit

- Opponents' objections are almost entirely baseless procedural claims that do not challenge Qwest's substantive showing that grant of the requested relief would foster competition in the provision of in-region interstate IXC services
- The fact that the Commission is addressing similar issues in a pending rulemaking proceeding that would apply to all BOCs provides no basis for denying Qwest's petition

Conclusion

- Section 10 requires the FCC to forbear from enforcing regulations when the three statutory tests have been satisfied
- Record shows that dominant carrier regulation of Qwest's in-region interstate IXC services is not necessary to protect competition or consumers – to the contrary, the imposition of that scheme would harm both
- Grant of the requested relief will enhance competition in the provision of in-region interstate IXC services and eliminate unnecessary regulations