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**Melissa E. Newman**  
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## EX PARTE

May 29, 2007

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

RE: *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 01-338

Dear Ms. Dortch:

Qwest files this *ex parte* pursuant to a request by Nick Alexander, Legal Advisor to Commissioner Tate. On May 24, 2007, Qwest had meetings with all of the legal advisors to discuss Cox's direct access practices to date. Qwest, which allows CLECs direct access subject to contractual restrictions, provided evidence concerning Cox's direct access practices in Arizona and Nebraska. These practices included accessing Qwest wall boxes in a substandard manner, using the Qwest ground wire, and leaving wires dangling within the terminals, all of which increased the risks of outages, shock, and even fire. So prevalent were these actions that Qwest filed a complaint with the Arizona Corporation Commission in January 2006. In the course of that proceeding, Cox filed with the Arizona Commission an "Audit Plan," which outlined an inspection and repair project of all Qwest terminals that Cox had accessed in Arizona, numbering over 30,000.<sup>1</sup> The purpose of the "Audit Plan" was to identify and correct these substandard direct access practices, and Cox is in the process of completing the Audit Plan at this time.

Pursuant to Mr. Alexander's request, Qwest requests that the Commission require that ILECs have the right to require that CLECs practicing direct access do so in a safe and non-destructive manner. In this regard, we request that the Commission include language in the Order that would state that:

ILECs may place reasonable time, place, and manner requirements on CLEC direct access practices that are designed to preserve and maintain the safety and integrity of the ILEC network. These requirements may include, but are not limited to, requirements concerning: the method of access of a wall box or other terminal enclosure; the method for disconnecting the ILEC network from the inside wire subloop; the method by which the CLEC connects to the inside wire subloop; and the method by which grounding is accomplished.

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<sup>1</sup> See May 24, 2007 letter from Thomas W. Snyder to Marlene H. Dortch filed in this docket, pp. 2-3, citing *Qwest Corp. v. Cox Arizona Telcom, LLC*, Arizona Corporation Commission, Docket Nos. T-01051B-06-0045; T-03471A-06-0045.

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This request is in addition to Qwest's request that the Commission affirm that the ILEC may require the CLEC to provide notice to the ILEC when the ILEC's network is disconnected from the inside wire subloop and for ILECs to charge CLECs for the actual costs for any terminal reconfiguration that is reasonably necessary to allow the CLEC access. We believe that these requirements, taken together, adequately balance the CLEC's need to efficiently access ILEC terminals and inside wire subloop against the ILEC's right to preserve and maintain network safety and to be made whole for any costs incurred associated with network modifications that are necessary to make the inside wire subloop accessible for safe CLEC use.

Sincerely,

/s/ Melissa E. Newman

Melissa Newman  
Vice President-Federal Regulatory  
Qwest

Copy to:  
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