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**EX PARTE OR LATE FILED**

Melissa E. Newman  
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Qwest Communications International Inc.

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**VIA COURIER**

**REDACTED - FOR PUBLIC INSPECTION**

**EX PARTE**

July 21, 2008

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

**FILED/ACCEPTED**

**JUL 21 2008**

Federal Communications Commission  
Office of the Secretary

**ORIGINAL**

Re: *In the Matter of Petitions of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Minneapolis-St. Paul, Phoenix and Seattle Metropolitan Statistical Areas, WC Docket No. 07-97*

Dear Ms. Dortch:

Qwest Corporation hereby submits the attached *ex parte* and request for confidential treatment (pursuant to the First Protective Order) of certain confidential information included in the associated *ex parte*, in the above-captioned proceeding.

One original copy of the non-redacted version is being submitted; and two original copies of the redacted version are being submitted. For both the redacted and non-redacted versions, an extra copy is provided to be stamped and returned to the courier. Both the redacted and non-redacted versions of the *ex parte* are being served on Staff of the Commission's Wireline Competition Bureau as indicated below. This cover letter does not contain any confidential information.

If you have any questions concerning this submission, please contact me using the information reflected in the above letterhead.

Sincerely,

/s/ Melissa E. Newman

Attachments

No. of Copies rec'd 041  
LIST ABCDE

Ms. Marlene H. Dortch  
July 21, 2008

Page 2 of 2

cc: (via e-mail)

Denise Coca ([denise.coca@fcc.gov](mailto:denise.coca@fcc.gov))

Jeremy Miller ([Jeremy.miller@fcc.gov](mailto:Jeremy.miller@fcc.gov))

Tim Stelzig ([tim.stelzig@fcc.gov](mailto:tim.stelzig@fcc.gov))

Gary Remondino (two hard copies of the non-redacted version & via  
[gary.remondino@fcc.gov](mailto:gary.remondino@fcc.gov))

**REDACTED – FOR PUBLIC INSPECTION**



**Qwest**  
1801 California Street, 10<sup>th</sup> Floor  
Denver, Colorado 80202  
Phone 303-383-6653  
Facsimile 303-896-1107

**Daphne E. Butler**  
Corporate Counsel

*VIA COURIER*

**REDACTED – FOR PUBLIC INSPECTION**

*EX PARTE*

July 21, 2008

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

Re: *In the Matter of Petitions of Qwest Corporation for Forbearance  
Pursuant to 47 U.S.C. § 160(c) in the Denver, Minneapolis-St.  
Paul, Phoenix and Seattle Metropolitan Statistical Areas,  
WC Docket No. 07-97*

Dear Ms. Dortch:

Qwest Corporation (“Qwest”) hereby requests confidential treatment of certain information included in the associated attachments. The confidential information included is confidential subscriber information provided by Cox, confidential market share information from TNS Telecoms, confidential cut-the-cord data from Nielsen Mobile, and Qwest’s confidential market share information.

The confidential information is submitted pursuant to the June 1, 2007 First Protective Order (22 FCC Rcd 10129, DA 07-2292) in WC Docket No. 07-97. As required by the First Protective Order, the confidential version (that is, the non-redacted version) is marked **CONFIDENTIAL – SUBJECT TO FIRST PROTECTIVE ORDER IN WC DOCKET NO. 07-97 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION**. Pursuant to the First Protective Order, Qwest requests that the non-redacted version of this *ex parte* (containing confidential information) be withheld from public inspection.

Qwest considers the confidential information as being competitively-sensitive in nature. This type of information is “not routinely available for public inspection” pursuant to both Federal Communications Commission (“Commission”) rules 47 C.F.R. §§ 0.457(d) and 0.459 (as Qwest explained and for which it provided legal justification in its Request for Confidential Treatment and Confidentiality Justification submitted with its four Petitions for Forbearance on April 27, 2007).

Ms. Marlene H. Dortch  
July 21, 2008

Page 2 of 2

Qwest is simultaneously submitting, under separate covers, the non-redacted and redacted versions of this *ex parte*. The redacted version of the *ex parte* is marked "**REDACTED - FOR PUBLIC INSPECTION**". Both the redacted and non-redacted versions of the *ex parte* are the same except that in the non-confidential version the confidential information in the attachment has been omitted. This letter does not contain any confidential information.

If you have any questions concerning this submission, please call me on 303-383-6653.

Sincerely,

/s/ Daphne E. Butler

Attachment

**REDACTED – FOR PUBLIC INSPECTION**



**Qwest**  
1801 California Street, 10<sup>th</sup> Floor  
Denver, Colorado 80202  
Phone 303-383-6653  
Facsimile 303-896-1107

**Daphne E. Butler**  
Corporate Counsel

*VIA COURIER*

**REDACTED – FOR PUBLIC INSPECTION**

*EX PARTE*

July 21, 2008

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

Re: *In the Matter of Petitions of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Minneapolis-St. Paul, Phoenix and Seattle Metropolitan Statistical Areas, WC Docket No. 07-97*

Dear Ms. Dortch:

Qwest was unaware until late in the process that there was an issue with continued reliance upon the federal government's own national cut-the-cord data, on which the Commission itself expressly relied in the *Verizon 6 MSA Order*. As Qwest has previously explained, the Commission cannot reasonably move the goalposts at this late date in the proceeding, and it can and should grant relief on the basis of the national data alone. Nonetheless, after learning of the Commission's new evidentiary expectations, Qwest worked as quickly as possible to provide more granular data. To that end, Qwest has attached the following confidential letter from Eric Fogle, Vice President-FlowShare Product Management, Nielsen Mobile, which shows **\*\*\*begin confidential\*\*\*** **\*\*\*end confidential\*\*\*** of all households in the Phoenix MSA were wireless only households as of March 31, 2008.<sup>1</sup> That figure is substantially higher than the national cut-the-cord figure and further underscores Qwest's entitlement to relief in this proceeding.

Attached please find a Confidential Attachment 2 in which Qwest follows the market share calculation method from Appendix B of the *Verizon 6 MSA Order*, using the Phoenix MSA cut-the-cord data from Nielsen Mobile, rather than the Centers for

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<sup>1</sup> See Confidential Attachment 1.

Ms. Marlene H. Dortch  
July 21, 2008

Page 2 of 2

Disease Control's national estimate of cut-the-cord households. The other inputs for this calculation included Qwest's May 2008 residential lines (from its July 2, 2008 update filing), Qwest's residential resold lines and Qwest's residential QPP and QLSP lines as of May 2008 (from its July 2, 2008 update filing), and Cox's self-reported residential lines as of June 2008. Based on this new data, Qwest estimates its Phoenix MSA share as  
**\*\*\*begin confidential\*\*\*      \*\*\*end confidential\*\*\*.**

Respectfully submitted,

/s/ Daphne E. Butler

Attachments

REDACTED – FOR PUBLIC INSPECTION

**CONFIDENTIAL ATTACHMENT 1**

**REDACTED IN ITS ENTIRETY**

**REDACTED – FOR PUBLIC INSPECTION**

**QWEST APPENDIX B "SHARE" CALCULATION FOR PHOENIX MSA  
USING METHODOLOGY FROM VERIZON SIX MSA ORDER**

**Step 1:**

$Qwest + CLEC + Wireless_{CTC} = C_{telephone}$

Where,

$C_{telephone}$  = The total number of customers that have telephone service (whether wireline or wireless)

Qwest = Qwest residential local service customers

CLEC = Qwest Resold Residential Lines + Qwest Residential Platform Service Lines (QPP + QLSP) + Cable Providers Residential Access Lines

Wireless<sub>CTC</sub> = Estimated total number of customers that have cut the cord, per Nielsen Mobile.

**Qwest Residential**

(May 2008 data from 7/2/08 update filing)

**CLEC Residential**

Qwest Residential Resold Lines

(May 2008 data from 7/2/08 update filing)

Qwest Residential QPP + QLSP Lines

(May 2008 data from 7/2/08 update filing)

Cable Residential Access Lines

(Cox confidential self-reported residential lines as of June 2008)

**CLEC Residential Total**

**Wireless<sub>CTC</sub> =**

(Nielsen - estimated total number of customers that have cut the cord)

$C_{telephone} = (Qwest + CLEC + Wireless_{CTC}) =$

**Step 2:**

**Estimated Qwest Market**

**Share [Qwest<sub>MS</sub>] =**  $[Qwest + Qwest\ Wireless_{CTC}] / [Qwest + CLEC + Wireless_{CTC}]$

**Equals:**

**Estimated CLEC + Competitive**

**Wireless Market Share =**

**Equals:**

**Note:** Qwest's estimated share of total wireless subscribers in the Phoenix MSA is:

**X**

**Equals:**