

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Schools and Libraries Universal Service) CC Docket No. 02-6
Support Mechanism)

COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.

Qwest Communications International Inc. (“Qwest”) submits these comments in response to the *Notice of Proposed Rulemaking* in the above-captioned proceeding.¹ Qwest views that (1) interconnected Voice over Internet Protocol (“VoIP”) should continue to be eligible for E-rate support and that requests for interconnected VoIP should be processed as a Priority 1 service; (2) the definition of “basic telephone service” should not be expanded and private branch exchange (“PBX”) systems and key systems should remain Priority 2 services; and (3) dark fiber should not be eligible for E-rate discounts.

Interconnected VoIP. The Federal Communications Commission (“Commission”) should continue to include interconnected VoIP as an eligible service and process it as a Priority 1 service. Interconnected VoIP provides basic voice transmission like the telephone services that currently receive Priority 1 funding. To help ensure that this universal service support program upholds the principle of competitive neutrality, and does not favor use of one technology for providing similar services over another, it is appropriate to treat similarly-situated services, such as VoIP and telephone services, in the same manner for E-rate funding purposes.²

¹ *In the Matter of Schools and Libraries Universal Service Support Mechanism*, Notice of Proposed Rulemaking (“NPRM”), 23 FCC Rcd 11703 (2008), 73 Fed. Reg. 48352 (Aug. 19, 2008).

² See *In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, 12 FCC Rcd 8776, 8801 ¶ 47 (1997) (Commission adopting principle of competitive neutrality as additional guiding principle for universal service programs) (subsequent history omitted).

A Children's Internet Protection Act ("CIPA") certification should not be required for interconnected VoIP service since the service by itself does not enable Internet access. If Internet access is provided along with the interconnected VoIP service a CIPA certification should be required.

Basic Telephone Service. The definition of "basic" telephone service should not be expanded to include other services such as PBX, key systems, T1 lines, and interconnected VoIP and Primary Rate Interface ("PRI") trunk lines connecting a PBX to the public switched telephone network ("PSTN"), for purposes of eliminating the requirement that applicants file a technology plan when seeking E-rate funding for these services. It is important for these services that the applicants understand these services and make appropriate decisions regarding the services they are purchasing for which they are seeking E-rate discounts.

Further PBX and key systems should remain as Priority 2 internal connections and not be moved to Priority 1 telecommunications services. PBX systems and key systems are equipment that is useful, but not critical, to providing basic telephone service to schools and libraries. It is equipment that is better funded after the critical components of basic telephone service are funded as broadly as possible across schools and libraries seeking E-rate funding. If these additional equipment options for telephone service are funded as Priority 1 services, far fewer schools may ultimately receive Priority 1 funding.

Dark Fiber. Dark fiber should not be eligible for E-rate discounts. There is no reason for the Commission to change its prior conclusion that only a lit fiber optic cable should be eligible for E-rate support.³ First, dark fiber alone provides no telecommunications service or Internet access to a school or library, and thus does not provide affordable access and use of

³ *NPRM*, 23 FCC Rcd at 11710-11 ¶ 17.

these services as intended by providing E-rate discounts. At an absolute minimum, only purchasing dark fiber in conjunction with lit fiber could be justified for E-rate discounts. Second, purchasing dark fiber requires the customer to make a significant upfront investment and once installed requires on-going operations, engineering and maintenance. Thus, if dark fiber becomes eligible for E-rate support as a Priority 1 telecommunications service, it could consume significant Priority 1 funding and ultimately cause E-rate funds to be distributed to a much smaller group of only the neediest schools. This could result in making telecommunications services and Internet access more expensive for more schools and libraries that might lose Priority 1 and Priority 2 support. Yet, purchasing the dark fiber would not provide any direct service benefit to those schools obtaining Priority 1 funding. Providing E-rate discounts for dark fiber ultimately does not support the purposes of the E-rate program.

For these reasons, Qwest supports leaving the Commission's current E-rate eligibility determinations for the above-discussed services unchanged.

Respectfully submitted,

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September 18, 2008

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.** to be: 1) filed via ECFS with the Office of the Secretary of the FCC in CC Docket No. 02-6; 2) served via e-mail on Ms. Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, at Antoinette.Stevens@fcc.gov; and 3) served via e-mail on the FCC's duplicating contractor Best Copy and Printing, Inc. at fcc@bcpiweb.com.

/s/ Richard Grozier
Richard Grozier

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