

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Request for Review by AT&T of Decision) WC Docket No. 03-109
of Universal Service Administrator)

**COMMENTS OF
QWEST COMMUNICATIONS INTERNATIONAL INC.
IN SUPPORT OF AT&T'S REQUEST FOR REVIEW**

Qwest Communications International Inc., on behalf of its wholly-owned subsidiary, Qwest Corporation ("Qwest"), submits these comments in accord with the Federal Communications Commission's ("Commission") Public Notice and in support of AT&T Inc.'s ("AT&T") Request for Review filed August 18, 2008 in the above-referenced docket.¹

With respect to the issues specifically raised by this appeal, and in conjunction with the pending AT&T and Qwest appeals that raise some of these same issues,² the Commission should (1) clarify that eligible telecommunications carriers ("ETCs") do not violate the document retention rule³ by failing to produce customer self-certifications of eligibility that were executed before the effective date of the rule; (2) clarify that ETCs are not required to report partial Lifeline credit amounts on line 9 of FCC Form 497; (3) obligate non-ETC resellers to provide a compliance certification to the ETCs whose Lifeline services they resell; and (4) clarify that

¹ See Public Notice, Comment Sought on AT&T Request for Review of a Decision of the Universal Service Administrative Company Concerning Audit Findings Relating to the Low-Income Program, DA 08-2108, WC Docket No. 03-109, rel. Sept. 17, 2008.

² See Request for Review by AT&T Inc. of Decision of the Universal Service Administrator, WC Docket No. 03-109, filed Jan. 7, 2008 and Request for Review by Qwest Communications International Inc. of Decision of the Universal Service Administrator, WC Docket No. 03-109, filed Apr. 25, 2008 ("Qwest Appeal").

³ 47 C.F.R. § 54.417(a).

ETCs are not required to advertise each of the enumerated services and functionalities of Rule 54.101(a) when advertising the availability of Lifeline service.

Qwest has already addressed the first two issues in its own request for review of certain Universal Service Administrative Company (“USAC”) audit findings which is currently pending before the Commission, and Qwest has also addressed the second issue in its comments in support of AT&T’s earlier request for review of this issue which is also pending before this Commission.⁴ For the reasons expressed in those filings, Qwest urges reversal of USAC’s findings on these two issues. Qwest addresses the additional issues raised by AT&T for the first time in this request for review below.

A. Non-ETC Resellers Should Be Directly Obligated to Certify Compliance with Commission Lifeline and LinkUp Program Rules.

Where an ETC resells its Lifeline and LinkUp services to a non-ETC reseller, that reseller bears the critical responsibility of passing the Lifeline and LinkUp discounts on to its end-user Lifeline customers. As such, Qwest agrees with AT&T that the non-ETC reseller should have the direct obligation to certify on some periodic basis that it is acting in compliance with all Commission rules regarding its participation in the Lifeline and LinkUp programs. The Commission should modify its rules to establish this requirement.

At a minimum, under the current rules, the Commission should recognize that failure of a non-ETC reseller to provide the certification to the underlying carrier means that the underlying carrier is authorized to cease passing through Lifeline discounts on existing and new accounts effective on the date the underlying carrier required the certification response, without further notice and until the certification is provided. If USAC is going to fault underlying carriers for

⁴ See Qwest Appeal at 3-6, 10-11. *And see* Comments of Qwest Communications International Inc. in Support of AT&T’s Request for Review, WC Docket No. 03-109, filed May 14, 2008 at 2-4.

providing Lifeline credits to resellers without having a compliance certification from the reseller, then the underlying carrier must be able to decline providing those credits in the absence of an executed certification.

B. The Commission Should Clarify That ETCs Are Not Required to Advertise Each of the Supported Services and Functionalities Set Out in Rule 54.101(a) When Advertising the Availability of Lifeline and LinkUp Service.

As AT&T has noted, the Commission's rules regarding Lifeline service require that ETCs "[p]ublicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service."⁵ Additionally, ETCs must offer the services supported by federal universal service mechanisms set out in Rule 54.101 and "[a]dvertise the availability of such services and the charges therefore using media of general distribution."⁶ But, even if this latter advertising requirement is interpreted to require that ETCs advertise each of the identified services and functionalities listed in Rule 54.101(a) -- which seems excessive -- this does not in turn impose an obligation on ETCs to advertise each of these services and functionalities in their advertising for their Lifeline services.

Further, requiring ETCs to advertise every element of their telephone service required for federal universal service support as part of their general Lifeline advertising would also be impractical. It serves no useful purpose for anyone, customer or carrier, to require carriers to advertise that Lifeline service includes, for example, "dual tone multi-frequency signaling or its functional equivalent." And, it seems that USAC already recognizes this. On its website, USAC

⁵ 47 C.F.R. § 54.405(a).

⁶ 47 C.F.R. § 54.201(d)(2). The services and functionalities specifically identified as supported by federal universal service mechanisms in Rule 54.101(a) are: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equivalent; (4) single-party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll limitation for qualifying low-income consumers. 47 C.F.R. § 54.101(a).

offers sample consumer outreach letters to low-income customers as part of its suggestions to service providers for advertising the availability of Lifeline service.⁷ The sample letters do not include mention of the enumerated supported services and functionalities of Rule 54.101(a) other than toll limitation service. Apparently, USAC does not expect outreach letters to include a description of the availability of each of the enumerated supported services and functionalities of Rule 54.101(a). The Commission should clarify that in advertising the availability of Lifeline service, ETCs are not required to advertise each of the enumerated supported services and functionalities of Rule 54.101(a).

Respectfully submitted,

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⁷ <http://www.universalservice.org/li/telecom/step05/outreach-letter.aspx>.

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC. IN SUPPORT OF AT&T'S REQUEST FOR REVIEW** to be 1) filed via ECFS with the Office of the Secretary of the FCC in WC Docket No. 03-109; 2) served via e-mail on the FCC's duplicating contractor, Best Copy & Printing, Inc. at fcc@bcpiweb.com; 3) served via e-mail on Ms. Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau at antoinette.stevens@fcc.gov; and 4) served via first class, United States mail, postage prepaid, on the party listed below.

/s/ Richard Grozier

October 17, 2008

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