

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering)	WC Docket No. 08-190
)	
Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's ARMIS Reporting Requirements)	WC Docket No. 07-139
)	
Petition of Qwest Corporation for Forbearance from Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. § 160(c))	
)	
Petition of the Embarq Local Operating Companies for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of ARMIS Reporting Requirements)	WC Docket No. 07-204
)	
Petition of Frontier and Citizens ILECs for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's ARMIS Reporting Requirements)	
)	
Petition of Verizon For Forbearance Under 47 U.S.C. § 160(c) From Enforcement Of Certain of the Commission's Recordkeeping And Reporting Requirements)	WC Docket No. 07-273
)	
Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement Of Certain of the Commission's Cost Assignment Rules)	WC Docket No. 07-21
)	

REPLY OF QWEST CORPORATION

Qwest Corporation (“Qwest”) hereby submits this Reply to the Opposition filed by Sprint Nextel Corporation, COMPTTEL, tw telecom inc., and One Communications Corp. (jointly referred to as “Sprint” or “Sprint, *et al.*”)¹ against Embarq, Frontier Communications and Windstream’s (“Embarq, *et al.*” or “Embarq”) joint petition for reconsideration (“PFR”).² In their PFR, Embarq, *et al.* ask the Federal Communications Commission (“Commission”) to extend the scope of the *ARMIS Forbearance Order*³ -- forbearing from applying the cost assignment rules to Qwest and Verizon -- to Embarq, *et al.* and all other similarly situated incumbent local exchange carriers (“ILECs”) subject to price cap regulation.⁴

¹ See Opposition of Sprint Nextel Corporation, COMPTTEL, One Communications Corp., and tw telecom inc., filed Oct. 21, 2008 (“Sprint, *et al.* Opposition”).

² Petition for Reconsideration of Embarq, Frontier, and Windstream, WC Docket Nos. 08-190, 07-139, 07-204, 07-273 and 07-21, filed Oct 6, 2008 (“Embarq, *et al.* PFR”).

³ *In the Matter of Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission’s ARMIS Reporting Requirements, Petition of Qwest Corporation for Forbearance from Enforcement of the Commission’s ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. § 160(c), Petition of the Embarq Local Operating Companies for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of ARMIS Reporting Requirements, Petition of Frontier and Citizens ILECs for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission’s ARMIS Reporting Requirements, Petition of Verizon for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission’s Recordkeeping and Reporting Requirements, Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission’s Cost Assignment Rules,*, Memorandum Opinion and Order, (“*ARMIS Forbearance Order*”), WC Docket Nos. 08-190, 07-139, 07-204, 07-273 and 07-21 (rel. Sept. 6, 2008).

⁴ Embarq, *et al.* PFR at 9-11.

On April 24, 2008, the Commission released the *Cost Assignment Forbearance Order*⁵ granting AT&T's petition for forbearance from Section 220(a)(2) of the Act (to a limited extent) and various Commission rules, including the Cost Assignment Rules (hereafter, referred to jointly as the "Cost Assignment Rules"). While the relief in the *Cost Assignment Forbearance Order* was limited to AT&T, the Commission invited similarly situated ILECs to seek comparable regulatory relief.⁶ In the *ARMIS Forbearance Order*, the Commission extended the same forbearance relief that it had previously granted to AT&T to Qwest and Verizon. In their PFR, Embarq, *et al.* claim that they are similarly situated to AT&T, Qwest and Verizon for Section 10 purposes⁷ and ask the Commission to modify the *ARMIS Forbearance Order* on reconsideration to grant Embarq, *et al.* the same forbearance relief that the Commission has granted the Bell Operating Companies ("BOCs").

In opposing Embarq, *et al.*'s PFR, Sprint argues that the Commission "must not compound its mistake by extending cost assignment forbearance to all federal price cap ILECs."⁸ However, Sprint provides no evidence challenging Embarq, *et al.*'s claim that they are similarly situated to the BOCs. Sprint has already filed a PFR challenging both the lawfulness and the factual basis underlying the Commission's *ARMIS Forbearance Order* (and the *Cost Assignment*

⁵ *In the Matter of Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules*, Memorandum Opinion and Order ("Cost Assignment Forbearance Order" or "AT&T Cost Assignment Forbearance Order"), 23 FCC Rcd 7302 (2008), *pet. for recon. pending*, and *appeal pending sub nom. NASUCA v. FCC*, No. 08-1226 (D.C. Cir. June 23, 2008).

⁶ "LECs similarly situated to AT&T are free to seek comparable forbearance relief." *Id.* at 7307 ¶ 11. *See also* Statement of Commissioner Robert M. McDowell. *Id.* at 7332.

⁷ Embarq, *et al.* PFR at 9-13.

⁸ Sprint, *et al.* Opposition at 2.

Forbearance Order).⁹ Sprint's Opposition is simply an expansion of its earlier objections to the Commission *Forbearance Orders*¹⁰ and does not address Embarq, *et al.*'s valid claim that they are similarly situated price cap carriers and should receive the same regulatory relief as the BOCs.

Sprint, *et al.* have presented no evidence that Embarq, *et al.* are not similarly situated price cap carriers for Section 10 purposes. Accordingly, on reconsideration, the Commission

⁹ See Sprint Nextel Corporation, COMPTTEL, tw telecom inc., and One Communications Corp. Petition for Reconsideration, WC Docket Nos. 07-21, 07-204 and 07-273, filed Oct. 6, 2008. Also see Sprint Nextel Corporation, COMPTTEL, AdHoc Telecommunications Users Committee and Time Warner Telecom Inc. Petition for Reconsideration, WC Docket Nos. 07-21 and 05-342, filed May 27, 2008.

¹⁰ As Qwest demonstrated in its Opposition to Sprint's petition for reconsideration, WC Docket Nos. 07-21, 07-204 and 07-273, filed Oct. 6, 2008 at 4, Sprint, *et al.* simply disagree with the Commission's decision to forbear and repeat old arguments that have been considered and rejected by the Commission. See Qwest Opposition, WC Docket Nos. 08-190, 07-139, 07-204 07-273 and 07-21, filed Oct. 16, 2008. "Under well established Commission[s] precedent, a party seeking reconsideration must do more than rehash arguments previously made and considered." See United States Telecom Association's Opposition to Petitions for Reconsideration, WC Docket Nos. 07-21 and 05-342, filed June 11, 2008 at 2 (citing *WWIZ, Inc.*, 37 FCC 685 ¶ 2, *aff'd sub. nom.*, *Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert denied*, 383 U.S. 967 (1966)). Also see, Opposition of Verizon to Petition for Reconsideration, WC Docket Nos. 07-21 and 05-342, filed June 11, 2008 at 2.

should grant Embarq, *et al.* the same relief from the cost assignment rules as it has already provided to AT&T, Qwest and Verizon.

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CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **REPLY OF QWEST CORPORATION** to be: 1) filed with the FCC via its Electronic Comment Filing System in WC Docket Nos. 08-190, 07-139, 07-204, 07-273 and 07-21; 2) served via First Class United States Mail, postage prepaid, on the parties listed on the attached service list; and 3) served via e-mail on the FCC's duplicating contractor Best Copy and Printing, Inc. at fcc@bcpiweb.com.

/s/Richard Grozier

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