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FILED VIA ECFS

July 31, 2009

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

RE: CC Docket No. 02-33 -- Notice of The El Paso Telephone Company and Malheur Home Telephone Company of Discontinuance of Common Carrier Broadband Internet Access Transmission Service

Dear Ms. Dortch:

Pursuant to the Report and Order in CC Docket No. 02-33,¹ this is to notify you that The El Paso Telephone Company (“El Paso”) is upgrading and improving its broadband Internet access service -- and in the process of accomplishing this El Paso discovered that it had not been included in the notification of discontinuance of tariffed broadband Internet Access service filed by Qwest Corporation (“Qwest”) in 2005. In the process of examining the El Paso matter, Qwest discovered that the same omissions had occurred with regard to another Qwest Corporation subsidiary, Malheur Home Telephone Company (“Malheur”). This filing corrects these omissions.

El Paso and Malheur are wholly owned subsidiaries of Qwest, and each concurs in Qwest’s interstate access tariffs. This included concurrence in Qwest’s interstate tariffs for digital subscriber line (“DSL”) broadband Internet access service. Pursuant to the Report and Order, on December 19, 2005, Qwest filed a Notice of Discontinuance, and actually discontinued

¹ *In the Matters of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; Universal Service Obligations of Broadband Providers; Review of Regulatory Requirements for Incumbent LEC Broadband Telecommunications Services; Computer III Further Remand Proceedings; Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements; Conditional Petition of the Verizon Telephone Companies for Forbearance under 47 U.S.C. § 160(c) with Regard to Broadband Services Provided Via Fiber to the Premises; Petition of the Verizon Telephone Companies for Declaratory Ruling, or Alternatively, for Interim Waiver with Regard to Broadband Services Provided Via Fiber to the Premises; Consumer Protection in the Broadband Era, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853 (2005), pet. for rev. denied, Time Warner Telecom Inc. v. FCC, 507 F.3d 205 (3rd Cir. 2007).*

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its tariffed service (subject to grandfathering) on January 27, 2006.² Unfortunately, the Qwest Notice of Discontinuance inadvertently failed to include the DSL service offered by either El Paso or Malheur.

The omission described above was discovered when El Paso was undertaking steps to improve its broadband Internet access service by offering faster speeds at lower prices. It was also discovered that El Paso has been offering the transmission component of its broadband Internet access service pursuant to contract since it began offering the service. All current El Paso broadband Internet access customers will have the option of keeping their current service under the same terms and conditions contained in their existing contracts. El Paso customers will learn about these new service offerings via bill inserts and a newspaper ad beginning August of 2009. Additional information regarding El Paso's broadband Internet access offerings is available on its web site: www.elpasotel.com/legal. Customers of Malheur will continue to receive their existing service pursuant to their existing contracts. Customers can get information regarding Malheur's broadband Internet access services on their website located at <http://www.malheurbell.net/dsl.shtml>.

Under these circumstances El Paso and Malheur propose to treat the 2006 discontinuance as applicable to El Paso and Malheur as well as to their parent, Qwest. The El Paso service that tracks the discontinued Qwest interstate tariff is being replaced with more technologically advanced services. The Malheur service will simply be continued without change. No customer's service will be interrupted or eliminated. No customer will be required to change to the new service, although the new El Paso service offers faster service at a considerably reduced price.

Please contact the undersigned if you have any questions.

Very truly yours,

/s/ Robert B. McKenna

cc: attached Certificate of Service

² See Notice of Discontinuance of Common Carrier Broadband Internet Access Transmission Service, filed by Qwest Corporation on December 19, 2005. Qwest's interstate DSL tariffs were cancelled effective January 28, 2006 by Transmittal No. 264, filed January 13, 2006.

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **NOTICE OF EL PASO TELEPHONE COMPANY AND MALHEUR HOME TELEPHONE COMPANY OF DISCONTINUANCE OF COMMON CARRIER BROADBAND INTERNET ACCESS TRANSMISSION SERVICE** to be 1) filed, via the FCC's Electronic Comment Filing System in CC Docket No. 02-33, and 2) served, via First Class United States mail, postage prepaid, upon the parties listed on the attached service list.

Richard Grozier
Richard Grozier

July 31, 2009

Chairman Ron Binz
Colorado Public Utilities Commission
1580 Logan Street, OL 2
Denver, CO 80203

The Honorable William Ritter
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