

**REDACTED FOR PUBLIC INSPECTION**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition of Qwest Corporation for	)	
Forbearance Pursuant to 47 U.S.C. § 160(c)	)	WC Docket No. 09-135
in the Phoenix, Arizona Metropolitan	)	
Statistical Area	)	

**REPLY COMMENTS OF BROADVIEW NETWORKS, INC.,  
NUVOX, AND XO COMMUNICATIONS, LLC**

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Pursuant to the Order issued by the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding on September 18, 2009,<sup>1</sup> Broadview Networks, Inc., NuVox, and XO Communications, LLC (hereinafter referred to jointly as “Commenters”), by their attorneys, hereby file their reply comments in response to the petition filed by Qwest Corporation (“Qwest”) on March 24, 2009, pursuant to Section 10 of the Communications Act of 1934, as amended,<sup>2</sup> requesting that the Commission forbear from applying to Qwest Section 251(c)(3) unbundled network element (“UNE”) requirements and certain other rules and regulations in the Phoenix, Arizona Metropolitan Statistical Area (“MSA”).<sup>3</sup> For the reasons set forth herein and in our initial comments, Qwest’s request for

<sup>1</sup> *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Arizona Metropolitan Statistical Area*, Order, WC Docket No. 09-135 (rel. Sept. 18, 2009).

<sup>2</sup> *See* 47 U.S.C. § 160.

<sup>3</sup> Qwest seeks forbearance from the loop and transport unbundling regulations contained in Sections 251(c)(3) and 271(c)(2)(B)(ii) of the Act. 47 U.S.C. § 251(c)(3),

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forbearance from UNE unbundling obligations in the Phoenix MSA should be denied in its entirety.

### I. INTRODUCTION AND SUMMARY

A number of commenting parties echoed the Commenters' call for the Commission to establish a new roadmap for addressing unbundled network element ("UNE") forbearance petitions in the Verizon/Qwest remand proceedings<sup>4</sup> and to apply the new standard to Qwest's instant request for forbearance from UNE unbundling obligations in the Phoenix MSA.<sup>5</sup> PAETEC Holding Corp. maintained that "[i]t is incumbent upon the Commission to take this opportunity to adequately explain and enhance [its] forbearance standard, to recognize that its previous forbearance decisions were flawed and to apply a new framework for analyzing petitions for forbearance from the Act's unbundling obligations."<sup>6</sup> In joint initial comments, Integra Telecom, Inc., *et al.* expressed the same view and urged the Commission to "replace the flawed standard applied in the *6-MSA Order* and the *4-MSA Order* with a standard of review that hews closely to the basic principles of competition policy and the FTC-DOJ Horizontal Merger

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271(c)(2)(B)(ii). Qwest also seeks forbearance from the dominant carrier tariff requirements set forth in Part 61 of the Commission's rules; from price cap regulations set forth in Part 61 of the Commission's rules; from the *Computer III* requirements, including Comparably Efficient Interconnection ("CEI") and Open Network Architecture ("ONA") requirements; and from dominant carrier requirements arising under Section 214 of the Act and Part 63 of the Commission's rules concerning the process for acquiring lines, discontinuing services, or making assignments or transfers of control. *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix Metropolitan Statistical Area*, WC Docket No. 09-135 (filed Mar. 24, 2009) ("*Second Phoenix Petition*"), at 7-11.

<sup>4</sup> See *Wireline Competition Bureau Seeks Comment on Remands of Verizon 6 MSA Forbearance Order and Qwest 4 MSA Forbearance Order*, WC Docket Nos. 06-172, 07-97, DA 09-1835 (rel. Aug. 20, 2009) ("*August 20<sup>th</sup> Public Notice*").

<sup>5</sup> See *Comments of Broadview Networks, Inc. et al.*, WC Docket No. 09-135 (filed Sept. 21, 2009) ("*Broadview et al. Comments*"), at 10-12.

<sup>6</sup> *Comments of PAETEC Holding Corp.*, WC Docket No. 09-135 (filed Sept. 21, 2009) ("*PAETEC Comments*"), at 1-2.

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Guidelines.”<sup>7</sup> Covad Communications Company, *et al.* echoed these statements and called upon the Commission to adopt a revised framework that “respond[s] to the issues raised by the Court’s remand, remedy[s] the serious deficiencies in the *Omaha Forbearance Order* and faithfully adhere[s] to the statutory test set forth in Section 10 ...”<sup>8</sup>

The commenting parties likewise agreed that “upon applying this new analytical framework to Qwest’s petition for Phoenix, the Commission should deny Qwest’s bid to prematurely stifle competition in the Phoenix [MSA].”<sup>9</sup> The initial comments verify that there is absolutely no support for the deregulation being sought by Qwest for the Phoenix MSA. In total, nearly a dozen interested parties – including state governmental entities, end user customers, and competitors – filed initial comments and the comments uniformly showed that Qwest has not met the statutory requirements for forbearance and that a grant of forbearance would result in significant negative impacts on consumers in the Phoenix MSA.

As a threshold matter, various commenters emphasized that Qwest has failed to provide the data necessary for the Commission to perform a meaningful forbearance analysis. PAETEC summarized the commenters’ concerns when it stated, “Qwest’s petition must be denied because its showing of competition is internally inconsistent, unexplained, incomplete, and fails to meet any rational interpretation of the statutory forbearance standard in numerous respects.”<sup>10</sup> Commenter after commenter explained that the limited data produced by Qwest fails to demonstrate the presence of significant facilities-based competition in the Phoenix MSA, as

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<sup>7</sup> See Comments of Integra Telecom, Inc. *et al.*, WC Docket No. 09-135 (filed Sept. 21, 2009) (“*Integra et al. Comments*”), at 2.

<sup>8</sup> See Comments of Covad Communications Company, *et al.*, WC Docket No. 09-135 (filed Sept. 21, 2009) (“*Covad et al. Comments*”), at 5 (footnote omitted).

<sup>9</sup> *Id.*, at 1-2.

<sup>10</sup> *PAETEC Comments*, at 7.

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required by Section 10.<sup>11</sup> Moreover, the limited information Qwest did produce was criticized as incomplete and inflating the extent of competition Qwest faces. In the words of the Ad Hoc Telecommunications Users Committee (“Ad Hoc”), “Qwest’s proffered ‘evidence’ of competition is scant and demonstrates that Qwest faces little competition in the Phoenix MSA.”<sup>12</sup>

In short, the comments effectively catalogue the myriad procedural and substantive shortcomings of the Qwest petition which necessitate its rejection by the Commission.

**II. THE RECORD MAKES CLEAR THAT THERE IS A LACK OF COMPETITIVE FACILITIES-BASED PRESENCE IN THE BUSINESS MARKET WITHIN THE PHOENIX MSA THAT WOULD JUSTIFY FORBEARANCE**

In their initial comments, the Commenters explained how Qwest failed demonstrate a sufficient facilities-based competitive presence in the Phoenix MSA in the business product market to justify forbearance from Section 251(c)(3) UNE unbundling obligations.<sup>13</sup> Other interested parties that addressed this issue in initial comments unanimously supported this conclusion, both with respect to facilities-based retail competition and the nature and extent of wholesale facilities-based alternatives to the facilities of Qwest. The observation of Ad Hoc, an association consisting of enterprise users which CLECs serve today using the very unbundled elements Qwest seeks to no longer have to provide to the CLECs, is particularly telling: “As to the services that fall within the scope of the petition, Qwest’s proffered

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<sup>11</sup> See, e.g., *Integra Comments*, at 5, 13, 19, 22; *Covad, et al. Comments*, at 15; *COMPTEL Comments*, at 5, 25, 32; *PAETEC Comments*, at 8, 9, 21.

<sup>12</sup> Comments of the Ad Hoc Telecommunications Users Committee, WC Docket No. 09-135, at 4 (filed Sept. 21, 2009) (“*Ad Hoc Comments*”).

<sup>13</sup> See generally *Broadview et al. Comments*, at 28-53.

‘evidence’ of competition is scant and demonstrates that Qwest faces little competition in the Phoenix market.”<sup>14</sup>

**A. Cable Competition**

The Commenters explained that Qwest’s reliance on Cox’s presence in the Phoenix market is unavailing for two principal reasons. First, Qwest largely failed to provide market-specific, granular data needed to measure and evaluate the presence of facilities-based competition in that market arising from this cable company.<sup>15</sup> Second, the ability of Cox to serve the business market, even where it is physically present, is insufficient to meet the demands of enterprise customers.<sup>16</sup> The first round comments of PAETEC and of *Integra et al.* echoed these sentiments.

As PAETEC noted, the information provided by Qwest about Cox is full of holes and is meaningless. From the present record, the Commission cannot know where Cox fiber is in relation to actual or potential business customers within the Phoenix MSA, if any such fiber is lit or operational, or how many business customers or what share of such customers in wire centers have access Cox facilities.<sup>17</sup> Qwest admits it does not possess the data to make a showing

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<sup>14</sup> *Ad Hoc Comments*, at 4. Several parties, like the Commenters, found extensive fault with the Harte-Hanks survey data that Qwest provided with its petition in an effort to demonstrate the degree of competition allegedly relevant for the Commission’s forbearance analysis. As *Integra et al.* noted, Harte-Hanks indiscriminately includes competitors that lease Qwest facilities. *Integra et al. Comments*, at 21. Further, COMPTTEL rightly criticized Qwest for providing only a brief summary and not the full results or the methodology of the survey. *COMPTTEL Comments*, at 38-39. COMPTTEL also observed that retail customers, even sophisticated business customers, are often ignorant of the basis upon which their providers are able to serve them, namely whether they use the facilities of others or provide service on a facilities-basis. *Id.*, at 39.

<sup>15</sup> *Broadview et al. Comments*, at 31.

<sup>16</sup> *Id.*, at 31-36, 45-46.

<sup>17</sup> *PAETEC Comments*, at 17.

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regarding Cox's actual facilities-based presence in the Phoenix MSA,<sup>18</sup> a point the Commenters made by suggesting that, until such data could be made available, the Commission should set aside consideration of Qwest's petition.<sup>19</sup>

Nor is Cox capable of serving the business market in the Phoenix MSA, even where its facilities are present. *Integra et al.* explained that any representation that Cox can provide DS1 over its coax network is not credible. In the small and medium business market, Cox is just "scratching the surface," by its own admission.<sup>20</sup> *Integra et al.* explained that in the northern part of the Phoenix MSA, Cox competes only in the very high capacity end of services (100 Mbps, for example).<sup>21</sup> Tellingly, *Integra* ports a very small portion of numbers to Cox as compared to Qwest.<sup>22</sup>

Although Qwest contends that Cox reaches many business customers, or is able to, PAETEC echoed the Commenters that cable networks typically lack the capacity to serve significant numbers of business customers that require telecom and Internet services at DS-1 and higher speeds.<sup>23</sup> PAETEC explained that the record in the Commission's special access proceeding strongly suggests that cable operators cannot offer service level guarantees to support competitive business services and have several security and reliability concerns for business

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*Id.*

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*Broadview et al. Comments*, at 27-28, 35-36.

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*Integra et al. Comments*, at 22.

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*Id.*, at 22-23.

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*Id.*, at 23.

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*PAETEC Comments*, at 16-17, *citing* Declaration of Ajay Govil, at ¶¶ 22-24, attached to Comments of Covad Communications Group, Inc., *et al.*, WC Docket No. 05-25 (filed Aug. 8, 2007).

customers that Qwest has failed to demonstrate have been overcome.<sup>24</sup> These deficiencies handicap Cox's ability to serve the business market on both a retail and a wholesale basis.

**B. CLEC Competition**

The Commenters explained in detail in our initial comments why Qwest failed to present satisfactory evidence that CLECs, at this time, manifest a sufficient competitive presence to warrant forbearance relief from unbundling obligations within the business market in the Phoenix MSA. Other interested parties reiterated the same points in abundance.

PAETEC explained that the "wide range" of competitors proffered by Qwest encompasses CLECs that primarily rely on UNEs to serve their customers.<sup>25</sup> The Commenters agree with PAETEC and others that the Commission must avoid the circularity of relying on competition that comes from the availability of UNEs to justify removal of unbundling obligations.<sup>26</sup>

COMPTEL and others correctly criticized Qwest's excessive reliance on marketing materials and high-level statistics about the extent of CLECs' facilities networks, noting that the Commission has previously rejected the use of fiber network maps, the number of fiber miles competitors have deployed, and materials from competitors' websites regarding fiber deployment, and it should continue to do so here.<sup>27</sup> And Covad *et al.* reminded the Commission

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<sup>24</sup> PAETEC Comments, at 17.

<sup>25</sup> PAETEC Comments, at 17-18.

<sup>26</sup> *Id.*, at 18, 29.

<sup>27</sup> COMPTEL Comments, at 40, citing *Qwest 4-MSA Order*, at ¶ 39. See also PAETEC Comments, at 20; *Integra et al. Comments*, at 14. Covad *et al.* noted that, in the *Verizon 6-MSA Order*, the Commission similarly found that it could not rely on information such as number of route miles, the number of wire centers that competing fiber providers can reach, and material from websites. *Covad et al. Comments*, at 20.

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that in the *Triennial Review Remand Order* it concluded that this type of “data” is unreliable for purposes of its impairment unbundling analysis.<sup>28</sup>

Several parties explained that the maps of competitors’ networks provided by Qwest with its petition are uninformative, and that the Commission cannot tell which streets or buildings are served or how long lateral connections would have to be to reach potential business customers.<sup>29</sup> Conclusions based on such maps on an MSA-wide basis would be inherently faulty, Covad details, “substantially over-predict[ing] the presence of actual deployment, as well as the potential ability to deploy.”<sup>30</sup>

*Integra et al.* explained that, even if one considers the commercial buildings located close to existing CLEC fiber facilities, the Commission has recognized that, even where buildings are a mere 300-1000 feet from a competitor’s fiber network, it frequently is not economically feasible to construct loops over that distance in the absence of demand levels which exceed that for which UNEs are available.<sup>31</sup> The experience of *Integra and tw telecom inc.* in this regard is very similar to XO’s experience, as explained by the Commenters in our initial comments: *i.e.*, in order to justify loop construction to a particular building, expected monthly recurring revenues must exceed an amount that the CLEC cannot hope to achieve in the majority of buildings where it currently serves customers in the Phoenix MSA.<sup>32</sup> *Integra et al.*

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<sup>28</sup> *Covad et al. Comments*, at 20.

<sup>29</sup> *PAETEC Comments*, at 20-21; *Covad et al. Comments*, at 21- 22. Ad Hoc offers the additional observation that, in attempting to do a near net analysis, Qwest critically failed to say what percentage of total buildings within the Phoenix MSA in the categories it analyzed are not near net, which obfuscates any sense of scale of the purported competition Qwest wished to demonstrate. *Ad Hoc Comments*, at 6.

<sup>30</sup> *Covad et al. Comments*, at 22.

<sup>31</sup> *Integra et al. Comments*, at 15.

<sup>32</sup> *Id.*, citing attached Bennett (*Integra*) Declaration; *id.*, at 16, citing attached Liestman (*tw telecom*) Declaration. The Commission has previously found, as PAETEC explained, that even where a competitor has installed a fiber ring, there are limited circumstances

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explained further that even where the business case supports a lateral build, there is no guarantee that it is feasible or can be accomplished because of additional hurdles, such as space issues in conduits, municipalities' sometime unwillingness to allow access to heavily burdened rights-of-way, and increased costs of construction due to franchise fees.<sup>33</sup> Thus, any claim by Qwest that buildings could easily be lit by competitors with fiber facilities in the near vicinity is wholly unpersuasive.<sup>34</sup>

Moreover, as with the degree of facilities-based competition from the cable company, Qwest failed to offer sufficient empirical data substantiating a CLEC presence in the Phoenix MSA sufficient to meet the standard of those cases where the Commission previously has granted some unbundling relief through forbearance. Covad summarizes that “[t]here is no similar evidence (as in *Omaha* and *Anchorage*) that competitors are using their own networks to compete or have ‘credibly demonstrated’ their plans to do so.”<sup>35</sup>

Indeed, the comments of CLECs that describe the number of buildings they serve in the Phoenix MSA via their own facilities corroborate the data provided by the Commenters showing that Qwest's competitors today reach only a small number of buildings on a facilities basis. Ad Hoc noted that Government Accounting Office statistics from 2006 showed competitors with facilities reaching only 3.7% of buildings in Phoenix MSA with DS1 or greater demand and that Qwest has provided no rebuttal or update of this figure.<sup>36</sup> On a more granular

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where the carrier can install a lateral to a building in order to connect the building to its network. *PAETEC Comments*, at 23, citing *TRRO*, at ¶¶ 149-155.

<sup>33</sup> *Integra et al. Comments*, at 15-16.

<sup>34</sup> *Id.*, at 15.

<sup>35</sup> *Covad, et al. Comments*, at 31.

<sup>36</sup> *Ad Hoc Comments*, at 7; accord *Integra et al. Comments*, at 11. Commenting parties explained that there is no way to assess the reliability of the GeoTel data proffered by Qwest because Qwest did not provide the GeoTel study and offered “scant information” about the methodology used. *Integra et al. Comments*, at 13. In any event, the GeoTel

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level, Integra, one of the principal facilities-based CLECs in the Phoenix MSA, explained it had constructed fiber to only **\*\*\* BEGIN HIGHLY CONFIDENTIAL \*\*\*** **\*\*\* END HIGHLY CONFIDENTIAL \*\*\*** buildings in Phoenix MSA as of August 2009,<sup>37</sup> and tw telecom, another prime CLEC competitor, had facilities-based access to a mere **\*\*\* BEGIN HIGHLY CONFIDENTIAL \*\*\*** **\*\*\* END HIGHLY CONFIDENTIAL \*\*\*** buildings as of July 2009.<sup>38</sup> Furthermore, tw telecom performed an analysis which suggests that, at the outside, it could justify building facilities to only **\*\*\* BEGIN HIGHLY CONFIDENTIAL \*\*\*** **\*\*\* END HIGHLY CONFIDENTIAL \*\*\*** additional buildings in the Phoenix MSA or **\*\*\* BEGIN HIGHLY CONFIDENTIAL \*\*\*** **\*\*\* END HIGHLY CONFIDENTIAL \*\*\*** of the commercial buildings with total demand of at least 2 DS1s.<sup>39</sup> Accordingly, the record is clear that in the Phoenix MSA facilities-based competition is unlikely to occur in the foreseeable future at a sufficient level to warrant forbearance under a market power analysis. Qwest has failed to make a showing that competitors have facilities deployed to a substantial portion of the end users throughout each of the wire centers in the Phoenix MSA and can absorb customers without excessive reliance on Qwest facilities.<sup>40</sup>

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data suffers from the same problems as the GeoTel data provided by Qwest in the *4-MSA* proceeding; *i.e.*, there is no comparison with the total universe of commercial buildings in the Phoenix MSA. *Id.*, at 13-14. As COMPTTEL noted more specifically with respect to transport, Qwest failed to provide any evidence regarding the amount of unbundled transport it provides or how much competition there is for facilities-based transport within the MSA. This alone justifies denial of its petition for relief from unbundled transport requirements. *COMPTTEL Comments*, at 25. Along many interoffice routes, Qwest already has relief from unbundling under the *TRRO* impairment test. In those areas where it does not, the commenting parties note that Qwest has made an inadequate showing to justify relief from unbundling obligations on a forbearance basis. *See, e.g., Integra et al. Comments*, at 30-31.

<sup>37</sup> *Id.*, at 16.

<sup>38</sup> *Id.*, at 17. *See also id.*, Liestman Declaration, at ¶ 8.

<sup>39</sup> *Id.*

<sup>40</sup> *Covad et al. Comments*, at 36.

**C. VoIP Providers**

Other commenting parties joined the Commenters in refuting Qwest's claims that VoIP providers are an independent source of relevant competition. Covad *et al.* succinctly noted that typically VoIP is provided over unbundled facilities.<sup>41</sup> Ad Hoc was somewhat more pointed (and equally dismissive), describing Qwest's partial reliance on the presence of VoIP services as "perplexing" as a source of relevant competition: "as if those services can provide alternatives to Qwest's access lines."<sup>42</sup>

**D. Wholesale Alternatives**

In addition to the lack of facilities-based retail competition, the initial round of comments corroborated the Commenters' explanation that there is a clear lack of wholesale alternatives to Qwest's facilities in the Phoenix MSA.<sup>43</sup> The Arizona Corporation Commission correctly observes that the Commission's analysis should put more emphasis on the availability of meaningful wholesale alternatives and rely less upon the extent of retail competition in the marketplace.<sup>44</sup> As the Arizona Commission and others joined the Commenters in explaining, the presence of a robustly competitive wholesale market is necessary to avoid the mistakes in predictive judgment about Qwest's provision of wholesale alternatives at just and reasonable prices that haunt a post-*Omaha* world, where facilities-based competitors are leaving the market or scaling back operations.<sup>45</sup> Unfortunately for Qwest, the data does not support a finding that such alternatives are available to competitors in the Phoenix MSA in sufficient number.

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<sup>41</sup> *Id.*, at 12.

<sup>42</sup> *Ad Hoc Comments*, at 7.

<sup>43</sup> *See Broadview et al. Comments*, at 42-52 (examining the insufficiency of the wholesale alternatives proffered by Qwest to serve the business product market).

<sup>44</sup> Comments of the Arizona Corporation Commission, WC Docket No. 09-135 (filed Sept. 21, 2009) ("*ACC Comments*"), at 9.

<sup>45</sup> *See, e.g., ACC Comments*, at 7; *PAETEC Comments*, at 27-28.

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At most, PAETEC explains, Qwest has shown that facilities-based providers that advertise wholesale services serve “pockets” of the Phoenix MSA. There is no showing of anything approaching an ubiquitous presence that would be needed for MSA-wide relief from unbundling obligations.<sup>46</sup> As was the case with Qwest’s “showings” of retail competition, the ILEC offers no comparison between numbers of buildings served by facilities-based wholesale alternatives and numbers of commercial buildings.<sup>47</sup>

The Commenters explained in some detail that two of the wholesale providers upon which Qwest relies most heavily – SRP and AGL – serve only a small number of buildings within the MSA.<sup>48</sup> COMPTTEL observes that the Government Accounting Office reports that there are approximately 8000 buildings in Phoenix MSA with demand of DS1 or higher. By this count, COMPTTEL notes that SRP and AGL each serve less than 1 % of these buildings.<sup>49</sup>

Further, *Integra et al.* echoed the Commenters’ observation that Qwest submitted no Phoenix-specific data about Cox’s ability to provide wholesale alternatives to Qwest’s UNEs.<sup>50</sup> First, Cox is theoretically available as a wholesale provider only in limited buildings where it has fiber constructed – there is no wholesale access to coax facilities. Consequently, Cox does not provide wholesale alternatives for copper loops or DS0 facilities in any event. Second, Cox’s prices are unreasonably high for wholesale use. Third, Cox’s OSS capabilities (it has no electronic interfaces) are ill-suited to a business environment, and Cox performs most

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<sup>46</sup> *PAETEC Comments*, at 26-27.

<sup>47</sup> *Id.*, at 27.

<sup>48</sup> *Broadview et al. Comments*, at 46-48.

<sup>49</sup> *COMPTTEL Comments*, at 27 and n. 72. *Accord Integra et al. Comments*, at 19-20 (AGL and SRP reach no more than 114 buildings combined).

<sup>50</sup> *Integra et al. Comments*, at 18.

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maintenance on its facilities during business hours, when disruption to enterprise customers would be at their most extreme.<sup>51</sup>

The initial comments also make clear that Qwest's own "wholesale alternatives" cannot support a grant of forbearance from unbundling obligations in the Phoenix MSA. PAETEC correctly observes that reliance on Qwest's special access services to support forbearance would be circular. PAETEC notes that the Commission has repeatedly recognized that UNEs create a downward competitive pressure on special access prices.<sup>52</sup> Accordingly, reliance on RBOC facilities alternatives is not a basis for forbearance from unbundling obligations.<sup>53</sup> Additionally, the Commenters concur with PAETEC's position that because the presence of special access services was already part of the basis for relief from certain UNE obligations under Section 252(d)(1), additional relief on the same basis under Section 10 would not be warranted.<sup>54</sup>

In the final analysis, the Commenters agree with other interested parties that elimination of UNE unbundling obligations is not justified because Qwest fails to demonstrate that sufficient wholesale alternatives exist that create incentives (short of regulatory obligation) for Qwest to provide loops and transport at reasonable wholesale prices that would allow meaningful retail competition.<sup>55</sup>

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<sup>51</sup> *Id.*, at 18-19, *citing* attached Declaration of Steve Fisher of Integra.

<sup>52</sup> *PAETEC Comments*, at 18, *citing Omaha Forbearance Order*, at ¶ 38.

<sup>53</sup> *Id.*, at 18-19, *citing Verizon 6-MSA Order*, at ¶ 42.

<sup>54</sup> *Id.*, *citing Verizon 6-MSA Order*, at ¶ 42.

<sup>55</sup> *See, e.g., PAETEC Comments*, at 27.

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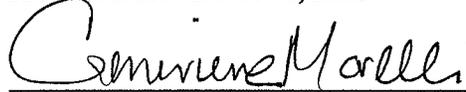
**III. CONCLUSION**

The all of the foregoing reasons and for the reasons detailed in the Commenters' initial comments, Qwest's petition seeking forbearance from UNE unbundling obligations in the Phoenix MSA should be denied in its entirety.

Respectfully submitted,

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