

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendment of Certain of the Commission's) GC Docket No. 10-44
Part 1 Rules of Practice and Procedure and)
Part 0 Rules of Commission Organization)

COMMENTS OF QWEST CORPORATION

Qwest Corporation (Qwest), through counsel and in response to the Federal Communications Commission's (Commission) *Notice of Proposed Rulemaking* released on February 22, 2010 (*NPRM*),¹ files these comments. In the *NPRM*, the Commission proposes to revise its rules in three areas: 1) processes governing reconsideration of Commission decisions; 2) docket management practices and procedures; and 3) clarifications within Part 1 of the Commission's rules.² Qwest supports the Commission's proposed revisions concerning reconsideration of Commission decisions³ and clarifications within Part 1 of the Commission's rules.⁴ Qwest also supports the Commission's objective to "increase the efficiency of [its]

¹ Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization, Notice of Proposed Rulemaking, FCC 10-32, GC Docket No. 10-44, rel. Feb. 22, 2010.

² *Id.* ¶ 2.

³ Such as conforming the captions associated with its reconsideration rules to the categories of proceedings governed by the rules; amending sections 1.429 and 1.106 of its rules to delegate authority to Commission staff to deny or dismiss certain deficient petitions for reconsideration; clarifying that paper copies of petitions for reconsideration may be filed with the Secretary; and stating more explicitly the full scope of the Commission's power when reconsidering its actions on its own motion. *See id.* ¶¶ 3, 4, 5 and 8.

⁴ Such as adopting a default rule establishing the effective date of rulemaking orders that lack a stated effective date; and establishing deadlines for Commission action required by its own rules. *See id.* ¶¶ 22 and 23. As to the former, it would be helpful if the Commission specified the subpart (rulemaking-Subpart C or non-rulemaking Subpart A) pursuant to which an order (or sections thereof) was effective. This would remove questions that arise in some instances

docket management and make it easier for interested persons to follow and participate in [its] proceedings.”⁵ Below, Qwest comments on several proposals offered by the Commission to accomplish this objective.

I. THE COMMISSION SHOULD EXPAND THE USE OF ELECTRONIC FILING AND DOCKETED PROCEEDINGS

Qwest believes that the increased use of electronic filing and docketed proceedings would increase the efficiency and transparency of Commission proceedings. As noted in the *NPRM*, “[f]or any proceeding that is assigned a formal docket number, the Commission’s Reference Information Center . . . maintains the official administrative record in paper form, *as well as the public files electronically on ECFS.*”⁶ Electronic filing, search and retrieval capabilities make participation in Commission proceedings more efficient and economical for interested parties, presumably lower the costs of docket management for the Commission, and add, if only incrementally, to governmental efforts to encourage the conservation of natural resources by decreasing the amount of paper consumed to participate in Commission proceedings. Bureau-level proceedings are particularly good candidates for electronic filing, whether through the Commission’s ECFS system or other comparable electronic filing systems. Non-dominant carrier tariff filings should also be considered for electronic filing.

The Commission should seek ways to further enable parties to make filings electronically that contain confidential information. Today, common carriers that file tariffs can include confidential material with their ETFS tariff filings by identifying the particular file that contains

concerning which rules to apply in determining due dates for reconsideration petitions and petitions for review -- *i.e.*, whether due dates should be calculated from the date of release of a Commission order or the date of its publication in the Federal Register.

⁵ *NPRM* ¶ 2.

⁶ *Id.* ¶ 9 (emphasis added).

confidential information when they electronically file, which shields the confidential file from public view. Qwest supports Commission efforts to expand the number of docketed proceedings and thereby increase the number of filings capable of being made, searched and retrieved electronically.⁷

II. ELECTRONIC NOTIFICATION IS REASONABLE

In order to achieve a more efficient approach where it is required to serve parties to a proceeding following a change in the docket, the Commission proposes to revise section 1.47 of its rules “to allow the agency to serve parties to a proceeding in electronic form (*e.g.*, email or an Internet-based notification system such as an RSS feed).”⁸ Further, in proceedings with large numbers of parties, the Commission proposes to fulfill its service obligation by “issuing a public notice that identifies the documents required to be served and that explains how parties can obtain copies of the documents.”⁹ These approaches would present no foreseeable problem for Qwest, and Qwest would not oppose these proposed changes in the Commission’s rules.

III. REDUCTIONS IN STALE AND UNWIELDY DOCKETS ARE ACHIEVABLE

The Commission asks for comment on its proposal to amend section 0.141 of its organizational rules to delegate authority to the Chief, Consumer and Governmental Affairs Bureau (through the Reference Information Center), to periodically review all open dockets and identify those that should be considered for termination by the responsible bureaus or offices.¹⁰ The Commission believes that this will enable it to reduce the number of open dockets, especially those having seen little or no action in years. Qwest believes that this is a reasonable

⁷ Until there is the ability to restrict access to electronic filings to certain authorized persons, paper filings should be used in proceedings such as enforcement matters.

⁸ *NPRM* ¶ 17.

⁹ *Id.*

¹⁰ *Id.* ¶ 19.

approach to winnow out dockets that serve no useful purpose in remaining open so that they can be appropriately brought to closure and terminated. Qwest supports the proposed amendment of section 0.141. Qwest believes that the Commission should either issue a public notice identifying those dockets under consideration for termination before they are terminated or identify a publicly accessible location on its website that can be periodically checked to see a listing of the dockets under consideration for termination and the timeline for termination. Under either approach, interested persons should have a reasonable opportunity to comment on the termination of a docket.

The Commission also proposes to amend section 1.49 of its rules “to specify that a filing should only be captioned with the docket number(s) particular to the issue(s) addressed in the filing.”¹¹ It anticipates that conformance with the revision will further its effort to keep dockets from becoming too large and unwieldy.¹² Qwest supports the Commission goal of keeping the size of dockets manageable. Facially, this appears to be a reasonable revision to accomplish the goal. Qwest wonders, though, how well it will work in practice. It is not always possible to identify the specific docket(s) “particular to the issue” and thereby only caption filings with the associated docket number(s). Filers have no incentive to add superfluous or incorrect docket numbers to their filings. It seems likely that the inclusion of superfluous or incorrect docket numbers on filings results from inadvertence or a desire on the part of a filer to ensure that its filing is considered in all relevant dockets. Should the Commission proceed with the proposed

¹¹ *Id.* ¶ 20.

¹² To address the concern about large, unwieldy dockets, the Commission might also consider not using dockets established for substantive policy development for related operational or ministerial matters that do not bear on policy development. For example, a separate docket could be opened for certification or compliance type filings and some waiver requests that are made on a periodic or routine basis. Also, it would be helpful if frequently made certifications or compliance filings could be excluded from electronic (*e.g.*, ECFS) search results so that they do not bog down the system as is often the case in the days leading up to their due dates.

revision, the impacts of omitting filings from some dockets and placing them only in the “correct docket(s)” should be monitored to ensure that the benefits outweigh any harms.

IV. CONCLUSION

The Commission’s proposed rule changes will clarify its practices and procedures and produce significant efficiency improvements in its docket management. Accordingly, Qwest supports the proposed rule changes.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **COMMENTS OF QWEST CORPORATION** to be: 1) filed with the FCC via its Electronic Comment Filing System in GC Docket No. 10-44; and 2) served via email on the FCC's duplicating contractor, Best Copy and Printing, Inc. at fcc@bcpweb.com.

/s/ Richard Grozier

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