

Melissa E. Newman
Vice President – Federal Relations
Qwest
607 14th Street NW
Suite 950
Washington, DC 20005
202.429.3120



EX PARTE

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December 2, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-A325
445 12th Street SW
Washington, DC 20554

Re: *In the Matter of Schools and Libraries Universal Service Support Mechanism*,
CC Docket No. 02-6; *A National Broadband Plan for Our Future*, GN Docket No. 09-51

Dear Ms. Dortch:

On October 6, 2010, Roxana Madrid, National E-rate Manager for Qwest, attended the USAC Schools and Libraries Division monthly Service Provider call, at which Gina Spade, Deputy Division Chief, Wireline Competition Bureau, Telecommunications Access Policy Division, was also in attendance. The call included a discussion of the Commission's *Sixth Report and Order* in the above-referenced proceedings,¹ and Ms. Spade stated that those attending could send her specific questions regarding the *Order*. In response, Qwest submitted questions to Ms. Spade, a copy of which is attached so that the questions may be included in the record of these proceedings.

This *ex parte* is being filed electronically pursuant to 47 C.F.R. § 1.1206. Please contact me at 202.429.3120 if you have any questions.

Sincerely,

/s/ Melissa E. Newman

Attachment

Copy via email to:
Gina Spade (Gina.spade@fcc.gov)

¹ *In the Matter of Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6; *A National Broadband Plan for Our Future*, GN Docket No. 09-51, Sixth Report and Order, FCC 10-175, rel. Sept. 28, 2010.

Qwest questions with 6th Report and Order

1. Please give a definitive explanation of each and the differences between Basic Maintenance and Unbundled Warranties
 - a. Eligibility of SmartNet from Cisco, will it continue to be eligible
 - b. Since the publication of the FCC Report 10-175 came in late September after some 470's were already submitted and not all applicants will understand the eligibility of SmartNet, will they be subject to the 30% rule? If SmartNet is included on a 470 request and the service provider provides pricing with a notation that it is ineligible for Erate funding will the school still be liable to the 30% rule?
 - i. Answers to (a) and (b) would of course be determined on the eligibility of SmartNet.
 - c. USAC has always stated applicants cannot estimate funding requests. What criteria would be needed to "estimate" funding needs for maintenance?
 - d. How would the applicant know what hours would be needed if they have not had issues in the past?
 - e. Any given piece of equipment could have completely different issues from year to year. Estimating needs on "life of equipment and history of needed repairs" cannot be done if the hasn't been any history. What would be the recommendation from the FCC in situations such as this?
2. Dark Fiber Questions
 - a. Fiber isn't delivered "by strand". How can the requirement "excess capacity for future growth be controlled", when Fiber is not installed by strand or requested capacity from an applicant?
 - b. Referring back to Q1, Maintenance on Dark Fiber is eligible
 - i. Eligible as Basic Maintenance or Unbundled Warranty?
 - c. On the Order
 - i. page 7, paragraph 11
 1. To clarify does this statement mean those non-telecommunications carriers can provider lit fiber as well as dark to be used for voice telecommunications?
 2. If the answer to (i) is yes, will the same rules for dark fiber apply to lit fiber that is provided by non-telecommunications carriers? Or will the current rules and guidelines in providing lit fiber apply to both telecommunications and non-telecommunications carriers?
 - ii. page 11/12, paragraph 19
 1. Please clarify the difference between installation charges and special construction charges, for an on-premise application.
 2. With the understanding that dark fiber is eligible on-premise only, does the fiber have to be existing or can it be installed with special construction charges? At the Applicant training in D.C., it was stated that only unused fiber that was already in place was eligible.
 3. If fiber is eligible to be trenched/installed with construction charges in an on-premise application are these fees eligible?
 - iii. Page 11, paragraph 18
 1. Concern on how an applicant would be able to cost allocate eligible and in eligible elements (comparing apples to apples) on a multiple property project with dark fiber services. They could possibly run into issues with the 30% rule.