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Via Hand Delivery

January 27, 2011

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

Re: Data Requested in *Special Access NPRM*, WC Docket No. 05-25, RM-10593

Qwest Communications Company, LLC (QCC)¹ hereby submits its response to the Commission's Public Notice inviting the submission of data to assist the Commission's evaluation of issues raised in the *Special Access NPRM*.²

Enclosed with this letter are the following: (1) QCC's narrative responses to Specifications III.A, III.B, III.D and III.F, (2) CD containing data responding to Specification III.B, and (3) QCC's request for highly confidential treatment of QCC's response and associated documents (Attachment A).

Please contact me if you have any questions.

Sincerely,

/s/ Melissa E. Newman

Copy to: Marvin Sacks, Pricing Policy Division (marvin.sacks@fcc.gov)
Non-redacted (two hard copies and two CDs via hand delivery)
Redacted (electronic copy via e-mail)

¹ QCC is the non-ILEC provider affiliate of Qwest Communications International Inc. (Qwest). Qwest Corporation, which is Qwest's ILEC affiliate, responds in a separate submission to those questions in the Public Notice directed to ILECs.

² Data Requested in *Special Access NPRM*, Public Notice, WC Docket No. 05-25, RM-10593, DA 10-2073 (rel. Oct. 28, 2010) and Clarification Public Notice, DA 10-2413 (rel. Dec. 23, 2010).

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ATTACHMENT A

Confidentiality Justification

47 C.F.R. § 0.459

Information for which confidential treatment is sought

Pursuant to the terms of the Second Protective Order,¹ Qwest Communications Company, LLC (QCC) requests highly confidential treatment of the information it is producing in response to Specifications III.B and III.D of the Commission's Public Notice inviting the submission of data to assist the Commission's evaluation of issues raised in the *Special Access NPRM*.² The documents and files containing this information bear the legend **HIGHLY CONFIDENTIAL INFORMATION – SUBJECT TO SECOND PROTECTIVE ORDER IN WC DOCKET NO. 05-25, RM-10593, before the Federal Communications Commission – ADDITIONAL COPYING PROHIBITED**. These documents and files contain proprietary commercially sensitive information not routinely released to the public. As such, QCC asks that the document be afforded highly confidential treatment under 47 C.F.R. § 0.459.

Commission proceeding in which the information was submitted

The information is being submitted in response to the Commission's October 28, 2010 Public Notice in WC Docket No. 05-25 and RM-10593 seeking the submission of data to assist the Commission's evaluation of issues raised in the *Special Access NPRM*.

Degree to which the information in question is commercial or financial, or contains a trade secret or is privileged

As noted above, the documents and files in question contain a broad range of QCC's highly-sensitive commercial information. That information includes the locations that QCC serves with last-mile facilities and the nature of those facilities, the locations of QCC's collocations, the locations of QCC's fiber network routes and the business rules and other factors QCC takes into consideration when deciding whether to self-deploy channel terminations and local transport facilities or lease such facilities from a third party. Release of such information to QCC's competitors would allow those competitors to gain a significant advantage in the marketplace and thereby cause QCC substantial competitive harm.

¹ See *In the Matter of Special Access for Price Cap Local Exchange Carriers*, Modified Protective Order, WC Docket No. 05-25, RM 10593, DA 10-2075 (rel. Oct. 28, 2010); *In the Matter of Special Access for Price Cap Local Exchange Carriers*, Second Protective Order, WC Docket No. 05-25, RM 10593, DA 10-2419 (rel. Dec. 23, 2010) (Second Protective Order).

² Data Requested in *Special Access NPRM*, Public Notice, WC Docket No. 05-25, RM-10593, DA 10-2073 (rel. Oct. 28, 2010) (Public Notice) and Clarification Public Notice, DA 10-2413 (rel. Dec. 23, 2010).

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Degree to which the information concerns a service that is subject to competition; and Manner in which disclosure of the information could result in substantial competitive harm

This type of information would generally not be subject to routine public inspection under the Commission's rules (47 C.F.R. § 0.457(d)). Moreover, the Wireline Competition Bureau found in the Second Protective Order that such information was deserving of highly confidential treatment.³ The telecommunications and information services QCC provides are all competitive. As noted, the release of the information in question would cause QCC competitive harm by allowing its competitors to become aware of sensitive proprietary information regarding QCC and its customers.

Measures taken by QCC to prevent unauthorized disclosure; and availability of the information to the public and extent of any previous disclosure of the information to third parties

QCC has treated and treats the information disclosed in the document as highly confidential and has protected it from public disclosure.

Justification of the period during which QCC asserts that the material should not be available for public disclosure

At this time, QCC cannot determine any date on which this information should not be considered highly confidential.

Other information that QCC believes may be useful in assessing whether its request for confidentiality should be granted

Under applicable Commission and court rulings, the information in question should be withheld from public disclosure. Exemption 4 of the Freedom of Information Act shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The information in question satisfies this test.

³ Second Protective Order ¶ 6.

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**QWEST COMMUNICATIONS COMPANY, LLC'S RESPONSE
TO SPECIAL ACCESS DATA REQUEST**

Qwest Communications Company, LLC (QCC) hereby provides the following responses to the Commission's Public Notice inviting the submission of data to assist the Commission's evaluation of issues raised in the *Special Access NPRM*.¹ As a wireline non-ILEC provider, QCC's responses are limited to Specifications III.A, III.B, III.D and III.F. QCC's response to each of these specifications is outlined below. QCC also identifies below the bases for treating its responses as highly confidential, consistent with the terms of the Second Protective Order.²

III.A. For each Listed Statistical Area, we request that all providers other than incumbent LECs (e.g., competitive LECs, out-of-region incumbent LECs, cable companies, fixed wireless, etc.) state whether their company has any connections that it owns or that it leases from another entity under an indefeasible right of use (IRU) agreement.

Response: QCC has such connections in the following Listed Statistical Areas:

Atlanta-Sandy Springs-Marietta, GA
Chicago-Joliet-Naperville, IL-IN-WI
Cincinnati-Middletown, OH-KY-IN
Detroit-Warren-Livonia, MI
Greenville-Mauldin-Easley, SC
Las Vegas-Paradise, NV
Lima, OH
Los Angeles-Long Beach-Santa Ana, CA
Mansfield, OH
Miami-Fort Lauderdale-Pompano Beach, FL
Minneapolis-St. Paul-Bloomington, MN-WI
New Orleans-Metairie-Kenner, LA
New York-Northern New Jersey-Long Island, NY-NJ-PA
Ocala, FL
Phoenix-Mesa-Glendale, AZ
Pittsburgh, PA
Portland-Vancouver-Hillsboro, OR-WA
San Jose-Sunnyvale-Santa Clara, CA
Seattle-Tacoma-Bellevue, WA
Virginia Beach-Norfolk-Newport News, VA-NC

¹ Data Requested in *Special Access NPRM*, Public Notice, WC Docket No. 05-25, RM-10593, DA 10-2073 (rel. Oct. 28, 2010) (Public Notice) and Clarification Public Notice, DA 10-2413 (rel. Dec. 23, 2010).

² See *In the Matter of Special Access for Price Cap Local Exchange Carriers*, Second Protective Order, WC Docket No. 05-25, RM 10593, DA 10-2419 (rel. Dec. 23, 2010) (Second Protective Order).

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Washington-Arlington-Alexandria, DC-VA-MD-WV

B. *We request that all providers other than incumbent LECs (e.g., competitive LECs, out-of-region incumbent LECs, cable companies, fixed wireless, etc.) submit data to respond to the following questions:*

1. *For each location in each Listed Statistical Area to which your company provides a connection that you own or that you lease from another entity under an indefeasible right of use (IRU) agreement, provide the following information below. Please use the template available at <http://www.fcc.gov/wcb/ppd/template.xls> for your response, using the data elements identified in Table III.B.1 of Attachment A, and consistent with that table's instructions.*

- a) The associated name of the carrier that actually owns the connections (if leased from another entity subject to an IRU);*
- b) The number of years left in the IRU lease (if applicable);*
- c) The actual situs address for the location (i.e., land where the building or cell site is located);*
- d) The geocode for the location (i.e., latitude and longitude);*
- e) The Common Language Location Identifier code ("CLLI") of the incumbent LEC wire center that serves the location;*
- f) Whether the location is a building, other free-standing site, cell site in or on a building, or free-standing cell site;*
- g) Type of medium used to provision the connection to the location (e.g., fiber, copper, hybrid fiber coax, fixed wireless/satellite);*
- h) If the medium is fiber, the number of strands of lit fiber;*
- i) If the medium is fiber, the number of strands of unlit fiber;*
- j) Total capacity (upstream and downstream) of the connection as sold;*
- k) Maximum total capacity (upstream and downstream) of the connection with current hardware and line cards.*

Response: QCC provides its response to Specification III.B.1 in the enclosed compact disk. Consistent with the Second Protective Order, QCC has designated as highly confidential the information in the response to this specification because it identifies the locations that QCC

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serves with last-mile facilities in the Listed Statistical Areas and the nature of those facilities (e.g., whether the last-mile facilities consist of conditioned copper loops, DS1 loops, DS3 loops, Ethernet loops, number of fiber strands, actual and potential capacity, whether the facilities are leased on an indefeasible right of use basis or are self deployed).

QCC notes the following with regard to its response to this specification:

- For the field IRU Years, the value “99” means “useful life of the facility.”
- For the fields Lit_strands and Dark_strands, QCC in some cases lacks the necessary records to provide the requested information.
- For the fields Capacity_sold and Capacity_potential, QCC lacks the necessary records to provide the requested information.

2. *For each incumbent LEC wire center where your company is collocated in each Listed Statistical Area, provide the actual situs address, the geocode, and the CLLI code for the incumbent LEC wire center. Please use the template available at <http://www.fcc.gov/wcb/ppd/template.xls> for your response, following the instructions and using the data elements identified in Table III.B.2 of Attachment A.*

Response: QCC provides its response to Specification III.B.2 in the enclosed compact disk. Consistent with the Second Protective Order, QC has designated as highly confidential the information in the response to this specification because it identifies the locations of QCC’s collocations.

3. *For each Listed Statistical Area in which your company owns fiber or your company leases fiber from another entity under an IRU agreement, provide a map of the routes followed by fiber that constitute your network. Also, provide a map of the routes followed by fiber connecting your network to end-user locations. Please follow the instructions and use the data elements identified in Tables III.B.3(i) and III.B.3(ii) of Attachment A for your response.*

Response: QCC provides its response to Specification III.B.3 in the enclosed compact disk. Consistent with the Second Protective Order, QC has designated as highly confidential the information in the response to this specification because it identifies the locations of QCC’s fiber network routes.

The readme file accompanying the maps contains the following explanation of the methodology used to generate the map layer:

The original data source we use is called FiberBase. It is our fiber and site inventory system and documentation tool used by our network technicians and engineers. In order to keep FiberBase up-to-date and accurate, QCC field engineers and technicians send redline information into

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This data request is an important first step in obtaining the data necessary to conduct this analysis. To its credit, the Commission's request seeks data from various types of providers that offer services in competition with these special access services, including CLECs, out-of-region ILECs, cable companies and fixed wireless providers, in a cross section of Metropolitan Statistical Areas ("MSAs"). The data request also solicits granular information on locations currently served by competitors and their current facilities routes, which will be essential in assessing the level of competition in a particular market. Finally, the data request seeks information from non-ILEC providers on the business rule they employ in determining whether to build a channel termination to a particular location. To the extent it is provided, all of this information will be useful in conducting an assessment of competition in the markets in question.

As the Commission acknowledges, however, this data request will not provide all of the data necessary for a comprehensive assessment.³ Moreover, the value and quality of this data gathering effort will depend to a large degree on how many providers of high capacity services comply with the Commission's voluntary request for data, and the extent to which they provide the detailed information sought in the data request. Qwest therefore must reserve judgment on the value and utility of the data request until it has an opportunity to assess the level of participation by those providing high capacity services in the markets in question.

In the meantime, Qwest identifies a number of critical aspects to a meaningful data collection:

- *Comprehensive Data Collection.* In order to get a complete and accurate picture of the relevant marketplace, the Commission must collect a comprehensive set of data from all providers that compete with ILEC special access providers, including suppliers of competitive fiber, such as Zayo Bandwidth and American Fiber Systems, and providers of fixed wireless backhaul, including Towerstream and FiberTower.
 - Given the voluntary nature of this data request, it is unclear at this point how many providers will submit data. A partial response to the data request will provide, at best, a partial glimpse of the state of competition in a particular market. At worst, a partial response could provide a highly misleading picture of the state of competition, particularly if some key providers choose to withhold data that would show the existence of substantial competition in a particular area. Depending upon the level of response to this data request, the Commission may need to issue a mandatory data request to fill out key missing data.
 - Specification III.B.2 requests information on non-ILECs' collocation sites in the Listed Statistical Areas. To be comprehensive, such information should include

³ Public Notice at 2 (noting plans for a subsequent request for additional data).

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virtual and physical collocation and sites in collocation hotels or with non-ILEC providers.

- Specification III.B.3 requests maps of interoffice fiber. To the extent it is not provided in response to this request, the Commission should collect route information at a similar level of detail for facilities other than fiber, such as hybrid fiber-coax and wireless.
- Some customers of special access services are meeting their needs for high capacity services through self provisioning. For example, Clearwire and other wireless providers are using wireless backhaul to service their cell sites in lieu of special access services. The Commission should ensure that such self provisioning is adequately reflected in the data it collects.
- *Data Reflecting Current Conditions.* The data request seeks to obtain a snapshot of competitive deployment as of the end of 2009. Such data is already a year old and therefore fails to account for continuing deployment and evolutions in technology. The Commission should consider updating this data with more current information.
- *Data Reflecting Potential Competition.* For the most part, the data request seeks information on actual competition today. While this information is critical, the Commission needs to supplement it with data that reflects potential competition to special access services. Such data include:
 - Data on the proximity of existing competitive fiber to buildings and information on the cost of building laterals to connect those buildings to existing competitive networks (e.g., how many locations with at least x level of demand are within y distance of the provider's on-net facilities).
 - Lists of "near-net" buildings that a competitor has already pre-qualified for network extensions
 - Information on each competitive provider's last 20 building lateral construction projects.
 - Copies of each provider's responses to RFPs and RFIs as well as any unsolicited proposals it provided to prospective customers, and recent deployment feasibility studies.

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- Current plans to upgrade or expand existing networks, or to build new networks, to reach additional buildings and geographic areas and to deploy new services.
- Relevant information on competitive bidding. For large projects, such as the extension of fiber to wireless cell sites, there are frequently multiple bidders who are willing and able to provide the requested services. This potential competition will not be reflected in the snapshot information collected by this data request. A credible, yet unsuccessful, bid should be counted as a competitive alternative.
- *Information from Special Access Customers.* The Commission can also gain valuable information from special access customers, such as members of the Ad Hoc Coalition and wireless providers. For example, the Commission should obtain information from these customers regarding the services they use in lieu of special access services.
- *Additional “Build/Buy” Information.* “Build/buy decision” data should be expanded to include each competitor’s full analysis of the costs of extending existing facilities (such as laterals from fiber rings) to serve new customers (such as commercial tenants in unserved buildings).
- *Pricing Information.* For purposes of its analysis, the Commission should collect information regarding the prices actually paid for traditional ILEC-provided special access services (DS1s and DS3s) and other offerings provided in competition with those services.
- *Statistically Valid Sample.* The Commission should ensure that it is collecting data from a statistically significant cross section of MSAs to the extent it intends to interpolate the results of its analysis to other markets.
- *Opportunity for Review by Interested Parties.* The Commission needs to provide interested parties meaningful access to the data submitted in response to the data request. Such access is critical to allow interested parties to assess the sufficiency and accuracy of the submitted data and to challenge relevant assumptions.