

- I. Introduction
- II. Legal and Policy Issues
 - A. Existing Qwest Pricing Flexibility
 - B. Applicability of the Horizontal Merger Guidelines
 - C. Geographic and Product Market Definitions
 - D. Relationship between Sec. 271 Petition and Competitive Classification
 - E. Public Interest/Public Policy Concerns – Impact on Large and Small Business Customers
- III. The Statutory Standard
 - A. Effective Competition
 - 1. Reasonably available alternatives
 - 2. No significant captive customer base
 - B. Factors
 - 1. Number and size of alternative providers
 - 2. Availability of services from alternative providers
 - 3. Ability of alternative providers to make equivalent or substitute service readily available at competitive rates, terms, and conditions
 - 4. Other indicators of market power
 - 5. Other factors
 - C. Costing and Pricing Issues
 - 1. If a grant, should services be price listed
 - 2. Cost issues
 - D. Discrimination Issues
- IV. Recommendations
 - A. Staff recommendation
 - 1. Legal Issues
 - 2. Policy/Economic Issues re Market Definition
 - 3. Proposed Conditions
 - B. Critique of Other Parties Recommendations
 - C. Recommendation (of Brief's Authors)
- V. Conclusion