

May 2, 2002

Carole Washburn
Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. S. W.
P.O. Box 47250
Olympia, WA 98504-7250

Re: Qwest Agreements With CLECs; Qwest's FCC Petition

Dear Ms. Washburn:

Last month we provided you with background information regarding a complaint filed before the Minnesota Commission alleging that Qwest has unlawfully failed to file and seek commission approval of provisions of 11 agreements between Qwest and certain CLECs. The purpose of this letter is to advise you of an additional development relevant to the Minnesota proceeding, namely, the filing by Qwest with the Federal Communications Commission of a Petition for Declaratory Ruling.

The Minnesota complaint presents a fundamental legal question: what arrangements (and provisions thereof) between ILECs and CLECs are subject to the filing and approval process under Section 252(a) of the Federal Telecommunications Act of 1996. This is an issue of federal law that applies not merely to Minnesota and Qwest, but to every state and every incumbent LEC. Indeed, as we previously advised you, many of the Qwest-CLEC arrangements that are at issue in the Minnesota complaint are not limited to MN, but apply in other states as well.

Several of Qwest's in-region states have made formal and informal inquiries into this issue, and Qwest is concerned that the result of formal proceedings in multiple states may result in Qwest being subject to conflicting or at least inconsistent filing obligations with respect to the identical agreement or provision. Obviously, Qwest disputes the interpretation of Section 252(a), and its applicability to the agreements at issue, suggested by the Minnesota complaint. Regardless of whose interpretation is correct, however, Qwest (and other parties) need to have this issue resolved in a consistent fashion, particularly in light of the fact that CLECs often request Qwest to negotiate with them on a multi-state basis. Accordingly, on April 23, 2002, Qwest filed a formal petition asking the FCC to issue a declaratory ruling to assist in drawing the line between agreements and provisions that are subject to section 252(a), and those that are not.

For your convenience and information, I am attaching a copy of Qwest's petition filed with the FCC. I have also attached the FCC's Notice establishing a pleading cycle on this Petition, which calls for initial comments by May 29 and Reply Comments by June 13, 2002. Qwest hopes that the FCC's ruling and guidance on this important legal question will assist the state commissions, Qwest, and CLECs as these matters arise in the future.

Please contact me if you have any further inquiries about these matters. Thank you.

Sincerely,

Attachments