

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
Petition of Qwest Corporation for Forbearance)	
Pursuant to 47 U.S.C. Section 160(c) in the)	WC Docket No. 07-97
Denver, Colorado, Minneapolis-St. Paul,)	
Minnesota, Seattle, Washington, and Phoenix,)	
Arizona Metropolitan Statistical Areas)	
)	

**Ex Parte Comments of
THE NATIONAL ASSOCIATION OF TELECOMMUNICATIONS
OFFICERS AND ADVISORS (“NATOA”)**

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INTRODUCTION

The National Association of Telecommunications Officers and Advisors (“NATOA”) submits these comments in response to the Second Further Notice of Proposed Rulemaking (“Second FNPRM”), released May 14, 2008, in the above-captioned proceeding. NATOA’s membership includes local government officials and staff members from across the nation whose responsibility is to develop and administer communications policy and the provision of such services for the nation’s local governments.

On April 27, 2007 Qwest Corporation (“Qwest”) filed petitions pursuant to 47 U.S.C. Section 160(c) seeking forbearance from regulation in the Minneapolis-St. Paul, Minnesota, Seattle, Washington, Denver, Colorado, and Phoenix, Arizona Metropolitan Statistical Areas (“MSAs”). NATOA’s members include numerous local governments located in these MSAs which will be impacted by the Commission’s decision. NATOA submits these comments to support those members and to concur with a number of other NATOA member commenters, specifically the City of St. Paul, Minnesota, the Greater Metro (Denver) Telecommunications Consortium, and the Minnesota Association of Community Telecommunications Administrators, each of whom has identified the anti-competitive impact and the harm to consumers and local economies that will occur in the subject MSAs if the Petitions are granted.

DISCUSSION

The Petitions seek relief from: (1) the loop and transport unbundled network element (“UNE”) obligations of Section 251(c) of the Telecommunications Act of 1996 (“Act”); (2) its regional Bell Operating Company obligations under Section 271(c)(2)(B)(ii) of the Act; (3) the dominant carrier tariff requirements in Part 61 of the FCC’s rules; (4) the price cap regulations under Part 61; (5) the Computer III Inquiry requirements related to efficient interconnection and

open network architecture; and (6) the dominant carrier requirements arising under Section 214 of the Act and Part 63 of the FCC's rules regarding the acquisition of lines, discontinuation of services and transfers of control.

Before the Commission can grant these petitions, Qwest must prove that

(1) enforcement of the regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;

(2) enforcement of the regulation or provision is not necessary for the protection of consumers; and

(3) forbearance from applying the provision or regulation is consistent with the public interest.¹

Even if Qwest could meet this burden of proof (and NATOA submits it has not done so), the Commission must still deny the petition unless it is convinced that forbearance will promote competition among providers of telecommunications services.²

The common theme throughout the comments filed by NATOA members in the affected MSAs reflects that the granting of forbearance will reduce competition, negatively impact local businesses, cause harm to consumers, and jeopardize public safety.³ Comments filed by various state commissions assert that there is insufficient competition in the subject MSAs to justify the regulatory relief that Qwest seeks.⁴ These agencies are in the best position to know the facts

¹ 47 U.S.C. Sec. 160(a).

² 47 U.S.C. Sec. 160(b).

³ *Ex Parte Comments of the Minnesota Association of Community Telecommunications Administrators*, WC Docket No. 07-97 (March 25, 2008); *Ex Parte Comments of the Greater Metro Telecommunications Consortium*, WC Docket No. 07-97 (May 12, 2008); *Ex Parte Comments of the City of Saint Paul, Minnesota*, WC Docket No. 07-97 (June 12, 2008).

⁴ *Comments of the Colorado Public Utilities Commission*, WC Docket No. 07-97 (August 31, 2007); *Ex Parte Comments of the Minnesota Public Utilities Commission*, WC Docket No. 07-97 (February 8, 2008); *Comments and Reply Comments of the Arizona Corporations Commission*, WC Docket No. 07-97 (August 31, 2007 and October 1, 2007); *Comments of the Washington Utilities and Transportation Commission*, WC Docket No. 07-97 (August 29, 2007); *Comments of the Public Counsel Section of the Washington State Attorney General's Office*, WC Docket 07-97 (August 31, 2007).

regarding the competitive landscape in their respective MSAs, and the local impacts if regulatory relief is granted.

Qwest has not conclusively shown that that forbearance is justified. NATOA shares the concern of its members that forbearance will result in less competition, higher prices for services, and increased costs to local governments. There is no evidence upon which the Commission can conclude that forbearance would promote competition, and as such, NATOA respectfully suggests that the Petitions be denied.

Respectfully submitted,

**THE NATIONAL ASSOCIATION OF
TELECOMMUNICATIONS OFFICERS AND
ADVISORS**

By: Libby Beaty
Libby Beaty

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of July 2008, I served a true and correct copy of the foregoing **Ex Parte Comments of the National Association of Telecommunications Officers and Advisors** addressed to the following and in the manner specified:

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