Qwest.
Spirit of Service

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Melissa Thompson
Senior Attorney

February 15, 2005

Ms. Ilona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue -- 12th Floor
Bismarck, ND 58505-0480

Re: Qwest/VCI Company QPP™ Agreement

Dear Ms. Jeffcoat-Sacco:

Qwest Corporation ("Qwest") and VCI Company recently executed a commercial agreement relating to the provisioning of switching and shared transport. The agreement is entitled "Master Services Agreement" and includes, marked as Exhibit 1, the "Qwest Platform Plus™ Service" (together hereinafter, the "QPP™ Agreement").

I am submitting with this letter a courtesy copy of the QPP™ Agreement for informational purposes only. The reason that I am submitting the QPP™ Agreement for informational purposes only is because Qwest believes that section 252(e) of the Telecommunications Act, 47 U.S.C. § 252(e), does not requiring filing of the QPP™ Agreement for approval with state commissions.

As you are likely aware, the D.C. Circuit Court of Appeals' decision in what has been termed *USTA II* became effective on June 16, 2004.[1] In *USTA II*, the D.C. Circuit vacated various rules promulgated by the FCC including, but not limited to, the requirement pursuant to section 251(c)(3) that incumbent local exchange carriers unbundle certain network elements, including switching and shared transport. As stated by the FCC, the section 252(e) filing obligation applies to "an agreement that creates an *ongoing* obligation pertaining to resale, number portability, dialing parity, access to rights-of-way, reciprocal compensation, interconnection, unbundled network elements, or collocation."[2] Combining the impact of the D.C. Circuit's opinion with the FCC's Declaratory Ruling regarding section 252(e), there are no section 251(c)(3) obligations on the incumbent to provide switching and shared transport as unbundled network elements and, thus, there are no section 252(e) filing obligations associated with the QPP™ Agreement.

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[1] *United States Telecom Ass'n. v FCC*, Case No. 00-1012, (Decided March 2, 2004).

[2] *In the Matter of Qwest Communications International Inc. Petition for Declaratory Ruling on the Scope of the Duty to File and Obtain Prior Approval of Negotiated Contractual Arrangements under Section 252(a)(1)*, para. 8 (emphasis that of the FCC).

The QPP™ Agreement was posted on the Qwest Wholesale website in its entirety and up through January 31, 2005 was available to all carriers that agreed to all of the terms and obligations assumed by VCI Company. Further, Qwest has filed the QPP™ Agreement with the Federal Communications Commission under 47 U.S.C. § 211(a).

Contact information for VCI Company is as follows:

Malia Tasi, Provisioner/Manager
VCI Company
3875 Steilacoom Blvd., SW #A
Lakewood, WA 98499
Telephone: 206-310-6458

Please feel free to contact me if you have any questions or concerns regarding this matter.

Sincerely,

Melissa K. Thompson

Enclosure

cc: Mel Kambeitz (w/o enclosures)
Malia Tasi (w/o enclosures)