



February 22, 2012

VIA HAND DELIVERY

Ms. Anna Cole
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

REDACTED

RE: Docket No. 090538-TP - Amended Complaint of QWEST COMMUNICATIONS COMPANY, LLC, Against MCIMETRO ACCESS TRANSMISSION SERVICES, LLC (D/B/A VERIZON ACCESS TRANSMISSION SERVICES) et. al.; **CLAIM OF CONFIDENTIALITY**

Dear Ms. Cole:

Enclosed for filing on behalf of Qwest Communications Company, LLC, d/b/a CenturyLink QCC in the above-referenced docket, is the original of the confidential documents listed below. QCC claims that the information listed below in this filing is proprietary confidential business information in accordance with Section 364.183(1), Florida Statutes.

The information for which confidentiality is being claimed is:

- 1) QCC Supplemental Responses to US LEC Interrogatory Nos. 1-1, 1-3, 2-7, 2-11 and 2-12 (highlighted portions)
- 2) QCC Supplemental Responses to US LEC Document Requests Nos. 1-1 and 2-9 (highlighted portions)
- 3) QCC Supplemental Responses to US LEC Document Requests Nos. 2-9 (Entire CD)

This Notice requires that the information be treated as confidential while on file at the Florida Public Service Commission and further that the information be returned as required by Section 364.183, F.S.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer. Thank you for your assistance in this matter.

COM _____
 APA _____
 ECR _____
 GCL _____
 RAD _____
 SRC _____
 ADM _____
 OPC _____
 CLK _____

Sincerely,

Susan S. Masterton
Susan S. Masterton

Enclosure

cc: Parties of Record

Susan S. Masterton
Senior Corporate Counsel
315 S. Calhoun Street, Suite 500
Tallahassee, FL 32301
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DOCUMENT NUMBER-DATED

01007 FEB 22 2012

FPSC-COMMISSION CLERK

US LEC Interrogatory No. 3

Did Qwest ever request to negotiate an agreement with US LEC for switched access services in Florida? If the answer to the foregoing is anything other than an unqualified "no", please answer the following:

- a. Explain what actions Qwest took to request such a negotiation with US LEC.**
- b. At the time Qwest made any request to negotiate, did Qwest represent to US LEC that it was willing to accept all of the rates, terms and conditions of an agreement(s) that US LEC had with another IXC? If the answer to the foregoing is anything other than an unqualified "no", please explain in detail what Qwest represented to US LEC and to whom.**
- c. At the time Qwest made any request to negotiate, did Qwest provide any demonstration or explanation as to why Qwest was similarly situated to another IXC with which US LEC had an agreement? If the answer to the foregoing is anything other than an unqualified "no", please explain in detail what Qwest represented to US LEC and to whom.**

INITIAL RESPONSE: QCC objects to this data request on the basis that it seeks information already in US LEC's possession or custody. Without waiver of its objections, QCC responds as follows.

QCC will supplement this response in the near future.

FIRST SUPPLEMENTAL RESPONSE: Without waiver of its objections, QCC responds as follows.

As to a certain subset of intrastate switched access, yes, although information concerning that request and the ensuing negotiations is confidential. QCC will further supplement this answer when a non-disclosure agreement or protective order is entered. Aside from the referenced subset of traffic, QCC is unaware of having ever requested negotiation of an agreement similar to those entered into between US LEC and AT&T, Sprint and MCI. However, as the provider subject to a statutory non-discrimination obligation, US LEC had the obligation to provide identical rate treatment to QCC for the identical service given that QCC is similarly situated to the preferred IXCs in the context of this service. As an IXC, QCC is provided switched access by over 700 CLECs nationwide. Even accepting the extremely unfounded assumption that the subset of CLECs which had entered secret, off-price list agreements would have (a) identified the terms of such agreements to QCC, and/or (b) offered QCC the same rate in response to an inquiry, it was not QCC's responsibility to police the conduct of 700+ different CLECs or to commence negotiations in order to obtain non-discriminatory treatment.

SECOND SUPPLEMENTAL RESPONSE: Without waiver of its objections, QCC
responds as follows. As to a certain subset of intrastate switched access, yes. [REDACTED]

[REDACTED]

Aside from the narrow subset of traffic, QCC is unaware of having ever requested negotiation of an agreement similar to those entered into between US LEC and AT&T, Sprint and MCI. However, as the provider subject to a statutory non-discrimination obligation, US LEC had the obligation to provide identical rate treatment to QCC for the identical service given that QCC is similarly situated to the preferred IXCs in the context of this service. As an IXC, QCC is provided switched access by over 700 CLECs nationwide.

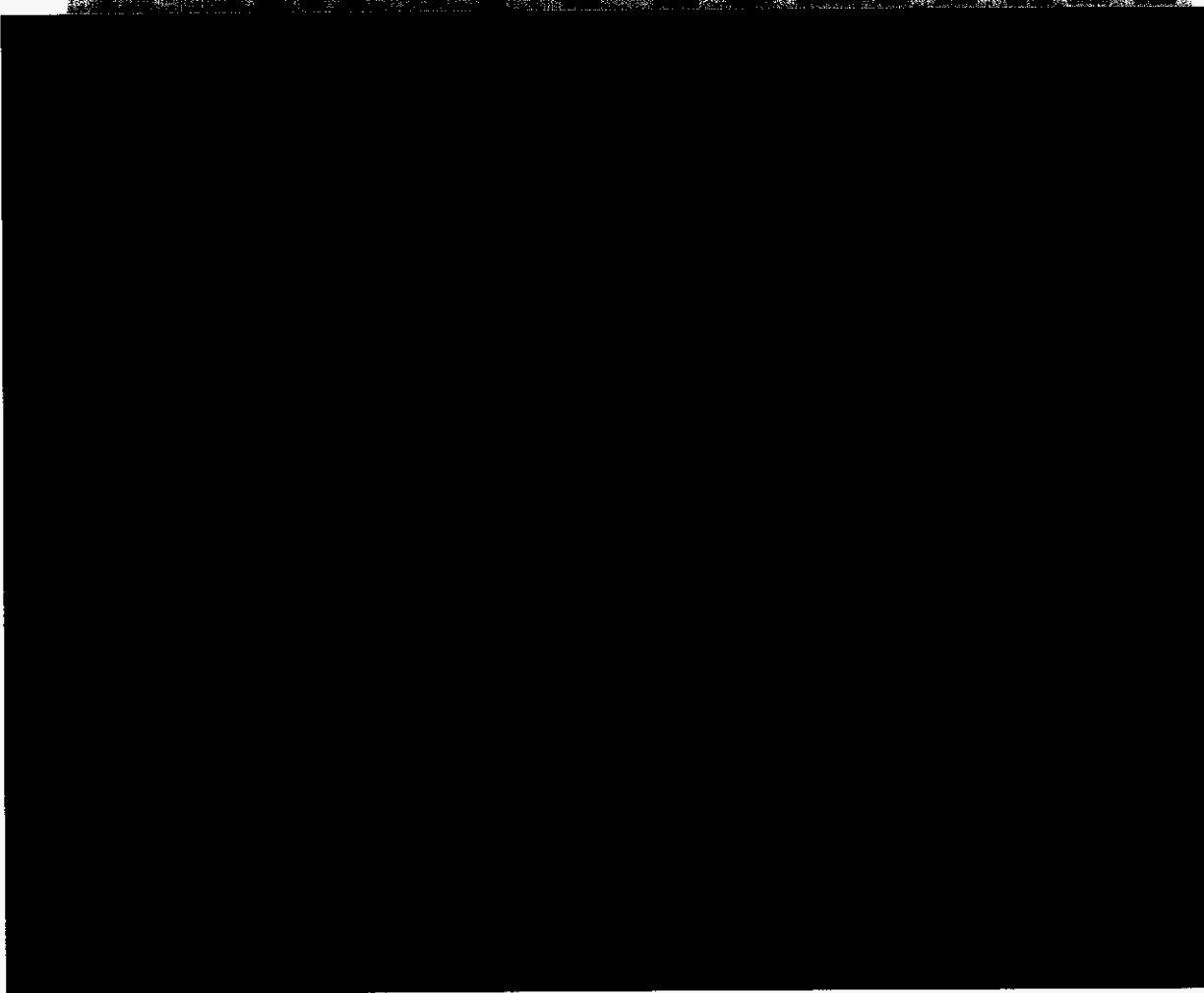
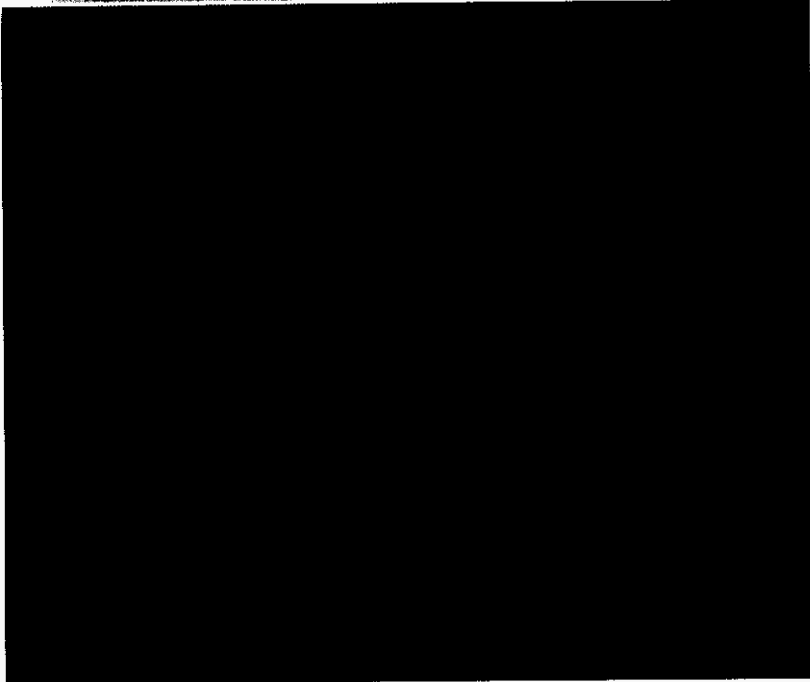
Even accepting the extremely unfounded assumption that the subset of CLECs which had entered secret, off-price list agreements would have (a) identified the terms of such agreements to QCC, and/or (b) offered QCC the same rate in response to an inquiry, it was not QCC's responsibility to police the conduct of 700+ different CLECs or to commence negotiations in order to obtain non-discriminatory treatment.

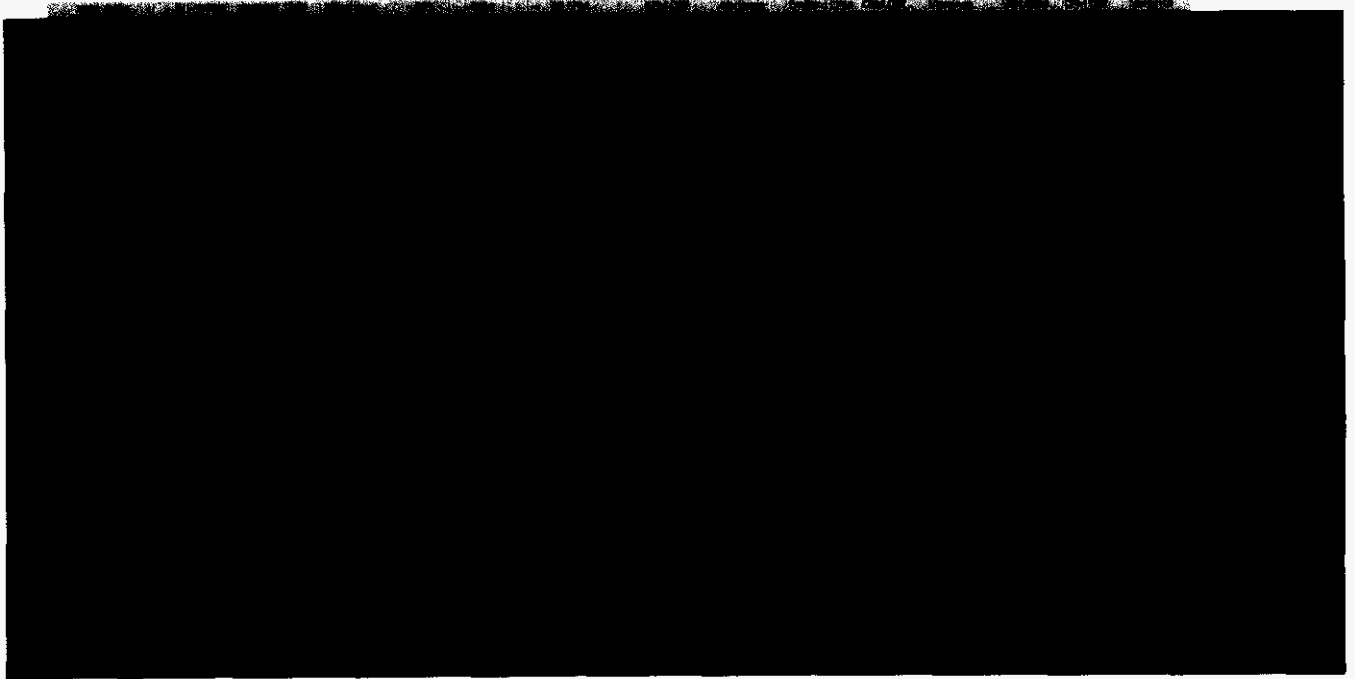
Respondents: QCC Legal;

Christopher Inman, QCC Director Facility Cost
1801 California Street, Ste 620
Denver, CO 80202

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CONFIDENTIAL DOCUMENT





Summary of QCC-US LEC Billing Disputes (FL Intrastate Switched Access 2007-2011)

Docket No#090538-TP

QCC Response to US LEC POD#2-9

CONFIDENTIAL DOCUMENT

QCC POD 001700

Vendor Name	BAN	Claim Number	Dispute Notes	Year Created	Date Created
[REDACTED]					

CONFIDENTIAL

**QCC RESPONSE TO
PAETEC POD#2-18**

**QCC RESPONSE TO US
LEC POD#2-9**

REDACTED
