

## **Outline of Necessary Merger Conditions Beyond the Integra Settlement**

### **I. Modifications Needed to the Conditions Set Forth in the Integra Settlement**

With regard to the conditions addressed to some extent by the Integra Settlement, COMPTTEL asks for changes (as described more fully in the attached document) that, *for example*:

- a. Make the conditions applicable to the entire merged entity not just legacy Qwest;
- b. Extend the time period of some of the conditions;
- c. Provide clarification to existing conditions (*e.g.*, who resolves dispute on acceptance criteria and defines “majority vote” in OSS provision.); and
- d. Add some necessary requirements to the existing conditions, *for example*:
  - i. general requirements for any successor OSS,
  - ii. state/company-wide ICAs and porting obligations, and
  - iii. merger related performance penalties and added a performance plan condition for special access services.

### **II. Additional Necessary Conditions Not Addressed in Integra Settlement**

The following are the issues that were not addressed at all by the Integra Settlement that need to be addressed as conditions prior to the approval of the merger:

- a. Pricing and terms and conditions for Special Access and Ethernet Services
- b. Access to unbundled fiber at cost-based rates
- c. State Commission’s role in the enforcement of 251/271 merger conditions
- d. Compliance with existing regulations/obligations:
  - i. Compliance with the Section 251 Interconnections obligations in a technology-neutral manner.
  - ii. Payment of the reciprocal compensation rate on termination of traffic sent to an ISP, in accordance with the *Core ISP Order*.
- e. Pending lawsuits related to intrastate switched access charges