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OPEN MEETING AGENDA ITEM

**ORIGINAL
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TO: Chairman Spitzer
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Commissioner Mayes

**AZ CORP COMMISSION
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FROM: Maureen A. Scott
Attorney, Legal Division

THROUGH: Christopher C. Kempley
Chief Counsel

SUBJECT: Confidential Exhibit A to Second Qwest Settlement Agreement
Docket Nos. RT-00000F-02-0271, T-00000A-97-0238
and T-01051B-02-0871

DATE: April 16, 2004

Attached is a copy of an e-mail and Confidential Exhibit A to the Qwest, AT&T, Arizona Dialtone and Time Warner Settlement Agreement that was docketed on April 14, 2004 and that was the subject of discussion at yesterday's Open Meeting. Staff received the Exhibit today from Tim Berg, Qwest's attorney. An e-mail from Mr. Berg is also attached which clarifies Qwest's and the CLECs' position on the subject of confidentiality.

Cc: All Parties of Record (w/o Attachment)
Brian McNeil
Ernest G. Johnson
Elijah Abinah

Arizona Corporation Commission

DOCKETED

APR 16 2004

DOCKETED BY	
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From: <TBERG@FCLAW.com>
To: <msscott@cc.state.az.us>, <dpozefsky@azruco.com>
Date: 4/16/04 1:39PM
Subject: Confidential Attachment A to Settlement Agreement of April 14, 20 04

The purpose of my e-mail is to clarify my e-mail earlier today that accompanied the Confidential Attachment A that Qwest provided to you pursuant to its commitment at the Open Meeting of April 15, 2004. As I indicated to you, Qwest is providing this information as confidential information subject to the terms of the Protective Order entered in Docket No. 00000F-02-271. On that basis, counsel for Staff and RUCO are permitted to share this material with other persons at the Commission and RUCO so long as those persons agree to comply with the terms of the Protective Order, with one important other limitation. Because the CLECs have in the past indicated that they view the amounts stated on Confidential Attachment A as competitively sensitive information, Confidential Attachment A cannot be provided to CLEC parties or their counsel, including those who have signed an Exhibit A or Exhibit B to the Protective Order, or disclosed outside the Commission or RUCO. In other words, Confidential Attachment A should be made available only to the Commission, its Staff and RUCO.

The information contained in this message may be protected by the attorney-client privilege. Please immediately reply to the sender of this e-mail if you have received it in error, then delete it. Thank you.

For more information on Fennemore Craig, please visit us at <http://www.fennemorecraig.com>.

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postmaster@ccsd.cc.state.az.us
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CC: <jsburke@omlaw.com>, <rwolters@att.com>, <wcleaveland@maazlaw.com>, <todd.lundy@qwest.com>, <norm.curtright@qwest.com>

1 Original and 17 copies of the foregoing
2 were filed this 16th day of April 2004, with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, AZ 85007

6 Copies of the foregoing were mailed and/or
7 hand-delivered this 16th day of April 2004, to:

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