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BEFORE THE ARIZONA CORPORATION COMMISSION

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MARC SPITZER
Chairman
WILLIAM A. MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
MIKE GLEASON
Commissioner
KRISTIN K. MAYES
Commissioner

2004 MAR -4 P 4: 27

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF QWEST
COMMUNICATION'S ARIZONA
PERFORMANCE ASSURANCE PLAN

Docket No. T-01051B-03-0859

QWEST CORPORATION'S NOTICE OF
FILING RESPONSE TO AT&T'S
LETTER DATED FEBRUARY 20, 2004

Qwest Corporation ("Qwest") hereby files the attached letter dated February 27, 2004, to Mitchell H. Menezes, Senior Attorney for AT&T in response to AT&T's letter dated February 20, 2004 in the above referenced matter.

RESPECTFULLY SUBMITTED this 4th day of March, 2004.

FENNEMORE CRAIG

Timothy Berg
Theresa Dwyer
Al Arpad
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Arizona Corporation Commission
DOCKETED
MAR - 4 2004

DOCKETED BY

Attorneys for Qwest Corporation

1 ORIGINAL +13 copies filed this
2 4th day of March, 2004:

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6 Phoenix, AZ 85007

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12 Phoenix, AZ 85007

13 Ernest G. Johnson, Director
14 Utilities Division
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19 Jane Rodda, Administrative Law Judge
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February 27, 2004

VIA CERTIFIED MAIL

Mitchell H. Menezes
Senior Attorney
AT&T
Room 15-21
1875 Lawrence Street
Denver, CO 80202

Re: AT&T and TCG's Elections of Qwest's Arizona Performance Assurance Plan.

Dear Mr. Menezes:

Qwest has received your letter dated February 20, 2004. As I am sure you are aware, neither Qwest nor AT&T establishes procedure for the Arizona Corporation Commission. However, Qwest does not believe it is reasonably open to dispute that the word "filing" in Section 13.2 of the PAP has any meaning other than its ordinary dictionary definition: "To deliver a legal document to the court clerk or record custodian for placement into the official record." Black's Law Dictionary 642 (7th ed. 1999).

The PAP requirement that CLECs must "file" opt-in requests makes sense to protect the rights of all parties going forward. AT&T's January 29th letter was originally sent to Qwest, and a copy sent to Maureen Scott of the Commission Staff. The letter did not reference a docket number, and it is Qwest's understanding that the letter had not been placed in any official record by Commission docket control. My letter of February 13th was merely intended as a courtesy to clarify the status of AT&T's opt-in request and to avoid additional confusion in the future.

In this case, Qwest disagrees with AT&T's interpretation that the PAP allows for a retroactive opt-in. Because AT&T had not filed its letter in any docket, Qwest had no official venue to file a response notifying AT&T and any other interested parties of this potential dispute. Now that AT&T's January 29th letter has been filed in the docket established by the Commission for this purpose, Qwest has similarly filed its February 13th response and served all parties with a copy. Qwest is confident that if there is any dispute over payment obligations

FENNEMORE CRAIG

Mitchell H. Menezes

February 27, 2004

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under the PAP during the period of time in question, the Commission will be able to resolve the controversy on its merits.

Very truly yours,

FENNEMORE CRAIG

 A handwritten signature in black ink, appearing to read 'Timothy Berg', written over the printed name 'FENNEMORE CRAIG'. To the right of the signature, the words 'FOR T. Berg.' are handwritten in a smaller, less legible script.

Timothy Berg

cc: Maureen Scott, Arizona Corporation Commission.

PHX/1517206