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BEFORE THE ARIZONA CORPORATION COMMISSION

* * * * * MAR 26 3 55 PM '99

IN THE MATTER of the Investigation)
into U S WEST Communications, Inc.'s)
Compliance with Section 271 of the)
Telecommunications Act of 1996.)

DOCUMENT CONTROL
Docket No. U-00000B-97-238

**RESPONSE TO MOTION TO COMPEL OF MCI WORLDCOM, INC.
ON BEHALF OF ITS REGULATED SUBSIDIARIES**

MCI WorldCom, Inc., on behalf of its regulated subsidiaries, MCImetro Access Transmission Services, L.L.C. ("MCImetro"), MCI Telecommunications Corporation, and Brooks Fiber Communications of Tucson, Inc. (collectively "MCIW") files this response to the motion to compel filed with this Commission on or about March 15, 1999 U S WEST Communications, Inc. (" U S WEST").

INTRODUCTION

For the convenience of the Commission, MCIW has provided the relevant argument to each objection in a document that first states the data request at issue, MCI's objection to the data request, and then the relevant argument which supports MCIW's objection. MCIW's objections are generally very specific and contain some of MCIW's arguments which will not be repeated in the "argument" section.

In U S WEST's motion to compel, it has not asserted that MCIW's method of providing information by citing and directing U S WEST to information it already has in its possession or

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by citing and directing U S WEST to publicly available information is not responsive to the relevant data requests. MCIW responded to Data Requests 1, 3-14, 16, 22, 25, 37, 40 and 41 in part in this fashion.

General and Some Specific Objections

Information or documents previously provide or public information. MCIW raised general objections in its responses. However, it has, at this point, only relied on the general objection that the documents or information requested have already been provided to and received by U S WEST or U S WEST has access to from public sources. MCIW has identified documents falling under this objection with sufficient clarity that U S WEST can locate those documents in its own records or in public records. MCIW will not re-argue that objection in this response in each instance where it was raised because the reasoning for not providing the documents is the same in each instance where this objection was raised. Moreover, U S WEST did not in its motion to compel specifically challenge this general objection.

Exceeds scope of Procedural Order. MCIW has also objected to providing information on the basis that the data request exceeds the scope of discovery allowed under the Commission's Procedural Order dated March 2, 1999. The procedural order does not permit the detailed discovery posed by U S WEST at this point in the proceedings. U S WEST has been required to supplement its application and only allowed to submit general discovery to intervenors regarding U S WEST'S 271 compliance. When this objection has been raised the argument is the same for each question, the data request is not seeking general information as permitted under the procedural order.

Unduly Burdensome. MCIW has objected to data requests on the basis that the requests are unduly burdensome in that providing the requested data (i) would require an unreasonable expenditure of time and resources to search for documents or information or requires MCIW to conduct a special study in order to be responsive, (ii) are cumulative and/or have only a limited likelihood of leading to the discovery of data relevant to the investigation and either (a) the value of providing the data is outweighed by the burden of production or (b) U S WEST can obtain the some data through publicly available information including pleadings, discovery responses and testimony filed by MCIW and already served on U S WEST in a variety of other 271 proceedings filed by U S WEST in Montana, New Mexico, Wyoming and Arizona, or is available to and was served upon U S WEST in other state proceedings, than 271 proceedings, such as the Arizona OSS cost recovery or performance standards portions of the consolidated arbitration docket, other arbitration proceedings involving U S WEST and MCIW in Washington, Oregon, Colorado, Utah, Minnesota, Iowa, and Arizona, and ancillary proceedings to those arbitration dockets such as costing and pricing proceedings, performance measures proceedings, and OSS investigatory proceedings.

MCIW has also stated that to the extent U S WEST seeks to use a document provided by MCIW which is subject to a protective order in another state, U S WEST may advise MCIW and MCIW may allow the use of such documents under the current protective order entered in this proceeding.

Where this objection has been interposed, the basis is the essentially same and MCIW will not argue its position for each data request where this objection was raised.

Proprietary Information. MCIW has raised an objection when the requested data relates to issues, matters, or materials that contain proprietary, confidential, and/or trade secret information which is protected as a trade secret. MCIW considers a "trade secret" to mean the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, improvement, confidential business or financial information, listing of names, addresses, or telephone numbers, or other information relating to any business or profession which is secret and of value. To be a "trade secret" the owner thereof must have taken measures to prevent the secret from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.

MCIW considers the information to be highly confidential in the competitive telecommunications market. MCIW takes and will continue to take measures to protect the confidentiality of the information; the information has not been and is not currently reasonably obtainable by the public or other entities through legitimate means; public disclosure of the information would cause substantial harm to the MCIW because it could be used to impact MCI's entry strategies, allow competitors to target MCIW customers or potential customers; the disclosure would cause unfair economic or competitive harm or disadvantage the MCI; the information is not known by others in the trade or industry; the information will have significant worth or value to MCI's competitors; and the information is improper to obtain or duplicate by others and particularly competitors without MCI's consent.

MCIW recognizes that the Commission has entered a protective order in this proceeding and may provide certain proprietary information under the terms of the protective order.

However, MCIW believes that the protective order only apply to U S WEST provided information and not that provided by MCIW or other parties in this proceeding.

Where this objection has been interposed, the basis is the essentially same and MCIW will not argue its position for each data request where this objection was raised.

**RESPONSES TO DATA REQUESTS NOT CHALLENGED
IN THE MOTION TO COMPEL**

Data Requests 1, 3-14.

MCIW responded to these data requests and U S WEST's motion to compel does not discuss MCIW's response or seek an order compelling MCIW to respond to these data requests. (See, U S WEST's Supplemental Memorandum to Motion to Compel, at page 4, lines 14 through 23.)

Data Request 2.

MCIW responded to this data request and U S WEST has not specifically challenged MCIW's response in its motion to compel. (See, U S WEST's Supplemental Memorandum to Motion to Compel, at pages 5 and 6, lines 1 through 8 .)

Data Request 16.

MCIW responded to this data request and U S WEST has not specifically challenged MCIW's response in its motion to compel. (See, U S WEST 's Supplemental Memorandum to Motion to Compel, at page 6, line 15 through page 8, line 19.)

Data Request 40.

MCIW responded to this data request and U S WEST has not specifically challenged

MCIW's response in its motion to compel. (See, U S WEST's Supplemental Memorandum to Motion to Compel, at page 35, lines 9 through 23.)

Data Request 41.

MCIW responded to this data request and U S WEST has not specifically challenged MCIW's response in its motion to compel. (See, U S WEST's Supplemental Memorandum to Motion to Compel, page 35, lines 25 through page 36, line 8.)

**OBJECTIONS AND RESPONSES TO DATA REQUESTS
CHALLENGED IN THE MOTION TO COMPEL**

General Arguments Applicable to all Objections

In its supplemental memorandum, U S WEST has argued among other things that the data it seeks is necessary to prevent surprise. Such an argument might be more relevant in a court where parties do not prefile comments and testimony which fully state their positions. In this Commission's procedural order entered in this docket, Decision No. 60218, the intervenors are required to file within 30 business days after U S WEST files its complete application to file replies or comments related to U S WEST's filings. Parties have already done so in this docket with respect to the partial filing made by U S WEST on several of the checklist items.

Historically, many of the parties in this proceeding, and MCIW in particular, have actually prefiled testimony in other 271 proceedings in other states fully addressing their concerns about U S WEST's desire to enter the interLATA market. In short, U S WEST already has, and will have through the prefiling process the intervenors' positions on its filing.

In addition, the procedural orders entered in this case do not treat this filing as a fully

contested case. Rather, the case might more properly be characterized as an investigation to determine U S WEST's compliance with the § 271 checklist which is consistent with its role under the federal Act. The Commission will not be the final decision maker, the Federal Communications Commission ("FCC") will. The role of the states is clearly stated in §271(d)(2)(B) and that provides that the FCC must consult with the Arizona Corporation Commission on compliance with the § 271 checklist only.

Finally, U S WEST places great weight on a Nebraska decision issued in its 271 proceeding by judge, as opposed to the Commission, to support its argument that it should receive the information requested. As the intervenors have already stated in an earlier telephone conference with the parties and the hearing officers, Commissions in Montana and New Mexico took a more conservative approach in allowing U S WEST broad discovery and a Montana state district court did not overturn rulings made by the Montana Commission. (See, Order on Motion to Dismiss in Cause No. BDV 99-12 entered March 12, 1999.) Judge Sherlock stated that "[o]ne struggles in vain to find a label to place on the proceedings now before this court and before the PSC." (It is MCIW's understanding that those decisions have been furnished to the Commission.) The Nebraska judge, on the other hand, treated these § 271 proceedings as adjudicatory proceedings and entered his decision recognizing that he would error on the side of requiring responses to discovery as stated in his decision attached to U S WEST's motion to compel. Moreover, his decision was not even fully affirmed by the Nebraska Commission. Because the ruling in Nebraska was entered by a retired district court judge, U S WEST contends that his ruling merits more weight than those made by mere commissioners in Montana and New

Mexico. MCIW disagrees. This Commission is most familiar with telecommunications matters and resolving discovery disputes in this technical and highly competitive area and should not be intimidated by the rulings made in Nebraska.

Specific Arguments by Data Requests or Groups of Data Requests

Data Request 15.

Please identify all entities other than U S WEST, including MCI itself, from which MCI has obtained, or can obtain, for use in Arizona or in any of the other 13 states in U S WEST's region any of the following elements, items, or services: (1) local loops; (2) network interface devices; (3) local switching; (4) interoffice transmission facilities; (5) vertical features; (6) directory assistance; and (7) operator services. Produce all documents that relate to your ability to obtain such elements, items or services for use in Arizona or in any of the other 13 states in U S WEST's region.

Specific Objections 1, 2, 3, 4, 5, 6 & 7: Irrelevant, beyond the scope, unduly burdensome, proprietary information, vague and ambiguous, calls for speculation and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271,14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not whether MCIW has obtained or can obtain certain elements from other entities. Only U S WEST has the obligation under the Telecommunications Act of 1996 and this Commission's arbitration rulings to provide unbundled network elements to MCIW. Further vendor information is proprietary. Disclosure of such information may violate a nondisclosure agreement on confidentiality provision of a vendor agreement.

Although the request asks MCIW to provide information about all entities from which it can obtain network elements, it is not clear whether U S WEST means in the entire geographic area where U S WEST provides services or beyond, whether it means at comparable rates, with equivalent functionality, and in a comparable period of time to those offered by U S WEST. Finally, the order calls for speculation by asking MCIW to identify entities from which it can obtain network elements. MCIW does not know all entities from which it can obtain network elements in U S WEST territory and, therefore, cannot provide all entities, only those that may be known to MCIW.

Argument supporting MCIW's position.

The issue is not whether MCIW has obtained or can obtain certain elements from other

entities in Arizona or any of the other 13 states. Only U S WEST has the obligation under the Telecommunications Act of 1996 and this Commission's arbitration rulings to provide the relevant elements to MCIW. Moreover, whether MCIW can obtain any of these elements from another provider does not address whether MCIW can obtain those elements throughout U S WEST's serving area in Arizona where U S WEST provides services or whether MCIW can obtain those elements at comparable rates, with equivalent functionality, and in a comparable period of time to those required from U S WEST. Assuming MCIW could obtain the relevant elements in any or all of the other 13 states does not demonstrate that those elements would also be available from providers in Arizona.

Although, the BellSouth Louisiana Order I ¶ 54 (hereinafter referred to as "LA I ¶ ____") states that U S WEST must demonstrate that it is ready to furnish the element in quantities that CLECs may reasonably demand and at an acceptable level of quality, until MCIW specifically asserts in this proceeding that U S WEST is unable to furnish any element in quantities that CLECs may reasonably demand, such a request is premature at this phase of the proceeding. Presumably, U S WEST has estimated demand since it asserts it has already makes elements available to CLECs. U S WEST should state its demand assumptions for each element in its complete filing. Then and if CLECs challenge those assumptions, U S WEST can seek through specific discovery the basis for such challenges from those CLECs challenging U S WEST's demand assumptions.

U S WEST also asserts that the demand information is also relevant under the "necessary" and "impair" criteria under the federal Act. In deciding whether CLECs need access to a

network element, the Commission can and should consider whether the element is included in the competitive checklist in § 271(c)(2)(B) of the Act. Inclusion of an element in the competitive checklist is strong evidence that Congress believes it is critical for CLECs to have access to the element and that it is in fact important for U S WEST to provide access on reasonable and nondiscriminatory terms. The § 271 checklist includes local loop transmission (item iv), transport (item v), switching (item vi), access to DA services and operator call completion services (item vii), and access to databases and associated signaling necessary for call routing and completion (item x). As the Supreme Court itself noted, the FCC has determined that access to operations support systems (“OSS”) is essential to give CLECs effective access to these checklist items. *AT&T v. IUB*, 1999 WL 24568 at *10-11 (citing Local Competition Order ¶¶ 521-522); see *LA II* ¶ 83. (“The Commission consistently has found that nondiscriminatory access to these systems, databases, and personnel is integral to the ability of competing carriers to enter the local exchange market and compete with the incumbent LEC.”).

The inclusion of these elements in the checklist reflects the fact that unless and until these core items are available on reasonable and nondiscriminatory terms to CLECs, local competition cannot develop. That these items are explicitly spelled out in § 271 and not in § 251 simply reflects Congress’ conclusion that the checklist needs to be specific and concrete so that the Bell operating companies would know what they have to do to satisfy this requirement of § 271. Both §§ 251 and 271 share the same goal of opening up local markets as quickly as possible to broad-scale competition. Thus, the ability of carriers to offer local service on a reasonably level playing field in competition with U S WEST would necessarily be impaired without access to

each checklist item. The obligation to fully implement these requirements before BOC long distance entry underscores the urgency as well as the importance of making each of these elements available to CLECs. Therefore, MCIW contends that the “necessary” and “impair” standards relied upon by U S WEST are irrelevant to § 271 checklist items and the elements for which U S WEST seeks this information.

The relevant issue is whether U S WEST is providing access to these elements on a nondiscriminatory basis, not whether MCIW can obtain the relevant elements from some other provider that has no obligation to do so under the federal Act and from whom MCIW might not be able to obtain those elements in a comparable manner, at comparable rates, with comparable functionality, throughout the U S WEST serving area in Arizona.

Data Request 17.

For Arizona and the other 13 states in U S WEST's region, please describe on a state-specific basis MCI's projected demand over the next 24 months for the following elements, items, and services that MCI expects to obtain from U S WEST: (1) interconnection; (2) access to poles, ducts, conduits, and rights of way; (3) local loop transmission from the central office to the customer's premises, unbundled from local switching or other services; (4) local transport from the trunk side of the wireline local exchange carrier switch, unbundled from switching or other services; (5) local switching unbundled from transport, local loop transmission, or other services; (6) vertical features; (7) access to 911 and E911 services; (8) directory assistance services; (9) operator call completion services; (10) white pages directory listings; (10) access to databases and associated signaling necessary for call routing and call completion; (11) interim and/or long-term number portability; (12) reciprocal compensation arrangements; and (13) telecommunications services available for resale. Produce all documents that reflect, refer, or relate to MCI's projected demand for these elements, items, and services.

Specific Objections 1, 2, 3, 5, 6 & 7: Irrelevant, beyond the scope, unduly burdensome, proprietary information, calls for speculation and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271,14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not MCIW's projected demand for certain elements from U S WEST.

General Objection B: MCIW regularly provides to U S WEST forecasts and demand requirements pursuant to the existing interconnection agreements between U S WEST and MCIW subsidiaries in Arizona. Any other projected demand that is not kept in ordinary course of business MCIW is speculative.

Argument supporting MCIW's position.

Notwithstanding MCIW's objection, MCIW provides to U S WEST forecasts and demand requirements pursuant to the MCImetro/U S WEST interconnection agreement approved by this Commission in Docket Nos. U-2428-96-417 and E-1051-96-417. Those forecasts and demand requirements are provided for Arizona already and presumably have been taken into account by U S WEST is determining if it is furnishing checklist items in sufficient quantities so that CLECs may reasonably demand.

Further as noted in MCIW's argument addressing Data Request 15, requesting this information for the purposes stated by U S WEST is premature until U S WEST places its demand assumptions into the record of this proceeding.

Data Request 18.

Does MCI have a real-time operational support system that MCI's service representatives use to place customer service requests, local service requests or any other requests that MCI uses to order local telecommunications products or services? If so, for Arizona and the other 13 states in U S WEST's region, provide the name of the system(s), the products and services the system(s) support(s), the date the system(s) was deployed, and the data, functional message, and transport protocols used for the system(s). Produce all documents that refer to, reflect or relate to the products and services the system(s) supports, the date the system(s) was deployed, and/or the data, functional message, and transport protocols used for the system(s).

Specific Objections 1, 2, 3, 5 & 7: Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona,

not how MCIW designs, constructs, or operates its operational support systems (“OSS”) in the U S WEST states. MCIW has no obligation to provide OSS under Section 251(c)(3) of the federal Telecommunications Act of 1996.

Data Request 19

If MCI does not have an ordering system of the type described in the previous data request, please state all mechanisms, manual and otherwise, it uses to support the negotiation and ordering process for its local exchange customers, and state the functionality provided by each of the mechanisms. Produce all documents that describe, define, outline or otherwise explain these mechanisms, including but not limited to documents that describe or otherwise reflect the functionality that each mechanism provides.

Specific Objections: See Specific Objections to Request No. 18.

Data Request 20.

Does MCI follow any specific development, implementation, and testing guidelines when it develops OSS software for use in the local exchange market? If so, produce all documents containing the guidelines that MCI follows or, if the guidelines are not written, describe them.

Specific Objections: See Specific Objections to Request No. 18.

Argument supporting MCIW's position on Data Requests 18, 19 and 20.

The FCC has determined that OSS is a network element and this determination has been affirmed by both the Eighth Circuit Court of Appeals and the U S Supreme Court in its January 25, 1999, decision. (See, AT&T v. IUB, 1999 WL 24568.) The relevant standard in assessing U S WEST's OSS interfaces is whether U S WEST is providing access to its OSS that is equivalent to that enjoyed by U S WEST representatives for retail services for both unbundled network elements (“UNEs”) and resale. (See, BellSouth Louisiana II Order ¶¶ 80, 83, hereinafter referred to as “LA II ¶ ____” .) U S WEST's OSS must sufficiently support each competitive strategy, interconnection, UNEs, and resale and must not favor one strategy over another. (See,

BellSouth South Carolina Order ¶ 141, Ameritech Michigan Order ¶ 133, hereinafter referred to as “SC ¶ ___” and “MI ¶ ___” respectively.) U S WEST must demonstrate that CLECs are able to use or develop a machine-to-machine interface that is substantially similar to what U S WEST uses. (See, Bell South Louisiana Order I, ¶ 55, hereinafter referred to as “LA I ¶ ___”).

Accordingly, 1.) whether MCIW has a real-time operational support systems that MCIW's service representatives use to place customer service requests, local service requests or any other requests that MCI uses to order local telecommunications products or services, 2.) whether MCIW has mechanisms, manual and otherwise, it uses to support the negotiation and ordering process for its local exchange customers or 3.) whether MCI follows any specific development, implementation, and testing guidelines when it develops its OSS software for use in the local exchange market does not address the relevant issue of whether U S WEST is providing access to its OSS for MCIW that is equivalent to that which is enjoyed by U S WEST representatives for retail services for interconnection, unbundled network elements (“UNEs”) and resale.

U S WEST argues that intervenors will assert that “U S WEST's EDI interface is not sufficient, despite the fact that not one of the Intervenors has built its side of the EDI interface.” Assuming for argument sake that no CLEC has not built its side of the EDI interface, does not preclude MCIW from determining whether the EDI interface is sufficient through other means. Ironically in the Arizona consolidated arbitration proceedings when justifying its reasons for building its human-to-computer (IMA) interface, U S WEST acknowledges that CLECs do not have an obligation to build their own OSS. U S WEST asserts that it developed its human-to-

computer (IMA) interface to provide CLECs *who do not build their own interfaces access to U S WEST's OSS*. (See, Arizona Docket Nos. U-3175-96-479, E-1051-96-479 et al [Arizona OSS Costing Portion], Testimony of Dean Buhler which describes US WEST IMA as a human-to-machine interface, Exhibit USWC OSS 4, at page 5, line 9 through line 11.)

Assuming for argument sake, that no CLEC has a real-time operational support system that their service representatives used to place customer service requests, local service requests or any other requests that MCI uses to order local telecommunications products or services, and uses manual processes to support negotiation and builds its OSS using development, implementation, and testing guidelines developed in China would not relieve U S WEST of its obligation to provide nondiscriminatory access to its OSS that is equivalent to that enjoyed by US WEST representatives for retail services under the rulings cited above.

If there is no commercial usage of U S WEST's EDI interface (which must be assumed from U S WEST's argument that no CLEC has built its side of the EDI interface), U S WEST can demonstrate practical availability through carrier-to-carrier testing, third-party testing, or internal testing. (See, SC ¶ 81). Moreover, U S WEST can demonstrate compliance with the FCC's standards of nondiscrimination and meaningful opportunity to compete by showing it has complied with proper performance standards. (See, MI ¶ 204.)

Further, assuming for argument sake that U S WEST's assertions of the reasons why CLECs have not built chosen to build their side of the OSS interfaces were accurate is not a central question in this case for § 271 evaluation. No CLEC has an obligation to build OSS interfaces under § Section 251(c)(3) of the federal Telecommunications Act of 1996 or any order

of this Commission. U S WEST has tried to make this a central issue to divert the Commission's attention from the real issue. U S WEST has concocted an argument that the absence of CLEC interfaces is a principal cause of any delay in entry by CLECs and implies that it need not provide access to its OSS that is equivalent to that enjoyed by U S WEST representatives for retail services for both unbundled network elements ("UNEs") and resale if no CLEC has built its side of the interface. It provides no support for such an assertion.

U S WEST argues that the level and amount of testing that intervenors have used to develop their OSSs will serve as a good benchmark for how much testing is necessary for U S WEST's OSSs. It provides no legal support for this proposition. On the other hand, as stated above, U S WEST is permitted to provide carrier-to-carrier testing, third-party testing, or internal testing of its EDI interface to demonstrate the practical availability of its OSS. (See, SC ¶ 81.)

Data Request 21.

For Arizona and the other 13 states in U S WEST's region, please state whether MCI maintains any data relating to whether there have been errors in local service requests ("LSRs") or orders that MCI has submitted to U S WEST. If MCI maintains any such data, describe the nature of the information you maintain, and produce all documents that reflect, refer, or relate to any occurrences of errors in LSRs or orders that MCI has submitted to U S WEST.

Specific Objections 1, 2, 3, 4, 5 & 7. Irrelevant, beyond the scope, unduly burdensome, vague and ambiguous, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not whether there have been errors in LSRs that MCIW has submitted to U S WEST. The request is vague and ambiguous because it does not specify if its reference to "errors" in LSRs are intended to be errors attributable to MCIW, U S WEST or both.

General Objection B: MCIW is aware that U S WEST sends error messages to MCIW either manually or electronically regarding LSRs submitted to U S WEST by MCIW. Therefore, U S WEST already has the information requested in its own records.

Argument supporting MCIW's position.

Notwithstanding its objection, and contrary to U S WEST's assertion in its supplemental memorandum (See, page 14, Lines 1 through 2.), MCIW has provided U S WEST with the source for the very documents it seeks in its general objection which responds to this request. When MCImetro submitted test orders to U S WEST in Colorado using IMA and when the orders were submitted by facsimile and by courier, U S WEST regularly rejected orders alleging errors by MCImetro. When it made such an assertion, it attached a "buck slip" to the LSR submitted by MCImetro which rejected the order and stated the reason for the rejection. Every order submitted by MCImetro to U S WEST was carefully reviewed by U S WEST representatives to ensure accuracy of MCImetro's order. In fact, this is one of the very reasons US WEST has asserted it had to review CLEC orders sent through its human-to-computer interface before sending those orders to U S WEST back office systems. What U S WEST seeks here duplicates what it already has.

Any delays in the ordering process allegedly cause by CLEC errors would not impact U S WEST ability to process the LSR until the LSR was actually sent to US WEST. Hence, U S WEST's own rejection notices provide U S WEST with a basis to claim that alleged errors made by CLECs in the LSRs are not attributable to U S WEST's OSS. The rejection notices, if valid, will provide U S WEST with the evidence it claims it needs under LA II ¶ 111.

Data Request 22.

Identify each electronic interface MCI requires to provide local service in Arizona and the other 13 states in U S WEST's region for the purpose of obtaining access to U S WEST's pre-ordering,

ordering, provisioning, billing, and maintenance and repair systems. For each interface that MCI identifies, please provide the following: (1) identify each interface that MCI believes is not available from U S WEST; (2) if the interface is available and MCI contends it is inadequate, describe in detail each concern that MCI has about the adequacy of U S WEST's interface; (3) the date MCI requires the interface to be made available from U S WEST for testing by MCI; and (4) when MCI intends to begin using the interface to provide local exchange service in Arizona and the other 13 states in U S WEST's region. Produce all documents that relate to any of the responses that MCI provides to this data request.

Specific Objections 1, 2, 5 & 7 to Request 22(4): Irrelevant, beyond the scope, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not when MCI intends to begin using the interface to provide local exchange service in Arizona and the other 13 states in U S WEST's region. U S WEST is obligated to make its OSS available to CLECs under Section 251(c)(3) of the federal Telecommunications Act of 1996.

General Objection B: This information has been provided to U S WEST in MCIW's Response to U S WEST applications, testimony, data responses and briefs served upon U S WEST in Section 271 proceedings filed by U S WEST in Montana, Docket No. D97.5.87 ("Montana 271"), testimony of Carol A. Beaupre, pages 10 through 14 and pages 19 through 27; in New Mexico ("New Mexico 271"), Docket No. 97-106-TC, testimony of Carol A. Beaupre, Melissa Samel and Michael Beach, in Wyoming, Docket Nos. 72000-T1-97-107 and 7000-T1-97-352 ("Wyoming 271") and Nebraska ("Nebraska 271"). In addition this information has been provided to U S WEST in MCIW's pleadings, and in the testimony of MCIW witness for Staff, Robert D. Edgerly, filed in Colorado Docket Nos. 97C-432T (Show Cause Proceeding), 96A-267T (MCImetro's Local Certification Proceeding). This information has also been provided to U S WEST in the Arizona consolidated arbitration proceeding in that portion of the proceeding addressing OSS costing through the pleadings filed by MCIW and testimony filed by Michael Hydock and other witnesses in that portion of those proceedings and in the performance measures portion of the consolidated arbitration docket which addresses performance indicators and measures required by MCIW. Finally, MCIW has expressed its beliefs regarding the adequacy of U S WEST's OSS interfaces in every arbitration proceeding and ancillary proceeding in Arizona, Colorado, Iowa, Minnesota, Oregon, Utah and Washington. Providing such documents again to U S WEST would be unnecessarily cumulative and unduly burdensome

Supplemental Response: See MCIW's "U S WEST Correspondence Log" and cited correspondence provided in Response to Data Request 1. MCI required U S WEST's interfaces to be made available from U S WEST for testing by MCI since January 1, 1997. MCIW intends to begin using a U S WEST interface to provide local exchange service compliant with industry standards in Arizona and the other 13 states in U S WEST's region when U S WEST's

interface(s) is fully tested and demonstrates that it provides nondiscriminatory access to U S WEST OSS, including its back office systems, if such an interface is ever constructed.

Supplements to Responses

Consistent with U S WEST's request that MCI supplement this response, MCIW continues to research its files and contact employees to determine if other responsive information is available. In the event other responsive information is located, MCIW will supplement this response.

Argument supporting MCIW's position.

Notwithstanding its objection, MCIW responded to this data request and U S WEST has not specifically challenged MCIW's response in its motion to compel except as to whether MCIW's response contains the entirety of MCI's contentions. MCIW's initial response may not state the entirety of its contentions for several reasons.

First, MCIW received a letter from U S WEST after the close of business on March 23, 1999, advising what it meant when it used the term "interface". It has now asserted that when responding to this question to assume the word "interface" means "functionality". MCIW has now supplemented this response directing U S WEST to correspondence which MCIW has also sent to U S WEST regarding each interface (functionality) that MCI believes is not available from U S WEST. In addition, that correspondence asserts whether in MCIW's opinion the interface (functionality) is available and whether MCIW contends it is inadequate. That correspondence also describes in detail each concern that MCI has about the adequacy of U S WEST's interface what MCIW requires from U S WEST for testing and when MCI intends to begin using the interface to provide local exchange service in Arizona and the other 13 states in U S WEST's region. Much of this correspondence is also attached to reports filed by MCImetro

in Colorado Docket No. 96A-267T. Finally, MCIW cited U S WEST to Colorado Docket No. 97C-432T. In pleadings filed jointly by MCIW and other competitive local exchange carriers ("CLECs") in response to a stipulation filed by U S WEST and the Staff of the Colorado Public Utilities Commission in the cited docket on or about July 14, 1998, MCIW expressed its concerns about missing functionalities, a lack of adequate independent testing to determine if the 26 functionalities added to U S WEST's interfaces performed adequately. These pleadings were all filed subsequent to July 14, 1998, in that docket and have been served upon U S WEST.

Second, MCIW's concerns with U S WEST's interfaces are ongoing and MCIW has agreed to supplement this response on an ongoing basis as those concerns are discussed either orally in documents. MCIW has not been inventing "new criticisms of U S WEST's OSS each time U S WEST satisfies the criticisms already raised" as alleged by U S WEST in its supplemental memorandum. On the contrary, MCIW has continuously evaluated U S WEST's OSS and has acknowledged when U S WEST has corrected a system. (See, Affidavit of Betty Johnson in Colorado Docket No. 97C-432T noting improvements in U S WEST's functionalities from an earlier affidavit submitted by Ginger Allen in Colorado Docket No. 96A-267T on July 16, 1997.) U S WEST's OSS have been evolving and MCIW has commented upon the OSS interfaces as they have evolved. However, MCIW has always and consistently had a fundamental criticism of a human-to-computer interface such as IMA which requires significant human intervention, substantial manual activity, greater likelihood of errors because of excessive human intervention, and dual order entry for CLECs because it was not built to telecommunications industry standards as ideally expected by the FCC. (See, FCC's First

Interconnection Report and Order, CC Docket 96-98, FCC Decision No. 96-325, ¶ 527.)

As is evidenced in the correspondence provided to U S WEST (See MCIW “U S WEST Correspondence Log” and referenced correspondence), MCIW has been engaged in a lengthy dialogue with U S WEST concerning the functions it needs from an EDI interface, such as jeopardy notifications, access to *all* UNEs, access to *combined* UNEs, and true electronic flow through. With respect to U S WEST’s EDI interface, MCIW’s position on the lack of these functionalities has been consistent and continuing because the EDI interface does not yet provide these functionalities.

Data Request 23.

If MCI contends that other ILECs are meeting any of MCI's electronic interface needs relating to local exchange service, unbundled network elements, or any other aspect of local service, identify the ILEC(s), describe the system(s) or interface(s) the ILEC(s) is using, and provide the name of a contact person at the ILEC(s) who is familiar with the system. Produce all documents that discuss, describe, or otherwise explain and/or discuss the capabilities of any such system(s) or interface(s).

Specific Objections 1, 2 & 7: Irrelevant, beyond the scope and exceeds the scope of the Commission’s order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not whether MCI contends that other ILECs are meeting any of MCI's electronic interface needs relating to local exchange service, unbundled network element, or any other aspect of local service.

Supplemental Response.

Notwithstanding MCIW’s objections, MCI does not contend that other ILECs are meeting all of MCI's electronic interface needs relating to local exchange service, unbundled network elements, or any other aspect of local service. MCIW’s positions on other ILECs’ OSS have been stated in comments filed by MCIW in the FCC's 271 proceedings relating to Southwestern Bell, Bell South and Ameritech filings for 271 approval and are publicly available to U S WEST in those dockets.

Supplements to Responses.

Consistent with U S WEST's request that MCI supplement this response, MCIW continues to research its files and contact employees to determine if other responsive information is available. In the event other responsive information is located, MCIW will supplement this response.

Argument supporting MCIW's position.

MCIW has responded to this data request in its supplemental response. However as noted above in its argument addressing Data Request 22, MCIW has not been inventing "new criticisms of U S WEST's OSS each time U S WEST satisfies the criticisms already raised" as alleged by U S WEST in its supplemental memorandum, only addressing those it determines when it determines the problem or concern.

Data Request 24.

On average, how many electronic interface orders for some form of local exchange service has MCI placed with ILECs per day over the past year? Please provide a breakdown by state, ILEC, and order type of all electronic interface orders MCI has placed with ILECs during the past year. Produce all documents that demonstrate, reflect, or refer to the number and/or type of electronic interface orders for local exchange service that MCI has placed with ILECS in the past year, including but not limited to documents containing breakdowns of this information by state, ILEC, and order type.

Specific Objections 1, 2, 3, 5 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not how many electronic interface orders for some form of local exchange service MCI has placed with other ILECs per day over the past year.

Argument supporting MCIW's position

The data which U S WEST seeks has no probative value and is not reasonably calculated

to lead to the discovery of data relevant to the U S WEST filing. Assuming MCIW has placed electronic interface orders for some form of local exchange service with other ILECs on a daily basis over the past year does not demonstrate whether U S WEST is providing access to its OSS that is equivalent to that enjoyed by U S WEST representatives for retail services for both unbundled network elements (“UNEs”) and resale. (See, LA II ¶¶ 80, 83.) The electronic orders MCIW may place with other ILEC’s is not a measure endorsed by the FCC to determine whether U S WEST is providing access to its OSS that is equivalent to that enjoyed by U S WEST representatives for retail services for both unbundled network elements (“UNEs”) and resale.

U S WEST arguments relating to U S WEST’s ability to handle the CLEC’s current demand has been addressed previously. MCIW provides to U S WEST forecasts and demand requirements pursuant to the MCImetro/U S WEST interconnection agreement approved by this Commission in Docket Nos. U-2428-96-417 and E-1051-96-417. Those forecasts and demand requirements are provided for Arizona already and presumably have been taken into account by U S WEST is determining if it is furnishing checklist items in sufficient quantities so that CLECs may reasonably demand.

Further as noted in MCIW’s argument addressing Data Request 15, requesting demand and forecasting information for the purposes stated by U S WEST is premature until U S WEST places its demand assumptions into the record of this proceeding.

Data Request 25.

Has MCI used any ILEC’s graphical user interface (“GUI”) or human-to-computer interface that

supports local exchange service in any local telecommunications market in the United States within the past 24 months? If so, please identify each interface MCI has used, the ILEC who provides the interface, and the market in which MCI used the interface. If MCI has used a GUI or human-to-computer interface within the past 24 months, produce all documents that discuss, describe or otherwise explain the interface(s) it has used, the ILEC who provides the interface(s), and/or the market in which MCI used the interface(s).

Specific Objections. See Objections to Request 24. (which identified the following specific Objections 1, 2, 3, 5 & 7 stating that the information requested is irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not how many electronic interface orders for some form of local exchange service MCI has placed with other ILECs per day over the past year.)

Notwithstanding these objections, MCIW has tested and, therefore, used U S WEST's GUI ("IMA") interface within the past 24 months as more completely discussed in the Montana 271, Wyoming 271, New Mexico 271 and Nebraska 271 proceedings, as well as in the Colorado show cause proceeding, the Colorado MCImetro Local Certification Proceeding, the Arizona OSS costing portion and Arizona performance measures portion of the consolidated arbitration proceeding. U S WEST is a party to each of these proceedings and has received all pleadings filed and been present for testimony provided by MCIW witnesses. In addition, this information has been provided to U S WEST in arbitration proceedings in Arizona, Colorado, Iowa, Minnesota, Oregon, Utah and Washington.

Argument supporting MCIW's position.

Notwithstanding its objection, MCIW responded to this data request for U S WEST's GUI interface which has been offered in all of U S WEST 14 states. Whether MCIW has used any other GUI interface offered by another incumbent local exchange carrier ("ILEC") the request is not relevant to the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of data relevant to the U S WEST filing. It is, therefore, beyond the scope of this proceeding. The relevant issue in this proceeding is whether the Commission should recommend that U S WEST has or has not complied with the section 271 checklist and whether

the Commission should or should not recommend to the Federal Communications Commission to allow U S WEST to enter the interLATA market in Arizona.

The relevant standard in assessing U S WEST's OSS interfaces is whether U S WEST is providing access to its OSS that is equivalent to that enjoyed by U S WEST representatives for retail services for both unbundled network elements ("UNEs") and resale. (See, BellSouth Louisiana II Order ¶¶ 80, 83, hereinafter referred to as "LA II ¶ ____" .) U S WEST's OSS must sufficiently support each competitive strategy, interconnection, UNEs, and resale and must not favor one strategy over another. (See, SC ¶ 141 and MI ¶ 133.) U S WEST must demonstrate that CLECs are able to use or develop a machine-to-machine interface that is substantially similar to what U S WEST uses. (See, Bell South Louisiana Order I, ¶ 55, hereinafter referred to as "LA I ¶ ____".)

As U S WEST has acknowledged in the documents cited in MCIW's response, U S WEST's IMA interface, which is a GUI interface, is a human-to-computer interface. (See, Arizona Docket Nos. U-3175-96-479, E-1051-96-479 et al [Arizona OSS Costing Portion], Testimony of Dean Buhler which describes US WEST IMA as a human-to-machine interface, Exhibit USWC OSS 4, at page 3, line 22 through page 7, line 3.) A GUI interface that is a human-to-machine (computer) interface does not meet the FCC's requirements cited above.

Whether MCIW used a GUI interface does not demonstrate that the GUI interface complies with the requirements established by the FCC for OSS interfaces. Mere use by MCIW or any CLEC does not translate into a compliant interface. Therefore, even if MCIW had used a GUI interface with another ILEC, that fact together with the other information requested in this

data request would not demonstrate whether the GUI interface provides equivalent access to basic OSS as that enjoyed by U S WEST for retail services. (See, LA I ¶ 25 and LA II ¶ 110.)

Data Request 26.

For each facilities-based, local telecommunications service that MCI provides in any of the states in U S WEST's region, describe all provisioning commitments or representations that MCI gives to its customers, including but not limited to: (1) the average, anticipated time interval for installing the service; and (2) the average, anticipated amount of time the customer will be out of service to allow for a change of carriers through a loop cut-over. State whether the provisioning commitments or representations that MCI provides vary at all depending on whether MCI is using facilities provided by U S WEST or facilities provided by some other source. Produce all documents that reflect, refer to, or relate to any provisioning commitments or representations that MCI provides to its customers for each such facilities-based, local telecommunications service that MCI provides in U S WEST's region.

Specific Objections 1, 2, 3, 5 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not what provisioning commitments or representations MCIW gives to its customers for facilities-based services provided by MCIW to its customers.

Data Request 27.

Produce copies of all documents relating to presentations, marketing materials, sales efforts and related materials that MCI representatives use in their discussions with local exchange customers or in mass marketing of customers to promote or sell any local telecommunications service in U S WEST's region, including, but not limited to, written scripts and other prepared presentations.

Specific Objections 1, 2, 3, 5 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not presentations, marketing materials, sales efforts and related materials that MCI representatives use in their discussions with local exchange customers or in mass marketing of customers to promote or sell any local telecommunications service in U S WEST's region, including, but not limited to, written scripts and other prepared presentations.

Data Request 28

Please state whether MCI measures or tracks in any way the time per call that its local service sales and marketing representatives spend on the telephone with customers to promote or sell MCI's local telecommunications services and to arrange for provisioning services. If MCI does measure or track the time for these calls, describe the nature of the information it records, and produce all documents that contain, refer, or relate to data of this type for all states in U S WEST's region.

Specific Objections 1, 2, 3, 5 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not whether MCI measures or tracks in any way the time per call that its local service sales and marketing representatives spend on the telephone with customers to promote or sell MCI's local telecommunications services and to arrange for provisioning services.

Data Request 29

Please state the hours of operation for MCI's local exchange units or offices in Arizona and in the other 13 states in U S WEST's region, and produce documents that show the hours of operations for these units or offices.

Specific Objections 1, 2, 3, 5 & 7: Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not MCIW's hours of operation for MCI's local exchange units or offices in Arizona and in the other 13 states in U S WEST's region.

Data Request 30.

Please provide the following information for all states in U S WEST's region for all local telecommunications services that MCI provides using only its own facilities: (1) the percentage of customer commitments met for provisioning and repairs; (2) the percentage of held orders; (3) the percentages of network blockage that MCI is experiencing, both in its network and outside of its network; and (4) the average repair intervals. Please provide the same information requested above for all states in U S WEST's region for all local telecommunications services that MCI provides using any facilities provided by U S WEST. Produce all documents that contain, refer, or relate to any such performance results for both instances where MCI uses U S WEST's facilities and instances where it uses exclusively its own facilities for Arizona and the other 13 states in U S WEST's region.

Specific Objections 1, 2, 3, 5 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not whether MCIW has met provisioning commitments or representations MCIW provides to its customers. Notwithstanding these objections, MCIW will present some performance results for instances where MCI has used U S WEST's facilities for Arizona and the other 13 states in U S WEST's region.

Data Request 31.

Within U S WEST's region, does MCI measure or track the frequency with which its local service sales and marketing representatives contact local exchange customers who have pending orders to notify them of the receipt of or changes to: (1) order rejection notices; (2) firm order confirmation notices; (3) completion notices; and (4) jeopardy notices? If MCI does measure or track this information, describe the nature of the information it records, and produce all documents that contain, refer, or relate to data of this type for all states in U S WEST's region. In addition, please produce any documents that reflect MCI's policies and procedures data for informing its local exchange customers of receipt of or changes to the notices listed in this data request and/or summarizes, discusses or otherwise explains such performance data.

Specific Objections 1, 2, 3, 5 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not whether MCI measures or tracks the frequency with which its local service sales and marketing representatives contact local exchange customers who have pending orders to notify them of the receipt of or changes to: (1) order rejection notices; (2) firm order confirmation notices; (3) completion notices; and (4) jeopardy notices.

Argument supporting MCIW's position for Data Requests 26 through 31

As noted several times earlier the proper standard is whether U S WEST is providing interconnection services and access to its network elements in a nondiscriminatory manner that is equivalent to that enjoyed by U S WEST representatives for retail services for both UNEs and

resale. Provisioning commitments or representations MCIW gives to its customers for facilities-based services provided by MCIW to its customers does not demonstrate that U S WEST is providing interconnection services and access to its network elements in a nondiscriminatory manner that is equivalent to that enjoyed by U S WEST representatives for retail services for both UNEs and resale.

U S WEST argues that a comparison between U S WEST's data and that of the intervenors is relevant to providing the comparative data about performance measures the FCC seeks citing LA II ¶ 77. U S WEST contends that the data is relevant for it to conduct statistical analyses. Again, U S WEST relies on the wrong standard. U S WEST is required to provide services equivalent in quality to that it provides itself for retail operations and U S WEST is precluded from providing itself or any CLEC discriminatory treatment. The standard measures U S WEST provisioning (including pre-ordering, ordering, provisioning, maintenance, testing and repair and billing and collection) of services to CLECs. The reports then compare U S WEST provisioning performance for CLECS to 1.) its own internal performance measures and to 2.) the level of provisioning it provides among all CLECs to determine if a CLEC is advantaged or disadvantaged in relation to other CLECS or U S WEST.

The FCC has stated that proper performance standards are necessary to demonstrate compliance with the FCC's standards of nondiscrimination and meaningful opportunity to compete. (MI ¶ 204.) State commissions are applauded for requiring performance standards, which the FCC will review in future applications. (LA II ¶ 93.) The Department of Justice ("DOJ") looks for BOC performance standards (commitments made by the BOC to meet

specified levels of performance), preferably backed up by liquidated damages clauses. (DOJ LA I Eval. at 31.) To be most effective in preventing backsliding, such issues should be resolved in advance, either in contracts between the BOC and its competitors or through regulatory proceedings. (DOJ LA II Eval. at 39.) However, evidence of compliance with performance standards in an interconnection agreement is sufficient only if those standards meet the nondiscrimination standards of the Act. (MI ¶ 142.) In addition to performance standards, detailed performance measurements, including disaggregated data and “precise clarity” in definitions, are necessary. (MI ¶¶ 205-06, 209.) Proper performance measurement is an “essential” part of effective support systems. (DOJ LA I Eval. at 19-20, 31.) Data gathering and computer systems are desirable, but must include important measurements such as actual installation intervals, or measurements relating to pre-ordering, billing timeliness, billing accuracy and billing completeness. (DOJ SC Eval. at 46-48.) Sufficient disaggregation is required to be able to usefully determine what the performance measures purport to measure. (LA. II ¶¶ 92, 111.) A BOC must explain any significant disparities in performance data on critical OSS functions, such as demonstrating statistically that the differences are the result of random variations in data. (La. II ¶ 93.)

BOCs are expected to provide performance data showing the average time from when the BOC first receives a CLEC order to when the BOC provisions service, and the equivalent information for the BOC’s retail operations. (SC ¶ 137; LA. II ¶ 124.) This data should provide evidence of the BOC performance for numerous carriers consistently over a specified period of time. (La. I Order ¶ 36.)

A competing carrier must receive information concerning the status of its customers' orders in substantially the same time and manner as the BOC provides such information to itself for its retail operations. (LA I ¶ 30.) Such order status notices include order error and rejection, firm order confirmation, and order jeopardy notices. (LA I ¶ 31; DOJ LA II Eval. at 31.) The BOC must provide data on timeliness of its delivery of such notices and the amount of time it takes to provide equivalent information to its retail operations. (LA I ¶ 40.)

Nowhere in all of these directives by the FCC or recommendations of the DOJ is there a hint that the information U S WEST seeks here is to be evaluated for performance measures.

Moreover, in the consolidated arbitration proceedings in Arizona, Docket Nos. U-3175-96-479 and E-1051-96-478 et al, specifically in the performance measure portion of that docket, no such information has been requested or required by this Commission to establish appropriate performance standards or measures for purposes of the various CLEC/U S WEST interconnection agreements.

Here, U S WEST attempts to develop a new measurement namely, that if the CLECs cannot possibly be disadvantaged by U S WEST's failure to comply with relevant provisioning intervals, U S WEST is not obliged to demonstrate that it is providing interconnection services and access to its network elements in a nondiscriminatory manner that is equivalent to that enjoyed by U S WEST representatives for retail services for both UNEs and resale. MCIW is not aware that this measurement has been endorsed by the FCC or this Commission, nor is such a measurement consistent with the federal Act § 251(c).

Data Request 32.

On a sustained basis, without the use of temporary support from other groups within MCI, what is the absolute number of local service requests and orders that MCI is presently capable of issuing, by interface type, on a business day basis (e.g., LSRs and orders per business day)? Please provide an attestation of the individual that is furnishing this information, and produce all documents that support, refer, or relate to the number of LSRs and orders that MCI is capable of issuing per business day.

Specific Objections 1, 2, 3, 5 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not the absolute number of local service requests and orders that MCI is presently capable of issuing, by interface type, on a business day basis.

Data Request 33.

For Arizona and the other 13 states in U S WEST's region, please provide: (1) the projected number of local service requests and orders per business day that MCI expects to place with U S WEST, by interface type, over the next 24 months; and (2) the total projected demand from MCI for all pre-order transactions, by quarter, over the next 24 months. Produce all documents that reflect, support, or relate to these projections.

Specific Objections 1, 2, 3, 5, 6 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information, calls for speculation and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not the projected number of local service requests and orders per business day that MCI expects to place with U S WEST, by interface type, over the next 24 months; and (2) the total projected demand from MCI for all pre-order transactions, by quarter, over the next 24 months.

General Objection B: MCIW regularly provides to U S WEST forecasts and demand requirements pursuant to the existing interconnection agreements between U S WEST and MCIW subsidiaries in Arizona. Any other projected demand that is not kept in ordinary course of business MCIW is speculative.

Data Request 34.

Does MCI intend to commit, in association with U S WEST, to the development and/or

availability of a production-ready OSS EDI for pre-ordering, ordering, and maintenance and repair for residential POTS and small business? If so, when? If not, why not? Produce all documents that discuss, refer, or relate to any consideration by MCI of whether to, and/or when to develop an OSS EDI interface in association with U S WEST, including, but not limited to, documents relating to MCI's decision in the past to terminate or suspend this type of development with U S WEST.

Specific Objections 1, 2, 3, 5 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not whether MCI intends to commit, in association with U S WEST, to the development and/or availability of a production-ready OSS EDI for pre-ordering, ordering, and maintenance and repair for residential POTS and small business. Notwithstanding these objections, MCIW will provide some of the information requested in correspondence already provided sent to U S WEST.

Supplemental Response. See MCIW's "U S WEST Correspondence Log" and cited correspondence provided in Response to Data Request 1. MCIW intends to begin using a U S WEST interface to provide local exchange service compliant with industry standards in Arizona and the other 13 states in U S WEST's region when U S WEST's interface(s) is fully tested and demonstrates that it provides nondiscriminatory access to U S WEST OSS, including its back office systems, if such an interface is ever constructed. U S WEST should also look to MCImetro's Fourteenth Report filed in Colorado Docket No. 96A-267T on March 9, 1999, as well as the earlier reports filed in that docket, as well as all pleadings filed in Colorado Docket Nos. 96A-267T and 97C-432T.

Supplements to Responses.

Consistent with U S WEST's request that MCI supplement this response, MCIW continues to research its files and contact employees to determine if other responsive information is available. In the event other responsive information is located, MCIW will supplement this response.

Data Request 35.

For each state in U S WEST's region, please provide the number of orders for facilities-based services that MCI has submitted to any ILEC: (1) by any means, manual or otherwise, within the past year; and (2) through an electronic interface within the past year. Produce all documents that show the number of orders that MCI has placed through these means within the past year.

Specific Objections 1, 2, 3, 5 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not the number of orders for facilities-based services that MCI has submitted to any ILEC: (1) by any means, manual or otherwise, within the past year; and (2) through an electronic interface within the past year.

Data Request 36.

For Arizona and the other 13 states in U S WEST's region, project the maximum number of MCI transactions U S WEST will be required to process on average, per day for the functions of pre-ordering, ordering, billing, and maintenance and repair over the next 24 months. Describe in detail the basis for your response, and produce all documents that reflect or relate to these projected transactions.

Specific Objections 1, 2, 3, 5, 6 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information, calls for speculation and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not the projected maximum number of MCI transactions U S WEST will be required to process on average, per day for the functions of pre-ordering, ordering, billing, and maintenance and repair over the next 24 months.

General Objection B: MCIW regularly provides to U S WEST forecasts and demand requirements pursuant to the existing interconnection agreements between U S WEST and MCIW subsidiaries in Arizona. Any other projected demand that is not kept in ordinary course of business MCIW is speculative.

Argument supporting MCIW's position for Data Requests 32 through 36.

Please see MCIW's arguments supporting its objections to Data Requests 15, 17, 18, 19 and 20. In summary, these requests are not calculated to lead to relevant information because the information, if produced, will not contribute to the Commission's assessment of this filing under the relevant standard. Only U S WEST has the obligation under the Telecommunications Act of 1996 and this Commission's arbitration rulings to provide adequate OSS interfaces and access to

its back office systems that is equivalent to that its provides its representatives for retail operations.

Notwithstanding MCIW's objections, MCIW provides to U S WEST forecasts and demand requirements pursuant to the MCImetro/U S WEST interconnection agreement approved by this Commission in Docket Nos. U-2428-96-417 and E-1051-96-417. MCIW has also supplemented its response to Data Request 34.

Further as noted in MCIW's argument addressing Data Request 15, requesting this information for the purposes stated by U S WEST is premature until U S WEST places its demand assumptions into the record of this proceeding.

Data Request 37.

Produce all documents concerning how (i.e.: through its own facilities, unbundled network elements, resale, or combination), where, and when (if at all) MCI currently plans to become a local exchange provider in Arizona. If MCI intends to become a facility-based provider in Arizona using unbundled network elements, identify the elements and the projected quantities you will need on a monthly basis from U S WEST for each of the next 24 months, and produce all documents that reflect, refer, or relate to the these projected needs need for use in Arizona during this period.

Specific Objections 1, 2, 3, 5, 6 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information, calls for speculation, and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not how (i.e.: through its own facilities, unbundled network elements, resale, or combination), where, and when (if at all) MCI currently plans to become a local exchange provider in Arizona.

General Objection B: MCIW regularly provides to U S WEST forecasts and demand requirements pursuant to the existing interconnection agreements between U S WEST and MCIW subsidiaries in Arizona. Any other projected demand that is not kept in ordinary course of business MCIW is speculative.

Notwithstanding these objections, MCIW subsidiaries, MCImetro and Brooks are already certificated local exchange providers in Arizona. Their certificates are already on file at the Arizona Corporation Commission and MCIW believes U S WEST was a party to each case and has a copy of the orders granting MCImetro and Brooks those certificates. Further, MCIW has specifically requested that U S WEST provide information on ordering combinations of all network elements, including form completion requirements, and establishing a testing schedule. Copies of such requests have been submitted to U S WEST.

Data Request 38.

Identify all towns, cities, and states in U S WEST's region in which you anticipate initiating local service within: (A) 90 days; (B) 180 days; (C) 1 year; (D) 2 years; (E) 5 years. Produce all documents that discuss, refer, or relate to the identities of the towns, cities, and states in which you anticipate initiating local service within these time frames, including, but not limited to, all documents that reflect, refer, or relate to MCI's strategy for entering the local exchange markets in U S WEST's region by targeting select markets. This request specifically includes, but is not limited to, documents that reflect separation of cities, states, or portions of states into tiers of importance.

Specific Objections 1, 2, 3, 5 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not the towns, cities, and states in U S WEST's region in which MCIW anticipates initiating local service within: (A) 90 days; (B) 180 days; (C) 1 year; (D) 2 years; (E) 5 years. This also calls for MCIW business plans which MCIW considers to be highly confidential and would require extraordinary protection.

Data Request 39.

Produce all documents created at any time from January 1, 1994, to the present that identify or discuss the states and cities where MCI has intended to serve as a local telecommunications provider, whether through resale or otherwise, including any and all documents that include rankings -- by priority, importance, potential revenue or any other criteria -- of states or cities for local market entry. This request includes, but is not limited to, any and all documents that reflect changes in the priority that MCI has given to states and cities for local market entry. This request specifically includes, but is not limited to, documents relating to MCI's plans for entering the local exchange markets in Connecticut or in any other state that discuss, refer, or relate to the entry of Southern New England Telephone Company ("SNET") and whether or not MCI's plans for entering Connecticut changed over time.

Specific Objections 1, 2, 3, 5 & 7. Irrelevant, beyond the scope, unduly burdensome, proprietary information and exceeds the scope of the Commission's order. The issue in this investigation is whether U S WEST has complied with the Section 271, 14-point checklist and whether it is in the public interest to allow U S WEST to enter the interLATA market in Arizona, not the states and cities where MCI has intended to serve as a local telecommunications provider, whether through resale or otherwise, including any and all documents that include rankings -- by priority, importance, potential revenue or any other criteria -- of states or cities for local market entry. This also calls for MCIW business plans which MCIW considers to be highly confidential and would require extraordinary protection.

Argument supporting MCIW's position for Data Requests 37 through 39.

Please see MCIW's arguments responding to Data Request 15 concerning U S WEST's need for demand estimates and forecasts.

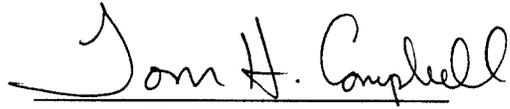
U S WEST also suggests that this information is relevant to this Commission determining whether U S WEST's entry into the interLATA market is in the public interest. The Telecommunications Act of 1996, §271(d)(2)(B) provides that the FCC must consult with the Arizona Corporation Commission as follows:

(B) CONSULTATION WITH STATE COMMISSIONS.--Before making any determination under this subsection, the Commission shall consult with the State commission of any State that is the subject of the application in order to verify the compliance of the Bell operating company with the requirements of subsection (c).

That section demonstrates that the role of FCC is to consult with the relevant state commission to verify BOC compliance with Track A or Track B and the checklist requirements (but nothing else). (LA I ¶ 7; DOJ SC Eval. at 14, 15.) This Commission is not charged with assessing the public interest of allowing U S WEST to enter the interLATA market.

DATED this 26^h day of March, 1999.

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