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BEFORE THE ARIZONA CORPORATION COMMISSION

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JIM IRVIN
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TONY WEST
COMMISSIONER
CARL J. KUNASEK
COMMISSIONER

DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

IN THE MATTER OF US WEST
COMMUNICATIONS, INC.'S
COMPLIANCE WITH § 271 OF THE
TELECOMMUNICATIONS ACT OF 1996

Docket No. T-00000B-97-238

MAR 11 1999

DOCKETED BY	
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**OBJECTIONS OF E-SPIRE™ COMMUNICATIONS, INC.
TO US WEST'S FIRST SET OF DATA REQUESTS**

e-spire™ Communications, Inc. ("e-spire™") objects to US West's First Set of Data Requests as follows.

A. General Objections

On February 19, 1999, US WEST served its First Set of Data Requests, which set forth forty-one requests seeking voluminous and burdensome information about, among other things, e-spire™'s business operations and plans in Arizona and the 13 other US WEST states. In response to several objections to this discovery, the Hearing Division issued a Procedural Order on March 2, 1999, that found US WEST's § 271 filing to be insufficient and limited discovery by US WEST "to the extent necessary to demonstrate that it has met § 271 requirements."

First, despite this limitation, US WEST apparently believes that it was prescient enough to anticipate the Hearing Division's ruling and that its First Set of Data Requests comports with the March 2, 1999 Procedural Order. Even a brief review of those data requests indicates that they seek information beyond that permitted by the Procedural Order. For example, US WEST still seeks information on such things as e-spire™'s internal operations, e-spire™'s operations in states other

1 than Arizona and e-spire™'s future business plans. US WEST should be required to go back and
2 make a good faith effort to modify its data requests to focus only on information it needs to
3 affirmatively prove that it has met the § 271 requirements.

4 Second, e-spire™ objects to all data requests to the extent they seek publicly available
5 information, information within the possession of US WEST or others, privileged information,
6 proprietary or confidential information or speculation on the part of e-spire™.

7 Third, e-spire™ reserves the right to supplement these objections upon any subsequent
8 clarification or interpretation of the data requests by US WEST.

9 **B. Specific Objections**

10 **Request No. 1**

11 Premature, beyond the scope of the US WEST Arizona 271 investigation, beyond the scope
12 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
13 burdensome, vague and ambiguous, seeks proprietary or confidential information. e-spire™ will
14 provide an appropriate response to this request at the appropriate time.

15 **Request No. 2**

16 Premature, beyond the scope of the US WEST Arizona 271 investigation, beyond the scope
17 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
18 burdensome, vague and ambiguous, seeks proprietary or confidential information.

19 **Request No. 3**

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21 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
22 burdensome, vague and ambiguous, seeks proprietary or confidential information. e-spire™ will
23 provide an appropriate response to this request at the appropriate time.

24 **Request No. 4**

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26 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably

1 burdensome, vague and ambiguous, seeks proprietary or confidential information. e·spire™ will
2 provide an appropriate response to this request at the appropriate time.

3 **Request No. 5**

4 Premature, beyond the scope of the US WEST Arizona 271 investigation, beyond the scope
5 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
6 burdensome, vague and ambiguous, seeks proprietary or confidential information. e·spire™ will
7 provide an appropriate response to this request at the appropriate time.

8 **Request No. 6**

9 Premature, beyond the scope of the US WEST Arizona 271 investigation, beyond the scope
10 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
11 burdensome, vague and ambiguous, seeks proprietary or confidential information. e·spire™ will
12 provide an appropriate response to this request at the appropriate time.

13 **Request No. 7**

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15 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
16 burdensome, vague and ambiguous, seeks proprietary or confidential information. e·spire™ will
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18 **Request No. 8**

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20 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
21 burdensome, vague and ambiguous, seeks proprietary or confidential information. e·spire™ will
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23 **Request No. 9**

24 Premature, beyond the scope of the US WEST Arizona 271 investigation, beyond the scope
25 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
26 burdensome, vague and ambiguous, seeks proprietary or confidential information. e·spire™ will

1 provide an appropriate response to this request at the appropriate time.

2 **Request No. 10**

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4 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
5 burdensome, vague and ambiguous, seeks proprietary or confidential information. e-spire™ will
6 provide an appropriate response to this request at the appropriate time.

7 **Request No. 11**

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9 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
10 burdensome, vague and ambiguous, seeks proprietary or confidential information. e-spire™ will
11 provide an appropriate response to this request at the appropriate time.

12 **Request No. 12**

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17 **Request No. 13**

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19 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
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22 **Request No. 14**

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3 **Request No. 28**

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7 **Request No. 29**

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9 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
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11 **Request No. 30**

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13 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
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15 **Request No. 31**

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17 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
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19 **Request No. 32**

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21 of discovery permitted by the March 2, 1999 procedural order, irrelevant, overbroad, unreasonably
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23 **Request No. 33**

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Request No. 38

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Request No. 40

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Request No. 41

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Dated: March 11, 1999.

Respectfully submitted,

E·SPIRE™ COMMUNICATIONS, INC.

By 

Lex J. Smith
Michael W. Patten
BROWN & BAIN, P.A.
2901 North Central Avenue
Post Office Box 400
Phoenix, Arizona 85001-0400
(602) 351-8000

Charles H.N. Kallenbach
E·SPIRE™ COMMUNICATIONS, INC.
133 National Business Parkway, Suite 200
Annapolis Junction, Maryland 20701

David M. Kaufman
E·SPIRE™ COMMUNICATIONS, INC
466 West San Francisco Street
Santa Fe, New Mexico 87501

Attorneys for e-spire™ Communications, Inc.

...
...

1 ORIGINAL and TEN (10) COPIES
filed March 11, 1999, with:

2 Docket Control
3 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
4 Phoenix, Arizona 85007

5 **COPIES** hand-delivered March 11, 1999, to:

6 Paul Bullis, Esq.
7 Maureen Scott, Esq.
Chief Counsel, Legal Division
8 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
9 Phoenix, Arizona 85007

10 Ray Williamson
Acting Director, Utilities Division
11 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
12 Phoenix, Arizona 85007

13 **COPIES** telecopied and mailed
14 March 11, 1999, to:

15 Vincent C. DeGarlais
Andrew D. Crain
16 Charles Steese
Thomas M. Dethlefs
17 U S WEST COMMUNICATIONS, INC.
1801 California Street, Suite 5100
18 Denver, Colorado 80202

19 Timothy Berg, Esq.
FENNEMORE CRAIG, P.C.
20 3033 North Central Avenue, Suite 2600
Phoenix, Arizona 85012-2913
21 *Counsel for U S WEST Communications, Inc.*

22 **COPIES** mailed March 11, 1999, to:

23 Richard S. Wolters, Esq.
AT&T COMMUNICATIONS OF THE MOUNTAIN STATES
24 1875 Lawrence Street, Suite 1575
Denver, Colorado 80202
25 *Counsel for AT&T Communication of the Mountain States;
and AT&T Local Service*
26

1 Joan S. Burke, Esq.
OSBORN & MALEDON
2 2929 North Central Avenue, Suite 2100
Post Office Box 36379
3 Phoenix, Arizona 85067-6379
*Counsel for AT&T Communications of the Mountain States;
4 and NEXTLINK Arizona, Inc.*

5 Daniel Waggoner, Esq.
DAVIS WRIGHT TREMAINE
6 2600 Century Square
1501 Fourth Avenue
7 Seattle, Washington 98101-1688
Co-Counsel for NEXTLINK Arizona, Inc.

8
9 Alaine Miller
NEXTLINK Communications, Inc.
500 108th Avenue N.E., Suite 2200
10 Bellevue, Washington 98004

11 Raymond S. Heyman, Esq.
Randall H. Warner, Esq.
12 ROSKA HEYMAN & DEWULF
Two Arizona Center
13 400 North Fifth Street, Suite 1000
Phoenix, Arizona 85004
14 *Counsel for Arizona Payphone Association*

15 Penny Bewick
ELECTRIC LIGHTWAVE, INC.
16 4400 N.E. 7th Avenue
Vancouver, Washington 98662

17
18 Michael M. Grant, Esq.
GALLAGHER & KENNEDY
2600 North Central Avenue
19 Phoenix, Arizona 85004-3020
Counsel for Electric Lightwave, Inc.

20
21 Richard M. Rindler, Esq.
Morton J. Posner, Esq.
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
22 3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116
23 *Counsel for GST Tucson Lightwave, Inc.;*
and GST Net (AZ), Inc.

24
25 Thomas F. Dixon
MCI TELECOMMUNICATIONS CORPORATION
707 17th Street, Suite 3900
26 Denver, Colorado 80202

1 Thomas H. Campbell, Esq.
LEWIS & ROCA L.L.P.
2 40 North Central Avenue
Phoenix, Arizona 85004
3 *Counsel for MCI Telecommunications Corporation;*
4 *MCImetro Access Transmission Services, Inc.; and*
ACI Corp. dba Accelerated Connections, Inc.

5 Christine Mailloux, Esq.
BLUMENFELD & COHEN
6 Four Embarcadero Center
San Francisco, California 94111
7 *Co-Counsel for ACI Corp. dba Accelerated Connections, Inc.*

8 Stephen Gibelli
RESIDENTIAL UTILITY CONSUMER OFFICE
9 2828 North Central Avenue
Phoenix, Arizona 85004

10 Donald A. Low, Esq.
11 SPRINT COMMUNICATIONS CO., L.P.
8140 Ward Parkway 5-E
12 Kansas City, Missouri 64114

13 Lex J. Smith, Esq.
Michael W. Patten, Esq.
14 BROWN & BAIN, P.A.
2901 North Central Avenue
15 Post Office Box 400
Phoenix, Arizona 85001-0400
16 *Counsel for Cox Arizona Telcom, Inc.*

17
18 
19

20
21
22
23
24
25
26