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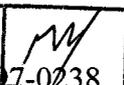
BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

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MAR 02 1999

JIM IRVIN
Chairman
TONY WEST
Commissioner
CARL J. KUNASEK
Commissioner

DOCKETED BY 
Docket No. T-00000B-97-0238

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

RESPONSE OF U S WEST TO
MOTION BY RUCO IN RESPONSE
TO U S WEST'S PROPOSED
PROCEDURAL ORDER

U S WEST respectfully submits this Response to the Motion by the Residential Utility Consumer Office ("RUCO") in Response to U S WEST's Notice of Intent to File With the FCC and Motion for Immediate Implementation of Procedural Order. In response to RUCO's motion, U S WEST states as follows:

RUCO's objections to U S WEST's proposed procedural order appear all to be based on one aspect of the proposal – that under U S WEST's proposal the parties will file direct testimony concurrently, rather than U S WEST filing testimony first, then the intervenors filing testimony, and then U S WEST filing rebuttal testimony. RUCO claims that U S WEST's proposal is "inefficient" because it will be required to file broad data requests, and it will allegedly not be able to file testimony until U S WEST first files its testimony.

RUCO appears to misapprehend the nature of the intervenors' role in this proceeding. The role of the intervenors should not be to oppose in any possible way U S WEST's application. Rather, the intervenors should file testimony concerning their experiences with U S WEST

1 relating to the checklist items. To do so, the intervenors do not need to first see U S WEST's
2 direct testimony.

3 Furthermore, under U S WEST's proposal the intervenors have the ability to conduct
4 discovery related to U S WEST's testimony in Phase II, and to file testimony in response to
5 U S WEST's direct testimony. U S WEST's proposal is carefully tailored to allow the
6 intervenors, including RUCO, the ability to fully address the issues relating to U S WEST's
7 testimony.

8 U S WEST's proposed procedural order is based upon its experience in 271 proceedings
9 in other states. U S WEST has drafted its proposal to attempt to avoid problems that arose in
10 those proceedings. In those proceedings, U S WEST filed complete and detailed testimony at the
11 time of its application, just as RUCO requests here. Lengthy discovery phases followed, in
12 which the parties attempted to conduct general discovery and in which the parties filed response
13 and rebuttal testimony. The result of that lengthy process was that significant changes to the
14 evidence had occurred between the time that the application was filed and the time of the
15 hearing.

16 U S WEST is attempting to avoid those problems in this proceeding. It has proposed a
17 schedule which allows the parties to obtain relevant general discovery first, and then file
18 testimony. This process will result in the Commission being able to consider a record which is
19 as up to date as possible.

20 The procedural order in this case must allow U S WEST to conduct discovery before it
21 files direct testimony. Much of the relevant information in this case is in the possession of the
22 Intervenors. For example, the FCC has indicated that a 271 applicant must establish that it can
23 provision checklist items in quantities that competitors may reasonably demand. *See FCC Order*
24 *on BellSouth's Louisiana II Application*, ¶ 54. The FCC also looks to whether an applicant's
25 OSS systems are "designed to accommodate both current demand and projected demand of
26 competing carriers." *FCC Order on Ameritech' Michigan 271 Application*, ¶ 137. To develop

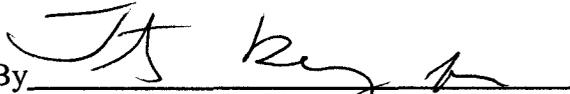
1 its case, U S WEST must conduct discovery on, among other things, the projected demand of the
2 Intervenor for each checklist item.

3 Finally, U S WEST concurs with RUCO's request for a hearing in this case.
4 U S WEST's again requests a hearing before the full Commission.

5 For all of the foregoing reasons, U S WEST respectfully requests that the Commission
6 deny the Motion by the Residential Utility Consumer Office ("RUCO") in Response to
7 U S WEST's notice of Intent to File With the FCC and Motion for Immediate Implementation of
8 Procedural Order and that the Commission grant U S WEST's Motion for Immediate
9 Implementation of Procedural Order.

10 DATED this 2nd day of March, 1999.

11 Respectfully submitted,
12 **U S WEST COMMUNICATIONS, INC.**

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1 ORIGINAL and ten copies of
2 the foregoing filed this 2nd day
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3 Docket Control
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6 delivered this 2nd day of March , 1999,
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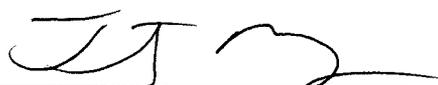
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