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BEFORE THE ARIZONA CORPORATION COMMISSION

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JIM IRVIN
Chairman
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Commissioner
CARL J. KUNASEK
Commissioner

MAY 19 1997

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

Docket No. U-0000-97-238

**U S WEST'S MOTION TO COMPEL RESPONSES FROM SPRINT TO DATA
REQUESTS**

U S WEST moves the Hearing Division of the Arizona Corporation Commission to compel Sprint Communications Company ("Sprint") to respond to Data Requests attached as Attachments A and B.

I. INTRODUCTION

U S WEST's specific grounds for compelling more complete responses to the Data Requests are set forth below; however, a few global problems with Sprint's responses exist. First, Sprint failed to produce documents to U S WEST even though the hearing officers ruled that parties must produce all documents that relate to the Data Requests. Related documents, and especially internal documents, are critical for assessing Sprint's view of how U S WEST is performing on key items that affect Section 271. Second, Sprint's responses to the Data Requests are cursory, at best, and provide little detailed or relevant information. In fact, Sprint did not respond to any of the Attachment B Data Requests, claiming that because it is not yet offering service in Arizona, it has no detailed information about the availability of any of the checklist items or U S WEST's ability to provide them. Given the imminence of Sprint's planned entry into the Arizona local market, however, it is reasonable to expect that Sprint has conducted some

1 analysis of U S WEST's ability to provide Sprint with checklist items. It should, at a minimum,
2 provide such information.

3 U S WEST is entitled to full discovery – including internal documents – relating to
4 Sprint's position regarding U S WEST's compliance with the Section 271 requirements.
5 Furthermore, U S WEST is entitled to internal documents and detailed information relating to
6 Sprint's view concerning how U S WEST is performing. U S WEST cannot fully prepare for
7 hearing or conduct meaningful cross-examination without this information. Accordingly, the
8 Commission should compel Sprint to supplement its response and produce all documents that
9 relate to its responses.

10 The discussion section that follows addresses each deficient response Sprint has provided.
11 To conserve space, U S WEST has not repeated the Data Requests in this memorandum. For the
12 Commission's convenience, Sprint's Responses to the Attachment A and B Data Requests are
13 attached as *Exhibit 1*. Prior to filing this motion, U S WEST conferred with counsel for Sprint
14 but was unable to narrow the disputed issues. Sprint's response to U S WEST's requests for
15 additional information is attached as *Exhibit 2*.

16 **II. DISCUSSION**

17 **A. Arizona Law Contains Broad Discovery Obligations**

18 Arizona law sets forth a "strong, clearly defined policy of encouraging full, fair, open
19 disclosure of all relevant, material evidence in a case." Hannah v. General Motors Corp., 969 F.
20 Supp. 554, 559 (D. Ariz. 1996). Accordingly, Rule 26 of the Arizona Rules of Civil Procedure
21 provides that parties may obtain discovery "regarding any matter, not privileged, which is
22 relevant to the subject matter involved." Ariz. R. Civ. P. 26(b)(1) (1998).

23 State courts have repeatedly held that discovery rules are to be "broadly and liberally
24 construed." Industrial Comm. v. Superior Court, 122 Ariz. 374, 375 (1979); Cornet Stores v.
25 Superior Court, 108 Ariz. 84, 86 (1972); U-Totem Store v. Walker, 142 Ariz. 549, 552 (Ct. App.
26 1984). Evidence need not be admissible in order to be discovered -- it need only be "reasonably

1 calculated to lead to the discovery of admissible evidence." Ariz. R. Civ. P. 26(b)(1). See also
2 Porter v. Superior Court, 144 Ariz. 346, 348 (1985). U-Totem Store, 142 Ariz. at 554. In short,
3 "discovery should provide a party access to anything that is evidence in his case." Cornet Stores,
4 108 Ariz. at 87.

5 These broad discovery rules are critical to the administration of justice. They "provide a
6 wide vehicle by which one party may be fairly apprised of the other's case and be prepared to
7 meet it if he can." Kott v. City of Phoenix, 158 Ariz. 415, 418 (1988). They "identify[] the
8 issues, promote justice, provide a more efficient and speedy disposition of cases, avoid surprise,
9 and prevent the trial of a lawsuit from becoming a 'guessing game.'" Industrial Comm., 122 Ariz.
10 at 375; Cornet Stores, 108 Ariz. at 86; U-Totem Store, 142 Ariz. at 552.

11 With these basic and familiar notions of fairness in mind, the Hearing Division should
12 order Sprint to supplement its discovery responses. As set forth below, Sprint has taken every
13 opportunity to avoid responding to the Data Requests or to provide so little information as to
14 render its responses meaningless. Interestingly, Sprint even disputes the relevance of some of the
15 Data Requests even though the hearing officers already determined that all of the intervenors
16 must answer the Attachment A and B requests and provide documents relating to them. Setting
17 aside Sprint's relevance arguments, Sprint has also failed to provide any information Data
18 Requests in Attachment B, requests that relate to the central issue of U S WEST's compliance
19 with the 14-point checklist of Section 271.

20 In short, Sprint has not complied with liberal discovery principles discussed above. The
21 Hearing Division should compel it to supplement its responses.

22 **B. Sprint Has Failed To Adequately Respond To Several "Attachment**
23 **A" Data Requests**

24 Data Request 3: Sprint admits that it plans to offer business exchange service and
25 facilities-based service "sometime within the next 18 months" and to offer residential service
26 "eventually." Yet, Sprint provides no details regarding these plans, such as where in Arizona it
intends to offer service, when it "eventually" currently plans to offer residential service, or the

1 specific services Sprint intends to offer. It also produced no documents relating to this response,
2 claiming that its documents and plans are propriety and "subject to change."

3 U S WEST is entitled to know the details of Sprint's plans to enter this market. Sprint's
4 intentions are relevant to a host of critical issues in this proceeding, including the extent of
5 competition in the residential and business markets, the extent to which Sprint intends to offer
6 facilities-based competition, and Sprint's reasonably foreseeable demands for access to
7 collocation, operational support systems ("OSS") and other checklist items.

8 The FCC has emphasized that U S WEST is not required to demonstrate that it provides
9 all checklist items in quantities that meet exaggerated, hypothetical demands of CLECs that have
10 no intention of serving Arizona consumers. Instead, U S WEST must establish that it is ready to
11 furnish each checklist item in quantities that actual competitors may "reasonably" demand.

12 Application of BellSouth Corp., BellSouth Telecomm., Inc., and BellSouth Long Distance, Inc.
13 for Provision of In-Region, interLATA Services in Louisiana, CC Docket No. 98-121,
14 Memorandum Opinion and Order ¶ 54 (rel. Oct. 13, 1998) ("Second BellSouth Louisiana
15 Order"). Sprint must provide documents and responses that enable U S WEST to evaluate
16 Sprint's reasonably foreseeable demand for unbundled network elements ("UNEs") and services
17 from U S WEST.

18 Moreover, where Sprint intends to offer service and whom it intends to serve is important
19 to determining whether granting U S WEST's application is in the public interest under Section
20 271(d)(3)(C). For example, if Sprint intends to limit its service to urban areas, its decision to
21 forego rural customers directly impacts on whether granting U S WEST's application will serve
22 the public interest by bringing rural customers the benefits of "one stop shopping" that Sprint has
23 declined to offer them. Similarly, if Sprint intends to serve only business customers for the
24 foreseeable future, granting U S WEST's application would be in the public interest because
25 U S WEST could immediately bring residential customers the benefits of bundled local and long
26 distance service. Furthermore, where large potential competitors like Sprint chose to forego

1 certain market segments, granting U S WEST's application serves the public interest by spurring
2 these competitors to re-think their decisions in the face of competition from U S WEST.

3 Accordingly, Sprint's market entry plans weigh heavily in the public interest analysis.

4 In addition to supplementing its written response, Sprint must produce all documents,
5 proprietary or otherwise, relating to its plans to enter this market. Sprint's concerns about
6 confidentiality can be addressed through the confidentiality agreement between the parties. It is
7 irrelevant to Sprint's discovery obligations that its plans may be "subject to change." Indeed, the
8 extent to which they are "subject to change" is in and of itself relevant to this proceeding.

9 Data Request 5: Sprint does not respond to this Data Request at all. Instead, it refers
10 only to a recently submitted tariff to provide resold services to business customers. Reference to
11 a tariff, however, does not respond to the request for information regarding Sprint's access lines,
12 the switches to which Sprint intends to connect, the scope of the geographic area Sprint intends
13 to serve, the extent to which Sprint will use its own facilities, and the facilities Sprint has or will
14 have in operation in Arizona.

15 Sprint further responds that it intends to commence facilities-based service sometime
16 within the next 18 months. Significantly, it provides no documentation to support this assertion,
17 nor does it provide any information on the type of facilities-based service it intends to offer, the
18 customers it intends to service, the geographic area it intends to serve, or the extent of its alleged
19 planned facilities-based competition. This information is clearly relevant to determine the extent
20 to which Sprint truly intends to offer facilities-based service in the foreseeable future, and the
21 customers it intends to serve. In addition, the details surrounding Sprint's plan are necessary for
22 both the Commission and U S WEST to determine Sprint's reasonably foreseeable demand for
23 checklist items if, in fact, Sprint undertakes facilities-based service. See Second BellSouth
24 Louisiana Order ¶ 54. Finally, as set forth above, specific information regarding Sprint's market
25 entry and service plans are critical to assessing the public interest component of granting
26 U S WEST's application.

1 For all these reasons, the Commission should require Sprint to supplement its response to
2 each portion of this Data Request and produce documents relating to its response.

3 Data Request 6: Sprint interpreted this request to apply only to U S WEST. As discussed
4 in the hearing, the parties contemplated that to the extent a particular Data Request refers only to
5 U S WEST, the intervenor would interpret the request to apply to it, where possible and
6 applicable. Data Request 6 is just such a request. While there is overlap between Data Requests
7 5 and 6, the requests are not redundant. Subpart 6(d), for example, requests information on
8 revenues derived in Arizona, broken down by types of service (residential, business, intraLATA
9 etc.). Although Sprint has not entered the traditional local market, it has entered the intraLATA
10 market, which information will establish that Sprint has a ready market in which to offer local
11 services when it enters Arizona.

12 Sprint asserts that the information requested in Data Request 6(d) is not relevant, and it
13 need not provide it. See Exhibit 2. As set forth above, the hearing officers have already ruled
14 that all of the parties must answer the Attachment A and B Data Requests. Sprint's relevancy
15 claim, therefore, has already been rejected. Furthermore, other intervenors, notably AT&T, have
16 provided some information in response to this request, without raising Sprint's relevance
17 arguments. Moreover, the revenues Sprint derives from the Arizona market are clearly relevant
18 to assessing the Sprint's credibility and bias in this proceeding. Sprint has no incentive to
19 support U S WEST's application where U S WEST will be cutting into Sprint's long distance
20 revenues.

21 Accordingly, Sprint should respond to this Data Request, particularly subpart (d), as if it
22 were directed to Sprint. To the extent there is overlap between Data Requests 5 and 6, Sprint can
23 so indicate in its response.

24 Data Request 8: Sprint provides only a vague, generic complaint concerning
25 U S WEST's alleged failure to provide information concerning the availability of space for
26 physical collocation. It provides no information regarding the premises at which Sprint sought

1 collocation, its specific collocation request, whom within U S WEST allegedly denied this
2 request, when it made the request, and when it required collocation facilities. In addition, Sprint
3 provides no information regarding the impact of U S WEST's alleged failure on Sprint's ability to
4 provide service. In short, Sprint provides no useful information for U S WEST or the
5 Commission to address the validity and relevance of this alleged incident. Moreover, Sprint
6 produced no documentation regarding this alleged incident.

7 The FCC has emphasized that a BOC does not have to demonstrate perfect performance
8 to attain Section 271 approval and that "mere unsupported allegations" will not defeat a BOC's
9 prima facie case that it meets the competitive checklist requirements. Second BellSouth
10 Louisiana Order ¶ 57. Sprint's complaint is precisely the type of unsupported allegation the FCC
11 has rejected. Sprint cannot rely upon this allegation without providing detailed information
12 regarding it and documentation relating to it.

13 Moreover, basic principles of due process require that U S WEST have detailed
14 information relating to any allegations from intervenors of deficient performance. Of course,
15 internal documents concerning the basis for the complaint and the purported of the alleged
16 conduct must be produced. Without this type of information, U S WEST cannot adequately
17 respond. Sprint should supplement its response to provide details and documents relating to its
18 allegations.

19 Data Requests 9 and 10: Sprint did not respond to either of these Data Requests,
20 asserting that the requests are not applicable to Sprint. Sprint's refusal to respond is based on a
21 cramped interpretation of these requests. Data Requests 9 and 10 should be interpreted to require
22 Sprint to provide responses regarding any allegations that U S WEST will or will not meet the
23 requirements of Section 272 (Data Request 9) or that permitting U S WEST to provide
24 interLATA service is or is not in the public interest (Data Request 10). U S WEST is entitled to
25 know the extent to which Sprint challenges U S WEST's application on these issues, whether it
26

1 supports U S WEST's application, and whether Sprint's documents support or discredit Sprint's
2 position (if any).

3 Sprint contends that its position on whether U S WEST's application is in the public
4 interest has been set forth in its testimony in other states. See Exhibit 2. Reference to or
5 production of Sprint's pre-filed testimony in another state does not discharge Sprint's discovery
6 obligations. U S WEST is entitled to any underlying documents that relate to Sprint's position on
7 these issues, including documents that relate to assertions in the pre-filed testimony to which
8 Sprint directs U S WEST. Without such documents, U S WEST cannot effectively prepare for
9 hearing and/or cross-examine Sprint's witnesses.

10 **C. Sprint Has Failed To Adequately Respond To Several "Attachment**
11 **B" Data Requests**

12 Data Request 1: Sprint does not respond to this Data Request at all, asserting that it is not
13 yet providing service and has "no independent knowledge" of the availability of interconnection
14 from U S WEST.

15 As noted above, Sprint asserts that it plans to enter this market as a facilities-based carrier
16 within 18 months. Given the immediacy of its plans, a sophisticated competitor like Sprint
17 would be expected to have conducted some sort of analysis, study or investigation into the types
18 of interconnection and collocation available from U S WEST, U S WEST's ability to provide it
19 with various types of interconnection and collocation, and to have formed an opinion on these
20 topics. Indeed, Sprint's vague complaint regarding collocation lodged in response to Data
21 Request 8 of Attachment A shows that Sprint has information relating to this checklist item.
22 Any analyses, opinions, or investigations – indeed, any information at all – regarding Sprint's
23 view of its ability to obtain interconnection, including collocation, from U S WEST is relevant to
24 determining the extent to which Sprint intends to interconnect with U S WEST, the types of
25 collocation Sprint seeks or will require, Sprint's competitive presence in this state, the extent to
26 which U S WEST should be expected to meet Sprint's interconnection and collocation demands,
and U S WEST's ability to provide interconnection and collocation as the Act requires.

1 Sprint's non-response skirts these issues entirely. To the extent Sprint intends to raise any
2 issue relating to U S WEST's ability to provide interconnection or collocation, or its compliance
3 with this checklist item, Sprint must provide a full and meaningful response to this Data Request
4 and produce documents relating to that response now, not in its pre-filed testimony or in the
5 hearing, when U S WEST will be foreclosed from obtaining information to refute those claims.
6 The Commission should compel Sprint to provide all information relating to any plans, studies,
7 investigations, or evaluations Sprint has conducted regarding interconnection with U S WEST.

8 Data Request 2: As with Data Request 1, Sprint does not respond to this Data Request,
9 asserting that it is not yet providing service and has "no independent knowledge" regarding
10 access to U S WEST network elements.

11 Again, this type of response appears to be an attempt by Sprint to avoid its discovery
12 obligations. Given Sprint's imminent entry into the market as a facilities-based carrier, it defies
13 logic that Sprint has no information regarding the availability of network elements from
14 U S WEST. Since this checklist item also covers OSS access, a savvy competitor such as Sprint
15 would be expected to have some knowledge, information or opinion regarding U S WEST's
16 ability to provide OSS access and to provision unbundled elements. Indeed, these are precisely
17 the type of issues a potential competitor is expected to evaluate before entering a market.

18 Likewise, even though Sprint is not yet offering service, it in all likelihood has
19 information regarding the network elements it may seek to acquire from U S WEST.
20 Presumably, Sprint does not intend to offer facilities-based services entirely over its own
21 network, especially since Sprint has stated that it plans to compete in the residential market as
22 well. Given the significant investment of resources needed to enter a market and the risk
23 associated with that investment, a company as sophisticated as Sprint, as a matter of course,
24 would have conducted some sort of evaluation of matters as basic as which network elements it
25 will need and its ability to obtain those unbundled elements from U S WEST. Accordingly,
26 although Sprint may not have first-hand experience with access to U S WEST unbundled

1 elements in Arizona, as a matter of prudent business planning, Sprint likely has formed opinions,
2 conducted analyses, or performed some evaluation regarding U S WEST's OSS systems, the
3 network elements Sprint would like to obtain from U S WEST, and U S WEST's ability to
4 provide it with those elements.

5 Any opinions Sprint has formed or studies and analyses it has conducted regarding its
6 view of its ability to obtain UNEs, including OSS access, from U S WEST is clearly relevant to
7 determining the Sprint's OSS access requirements, the extent to which Sprint intends to use
8 U S WEST's OSS interfaces, Sprint's competitive presence in this state, Sprint's reasonably
9 foreseeable demands for UNEs, and U S WEST's ability to provide UNEs to Sprint at a level of
10 quality the Act requires. Sprint's opinions on U S WEST's ability to comply with this checklist
11 requirement, including OSS access, even if Sprint has not yet commenced operations in this
12 state, are highly relevant.

13 In response to U S WEST's request for further information, Sprint asserted that it is
14 "generally aware" of what U S WEST "purports" to provide with respect to the 14 checklist
15 items. To provide the Commission and U S WEST with meaningful information, this Data
16 Request should be interpreted to uncover all information Sprint has regarding the availability of
17 UNEs from U S WEST, Sprint's need for UNEs, U S WEST's ability to provide them, and U S
18 WEST's record in making such elements available. Sprint's narrow and begrudging
19 interpretation disservices this Commission and U S WEST by providing no relevant information
20 and turning the hearing on U S WEST's application into a trial by ambush.

21 To the extent Sprint intends to raise any issue relating to U S WEST's compliance with
22 this checklist item, including OSS access, it must provide a full and meaningful response to this
23 Data Request now and produce documents relating to that response. U S WEST cannot defend
24 itself against allegations and complaints Sprint does not even raise in its discovery responses.
25 The Commission should compel Sprint to supplement its responses and produce documents
26 relating to its supplemental responses.

1 Data Requests 3 through 8, 10 through 13: As with Data Requests 1 and 2 of this
2 attachment, Sprint does not respond to any of these Data Requests, asserting again that it is not
3 yet providing service and has "no independent knowledge" of U S WEST's ability to comply
4 with any of the checklist requirements at issue in these Data Requests.

5 Sprint's repeated claims of "no independent" or "detailed" knowledge simply does not
6 answer the questions. Given Sprint's expressed intention to enter the Arizona market in 18
7 months, it is difficult to believe that a major potential competitor like Sprint would have no
8 information whatsoever regarding the availability of these various checklist items from
9 U S WEST and U S WEST's ability to provide them, especially since Sprint claims that it will
10 provide facilities-based service. In fact its response that it has no "independent knowledge"
11 suggests that it has information available from various sources already. All information and
12 documents in Sprint's possession concerning how U S WEST makes unbundled loops,
13 switching, or transport etc. available, U S WEST's ability to provide these elements, and U S
14 WEST's record in making these elements available must be produced. Similarly, the extent to
15 which Sprint believes it can obtain these checklist items from U S WEST at a sufficient level of
16 quality would clearly impact on whether Sprint believes or intends to provide any of these
17 elements itself, obtain them from another source, or provide service through resale.

18 Furthermore, U S WEST would expect a new market entrant to have conducted an
19 investigation or performed some evaluation of U S WEST's ability to provide it with number
20 portability for its customers. Likewise, as a matter of routine business planning, Sprint could be
21 expected to have some information regarding the ability of its customers to be listed in
22 U S WEST white pages. These are basic issues that any competitor would be expected to
23 investigate before entering a market.

24 The Attachment B Data Requests go to the very heart of this proceeding: the availability
25 of checklist items, the need for checklist items, U S WEST's ability to provide checklist items in
26 a manner consistent with the requirements of the Act, and U S WEST's record in making such

1 Checklist Items available. Sprint's views regarding the availability of access to poles, conduits,
2 and rights-of-way (Data Request 3), unbundled loops (Data Request 4), unbundled transport
3 (Data Request 5), unbundled switching (Data Request 6), access to 911/E911, directory
4 assistance, and operator call completion services (Data Request 7), white pages directory listings
5 (Data Request 8), access to databases and associated signaling for call routing and completion
6 (Data Request 10), number portability (Data Request 11), local dialing parity (Data Request 12),
7 and reciprocal compensation arrangements (Data Request 13) are clearly relevant to determining
8 a host of issues in this proceeding, including the extent to which Sprint intends to offer facilities-
9 based service in Arizona, its reasonably foreseeable demand for checklist items and, most
10 important, U S WEST's ability to provide these checklist items at a level of quality the Act
11 requires.

12 As set forth above, fundamental notions of fairness and due process demand that to the
13 extent Sprint intends to raise any issue relating to U S WEST's compliance with any of these
14 checklist items or U S WEST's ability to provide these checklist items in a manner consistent
15 with the requirements of the Act, Sprint must provide a full and meaningful responses to these
16 Data Requests and produce documents relating to its responses.

17 It is unfair to require U S WEST to defend itself against Sprint's unrevealed allegations in
18 the hearing on its application. By that point, U S WEST will be deprived of the information that
19 could refute those allegations and will be forced to conduct its "discovery" during its cross-
20 examination of Sprint's witnesses. Accordingly, the Commission should compel Sprint to
21 supplement its responses and produce documents relating to its supplemental responses.

22 Data Request 14: As with the other Attachment B Data Requests, Sprint provides no
23 response, stating that it is not yet providing service and has no knowledge regarding U S WEST's
24 offering of services for resale. For the reasons stated above, this response is insufficient. Sprint
25 has some information on U S WEST's resale services as evidenced by its assertion that
26 U S WEST does not resell xDSL service. U S WEST expects that this is not the only position

1 Sprint has taken with respect to its resale offerings. Similarly, any information about the extent
2 to which it will be seeking to resell services from U S WEST, the restrictions U S WEST has
3 placed on resale of its services, the wholesale discounts that apply, and U S WEST's ability to
4 provide resold services to Sprint are all germane and must be produced.

5 To the extent Sprint intends to raise any issue regarding U S WEST's ability to meet this
6 checklist requirement, it must provide a response and documents relating to its response now. As
7 with the other Attachment B Data Requests, the Commission should require Sprint to supplement
8 its responses and produce documents relating to its supplemental responses.

9 **III. CONCLUSION**

10 U S WEST is entitled to full and detailed responses to the Attachment A and B Data
11 Requests. Discovery is the time to flush out information relating to the topics covered in the
12 Data Requests, not at the hearing on U S WEST's application. Without detailed information in
13 response to these requests, U S WEST is seriously hampered in investigating any claims or
14 complaints that Sprint may raise (but does not even mention now) and responding to them.

15 Equally important, U S WEST must receive all documents, especially internal
16 documents, that relate to the issues in these Data Requests. Documents are necessary to provide
17 this Commission with the full picture regarding Sprint's participation in the Arizona market and
18 its experience dealing with U S WEST.

19 Accordingly, the Commission should compel Sprint to supplement its Data Request
20 responses as set forth above and provide all documents relating to its responses and supplemental
21 responses.

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DATED this 19th day of May, 1999.

Respectfully submitted,

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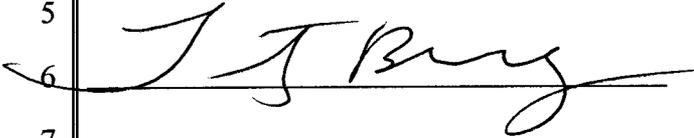
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Attachment A
General Telecommunications Market Conditions in Arizona

- 1) Status of state commission proceedings to implement the local competition provisions of the telecommunications Act of 1996 (1996 Act").

Response: In addition to the proceedings listed in U S WEST's response to the question, contained in Attachments A & B to its March 25, 1999, Supplemental Notice of Intent to File with FCC and Application for Verification of §271(c) Compliance (hereafter "USW Response"), Sprint is aware of U S West's recent filing of a new complaint in the Arizona United States District Court. That March 26th filing purports to appeal the provisions of the U S WEST/Sprint interconnection agreement requiring combination of network elements by U S WEST.

- 2) Identify of the entities that have been certified by the state to provide:
- a) facilities based local exchange service,
 - b) resold local exchange service,
 - c) exchange access service.

Response: Sprint Communications Company L.P. was certificated by this Commission to provide local exchange services and exchange access services by Decision 60236, in Docket No. U-2432-96-501, on June 12, 1997. The authorization for provision of local exchange services was on both a resell and facilities basis.

- 3) Whether the entities in 2 are providing business exchange service, residential exchange service, business exchange access service, or residential exchange access service (identifying special or switched access). If the competitor is not providing any of these services, does it plan to. When?

Response: Sprint has not yet commenced the provision of such services in Arizona but has recently submitted a tariff for the provision of local exchange services to business customers on a resold basis that is proposed to be effective April 15, 1999. Attachment 2 of USW's Response is erroneous in listing Sprint as "actually purchasing resale services." Sprint anticipates offering local exchange services and exchange access on a facilities basis sometime within the next eighteen months and plans to eventually offer services to residential customers. Specific timetables are proprietary and subject to change.

- 4) The identity of the entities that have requested:

- a) interconnection from U S West,
- b) unbundled elements from U S West,
- c) the ability to resell U S West's services.

The date the requests were made and the extent to which U S West and the requesting entity have entered into binding agreements, as well as copies of any such agreements

Response: The U S West / Sprint interconnection agreement provides for interconnection, provision of unbundled elements and resale of U S West services. It was submitted to, and approved by, the Commission, but another copy will be provided upon request. The agreement expires on December 15, 1999, but provides for continuation until a new agreement becomes effective. The agreement also provides for commencement of negotiations on a new agreement no later than six months before the termination of the current agreement.

- 5)
 - a) The number of access lines in Arizona, that are served by U S West's competitors.
 - b) The number and location of U S West's switches that are connected to loops served by competitors.
 - c) The scope of the geographic areas for which the competitors' services are available.
 - d) The number and types of customers for which the competitors' services are available.
 - e) The extent to which each competitor is using its own facilities to provide service or is using unbundled or resold services obtained from U S West
 - f) A description of the competitors' facilities in operation in U S West's service area.
 - g) Whether the competitor is currently expanding its facilities and when the expansion is expected to be completed.
 - h) The average provisioning intervals and maintenance times for services U S West provides to competitors compared to those it provides to itself.

Response: See response to Question 3.

- 6)
 - a) The number of access lines U S West serves in Arizona.
 - b) The number, type, and location of U S West's switches in Arizona.
 - c) The number and types of customers for which U S West's services are available.
 - d) The amount of revenues that U S West derived from Arizona in the most recent year, broken down by basic residential service, basic

business service, intraLATA toll, access charges, and other services.

Response: Not applicable to Sprint.

- 7) Any reports, studies, or analyses available, and created within the past year, that contain data on market shares of U S West and local telephone service competitors or compare volumes of traffic, revenues, or facilities of the BOC and local competitors. Also, any evaluation of the likely entry, success or rate of growth of competitors or potential competitors. Proprietary information provided pursuant to this paragraph will be available pursuant to Protective Agreement, and will be disclosed only to the Commission, unless the parties can demonstrate compelling need for disclosure of information. Parties that file information designated as proprietary information are required to file a notice that generally describes what information is considered proprietary.

Response: Sprint does not have any such reports, studies or analyses for Arizona.

- 8) A description of all complaints involving Arizona made to U S West, to the Arizona Corporation Commission, to the FCC, or other governmental authorities by other entities that have requested and/or received interconnection.

Response: Sprint filed a complaint against USW on December 18, 1998, (not July 21, 1998, as stated in USW's Response) concerning USW's failure to provide documentation concerning the availability of space for physical collocation in its McClintock wire center in Tempe, Arizona.

- 9) Information demonstrating that authorization of U S West to provide interLATA service will be carried out in accordance with the requirements of Section 272 as required by Section 271(d)(3)(B).

Response: Sprint does not have such information.

- 10) All evidence supporting U S West's assertion that U S West's provision of interLATA service will be in the public interest as required under Section 271(d)(3)(C).

Response: Sprint does not have such evidence.

Attachment B
Information Directly Relevant to the Competitive Checklist

- 1) Interconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1).
 - a) What points are available for interconnection with U S West?
 - b) Do these points include physical collocation, virtual collocation or another form of collocation?
 - c) What is the pricing methodology used for interconnection?
 - d) What competitors have interconnected with U S West?
 - e) At what U S West switching equipment (central office, end office, tandem, etc.) have competitors interconnected and by what means for each office?

Response: Sprint has not commenced service and does not have any detailed independent knowledge regarding the availability of interconnection with U S West, aside from having requested physical collocation at certain U S West central offices.

- 2) Nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1).
 - a) What network elements are offered by U S West?
 - b) What is the pricing methodology used for the elements?
 - c) What elements have been requested by entities seeking interconnection and access?
 - d) What is the record concerning U S West's responsiveness to such requests?
 - e) What elements have actually been sold to entities seeking interconnection and access?
 - f) What entities have requested elements?
 - g) What entities have actually purchased the elements?
 - h) What entities are actually providing service utilizing, in part, elements purchased from U S West?

Response: Sprint has not commenced service and does not have any detailed independent knowledge regarding access to U S West network elements since it has not yet made requests for access.

- 3) Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the Bell operating company at just and reasonable rates in accordance with the requirements of section 224.

- a) Do U S West and other providers have the same access to poles, ducts, and rights-of-way?
- b) What price does U S West charge and what is the pricing methodology for access to poles, ducts, and rights-of-way?
- c) Concerning operation in Arizona, does U S West believe that they have a different legal status concerning access to rights of way than a competitive provider? If so, what is the justification for any such difference?

Response: Sprint has not commenced service and does not have any detailed independent knowledge regarding access to these services or elements since it has not made requests for such access.

- 4) Local loop transmission from the central office to the customer's premises. unbundled from local switching or other services
 - a) What network elements are offered by U S West?
 - b) What is the pricing methodology used for the elements?
 - c) What elements have been requested by entities seeking interconnection and access?
 - d) What is the record concerning U S West's responsiveness to such requests?
 - e) What elements have actually been sold to entities seeking interconnection and access?
 - f) What entities have requested elements?
 - g) What entities have actually purchased the elements?
 - h) What entities are actually providing service utilizing, in part, elements purchased from U S West?

Response: Sprint has not commenced service and does not have any detailed independent knowledge regarding access to these services or elements since it has not made requests for such access.

- 5) Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.
 - a) What network elements are offered by U S West?
 - b) What is the pricing methodology used for the elements?
 - c) What elements have been requested by entities seeking interconnection and access?
 - d) What is the record concerning U S West's responsiveness to such requests?
 - e) What elements have actually been sold to entities seeking interconnection and access?
 - f) What entities have requested elements?
 - g) What entities have actually purchased the elements?

- h) What entities are actually providing service utilizing in part. Elements purchased from U S West?

Response: Sprint has not commenced service and does not have any detailed independent knowledge regarding access to these services or elements since it has not made requests for such access.

- 6) Local switching unbundled from transport, local loop transmission, or other services.
- a) What network elements are offered by U S West?
 - b) What is the pricing methodology used for the elements?
 - c) What elements have been requested by entities seeking interconnection and access?
 - d) What is the record concerning U S West's responsiveness to such requests?
 - e) What elements have actually been sold to entities seeking interconnection and access?
 - f) What entities have requested elements?
 - g) What entities have actually purchased the elements?
 - h) What entities are actually providing service utilizing in part elements purchased from U S West?

Response: Sprint has not commenced service and does not have any detailed independent knowledge regarding access to these services or elements since it has not made requests for such access.

- 7) Nondiscriminatory access to, 911 and E91 1 services, directory assistance services to allow the other carrier's customers to obtain telephone numbers, and operator call completion services.
- (I) 911 and E911 services.
 - a) Does U S West offer 911 or E911 services to new customers/providers?
 - b) What entities have requested to purchase 911 and/or E911 services from U S West?
 - c) What entities have purchased 911 and/or E911 services from U S West?
 - d) What are the prices and pricing methodology for 911 and E911 services?
 - (II) Directory assistance services.
 - a) What entities have requested to purchase directory assistance services from U S West?
 - b) What entities have purchased directory assistance services from U S West?

- c) What are the prices and pricing methodology for directory assistance services?
- (III) Operator Services.
- a) What entities have requested to purchase operator call completion services from U S West?
 - b) What entities have purchased operator call completion services from U S West?
 - c) What are the prices and pricing methodology for operator call completion services?

Response: Sprint has not commenced service and does not have any detailed independent knowledge regarding access to these services or elements since it has not made requests for such access. U S West's response is in error in listing Sprint as having acquired 911, Directory Assistance and operator services as part of resell of U S West services.

- 8) White pages directory listings for customers of the other carrier's telephone exchange service.
- a) What entities have requested to include their customers in the listings of U S West?
 - b) What entities have their customers included in the listings of U S West?
 - c) What entities have chosen not to utilize inclusion of their customers in U S West's white pages listings?

Response: Sprint has not commenced service and does not have any detailed independent knowledge regarding access to these services or elements since it has not made requests for such access.

- 9) Until the date by which telecommunications numbering administration guidelines, plan, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After that date, compliance with such guidelines, plan, or rules.
- a) Who is the number administrator for Arizona?
 - b) If U S West is the number administrator for Arizona, is there a date certain by which it will no longer perform that function?

Response: Not applicable.

- 10) Nondiscriminatory access to databases and associated signaling necessary for call routing and completion.

- a) What entities have requested to purchase such database and signaling services from U S West?
- b) What entities have purchased such database and signaling services from US West?
- c) What are the prices and pricing methodology for such database and signaling services?

Response: Sprint has not commenced service and does not have any detailed independent knowledge regarding access to these services or elements since it has not made requests for such access.

- 11) Until the date by which the Commission issues regulations pursuant to section 251 to require number portability, interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, full compliance with such regulations
- a) Is number portability being provided on an interim or full compliance basis?
 - b) If it is on an interim basis, what are the characteristics of the interim system and when will full number portability be implemented?
 - c) Is U S West providing carrier, geographic, or service number portability or any combination of the three?
 - d) What is the pricing methodology used to determine charges for number portability?

Response: Sprint has not commenced service and does not have any detailed independent knowledge regarding access to these services or elements since it has not made requests for such access.

- 12) Nondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251 (b)(3).
- a) Is U S West providing dialing parity for both local and intraLATA toll service?
 - b) If not, is U S West capable of providing such parity and will it provide it prior to the time when it offers interLATA service or at the time that it offers interLATA service?
 - c) Does U S West have any ACC, state court, federal court, FCC, or legislative action pending related to the provision of intraLATA and local dialing parity?

- d) To what percentage of its customers will U S West provide intraLATA dialing parity, to prior to being released from its in-region interLATA restrictions?

Response: Sprint has not commenced service and does not have any detailed independent knowledge regarding access to these services or elements since it has not made requests for such access. Sprint is aware of U S West's implementation of intraLATA dialing parity in 1996.

- 13) Reciprocal compensation arrangements in accordance with the requirements of section 252(d)(2).
 - a) What reciprocal compensation arrangements does U S West have in Arizona with competing carriers?
 - b) What reciprocal compensation arrangements does U S West have in Arizona with other incumbent carriers?
 - c) Where interconnection is in place, how does traffic terminated on other networks (competitors and other incumbents) compare with traffic terminated on U S West's network? This can be expressed as percentages, number of specific calls, minutes of use, or other measure.

Response: Sprint has not yet commenced service and does not have any detailed independent knowledge regarding U S West's reciprocal compensation arrangements.

- 14) Telecommunications services are available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3).
 - a) Have all of the services offered by U S West been made available for resale on the same terms previously offered?
 - b) If not, which services have been withdrawn or changed in terms with respect to resale?
 - c) What are the percentage discounts offered for resold services?
 - i) The specific tariffed resale rates.
 - ii) Negotiated rates by specific contract.
 - d) What, if any, limitations does U S West impose on the resale of its services?
 - e) Are there currently any formal disputes related to the pricing of services for resale?
 - f) Are there currently any formal disputes related to the services or the definition of services for resale?
 - g) Have any entities requested to purchase services from U S West at specific tariffed rates (not including negotiated agreements)?
 - h) Are any entities currently purchasing services from U S West at specific tariffed rates (not including negotiated agreements)?

- i) Are any negotiations pending for the purchase of services for resale?
- j) Are any entities currently purchasing services from U S West pursuant to a negotiated agreement?
- k) How much revenue does the resale of services generate for U S West?

Response: Sprint has not commenced service and does not have any detailed independent knowledge regarding U S West's offering of services for resale beyond what is stated in U S West's response. However, Sprint believes that U S West has not made xDSL services available for resale.

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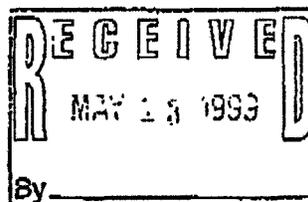
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May 11, 1999

VIA FEDERAL EXPRESS

Charles Steese
Senior Attorney
U S WEST, Inc.
1801 California St., Ste. 5100
Denver, CO



Re: USW 271; ACC Dkt. No. T-00000B-97-0238

Dear Mr. Steese:

This is to respond to your requests, made during our "meet and confer" call on May 7th, for clarification or supplementation of several of Sprint's responses to the questions on Attachments A & B of the Arizona Commission's initial order in this matter.

Attachment A Questions.

With respect to Question 3 and 5 (e - g), you suggested that Sprint should provide internal Sprint documentation regarding its plans for provision of services and use of its own facilities. You agreed that USW does not need to be provided with documentation concerning Sprint requests for collocation in various U S WEST offices since U S WEST is already in possession of such documentation. Furthermore, while recognizing that Sprint has not yet begun provision of local exchange service, you requested documentation as to Sprint's expansion of its long distance facilities in preparation for provision of local services.

Sprint must decline to provide documentation and further details of its plans for local market entry in Arizona. We believe our answers to the questions were sufficient and further details concerning Sprint's plans are objectionable for the same reasons that we objected to various U S WEST data requests previously. Any such further information would be irrelevant to the issues related to U S WEST's compliance with the checklist items under §271. In addition, of course, such information is highly proprietary and confidential.

With respect to Question 6 you suggested that it should be construed to be requesting Sprint, rather than USW data. However, recognizing that Sprint has not commenced provision of local exchange service, you requested only that Sprint provide a response to 6 d), regarding its intraLATA toll revenues in Arizona. I do not agree that this question should be read to require information on Sprint's intraLATA toll revenues. Such information would have no bearing on the issues in this matter. In any event, if required by the Commission, Sprint could only provide the information subject to a protective agreement that we have yet to work out.

For Question 7, you asked for clarification or re-confirmation as to whether Sprint's response, indicating that Sprint has no reports, studies or analyses for Arizona, means that Sprint has not performed an evaluation of its likelihood of success in Arizona. As you know, Sprint has in previous U S WEST 271 cases in other states filed testimony on its financial model of competitive local exchange service with state specific price inputs. If Sprint constructs such a model for Arizona, we would consider it to be privileged work product.

With regard to Questions 9 & 10), you suggested that the questions should be read to request information regarding U S WEST's *noncompliance*, as well as compliance, with §272 and evidence that U S WEST's provision of interLATA services would *not* be in the public interest, as well as in the public interest. I cannot agree that that is a fair reading of the Commission's questions. In any event, as indicated in Sprint responses to prior U S WEST data requests, Sprint's public interest concerns about U S WEST's entry into the interLATA market have been expressed in its testimony in prior U S WEST 271 cases in other states. Any changes to, or elaboration on, those concerns and any Sprint analysis of U S WEST §272 compliance would be considered "work product" at this time.

Attachment B Questions

You asked for clarification of Sprint's response to many of these questions that it does not have "any detailed independent knowledge" regarding U S WEST's provision of the specific checklist item in question. Sprint's response was simply intended to indicate that, since Sprint has not commenced provision of service and not yet requested any of the checklist items (other than collocation), it has no direct experience with U S WEST's compliance. Obviously Sprint is generally aware of what U S WEST purports to provide through informal discussions and review of U S WEST testimony and documents in this case and other forums.

You also requested any Sprint internal documents relating to U S WEST's performance. Recognizing that Sprint would have not records of U S WEST performance with respect to Sprint requests, you suggested that Sprint might have obtained data from other sources. I am informed that Sprint has no such records. Lastly, you suggested that Sprint should have responded to the subpart in many of these questions asking what pricing methodology was used for the element or service. You stated that U S WEST did not want to be surprised by parties making the pricing

methodologies an issue in this case. First, it did not seem necessary for Sprint to respond to this question since the Commission and parties are aware of the Commission decisions and underlying methodologies in the consolidated U S WEST pricing case. As to surprising U S WEST, Sprint's positions on the pricing issues were set forth in its briefs in the court appeals of the Commission decision.

Very truly yours,

A handwritten signature in black ink, appearing to read "Don Low", written over a horizontal line.

Don Low