



0000008616

RECEIVED  
AZ CORP COMMISSION

1999 APR 27 P 2:49

AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission  
DOCKET NO. T-00000B-97-0238

APR 27 1999

DOCKETED BY [Signature]

1  
2 JIM IRVIN  
3 COMMISSIONER-CHAIRMAN  
4 TONY WEST  
5 COMMISSIONER  
6 CARL J. KUNASEK  
7 COMMISSIONER

8 IN THE MATTER OF THE INVESTIGATION }  
9 INTO U S WEST COMMUNICATIONS, INC.'S }  
10 COMPLIANCE WITH § 271 OF THE }  
11 TELECOMMUNICATIONS ACT OF 1996 }

12 **RUCO'S RESPONSE TO U S WEST'S MOTION TO RECONSIDER PROCEDURAL ORDER**

13 The Residential Utility Consumer Office ("RUCO") hereby files this response to U S  
14 WEST's Motion to Reconsider Procedural Order.

15 RUCO requests that this Commission deny U S WEST's Motion to Reconsider the  
16 Procedural Order. U S WEST's proposed Procedural Order, if adopted, would violate the due  
17 process rights of RUCO. U S WEST's proposed Procedural Order does not allow enough time  
18 for RUCO to adequately conduct discovery in order to prepare its testimony. Due process  
19 requires that parties receive adequate time to prepare for a hearing. Memphis Light, Gas, and  
20 Water Division v. Craft, 98 S.Ct. 1554, 1563 (1978). U S WEST's Procedural Order proposes  
21 that Intervenor's submit pre-filed rebuttal testimony on May 25, 1999. RUCO anticipates multiple  
22 sets of data requests before it can begin preparing its testimony. U S WEST's proposed  
23 Procedural Order does not allow RUCO sufficient time to compose discovery and adequately  
24 prepare testimony for a hearing. One month is not sufficient time for RUCO to issue discovery,  
25 analyze responses, submit any follow-up discovery, and compose testimony. U S WEST's  
26 proposed Order is nothing more than an attempt to force RUCO to compose testimony without  
27 being adequately prepared, in violation of RUCO's due process rights.

28 In addition, RUCO takes great umbrage with U S WEST's characterization that "the sole  
intention of the Intervenor's in this docket is to delay U S WEST's entry into the Arizona long  
distance market." U S WEST further states that "the Intervenor's will raise every conceivable

1 barrier, raise every conceivable issue, and make every effort to delay the proceeding, if not stop  
2 it altogether; all in an effort to keep U S WEST out of the interLATA market." RUCO's "sole  
3 intention" in this proceeding is to represent the residential ratepayers of the State of Arizona.  
4 RUCO has no hidden agenda other than to make sure that residential customers are adequately  
5 represented in this proceeding. RUCO has no desire to unnecessarily delay this proceeding and  
6 believes that the current Procedural Order issued on April 7, 1999 allows RUCO to analyze the  
7 filing, issue discovery, and prepare testimony.

8 Therefore, RUCO respectfully requests that this Commission reject U S WEST's Motion  
9 to Reconsider Procedural Order and affirm the current Procedural Order. The current Procedural  
10 Order allows RUCO sufficient time to prepare data requests and analyze those responses. It  
11 also allows RUCO time to issue follow-up data requests and adequately prepare testimony. Any  
12 changes which shorten RUCO's time frame to prepare testimony would abrogate its due process  
13 rights.

14  
15 RESPECTFULLY SUBMITTED this 27th day of April, 1999.

16  
17   
18 \_\_\_\_\_  
19 Stephen Gibelli  
20 Counsel, RUCO

21 AN ORIGINAL AND TEN COPIES  
22 of the foregoing filed this 27th day of  
23 April, 1999 with:

24 Docket Control  
25 Arizona Corporation Commission  
26 1200 West Washington  
27 Phoenix, Arizona 85007  
28

1 COPIES of the foregoing mailed/  
2 hand delivered this 27th day of April  
1999 to the following:

3 Jerry Rudibaugh, Chief Hearing Officer  
Hearing Division  
4 Arizona Corporation Commission  
1200 West Washington  
5 Phoenix, Arizona 85007

6 Christopher Kempley  
Legal Division  
7 Arizona Corporation Commission  
1200 West Washington  
8 Phoenix, Arizona 85007

9 Ray Williamson, Acting Director  
Utilities Division  
10 Arizona Corporation Commission  
1200 West Washington  
11 Phoenix, Arizona 85007

12 Maureen Arnold  
U S West Communications, Inc.  
13 3033 North Third Street, Room 1010  
Phoenix, Arizona 85012

14 Michael M. Grant, Esq.  
15 Gallagher and Kennedy  
2600 North Central Avenue  
16 Phoenix, Arizona 85004-3020

17 Timothy Berg  
Fennemore Craig, P.C.  
18 3003 North Central Avenue, #2600  
Phoenix, Arizona 85012

19 Mark Dioguardi, Esq.  
20 Tiffany and Bosco, P.A.  
500 Dial Tower  
21 1850 North Central Avenue  
Phoenix, Arizona 85004

22 Thomas L. Mumaw, Esq.  
23 Snell & Wilmer, L.L.P.  
One Arizona Center  
24 Phoenix, Arizona 85004-0001

25 Donald A. Low  
Sprint Communications Company L.P.  
26 8140 Ward Parkway 5E  
Kansas City, Missouri 64114

27

28

1 Carrington Phillip  
Cox Communications, Inc.  
2 1400 Lake Hearn Drive, N.E.  
Atlanta, Georgia 30319  
3  
4 Thomas H. Campbell  
Lewis and Roca  
40 North Central Avenue  
5 Phoenix, Arizona 85004  
6 Bill Haas  
Richard Lipman  
7 McLeod USA  
6400 C Street SW  
8 Cedar Rapids, Iowa 54206-3177  
9 Richard Smith  
Director of Regulatory Affairs  
10 Cox Communications  
2200 Powell Street, Suite 795  
11 Emeryville, CA 94608  
12 Richard M. Rindler  
Morton J. Posner  
13 Swidler Berlin Shereff Friedman, LLP  
3000 K Street, NW, Suite 300  
14 Washington, DC 20007-5116  
Counsel for GST Tucson Lightwave, Inc.  
15 and GST Net (AZ), Inc.  
16 Lex J. Smith  
Michael W. Patten  
17 Brown & Bain, P.A.  
2901 North Central Avenue  
18 P.O. Box 400  
Phoenix, Arizona 85001-0400  
19 Charles Kallenbach  
20 American Communications Services, Inc.  
131 National Business Parkway  
21 Annapolis Junction, Maryland 20701  
22 Karen L. Clauson  
Thomas F. Dixon  
23 MCI Telecommunications Corporation  
707 17th Street #3900  
24 Denver, Colorado 80202  
25 Joyce Hundley  
United States Department of Justice  
26 Antitrust Division  
1401 H Street NW, Suite 8000  
27 Washington, DC 20530  
28

1 Vince C. DeGarlais  
Andrew D. Crain  
2 Charles W. Steese  
U S West Communications, Inc.  
3 1801 California Street, #5100  
Denver, Colorado 80202

4 Barry Pineles  
5 GST Telecom, Inc.  
4001 Main Street  
6 Vancouver, Washington 98663

7 Richard S. Wolters  
AT&T & TCG  
8 1875 Lawrence Street, Suite 1575  
Denver, Colorado 80202

9 Joan S. Burke  
10 Osborn Maledon  
2929 North Central Avenue, 21st Floor  
11 Phoenix, Arizona 85067-6379

12 Daniel Waggoner  
Davis Wright Tremaine  
13 2600 Century Square  
1501 Fourth Avenue  
14 Seattle, Washington 98101-1688

15 Alaine Miller  
Nextlink Communications, Inc.  
16 500 108th Avenue NE, Suite 2200  
Bellevue, Washington 98004

17 Penny Bewick  
18 Electric Lightwave, Inc.  
4400 NE 77th Avenue  
19 Vancouver, Washington 98662

20

21 By Cheryl Fraulob  
Cheryl Fraulob  
22 Legal Secretary II

23

24

25

26

27

28