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BEFORE THE ARIZONA CORPORATION COMMISSION

AZ CORP COMMISSION

CARL J. KUNASEK
Chairman
TONY WEST
Commissioner
JAMES M. IRVIN
Commissioner

May 28 4 39 PM '99

Arizona Corporation Commission

DOCKETED

DOCUMENT CONTROL

MAY 28 1999



DOCKET NO. U-00000A-97-238

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

**SUPPLEMENTAL MOTION OF
AT&T, TCG-ARIZONA, MCI
AND SPRINT TO COMPEL
RESPONSES TO DISCOVERY
FROM US WEST
COMMUNICATIONS, INC.**

AT&T Communications of the Mountain States, Inc., TCG Phoenix, MCI Worldcom, Inc., and Sprint Communications Company, LP (collectively "Joint Intervenors") move to compel U S WEST Communications, Inc. ("U S WEST") to respond to discovery and in support, submit to the following:

I. INTRODUCTION

Since Joint Intervenors filed their first motion to compel, U S WEST has served five additional Supplemental Responses to the Joint Intervenors first set of data requests initially served on April 14, 1999, for a total of eight supplemental responses. These eight additional and serial responses to the discovery were served on the following dates: May 13, 1999, May 14, 1999, May 17, 1999, May 18, 1999, May 19, 1999, May 20, 1999, May 21, 1999 and May 26, 1999 ("Supplemental Responses").

The answers provided in the Supplemental Responses suffer from the same deficiencies as prior responses described in the Joint Intervenors' first motion to compel, namely, (1) U S

WEST has provided incomplete or nonresponsive answers to certain data requests and (2) U S WEST has interposed objections to certain data requests that are without merit. The Hearing Examiner should overrule any objections and compel U S WEST to provide substantive information and documents to the data requests discussed in this motion.

The importance of the information sought in Joint Intervenors data requests cannot be overemphasized. To underscore their importance, the Hearing Division should note that the Commission Staff's recently retained operations support systems consultant, Doherty & Company, Inc., has now requested U S WEST to answer many of the Joint Intervenors' requests addressed in this and the Joint Intervenors' prior motion to compel. All parties need this information to respond adequately to U S WEST's contention that it meets the requirements for interLATA relief established by Section 271.

A. Incomplete Responses.

In the following data requests, U S WEST has not yet produced complete answers.

JI-43. In this data request, U S WEST was asked to produce the computer screen or screen shots for IMA, EDI and facility checks that would be used to determine whether facilities at two specified addresses are capable of supporting ISDN, Megabit service or other digital services. U S WEST's response is not complete. While U S WEST does provide certain screen shots to demonstrate how a CLEC would qualify a loop for ISDN, it does not provide screen shots to demonstrate how a CLEC would qualify a loop for Megabit services through either IMA or EDI. U S WEST should be ordered to complete its response to this data request.

JI-47. In this data request, U S WEST is asked to describe the process that a CLEC would use to request a design layout record ("DLR") for an unbundled loop using IMA, EDI, or manual process and to produce documents relating to the methods and procedures for requesting

a DLR. In its May 11 Supplemental Response, U S WEST references a confidential Attachment A regarding a DLR, but that document was not produced with the Supplemental Response. U S WEST should be ordered to produce confidential Attachment A.

Jl-56. In this data request, U S WEST was asked to produce the total quantity of edits that are included in the U S WEST ordering interfaces in Arizona for U S WEST retail orders. In its May 17 Supplemental Response, U S WEST stated that it was producing confidential Attachments A through F, but it did not produce Attachments C through F. U S WEST should be ordered to produce these attachments.

Jl-71. In this data request, U S WEST was asked to produce copies of documentation that it provides to CLECs regarding U S WEST's business rules as the term "business rule" is defined by the Federal Communications Commission ("FCC"). In its May 17 Supplemental Response, U S WEST provided a narrative response and further stated that its business rules are presented in the document management platform and several other training documents. However, U S WEST did not actually produce the document management platform. The document management platform has not been produced by U S WEST elsewhere in the record either through responses to data requests or in direct testimony. U S WEST should be ordered to produce the document management platform upon which it relies to support presentment of its business rules.

U S WEST also stated that edit information regarding EDI message format requirements is contained in response to data request 59. However, U S WEST has not yet responded to data request 59. U S WEST should be ordered to complete its answer to data request 71 as it has indicated that it would, by responding to data request 59.

JI-105. In this data request, U S WEST was asked to describe how a CLEC would initiate and receive results from an MLT test using both the IMA and the ED-TA interfaces. U S WEST was also asked to produce copies of documentation that it would provide to CLECs to instruct them in how to initiate an MLT test and receive results from that test. U S WEST provided some narrative response to this data request and some documentation. However, U S WEST did not provide any documentation that contained instructions on how a CLEC could initiate an MLT test and receive results from that test. While U S WEST purported to produce internal confidential information that it may use for itself in connection with MLT testing, none of the documentation purports to be the sort of information U S WEST would provide publicly to CLECs for such testing. U S WEST should be ordered to produce this information.

JI-116. In this data request, U S WEST was asked to produce documentation that it provides to its repair center representatives or helpdesk employees that instruct those person on what to tell a customer with respect to clearing out of service and service effecting troubles and the time the troubles should be cleared. In its May 14 Supplemental Response, U S WEST only provided its procedures for the handling of subsequent trouble reports, but did not provide any information regarding initial trouble reports. U S WEST all but acknowledges this fact. The confidential Attachment A is entitled “Subsequent Reports—Commitment Guidelines.” U S WEST does not interpose any substantive objection to this data request. It should be required to complete its response to provide information regarding initial trouble reports with respect to the subject matter of the request.

JI-139. In this data request, U S WEST was asked to produce all documents it provides to CLECs to instruct them on how to modify or design its systems in a manner that will enable it to communicate with U S WEST’s legacy systems and interfaces and to minimize manual

intervention. In its May 14 Supplemental Response, U S WEST provided documentation but by its own admission states that the attachments are “limited to the current document versions as they are the evidence U S WEST will rely [sic] as evidence in this docket.” This limitation on the production of documentation is artificial and without merit. The Joint Intervenors are entitled to review any documents that U S WEST provides to CLECs regarding how they might modify or design their systems to communicate with U S WEST’s legacy systems or interfaces. The fact that U S WEST only intends to rely upon the current document versions does not undercut the need for their production. U S WEST should be ordered to produce any and all documents it provides to CLECs regarding instructions on modifying or designing CLEC systems to communicate with U S WEST systems. .

Jl-147. In this data request, U S WEST was asked to produce all written communication or documentation received from CLECs since February 8, 1996, regarding complaints or problems relating to their efforts to use U S WEST’s systems for preordering, ordering, provisioning, maintenance and repair, or billing as well as any responses to such complaints or problems.

In its May 14 Supplemental Response, U S WEST provided certain computer e-mails to and from other telecommunications companies. However, these e-mails are largely communications to or from U S WEST and GTE Communications. There is a very limited number of documents regarding complaints or problems from other telecommunications companies. Joint Intervenors find it incredible that now, more than three years since passage of the Act, the sum of written communications regarding complaints or problems from CLECs comprise only a small stack of e-mails received from GTE. U S WEST should be ordered to provide all documentation and information responsive to this data request or, alternatively, be

ordered to file a Supplemental Response stating that it has no further information or documentation responsive to the request.

JI-151. In this data request, U S WEST was asked to describe and produce documentation regarding how a CLEC would use IMA and EB-TA to report trouble to U S WEST with a POTS residential service that experiences a trouble on the same day service was installed. In its May 19 Supplemental Response, U S WEST provided a narrative answer to the data request, but did not produce any documentation nor did it represent that it had no documents responsive to the request. U S WEST should be ordered to produce documents responsive to the request or, alternatively, file a Supplemental Response stating that there are no documents responsive to the data request.

JI-174. In this data request, U S WEST was asked to state separately, for business and residential orders, the total number of customer service orders processed by U S WEST for U S WEST retail customers for each month from the period January 1997 to the present for both Arizona and the U S WEST region. In its Supplemental Response, U S WEST only provided data for the period July 1998 through January 1999. It interposed no substantive objection to the production of information prior to July 1998 or after January 1999. It stated merely that production of the information in the timeframes specified is consistent with similar requests for wholesale information. This comment does not excuse U S WEST's obligation to provide the information for the entire period requested. It should be ordered to produce information for the period January 1997 through the present.

JI-254. In this data request, U S WEST was asked to state whether it provided interconnection, networks elements, collocation or services for resale to any affiliate or subsidiary in Arizona. U S WEST was also asked, with respect to each applicable measure

indicated in the testimony of Michael Williams, to: (1) indicate the subsidiary or affiliate; (2) state what U S WEST provided and (3) provide the Arizona-specific monthly service performance results for the affiliate or a subsidiary. Finally, U S WEST was asked to provide the statistical variance and the monthly sample size for such performance results. In response, U S WEST simply refers Joint Intervenors to data request 204. However, 204 only provides an answer to the first part of data request 254, namely whether U S WEST provides the specified services to an affiliate or subsidiary and the type of service provided. U S WEST did not provide Arizona-specific monthly service performance results, the statistical variance or the monthly sample size. If the data exists, U S WEST should produce it. If not, it should supplement its response to confirm that the data does not exist.

Jl-256. In data request 256, U S WEST was asked to produce all documents that describe the average elapsed time between receipt by U S WEST of a CLEC order sent via IMA or EDI and retrieval of the order from the firm order manager by the interconnect service center representative. U S WEST was also asked to produce documentation relating to this request. In its May 18 Supplemental Response, U S WEST stated that it was unable to provide the requested information at this time, but that a recent IMA software upgrade will make it possible to measure the time between when a CLEC order sent via IMA or EDI is received by U S WEST and the time the order is retrieved from the firm order manager. U S WEST stated, however, that it will provide the information when it becomes available. U S WEST did not identify or promise a firm deadline at which this information would be provided. As of the date of the filing of this motion, U S WEST has not answered this data request. It should be ordered to do so.

B. Non-Responsive Answers.

In responding to the following data requests, U S WEST has provided answers that are simply not responsive to the data request posed.

JI-199, 201, 202, 203, 245, and 246. In data requests 199 and 201, respectively, U S WEST was asked to provide the percentage of POTS orders and loop orders that U S WEST has offered within “standard installation intervals.” In data requests 202 and 203, respectively, U S WEST was asked to provide the percentage of POTS orders and loop orders that U S WEST has offered outside the “standard installation interval.” In data request 245, U S WEST was asked to provide the percentage of POTS orders that were offered “standard installation intervals” in Arizona disaggregated into business and residential orders. Finally, in data request 246, U S WEST was asked to provide the percentage of CLEC unbundled loop orders that were offered “standard installation intervals” disaggregated into digital and analog orders.

In response to all six of these data requests, U S WEST states that it does not have a performance indicator that measures “standard installation intervals” with respect to the particular subject matter of each data request. U S WEST goes on to say that the affidavit of Michael Williams provides installation intervals and performance results for the specific subject of each data request. This response is at best disingenuous. As U S WEST knows, in March of 1997, it provided a letter to the hearing officer in this docket in which it provided “installation intervals offered within standard intervals for U S WEST retail customers for the years 1995 through 1997.” In that letter, it proposed the use of such measures for CLEC wholesale use. Moreover, in the U S WEST Section 271 proceedings in Montana, U S WEST also provided data for the percentage of CLEC orders that were offered the standard installation interval. The

information sought in all six of these data requests is available to U S WEST. U S WEST should be ordered to produce the requested information.

JI-74, 75, 76, 110. In these data requests, U S WEST was asked to identify and describe the processes and algorithms that it uses to determine the actual due date for a POTS installation order for U S WEST retail and CLEC customers (74), the actual due date for a CLEC unbundled network element installation orders (75), the actual due date for CLEC interconnection trunk installation orders (76) and the estimated time to restore the CLEC interconnection trunk trouble reports. In its Supplemental Response to these data requests, U S WEST stated that to determine the actual due date or the estimated time that it applies “standard intervals.” This response is evasive. U S WEST does not describe or produce any of the processes or algorithms that it uses to determine the actual due dates for unbundled network installation orders or interconnection trunk orders. Likewise, it does not provide any information as to how it determines the actual time in which it estimates repair of an interconnection trunk. U S WEST should be compelled to produce that information on which it specifically relies to determine actual or estimated dates as requested in each of these data requests.

JI-32. In this data request, U S WEST was asked to provide computerized screen or screen shots for IMA, EDI, BOSS, and SONAR that would be used to place a request for a customer service record for two specified telephone numbers. U S WEST provided some screen shots, but it fails to provide the SONAR computer screen shot from which a person could view the actual customer service record through SONAR. Rather, U S WEST merely provided the SONAR negotiation menu screen but not the actual customer service record as specifically sought in the data request. U S WEST should be ordered to produce the requested screen shots for SONAR.

JI-70. In this data request, U S WEST was asked to identify whether orders for network elements, combination of network elements and resold services received via IMA or EDI require a manual order rekeying at the interconnect service center in order to submit those orders to the U S WEST service order processor. U S WEST's answer to this data request is unclear. It appears to answer it by omission only. It states that orders that do not require rekeying are POTS conversion as is, POTS conversion as specified, and POTS change orders. However, U S WEST does not indicate whether all other network elements, combinations of network elements and resold services in fact do require rekeying as described in the data request. To the extent that is true, U S WEST should be compelled to affirmatively say so.

JI-67. In this data request, U S WEST was asked to describe the flow of the order for orders placed by U S WEST customers using its online ordering system. U S WEST stated that some of the orders received via the on-line ordering system are "simple order" for a limited set of products on existing U S WEST accounts. This response is too limited. U S WEST was asked to describe the processes and produce all documents related to it. U S WEST provided no narrative description of this so-called simple order process. The narrative response is devoted largely to a description of the manual order process. Moreover, there is no description in the documents produced in response to this data request that describe the flow-through order process conducted via the online ordering system. U S WEST should be ordered to describe the process in full and produce supporting documentation.

JI-82. In this data request, U S WEST was asked to describe the process by which a CLEC can use IMA or EDI to order unbundled common (or shared) interoffice transport as an unbundled network element. U S WEST's response is profoundly evasive. It states that there has been no demand for a formal training class addressing how to order shared transport. It

further states that a learning consultant works directly with CLECs to answer questions regarding the ordering of unbundled network elements and shared transports. U S WEST claims that during these sessions the learning consultants would willingly respond to questions about the ordering of shared transport. This proceeding is not a training session, nor can U S WEST evade its obligation to answer the data request by referring Joint Intervenors to a learning consultant who is not a witness in this case. U S WEST should be ordered to answer data request 82.

JI-89. In this data request, U S WEST was asked to provide all internal, third-party, or carrier-to-carrier testing performed to assess the capability and capacity of the EMOS interface to process Centrex resale orders. U S WEST was also asked to produce supporting documentation. In its May 7 Supplemental Response, U S WEST states that EMOS was developed under a rapid application development methodology and therefore there was not a formal test plan created. However, the data request was not limited to seeking the production of information regarding the formal test plans. U S WEST goes on to describe working closely with McLeod to define testing areas and discuss status of the tests. U S WEST should be ordered to describe the test scenarios that were run with McLeod or any other carrier and to produce any documentation regarding such testing and its results.

JI-95. In this data request, U S WEST was asked to describe how a CLEC would receive a delay notification from U S WEST's EDI and IMA interfaces based upon use of the term "delay notification" in the ordering and billing forum. U S WEST responded that the term "delay notification" is not used in the Ordering and Billing Forum("OBF"), an industry standards setting organization. U S WEST stated that the OBF instead addresses jeopardy notification. U S WEST purports to produce IMA training slides and an IMA user's guide stating that such documents specifically relate to jeopardy notification. However, the term "jeopardy

notification” does not appear in these documents nor for that matter do the slides or user guide purport to cover any topic relating to the general subject of the delay or jeopardy notification process. In this respect, the answer U S WEST has provided to this data request is fundamentally of no use to Joint Intervenors or the Commission. To the extent U S WEST has information or documents responsive to this data request, it should be ordered to provide them.

JI-100. In this data request, U S WEST was asked to produce documentation that U S WEST provides to its customer service representative help desk employees that instruct them on how to offer a U S WEST POTS customer an installation due date that is other than the standard interval. In its May 7 Supplemental Response, U S WEST only provided information describing how expedited installation due dates are handled by its customer contact service representatives. U S WEST does not produce any information in those instances in which a customer desires service within the standard installation interval, but U S WEST is unable to provide it. In such instances, U S WEST would offer a due date that is longer than the standard installation interval. However, U S WEST does not produce any information regarding how U S WEST would handle such a scenario. U S WEST should be required to produce this information.

JI-103. In this data request, U S WEST was asked to describe how both a CLEC and a U S WEST customer service representative would obtain access to the trouble history of both business and residential customers in Arizona. U S WEST was also asked to provide copies of computerized screen shots that both CLECs and U S WEST’s repair personnel would use to access the trouble histories for customers. In its May 18 Supplemental Response, U S WEST only provided limited information regarding how its own representatives would view trouble history and it only produced information regarding trouble history for design services. U S WEST did not provide any information on how its own representatives would review or view on

its computerized systems trouble history for non-designed services. The data request places no limitation on the type of services for which trouble history information was sought other than business and residential customers in Arizona. U S WEST should be ordered to provide a complete and full response to data request 103 as described in this motion.

JI-111. In this data request, U S WEST was asked to describe those situations in which a CLEC “must” call a U S WEST repair center to create or inquire about anything having to do with a trouble ticket. In its initial response, as well as its Supplemental Response on May 18, 1999, U S WEST does not describe or identify those instances in which a CLEC must call the U S WEST repair center. It only identified certain circumstances in which CLECs may need to contact repair centers as specified in the MCI/U S WEST Joint Implementation Agreement. However, it is not clear from the response or supplemental response whether the circumstances so described are those situations in which the CLEC must call the U S WEST repair center regarding a trouble ticket. U S WEST should be ordered to provide an answer that is actually responsive to the question posed.

JI-112. In this data request, U S WEST was asked to describe how a U S WEST representative modifies one of its own customer trouble tickets. U S WEST was also asked to produce supporting documentation. Finally, U S WEST was asked to describe how this procedure is different from the trouble ticket modification process for CLECs using IMA or IMA and EB-TA. In its May 18 Supplemental Response, U S WEST did not specify how its own representatives would modify a customer’s trouble ticket. Moreover, while it provided some description concerning how a CLEC can access and modify trouble reports in IMA and EB-TA, it did not, as is requested in the data request, describe how the procedure for its own

representative differs from the procedures that must be employed by CLECs under IMA or EB-TA.

JI-114. In this data request, U S WEST was asked to describe the process that would allow a CLEC to schedule an appointment for a field dispatch using IMA and EB-TA when creating a trouble ticket. U S WEST was further asked to produce documentation that it provides to CLEC to instruct them on how to schedule a field dispatch using IMA or EB-TA when creating a trouble ticket. U S WEST provided a lengthy narrative in its May 21 Supplemental Response but never described how IMA or EB-TA can be used to allow a CLEC to schedule an appointment for a field dispatch to its customer's premises. Rather, the only data provided was an option that allows the user to enter a customer's requested dispatch date. However, that process necessarily requires some sort of outside contact with a CLEC's end user customer. There is no description as to how the actual date for a field dispatch can be created through either IMA or EB-TA. U S WEST should either provide a complete description as to how that occurs or state on the record that it is not possible for a CLEC to schedule an appointment for a field dispatch using IMA or EB-TA.

JI-150. In this data request, U S WEST was asked to state whether it agrees with the FCC's definition of OSS as including the systems, databases and personnel commonly referred to collectively as operation support systems that are used by the incumbent LEC to support telecommunication systems and network elements. In its May 7 Supplemental Response, U S WEST described two sorts of subsystems in the computing environment. It then stated that the FCC has adopted an expanded definition to include computer subsystems and personnel subsystems and is using that definition in review of an RBOC's Section 271 application. Nonetheless, U S WEST never actually stated whether it agrees or disagrees with the FCC's

definition. This data request calls for a simple yes or no response with follow-on explanation. U S WEST should be required to respond to this data request in the manner called for.

JI-169. In this data request, U S WEST was asked to produce the individual order information for the 11 LSRs that AT&T allegedly submitted to the U S WEST IMA for Arizona orders and the 57 LSRs for all state orders. U S WEST was also asked to produce the individual order information for the 10 LSRs that TCG allegedly submitted to the U S WEST IMA for Arizona orders and the 87 LSRs for all state orders. These orders were described in the direct testimony of Dean Buhler. In its May 20, 1999 response, U S WEST stated that it had mistakenly attributed the foregoing orders to AT&T and TCG rather than to another CLEC. But, U S WEST further stated that one of the LSRs was properly attributable to AT&T for Colorado. U S WEST was subsequently asked to produce that one LSR and to correct the testimony of Dean Buhler. U S WEST stated it would produce the single LSR for Colorado but would not say when this LSR would be produced and would not commit to correct the testimony. U S WEST should be ordered to do so.

JI-178. In this data request, U S WEST was asked to provide the average time it takes to open the specific preorder screen for the preorder functions supported by IMA. In its May 18 Supplemental Response, U S WEST provided some preliminary tests but the document produced does not state whether the units of time are in seconds, minutes or hours. Moreover, U S WEST provided only a single one-page summary sheet. U S WEST produced no underlying information or documentation relied upon, used or compiled in order to produce the one-page summary. U S WEST should be required to produce all information and documents relied upon in support of the compilation of information on the one-page summary. It should also be required to clarify the data set forth on the confidential attachment.

JI-200. In this data request, U S WEST was asked to provide the percentage of POTS orders for which U S WEST reported that no facilities were available. In its response, U S WEST construed the question to relate to standard installation intervals and the extent to which standard installation intervals are affected by a no facilities available report. Based on that construction, U S WEST stated that it does not track the information requested. U S WEST's construction or interpretation of the data request is not proper. The question did not ask for the percent of orders offered the standard installation interval where there are no facilities available. Rather, the data request seeks U S WEST to identify the percentage of orders where there are no facilities available for CLECs both in the aggregate separated by residential and business orders and for U S WEST separated by residential and business orders. Construed accurately, U S WEST should be ordered to respond fully to data request 200.

JI-218, 224. In data request 218, U S WEST was asked to describe the internal measures, supervisory indicators, measures for forecasting purposes or any other measure or indicator that was identified in data request 217 used to monitor the quality, reliability, provisioning, maintenance and repair of interoffice transport facilities. In data request 224, U S WEST was asked to describe the internal measures, supervisory indicators, measures for forecasting purposes or any other measure or indicator that was identified in data request 223 used to monitor the quality, reliability, provisioning, maintenance and repair of access facilities between U S WEST and the interexchange carriers (U S WEST objects to the production of data in response to data request 223. Data request 223 is the subject of the Joint Intervenors first motion to compel). In its May 21 Supplemental Response to data request 218, U S WEST attached a list of information which U S WEST claims constitutes the list of internal measures it uses to monitor the performance, operation and maintenance of interoffice transport facilities that

run between U S WEST switches. U S WEST answered data request 224 by referring Joint Intervenors to data request 218.

The list provided in response to data request is simply the names of the internal measures. U S WEST did not provide any further descriptive information regarding these internal measures. U S WEST purports to rely upon these very measures to monitor the performance, operation and maintenance of its interoffice transport facilities. U S WEST therefore must have additional information upon which it relied to create the list of quality measures. U S WEST should be required to produce such information.

JI-206. In this data request, U S WEST was asked to produce any reports, data or other information on U S WEST's OSS performance for resale, retail, UNEs or UNE PLATFORMS that U S WEST has prepared for the FCC or any state commission or for ARMIS. In its May 7 Supplemental Response, U S WEST stated that no other performance measurement data has been provided in any other dockets. This answer does not address the information sought in data request 206. In point of fact, U S WEST was required to file reports with this Commission pursuant to Sections 2.2.3 and 2.6.1(d) of its Arizona Service Quality Plan Tariff. U S WEST should be required to produce the documentation it provides to this Commission and any other information in its possession that is responsive to this request.

C. U S WEST Objections.

In the following data requests, U S WEST has objected and provided no substantive responsive information.

JI-268 and 276. In data request 268, U S WEST was asked to rerun the statistical tests performed in Exhibits MGW-2 checklist item 14 and MGW-2A of the direct testimony of Michael Williams at different confidence levels using a one-tailed test. In data request 276, U S

WEST was asked to perform the statistical testing as identified in the same exhibits for the results for U S WEST's core indicators P0-1A and P0-1B in MGW-2, checklist item 2 at different confidence levels using a one-tailed test. U S WEST objected to both of these data requests contending that they are duplicative and unduly burdensome. It claimed that it has already performed statistical testing and provided standard deviation numbers that can be used by "any party to make additional statistical assessments at other confidence levels where sample size permits valid conclusions." For purposes of data request 268 and 276, U S WEST further stated that it will provide raw data in response to data request 269 in an electronic format so that any party who wishes to run statistical tests at different confidence levels can do so.

In its May 26 Supplemental Response, U S WEST purported to provide raw data in response to data request 269. However, Joint Intervenors have not been able to read the entire contents of the computer spreadsheet files produced in response to data request 269. Joint Intervenors and U S WEST are presently working to correct this problem. Until such time as Joint Intervenors have satisfactorily run the statistical tests described in 268 and 276 with data supplied by U S WEST, however, U S WEST should be required to answer these data requests.

JJ-251. In this data request, U S WEST was asked whether it has agreed with any CLEC in any state to any self-executing enforcement mechanisms that would automatically be triggered by U S WEST's noncompliance with performance standards or reporting obligations. U S WEST objected to this data request to the extent that it requests information for activities outside the state of Arizona. However, U S WEST does not even provide information for its activities within the state of Arizona. As with data request 215 (the subject of the first motion to compel), this data request goes to the heart of the FCC's public interest inquiry under Section 271. The FCC has stated:

Evidence that a BOC has agreed to performance monitoring (including performance standards and reporting requirements) in its interconnection agreements with new entrants would be probative evidence that a BOC will continue to cooperate with new entrants, . . . We would be particularly interested in whether such performance monitoring includes appropriate, self-executing enforcement mechanisms that are sufficient to ensure compliance with established performance standards. (emphasis added).

Application of BellSouth Corporation Pursuant to § 271 of the Communications Act of 1934, as amended, to Provide In-Region, Inter-LATA Services in Louisiana, FCC Docket No. 98-271, Memorandum Op. and Order (released 10/13/98) at ¶¶ 362-263 ("*BellSouth Louisiana II Order*").

The FCC has also asked that “state commissions develop, and submit to the Commission, a record concerning the state of local competition as part of its consultation.” *See Application of Ameritech Michigan Pursuant to § 271 of the Communications Act of 1934, as amended, to Provide In-Region, Inter-LATA Services in Michigan*, FCC Docket No. 97-137, Memorandum Op. and Order (released 8/19/97) at ¶ 34 (“*Ameritech Michigan Order*”). The FCC has never limited its public interest inquiry to a determination of whether granting a BOC entry into a particular in-region, interLATA market is consistent with just the public interest in that state. Again, such a distinction is completely arbitrary, especially with regard to performance standards and self-executing remedies pertaining to OSS. U S WEST should be ordered to answer data request 215.

III. CONCLUSION

For the foregoing reasons, the Commission should overrule U S WEST’s objections and order U S WEST to provide complete and fully responsive answers to the specific data requests identified in this motion and the attached Schedule 1 within three business days of the order resolving this motion..

Respectfully submitted this 28th day of May 1999.

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