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THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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AZ CORP COMMISSION
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2 CARL J. KUNASEK
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 WILLIAM A. MUNDELL
COMMISSIONER

DOCKETED BY *me*

6 IN THE MATTER OF THE APPLICATION OF U S
WEST COMMUNICATIONS, INC., A
7 COLORADO CORPORTION, FOR A HEARING
TO DETERMINE THE EARNINGS OF THE
8 COMPANY, THE FAIR VALUE OF THE
COMPANY FOR RATEMAKING PURPOSES, TO
9 FIX A JUST AND REASONABLE RATE OF
RETURN THEREON AND TO APPROVE RATE
10 SCHEDULES

DOCKET NO. T-01051B-99-0105

PROCEDURAL ORDER

BY THE COMMISSION:

12 On January 8, 1999, U S WEST Communications, Inc. ("U S WEST" or "Company") filed
13 with the Arizona Corporation Commission ("Commission") a rate application.

14 On September 3, 1999, the Commission's Utilities Division Staff ("Staff") filed a Motion to
15 Compel U S WEST to Respond to Commission Staff Data Requests ("Motion to Compel").

16 On September 13, 1999, U S WEST filed its Response to Staff's Motion to Compel.

17 On September 16, 1999, telephonic oral argument was held on Staff's Motion to Compel.

18 The contested responses and status are as follows:

- 19 3-16 Ordered
- 20 3-17 Resolved
- 21 3-18 Resolved
- 18-19 Ordered
- 18-20 Ordered
- 20-5 Resolved
- 22 21-4 Resolved to treat as UTI 3-16
- 21-5 Resolved to treat as UTI 3-16
- 23 22-9 Resolved to treat as UTI 3-16
- 22-10 Resolved to treat as UTI 3-16
- 24 25-22 Resolved

25 It was resolved between the parties that for UTI 3-17 and 3-18, U S WEST would provide the
26 one-year test year construction plans and a description of how the planning process works. U S
27 WEST also agreed to provide network construction planning documents, including the rationale for
28 the projects, to the extent that such documents exist. Staff reserves its right to re-urge its request to

1 compel additional information after review of the information submitted by U S WEST.

2 U S WEST had already provided the requested information for UTI 20-5, so it no longer is in
3 contention.

4 The parties agreed that UTI 21-4, 21-5, 22-9 and 22-10 have similar concerns as UTI 3-16,
5 and the method ordered for UTI 3-16 will be followed.

6 The parties agreed that the dispute in UTI 25-22 was limited to subpart (h). The parties
7 agreed that U S WEST would supply the one year test year data requested in subpart (h). Staff
8 reserves its right to re-urge its request to compel additional information after review of the
9 information submitted by U S WEST.

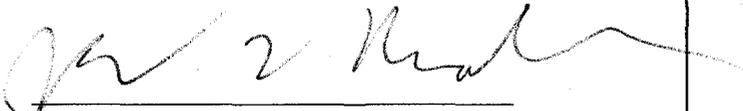
10 IT IS THEREFORE ORDERED that with regard to UTIs 3-16, 21-4, 21-5, 22-9 and 22-10,
11 the requested information may be confidential and competitively sensitive, but may also lead to the
12 discovery of admissible evidence. Staff's position in this litigation is as a neutral party, unlike most
13 intervenors, which have a personal stake in the outcome of this matter – whether as a competitor or
14 customer of U S WEST. We therefore order that unless a party objects by 4:00 p.m. on September
15 24, 1999, U S WEST shall make available solely to Staff at an in camera inspection without notes,
16 the requested information, including the requested strategic plans. Staff will then determine the
17 information it desires to use in this proceeding, and oral argument will be held regarding whether the
18 specific information denominated by Staff should be released and available to all parties.

19 Staff and U S WEST have agreed to the above procedure. If any party objects, oral argument
20 will be scheduled to determine whether the information will be available to any party, or whether U S
21 WEST will not be required to release the information.

22 IT IS FURTHER ORDERED that with regard to UTIs 18-19 and 18-20, source
23 documentation for U S WEST's claimed composite increase, including individual employee salaries
24 before and after the increase, should be available without U S WEST providing individual employee
25 files. U S WEST has agreed to review records to attempt to provide the requested information
26 outside of individual personnel files. Staff reserves its right to re-urge its request to compel
27 additional information after review of the information submitted by U S WEST.
28

1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 DATED this 17th day of September, 1999.

4
5 
6 JERRY L. RUDIBAUGH
CHIEF HEARING OFFICER

7 Copies of the foregoing mailed/delivered
8 this 17th day of September, 1999 to:

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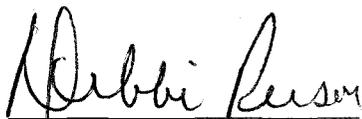
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