



0000011979

ORIGINAL

THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

RECEIVED
1999 DEC 30 P 2:43

DOCKETED

DEC 30 1999

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY	Sy
-------------	----

CARL J. KUNASEK
Chairman
JAMES M. IRVIN
Commissioner
WILLIAM A. MUNDELL
Commissioner

IN THE MATTER OF THE APPLICATION OF)
 U S WEST COMMUNICATIONS, INC., A)
 COLORADO CORPORATION, FOR A)
 HEARING TO DETERMINE THE EARNINGS)
 OF THE COMPANY, THE FAIR VALUE OF)
 THE COMPANY FOR RATEMAKING)
 PURPOSES, TO FIX A JUST AND)
 REASONABLE RATE OF RETURN)
 THEREON AND TO APPROVE RATE)
 SCHEDULES DESIGNED TO DEVELOP)
 SUCH RETURN)

DOCKET NO. T-01051B-99-0105

**REPLY IN SUPPORT OF
APPLICATION FOR LEAVE TO
INTERVENE OF EXCELL AGENT
SERVICES, L.L.C.**

Excell Agent Services, L.L.C. ("Excell"), will be directly and substantially affected by determinations made by the Arizona Corporation Commission ("Commission") in this proceeding. Intervention by Excell will not unduly broaden the issues raised by U S WEST Communications, Inc. ("U S WEST") in this case. Instead, Excell's intervention will give the Commission additional insight on the likely impact of decisions regarding U S WEST's directory assistance services.

**Excell Has a Direct and Substantial Interest
in the Subject Matter of this Docket**

Excell has a direct and substantial interest in the rate charged by U S WEST for directory assistance and in any conditions imposed on U S WEST's delivery of that service. Excell is a wholesale provider of directory assistance. Excell, and its customers, compete directly with U S WEST for directory assistance customers. U S WEST is – by far and away – the largest provider of directory assistance in Arizona. By reason of its position as the incumbent local exchange carrier, and in such position, U S WEST has access to "a more complete, accurate, and reliable database than its competitors." In the Matter of

U S WEST Communications, Inc. for a Declaratory Ruling Regarding the Provision of National Directory Assistance, FCC 99-133, ¶ 35 (FCC 9/27/99). For these reasons, U S WEST is uniquely positioned to disadvantage competitors by over-pricing access to database listings. The FCC has found that “the rates U S WEST charges unaffiliated entities for obtaining directory listing information have the potential to adversely affect competition in the nonlocal directory assistance service market.” Id. This practice may lead to over-earning by U S WEST, may disadvantage competing carriers (by preventing them from offering a full range of competitive services), and would harm independent providers of directory assistance, all of which have the potential to harm Arizona consumers and slow the development of a truly competitive market in telephony in the State. As a directory assistance competitor, Excell is well-suited to evaluate U S WEST’s directory assistance proposals.

Excell’s Intervention Application Should Not be Ruled Untimely

Excell acknowledges that its Application to Intervene was not filed within the period allowed in the procedural order issued on March 4, 1999. However, it was not until December 7, 1999, that the Commission instructed U S WEST to make its rate and service proposals for directory assistance in “the pending U S WEST rate case since the revenue impact of U S WEST’s proposal is likely to be significant.” Docket No. &-01051B-99-0362, Decision No. 62129, p. 7. This ruling precipitated Excell’s interest in this docket. Because the testimony and hearing dates in this case have been held in abeyance pending completion of the depreciation rate proceeding (Docket T-01051B-97-0689), allowing Excell to intervene will not delay or prolong the this proceeding.

Notably, U S WEST’s only objection to Excell’s intervention is the timeliness of the application. Because the Commission only recently ordered that U S WEST directory

assistance issues be resolved in this docket, the intervention period allowed under the prior procedural orders should not bar Excell's participation.¹

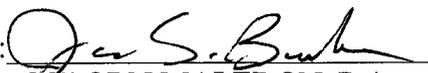
Excell's Intervention Will Not Unduly Broaden the Issues

Excell's participation will not unduly broaden the issues before the Commission. The Commission has already ordered that U S WEST's directory assistance proposals be resolved in this proceeding. Excell's participation will be narrowly tailored to explore and evaluate only those facts that bear on directory assistance services.

Excell respectfully asks that the Hearing Division of the Commission grant its Application for Leave to Intervene in this proceeding.

RESPECTFULLY SUBMITTED this 30 day of December, 1999.

Excell Agent Services, L.L.C.

By: 
OSBORN MALEDON, P.A.
Joan S. Burke
2929 N. Central, Suite 2100
Phoenix, AZ 85012
(602) 640-9356
E-mail: jsburke@omlaw.com

Mark N. Rogers
Excell Agent Services, L.L.C.
2175 W. 14th Street
Tempe, AZ 85281
(602)-808-1552

¹ Excell's Application for Leave to Intervene was filed with the Commission on December 17, 1999. The Order instructing U S WEST to make its directory assistance proposals in this case was signed by the Commissioners on December 14, 1999.

CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of Excell's Reply to U S WEST's Objections to the Application of Excell Agent Services, L.L.C. for Leave to Intervene were filed this 30 day of December, 1999, with:

Arizona Corporation Commission
Docket Control – Utilities Division
1200 West Washington Street
Phoenix, AZ 85007

I hereby certify that copies of the Excell's Reply to U S WEST's Objections to the Application of Excell Agent Services, L.L.C. for Leave to Intervene have been hand-delivered this 30 day of December, 1999 to:

Maureen Scott
Arizona Corporation Commission
Legal Division
1200 West Washington
Phoenix, AZ 85007

Deborah Scott
Arizona Corporation Commission
Director, Utilities Division
1200 West Washington
Phoenix, AZ 85007

Jerry L. Rudibaugh, Chief Hearing Officer
Arizona Corporation Commission
Hearing Division
1200 W. Washington
Phoenix, AZ 85007

I hereby certify that I have served Excell's Reply to U S WEST's Objections to the Application of Excell Agent Services, L.L.C. for Leave to Intervene on all parties of record via United States Mail, postage prepaid, this 30 day of December, 1999 on the following service list:

Timothy Berg
Theresa Dwyer
FENNEMORE CRAIG, P.C.
3003 North Central Ave., #2600
Phoenix, AZ 85012
Attorneys for U S WEST Communications, Inc.

Thomas Dethlefs
U S WEST, INC.
1801 California Street
Suite 5100
Denver, CO 80202

Scott S. Wakefield, Chief Counsel
RUCO
2828 N. Central Avenue
Suite 1200
Phoenix, AZ 85004-1022

Darren S. Weingard
Natalie D. Wales
SPRINT COMMUNICATIONS COMPANY L.P.
1850 Gateway Drive, 7th Floor
San Mateo, CA 94404-2467

Steven J. Duffy
RIDGE & ISAACSON, P.C.
3101 N. Central Avenue
Suite 432
Phoenix, AZ 85012

Raymond S. Heyman
Randall H. Warner
ROSHKA HEYMAN & DeWULF, P.L.C.
Two Arizona Center
400 North Fifth Street, Suite 1000
Phoenix, AZ 85004
Attorneys for Arizona Payphone Association

Peter Q. Nyce, Jr.
General Attorney, Regulatory Law Office
U.S. Army Legal Services Agency
Department of the Army
901 North Stuart Street, Suite 700
Arlington, VA 22203-1837

Richard Lee
SNAVELY, KING & MAJOROS,
O'CONNOR & LEE, INC.
1220 L Street, N.W.
Suite 410
Washington, D.C. 20005

Thomas F. Dixon
MCI WORLDCOM
707 - 17th Street, #3900
Denver, CO 80202

Thomas H. Campbell
LEWIS AND ROCA
40 N. Central Avenue
Phoenix, AZ 85004
Attorneys for MCI Telecommunications Corp.
and MCImetro Access Transmission Services, Inc.

Richard S. Wolters
AT&T
1875 Lawrence Street, Suite 1575
Denver, CO 80202

Patricia vanMidde
AT&T Communications
2800 N. Central Avenue, Room 828
Phoenix, AZ 85004

Diane Bacon
Legislative Director
COMMUNICATIONS WORKS OF AMERICA
Arizona State Council
5815 North 7th Street
Suite 206
Phoenix, AZ 85014-5811

Michael W. Patten
BROWN & BAIN, P.A.
P. O. Box 400
2901 North Central Ave.
Phoenix, AZ 85001-0400
Attorneys for Cox Arizona Telcom, Inc.
and e-spireTM Communications, Inc.

Craig Marks
Citizens Utilities Company
2901 N. Central Avenue, Suite 1660
Phoenix, AZ 85012

Jeffrey W. Crockett
SNELL & WILMER
One Arizona Center
Phoenix, AZ 85004-0001

J.E. & B.V. McGillivray
300 South McCormick
Prescott, AZ 86303

Jon Poston
ARIZONANS FOR COMPETITION
IN TELEPHONE SERVICE
6733 East Dale Lane
Cave Creek, AZ 85331

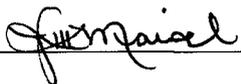
Albert Sterman
Vice President
Arizona Consumers Council
2849 E. 8th Street
Tucson, AZ 85716

Douglas Hsiao
RHYTHMS LINKS INC.
6933 Revere Parkway
Englewood, CO 80112

Jim Scheltema
BLUMENFELD & COHEN
1625 Massachusetts Ave., N.W., Suite 300
Washington, D.C. 20036

Martin A. Aronson
William D. Cleaveland
MORILL & ARONSON, PLC
One East Camelback Road, Suite 340
Phoenix, AZ 85012

Chuck Turner, Mayor
Town of Gila Bend
P.O. Box A
644 W. Pima Street
Gila Bend, AZ 85337-0019

A handwritten signature in cursive script, appearing to read "J. Aronson", is written above a horizontal line.