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BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER
Chairman
WILLIAM MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
MIKE GLEASON
Commissioner
KRISTIN MAYES
Commissioner

Arizona Corporation Commission

DOCKETED

OCT 12 2004

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IN THE MATTER OF QWEST
CORPORATION'S FILING AMENDED
RENEWED PRICE REGULATION PLAN

DOCKET NO. T-01051B-03-0454

DOCKET NO. T-00000D-00-0672

IN THE MATTER OF THE
INVESTIGATION OF THE COST OF
TELECOMMUNICATIONS ACCESS

**QWEST CORPORATION'S
RESPONSE TO STAFF'S MOTION
FOR EXTENSION OF TIME TO FILE
ITS DIRECT TESTIMONY, ETC.;
AND REPLY TO STAFF'S RESPONSE
TO QWEST'S CROSS-MOTION FOR
THE IMPOSITION OF DISCOVERY
LIMITATIONS UPON STAFF**

Qwest Corporation ("Qwest") hereby responds to and opposes the motion for an extension to file direct testimony filed by the Arizona Corporation Commission Staff ("Staff") in the above-captioned matter. Additionally, Qwest replies to Staff's response to Qwest's cross-motion for the imposition for discovery limitations upon Staff.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Factual Background

Qwest incorporates by reference the factual background set forth in its response to Staff's original motion to compel and cross-motion for discovery limits. Qwest supplements that factual background with the following:

On September 17, 2004, Staff moved to compel Qwest to respond to certain Staff data requests, which Staff specifically identified by number on pages 4-6 and Exhibit B

1 of their motion. The Hearing Division granted Staff's motion and on October 1, 2004,
2 Qwest gave notice that it has responded to all of the data requests identified in Staff's
3 motion to compel.

4 On October 5, 2004, counsel for Staff wrote Qwest identifying additional data
5 request responses that it believed to be overdue and three attachments referenced in
6 Qwest's prior responses not received by Staff. See Attachment A to Staff's Motion for
7 Extension of Time to File Direct Testimony, Etc. Counsel for Qwest spoke with Staff's
8 counsel both on October 6th concerning its preparation of responses to these requests, and
9 again on October 7th at which time it informed Staff's counsel that Qwest was preparing a
10 written response to Staff. Qwest, in fact, served a letter on Staff's counsel later that day,
11 (filed with Docket Control at 4:28 p.m. on October 7, 2004, and served via e-mail and/or
12 hand-delivery on Staff and its counsel), in which it advised Staff of the status of each data
13 request identified. See Exhibit A attached hereto. Staff, in turn, filed its motion with
14 Docket Control at 4:48 p.m. that day, serving the motion via facsimile on Qwest at 4:53
15 p.m.

16 As described in Qwest's October 7th letter, Qwest will have now responded
17 (including two objections) to all of the requests identified by Staff on October 5, 2004 by
18 this date.

19 WDA 10-18, Subparts (b) and (j):

20 Supplemental response submitted October 8, 2004 (not identified in
21 Staff's prior motion to compel).

22 WDA 04-27:

23 Response sent on August 2, 2004 (not identified in Staff's motion to
24 compel).

25 WDA10-11:

26 Response sent on September 24, 2004; however, Qwest has

1 objected, in part, to this request in so far as it requires a special
2 study. Qwest stands by its objection.

3 WDA 08-07 and -09:

4 Responses sent on October 7, 2004.¹

5 WDA 08-13, Subparts (c) and (d):

6 Supplemental responses sent on October 7, 2004 (not identified in
7 Staff's motion to compel).

8 WDA 04-20 and -21:

9 Responses to be sent October 12, 2004 (not identified in Staff's
10 motion to compel).

11 Attachment referenced in UTI 11-14SI:

12 Copy of attachment sent on October 6, 2004 (not identified in Staff's
13 motion to compel).

14 Attachment referenced in UTI 13-10:

15 Copy of attachment sent on October 6, 2004.

16 Attachment referenced in UTI 15-17:

17 Copy of attachment sent on October 6, 2004 (not identified in Staff's
18 motion to compel).

19 UTI 09-14 and -15:

20 Qwest sent on September 24, 2004, and has objected to these
21 requests. Qwest stands by its objections.

22 UTI 16-7 (Staff's letter mistakenly identifies at UTI 16-17):

23 Supplemental response sent on October 7, 2004 (not identified in
24 Staff's motion to compel).

25 ¹ Qwest finalized these responses for service upon Staff on September 16, 2004. However, the
26 responses were inadvertently omitted in Qwest's September 16th mailing to Staff. Exhibit A to
Qwest's notice of compliance should be modified accordingly by this pleading relative to these
specific data requests.

1 UTI 16-13:

2 Qwest answered the original request on October 1, 2004. To the
3 extent, that Staff is now seeking information that differs from that
4 set forth in the request (which Staff did not clarify), Qwest will have
5 provided a supplemental response essentially “guessing” at what
Staff wants by this date (*not* identified in Staff’s motion to compel).

6 As clearly demonstrated above, most of the requests of which Staff now complains were
7 not identified in Staff’s original motion to compel—only WDA 08-07 and -09; which
8 were inadvertently left out of Qwest’s September 16, 2004 mailing as explained in
9 footnote 1 *supra*, and the attachment to UTI 13-10. More importantly, by the time of this
10 filing, Qwest will have provided responses and/or supplemental responses to all of these
11 requests, except for the three instances where it has objected (*i.e.*, WDA 10-11, UTI
12 09-14 and UTI 09-15).

13 **II. Argument**

14 Qwest agrees that the Hearing Division should conduct an emergency procedural
15 conference so that it may deny Staff’s motion for an extension to file its direct testimony
16 in this case and to impose discovery limits. The record in this case demonstrates that
17 Qwest has made a continuous good faith effort to respond timely to the vast and
18 burdensome amounts of written discovery conducted by Staff and its consultants, to keep
19 this docket moving in a timely manner, and to comply with all related orders issued by
20 the Hearing Division. To date, Staff has received the equivalent of *168 feet* of paper
21 comprised of Qwest’s data request responses and referenced attachments. Since the
22 filing of Staff’s original motion to compel, Staff and its consultants continued to serve
23 Qwest with significant new discovery requests, specifically 10 sets of data requests,
24 totaling 97 individually numbered requests or a total of 259 questions (including
25 subparts). *See* Exhibit B.

26 There are only three data requests listed by Staff to which Qwest has objected and

1 refused to provide some information. With regard to WDA 10-11, Staff requested
2 information concerning a myriad of data concerning Qwest's investment in facilities used
3 to provide Choice TV and DSL. Qwest responded to this request providing the
4 information it had available, by objecting, in part, because Qwest does not track the data
5 in the specific format requested by Staff. To provide such information in Staff's
6 requested format would require a special study that would take approximately 20
7 business days to complete (*i.e.*, a manual inspection and comparison cross-checking data
8 found in three different types of documents/data bases, involving a minimum of 3,600
9 documents).

10 With regard to UTI 09-14 and -15, Staff has requested the Company's internal
11 records of its legislative activities, its assessment of pending legislation, and its position
12 on legislative matters, at both the state and federal levels. Qwest objects to such a request
13 as violating its First Amendment right to free speech and requiring information protected
14 by the attorney-client and work product privileges. The purpose of a rate case is not to
15 "discover" the Company's legislative strategies. Such an exploration can only illegally
16 "chill" Qwest's constitutional right to take positions in support of or in opposition to
17 legislation. Staff is free to examine Qwest's expenses incurred in such activities, which
18 Qwest has previously provided, and may argue for the disallowance of any activity it
19 believes to be inappropriate. However, in order to do this, Staff does not need to know
20 the Company's internal legislative strategies and should be mindful that any
21 "disallowance" should not be based upon whether Staff agrees with Qwest's opposition
22 to or support of legislation.

23 Staff's claim that it must still conduct "significant discovery" in this docket cannot
24 withstand scrutiny. *See* Attachment A to Staff's Motion for Extension of Time to File
25 Direct Testimony, Etc. Viewed critically, Staff's motion complains primarily about, at
26 most, 15 data requests that (by Staff's own admission) center on information related to

1 Staff's potential disallowance or reallocation of relatively minor test year expenses, *i.e.*,
2 "Qwest's affiliate transactions with BSI,² and its allocation of investment in deregulated
3 or interstate services" (DSL and Choice TV). *Id.* To assert that a failure to receive
4 discovery on two minor issues prevents Staff from filing its testimony as to all of the
5 other issues in this case is simply unreasonable. To assert that Staff has not received
6 sufficient information to conduct its analysis of whether Qwest's proposal to modify the
7 Price Cap Plan is reasonable and to prepare its testimony so as to comply with the current
8 deadlines as ordered defies credulity. At a minimum, Staff should be required to file its
9 testimony on all other issues (except these two) consistent with the existing deadlines.
10 Delay fails to serve the public interest because ultimately it is the public who pays for the
11 enormous increased rate case expenses caused by such actions. Several significant CLEC
12 intervenors have already sought to withdraw from this docket because they can no longer
13 expend their resources to engage in a case that has become so broad and onerous.

14 The purpose of the Price Cap Plan was to permit action on "modifications in the
15 regulation plan more quickly and with greater flexibility than under traditional rate
16 regulation." Procedural Order at 4 (March 15, 2004). From as early as February 2004,
17 Staff opposed this concept and argued that this matter be conducted in a manner and
18 timeframe comparable to a rate case. *Id.* at 3. As a result, Staff began suggesting that its
19 ability to prepare its initial testimony in compliance with the ordered schedule was being
20 impeded by "untimely" discovery responses, only one month after Staff commenced
21 discovery in this matter. Besides being incorrect, Staff's position connotes an approach
22 that harkens back to a 1970's rate case and that is inconsistent with the existence of a
23 competitive market and the need for competitive pricing some nine years after the
24

25 ² For example, Qwest's BSI transactions total only \$31,000/month and therefore any Staff
26 adjustment or disallowance will have little effect on any revenue requirement Staff calculates for
Qwest.

1 enactment of the Telecommunications Act of 1996. For example, Staff's approach
2 focuses on its "need" to analyze Qwest's 2000 separations study. As the Commission has
3 long recognized, the FCC has preempted the subject of separations and in 2001, it
4 expressly froze the separations categories and factors arising from the 2000 study. *See*
5 *Hawaiian Telephone Co. v. Public Utilities Com'n of the State of Hawaii*, 827 F.2d 1264
6 (9th Cir. 1987). *See also*, Separations Freeze Order, FCC 01-162, CC Docket 80-286
7 (May 22, 2001). As a result, Staff can neither allocate additional revenue to the intrastate
8 jurisdiction nor assign additional expenses to the interstate jurisdiction. Rather, Staff
9 must apply the separations factors in this case as frozen by the FCC in 2001.

10 Staff has not complained that it has not received the information necessary to
11 conduct its analysis on the main issues presented in this docket, specifically
12 modifications to the Price Cap Plan and Qwest's proposals for competitive pricing.
13 Instead of delaying this matter so that it can further examine minor reductions in a
14 revenue requirement determined by an outdated analysis, Staff should be focusing on
15 issues that relate to the provision of telecommunications services to the citizens of
16 Arizona. Issues relating to the provision of service in unserved and underserved
17 territories, the development of a universal service fund mechanism that helps provide
18 affordable telecommunications systems in high cost areas, and the threats to competition
19 posed by exclusive provider arrangements are much more important to the future of
20 telecommunications in Arizona than issues such as Qwest's test-year sponsorships or
21 financially insignificant test-year transactions between Qwest and BSI. Staff's
22 backward-looking approach to this case not only wastes resources, but also inhibits the
23 ability of the Commission to focus on important issues.

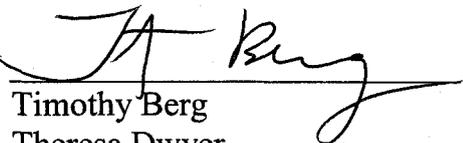
24 Finally, Staff's proposal is open-ended, creates the potential for unlimited
25 discovery, and does not suggest any deadlines for testimony and a hearing in this matter.
26 Such a request, if granted, will not only result in an endless rate case and continued

1 unnecessary and excessive discovery. It will further require Qwest to move to reopen its
2 motion to clarify the Price Cap Plan or to adjust the Plan's productivity factor on an
3 expedited basis, but will no doubt lead to increased litigation should the Commission
4 continue to require annual Basket 1 rate reductions on April 1, 2005.

5 There is no reason under these circumstances that Staff should be allowed any
6 extension of time to file its testimony. If any extension is granted, it should be limited to
7 the minor and isolated issues addressed in Staff's motion for extension, and should allow
8 Staff only 15 days in additional time to conclude its discovery and 15 days to complete its
9 testimony on those issues. Staff's remaining testimony should be filed timely and this
10 matter should continue on the current schedule. Regardless how the Hearing Division
11 rules with respect to the limited issues addressed in Staff's motion for extension, it would
12 be unfair, unjust and prejudicial to Qwest's case for Staff's time for discovery and
13 analysis to be extended indefinitely. Staff's request for an extension, in and of itself,
14 demonstrates why discovery limits, management and cutoff deadlines are necessary and
15 serve the public interest in this docket.

16 RESPECTFULLY SUBMITTED this 11th day of October, 2004.

17 FENNEMORE CRAIG

18
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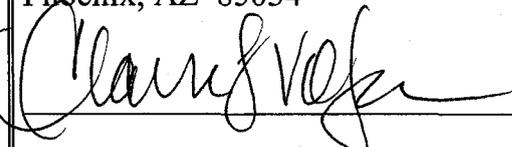
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- 9 Accipiter Communications, Inc.
2238 W. Lone Cactus Dr., Ste.100
Phoenix, AZ 85027
- 10
- 11 Alliance Group Services, Inc.
1221 Post Road East
Westport, CT 06880
- 12
- 13 Archtel, Inc.
1800 West Park Drive, Ste. 250
Westborough, MA 01581
- 14
- 15 Brooks Fiber Communications of Tucson, Inc.
201 Spear Street, 9th Floor
San Francisco, CA 94105
- 16
- 17 Centruytel
PO Box 4065
Monroe, LA 71211-4065
- 18
- 19 Citizens Utilities Rural Co. Inc.
Citizens Communications Co. of Arizona
4 Triad Center, Suite 200
- 20 Salt Lake City, UT 84180
- 21 Citizens Telecommunications Co. of the White Mountains, Inc.
4 Triad Center, Ste. 200
- 22 Salt Lake City, UT 84180
- 23
- 24 Comm South Companies, Inc.
2909 N. Buckner Blvd., Ste. 200
Dallas, TX 75228
- 25
- 26 Copper Valley Telephone, Inc.
PO Box 970
Willcox, AZ 85644

- 1 Electric Lightwave, Inc.
4 Triad Center, Ste. 200
- 2 Salt Lake City, UT 84180
- 3 Eschelon Telecom of Arizona, Inc.
730 Second Avenue South, Ste.1200
- 4 Minneapolis, MN 55402
- 5 Ernest Communications, Inc.
5275 Triangle Pkwy, Ste. 150
- 6 Norcross, GA 30092-6511
- 7 Intermedia Communications, Inc.
3608 Queen Palm Drive
- 8 Tampa, FL 33619-1311
- 9 Level 3 Communications, LLC
1025 Eldorado Blvd.
- 10 Broomfield, CO 80021
- 11 Max-Tel Communications, Inc.
105 N. Wickham
- 12 PO Box 280
- 13 Alvord, TX 76225
- 14 MCI WorldCom Communications
201 Spear Street, 9th Floor
- 15 San Francisco, CA 94105
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201 Spear Street, 9th Floor
- 19 San Francisco, CA 94105
- 20 Midvale Telephone Exchange
PO Box 7
- 21 Midvale, ID 83645
- 22 Navajo Communications Co., Inc.
4 Triad Center, Suite 200
- 23 Salt Lake City, UT 84180
- 24 Nextlink Long Distance Svcs.
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- 25 Phoenix, AZ 85034
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3802 Rosencrans, Ste. 485
- 2 San Diego, CA 92110
- 3 One Point Communications
Two Conway Park
- 4 150 Field Drive, Ste. 300
Lake Forest, IL 60045
- 5
- 6 Opex Communications, Inc.
500 E. Higgins Rd., Ste. 200
Elk Grove Village, IL 60007
- 7
- 8 Pac-West Telecomm, Inc.
1776 W. March Lane, #250
Stockton, CA 95207
- 9
- 10 The Phone Company/Network Services of New Hope
6805 Route 202
New Hope, PA 18938
- 11
- 12 Rio Virgin Telephone Co.
Rio Virgin Telephone and Cablevision
PO Box 189
- 13 Estacada, OR 97023-000
- 14 South Central Utah Telephone Association, Inc.
PO Box 226
- 15 Escalante, UT 84726-000
- 16 Southwestern Telephone Co., Inc.
PO Box 5158
- 17 Madison, WI 53705-0158
- 18 Special Accounts Billing Group
1523 Withorn Lane
- 19 Inverness, IL 60067
- 20 Sprint Communications Company, L.P.
6860 W. 115th, MS:KSOPKD0105
- 21 Overland Park, KS 66211
- 22 Touch America
130 N. Main Street
- 23 Butte, MT 59701
- 24 Table Top Telephone Co, Inc.
600 N. Second Avenue
- 25 Ajo, AZ 85321-0000
- 26

- 1 TCG Phoenix
1875 Lawrence Street, Room 1575
- 2 Denver, CO 80202
- 3 Valley Telephone Cooperative, Inc.
752 E. Malley Street
- 4 PO Box 970
Willcox, AZ 85644
- 5 Verizon Select Services Inc.
6665 MacArthur Blvd, HQK02D84
- 6 Irving, TX 75039
- 7 VYVX, LLC
8 One Williams Center, MD 29-1
Tulsa, OK 74172
- 9 Western CLEC Corporation
10 3650 131st Avenue SE, Ste. 400
Bellevue, WA 98006
- 11 Williams Local Network, Inc.
12 One Williams Center, MD 29-1
Tulsa, OK 74172
- 13 XO Arizona Inc.
14 3930 Watkins, Ste. 200
Phoenix, AZ 85034

15 
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18 1593844.1/67817.336

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EXHIBIT

A

LAW OFFICES

FENNEMORE CRAIG

A PROFESSIONAL CORPORATION

2004 OCT -7 P 4: 28

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October 7, 2004

VIA EMAIL AND HAND-DELIVERY

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Phoenix, AZ 85007

Re: Qwest/Renewed Price Regulation Plan; Docket No.: T-01051B-03-0454

Dear Ms Scott:

I have received your letter dated October 5, 2004 and provide this response. First, Qwest disagrees with your statement that "significant outstanding discovery" relative to Qwest's affiliate transactions with BSI and Qwest's allocation of investment in deregulated or interstate services still remains in this docket. As we pointed out during oral argument on Staff's motion to compel, many of Staff's data requests relate to test year expenses that cannot be considered material by any reasonable standard. For example, requests by Staff for information related to all sponsorships made in the test year in an amount exceeding \$10,000 (*i.e.*, UTI 14-007) is not necessary to reasonable review of the revenue requirement for Qwest's Arizona operations. The same objection applies to the data requests identified in your letter as is discussed below. Further, as we have repeatedly discussed, Staff's overbroad and unnecessary discovery is increasing the cost of this proceeding to a prohibitive level. Various CLEC intervenors (*e.g.*, AT&T, TCG, Sprint) have now withdrawn from this docket because they can no longer expend their resources to engage in a case that has become so broad in scope.

With regard to the specific data requests identified in your letter, Qwest responds as follows:

WDA 10-018, Subparts (b) and (j): In its responses to WDA 10-18 (b) and (j), Qwest did not indicate that it was undertaking "some major revisions" to the rates charged by Qwest to BSI. Rather, Qwest indicated that it would charge BSI the collocation rates ordered by this Commission in Decision No. 64922 and would true-up the results back to January 1, 2003, because the rates charged to BSI were higher than those rates. Because of the large number of rate elements contained in the SGAT and in the previous price list used for BSI, Qwest has not completed the true-up. However, the rates to be charged to BSI on a going-forward basis are the SGAT rates, which are publicly available to Staff. You should note, however, that Qwest's charges to BSI total only \$31,000/month

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Timothy Sabo, Esq.

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and, therefore, any increase or decrease in such charges will have little (as opposed to "significant") impact on any analysis of a revenue requirement for Qwest. Nevertheless, Qwest will submit a supplemental response to these requests by tomorrow, in which it will give a preliminary estimate based upon a high level review of the amount and the direction of any resulting true-up.

WDA 04-027: Please note that this request does *not* ask Qwest about its investment in fiber, remote terminals and/or cross connects and USAMS facilities used to provide Choice TV and the portion of that investment Qwest has allocated to the intrastate jurisdiction. Instead, the request seeks the following:

The Qwest website (qwest.com/vdsl/) states that Qwest offers Qwest Choice (TM) TV in certain areas in and near Phoenix. This site states "Talk on the phone" and "View cable programming" "all at the same time through one single phone line".

a. What is the maximum length in feet of copper cable over which the Qwest Choice (TM) TV service is provided. Provide the effective practical limits (not a distance that is only "theoretical").

b. Does Qwest offer different grades, choices or types of Choice TV service, which depend upon the length of the copper cable over which the Qwest Choice (TM) TV service is provided?

c. If the answer to part (b) is "yes" list the different grades, choices or types and the maximum length in feet of copper cable over which each is provided.

In response to WDA 04-027, Qwest answered:

a. Under engineering guidelines, the maximum length of copper sub loop over which Choice TV services should be provided is 4,500 feet or 5,200, including the drop wire.

b. No

c. Not applicable.

Based on Qwest's response, Mr. Dunkel issued an additional data request on August 27, 2004, *i.e.*, WDA 10-11, which stated:

RE: Response to WDA 04-27

The response to WDA 04-27 indicates that the copper subloop needs to be 4,500 feet or shorter in order to provide Choice TV. According to the Qwest website (www.qwest.com/vdsl/), Choice TV is provided in the Metropolitan Phoenix area.

a. Please provide the additional amount of fiber investment that Qwest made in the Metropolitan Phoenix area, where Choice TV is offered, so that the maximum copper subloop length was 4,500 feet or 5,200

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Timothy Sabo, Esq.

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feet including the drop. What portion of this fiber investment is included in the regulated intrastate investment amounts included in Qwest's filing?

b. Please provide the additional amount of investment in remote terminals and/or cross connects that Qwest made in the Metropolitan Phoenix area, where Choice TV is offered, so that the maximum copper subloop length was 4,500 feet or 5,200 feet including the drop. What portion of this investment in remote terminals is included in the regulated intrastate investment amounts included in Qwest's filing?

c. What data rate is the total downstream signal data rate (towards the end user) and what is the total upstream data rate in the VDSL used to provide the Qwest Choice TV service.

d. Please provide the additional amount of investment in USAMs that Qwest made in the Metropolitan Phoenix area, where Choice TV is offered, so that the maximum copper subloop length was 4,500 feet or 5,200 feet including the drop. What portion of this investment in remote terminals is included in the regulated intrastate investment amounts included in Qwest's filing?

Qwest responded, in part, to this request on September 27, 2004, indicating that Qwest does not track the data in the specific format requested and that to collect the information would require a special study (20 business days) to assemble the response. The reference to 20 days does not indicate, in any way, that Qwest intended to perform a special study. Qwest has consistently objected to conducting such special studies in this proceeding and will continue to do so. The 20-day reference was simply to advise Staff of the substantial effort and time that would be required to conduct such a study. Qwest stands by its objection to this request.

WDA 8-007 and 8-009: Responses have been sent to Staff and Mr. Dunkel today.

WDA 8-13, Subparts (c) and (d): Qwest will provide a supplement to these responses by close of business tomorrow.

WDA 4-020 and 4-021: Qwest will provide responses to these requests by Tuesday, October 13, 2004.

UTI 11-14SI, 13-10, and 15-17: Copies of the attachments referenced in Qwest's responses to these data requests were sent to Staff yesterday.

UTI 9-14 and 9-15: Qwest has objected to these requests and stands by its objection. As we made clear at oral argument on Staff's motion to compel, Qwest believes that internal memoranda concerning its analysis of and positions at the federal and state legislatures are protected by Qwest's First Amendment rights and are, in part, protected by the attorney-client and work product privileges.

UTI 16-7: Qwest will provide a supplemental response to this request by close of business tomorrow.

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Timothy Sabo, Esq.

October 7, 2004

Page 4

UTI 16-13: This request provides, in pertinent part:

b) Please confirm that in addition to Arizona, the States of Colorado, Minnesota and Washington currently have AFUDC policies that differ from the FCC and identify any other jurisdictions that should be added to this list.

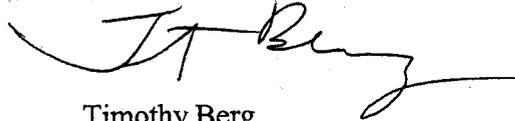
c) Referring to item (b) above, please describe the TPUC and AFUDC policies of each jurisdiction that differ from the FCC.

These requests seek public information concerning the policies or rules of various state PUCs in other jurisdictions and ask Qwest to summarize and analyze the differences between them. This information is readily available to Staff from those PUC public records from which Staff or its consultants can perform their own analyses. Staff itself has objected to a number of Qwest data requests on this same basis (e.g., Qwest's 2nd Set of Data Request to Staff, Nos. 1, 2, 4, 21, and 24). Qwest's objection therefore still stands. However, if what Staff now seeks is a summarization of *Qwest's accounting practices* in these various jurisdictions, Qwest will treat such a "clarification" by Staff as a new request and will provide such information by Tuesday, October 13, 2004.

If you have any further questions or comments, please feel free to contact me.

Sincerely,

FENNEMORE CRAIG



Timothy Berg

cc: Jane Rodda, ALJ
Ernest Johnson, Director, Utilities Division
Elijah Abinah, Asst. Director, Utilities Division
Docket Control
All Parties of Record

PHX/1593419

EXHIBIT

B

DATA REQUESTS RECEIVED BY QWEST FROM STAFF SINCE 9/17/04
ARIZONA "PRICE CAP" DOCKET
10/10/04

<i>Intervenor</i>	<i>Date Received by Qwest</i>	<i>Set Number</i>	<i>Number of Requests</i>	<i>Number of Sub-parts</i>
Staff	9/22	33	03	0
Utilitech	9/17	15	28	67
Utilitech	9/22	16	20	59
Utilitech	9/24	17	09	37
Utilitech	9/28	18	10	15
Utilitech	10/07	19	08	26
William Dunkel	9/27	14	04	17
William Dunkel	9/27	14 "C"	02	16
William Dunkel	9/29	15	06	06
William Dunkel	10/08	16	07	16
		10 Sets	97	259