



BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER
Chairman

WILLIAM A. MUNDELL
Commissioner

MARC SPITZER
Commissioner

MIKE GLEASON
Commissioner

KRISTIN K. MAYES
Commissioner

AZ CORP COMMISSION
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In the Matter of Level 3 Communications,)
LLC's Petition for Arbitration Pursuant to)
Section 252(b) of the Communications Act of)
1934, as amended by the Telecommunications)
Act of 1996, and the Applicable State Laws for)
Rates, Terms, and Conditions of)
Interconnection with Qwest Corporation)

Docket Nos. T-01051B-05-0350
T-03654A-05-0350

MOTION TO COMPEL

MOTION AND MEMORANDUM

Level 3 Communications, LLC ("Level 3"), by and through its attorneys and pursuant to AAC R14-3-106 respectfully moves the Arizona Corporation Commission ("Commission") for an order compelling Qwest Corporation ("Qwest") to provide proper responses to Level 3's First Set of Data Requests to Qwest ("Level 3's Data Requests") served on June 16, 2005, in the above-captioned proceeding (copy attached as Exhibit A). Specifically, Level 3 moves for an order compelling Qwest to fully respond to Level 3's Data Request Nos. 4, 5, 7(b)(c)&(e)(AZ),

1 8, 14, 15(AZ), 17(a)(AZ), 19(AZ), 20-22, 24-27, 28(a), 29-33, and 43-45 and Requests for
2 Admission Nos. 56-59, 66, 82, 88, 96, and 99-100.¹

3 As a preliminary matter, Level 3 respectfully requests expedited consideration of this
4 motion in order to receive supplemental responses before rebuttal testimony is due, currently
5 scheduled for August 15, 2005. Accordingly, Level 3 asks the Commission to require a response
6 from Qwest within four business days from the date of service (August 8, 2005) and asks that the
7 Administrative Law Judge rule on this motion by August 17, 2005. If the Commission grants all
8 or part of Level 3's motion, Level 3 asks that the Commission require Qwest to submit
9 supplemental responses to Level 3's data requests by August 22, 2005. Furthermore, in light of
10 the foregoing timeframes, should the Administrative Law Judge grant all or part of Level 3's
11 motion, Level 3 requests that the date for the filing of rebuttal testimony be extended until
12 August 29, 2005.

13 I. PROCEDURAL BACKGROUND

14 After a year of negotiations with Qwest, Level 3 filed a Petition for Arbitration on May
15 13, 2005,² seeking resolution of, among other things, four basic interconnection rights:

- 16 **Issue 1:** Whether each Party bears its own costs of exchanging traffic at a Single
17 Point of Interconnection per LATA.
- 18 **Issue 2:** Whether Level 3 may exchange all traffic over the interconnection trunks
19 established under the Agreement.
- 20 **Issue 3:** Whether Qwest's election to be subject to the *ISP-Remand Order* for the
21 exchange of ISP-bound traffic requires Qwest to compensate Level 3 for
22 ISP-bound Traffic at the rate of \$0.0007 per minute of use.
- 23 **Issue 4:** Whether Qwest and Level 3 will compensate each other at the rate of
24 \$0.0007 per minute of use for the exchange of IP enabled or Voice over
25 Internet Protocol traffic.

26 ¹ The (AZ) notation designates those requests that Level is willing to accept a comprehensive Arizona specific
answer on initially, reserving its rights to compel Qwest to answer the requests as originally formulated.

² *In the Matter of Level 3 Communications, LLC's Petition for Arbitration Pursuant to Section 252(b) of the
Communications Act of 1934, as amended by the Telecommunications Act of 1996, and the Applicable State Laws
for Rates, Terms, and Conditions of Interconnection with Qwest Corporation, Petition, ACC Docket Nos. T-
03654A-05-0350, T-01051B-05-0350 (filed May 13, 2005).*

1 On June 16, 2005, Administrative Law Judge Jane Rodda issued a Procedural Order
2 (“Procedural Order”) setting forth the procedural schedule in this docket. Pursuant to the
3 Procedural Order, Level 3 and Qwest are required to file direct testimony on July 15, 2005, and
4 rebuttal testimony on August 15, 2005. The hearing in this proceeding is scheduled to
5 commence on September 8, 2005.

6 On June 16, 2005, Level 3 served its First Set of Data Requests on Qwest. Qwest’s
7 responses were due on July 1, 2005. On June 23, 2005, Qwest served on Level 3 general
8 objections, specific objections to all of Level 3’s requests for admissions (with no responsive
9 information), and specific objections and partial responses to Level 3’s interrogatories and
10 requests for production.³ On June 27, Qwest filed responses to Level 3 discovery requests 047-
11 107.⁴ On July 5, 2005, Qwest and Level 3 conducted a five hour meeting to discuss discovery
12 and attempt to work through issues surrounding Qwest’s objections and responses to Level 3’s
13 Data Requests. On July 6, Qwest filed responses to those discovery requests of Level 3 which
14 had previously not been responded to by Qwest (copy attached as Exhibit D)⁵ and supplemental
15 responses on July 20, 2005 (copy attached as Exhibit E).⁶ However, Qwest has not yet provided
16 complete responses to Level 3’s Data Requests, despite the fact that Level 3 has provided written
17 and/or oral clarification of every request for admission and interrogatory to which Qwest
18 objected, failed to completely respond, or failed to provide a sufficient response.⁷

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22 ³ A copy of Qwest’s general objections, specific objections and partial responses to Level 3’s interrogatories and
requests for production is attached as Exhibit B.

23 ⁴ A copy of Qwest’s responses to Data Requests Nos. 047-107 is attached as Exhibit C.

24 ⁵ Qwest’s responses to Qwest’s Responses to Level 3 Communications, LLC’s First Set of Data Requests, Nos.
002, 003, 010, 012, 018, 023, 024, 028 – 038, 042, 062S1, 063S1, 064S1 and 098S1 is attached as Exhibit D.

25 ⁶ Qwest’s responses to Data Requests Nos. 38-42 provided on July 20, 2005 is attached as Exhibit E.

26 ⁷ On June 22, 2005, Qwest served 63 data requests on Level 3. Level 3 timely served objections and responses to
all requests on July 7, 2005. To date Qwest has not indicated that it requires any additional information from
Level 3, nor has it requested a meeting to discuss any problems with Level 3’s responses.

1 substance of the requested admission.” The responding party may not give lack of information
2 or knowledge as a reason for its failure to admit or deny unless the party states that it has made
3 reasonable inquiry and that the information known or readily obtainable by the party is
4 insufficient to enable the party to admit or deny. *Id.*

5 When resolving discovery disputes, the discovery rules should be liberally construed.
6 *See U-Totem Store v. Walker*, 142 Ariz. 549, 552, 691 P.2d 315, 318 (App. 1984). The United
7 States Supreme Court has long recognized “that the deposition-discovery rules are to be
8 accorded a broad and liberal treatment.” *Hickman v. Taylor*, 329 U.S. 495, 507 (1947); *see also*
9 WRIGHT, MILLER & MARCUS, FEDERAL PRACTICE AND PROCEDURE: CIVIL 2D § 2001. Under
10 these liberal discovery principles, those objecting to discovery carry the burden to show why
11 discovery should not be made. *State ex rel Babbitt v. Arnold*, 26 Ariz. App. 333, 335, 548 P.2d
12 426, 428 (1976); *Hine v. Superior Court*, 18 Ariz. App. 568, 571, 504 P.2d 509, 512 (1972).

13 Both the Commission’s rules and the Arizona Rules of Civil Procedure authorize
14 comprehensive pretrial discovery and are intended to facilitate and simplify the issues and avoid
15 surprises at trial. As demonstrated below, Level 3 seeks information that is either directly
16 relevant to the disputed issues in this docket or could reasonably lead to the discovery of
17 admissible evidence. Qwest’s refusal to respond to Level 3’s legitimate discovery requests is
18 contrary to this Commission’s rules and Arizona law, and has prejudiced Level 3’s ability to
19 properly prepare for hearing. Unless this Motion is granted, Qwest’s failure to provide sufficient
20 responses will also deprive the Commission of the ability to make an informed decision based on
21 all relevant facts in this proceeding.

22 III. ARGUMENT

23 The issues in this arbitration go to the core of Level 3’s ability to offer technologically-
24 innovative and cost-effective services on competitive terms, and to make efficient use of its
25 network without the imposition of legacy obligations and costs. Level 3’s Data Requests are
26 intended to gather information that will support Level 3’s argument that Qwest is attempting to

1 force Level 3 into one-sided interconnection requirements designed to offset Qwest's loss of toll
2 revenues due to wider adoption of broadband and other technologies, including Internet Protocol
3 upon which the Level 3 network is based. Qwest's objections to these requests are meritless, and
4 its failure to provide adequate responses threatens Level 3's ability to properly draft rebuttal
5 testimony and prepare for trial. Accordingly, Level 3 respectfully requests that the Commission
6 grant this Motion and order Qwest to respond to these requests immediately.

7 **A. Data Request No. 4 – Qwest Internet Access Service**

8 Level 3's Data Request No. 4 asks the following:

9 Does Qwest offer Internet access services in the state? If
10 so, how many end user customers and how many wholesale
customers in the state does Qwest have?

- 11 a. Please identify each telephone company end office
12 in the state in which the Qwest has collocated
13 equipment such as modem banks, DSL equipment,
14 routers, ATM switches, or other equipment. Please
identify the telephone company that owns/operates
each such end office.
- 15 b. Please list each local calling area within the state in
16 which Qwest maintains a physical presence as
17 defined by Qwest in Section 4 – Definitions VNXX
Traffic (Issue No. 3B) of the Parties'
interconnection agreement.

18 Qwest responded with the following objection on June 23, 2005:

19 Qwest objects to the request that it identify "how many end
20 user customers and how many wholesale customers in the
21 state" each Qwest affiliate has in Arizona on the basis that
22 the information requested constitutes a trade or business
secret and is highly confidential and proprietary. Qwest
23 further objects that the information requested is not relevant
and that it does not appear the request is reasonably
calculated to lead to the discovery of admissible evidence.

24 Qwest's objections are unfounded. First, Qwest's confidentiality objections are moot
25 because the Parties entered into a Protective Agreement in this docket specifically for the
26 purpose of facilitating the exchange of confidential and competitively-sensitive business
information.

1 Second, Qwest's objection on the grounds that the information sought is irrelevant and
2 not reasonably calculated to lead to the discovery of admissible evidence is, without more,
3 insufficient. More importantly, this objection is factually incorrect. Level 3's Data Request No.
4 4 is indeed relevant to Issue 3 in the Petition and to whether the geographic location of the ISP is
5 relevant to the compensation exchanged by the parties for the transport and termination of ISP-
6 bound traffic. Level 3 contends that the jurisdiction of calls should be determined by the NPA-
7 NXX, in accordance with long-standing industry practice. Qwest, on the other hand, is
8 attempting to rate traffic based upon the physical location of the customers, not the NPA-NXX.
9 Request No. 4 is intended to elicit information that will assist Level 3 in rebutting Qwest's
10 position.

11 For these reasons, the Commission should compel Qwest to respond to Request No. 4 and
12 provide the specific information requested for the two affiliates Qwest has identified.

13 **B. Data Request No. 5 – PRI or DID/DOD Service**

14 Level 3's Data Request No. 5 asks:

15 Does Qwest offer PRI or DID/DOD services to ISP customers
16 within the state?

- 17 a. If so, does Qwest pay carriers whose customers
18 originate calls to such Qwest services originating
19 access charges at the CLEC's tariffed rate for each
20 minute of use?
- 21 b. If Qwest contends that there are no such carriers
22 whose customers originate calls to such Qwest
23 services, does Qwest contend that it would pay
24 originating access?

25 Qwest has neither provided any response to Level 3's Data Request No. 5, nor objected
26 to this request. In negotiations regarding this request, Qwest merely indicated that it believes
that the request is ambiguous and calls for speculation. Qwest's position is unfounded. First, as
a procedural matter, if Qwest had intended to object to the request, it was obligated to do so by
June 28, which it failed to do. Moreover, Qwest's unexplained position that the request is

1 ambiguous is completely without foundation. Request No. 5 asks whether Qwest offers PRI or
2 DID/DOD services to ISP customers in Arizona. This is a straightforward, unambiguous
3 request, which requires nothing more than a simple “yes” or “no.” If the answer to Request No.
4 5 is “yes,” Request No. 5(a) asks if Qwest pays originating access to carriers whose customers
5 originate calls to those services at the CLEC’s tariffed rate. If Qwest’s response to Request No.
6 5 is “no,” Request No. 5(b) asks whether it is Qwest’s contention that it would pay originating
7 access for such traffic. Request Nos. 5(a) and 5(b) are similarly free of ambiguity and require no
8 speculation. Accordingly, Qwest’s objections lack merit, and the Commission should compel
9 Qwest to respond to Request No. 5 in its entirety.

10 **C. Data Request Nos. 7(b), 7(c) and 7(e) – Qwest’s VoIP Service**

11 Level 3’s Data Request No. 7(b) provides:

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13 Please state the number of retail [VoIP] customers (“retail” in the
14 sense that the customers use the service for his/her personal
15 communications needs) and how many wholesale customers
16 (“wholesale” in the sense that an ESP or carrier purchases this
17 service from Qwest and sells to other customers) Qwest has in the
18 state.

19 Qwest responded to this request as follows:

20 Qwest objects to this subpart on the basis that the information
21 requested constitutes a trade or business secret and is highly
22 confidential and proprietary. Qwest further objects that the
23 information requested is not relevant and is not reasonably
24 calculated to lead to the discovery of admissible evidence.

25 Qwest’s objections are without merit. First, as discussed above, the Parties have entered
26 into a Protective Agreement in this proceeding. Accordingly, Qwest’s confidentiality and trade
secret arguments are moot. Second, Qwest’s general objections that the request seeks irrelevant
information and is not reasonably calculated to lead to the discovery of admissible evidence are,
without more, insufficient. Moreover, Request No. 7(b) is indeed relevant to Disputed Issue 4 –
whether Qwest and Level 3 will compensate each other at the rate of \$0.0007 per minute-of-use

1 for the exchange of IP-enabled or Voice over Internet Protocol (“VOIP”) traffic. Level 3
2 contends that VoIP traffic is not subject to access charges. Qwest seeks to impose access
3 charges on certain VoIP traffic. The information requested in Request No. 7(b) is necessary to
4 demonstrate the impact that Qwest’s VoIP proposal will have on Level 3. Qwest should be
5 required to respond to Request No. 7(b).

6 Level 3’s Data Request No. 7(c) asks:

7 Please list each local calling area within the state in which Qwest
8 maintains a physical presence as defined by Qwest in Section 4-
9 Definitions VNXX Traffic (Issue No. 3B) of the Parties’
interconnection agreement.

10 Qwest failed to respond or object, other than its umbrella general objections, to
11 this request. With respect to any objection to or other failure to answer an
12 interrogatory, the party submitting the interrogatories may move for an order to
13 compel an answer. Ariz. R. Civ. P. 33(a). Since the response sought is directly
14 relevant to whether Qwest acts in a lawful and non discriminatory manner by
15 requiring of itself the same network architecture that it requires of Level 3 in
16 order to forego toll charges for VNXX traffic⁹ – and, in light of Qwest’s complete
17 lack of responsiveness to Data Request No. 7(c) – Qwest should be required to
18 provide a comprehensive response to Data Request no. 7(c). Ariz. R. Civ. P.
19 37(a).
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24 ⁹ Pursuant to the Telecommunications Act of 1996, which provides in part, that an “incumbent local exchange
25 carrier has the following duties: (2) INTERCONNECTION- The duty to provide, for the facilities and equipment of
26 any requesting telecommunications carrier, interconnection with the local exchange carrier's network-. (D) on rates,
terms, and conditions that are just, reasonable, and nondiscriminatory, Qwest is obligated to treat Level 3 in a non-
discriminatory manner. 47 U.S.C. 251(c)(2)(D) Accordingly, any course of conduct or practice by Qwest which, if
proven, unlawfully discriminates against Level 3, is a relevant matter for discovery in this proceeding.

1 Level 3's Data Request No. 7(e) provides:

2 Does Qwest purchase any wholesale VoIP services from any other
3 provider? If so, name the provider, the services purchased and the
4 states in which such service is purchased.

4 Qwest responded to this request as follows:

5 Qwest objects to this subpart to the extent that it seeks information
6 concerning Qwest's purchases of services outside the state of
7 Arizona and outside the 14-state territory in which Qwest operates
8 as an incumbent LEC. This request is overly broad and
9 burdensome and seeks information that is irrelevant. Furthermore,
the subpart is not reasonably calculated to lead to the discovery of
admissible evidence.

10 Qwest's objections fail. First, Qwest has provided no authority for the proposition that
11 discovery is limited in scope to the state of Arizona. As discussed in Footnote 9, Section 251(c)
12 of the Telecommunications Act requires ILECS to provide interconnection on a
13 nondiscriminatory basis. The information sought by Level 3 is critical to determining whether
14 Qwest's proposals in this arbitration discriminate against Level 3 relative to the manner in which
15 Qwest interconnects with itself, its affiliates, and other carriers throughout its service territory.
16 In the July 5 meeting to discuss discovery issues, the only explanation that Qwest provided to
17 support limiting its responses to Arizona were that the requests would otherwise be overly broad
18 and unduly burdensome. But Qwest has failed to support its claims that providing information
19 for states outside of Arizona would be unduly burdensome. Furthermore, Qwest did not even
20 provide responses for Arizona.

21 Second, for the reasons given above, Qwest's objection that the request is overly broad,
22 unduly burdensome, and not reasonably calculated to lead to the discovery of admissible
23 evidence, without more, is legally insufficient. However, though reserving its rights to compel
24 Qwest to answer the request as originally formulated, Level 3 is willing to initially accept a
25 comprehensive response from Qwest for Request No. 7(e) which is limited to the state of
26 Arizona.

1 **D. Data Request No 8**

2 Request No. 8 request that Qwest:

3 Please describe any traffic exchange arrangements of any
4 description applicable to enhanced or Internet Enabled services
 such as VoIP that Qwest has in Arizona with:

- 5 a. Other ILECs;
- 6 b. CLECs; or
- 7 c. Any other parties.

8 Qwest responds as follows:

9 Qwest objects to this request on the grounds that this arbitration is
10 between Qwest Corporation, the incumbent LEC, and Level 3.
11 The arrangements Qwest or a Qwest affiliate may have with other
12 LECs, particularly those in other states, are not relevant. Qwest
13 further objects that the request is not reasonably calculated to lead
14 to the discovery of admissible evidence. Qwest also objects that to
15 the extent Qwest or a Qwest affiliate has interconnection
 agreements with other LECs, those public records are on file with
 the Commission and may be obtained readily by Level 3 from that
 source.

16 Qwest's objections are not properly based in law. As previously cited, Section 251(c) of the
17 Telecommunications Act of 1996 requires that Qwest treat all CLECs in a non-discriminatory
18 manner.¹⁰ The arrangements that Qwest or a Qwest has with other LECs is directly relevant to
19 the issue of whether Qwest, whether directly or indirectly through a surrogate, is acting in a
20 discriminatory manner vis-à-vis Level 3. Furthermore, not all agreements are a matter of public
21 record insofar as experience has shown that Qwest in the past has taken the position that certain
22 types of agreements need not be filed – though eventually state commissions have found to the
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¹⁰ See Footnote 9 herein.

1 contrary.¹¹ Finally, Qwest is in the best position, with its considerable resources and a
2 centralized group of people that manage their interconnection agreements, to provide the
3 information requested. For the foregoing reasons, Qwest should be compelled to
4 comprehensively respond to Data Request No. 8.

6 **E. Requests Nos. 14, 15(AZ), 17(a)(AZ), 19(AZ), 20-21 and 44 – Efficient Use of**
7 **Trunk Groups**

8 Request Nos. 14, 15(AZ), 17(a)(AZ), 19, 20-21 and 44-45 seek the following
9 information: the use of combined trunk groups by Qwest and Qwest affiliates; the imposition of
10 separate trunking obligations upon other CLECs by Qwest; the use of traffic apportionment
11 factors, such as percent interstate usage (PIU) and percent local usage (PLU), by Qwest or any
12 other LEC that delivers traffic to Qwest; and Qwest's knowledge regarding any state
13 commissions that have required separate trunk groups. Qwest made a variety of objections, but
14 none are sufficient to justify Qwest's failure to respond. Specifically, Qwest objected that these
15 requests are generally overly broad, unduly burdensome, seek information that is not relevant,
16 seek information about Qwest's affiliates and seek information that the affiliate may consider
17 proprietary, and request that Qwest identify individual wholesale customers and disclose
18 information that such customers may consider proprietary. Additionally, Qwest objected that the
19 requests seek information about states other than Arizona and are overly broad because they
20 include states in which Qwest is not the incumbent LEC. (*See* Chart 1 attached as Exhibit F for a
21 complete recitation of these requests and Qwest's objections and responses).

22 For the reasons given above, Qwest's general objections that these requests are overly
23 broad, unduly burdensome, and seek information that is not relevant, without more, are legally
24 insufficient. This information is material to the disputed issues in this case and should be
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26 ¹¹ *See* In the Matter of Qwest Corporation's Compliance with Section 252(e) of the Telecommunications Act of
1996, Decision No. 66949 (dated April 30, 2004)

1 discoverable. Issue No. 2 involves whether Level 3 may exchange all traffic over the
2 interconnection trunks established under the Interconnection Agreement. Level 3 seeks to use its
3 existing trunk groups to exchange all traffic with Qwest, as it has done for many years. Qwest
4 seeks to limit Level 3's ability to use trunks efficiently and to force Level 3 to build an
5 inefficient network that mirrors Qwest's legacy network. Qwest seeks to do this by forcing
6 Level 3 to establish separate Feature Group D trunks to transmit traffic Qwest contends is "toll"
7 traffic and other traffic that Qwest admits cannot be accurately rated, but nevertheless contends
8 should be assessed access rates. Information related to Qwest's current practices, the practices of
9 its affiliates, and the obligations imposed on CLECs with whom Qwest exchanges traffic is
10 central to understanding and rebutting Qwest's position in these proceedings. This information
11 will assist Level 3 in drafting its rebuttal testimony and preparing for hearings, and will be
12 helpful to the Commission in reaching a decision on this matter.

13 As discussed above, the Parties have executed a Protective Agreement in this proceeding.
14 Accordingly, Qwest's confidentiality and trade secret arguments are moot. Moreover, Qwest has
15 made no showing that the information is proprietary to its customers as asserted in its objections.
16 Qwest simply speculates that the information "may" be considered proprietary. This is not
17 sufficient to overcome the heavy burden that rules promoting broad discovery place upon the
18 party objecting to discovery.

19 Additionally, as discussed above, Qwest cites no authority to support the proposition that
20 information regarding its affiliates and information about its business activities outside of
21 Arizona are not within the realm of discovery. This information is material to these proceedings.
22 Section 251(c) of the Act requires incumbent LECs, such as Qwest, to provide nondiscriminatory
23 access to interconnection. The information sought by Level 3 is critical to assessing whether
24 Qwest's proposals in this arbitration discriminate against Level 3 relative to the manner in which
25 Qwest provides interconnection to itself, its affiliates, and other carriers throughout its service
26 territory. For example, to the extent that, in Arizona or elsewhere, Qwest has not required its

1 affiliates or other CLECs to separate traffic onto different trunks and has employed PIUs, PLUs,
2 or some other traffic allocation factor to rate traffic, or has itself asserted its right to commingle
3 traffic on trunk groups, such information is directly relevant to Level 3's ability to rebut Qwest's
4 imposition of separate trunking requirement on Level 3 and bears directly on whether Qwest's
5 proposal is discriminatory.

6 Furthermore, Qwest did not even provide information for Arizona. Given the fact that
7 Qwest's other objections to these requests are baseless, at a minimum Qwest should be required
8 to respond with Arizona-specific data. As an accommodation to Qwest, without waiving its
9 rights to compel based upon the original request made, Level 3 is initially willing to accept
10 response to Data Request Nos. 15(AZ), 17(a)(AZ), 19(AZ) limited to Arizona.

11 For the foregoing reasons, Level 3 respectfully requests that the Commission order Qwest
12 to respond to Request Nos. 14, 15(AZ), 17(a)(AZ), 19(AZ), 20-21 and 44.

13 **F. Request No. 22 – Efficient Use of Trunk Groups**

14 Level 3's Data Request No. 22 provides:

15 Please state whether Qwest is aware of any state commission that has required
16 separate trunk groups for transit traffic. If your answer is anything other than an
17 unqualified "no," please identify each state that Qwest believes had required
18 separate trunk groups for transit traffic and provide a complete citation to such
19 order.

20 Qwest responded to this requests as follows:

21 Qwest objects to this request on the grounds that it is overbroad, unduly
22 burdensome, equally available to Level 3, seeks information that is not relevant to
23 the subject matter in the pending action, and is not reasonably calculated to lead
24 to the discovery of admissible evidence.

25 During the meeting on July 5, 2005, Level 3 attempted to clarify this request. The
26 information sought is directly relevant to the proceedings inasmuch as it requests information as
to whether any state has required a discrete type of traffic – transit traffic – to be segregated onto
separate trunks. Qwest in this proceeding is requesting that Level 3 segregate certain types of
traffic onto separate trunks. Accordingly, whether or not other state commissions have required

1 Qwest to separate transit traffic or allow it to be combined is directly relevant. Furthermore,
2 Qwest has provided no evidence as to why the request is burdensome or overbroad. The way in
3 which transit traffic is trunked is a matter covered by most, if not all, interconnection
4 agreements. With Qwest's network of state regulatory personnel, centralized interconnection
5 agreement resources and involvement in regulatory advocacy, the argument that the request is
6 unduly burdensome fails.

7 **G. Request Nos. 24-27, 28(a), 29-33 – Qwest's FX and FX-Like Services**

8 Request Nos. 24-27, 28(a), 29-33 seek information regarding Qwest services that Qwest
9 considers to be FX or FX-like. Specifically, if Qwest offers FX-like services, these requests seek
10 service identifications and product descriptions, the number of customers and lines in Arizona,
11 the length of time that the service has been offered, the number of ISPs who purchase the
12 service, whether Qwest has billed or received reciprocal compensation or other terminating
13 compensation for calls received from Qwest's FX or FX-like customers and details regarding
14 such billings, and whether Qwest has paid access charges to the originating carrier for calls
15 originated by another carrier and terminated to a Qwest FX or FX-like customer. (See Chart 1
16 attached as Exhibit F for a complete recitation of these requests and Qwest's objections and
17 responses).

18 Qwest objects to these requests on the grounds that they seek information from beyond
19 Arizona, seek publicly available information that Level 3 could obtain from Qwest's
20 tariffs/catalogs, seek trade secret or confidential information, are overly broad, are unduly
21 burdensome, and are not reasonably calculated to lead to the discovery of admissible evidence.
22 Additionally, Qwest has objected that the term "FX-like" is ambiguous – Qwest therefore
23 asserting that this prevents it from adequately responding.¹² With regard to Request No. 25 and
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25 ¹² During a conference with ALJ Rodda on August 3, 2005, Level 3 agreed to utilize the definition of FX-like
26 service as reflected in a proceeding between Level 3 and Qwest in the state of Washington. In light of this
clarification, it is Level 3's understanding that Qwest would forego this basis of its objections. In addition, at page
50 of his direct testimony, Mr. Brotherson goes to great lengths to explain why Qwest's product is not FX-like.
Presumably, Qwest has an understanding of this term.

1 27, Qwest also objects that the requests relate to information about the business purposes of its
2 customers that Qwest does not retain, and that such information may be proprietary to its
3 customers. Qwest's objections have no merit and should be rejected.

4 Rather than providing Arizona-specific information, Qwest simply fails to respond and
5 provides no further information about those services. At a minimum, Qwest should be
6 compelled to provide information about its grandfathered customers in Arizona.

7 Qwest's claim that this information regarding FX-like services is available to Level 3 in
8 Qwest's tariffs and catalogs is not a valid objection because Qwest is much more familiar with
9 the content of its tariffs and catalogs than Level 3, and it would be significantly easier for Qwest
10 to compile the requested information. Qwest must be required to produce information pursuant
11 to these requests about services that it considers to be FX-like.

12 Qwest's objection that the requests seek information that is confidential or protected as a
13 trade secret is nullified by the Protective Agreement discussed above.

14 For the reasons given above, Qwest's general objection that the requests are overly broad,
15 unduly burdensome, and not reasonably calculated to lead to the discovery of admissible
16 evidence, without more, is not legally sufficient.

17 **H. Request Nos. 43 and 45 – POIs and Other Facility Connections in Arizona.**

18 Request No. 43 seeks the following information:

19 How many physical POIs exist in Arizona between Qwest and
20 CLECs?

21 Request No. 45 seeks the following information:

22 How may CLECs in Arizona connect to Qwest's network by
23 means of (a) Qwest-supplied entrance facility running between
24 Qwest's network and a CLEC switch; (b) CLEC-supplied facility
delivered to Qwest's network at or near a Qwest central office
building; or (c) some other means?

25 Qwest provided the same response to both requests:
26

1 Qwest objects to this request on the grounds that it is unduly
2 burdensome and not reasonably calculated to lead to the discovery
3 of admissible evidence.

4 These objections, without more, are legally insufficient for the same reasons given above.
5 Moreover, the objections are not supported by the facts. The information requested in Request
6 Nos. 43 and 45 is indeed reasonably calculated to lead to the discovery of admissible evidence
7 relevant to Issue 1 in the Petition regarding the points of interconnection per LATA that may be
8 allowed under the Interconnection Agreement. It is also important for Level 3 to understand
9 which points of interconnection Qwest considers to be POIs under Qwest's interpretation of the
10 law and which ones Qwest believes do not qualify. Given the importance of this information to
11 the issues in this case, Qwest should be required to comply.

12 **I. Requests for Admission Nos. 56-59 – Provisions of Qwest's Federal and State
13 Tariffs**

14 In Requests for Admission Nos. 56-59, Level 3 seeks Qwest's admission that certain
15 information is not set forth in Qwest's state or federal tariffs. Qwest first objects to these
16 requests on the grounds that they call for legal conclusions. In fact, they do not. They simply
17 elicit Qwest's admission as to facts: whether certain information is or is not in Qwest's state or
18 federal tariffs.

19 Next, Qwest denies each request, but admits it has not conducted a review of the tariffs in
20 question to ascertain the accuracy of its response. A party responding to requests for admission
21 may not give lack of information or knowledge as a reason for its failure to admit or deny unless
22 the party states that it has made reasonable inquiry and that the information known or readily
23 obtainable by the party is insufficient to enable the party to admit or deny. Ariz. R. Civ. P. 36(a).
24 Qwest has failed to undertake the reasonable investigation of its tariffs necessary to respond to
25 these requests. It then attempts to dodge the import of the requests by arguing that, even if the
26 tariffs do not mention the requested topic, it is not fatal to Qwest's argument. It is inappropriate

1 for Qwest to avoid this request by presenting its own advocacy that has no bearing on the
2 admission sought. The Commission should compel Qwest to respond to these requests.

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5 **J. Request For Admissions Nos. 66, 82, 96, and 99**

6 In its Responses to Level 3's Requests for Admissions, Qwest fails to admit or deny
7 Request for Admissions Nos. 66, 82, 96, and 99. (See Chart 1 attached as Exhibit F for a
8 complete recitation of these requests and Qwest's objections and responses.) To the extent a
9 party cannot admit or deny a request for admission, the answer shall specifically set forth in
10 detail the reasons why the answering party cannot truthfully admit or deny the matter. Ariz. R.
11 Civ. P. 36. Qwest has provided no reasonable bases for its failure admit or deny these requests,
12 and the Commission should compel Qwest to respond.

13 Request for Admission No. 66 is an example of Qwest's failure to provide a reasonable
14 basis for its inability to admit or deny a request. This request seeks information regarding
15 Qwest's VoIP offerings. Qwest contends it cannot admit or deny this request because it is not
16 clear to which Qwest VoIP offering Level 3 is referring. Qwest's explanation for its inability to
17 admit or deny this request is ludicrous. The request states the specific VoIP service at issue:
18 "Qwest® OneFlex Voice over Internet Protocol."

19 Another example is Request for Admission No. 82, which seeks an admission that
20 Qwest's end office and tandem switches do not store any information indicating the address or
21 location of any end user's premises. Qwest claims it can neither admit nor deny this request, yet
22 provides no reasonable explanation for why it cannot do so. Rather, Qwest states that "Qwest's
23 end office and tandem switches process calls based on information that in *most, but not all*, cases
24 identifies the general geographic area within which the end users are located." (Emphasis
25 added). That is not responsive to the question asked. Rather than admitting or denying this
26 request for admission, Qwest ignored the question. Qwest knows whether its end office or
tandem switches store any information indicating the address of location of any end user's

1 premise. Indeed, if telephone networks had ever rated telephone calls based upon the “physical
2 location of the end user,” which is an obligation Qwest seeks to impose on Level 3 in this
3 proceeding, then it follows that the networks would be capable of determining the physical
4 location of the end user. Based upon Level 3’s extensive experience in the industry and in
5 litigation, Level 3 has yet to encounter any major ILEC, competitive carrier, mobile wireless
6 provider, or cable provider that has deployed equipment capable of determining the “physical
7 location of the end user” with the sole exception of wireless 911 networks, which are only just
8 being deployed at this time.

9 Moreover, Qwest’s response is internally inconsistent. For example, in its objection to
10 Request for Admission No. 82, Qwest states:

11 The telephone numbers that Qwest uses for call routing purposes
12 are assigned to its end users based on NPA-NXXs *associated with*
13 specific LCAs in the state. Thus, Qwest’s end office and tandem
14 switches process calls based on information that that in most, but
15 not all, cases identifies the *general geographic area* within which
16 the end users are located. Thus, while switches *do not route calls*
17 *based on specific addresses stored within the switches*, the
18 *routing* and connecting function of switches are based on
19 information concerning a *customer’s address and location located*
20 *in other company databases*. Furthermore, installation facts, repair
21 facts, billing information and other related information related to
22 specific customers are contained in company databases that are
23 based on customer address and location information.

24 (Emphasis added.)

25 In other words, Qwest’s switches **route** calls based on information in the LERG. The
26 LERG **associates** NPA-NXX codes with tandem and end office switches that are **in the general**
27 **geographic area** of the loops connected to the end office switches providing dial tone to **end**
28 **users in that area**. Thus, Qwest’s circuit **switches do not route calls based upon specific**
29 **addresses contained within the switches**. Qwest’s switches **route** calls based upon the NPA-
30 NXX codes. Qwest later renders bills based upon **information concerning “customer address**
31 **and location”** by associating the NPA-NXX codes to “other company databases.”

32 Request for Admission No. 96 asks that Qwest admit that:

1 ..where Qwest proposes to rate ISP-bound traffic as toll traffic, Level 3 would pay Qwest
2 \$0.016270 per MOU instead of paying Level 3 \$.0007 per MOU for terminating a call
3 received at the Parties' POI. If your answer is anything other than an unqualified
4 admission, please describe in detail your qualification or denial, and provide any
5 information or evidence which supports your qualification or denial.

6 In response to this request, Qwest complains that the request is ambiguous and a compound
7 question. There is no ambiguity about this request; nor is the question compound. Simply
8 stated, the request merely asks whether Qwest would be a receiver of compensation should it
9 prevail on its categorization of ISP VNXX traffic as opposed to paying Level 3. Furthermore, if
10 Qwest requires qualifying its response, the rules allow for such qualification. ARCP 36(a).
11 Accordingly, Qwest should be compelled to answer Request for Admission No. 96.

12 In response to Request for Admission 99, Qwest stated that they could not respond
13 because it is "unclear what 'this service' refers to." The request asks Qwest to admit or deny the
14 following:

15
16 Qwest physically collocates equipment at its or another carriers'
17 switch or other location permitting collocation within the local
18 calling area associated with each of the NPA-NXX codes that
19 Qwest uses to provide this service. If your answer is anything
20 other than an unqualified admission, please describe in detail your
21 qualification or denial, and provide any information or evidence
22 which supports your qualification or denial.

23 Level 3 has clarified for Qwest that "this service" refers to FX or FX-like services.
24 Based upon Level 3's understanding that inasmuch as the Parties have agreed to use the
25 definition of FX-like services propounded by Level 3 in a proceeding in WA, Qwest will respond
26 to the Admission in such context. Accordingly, Qwest's objection no longer has merit.

27 For the foregoing reasons, Level 3 respectfully requests that the Commission order Qwest
28 to respond to Requests for Admission Nos. 66, 82, 96 and 99.

1 **K. Request for Admission No. 88 – Qwest’s Call Routing and Billing Systems**

2 Level 3’s Request for Admission No. 88 provides:

3 Please admit that Qwest’s billing systems never sample any data regarding
4 the address or location of any end user’s premises for purposes of billing.

5 Qwest responded as follows:

6 Denied for the same reasons as set forth in Qwest’s responses to Request
7 Nos. 82 and 86.

8 Qwest denies Request for Admission No. 88 by cross-referencing responses to requests
9 for admissions that are not in any way responsive to *this* request for admission. Specifically,
10 Qwest’s Response to Request for Admission No. 82 both fails to admit or deny the request
11 (thereby being inconsistent with its unqualified denial for Request No. 88), but also attempts to
12 obfuscate its response by citing to generalized geographic information that processes calls. This
13 is not what Request No. 88 (or No. 82 for that matter) requests an admission upon. Qwest’s
14 reference to its response to Request for Admission No. 86 is equally unresponsive because that
15 response merely references Qwest’s response to Request for Admission No. 82, which as noted
16 is also not responsive to Request for Admission No. 88.

17 For these reasons, the Commission should compel Qwest to admit or deny this request
18 without referencing other irrelevant responses.

19 **L. Request for Admission No. 100 – Impact of VoIP Services on Qwest
20 Revenue**

21 Qwest objected to Level 3’s Request for Admission No. 100 on the grounds that it is
22 ambiguous and a compound question that is inappropriate for a request for admission. Again,
23 these objections lack merit. Request for Admission No. 100 simply seeks that Qwest admit that
24 *should* VoIP services attract a *sizable* number of customers who use VoIP to bypass traditional
25 local exchange carriers Qwest local services may be adversely affected. (Emphasis added)
26 Either Qwest local voice services would be adversely affected or they would not. If Qwest needs
 to qualify its answer, ARCP 36(a) provides when “good faith requires that a party qualify an
 answer or deny only a part of the matter of which an admission is requested, the party shall

1 specify so much of it as is true and qualify or deny the remainder. Accordingly, ample provision
2 is made for Qwest to provide an adequate response.

3 **M. Level 3 Has Been Substantially Prejudiced by Qwest's Failure to Comply**
4 **with its Discovery Obligations**

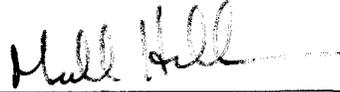
5 Qwest's responses to Level 3's date requests were due July 1, 2005. Qwest is well aware
6 that Level 3 intended to use information obtained in the discovery process in its rebuttal
7 testimony in this docket. The deadline for rebuttal testimony is August 15, 2005, only seven
8 days away. Despite repeated requests, Qwest has failed to provide Level 3 with proper responses
9 to its interrogatories, requests for production, and requests for admissions. This failure has
10 harmed Level 3's ability to prepare for hearing. Because the discovery issues raised in this
11 Motion will not be resolved before August 12, Qwest's failure to respond has already denied
12 Level 3 the opportunity to review the responses before drafting its rebuttal opening testimony.

13 **IV. CONCLUSION**

14 Level 3 understands that discovery is extensive in this proceeding due to the numerous
15 complex issues on the table, and that the timelines for responses are necessarily short. Level 3
16 faces the same difficulties as Qwest in this proceeding, and arguably has even fewer resources
17 than Qwest in which to deal with the large number of discovery requests and tight deadlines.
18 Level 3 now finds itself in the position of having to dedicate limited resources and time to
19 prepare and file this motion in order to get Qwest to do what it is obligated by law and
20 Commission rule to do. Level 3 has been substantially prejudiced by Qwest's failure to comply,
21 and respectfully requests that the Commission issue an order by August 17, 2005, requiring
22 Qwest to immediately provide full and proper responses to Level 3's discovery requests.
23 Furthermore, in order to provide adequate time for Level 3 to prepare its rebuttal testimony,
24 Level 3 respectfully requests that the deadline for filing such testimony be extended to August
25 29, 2005.

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3 RESPECTFULLY SUBMITTED this 8th day of August, 2005.

4 LEWIS AND ROCA LLP

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6 

7 Thomas H. Campbell
8 Michael T. Hallam
9 40 N. Central Avenue
10 Phoenix, Arizona 85004

11 Attorneys for Level 3 Communications

12 ORIGINAL and thirteen (13)
13 copies of the foregoing filed this
14 8th day of August, 2005, with:

15 The Arizona Corporation Commission
16 Utilities Division – Docket Control
17 1200 W. Washington Street
18 Phoenix, Arizona 85007

19 COPY of the foregoing hand-delivered
20 this 8th day of August, 2005 to:

21 Jane Rodda, Administrative Law Judge
22 Hearing Division
23 Arizona Corporation Commission
24 1200 West Washington
25 Phoenix, AZ 85007

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

Ernest Johnson, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

1 Copy of the foregoing mailed
2 this 8th day of August, 2005, to:

3 Timothy Berg
4 Theresa Dwyer
5 Fenmore Craig, P.C.
6 3003 N. Central Avenue
7 Suite 2600
8 Phoenix, AZ 85012
9 Attorneys for Qwest Corporation

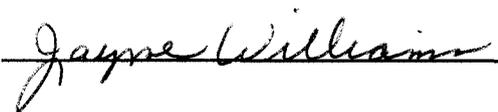
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EXHIBIT A

**Level 3 Communications LLC's First Set of Data
Requests to Qwest Corporation
Arizona Corporation Commission
Docket Nos: T-01051B-05-0350 and T-03654A-05-0350
June 16, 2005**

DEFINITIONS AND INSTRUCTIONS

- A. Each request pertains to documents, physical objects, and computer recorded information in your knowledge, possession, custody, or control, or in the knowledge, possession, custody, or control of your agents or representatives. Each request is also a continuing request for information and documents, which come into your control during the time in which this proceeding is pending.
- B. With respect to any document responsive hereto which has been destroyed, lost, or is no longer in your possession or subject to your control, you shall submit a statement setting forth as to each, a description of the item, its disposition, the date of disposition, and the names of all those with knowledge thereof.
- C. The words "document", "memoranda", "work papers", "notes", "correspondence", "item", and "record", include any physical object, written, printed, typed, recorded or graphic, however produced or reproduced, whether sent, received or neither, including originals, copies and drafts, and including but not limited to: correspondence, email, telecopier correspondence, messages, reports and recordings of telephone or other conversations and of interviews and conferences, memoranda, notes, opinions, records, balance sheets, income statements, monthly statements, book entries, account letters, ledgers, journals, books or records of accounts, summaries of accounts, purchase or sales orders, invoices, vouchers, bills, receipts, checks stubs, cancelled checks, drafts, leases, contracts, offers, desk calendars, appointment books, diaries, expense reports, summaries, transcripts, minutes, reports, affidavits, statements, questionnaires, answers to questionnaires, plans, specifications, lab books and notations, data notations, workpapers, confirmations, formula, studies, forecasts, projections, analyses, evaluations, statistical records, tabulations, calculations, charts, graphs, surveys, renderings, diagrams, photographs, recordings, films, video recordings, microfilms, papers, books, periodicals, pamphlets, newspaper articles or clippings, publications, schedules, lists, indexes, all other records or information kept by electronic, photographic, mechanical or other means, and any item similar to the foregoing, however denominated, whether currently in existence or already destroyed.

**Level 3 Communications LLC's
First Set of Data Requests to Qwest Corporation
June 16, 2005
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- D. As used herein, the words "Qwest," or "Company" refer to Qwest Corporation and any predecessor, successor, or affiliated corporations, its present and former directors, officers, agents, representatives, employees, attorneys, joint venture, strategic partner, and all other present or former persons, corporations, companies, partnerships, organizations or other entities acting or purporting to act on behalf of Qwest or in which Qwest has a superior financial interest. The words "this state", or references to this "state", means Arizona.
- E. These requests are directed to all documents and information in your possession, custody or control. A document is deemed to be in your possession, custody or control if you have possession of the document, have the right to secure such document or communication from another person having possession thereof, or the document or communication is reasonably available to you (including those documents or communications in the custody or control of your company's present employees, attorneys, agents, or other persons acting on its behalf and its affiliates. In response to requests for production of documents contained in these discovery requests, you shall produce the documents, including all appendices, exhibits, schedules, and attachments that are most relevant to the request.
- F. If you are unable to produce a document or information based on a claim that the document is not in your possession, custody or control, state the whereabouts of such document or information when it was last in your possession, custody or control, and provide a detailed description of the reason the document is no longer in your possession, custody or control, and the manner in which it was removed from your possession, custody or control.
- G. Qwest shall produce all responsive documents for inspection and copying unaltered and/or unredacted as they are kept in the usual course of business and organize and label them to correspond to the categories in this request. If the requested documents are kept in an electronic format, you shall produce the requested document in such format. If any part of a document is responsive to any request, the whole document is to be produced. If there has been any alteration, modification or addition to a document (whether in paper form or electronic), including any marginal notes, handwritten notes, underlining, date stamps, received stamps, attachments, distribution lists, drafts, revisions or redlines, each such alteration, modification or addition is to be considered as a separate document and it must be produced.
- H. With respect to any responsive document to which Qwest asserts a claim of privilege, you shall submit a list identifying each document. Identification shall include the (1) date of the document, (2) the names, addresses and capacity of those who have signed the document, (3) the names, addresses and capacity of those who participated in its preparation, (4) the addressee or addressees, (5) the person or persons by whom it was received, (6) the general subject matter thereof, (7) the present or last known location and custodian of the original (or, if that is

**Level 3 Communications LLC's
First Set of Data Requests to Qwest Corporation
June 16, 2005
Page 3**

unavailable, the most legible copy or duplicate thereof), (8) the names and addresses of those who have received a copy of the document, and (9) the basis for your claim of privilege.

- I. Please answer each question separately and in the order that it is asked. Label each response to correspond to the appropriate data request. The numbers of the answers should correspond to the numbers of the data requests being answered. In addition, copy each question immediately before the answer. Following each answer, identify the person or persons responsible for the answer and indicate what person or witness provided responsive information or documents, and where applicable, what witness will sponsor each answer in testimony.

- J. In response to questions requesting you to identify documents or other items, information or materials for disclosure, please identify the document(s) or other item(s), information or material(s) in sufficient detail so that they can be produced in response to a separate request. Such identification shall contain the number (and subpart, if applicable) of the request seeking the identification and the page count or description of the document or item. Additionally, to the extent known, the listing shall include the author, publisher, title, date, and any "Bates" or other sequential production numbering for the document or item. When responding to the Request, please produce copies of all documents, other items, information or materials that were identified in response to a request or directive to "identify for disclosure" in these Interrogatories. For each document or other item, please identify by number (including subpart, if any) the request which caused the "identification for disclosure."

- K. These discovery requests impose a continuing obligation on the respondent to supplement an initial response with additional responsive information if such information becomes available. Should there be a change in circumstances which would modify or change an answer you have supplied, you should change or modify such answer and submit such changes, modifications, or additional information as a supplement to the original answer. Further, should a subsequent version(s) of a document be created or exist after the date of this discovery request, such version(s) must be produced. Where prior versions or drafts of documents exist, please produce all such documents in your possession, custody or control. In this regard, should additional responsive information become available, advise Level 3 in writing, and provide a supplemental response as soon as the material becomes available.

Questions or concerns regarding these discovery requests should be directed to the attorney referenced in the cover letter to these data requests.

**Level 3 Communications LLC's
First Set of Data Requests to Qwest Corporation
June 16, 2005
Page 4**

- 1-1. For each response provided to a data request, please provide the name, title and work address of any person that assisted in the preparation of the response. Please include a list of each of the responses in which the person assisted.
- 1-2. For each person that Qwest intends to call as a witness in this proceeding, provide the following:
- a. That witness' name, address and business affiliations;
 - b. Copies of all documents relied upon by the witness in preparation of their testimony;
 - c. Copies of all documents prepared by the witness that reference, refer or relate to the issues in this proceeding;
 - d. Statement describing the opinions held by the witness that are relevant to this proceeding; and,
 - e. If the person has previously appeared as a witness in any regulatory proceeding, under the 1996 Act, provide copies of all testimony that the person has submitted in each such proceeding.
- 1-3. Please provide the following data:
- a. By LATA, the number of Qwest local calling areas in each LATA in the state;
 - b. The number and locations of Qwest's end offices in state;
 - c. The number and locations of Qwest's tandem offices in state, as well as the tandem type (access, local, access/local);
 - d. The number of access lines (loops) in the state, broken out by type such as analog, DS0, DS1, etc, by business and residence; and,
 - e. The number of local calls and local minutes of use per month and per year for business and residential end user customers in the state. If Qwest does not classify calls or minutes into a category denominated "local," please so state and identify the categories into which Qwest classifies its traffic. If Qwest does classify calls and/or minutes into a category denominated "local," please use that definition to respond to this question, and also explain how Qwest determines what traffic to classify as "local."

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First Set of Data Requests to Qwest Corporation
June 16, 2005
Page 5**

- 1-4. Does Qwest offer Internet access services in the state? If so, how many end user customers and how many wholesale customers in the state does Qwest have?
- a. Please identify each telephone company end office in the state in which Qwest has collocated equipment such as modem banks, DSL equipment, routers, ATM switches or other equipment. Please identify the telephone company that owns/operates each such end office.
 - b. Please list each local calling area within the state in which Qwest maintains a physical presence as defined by Qwest in Section 4-Definitions VNXX Traffic (Issue No. 3B) of the Parties' interconnection agreement.
- 1-5. Does Qwest offer PRI or DID/DOD services to ISP customers within the state?
- a. If so, does Qwest pay carriers whose customers originate calls to such Qwest services originating access charges at the CLEC's tariffed rate for each minute of use?
 - b. If Qwest contends that there are no such carriers whose customers originate calls to such Qwest services, does Qwest contend that it would pay originating access?
- 1-6. Where traffic originates on the Internet and terminates to the PSTN, does Qwest contend that it should always receive more compensation than a CLEC who terminates a call from the PSTN to the Internet?
- 1-7. Does Qwest offer Voice over Internet Protocol ("VoIP") to end users in Arizona? If so,
- a. Please identify the specific entity that offers the service and explain that entity's relationship to Qwest.
 - b. Please state the number of retail customers ("retail" in the sense that the customers uses the service for his/her personal communications needs) and how many wholesale customers ("wholesale" in the sense that an ESP or carrier purchases this service from Qwest and sells to other customers) Qwest has in the state.

**Level 3 Communications LLC's
First Set of Data Requests to Qwest Corporation
June 16, 2005
Page 6**

- c. Please list each local calling area within the state in which Qwest maintains a physical presence as defined by Qwest in Section 4-Definitions VNXX Traffic (Issue No. 3B) of the Parties' interconnection agreement.
 - d. Please identify each telephone company end office in the state in which Qwest has collocated equipment such as media gateways, DSL equipment, routers, ATM switches or any other related equipment necessary for providing VoIP service? Please identify the telephone company that owns/operates each such end office.
 - e. Does Qwest purchases any wholesale VoIP services from any other provider? If so, name the provider, the services purchased and the states in which such service is purchased.
- 1-8. Please describe any traffic exchange arrangements of any description applicable to enhanced or Internet Enabled services such as VoIP that Qwest has in Arizona with:
- a. Other ILECs;
 - b. CLECs; or
 - c. Any other parties.
- 1-9. Please provide the total number of VoIP traffic minutes the Qwest network originated, terminated or transported in Arizona:
- a. In 2003;
 - b. In 2004; and,
 - c. In 2005.
- 1-10. Of those VoIP traffic minutes provided in response to the question above, please provide the total number of VoIP traffic minutes that Qwest carried to or from their own customers in Arizona in 2002 and in 2003.
- 1-11. What are Qwest's plans for providing VoIP to its customers, either through Qwest itself, by means of any affiliate or through a third party? Provide all documents related to Qwest's plans.

**Level 3 Communications LLC's
First Set of Data Requests to Qwest Corporation
June 16, 2005
Page 7**

- 1-12. What IP voice products does Qwest offer to customers in Arizona? Please describe and provide all related relevant documentation regarding how Qwest provides any VoIP, IP enabled, Voice embedded IP communications, or enhanced services to its end user or enhanced service provider customers such as using PRIs or some other architecture.
- a. Please describe the architecture by which Qwest provides these services within the state.
 - b. Please describe the architecture by which Qwest provides these services within the state, but outside of Qwest's incumbent LEC operating territory.
- 1-13. Please provide the total number of VoIP customers Qwest had in Arizona as of May 1, 2005. How many VoIP terminals does that number represent?
- 1-14. Please identify every state in which Qwest combines local (including intraMTA CMRS traffic) and toll traffic (including either interLATA or intraLATA toll traffic, or any combination thereof, as the case may be) on the same trunk group at any point in Qwest's transmission of traffic. For each such state, please indicate which of the following situations apply:
- a. Local and toll traffic combined on a direct trunk group between two end offices;
 - b. Local and toll traffic combined on a trunk group between a Qwest end office and a Qwest tandem;
 - c. Local and toll traffic combined on a trunk group between a Qwest end office and a third party carrier (CLEC, ILEC, IXC, CMRS) switch;
 - d. Local and toll traffic combined on a trunk group between a Qwest tandem and a third party (CLEC, ILEC, IXC, CMRS) switch; and/or
 - e. Local and toll traffic combined on a trunk group between two Qwest tandems.

If your response would be different using Qwest's own definitions of "local" and "toll" traffic, but provide a brief explanation of how Qwest classifies traffic into those categories and how that would change your response.

**Level 3 Communications LLC's
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June 16, 2005
Page 8**

- 1-15. Excluding those states in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), in which states, and in which local calling areas in those states, do Qwest's CLEC affiliates combine their own local and toll (IntraLATA and InterLATA) traffic on a single trunk?
- 1-16. Including those states in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), in which states, and in which local calling areas in those states, do Qwest's CLEC affiliates combine their own local and toll (IntraLATA and InterLATA) traffic on a single trunk?
- 1-17. Of those states in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), in which states does Qwest combine CLEC local and toll (IntraLATA and InterLATA) traffic on a single trunk?
- a. Please provide a list of all CLECs for whom Qwest combines, or has combined, local and toll (IntraLATA and InterLATA) traffic on a single trunk.
- b. Please provide the month and year when Qwest started to combine traffic in each state where Qwest combines CLEC local and toll (IntraLATA and InterLATA) traffic?
- 1-18. Does Qwest believe that it will receive materially more or less intercarrier compensation from Level 3 if Qwest prevails in its proposal to require Level 3 to establish multiple or separate trunking facilities for Transit Traffic, InterLATA traffic, and any non-local or non-intraLATA traffic (*see* Petition, Tier I, Issues 2 and 4)? If your answer is anything other than an unqualified "no," please explain in detail the basis for your answer, including all workpapers underlying any calculations involved in supporting that answer.
- 1-19. For each state in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), please identify each CLEC with which Qwest:
- a. Exchanges local and toll (IntraLATA and InterLATA) traffic on a single trunk group; and,
- b. Uses a Percent Local Use (PLU) or similar method of establishing the apportionment of local vs. toll traffic on the combined trunk group.
- 1-20. For each state in which a Qwest CLEC affiliate combines local and toll (IntraLATA and InterLATA) traffic on a single trunk group, please state whether Qwest's CLEC affiliate uses a Percent Local Use (PLU) or

**Level 3 Communications LLC's
First Set of Data Requests to Qwest Corporation
June 16, 2005
Page 9**

similar other method of establishing the apportionment of local vs. toll traffic on the combined trunk group.

- 1-21. Please describe each system and/or method that Qwest uses to track or estimate the amount of local and toll traffic exchanged with a CLEC. Please specifically state whether each such system and/or method is capable of distinguishing between IntraLATA and/or InterLATA calls on the one hand, and calls that are in-state versus out-of-state on the other.
- 1-22. Please state whether Qwest is aware of any state commission that has required separate trunk groups for transit traffic. If your answer is anything other than an unqualified "no," please identify each state that Qwest believes has required separate trunk groups for transit traffic and provide a complete citation to such order.
- 1-23. Does Qwest contend that the costs it incurs in originating a call to a Level 3 customer differ in any respect whatsoever based upon the physical location of the Level 3 customer? If Qwest responds to the above question with anything other than an unequivocal "no," please provide a detailed explanation of how the location of Level 3's customer on Level 3's side of the POI could affect Qwest's costs. Include in that explanation all cost studies and any other documentation in your possession that you believe provides support for your position.
- 1-24. Does Qwest offer any kind of foreign exchange ("FX") service in Arizona? If so, please provide a service description (including, but not limited to, tariff pages) for each such service.
- 1-25. Unless your answer to Question #24 above was an unqualified "no," please identify:
- a. The number of customers in Arizona who subscribe to or purchase Qwest's FX service;
 - b. The number of FX lines that Qwest provides in Arizona;
 - c. How long FX service has been available from Qwest; and,
 - d. The number of ISPs to whom Qwest provides such service.
- 1-26. Please state whether Qwest offers any FX-Like service, other than service specifically described as Foreign Exchange. If the answer is anything other than an unqualified "no," please state the name of each such FX-

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Like service and provide service descriptions (including, but not limited to, tariff pages) for each such FX-Like service.

- 1-27. Unless your answer to Question #26 above was an unqualified "no," please identify:
- a. The number of customers in Arizona who subscribe to or purchase each of the FX-Like services identified in response to the preceding questions;
 - b. The number of lines in Arizona over which Qwest provides each of the FX-Like services identified in response to the preceding questions;
 - c. How long each FX-Like service has been available from Qwest; and,
 - d. The number of ISPs who purchase each of the FX-Like services identified in response to the preceding questions.
- 1-28. With respect to Qwest's FX and FX-Like services:
- a. Please explain the circumstances under which calls from a subscriber to Qwest FX or FX-Like service are rated as local versus toll, and provide all documentation supporting your answer.
 - b. Please explain the circumstances under which calls to a subscriber to Qwest FX or FX-Like service are rated as local versus toll, and provide all documentation supporting your answer.
- 1-29. Please state whether Qwest has ever billed or demanded payment of access charges from an incumbent LEC for calls originated by Qwest's end user to an incumbent LEC's FX or FX-Like customer.
- 1-30. Please state whether Qwest has ever billed or received reciprocal compensation or other terminating compensation for calls received from an incumbent LEC or any CLECs for termination to Qwest's FX or FX-Like customers. Please explain your answer, including but not limited to:
- a. The dates upon which you first began billing incumbent LECs or CLECs for such compensation;
 - b. The amount of compensation received from incumbent LECs and CLECs; and

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- c. Describe any changes you may have made to your billing policies with respect to calls terminating to your FX or FX-Like customers.
- 1-31. Are there any circumstances in which Qwest has paid access charges to the originating carrier for a call originated by another carrier and terminated to a Qwest FX or FX-Like customer? If your answer is anything other than an unequivocal "no," please describe all circumstances under which Qwest has made such payments.
- 1-32. Please state whether Qwest knows, or has reason to believe, that any independent LEC with whom Qwest has EAS arrangements provide FX or FX-Like service that permits customers physically located in another rate center to be assigned a number that is local to the rate center included in Qwest's EAS area.
- 1-33. Does Qwest treat FX service associated with broadband data, and FX service associated with voice service, differently? If yes, please explain the basis for such differences.
- 1-34. Please provide Qwest's definition of "interexchange" service when assessing charges to local exchange customers for such a call, and provide the source for such definition.
- 1-35. Is it Qwest's position that access charges should apply to all interexchange services? If not, please explain.
- 1-36. Please provide Qwest's definition of a "local" call when assessing charges (such as message unit or similar charges) to local exchange customers for such a call, and provide the source for this definition.
- 1-37. Please provide Qwest's definition of a "toll" call when assessing charges to local exchange customers for such a call, and provide the source for this definition.
- 1-38. Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or expects to use in delivering traffic from its end users to Level 3. Assume for purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA and that Qwest is responsible for delivering its originated traffic to that POI.
- 1-39. Please state whether the facilities Qwest uses or expects to use in delivering traffic from its end users to Level 3 as stated above differ in any way based on whether the traffic is classified as "local" or "toll." If your answer is anything other than an unqualified "no," please explain in detail the basis for your answer.

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- 1-40. Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or expects to use in delivering traffic from Level 3 to Qwest's end users. Assume for purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA and that Level 3 is responsible for delivering its originated traffic to that POI.
- 1-41. Please state whether the facilities Qwest uses or expects to use in delivering traffic from Level 3 to Qwest's end users as stated above differ in any way based on whether the traffic is classified as "local" or "toll." If your answer is anything other than an unqualified "no," please explain in detail the basis for your answer.
- 1-42. With how many CLECs in Arizona does Qwest exchange traffic (that is, CLECs with their own switches, as opposed to resellers)?
- 1-43. How many physical POIs exist in Arizona between Qwest and CLECs?
- 1-44. With how many CLECs in Arizona does Qwest assign traffic to different jurisdictional/rating categories based on PIU/PLU or similar factors?
- 1-45. How many CLECs in Arizona connect to Qwest's network by means of (a) a Qwest-supplied entrance facility running between Qwest's network and a CLEC switch; (b) a CLEC-supplied facility delivered to Qwest's network at or near a Qwest central office building; or (c) some other means?
- 1-46. Produce all documents or other evidence, or identify all other intangible or non-producible sources of information which you used, referred to, consulted, or which otherwise relate to, refer to, or support any response provided by Qwest to any of these discovery requests, including any requests for admission served by Level 3 on Qwest.
- 1-47. Please admit that the location of the POI between Qwest and Level 3 in Arizona does not determine whether Qwest has an obligation to pay reciprocal compensation to Level 3 for Level 3's transport of Qwest's traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-48. Please admit that the location of Level 3's switch in Arizona does not determine whether Qwest has an obligation to pay reciprocal compensation to Level 3 for Level 3's transport of Qwest's traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

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- 1-49. Please admit that Qwest currently has interconnection agreements with one or more CLECs in Arizona under which those CLECs are permitted to carry mixed intraLATA interexchange, and interLATA interexchange traffic on the same trunk groups. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-50. Please admit that Qwest currently has interconnection agreements with one or more CLECs in Arizona under which Qwest provides transit traffic connection for those CLECs to other carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-51. Please admit that Qwest currently has agreements with one or more other incumbent local exchange carriers in Arizona under which Qwest provides transit traffic connection for those incumbent local exchange carriers to other carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-52. Please admit that customers of Qwest's own Arizona intrastate FX service do not pay toll charges on their FX interexchange calls, regardless of the distance of the call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-53. Please admit that Qwest's position is that VoIP traffic is subject to carrier access charges, regardless of the origination and termination points of the call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-54. Please admit that Qwest's position is that VoIP traffic is subject to carrier access charges only if the traffic originates in one LATA and terminates in another. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

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- 1-55. Please admit that Qwest does not currently pay carrier access charges to other carriers for any of its own VoIP services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-56. Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for VoIP traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-57. Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for VoIP traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-58. Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-59. Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-60. Please admit that Qwest's network is capable of VoIP transport and other combinations of voice and data in an IP-addressed packet format. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-61. Please admit that VoIP offerings are likely to grow as the technology matures and the regulatory situation is clarified, and such growth in VoIP could contribute to further declines in our sales of traditional local exchange access lines or local exchange services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

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- 1-62. Please admit that Qwest offers hosted service, in which VoIP equipment is kept at the provider's data center and customers lease it such that the only equipment customers need on-site is a VoIP-enabled phone and a broadband connection. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-63. Please admit that Qwest currently offers Qwest® OneFlex™ Voice over Internet Protocol services within Arizona which provide customers “the option of choosing up to five additional phone numbers (virtual numbers) that will ring to your phone. Calls placed to a virtual phone number will ring the same phone as calls placed to your primary phone number. A virtual phone number can be beneficial if you have colleagues, friends or family living outside your local calling area. You could request a virtual number within their area and the people who live in that local calling area can call you for a price of a local phone call.” If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-64. Please admit that Qwest currently offers Qwest® OneFlex™ Voice over Internet Protocol services within Arizona that provide “Virtual Numbers” which Qwest describes as follows:
- “Virtual Numbers are alias phone numbers that can be associated with your OneFlex™ phone number. Your friends and family can dial your Virtual phone number and avoid incurring long-distance charges. For example, if you live in Denver and your primary # is 303.xxx.xxxx and your family lives in Omaha, your family has to call long-distance. With OneFlex, you can get a virtual phone number assigned to your account with an Omaha area code, so your family doesn't have to pay long-distance charges.
- You can have up to 5 Virtual Phone Numbers attached to one primary OneFlex phone number.” If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-65. Please admit that Qwest charges approximately \$30 per month for its Internet phone service, plus 5 cents per minute for long-distance calls with a \$2.99 monthly fee. Please admit that the offering includes a full range of features, such as caller ID and voice mail. If your answer is anything

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other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

- 1-66. Please admit that the Qwest® OneFlex™ Voice over Internet Protocol offering is less expensive than its Choice Home Plus package, which includes unlimited local calling and a full range of features, which costs approximately \$35 per month, with about \$10 in taxes and fees, with one long-distance option at 5 cents per minute plus a \$4.99 monthly fee. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-67. Please admit that Federal law currently does not permit the imposition of carrier access charges on information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-68. Please admit that Qwest has eliminated access charges on VoIP calls that terminate on its network. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-69. Please admit that Qwest is offering a type of local service to VoIP providers so they can serve customers with a product that is free from access charges. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-70. Please admit that Qwest provides VoIP providers the ability to purchase local services through primary rate interface ISDN circuits (ISDN-PRI) which give the VoIP providers direct access to the public switched telephone network. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-71. Please admit that it is true that Qwest's FX service allows the customer to make calls to an exchange outside of the Qwest customer's home exchange without incurring a toll charge. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

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- 1-72. Please admit that interconnection contract language should be as consistent as possible with applicable federal law and regulations. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-73. Please admit that wireline local exchange services offered in Qwest's 14-state area are provided through legal entities which operate within authorized regions subject to regulation by each state in which they operate and by the Federal Communications Commission. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-74. Please admit that the Qwest regulated subsidiary which provides wireline local exchange services in the State of Colorado is a different subsidiary of Qwest than the Qwest subsidiary which provides wireline local exchange services in the State of Arizona. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-75. Please admit that Qwest has transported VoIP traffic over its network in the State of Arizona. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-76. Please admit that Qwest has carried VoIP traffic to or from its own customers in Arizona. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-77. Please admit that while the deployment of VoIP will result in increased competition for Qwest's core wireline voice services, it also presents growth opportunities for Qwest to develop new products for its customers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-78. Please admit that Qwest favors federal and state legislative and regulatory policies which support the development of facilities-based competition. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

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- 1-79. Please admit that the FCC's rule defining the "telecommunications" subject to reciprocal compensation is stated at 47 CFR § 51.701(b). If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-80. Please admit that FCC Rule 47 CFR § 51.701(b) makes no reference of any kind or in any way to a category of traffic known as "local." If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-81. Please admit that the Communications Act of 1934, as amended, contains no definition of "local" telecommunications, "local" calling, or "local" exchange areas. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-82. Please admit that Qwest's end office and tandem switches do not store any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-83. Please admit that Qwest's Arizona tariff does not contain any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-84. Please admit that Qwest's federal tariff does not contain any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-85. Please admit that Qwest's end office and tandem switches route traffic to other switches and/or to end users on the basis of the dialed telephone number, without any reference to information regarding the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

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- 1-86. Please admit that Qwest's end office switches determine whether to route a dialed call to an IXC on the basis of the telephone number dialed, and not on the basis of any information regarding the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-87. Please admit that Qwest's call routing systems never sample any data regarding the address or location of any end user's premises for purposes of routing a call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-88. Please admit that Qwest's billing systems never sample any data regarding the address or location of any end user's premises for purposes of billing. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-89. Please admit that all calls to ISPs for purposes of Internet access are subject to the exclusive jurisdiction of the FCC. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-90. Please admit that a call is "exchange access" if offered "for the purpose of the origination or termination of telephone toll services." 47 U.S.C. § 153(16). If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-91. Please admit that ISPs provide information service rather than telecommunications. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-92. Please admit that information service providers connect to the local network for the purpose of providing information services, not originating or terminating telephone toll services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

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- 1-93. Please admit that Qwest's Arizona tariff contains no terms permitting the imposition of switched access charges upon information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-94. Please admit that Qwest's federal tariff contains no terms permitting the imposition of switched access charges upon information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-95. Please admit that in and between the dates of January 31, 2002 and the date of these Data Requests Qwest compensated Level 3 for ISP-bound traffic regardless of whether the NPA-NXX codes associated with the originating and terminating telephone numbers appeared to be "local" or "toll" according to Qwest's tariffs. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-96. Please admit that where Qwest proposes to rate ISP-bound traffic as toll traffic, Level 3 would pay Qwest \$0.016270 per MOU instead of paying Level 3 \$.0007 per MOU for terminating a call received at the Parties' POI. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-97. Please admit that the FCC's Rules (47 C.F.R.) contain no definition of the term "interexchange carrier". If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-98. Please admit that Qwest offers a dial up internet services to ISPs on a wholesale basis that provides a dial-up network infrastructure (network-based modems, V.90, V.92, and ISDN protocol support) with dial coverage from more than 2,700 points of presence, covering more than 85 percent of the U.S. population with a local call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

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- 1-99. Please admit that Qwest physically collocates equipment at its or another carriers' switch or other location permitting collocation within the local calling area associated with each of the NPA-NXX codes that Qwest uses to provide this service. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-100. Please admit that revenue for Qwest's local voice services may be affected adversely should providers of VoIP services attract a sizable base of customers who use VoIP to bypass traditional local exchange carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-101. Please admit that to the extent that VoIP networks or VoIP service providers bypass the traditional methods for originating and terminating local calls, these providers could enjoy a competitive advantage versus traditional carriers who must pay regulated carrier access and reciprocal compensation charges. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-102. Please admit that on October 18, 2004 the FCC released an Order forbearing from applying certain ISP reciprocal compensation interim rules adopted in its April 27, 2001 ISP-Remand Order that imposed a volume cap on the number of minutes of use of ISP-bound traffic subject to compensation and that required carriers to exchange ISP-bound traffic on a bill-and-keep basis if those carriers were not exchanging traffic pursuant to interconnection agreements prior to adoption of the April 27, 2001 Order. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-103. Please admit that the effect of the FCC's October 18, 2004 Order may be to increase significantly Qwest's payments of reciprocal compensation. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

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1-104. Please admit that Mr. Larry Brotherson, a Qwest employee, testified in a prior arbitration hearing between Level 3 and Qwest in the State of Minnesota (*In the Matter of the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection Agreement with Qwest Corporation, Pursuant to 47 U.S.C. § 252(b)*), MPUC Docket No. P-5733, 421/IC-02-1372, Hearing Transcript at 24 – 25) that the law requires that Qwest exchange ISP-bound traffic over local interconnection trunks, as follows below: If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

Q: Are you suggesting that locally dialed calls will go over the toll trunks under this agreement?

A: If the local number is in a different local calling area than the ISP but it is a call to a Level 3 customer under single POI LATA, Qwest would deliver that call over LIS facilities to Level 3.

Q: And local voice calls to a local number would go over LIS facilities as well, correct?

A: Correct.

Q: So it is fair to say that Qwest understands that the law requires that Qwest interconnect with Level 3 at the local level for the exchange of ISP-bound traffic in the same fashion as it would for local voice traffic?

A: Could you repeat the question?

Q: Qwest understands that the law requires it interconnect with Level 3 on the local level to handle ISP-bound traffic?

A: That would be a true statement.

If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

1-105. Please admit that Qwest does not require its own ISP customers to have a server in the same local calling area as the Qwest end user accessing the Internet. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

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- 1-106. Please admit that in a prior arbitration hearing between Level 3 and Qwest in the State of Minnesota, (In the Matter of the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection Agreement with Qwest Corporation, Pursuant to 47 U.S.C. § 252(b), MPUC Docket No. P-5733, 421/IC-02-1372, Hearing Transcript at 68 – 69) that Qwest admitted that it does not require its own ISP customers to have a server in the same local calling area as the Qwest end user accessing the Internet. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-107. Please admit that, in Arizona, Qwest filed a request in Docket No. T-01051B-03-0454 to allow it to receive competitive treatment in certain competitive zones for all services offered by Qwest and to have all services in those competitive zones subject to the provisions of AAC R14-2-1101 et seq. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.
- 1-108. Has Qwest filed with any regulatory authority or court for deregulation of any of its services offered in Arizona or any other state? If your answer is in the affirmative please provide the following:
- a. The state where filed;
 - b. The forum in which the filing was made;
 - c. The date of filing and docket number; and,
 - d. A summary of the result.

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EXHIBIT B

JUN 24 2005

1
2
3 **BEFORE THE ARIZONA CORPORATION COMMISSION**

4 JEFF HATCH-MILLER
5 Chairman
6 MARC SPITZER
7 Commissioner
8 WILLIAM MUNDELL
9 Commissioner
10 MIKE GLEASON
11 Commissioner
12 KRISTIN MAYES
13 Commissioner
14
15

16 IN THE MATTER OF LEVEL 3
17 COMMUNICATIONS, LLC'S PETITION
18 FOR ARBITRATION PURSUANT TO
19 SECTION 252(b) OF THE
20 COMMUNICATIONS ACT OF 1934, AS
21 AMENDED BY THE
22 TELECOMMUNICATIONS ACT OF 1996,
23 AND THE APPLICABLE STATE LAWS
24 FOR RATES, TERMS, AND CONDITIONS
25 OF INTERCONNECTION WITH QWEST
26 CORPORATION.

DOCKET NO. T-03654A-05-0350
T-01051B-05-0350

**QWEST CORPORATION'S
OBJECTIONS TO LEVEL 3
COMMUNICATIONS, LLC'S
FIRST SET OF DATA
REQUESTS**

27 Qwest Corporation ("Qwest"), but and through its undersigned attorneys, and
28 pursuant to A.A.C. R14-3-101 and Ariz.R.Civ.P. Rules 33 and 34, hereby files its
objections to Level 3 Communications, LLC ("Level 3's") First Set of Data Requests to
Qwest.

GENERAL OBJECTIONS

1. Qwest objects to Level 3 Communications, LLC's ("Level 3's") First Set of
Data Requests (hereinafter collectively referred to as "Level 3's discovery"), on the basis
that the discovery is duplicative, burdensome, overly broad, irrelevant, and not reasonably
calculated to lead to the discovery of admissible evidence.

2. Qwest objects to items "A" and "B." in Level 3's "Definitions and
Instructions" on the basis that they are unduly burdensome and overbroad. Qwest further
objects that these items may require Qwest to produce information concerning documents
that are a matter of public record or in the hands of third parties, and which is as readily

1 accessible to Level 3 as to Qwest, and for which Qwest should not be required to provide
2 a detailed explanation in the manner solicited therein.

3 3. Qwest objects to item "D" in Level 3's "Definitions and Instructions,"
4 which attempts to provide definitions, and to all of Level 3's discovery that purports to
5 include these definitions on the basis that they are overly broad, unduly burdensome, and
6 seek to include affiliates, individual persons, and organizations that are not parties to this
7 arbitration. Qwest, therefore, puts Level 3 on notice that for purposes of its Responses to
8 Discovery, the terms "Qwest" and "company," except where specifically identified
9 otherwise, refer to Qwest Corporation, the incumbent LEC with whom Level 3 seeks an
10 interconnection agreement.

11 4. Qwest objects to all data requests, definitions and instructions and, in
12 particular, item "E" in Level 3's "Definitions and Instructions" to the extent that they
13 instruct Qwest to divulge documents the are subject to the attorney/client and/or work
14 product privileges, or that are confidential or proprietary and for which no reasonable
15 accommodations are made to preserve their confidentiality. Qwest also objects to the
16 extent the instruction requires that Qwest produce documents that are available in the
17 public domain or that are in the hands of third parties and therefore readily accessible to
18 Level 3 without resorting to burdensome discovery.

19 5. Qwest objects to item "F" in Level 3's "Definitions and Instructions" on the
20 basis that it is duplicative of item "B" and is, therefore, subject to the objections contained
21 in paragraph 2 above and for the further reason that item "F" appears to also require
22 Qwest to be responsible for the entire universe of documents that are *not* in its
23 possession, custody and control in contravention of Ariz.R.Civ.P. Rule 34(a).

24 6. Qwest objects to item "G" in Level 3's "Definitions and Instructions" to
25 the extent that it requires Qwest to produce, as separate documents, each copy of a given
26 document that may display a "modification" as described in this item, regardless of its
27 significance. Adherence to this instruction would greatly increase the burden of Level 3's
28 discovery, require the duplication of countless pages, and yield nothing to value. To the

1 extent that the same instruction is contained in item "K," Qwest's objections herein also
2 pertain to that item.

3 7. Qwest objects to item "H" in Level 3's "Definitions and Instructions" to the
4 extent that it exceeds the requirements for a privilege log under Arizona law.

5 8. Qwest objects to item "I" in Level 3's "Definitions and Instructions" to the
6 extent that it requires Qwest to identify witnesses for the introduction of discovery
7 responses when Qwest has no knowledge of which responses Level 3 will seek to
8 introduce at hearing. To the extent that Level 3 merely seeks information about the
9 person(s) responsible for preparing the response, that information is requested in
10 Interrogatory No. 1.

11 9. Qwest objects to item "J" in Level 3's "Definitions and Instructions" and the
12 instructions generally on the grounds that they are unduly burdensome. Qwest will
13 answer interrogatories and respond to data requests in reasonable detail to the extent that
14 such requests have not been objected to. Qwest also objects to item "J" to the extent that
15 it seeks information in addition to that which Qwest is obliged to produce under the
16 Arizona Rules of Civil Procedure and the Rules of Practice and Procedure of the Arizona
17 Corporation Commission.

18 10. Qwest objects to all of Level 3's discovery to the extent that it is not
19 confined to the state of Arizona and to issues that are before the Arizona Corporation
20 Commission in this arbitration proceeding.

21 **OBJECTIONS TO INDIVIDUAL INTERROGATORIES AND REQUESTS**

22 Following are Qwest's objections to individual data requests propounded by Level
23 3. Qwest reserves the right to raise such further objections and make such additional legal
24 arguments as may be appropriate as the actual intent and scope of Level 3's discovery
25 requests becomes clearer.

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OBJECTIONS TO INDIVIDUAL DATA REQUESTS

1-1 For each response provided to a data request, please provide the name, title and work address of any person that assisted in the preparation of the response. Please include a list of each of the responses in which the person assisted.

Qwest's Objection: Qwest objects to this request in so far as it requires Qwest to compile "a list of each of interrogatories or data request responses in which the [previously identified] person assisted" since no such list exists, and the information may be as readily compiled by Level 3 as by Qwest.

1-2. For each person that Qwest intends to call as a witness in this proceeding, provide the following:

- a. That witness' name, address and business affiliations;
- b. Copies of all documents relied upon by the witness in preparation of their testimony;
- c. Copies of all documents prepared by the witness that reference, refer or relate to the issues in this proceeding;
- d. Statement describing the opinions held by the witness that are relevant to this proceeding; and,
- e. If the person has previously appeared as a witness in any regulatory proceeding, under the 1996 Act, provide copies of all testimony that the person has submitted in each such proceeding.

Qwest's Objection:

- b. Qwest objects to this subpart on the basis that it is overly broad and it necessarily calls for speculation since Qwest has not yet prepared its testimony. Qwest further objects that it is duplicative of other, more narrowly drafted requests.
- c. Qwest objects that this subpart is overly broad and burdensome, and that it seeks information that is not relevant, does not appear reasonably calculated to lead to the discovery of admissible evidence.
- d. Qwest objects to this subpart on the grounds that it calls for speculation since it is not known how the issues will be framed and what opinions held by Qwest's witnesses may be relevant.
- e. Qwest objects to this subpart on the basis that it is overly broad and unduly burdensome. Qwest further objects that it seeks information that is not relevant, and that the subpart is not reasonably calculated to lead to the discovery of admissible evidence. Qwest further objects that to the extent its witnesses have previously filed testimony in other regulatory proceedings, that information is a matter of public record and may be obtained from the regulatory agencies in which such testimony was filed.

- 1 1-3. Please provide the following data:
- 2 a. By LATA, the number of Qwest local calling areas in each LATA in the
- 3 state;
- 4 b. The number and locations of Qwest's end offices in state;
- 5 c. The number and locations of Qwest's tandem offices in state, as well as the
- 6 tandem type (access, local, access/local);
- 7 d. The number of access lines (loops) in the state, broken out by type such as
- 8 analog, DS0, DS1, etc, by business and residence; and,
- 9 e. The number of local calls and local minutes of use per month and per year
- 10 for business and residential end user customers in the state. If Qwest does not
- 11 classify calls or minutes into a category denominated "local," please so state and
- 12 identify the categories into which Qwest classifies its traffic. If Qwest does
- 13 classify calls and/or minutes into a category denominated "local," please use that
- 14 definition to respond to this question, and also explain how Qwest determines what
- 15 traffic to classify as "local."

12 **Qwest's Objection:**

- 13 e. Qwest objects to this subpart on the basis that it does not maintain the
- 14 information requested and that to attempt to compile the requested information, if
- 15 that were possible, would require Qwest to undertake special studies that would be
- 16 overly burdensome and unreasonably expensive.

16 1-4. Does Qwest offer Internet access services in the state? If so, how many end user

17 customers and how many wholesale customers in the state does Qwest have?

- 18 a. Please identify each telephone company end office in the state in which
- 19 Qwest has collocated equipment such as modem banks, DSL equipment, routers,
- 20 ATM switches or other equipment. Please identify the telephone company that
- 21 owns/operates each such end office.

- 22 b. Please list each local calling area within the state in which Qwest maintains
- 23 a physical presence as defined by Qwest in Section 4-Definitions VNXX Traffic
- 24 (Issue No. 3B) of the Parties' interconnection agreement.

22 **Qwest's Objection:** Qwest objects to the request that it identify "how many end

23 user customers and how many wholesale customers in the state" each Qwest

24 affiliate has in Arizona on the basis that the information requested constitutes a

25 trade or business secret and is highly confidential and proprietary. Qwest further

26 objects that the information requested is not relevant and that it does not appear the

27 request is reasonably calculated to lead to the discovery of admissible evidence.

26 1-6. Where traffic originates on the Internet and terminates to the PSTN, does Qwest

27 contend that it should always receive more compensation than a CLEC who terminates a

28 call from the PSTN to the Internet?

28 **Qwest's Objection:** Qwest objects to this data request on the ground that it is

vague and ambiguous.

1 1-7. Does Qwest offer Voice over Internet Protocol ("VoIP") to end users in Arizona?
2 If so,

3 a. Please identify the specific entity that offers the service and explain that
4 entity's relationship to Qwest.

5 b. Please state the number of retail customers ("retail" in the sense that the
6 customers uses the service for his/her personal communications needs) and how
7 many wholesale customers ("wholesale" in the sense that an ESP or carrier
8 purchases this service from Qwest and sells to other customers) Qwest has in the
9 state.

10 c. Please list each local calling area within the state in which Qwest maintains
11 a physical presence as defined by Qwest in Section 4-Definitions VNXX Traffic
12 (Issue No. 3B) of the Parties' interconnection agreement.

13 d. Please identify each telephone company end office in the state in which
14 Qwest has collocated equipment such as media gateways, DSL equipment, routers,
15 ATM switches or any other related equipment necessary for providing VoIP
16 service? Please identify the telephone company that owns/operates each such end
17 office.

18 e. Does Qwest purchases any wholesale VoIP services from any other
19 provider? If so, name the provider, the services purchased and the states in which
20 such service is purchased.

21 **Qwest's Objection:**

22 b. Qwest objects to this subpart on the basis that the information requested
23 constitutes a trade or business secret and is highly confidential and proprietary.
24 Qwest further objects that the information requested is not relevant and is not
25 reasonably calculated to lead to the discovery of admissible evidence.

26 d. Qwest objects to this subpart to the extent that it seeks information
27 concerning Qwest's affiliates' network configurations in territory not served by
28 Qwest as the incumbent LEC.

29 e. Qwest objects to this subpart to the extent that it seeks information
30 concerning Qwest's purchases of services outside the state of Arizona and outside
31 the 14-state territory in which Qwest operates as an incumbent LEC. This request
32 is overly broad and burdensome and seeks information that is irrelevant.
33 Furthermore, the subpart is not reasonably calculated to lead to the discovery of
34 admissible evidence.

35 1-8. Please describe any traffic exchange arrangements of any description applicable to
36 enhanced or Internet Enabled services such as VoIP that Qwest has in Arizona with:

37 a. Other ILECs;

38 b. CLECs; or

39 c. Any other parties.

1 **Qwest's Objection:** Qwest objects to this request on the grounds that this
2 arbitration is between Qwest Corporation, the incumbent LEC, and Level 3. The
3 arrangements Qwest or a Qwest affiliate may have with other LECs, particularly
4 those in other states, are not relevant. Qwest further objects that the request is not
5 reasonably calculated to lead to the discovery of admissible evidence. Qwest also
6 objects that to the extent Qwest or a Qwest affiliate has interconnection agreements
7 with other LECs, those public records are on file with the Commission and may be
8 obtained readily by Level 3 from that source.

9 1-9. Please provide the total number of VoIP traffic minutes the Qwest network
10 originated, terminated or transported in Arizona:

- 11 a. In 2003;
12 b. In 2004; and,
13 c. In 2005.

14 **Qwest Objection:** Qwest objects to this request on the basis that it is overly broad
15 and ambiguous and not reasonably calculated to lead to the discovery of admissible
16 evidence.

17 1-10. Of those VoIP traffic minutes provided in response to the question above, please
18 provide the total number of VoIP traffic minutes that Qwest carried to or from their own
19 customers in Arizona in 2002 and in 2003.

20 **Qwest Objection:** Qwest objects to this request on the basis that the information
21 concerning the volumes of use of Qwest's customers and those of Qwest's
22 affiliates constitute trade or business secrets and are highly confidential and
23 proprietary. Qwest further objects that the request is not reasonably calculated to
24 lead to the discovery of admissible evidence.

25 1-11. What are Qwest's plans for providing VoIP to its customers, either through Qwest
26 itself, by means of any affiliate or through a third party? Provide all documents related to
27 Qwest's plans.

28 **Qwest Objection:** Qwest objects to this request on the basis that it seeks highly
confidential and proprietary information concerning business plans of Qwest
affiliates. Qwest also objects that the request calls for speculation and is not
reasonably calculated to lead to the discovery of admissible evidence.

1-12. What IP voice products does Qwest offer to customers in Arizona? Please describe
and provide all related relevant documentation regarding how Qwest provides any VoIP,
IP enabled, Voice embedded IP communications, or enhanced services to its end user or
enhanced service provider customers such as using PRIs or some other architecture.

- a. Please describe the architecture by which Qwest provides these services
within the state.
- b. Please describe the architecture by which Qwest provides these services
within the state, but outside of Qwest's incumbent LEC operating territory.

1 **Qwest Objection:** Qwest objects to this request on the grounds that it is
2 overbroad, unduly burdensome and not reasonably calculated to lead to the
3 discovery of admissible evidence. Qwest also objects to this request to the extent
4 that it seeks information concerning Qwest's affiliates' network configurations in
5 territory not served by Qwest as the incumbent LEC. Qwest further objects to this
6 request to the extent that the information concerning products and services
7 provided by Qwest to the public is readily available from public sources and,
8 therefore, may be readily obtained by Level 3 without resort to the discovery
9 process.

10
11 1-13. Please provide the total number of VoIP customers Qwest had in Arizona as of
12 May 1, 2005. How many VoIP terminals does that number represent?
13

14 **Qwest Objection:** Qwest objects to this request on the basis that the information
15 sought constitutes a trade or business secret and is highly confidential and
16 proprietary to Qwest or its affiliates. Qwest further objects that the information
17 requested is not relevant. Furthermore, this request is not reasonably calculated to
18 lead to the discovery of admissible evidence.

19 1-14. Please identify every state in which Qwest combines local (including intraMTA
20 CMRS traffic) and toll traffic (including either interLATA or intraLATA toll traffic, or
21 any combination thereof, as the case may be) on the same trunk group at any point in
22 Qwest's transmission of traffic. For each such state, please indicate which of the
23 following situations apply:

- 24 a. Local and toll traffic combined on a direct trunk group between two end
25 offices;
- 26 b. Local and toll traffic combined on a trunk group between a Qwest end office
27 and a Qwest tandem;
- 28 c. Local and toll traffic combined on a trunk group between a Qwest end office
and a third party carrier (CLEC, ILEC, IXC, CMRS) switch;
- d. Local and toll traffic combined on a trunk group between a Qwest tandem
and a third party (CLEC, ILEC, IXC, CMRS) switch; and/or
- e. Local and toll traffic combined on a trunk group between two Qwest
tandems.

If your response would be different using Qwest's own definitions of "local" and
"toll" traffic, but provide a brief explanation of how Qwest classifies traffic into
those categories and how that would change your response.

Qwest Objection: Qwest objects to this request to the extent that it seeks
information about states other than Arizona and is so over broad as to include states
in which Qwest is not the incumbent LEC. Qwest further objects that the request is
overbroad, unduly burdensome, seeks information that is not relevant to the subject
matter in the pending action, and is not reasonably calculated to lead to the
discovery of admissible evidence.

1 1-15. Excluding those states in which Qwest operates as an ILEC (as defined in Section
2 251(h) of the Act), in which states, and in which local calling areas in those states, do
3 Qwest's CLEC affiliates combine their own local and toll (IntraLATA and InterLATA)
4 traffic on a single trunk?

5 1-16. Including those states in which Qwest operates as an ILEC (as defined in Section
6 251(h) of the Act), in which states, and in which local calling areas in those states, do
7 Qwest's CLEC affiliates combine their own local and toll (IntraLATA and InterLATA)
8 traffic on a single trunk?

9 1-17. Of those states in which Qwest operates as an ILEC (as defined in Section 251(h)
10 of the Act), in which states does Qwest combine CLEC local and toll (IntraLATA and
11 InterLATA) traffic on a single trunk?

12 a. Please provide a list of all CLECs for whom Qwest combines, or has
13 combined, local and toll (IntraLATA and InterLATA) traffic on a single trunk.

14 b. Please provide the month and year when Qwest started to combine traffic in
15 each state where Qwest combines CLEC local and toll (IntraLATA and
16 InterLATA) traffic?

17 **Qwest Objections to Requests I-15 to I-17:** Qwest objects to these requests to
18 the extent that they seek information about the activities of Qwest affiliates in
19 states other than Arizona. Qwest further objects that these requests are unduly
20 burdensome, seek information that is not relevant to the subject matter in the
21 pending action, and is not reasonably calculated to lead to the discovery of
22 admissible evidence. Qwest also objects to these requests to the extent they request
23 that Qwest identify individual wholesale customers and to disclose information that
24 said customers may consider proprietary.

25 1-18. Does Qwest believe that it will receive materially more or less intercarrier
26 compensation from Level 3 if Qwest prevails in its proposal to require Level 3 to establish
27 multiple or separate trunking facilities for Transit Traffic, InterLATA traffic, and any non-
28 local or non-intraLATA traffic (*see* Petition, Tier I, Issues 2 and 4)? If your answer is
anything other than an unqualified "no," please explain in detail the basis for your answer,
including all work papers underlying any calculations involved in supporting that answer.

Qwest Objection: Qwest objects to this request on the basis that it calls for
speculation and is impossible to answer without making assumptions concerning
volumes and traffic mix that are not contained in the request.

1-19. For each state in which Qwest operates as an ILEC (as defined in Section 251(h) of
the Act), please identify each CLEC with which Qwest:

a. Exchanges local and toll (IntraLATA and InterLATA) traffic on a single
trunk group; and,

b. Uses a Percent Local Use (PLU) or similar method of establishing the
apportionment of local vs. toll traffic on the combined trunk group.

Qwest Objection: Qwest objects to this request on the basis that it seeks
information about Qwest operations in states other than Arizona. Qwest further
objects that the request appears to seek information about specific Qwest wholesale
customers that is not relevant and may not be appropriately disclosed in this case.
Finally, Qwest objects that the request seeks information that is not relevant to the

1 subject matter in the pending action and is not reasonably calculated to lead to the
2 discovery of admissible evidence.

3 1-20. For each state in which a Qwest CLEC affiliate combines local and toll
4 (IntraLATA and InterLATA) traffic on a single trunk group, please state whether Qwest's
CLEC affiliate uses a Percent Local Use (PLU) or similar other method of establishing the
apportionment of local vs. toll traffic on the combined trunk group.

5 **Qwest Objection:** Qwest objects to this request on the basis that it seeks
6 information about Qwest's affiliate's operations in states other than Arizona.
7 Qwest further objects that the request seeks information that is not relevant to the
subject matter in the pending action and is not reasonably calculated to lead to the
discovery of admissible evidence.

8 1-21. Please describe each system and/or method that Qwest uses to track or estimate the
9 amount of local and toll traffic exchanged with a CLEC. Please specifically state whether
10 each such system and/or method is capable of distinguishing between IntraLATA and/or
InterLATA calls on the one hand, and calls that are in-state versus out-of-state on the
other.

11 **Qwest Objection:** Qwest objects to this request on the basis that it seeks
12 information about Qwest operations in states other than Arizona. Qwest further
13 objects that the request seeks information that is not relevant to the subject matter
in the pending action and is not reasonably calculated to lead to the discovery of
admissible evidence.

14 1-22. Please state whether Qwest is aware of any state commission that has required
15 separate trunk groups for transit traffic. If your answer is anything other than an
16 unqualified "no," please identify each state that Qwest believes has required separate
trunk groups for transit traffic and provide a complete citation to such order.

17 **Qwest Objection:** Qwest objects to this request on the grounds that it is
18 overbroad, unduly burdensome, equally available to Level 3, seeks information that
is not relevant to the subject matter in the pending action, and is not reasonably
calculated to lead to the discovery of admissible evidence.

19 1-25. Unless your answer to Question #24 above was an unqualified "no," please
20 identify:

- 21 a. The number of customers in Arizona who subscribe to or purchase Qwest's
22 FX service;
- 23 b. The number of FX lines that Qwest provides in Arizona;
- 24 c. How long FX service has been available from Qwest; and,
- 25 d. The number of ISPs to whom Qwest provides such service.

26 1-26. Please state whether Qwest offers any FX-Like service, other than service
27 specifically described as Foreign Exchange. If the answer is anything other than an
28 unqualified "no," please state the name of each such FX-Like service and provide service
descriptions (including, but not limited to, tariff pages) for each such FX-Like service.

1 1-27. Unless your answer to Question #26 above was an unqualified "no," please
2 identify:

3 a. The number of customers in Arizona who subscribe to or purchase each of
4 the FX-Like services identified in response to the preceding questions;

5 b. The number of lines in Arizona over which Qwest provides each of the FX-
6 Like services identified in response to the preceding questions;

7 c. How long each FX-Like service has been available from Qwest; and,

8 d. The number of ISPs who purchase each of the FX-Like services identified in
9 response to the preceding questions.

10 **Qwest Objections to Request I-25 to I-27:** Qwest objects to these requests in so
11 far as they seek information about the volumes of Qwest's retail business, on the
12 basis that such information constitutes a trade or business secret and is confidential
13 and proprietary to Qwest. Qwest also objects on the ground that the request is
14 unduly burdensome and would require a special study. Qwest further objects on
15 the basis that it does not retain information about the business purposes of its retail
16 customers and that such information may be proprietary to Qwest's customers.
17 Qwest further objects to these requests to the extent that they seek information
18 concerning Qwest's product offerings in states other than the state of Arizona.
19 Finally, Qwest objects because the requested information is irrelevant and not
20 calculated to lead to the discovery of admissible evidence.

21 1-28. With respect to Qwest's FX and FX-Like services:

22 a. Please explain the circumstances under which calls from a subscriber to
23 Qwest FX or FX-Like service are rated as local versus toll, and provide all
24 documentation supporting your answer.

25 b. Please explain the circumstances under which calls to a subscriber to Qwest
26 FX or FX-Like service are rated as local versus toll, and provide all documentation
27 supporting your answer.

28 **Qwest's Objection:** Qwest objects to this request and its subparts on the basis
that the terms "toll" and "local" are not defined and may be ambiguous in this
context. Qwest further objects on the basis that the request is overly broad,
unreasonably burdensome, and is not reasonably calculated to lead to the discovery
of admissible evidence.

1-29. Please state whether Qwest has ever billed or demanded payment of access charges
from an incumbent LEC for calls originated by Qwest's end user to an incumbent LEC's
FX or FX-Like customer.

Qwest Objection: Qwest objects to this request on the basis that it is not limited
to the state of Arizona and is otherwise overly broad, unreasonably burdensome,
and is not reasonably calculated to lead to the discovery of admissible evidence.

1 1-30. Please state whether Qwest has ever billed or received reciprocal compensation or
2 other terminating compensation for calls received from an incumbent LEC or any CLECs
3 for termination to Qwest's FX or FX-Like customers. Please explain your answer,
4 including but not limited to:

5 a. The dates upon which you first began billing incumbent LECs or CLECs for
6 such compensation;

7 b. The amount of compensation received from incumbent LECs and CLECs;
8 and

9 c. Describe any changes you may have made to your billing policies with
10 respect to calls terminating to your FX or FX-Like customers.

11 **Qwest Objection:** Qwest objects to this request on the basis that it is not limited
12 to the state of Arizona and is otherwise overly broad, unreasonably burdensome,
13 and is not reasonably calculated to lead to the discovery of admissible evidence.

14 1-31. Are there any circumstances in which Qwest has paid access charges to the
15 originating carrier for a call originated by another carrier and terminated to a Qwest FX or
16 FX-Like customer? If your answer is anything other than an unequivocal "no," please
17 describe all circumstances under which Qwest has made such payments.

18 **Qwest Objection:** Qwest objects to this request on the basis that it is not limited
19 to the state of Arizona and is otherwise overly broad, unreasonably burdensome,
20 and is not reasonably calculated to lead to the discovery of admissible evidence.

21 1-32. Please state whether Qwest knows, or has reason to believe, that any independent
22 LEC with whom Qwest has EAS arrangements provide FX or FX-Like service that
23 permits customers physically located in another rate center to be assigned a number that is
24 local to the rate center included in Qwest's EAS area.

25 **Qwest Objection:** Qwest objects to this request on the basis that it is not limited
26 to the state of Arizona and is otherwise overly broad and unreasonably
27 burdensome. Qwest further objects that the service offerings of independent LECs
28 in Arizona are available from said LECs and are filed as a matter of public record
with the Commission where they are as readily available to Level 3 as to Qwest.

1-38. Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest
uses or expects to use in delivering traffic from its end users to Level 3. Assume for
purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA
and that Qwest is responsible for delivering its originated traffic to that POI.

Qwest Objection: Qwest objects to this request on the basis that the phrase "uses
or expects to use" calls for Qwest to speculate about possible future conditions.
Qwest further objects that this request is ambiguous such that Qwest cannot
determine what specific information Level 3 is seeking. This request may also be
overbroad and unduly burdensome depending on what detailed information Level 3
is seeking.

1 1-39. Please state whether the facilities Qwest uses or expects to use in delivering traffic
2 from its end users to Level 3 as stated above differ in any way based on whether the traffic
3 is classified as "local" or "toll." If your answer is anything other than an unqualified
4 "no," please explain in detail the basis for your answer.

5 **Qwest Objection:** Qwest objects to this request on the basis that the phrase "uses
6 or expects to use" calls for Qwest to speculate about possible future conditions.
7 Qwest further objects that this request is ambiguous such that Qwest cannot
8 determine precisely what information Level 3 is requesting.

9 1-40. Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest
10 uses or expects to use in delivering traffic from Level 3 to Qwest's end users. Assume for
11 purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA
12 and that Level 3 is responsible for delivering its originated traffic to that POI.

13 **Qwest Objection:** Qwest objects to this request on the basis that the phrase "uses
14 or expects to use" calls for Qwest to speculate about possible future conditions.
15 Qwest further objects that this request is ambiguous such that Qwest cannot
16 determine precisely what information Level 3 is requesting.

17 1-41. Please state whether the facilities Qwest uses or expects to use in delivering traffic
18 from Level 3 to Qwest's end users as stated above differ in any way based on whether the
19 traffic is classified as "local" or "toll." If your answer is anything other than an
20 unqualified "no," please explain in detail the basis for your answer.

21 **Qwest Objection:** Qwest objects to this request on the basis that the phrase "uses
22 or expects to use" calls for Qwest to speculate about possible future conditions.
23 Qwest further objects that this request is ambiguous such that Qwest cannot
24 determine precisely what information Level 3 is requesting.

25 1-42. With how many CLECs in Arizona does Qwest exchange traffic (that is, CLECs
26 with their own switches, as opposed to resellers)?

27 **Qwest Objection:** Qwest objects to this request on the basis that it is unreasonably
28 burdensome and that the response would require a special study. Qwest further
objects that the request is not reasonably calculated to lead to the discovery of
admissible evidence.

1-43. How many physical POIs exist in Arizona between Qwest and CLECs?

1-44. With how many CLECs in Arizona does Qwest assign traffic to different
jurisdictional/rating categories based on PIU/PLU or similar factors?

1-45. How many CLECs in Arizona connect to Qwest's network by means of (a) a
Qwest-supplied entrance facility running between Qwest's network and a CLEC switch;
(b) a CLEC-supplied facility delivered to Qwest's network at or near a Qwest central
office building; or (c) some other means?

Qwest Objection to Requests I-43 to I-45: Qwest objects to these requests on the
basis that they are unreasonably burdensome and that the response would require a
special study. Qwest further objects that these requests are not reasonably
calculated to lead to the discovery of admissible evidence.

1 1-46. Produce all documents or other evidence, or identify all other intangible or non-
2 produceable sources of information which you used, referred to, consulted, or which
3 otherwise relate to, refer to, or support any response provided by Qwest to any of these
4 discovery requests, including any requests for admission served by Level 3 on Qwest.

5 **Qwest Objection:** Qwest objects to this request on the grounds that it is
6 overbroad, unduly burdensome and not reasonably calculated to lead to the
7 discovery of admissible evidence.

8 1-108. Has Qwest filed with any regulatory authority or court for deregulation of any of its
9 services offered in Arizona or any other state? If your answer is in the affirmative please
10 provide the following:

- 11
- 12 a. The state where filed;
 - 13 b. The forum in which the filing was made;
 - 14 c. The date of filing and docket number; and,
 - 15 d. A summary of the result.

16 **Qwest Objection:** Qwest objects to this request to the extent that it seeks
17 information about states other than Arizona and is so over broad as to include states
18 in which Qwest is not the incumbent LEC. Qwest further objects that the request is
19 unduly burdensome and that the response would require a special study. Qwest
20 further objects that the request is not relevant or reasonably calculated to lead to the
21 discovery of admissible evidence.

22 OBJECTIONS TO REQUESTS FOR ADMISSIONS

23 Requests 1-47 through 1-107 are phrased in the form of a request for admission,
24 with a data request attached thereto. Qwest objects to all of the data requests
25 accompanying the requests for admission on the grounds that they are unduly
26 burdensome. Qwest objects to the specific requests for admission for the reasons set forth
27 hereafter.

28 1-47. Please admit that the location of the POI between Qwest and Level 3 in Arizona
does not determine whether Qwest has an obligation to pay reciprocal compensation to
Level 3 for Level 3's transport of Qwest's traffic. If your answer is anything other than an
unqualified admission, please describe in detail your qualification or denial, and provide
any information or evidence which supports your qualification or denial.

Qwest Objection: Qwest objects to this request on the basis that it calls for a legal
conclusion and is therefore not an appropriate subject for discovery.

1-48. Please admit that the location of Level 3's switch in Arizona does not determine
whether Qwest has an obligation to pay reciprocal compensation to Level 3 for Level 3's
transport of Qwest's traffic. If your answer is anything other than an unqualified
admission, please describe in detail your qualification or denial, and provide any
information or evidence which supports your qualification or denial.

1 **Qwest Objection:** Qwest objects to this request on the basis that it calls for a legal
2 conclusion and is therefore not an appropriate subject for discovery.

3 1-56. Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier
4 compensation for VoIP traffic. If your answer is anything other than an unqualified
5 admission, please describe in detail your qualification or denial, and provide any
6 information or evidence which supports your qualification or denial.

7 1-57. Please admit that Qwest's state tariffs contain no terms applicable to intercarrier
8 compensation for VoIP traffic. If your answer is anything other than an unqualified
9 admission, please describe in detail your qualification or denial, and provide any
10 information or evidence which supports your qualification or denial.

11 1-58. Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier
12 compensation for information services traffic. If your answer is anything other than an
13 unqualified admission, please describe in detail your qualification or denial, and provide
14 any information or evidence which supports your qualification or denial.

15 1-59. Please admit that Qwest's state tariffs contain no terms applicable to intercarrier
16 compensation for information services traffic. If your answer is anything other than an
17 unqualified admission, please describe in detail your qualification or denial, and provide
18 any information or evidence which supports your qualification or denial.

19 **Qwest Objections to Requests 1-56 – 1-59:** Qwest objects to these requests on the
20 grounds that they call for legal conclusions and are therefore not appropriate
21 subjects for discovery. Furthermore, the state and federal tariffs speak for
22 themselves.

23 1-60. Please admit that Qwest's network is capable of VoIP transport and other
24 combinations of voice and data in an IP-addressed packet format. If your answer is
25 anything other than an unqualified admission, please describe in detail your qualification
26 or denial, and provide any information or evidence which supports your qualification or
27 denial.

28 **Qwest's Objection:** Qwest objects to this request on the grounds that it is
ambiguous such that Qwest cannot determine what Level 3 is requesting.

1-61. Please admit that VoIP offerings are likely to grow as the technology matures and
the regulatory situation is clarified, and such growth in VoIP could contribute to further
declines in our sales of traditional local exchange access lines or local exchange services.
If your answer is anything other than an unqualified admission, please describe in detail
your qualification or denial, and provide any information or evidence which supports your
qualification or denial.

1-62. Please admit that Qwest offers hosted service, in which VoIP equipment is kept at
the provider's data center and customers lease it such that the only equipment customers
need on-site is a VoIP-enabled phone and a broadband connection. If your answer is
anything other than an unqualified admission, please describe in detail your qualification
or denial, and provide any information or evidence which supports your qualification or
denial.

1-63. Please admit that Qwest currently offers Qwest® OneFlex™ Voice over Internet
Protocol services within Arizona which provide customers "the option of choosing up to
five additional phone numbers (virtual numbers) that will ring to your phone. Calls
placed to a virtual phone number will ring the same phone as calls placed to your primary

1 phone number. A virtual phone number can be beneficial if you have colleagues, friends
2 or family living outside your local calling area. You could request a virtual number
3 within their area and the people who live in that local calling area can call you for a price
4 of a local phone call.” If your answer is anything other than an unqualified admission,
5 please describe in detail your qualification or denial, and provide any information or
6 evidence which supports your qualification or denial.

1-64. Please admit that Qwest currently offers Qwest® OneFlex™ Voice over Internet
7 Protocol services within Arizona that provide “Virtual Numbers” which Qwest describes
8 as follows:

9 Virtual Numbers are alias phone numbers that can be
10 associated with your OneFlex™ phone number. Your friends
11 and family can dial your Virtual phone number and avoid
12 incurring long-distance charges. For example, if you live in
13 Denver and your primary # is 303.xxx.xxxx and your family
14 lives in Omaha, your family has to call long-distance. With
15 OneFlex, you can get a virtual phone number assigned to your
16 account with an Omaha area code, so your family doesn't
17 have to pay long-distance charges.

18 You can have up to 5 Virtual Phone Numbers attached to one
19 primary OneFlex phone number.

20 If your answer is anything other than an unqualified admission, please describe in detail
21 your qualification or denial, and provide any information or evidence which supports your
22 qualification or denial.

23 1-65. Please admit that Qwest charges approximately \$30 per month for its Internet
24 phone service, plus 5 cents per minute for long-distance calls with a \$2.99 monthly fee.
25 Please admit that the offering includes a full range of features, such as caller ID and voice
26 mail. If your answer is anything other than an unqualified admission, please describe in
27 detail your qualification or denial, and provide any information or evidence which
28 supports your qualification or denial.

1-66. Please admit that the Qwest® OneFlex™ Voice over Internet Protocol offering is
less expensive than its Choice Home Plus package, which includes unlimited local calling
and a full range of features, which costs approximately \$35 per month, with about \$10 in
taxes and fees, with one long-distance option at 5 cents per minute plus a \$4.99 monthly
fee. If your answer is anything other than an unqualified admission, please describe in
detail your qualification or denial, and provide any information or evidence which
supports your qualification or denial.

Qwest's Objections to Requests I-61 to I-66: Qwest objects to these requests on
the grounds that they are ambiguous and compound requests and as such are
inappropriate requests to admit.

1-67. Please admit that Federal law currently does not permit the imposition of carrier
access charges on information services. If your answer is anything other than an
unqualified admission, please describe in detail your qualification or denial, and provide
any information or evidence which supports your qualification or denial.

Qwest's Objection: Qwest objects to this request on the basis that it calls for a
legal conclusion and is therefore not an appropriate subject for discovery.

1 1-68. Please admit that Qwest has eliminated access charges on VoIP calls that terminate
2 on its network. If your answer is anything other than an unqualified admission, please
3 describe in detail your qualification or denial, and provide any information or evidence
4 which supports your qualification or denial.

5 1-69. Please admit that Qwest is offering a type of local service to VoIP providers so
6 they can serve customers with a product that is free from access charges. If your answer
7 is anything other than an unqualified admission, please describe in detail your
8 qualification or denial, and provide any information or evidence which supports your
9 qualification or denial.

10 1-70. Please admit that Qwest provides VoIP providers the ability to purchase local
11 services through primary rate interface ISDN circuits (ISDN-PRI) which give the VoIP
12 providers direct access to the public switched telephone network. If your answer is
13 anything other than an unqualified admission, please describe in detail your qualification
14 or denial, and provide any information or evidence which supports your qualification or
15 denial.

16 **Qwest's Objection to Requests I-68 to I-70:** Qwest objects to these requests on
17 the grounds that they are vague and ambiguous.

18 1-72. Please admit that interconnection contract language should be as consistent as
19 possible with applicable federal law and regulations. If your answer is anything other
20 than an unqualified admission, please describe in detail your qualification or denial, and
21 provide any information or evidence which supports your qualification or denial.

22 **Qwest's Objection:** Qwest objects to this request on the basis that it calls for a
23 legal conclusion and is therefore not an appropriate subject for discovery. Qwest
24 also objects on the ground that the request is vague and ambiguous.

25 1-73. Please admit that wireline local exchange services offered in Qwest's 14-state area
26 are provided through legal entities which operate within authorized regions subject to
27 regulation by each state in which they operate and by the Federal Communications
28 Commission. If your answer is anything other than an unqualified admission, please
describe in detail your qualification or denial, and provide any information or evidence
which supports your qualification or denial.

Qwest's Objection: Qwest objects to this request on the basis that it seeks a
characterization of Qwest's operations in states other than Arizona and is otherwise
overly broad, ambiguous and burdensome. Qwest further objects that the request
appears to call for a legal conclusion and is therefore not an appropriate subject for
discovery.

1-77. Please admit that while the deployment of VoIP will result in increased
competition for Qwest's core wireline voice services, it also presents growth opportunities
for Qwest to develop new products for its customers. If your answer is anything other
than an unqualified admission, please describe in detail your qualification or denial, and
provide any information or evidence which supports your qualification or denial.

Qwest's Objection: Qwest objects to this request on the basis that it solicits an
opinion on a matter that can only be the subject of speculation.

1 1-78. Please admit that Qwest favors federal and state legislative and regulatory policies
2 which support the development of facilities-based competition. If your answer is anything
3 other than an unqualified admission, please describe in detail your qualification or denial,
4 and provide any information or evidence which supports your qualification or denial.

5 **Qwest's Objection:** Qwest objects to this request on the basis that it is ambiguous
6 and seeks an opinion on a matter that is necessarily subjective and therefore not an
7 appropriate subject for a request to admit.

8 1-79. Please admit that the FCC's rule defining the "telecommunications" subject to
9 reciprocal compensation is stated at 47 CFR § 51.701(b). If your answer is anything other
10 than an unqualified admission, please describe in detail your qualification or denial, and
11 provide any information or evidence which supports your qualification or denial.

12 1-80. Please admit that FCC Rule 47 CFR § 51.701(b) makes no reference of any kind or
13 in any way to a category of traffic known as "local." If your answer is anything other than
14 an unqualified admission, please describe in detail your qualification or denial, and
15 provide any information or evidence which supports your qualification or denial.

16 **Qwest's Objections to I-79 to I-80:** Qwest objects to these requests on the basis
17 that they call for legal conclusions and are therefore not appropriate subjects for
18 discovery. Qwest further objects that the cited federal regulations speak for
19 themselves.

20 1-81. Please admit that the Communications Act of 1934, as amended, contains no
21 definition of "local" telecommunications, "local" calling, or "local" exchange areas. If
22 your answer is anything other than an unqualified admission, please describe in detail
23 your qualification or denial, and provide any information or evidence which supports your
24 qualification or denial.

25 **Qwest's Objection:** Qwest objects to this request on the basis that it calls for
26 legal conclusions and is therefore not an appropriate subject for discovery. Qwest
27 further objects that the cited federal regulation speaks for itself.

28 1-83. Please admit that Qwest's Arizona tariff does not contain any information
indicating the address or location of any end user's premises. If your answer is anything
other than an unqualified admission, please describe in detail your qualification or denial,
and provide any information or evidence which supports your qualification or denial.

1-84. Please admit that Qwest's federal tariff does not contain any information indicating
the address or location of any end user's premises. If your answer is anything other than
an unqualified admission, please describe in detail your qualification or denial, and
provide any information or evidence which supports your qualification or denial.

Qwest Objections to Requests I-83 to I-84: Qwest objects to these requests on
the grounds that they call for a legal conclusion and are therefore not an
appropriate subject for a request to admit.

1-89. Please admit that all calls to ISPs for purposes of Internet access are subject to the
exclusive jurisdiction of the FCC. If your answer is anything other than an unqualified
admission, please describe in detail your qualification or denial, and provide any
information or evidence which supports your qualification or denial.

1-90. Please admit that a call is "exchange access" if offered "for the purpose of the
origination or termination of telephone toll services." 47 U.S.C. § 153(16). If your

1 answer is anything other than an unqualified admission, please describe in detail your
2 qualification or denial, and provide any information or evidence which supports your
qualification or denial.

3 **Qwest's Objections to Requests I-89 to I-90:** Qwest objects to these requests
4 on the basis that they call for legal conclusions and are therefore not appropriate
subjects for discovery.

5 1-91. Please admit that ISPs provide information service rather than telecommunications.
6 If your answer is anything other than an unqualified admission, please describe in detail
7 your qualification or denial, and provide any information or evidence which supports your
qualification or denial.

8 1-92. Please admit that information service providers connect to the local network for the
9 purpose of providing information services, not originating or terminating telephone toll
10 services. If your answer is anything other than an unqualified admission, please describe
11 in detail your qualification or denial, and provide any information or evidence which
supports your qualification or denial.

12 **Qwest's Objections to Requests I-91 to I-92:** Qwest objects to these requests on
13 the grounds that they are ambiguous.

14 1-93. Please admit that Qwest's Arizona tariff contains no terms permitting the
15 imposition of switched access charges upon information services. If your answer is
16 anything other than an unqualified admission, please describe in detail your qualification
17 or denial, and provide any information or evidence which supports your qualification or
denial.

18 1-94. Please admit that Qwest's federal tariff contains no terms permitting the imposition
19 of switched access charges upon information services. If your answer is anything other
20 than an unqualified admission, please describe in detail your qualification or denial, and
21 provide any information or evidence which supports your qualification or denial.

22 **Qwest's Objection:** Qwest objects to these requests on the basis that they call for
23 legal conclusions and are therefore not an appropriate subject for discovery. Qwest
24 also objects on the ground that its state tariffs and federal tariffs speak for
25 themselves.

26 1-95. Please admit that in and between the dates of January 31, 2002 and the date of
27 these Data Requests Qwest compensated Level 3 for ISP-bound traffic regardless of
28 whether the NPA-NXX codes associated with the originating and terminating telephone
numbers appeared to be "local" or "toll" according to Qwest's tariffs. If your answer is
anything other than an unqualified admission, please describe in detail your qualification
or denial, and provide any information or evidence which supports your qualification or
denial.

Qwest's Objection: Qwest objects to this request on the grounds that it is
ambiguous.

1-96 Please admit that where Qwest proposes to rate ISP-bound traffic as toll traffic,
Level 3 would pay Qwest \$0.016270 per MOU instead of paying Level 3 \$.0007 per
MOU for terminating a call received at the Parties' POI. If your answer is anything other
than an unqualified admission, please describe in detail your qualification or denial, and
provide any information or evidence which supports your qualification or denial.

1 **Qwest's Objection:** Qwest objects to this request on the grounds that it is
2 ambiguous and is a compound question and as such is an inappropriate request to
 admit.

3 1-97. Please admit that the FCC's Rules (47 C.F.R.) contain no definition of the term
4 "interexchange carrier". If your answer is anything other than an unqualified admission,
5 please describe in detail your qualification or denial, and provide any information or
 evidence which supports your qualification or denial.

6 **Qwest's Objection:** Qwest objects to this request on the grounds that it calls for a
 legal conclusion and is therefore not an appropriate subject for a request to admit.

7 1-98. Please admit that Qwest offers a dial up internet services to ISPs on a wholesale
8 basis that provides a dial-up network infrastructure (network-based modems, V.90, V.92,
9 and ISDN protocol support) with dial coverage from more than 2,700 points of presence,
10 covering more than 85 percent of the U.S. population with a local call. If your answer is
 anything other than an unqualified admission, please describe in detail your qualification
 or denial, and provide any information or evidence which supports your qualification or
 denial.

11 **Qwest's Objection:** Qwest objects to this request on the grounds that it is
12 ambiguous and is a compound question and as such is an inappropriate request to
 admit.

13 1-99. Please admit that Qwest physically collocates equipment at its or another carriers'
14 switch or other location permitting collocation within the local calling area associated
15 with each of the NPA-NXX codes that Qwest uses to provide this service. If your answer
16 is anything other than an unqualified admission, please describe in detail your
 qualification or denial, and provide any information or evidence which supports your
 qualification or denial.

17 **Qwest's Objection:** Qwest objects to this request on the grounds that it is
 ambiguous.

18 1-100. Please admit that revenue for Qwest's local voice services may be affected
19 adversely should providers of VoIP services attract a sizable base of customers who use
20 VoIP to bypass traditional local exchange carriers. If your answer is anything other than
 an unqualified admission, please describe in detail your qualification or denial, and
 provide any information or evidence which supports your qualification or denial.

21 1-101. Please admit that to the extent that VoIP networks or VoIP service providers
22 bypass the traditional methods for originating and terminating local calls, these providers
23 could enjoy a competitive advantage versus traditional carriers who must pay regulated
24 carrier access and reciprocal compensation charges. If your answer is anything other than
 an unqualified admission, please describe in detail your qualification or denial, and
 provide any information or evidence which supports your qualification or denial.

25 **Qwest's Objections to Requests I-100 to I-101:** Qwest objects to these requests
26 on the grounds that they are ambiguous and call for speculation and are therefore
 inappropriate requests to admit.

27 1-102. Please admit that on October 18, 2004 the FCC released an Order forbearing from
28 applying certain ISP reciprocal compensation interim rules adopted in its April 27, 2001
 ISP-Remand Order that imposed a volume cap on the number of minutes of use of ISP-
 bound traffic subject to compensation and that required carriers to exchange ISP-bound

1 traffic on a bill-and-keep basis if those carriers were not exchanging traffic pursuant to
2 interconnection agreements prior to adoption of the April 27, 2001 Order. If your answer
3 is anything other than an unqualified admission, please describe in detail your
qualification or denial, and provide any information or evidence which supports your
qualification or denial.

4 **Qwest Objection:** Qwest objects to this request on the ground that it calls for a
5 legal conclusion and is therefore an inappropriate request to admit. Qwest also
objects on the ground that the FCC order in question speaks for itself.

6 1-103. Please admit that the effect of the FCC's October 18, 2004 Order may be to
7 increase significantly Qwest's payments of reciprocal compensation. If your answer is
8 anything other than an unqualified admission, please describe in detail your qualification
or denial, and provide any information or evidence which supports your qualification or
denial.

9 **Qwest Objection:** Qwest objects to this request on the grounds that it is
10 ambiguous and calls for speculation.

11 1-104. Please admit that Mr. Larry Brotherson, a Qwest employee, testified in a prior
12 arbitration hearing between Level 3 and Qwest in the State of Minnesota (*In the Matter of*
13 *the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection*
14 *Agreement with Qwest Corporation, Pursuant to 47 U.S.C. § 252(b)*, MPUC Docket No.
15 P-5733, 421/IC-02-1372, Hearing Transcript at 24 – 25) that the law requires that Qwest
exchange ISP-bound traffic over local interconnection trunks, as follows below: If your
answer is anything other than an unqualified admission, please describe in detail your
qualification or denial, and provide any information or evidence which supports your
qualification or denial.

16 Q: Are you suggesting that locally dialed calls will go over the toll trunks under
this agreement?

17 A: If the local number is in a different local calling area than the ISP but it is a
18 call to a Level 3 customer under single POI LATA, Qwest would deliver
that call over LIS facilities to Level 3.

19 Q: And local voice calls to a local number would go over LIS facilities as well,
20 correct?

21 A: Correct.

22 Q: So it is fair to say that Qwest understands that the law requires that Qwest
23 interconnect with Level 3 at the local level for the exchange of ISP-bound
traffic in the same fashion as it would for local voice traffic?

24 A: Could you repeat the question?

25 Q: Qwest understands that the law requires it interconnect with Level 3 on the
local level to handle ISP-bound traffic?

26 A: That would be a true statement.

27 If your answer is anything other than an unqualified admission, please describe in detail
28 your qualification or denial, and provide any information or evidence which supports your
qualification or denial.

1 **Qwest's Objection:** Qwest objects to this request on the grounds that it is
2 ambiguous and appears to call for a legal conclusion and is therefore an
inappropriate request to admit.

3 1-105. Please admit that Qwest does not require its own ISP customers to have a server
4 in the same local calling area as the Qwest end user accessing the Internet. If your answer
5 is anything other than an unqualified admission, please describe in detail your
qualification or denial, and provide any information or evidence which supports your
qualification or denial.

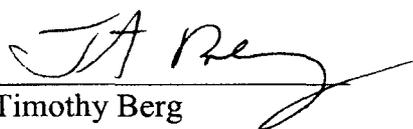
6 1-106. Please admit that in a prior arbitration hearing between Level 3 and Qwest in the
7 State of Minnesota, (In the Matter of the Petition of Level 3 Communications, LLC for
8 Arbitration of an Interconnection Agreement with Qwest Corporation, Pursuant to 47
9 U.S.C. § 252(b), MPUC Docket No. P-5733, 421/IC-02-1372, Hearing Transcript at 68 -
10 69) that Qwest admitted that it does not require its own ISP customers to have a server in
the same local calling area as the Qwest end user accessing the Internet. If your answer is
anything other than an unqualified admission, please describe in detail your qualification
or denial, and provide any information or evidence which supports your qualification or
denial.

11 **Qwest's Objections to Requests I-105 To I-106:** Qwest objects to these requests
12 on the grounds that they are ambiguous.

13 1-107. Please admit that, in Arizona, Qwest filed a request in Docket No. T-01051B-03-
14 0454 to allow it to receive competitive treatment in certain competitive zones for all
15 services offered by Qwest and to have all services in those competitive zones subject to
the provisions of AAC R14-2-1101 et seq. If your answer is anything other than an
unqualified admission, please describe in detail your qualification or denial, and provide
any information or evidence which supports your qualification or denial.

16 **Qwest's Objection:** Qwest objects to this request on the grounds that it is
17 ambiguous and is a compound question and as such is an inappropriate request to
admit.

18 RESPECTFULLY SUBMITTED this 23rd day of June, 2005.

19
20
21 By 
22 Timothy Berg
23 Theresa Dwyer
24 FENNEMORE CRAIG, P.C.
25 3003 N. Central Ave, Suite 2600
26 Phoenix, Arizona 85012
27 (602) 916-5421
28 -and-
Norman G. Curtright
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7 COPY mailed this 23rd day of June, 2005:

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EXHIBIT C

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-047

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 047

Please admit that the location of the POI between Qwest and Level 3 in Arizona does not determine whether Qwest has an obligation to pay reciprocal compensation to Level 3 for Level 3's transport of Qwest's traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it calls for a legal conclusion and is therefore not an appropriate subject for discovery.

Without waiving the foregoing objections, Qwest provides the following response:

Admit. Under Qwest's proposed language, the physical location of the called and calling parties determine the nature of compensation.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-048

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 048

Please admit that the location of Level 3's switch in Arizona does not determine whether Qwest has an obligation to pay reciprocal compensation to Level 3 for Level 3's transport of Qwest's traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it calls for a legal conclusion and is therefore not an appropriate subject for discovery.

Without waiving the foregoing objection, Qwest provides the following response:

Admit. Under Qwest's proposed language, the physical location of the called and calling parties determine the nature of compensation.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-049

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 049

Please admit that Qwest currently has interconnection agreements with one or more CLECs in Arizona under which those CLECs are permitted to carry mixed intraLATA interexchange, and interLATA interexchange traffic on the same trunk groups. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Admit. Qwest currently has interconnection agreements with one or more CLECs in Arizona under which those CLECs are permitted to carry mixed intraLATA interexchange, and interLATA interexchange traffic. That traffic, however, is transported on the same Feature Group D trunk groups, and not on Local Interconnection Service (LIS) trunks.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-050

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 050

Please admit that Qwest currently has interconnection agreements with one or more CLECs in Arizona under which Qwest provides transit traffic connection for those CLECs to other carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Admit. The use of the phrase "transit traffic" in interconnection agreements normally refers only to local transit traffic (i.e., where the called and calling parties are located within the same local calling area ("LCA")). Transiting toll or interexchange traffic is normally covered by interconnection agreements by provisions related to Jointly Provided Switched Access obligations.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-051

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 051

Please admit that Qwest currently has agreements with one or more other incumbent local exchange carriers in Arizona under which Qwest provides transit traffic connection for those incumbent local exchange carriers to other carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Admit. See response to Request No. 50.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-052

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 052

Please admit that customers of Qwcst's own Arizona intrastate FX service do not pay toll charges on their FX interexchange calls, regardless of the distance of the call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Denied. Qwest customers of FX service do pay toll charges for interexchange calls. Calls to and from end users in the local calling area where the FX customer purchases an FX connection are treated as local. All calls to other exchanges are treated as interexchange calls and toll charges would apply. In addition the FX customer pay for the transport from the LCA where the number is obtained by purchasing special access/private line products contained in the Arizona private line tariffs.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-053

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 053

Please admit that Qwest's position is that VoIP traffic is subject to carrier access charges, regardless of the origination and termination points of the call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Denied. It is not Qwest's position that carrier access charges apply to all VoIP traffic. Local VoIP traffic (based on the physical location of the VoIP provider POP and the physical location of the called party) is not subject to carrier access charges under Qwest's proposed language.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-054

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 054

Please admit that Qwest's position is that VoIP traffic is subject to carrier access charges only if the traffic originates in one LATA and terminates in another. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Denied. See response to Request No. 53. IntraLATA VoIP traffic is not necessarily local traffic. Indeed, a typical LATA usually has many different LCAs within it.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-055

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 055

Please admit that Qwest does not currently pay carrier access charges to other carriers for any of its own VoIP services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Denied. Qwest Corporation, the party to this proceeding, does not provide Voice over Internet Protocol ("VoIP") service on either a retail or wholesale basis. Qwest's affiliate, Qwest Communications Corporation ("QCC"), offers both wholesale and retail VoIP services. QCC's retail business and consumer VoIP services utilize Primary Rate ISDN ("PRI") services to terminate traffic to the Public Switched Telephone Network (PSTN) in accordance with the ESP exemption. QCC currently terminates the traffic from its wholesale VoIP offering using Feature Group D access services.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-056

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 056

Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for VoIP traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it calls for a legal conclusion and is therefore not an appropriate subject for discovery. Furthermore, the state and federal tariffs speak for themselves.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. Qwest has not attempted to review the voluminous set of tariffs on file at the FCC. However, even if Qwest's federal tariffs make no specific mention of VoIP traffic, that does not mean that various federal tariffs are not applicable to VoIP traffic, depending on the nature of the traffic, its origination and termination points, and other factors. To the extent that VoIP traffic meets the definitions of traffic subject to federal tariffs, then those tariffs would apply to the traffic. To the extent the ESP exemption applies to some access charges, then the exemption would apply. However, the ESP exemption does not purport to preclude the application of federal tariffs for traffic not subject to the exemption.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-057

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 057

Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for VoIP traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it calls for a legal conclusion and is therefore not an appropriate subject for discovery. Furthermore, the state and federal tariffs speak for themselves.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. Qwest has not attempted to review the voluminous set of state tariffs on file with the Commission. However, even if Qwest's state tariffs make no specific mention of VoIP traffic, that does not mean that various state tariffs are not applicable to VoIP traffic, depending on the nature of the traffic, its origination and termination points, and other factors.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-058

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 058

Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it calls for a legal conclusion and is therefore not an appropriate subject for discovery. Furthermore, the state and federal tariffs speak for themselves.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. See explanation associated with Qwest's response to Request No. 56. The same response applies to information services as well.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-059

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 059

Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it calls for a legal conclusion and is therefore not an appropriate subject for discovery. Furthermore, the state and federal tariffs speak for themselves.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. See explanation associated with Qwest's response to Request No. 57. The same response applies to information services as well.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-060

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 060

Please admit that Qwest's network is capable of VoIP transport and other combinations of voice and data in an IP-addressed packet format. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous such that Qwest cannot determine what Level 3 is requesting.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. While it is true that portions of Qwest's network are capable of transporting voice and data in an IP-addressed packet format, not every portion is capable of doing so. For example, information in IP-addressed packet format cannot be processed by a circuit switch and must be converted into TDM format.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-061

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 061

Please admit that VoIP offerings are likely to grow as the technology matures and the regulatory situation is clarified, and such growth in VoIP could contribute to further declines in our sales of traditional local exchange access lines or local exchange services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is an ambiguous and compound request and as such is an inappropriate request to admit.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. Given the speculative nature of this question it is impossible to admit it. Many variables, known and unknown (including regulatory rulings), could impact VoIP both positively and negatively in the marketplace.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-062

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 062

Please admit that Qwest offers hosted service, in which VoIP equipment is kept at the provider's data center and customers lease it such that the only equipment customers need on-site is a VoIP-enabled phone and a broadband connection. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is an ambiguous and compound request and as such is an inappropriate request to admit.

Without waiving the foregoing objections, Qwest will supplement this response as soon as possible.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-063

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 063

Please admit that Qwest currently offers Qwest @ OneFlex™ Voice over Internet Protocol services within Arizona which provide customers "the option of choosing up to five additional phone numbers (virtual numbers) that will ring to your phone. Calls placed to a virtual phone number will ring the same phone as calls placed to your primary phone number. A virtual phone number can be beneficial if you have colleagues, friends or family living outside your local calling area. You could request a virtual number within their area and the people who live in that local calling area can call you for a price of a local phone call" If your answer is anything other than an unqualified admission, please, describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is an ambiguous and compound request and as such is an inappropriate request to admit.

Without waiving the foregoing objections, Qwest will supplement this response as soon as possible.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-064

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 064

Please admit that Qwest currently offers Qwest® OneFlex™ Voice Over Internet Protocol services within Arizona that provide "Virtual Numbers" which Qwest describes as follows:

"Virtual Numbers are alias phone numbers that can be associated with your OneFlex™ phone number. Your friends and family can dial your Virtual phone number and avoid incurring long-distance charges. For example, if you live in Denver and our primary # is 303.xxx.xxxx and your family lives in Omaha, your family has to call long distance. With OneFlex, you can get a virtual phone number assigned to your account with an Omaha area code, so your family doesn't have to pay long-distance charges.

You can have up to 5 Virtual Phone Numbers attached to one primary OneFlex phone number." If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial. and provide any information, evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is an ambiguous and compound request and as such is an inappropriate request to admit.

Without waiving the foregoing objections, Qwest will supplement this response as soon as possible.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-065

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 065

Please admit that Qwest charges approximately \$30 per month for its Internet phone service, plus 5 cents a minute for long-distance calls with a \$2.99 monthly fee. Please admit that the offering includes a full range of features, such as caller ID and voice mail. If your answer is anything

RESPONSE:

Qwest objects to this request on the grounds that it is an ambiguous and compound request and as such is an inappropriate request to admit.

Without waiving the foregoing objections, Qwest provides the following response:

Denied as to Qwest Corporation. Admitted with regard to QCC. The offering described in the request is one of the consumer offerings of QCC.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-066

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 066

Please admit that the Qwest® OneFlex™ Voice over Internet Protocol offering is less expensive than its Choice Home Plus package, which includes unlimited local calling and a full range of features, which costs approximately \$35 per month, with about \$10 in taxes and fees, with one long-distance option at 5 cents per minute plus a \$4.99 monthly fee. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is an ambiguous and compound request and as such is an inappropriate request to admit.

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this request. It is not clear what "Qwest VoIP offering" is being referred to in this request, thus making it impossible to make the requested comparison.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-067

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 067

Please admit that Federal law currently does not permit the imposition of carrier access charges on information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it calls for a legal conclusion and is therefore not an appropriate subject for discovery.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. The FCC's ESP exemption provides the ESP can purchase its connection to the local exchange as an end user. To the extent an information service is being provided, the ESP exemption may apply with regard to some access charges. However, this does not mean that all calls to and from an information service provider fall under the ESP exemption.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-068

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 068

Please admit that Qwest has eliminated access charges on VoIP calls that terminate on its network. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this requests on the grounds that it is vague and ambiguous.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. See response to Request No. 67.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-069

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 069

Please admit that Qwest is offering a type of local service to VOW providers so they can serve customers with a product that is free from access charges. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this requests on the grounds that it is vague and ambiguous.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. The request is ambiguous because it is unclear who the term "they" applies to in the request. Nevertheless, truly local service, by its nature, is free from access charges.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-070

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 070

Please admit that Qwest provides VoIP providers the ability to purchase local services through primary rate interface ISDN circuits (ISDN-PRI) which give the VOW providers direct access to the public switched telephone network. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this requests on the grounds that it is vague and ambiguous.

Without waiving the foregoing objections, Qwest provides the following response:

Admitted subject to the following explanation. The FCC's ESP exemption provides that ESPs are treated as end users, may purchase a connection to the local exchange out of the local exchange tariffs, and are not required to connect through a Feature Group connection. Under this ruling, most local exchange products are available for purchase by VoIP providers providing true Enhanced Service. However, if the service provided by the ESP is not a true enhanced service, the ESP exemption does not apply. Further, even assuming the traffic qualifies for the ESP exemption for access to the local exchange, the exemption does not apply for interexchange traffic.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-071

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 071

Please admit that it is true that Qwest's FX service allows the customer to make calls to an exchange outside of the Qwest customer's home exchange without incurring a toll charge. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Assuming that by "end user" Level 3 means the customer placing the call and that this customer is in the same LCA as the FX number, then Qwest admits that the caller doesn't pay a toll charge. However, the customer who purchases the FX number pays special access private line rates for transport from the LCA of the FX number to the physical location of the customer who purchases the FX service.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-072

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 072

Please admit that interconnection contract language should be as consistent as possible with applicable federal law and regulations. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it calls for a legal conclusion and is therefore not an appropriate subject for discovery. Qwest also objects on the ground that the request is vague and ambiguous.

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this statement because it is so broad as to be meaningless; without an understanding of the specific context in which the statement may be applied, it is impossible for Qwest to respond with a simple admission or denial. There are, for example, situations in which parties agree to terms and conditions that vary from the requirements of federal law and regulations. Further, given that the parties are entering a contract to define a future business relationship, it is often necessary to provide language that goes beyond the language of the statute and rules.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-073

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 073

Please admit that wireline local exchange services offered in Qwest's 14 state area are provided through legal entities which operate within authorized regions subject to regulation by each state in which they operate and by the Federal Communications Commission. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it seeks a characterization of Qwest's operations in states other than Arizona and is otherwise overly broad, ambiguous and burdensome. Qwest further objects that the request appears to call for a legal conclusion and is therefore not an appropriate subject for discovery.

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit or deny this request.

For example, to the extent that the request implies that Qwest uses multiple subsidiaries to provide traditional wireline services within its 14-state ILEC region, Qwest denies the request. For the most part, traditional wireline services are provided by one entity, Qwest Corporation, within the 14-state region.

The level and manner of regulation in the 14-state area varies from state to state and from service to service. For example, in some states, the concept of "authorized regions" no longer exists. On the other hand, to the extent the subject matter of a docket within a given state falls into areas delegated to state commissions by the 1996 Act (as in the case of the current arbitration docket), state commissions play a regulatory role in each of the 14 states.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-074

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 074

Please admit that the Qwest regulated subsidiary which provides wireline local exchange services in the State of Colorado is a different subsidiary of Qwest than the Qwest subsidiary which provides wireline local exchange services in the State of Arizona. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Denied.

Qwest Corporation is the same entity that provides wireline local exchanges services in both Colorado and Arizona.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-075

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 075

Please admit that Qwest has transported VoIP traffic over its network in the State of Arizona. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Admitted.

Given the fact that VoIP is provided by a variety of providers (including Qwest's affiliate), Qwest Corporation has certainly transported traffic that meets the proper definition of VoIP (though, given the fact that the traffic may have been handed off to Qwest by a VoIP provider's carrier in TDM, Qwest would be unlikely to know that the traffic was a VoIP call since all TDM traffic appears the same to Qwest's network).

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-076

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 076

Please admit that Qwest has carried VoIP traffic to or from its own customers in Arizona. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest Corporation does not provide VoIP services. Therefore, as to Qwest Corporation, the request is denied. To the extent that QCC has VoIP customers in Arizona, the request is admitted.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-077

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 077

Please admit that while the deployment of VOID will result in increased competition for Qwest's core wireline voice services, it also presents growth opportunities for Qwest to develop new products for its customers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it solicits an opinion on a matter that can only be the subject of speculation.

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny the request. There are simply too many variables and unknowns in the future to predict that the result described in the request is probable. The request describes one potential outcome.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-078

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 078

Please admit that Qwest favors federal and state legislative and regulatory policies which support the development of facilities-based competition. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it is ambiguous and seeks an opinion on a matter that is necessarily subjective and therefore not an appropriate subject for a request to admit.

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit or deny this statement because it is so broad as to be meaningless; without an understanding of the specific context in which the statement may be applied, it is impossible for Qwest to respond with a simple admission or denial.

That said, Qwest has gone on record in a variety of contexts agreeing with the FCC's conclusion that facilities-based competition is preferable to other forms of competition. However, any legislative or regulatory proposal that supports the development of facilities-based competition would need to be analyzed by Qwest in the context of the overall proposal (including all individual elements of such a proposal). For example, if a regulatory or legislative body proposed facilities-based competition based on confiscation of Qwest's capital investment, Qwest would oppose such a proposal. Likewise, to the extent state or local governments propose to build infrastructure with tax dollars to compete with infrastructure of private companies, Qwest, as a matter of principle, opposes such initiatives.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-079

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 079

Please admit that the FCC's rule defining the "telecommunications" subject to reciprocal compensation is stated at 47 CFR § 51.701(b). If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it calls for a legal conclusion and is therefore not an appropriate subject for discovery. Qwest further objects that the cited federal regulations speak for themselves.

Without waiving the foregoing objections, Qwest provides the following response:

Denied.

The question implies that 47 C.F.R. § 51.701(b) defines "telecommunications," when in fact it provides a definition for "telecommunications traffic." The term "telecommunications" is defined in section 153(43) of the Act while "telecommunications service" is defined in section 153(46). These statutes, along with other statutory provisions, FCC rules, FCC orders, and court decisions are all relevant to the definition of "telecommunications" for reciprocal compensation purposes.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-080

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 080

Please admit that FCC Rule 47 CFR § 51-701 (b) makes no reference of any kind or in any way to a category of traffic known as "local" If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it calls for a legal conclusion and is therefore not an appropriate subject for discovery. Qwest further objects that the cited federal regulations speak for themselves.

Without waiving the foregoing objections, Qwest provides the following response:

Denied.

The question implies that 47 C.F.R. § 51.701(b) makes no reference to the difference between local and non-local traffic. In fact, section 51.701(b) (1) excludes three types of traffic from "telecommunications traffic." However, "telephone exchange service" (see section 153(47)) is not one of those categories. The definition in the Act of "local exchange carrier" includes the provision of "telephone exchange service." (See section 153(26)). Thus, that subsection retains the distinction between local and non-local traffic. Section 51.701(b) (2) retains the distinction between intra-MTA and inter-MTA traffic for reciprocal compensation purposes. Thus, while the term "local" is not used, intra-MTA calling is the wireless version of "local" service.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-081

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 081

Please admit that the Communications Act of 1934, as amended, contains no definition of "local" telecommunications, "local" calling, or "local" exchange areas. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it calls for a legal conclusion and is therefore not an appropriate subject for discovery. Qwest further objects that the cited federal regulation speaks for itself.

Without waiving the foregoing objections, Qwest provides the following response:

Denied.

Qwest has not performed a word search of the entire Telecommunications Act of 1934; Level 3 is as capable of doing so as Qwest is. Nonetheless, to the extent the import of the request is to suggest that the concepts of "'local' telecommunications, 'local' traffic, or 'local; exchange areas'" are alien to federal telecommunications law, Qwest denies the same, as expressed in Qwest's responses to Requests 79 and 80. The concepts of "local traffic" and "local exchange" service or areas are well established in federal and state law.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-082

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 082

Please admit that Qwest's end office and tandem switches do not store any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest can neither admit nor deny this request.

The telephone numbers that Qwest uses for call routing purposes are assigned to its end users based on NPA-NXXs associated with specific LCAs in the state. Thus, Qwest's end office and tandem switches process calls based on information that in most, but not all, cases identifies the general geographic area within which the end users are located. Thus, while switches do not route calls based on specific addresses stored within the switches, the routing and connecting function of switches are based on information concerning a customer's address and location located in other company databases. Furthermore, installation facts, repair facts, billing information and other related information related to specific customers are contained in company databases that are based on customer address and location information.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-083

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 083

Please admit that Qwest's Arizona tariff does not contain any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it calls for a legal conclusion and is therefore not an appropriate subject for a request to admit.

Without waiving the foregoing objections, Qwest provides the following response:

Admitted, as explained hereafter.

It is true that Qwest's tariffs in Arizona do not record the address of specific end user premises nor has Qwest ever suggested they do. On the other hand, each local exchange carrier in Arizona must have on file with the Commission, or concur in, individual exchange maps drawn to Commission rule specifications that contain sufficient detail such that customer locations can be determined as to which exchange is the serving exchange for customers. The tariffs then identify all of the exchanges within a LCA. Those LCAs represent areas within which the Commission has determined there is a strong enough community of interest to designate the calling within the LCA as local and to require Qwest to provide local exchange service on a flat-rated basis. Thus, Qwest's state tariffs and maps, as approved by the Commission, do define geographic areas relevant to Qwest end users in Arizona.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-084

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 084

Please admit that Qwest's federal tariff does not contain any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it calls for a legal conclusion and is therefore not an appropriate subject for a request to admit.

Without waiving the foregoing objections, Qwest provides the following response:

Admitted, See response to Request No. 83.

It is true that Qwest's federal tariffs do not record the address of specific end user premises nor has Qwest ever suggested they do. However, although LCAs are approved by state commissions, the application of many federal tariffs depend directly on the physical location of the called and calling parties. Thus, geographic LCAs defined by the Commission are directly relevant to the application of some federal tariffs.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-085

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 085

Please admit that Qwest's end office and tandem switches route traffic to other switches and/or to end users on the basis of the dialed telephone number, without any reference to information regarding the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Denied.

The telephone numbers that Qwest uses for call routing purposes are assigned to its end users based on NPA-NXXs associated with specific LCAs in the state. Thus, Qwest's end office and tandem switches route traffic that in most, but not all, cases identifies the geographic location by local calling area within which the end user is located.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-086

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 086

Please admit that Qwest's end office switches determine whether to route a dialed call to an IXC on the basis of the telephone number dialed, and not on the basis of any information regarding the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Denied.

See Qwest's Response to Request No. 82. As noted in the response to Request No. 82, the telephone number dialed in most, but not all cases, provides information related to the geographic location of the end user being called and of the calling party.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-087

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 087

Please admit that Qwest's call routing systems never sample any data regarding the address or location of any end user's premises for purposes of routing a call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Denied for the same reasons as set forth in Qwest's responses to Request Nos. 82 and 86.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-088

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 088

Please admit that Qwest's billing systems never sample any data regarding the address or location of any end user's premises for purposes of billing. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Denied for the same reasons as set forth in Qwest's responses to Request Nos. 82 and 86.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-089

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 089

Please admit that all calls to ISPs for purposes of Internet access are subject to the exclusive jurisdiction of the FCC. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it calls for legal conclusions and is therefore not an appropriate subject for discovery.

Without waiving the foregoing objections, Qwest provides the following response:

Denied.

State commissions have the jurisdiction under the Act to resolve open issues in arbitrations like this case, including issues related to ISPs and ISP-bound traffic, through the approval of language in interconnection agreements.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-090

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 090

Please admit that a call is "exchange access" if offered "for the purpose of the origination or termination of telephone toll services." 47 U.S.C. § 153(16). If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it calls for legal conclusions and is therefore not an appropriate subject for discovery.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. "Exchange access" refers to one category of service that might be involved in connection with a portion of an individual call. It is not a classification of calls.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-091

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 091

Please admit that ISPs provide information service rather than telecommunications. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. The request suggests that telecommunications and information service are mutually exclusive categories. In fact, however, section 153(20) of the Act defines "information service" as the means of offering a variety of functionalities, including "making available information via telecommunications." This portion of the definition thus makes it clear that the categories are not mutually exclusive as the request suggests.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-092

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 092

Please admit that information service providers connect to the local network for the purpose of providing information services, not originating or terminating telephone toll services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. See Qwest's response to Request No. 91. Likewise, in this case, it is impossible to admit this request given the fact that a given ISP may purchase a connection to the "local network" for the purpose of providing both information services and for originating or terminating toll services. It is not an either/or proposition.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-093

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 093

Please admit that Qwest's Arizona tariff contains no terms permitting the imposition of switched access charges upon information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Denied. See Qwest response to Request No. 57. As in the case of VoIP services, Qwest has not attempted to review the voluminous set of state tariffs on file with the Commission. However, even if Qwest's state tariffs make no specific mention of information services, that does not mean that various state tariffs are not applicable to it, depending on the nature of the traffic, its origination and termination points, and other factors.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-094

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 094

Please admit that Qwest's federal tariff contains no terms permitting the imposition of switched access charges upon information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the basis that it calls for legal conclusions and is therefore not an appropriate subject for discovery. Qwest also objects on the ground that state tariffs and federal tariffs speak for themselves.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. See Qwest response to Request Nos. 56 and 58. Indeed, this request is virtually identical to Request No. 58, with the exception that this request uses the term "switched access charges" while Request No. 58 uses the broader terms "intercarrier compensation." As in the case of VoIP services, Qwest has not attempted to review the voluminous set of federal tariffs on file at with the FCC. However, even if Qwest's federal tariffs make no specific mention of information services, that does not mean that various federal tariffs are not applicable to it, depending on the nature of the traffic, its origination and termination points, and other factors. To the extent that information services traffic meets the definitions of traffic subject to federal tariffs, then those tariffs would apply to the traffic. In some instances, the ESP exemption would apply, but the ESP exemption does not purport to preclude the application of federal tariffs for traffic not subject to the exemption.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-095

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 095

Please admit that in and between the dates of January 31, 2002 and the date of these Data Requests Qwest compensated Level 3 for ISP-bound traffic regardless of whether the NPA-NXX codes associated with the originating and terminating telephone numbers appeared to be "local" or "toll" according to Qwest's tariffs. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. Qwest has not knowingly compensated Level 3 for ISP traffic that does not originate and terminate in the same LCA. Because of Level 3's ability to obtain local telephone numbers associated with certain LCAs that are assigned to ISPs with no physical presence in that LCA, Qwest may have compensated Level 3 for ISP-bound traffic that, under existing interconnection agreements, did not properly qualify for compensation. Whether Qwest did so or not does make the practice legal under those interconnection agreements and certainly is no justification to authorize the practice in interconnection agreement that is the subject of this docket. The issue for the Commission in this case relates to the practice that will be followed in the future under the new agreement.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-096

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 096

Please admit that where Qwest proposes to rate ISP-bound traffic as toll traffic, Level 3 would pay Qwest \$0.016270 per MOU instead of paying Level 3 \$.0007 per MOU for terminating a call received at the Parties' POI. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous and is a compound question and as such is an inappropriate request to admit.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-097

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 097

Please admit that the FCC's Rules (47 C.F.R.) contain no definition of the term "interexchange carrier". If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it calls for a legal conclusion and is therefore not an appropriate subject for a request to admit.

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this request. Qwest has not reviewed the entirety of 47 CFR and Level 3 is as capable of doing so as Qwest. Whether or not the term is defined in 47 CFR, the term is commonly referred to in FCC orders, interconnection agreements and court decisions.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-098

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 098

Please admit that Qwest offers a dial up internet services to ISPs on a wholesale basis that provides a dial-up network infrastructure (network-based modems, V.90, V.92, and ISDN protocol support) with dial coverage from more than 2,700 points of presence, covering more than 85 percent of the U.S. population with a local call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous and is a compound question and as such is an inappropriate request to admit.

Without waiving the foregoing objections, Qwest will supplement this response as soon as possible.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-099

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 099

Please admit that Qwest physically collocates equipment at its or another carriers' switch or other location permitting collocation within the local calling area associated with each of the NPA-NXX codes that Qwest uses to provide this service. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous.

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this request because it is unclear what "this service" refers to.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-100

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 100

Please admit that revenue for Qwest's local voice services may be affected adversely should providers of VoIP services attract a sizable base of customers who use VoIP to bypass traditional local exchange carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous and calls for speculation and is therefore an inappropriate request to admit.

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this request because there are far too many variables to predict that the statement represents a likely or probable result. It is one of many possible outcomes.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-101

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 101

Please admit that to the extent that VoIP networks or VoIP service providers bypass the traditional methods for originating and terminating local calls, these providers could enjoy a competitive advantage versus traditional carriers who must pay regulated carrier access and reciprocal compensation charges. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous and calls for speculation and is therefore an inappropriate request to admit.

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this request because there are far too many variables to predict that the statement represents a likely or probable result. It is one of many possible outcomes.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-102

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 102

Please admit that on October 18, 2004 the FCC released an Order forbearing from applying certain ISP reciprocal compensation interim rules adopted in its April 27, 2001 ISP-Remand Order that imposed a volume cap on the number of minutes of use of ISP-bound traffic subject to compensation and that required carriers to exchange ISP-bound traffic on a bill-and-keep basis if those carriers were not exchanging traffic pursuant to interconnection agreements prior to adoption of the April 27, 2001 Order. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the ground that it calls for a legal conclusion and is therefore an inappropriate request to admit. Qwest also objects on the ground that the FCC order in question speaks for itself.

Without waiving the foregoing objections, Qwest provides the following response:

Qwest will neither admit nor deny this request. The order referred to is the Core Forbearance Order and it speaks for itself.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-103

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 103

Please admit that the effect of the FCC's October 18, 2004 Order may be to increase significantly Qwest's payments of reciprocal compensation. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous and calls for speculation.

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this request because there are far too many variables to predict that the statement represents the probable result. The statement in the request certainly represents a possible outcome given the FCC's decision Core Forbearance Order.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-104

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 104

Please admit that Mr. Larry Brotherson, a Qwest employee, testified in a prior arbitration hearing between Level 3 and Qwest in the State of Minnesota (In the Matter of the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection Agreement with Qwest Corporation, Pursuant to 47 U.S.C. § 252(b), MPUC Docket No. P-5733,421/IC-02-1372, Hearing Transcript at 24 - 25) that the law requires that Qwest exchange ISP-bound traffic over local interconnection trunks, as follows below: If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

Q: Are you suggesting that locally dialed calls will go over the toll trunks under this agreement?

A: If the local number is in a different local calling area than the ISP but it is a call to a Level 3 customer under single POI LATA, Qwest would deliver that call over LIS facilities to Level 3.

Q: And local voice calls to a local number would go over LIS facilities as well, correct?

A: Correct.

Q: So it is fair to say that Qwest understands that the law requires that Qwest interconnect with Level 3 at the local level for the exchange of ISP-bound traffic in the same fashion as it would for local voice traffic?

A: Could you repeat the question?

Q: Qwest understands that the law requires it interconnect with Level 3 on the local level to handle ISP-bound traffic?

A: That would be a true statement.

If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous and appears to call for a legal conclusion and is therefore an inappropriate request to admit.

Without waiving the foregoing objections, Qwest provides the following response:

Denied. The statement in the transcript speaks for itself and must be read

in conjunction with the preceding and following questions and answers.
However, it The foregoing quotation does not stand for the legal conclusion
asserted in the request and is taken out of context.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-105

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 105

Please admit that Qwest does not require its own ISP customers to have a server in the same local calling area as the Qwest end user accessing the Internet. if your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous.

Without waiving the foregoing objections, Qwest provides the following response:

Admitted. Qwest does not require Level 3 to mandate that its ISP customers have a server in the same LCA either. However, if the ISP does not maintain equipment (i.e., modems) in the LCA of the calling party, the calling party would be required to pay toll charges or the ISP would need to purchase service from Qwest or some other carrier to transport the traffic from the LCA to the ISP modems.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-106

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 106

Please admit that in a prior arbitration hearing between Level 3 and Qwest in the State of Minnesota, (In the Matter of the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection Agreement with Qwest Corporation, Pursuant to 47 U.S.C. § 252(b), MPUC Docket No. P-5733,421/IC-02-1372, Hearing Transcript at 68 - 69) that Qwest admitted that it does not require its own ISP customers to have a server in the same local calling area as the Qwest end user accessing the Internet. If your answer is anything other than an unqualified admission, please describe in detail I your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous.

Without waiving the foregoing objections, Qwest provides the following response:

Qwest has not reviewed the transcript referred to, but see the Response to Request No. 105.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-107

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 107

Please admit that, in Arizona, Qwest filed a request in Docket No. T-01051B-03-0454 to allow it to receive competitive treatment in certain competitive zones for all services offered by Qwest and to have all services in those competitive zones subject to the provisions of AAC R14-2-1101 et seq. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous and is a compound question and as such is an inappropriate request to admit.

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EXHIBIT D

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-002

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 002

For each person that Qwest intends to call as a witness in this proceeding, provide the following:

- a. That witness' name, address and business affiliations;
- b. Copies of all documents relied upon by the witness in preparation of their testimony;
- c. Copies of all documents prepared by the witness that reference, refer or relate to the issues in this proceeding;
- d. Statement describing the opinions held by the witness that are relevant to this proceeding; and,
- e. If the person has previously appeared as a witness in any regulatory proceeding, under the 1996 Act, provide copies of all testimony that the person has submitted in each such proceeding.

RESPONSE:

- a. Larry Brotherson, 1801 California St., Denver, CO 80202
William Easton, 600 7th Avenue, Seattle, WA 98191
Phil Linse, 700 W. Mineral Ave., Littleton, CO 80120
- b. Qwest objects to this subpart on the basis that it is overly broad and it necessarily calls for speculation since Qwest has not yet prepared its testimony. Qwest further objects that it is duplicative of other, more narrowly drafted requests.
- c. Qwest objects that this subpart is overly broad and burdensome, and that it seeks information that is not relevant. Also, Qwest objects that the subpart does not appear reasonably calculated to lead to the discovery of admissible evidence.
- d. Qwest objects to this subpart on the grounds that it calls for speculation since it is not known how the issues will be framed and what opinions held by Qwest's witnesses may be relevant.
- e. Qwest objects to this subpart on the basis that it is overly broad and unduly burdensome. Qwest further objects that it seeks information that is not relevant, and that the subpart is not reasonably calculated to lead to the discovery of admissible evidence. Qwest further objects that to the extent its witnesses have previously filed testimony in other regulatory proceedings, that information is a matter of public record and may be obtained from the regulatory agencies in which such testimony was filed.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-003

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 003

Please provide the following data:

- a. By LATA, the number of Qwest local calling areas in each LATA in the state;
- h. The number and locations of Qwest's end offices in state;
- c. The number and locations of Qwest's tandem offices in state, as well as the tandem type (access, local, access/local);
- d. The number of access lines (loops) in the state, broken out by type such as analog, DSO, DS1 etc, by business and residence; and.
- e. The number of local calls and local minutes of use per month and per year for business and residential end user customers in the state. If Qwest does not classify calls or minutes into a category denominated "local," please so state and identify the categories into which Qwest classifies its traffic. If Qwest does classify calls and/or minutes into a category denominated "local," please use that definition to respond to this question, and also explain how Qwest determines what traffic to classify as "local."

RESPONSE:

- a. Public information regarding individual Qwest exchange's local calling area can be found in Qwest's Exchange and Network Services Tariffs/Price Lists/Price Schedules/Catalogs. The information can be found electronically by clicking on Tariffs at www.Qwest.com. Extended Area Service varies by state.
- b. The number and locations of Qwest's end offices in state can be obtained by going to Qwest's ICONN Website at http://www.qwest.com/cgi-bin/iconn/iconn_tandem.pl?function=2.
- c. These switches can be obtained by going to Qwest's ICONN Website at http://www.qwest.com/cgi-bin/iconn/iconn_tandem.pl?function=2.
- d. Please see Confidential Attachment A. Qwest will provide Confidential Attachment A to those who have signed the appropriate non-disclosures, pursuant to the issuance of a Protective Order in this docket.
- e. Qwest objects to this subpart on the basis that it does not maintain the information requested and that to attempt to compile the requested information, if that were possible, would require Qwest to undertake special studies that would be overly burdensome and unreasonably expensive. Without waiving its objections, Qwest responds as follows: Qwest does not collect this data for local calls.

Respondent: Ryan Gallagher, Qwest Manager

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-010

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 010

Of those VoIP traffic minutes provided in response to the question above, please provide the total number of VoIP traffic minutes that Qwest carried to or from their own customers in Arizona in 2002 and in 2003.

RESPONSE:

Qwest objects to this request on the basis that the information concerning the volumes of use of Qwest's customers and those of Qwest's affiliates constitute trade or business secrets and are highly confidential and proprietary. Qwest further objects that the request is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections, Qwest states:

QCC did not begin to offer its retail VoIP product offerings until 2004. In addition, QCC does not track its VoIP traffic by individual states.

Respondent: Mary LaFave

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-012

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 012

What IP voice products does Qwest offer to customers in Arizona? Please describe and provide all related relevant documentation regarding how Qwest provides any VoIP, IP enabled, Voice embedded IP communications, or enhanced services to its end user or enhanced service provider customers such as using PRIs or some other architecture.

a. Please describe the architecture by which Qwest provides these services within the state.

b. Please describe the architecture by which Qwest provides these services within the state, but outside of Qwest's incumbent LEC operating territory.

RESPONSE:

Qwest objects to this request on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Qwest also objects to this request to the extent that it seeks information concerning Qwest's affiliates' network configurations in territory not served by Qwest as the incumbent LEC. Qwest further objects to this request to the extent that the information concerning products and services provided by Qwest to the public is readily available from public sources and, therefore, may be readily obtained by Level 3 without resort to the discovery process.

Without waiving the foregoing objection, Qwest states:

Qwest Corporation does not offer any VoIP products or services; QCC offers a variety of VoIP products to consumer and business customers. In addition, QCC also offers a wholesale VoIP termination product. A description of these product offerings can be found at www.qwest.com.

VoIP that originates in IP over a broadband connection, using unique CPE is an information service and QCC, as a VoIP offeror is an enhanced service provider (ESP). Under current federal law and regulations, ESPs are deemed end users and not telecommunications carriers.

a. Purchasers of QCC's retail VoIP offering must purchase a broadband connection, e.g., cable modem, DSL or dedicated Internet Access (DIA), as well as CPE (such as an adapter or SIP customer premises equipment). When a customer originates a VoIP call, it goes over the broadband connection to the Internet/QCC's IP backbone where it is routed either to another VoIP end user or to an end user on the PSTN. In the latter case, the call is routed to the POP closest to the local calling area associated with the called party's number. At the POP, the call is converted from IP to TDM and routed over a primary rate ISDN circuit (PRI) purchased from a LEC for termination to the PSTN. If the called party is outside the local calling area in which the POP and PRI are located, then the call is handed to the IXC "picked" to the PRI for call completion.

Traffic associated with QCC's wholesale VoIP termination product is

terminated to the PSTN via Feature Group D trunks and access charges are paid on this traffic.

b. See description in "a." above.

Respondent: Mary LaFave

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-018

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 018

Does Qwest believe that it will receive materially more or less intercarrier compensation from Level 3 if Qwest prevails in its proposal to require Level 3 to establish multiple or separate trunking facilities for Transit Traffic, InterLATA traffic, and any non-local or non-intraLATA traffic (see Petition, Tier I, Issues 2 and 4)? If your answer is anything other than an unqualified "no," please explain in detail the basis for your answer, including all workpapers underlying any calculations involved in supporting that answer.

RESPONSE:

Qwest objects to this request on the basis that it calls for speculation and is impossible to answer without making assumptions concerning volumes and traffic mix that are not contained in the request.

Without waiving its objection, Qwest states:

It is the category of the traffic exchanged not the trunk the traffic is exchanged on that determines the compensation rate. Putting the traffic on the correct trunk enables accurate tracking and billing but does not change the category of the call. Assuming Level 3 has been accurately identifying and routing traffic there should be no change in compensation if the types of traffic remain the same. Qwest can't predict whether Level 3's traffic will be local, toll or transit, or whether that mix and volume will change.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-023

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 023

Does Qwest contend that the costs it incurs in originating a call to a Level 3 customer differ in any respect whatsoever based upon the physical location of the Level 3 customer? If Qwest responds to the above question with anything other than an unequivocal "no," please provide a detailed explanation of how the location of Level 3's customer on Level 3's side of the POI could affect Qwest's costs. Include in that explanation all cost studies and any other documentation in your possession that you believe provides support for your position those CLECs to other carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

No. The costs Qwest incurs do not vary based upon the physical location of the Level 3 customer. Qwest's overall costs incurred to complete a call, however, vary depending on the originating voice caller's location and the location of the Level 3 POI.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-024

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 024

Does Qwest offer any kind of foreign exchange ("FX") service in Arizona?
If so, please provide a service description (including, but not limited
to, tariff pages) for each such service.

RESPONSE:

Yes. Qwest offers Foreign Exchange (FX) service in Arizona. Qwest does not actively promote or advertise FX service, therefore, there is no additional material available for FX, other than the tariff, which is provided with this response as Attachment A.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-028

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 028

With respect to Qwest's FX and FX-Like services:

a. Please explain the circumstances under which calls from a subscriber to Qwest FX or FX-Like service are rated as local versus toll, and provide all documentation supporting your answer.

b. Please explain the circumstances under which calls to a subscriber to Qwest FX or FX-Like service are rated as local versus toll, and provide all documentation supporting your answer.

RESPONSE:

Qwest objects to this request and its subparts on the basis that the terms "toll" and "local" are not defined and may be ambiguous in this context. Qwest further objects on the basis that the request is overly broad and

Without waiving its objection, Qwest states:

a. and b. Foreign Exchange (FX) service is a combination of rate elements from the Local Exchange tariffs and Private Line Transport tariffs and/or catalogs. The subscriber purchases an FX connection in the local calling area that the subscriber seeks a local number. All calls to and from other subscribers in the same local calling area where the FX subscriber purchased a connection are treated as local. All calls to and from subscribers outside the local calling area where the FX subscriber connection was purchased are treated as toll calls. The additional transport for carrying calls beyond the local calling area where the connection was purchased are ordered as private line tariffed services. Documentation for charges are identified in the Exchange and Network Services tariff for each service.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-029

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 029

Please state whether Qwest has ever billed or demanded payment of access charges from an incumbent LEC for calls originated by Qwest's end user to an incumbent LEC's FX or FX-Like customer.

RESPONSE:

Qwest objects to this request on the basis that it is not limited to the state of Arizona and is otherwise overly broad, unreasonably burdensome,

Without waiving this objection Qwest states:

If the call was placed to an incumbent LEC's subscriber who had purchased a physical connection in the same local calling area as the calling party, the call would be treated as a local call. If the call was made from outside the local calling area, access charges would be paid by the toll carrier.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-030

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 030

Please state whether Qwest has ever billed or received reciprocal compensation or other terminating compensation for calls received from an incumbent LEC or any CLECs for termination to Qwest's FX or FX-Like customers. Please explain your answer, including but not limited to:

- a. The dates upon which you first began billing incumbent LECs or CLECs for such compensation;
- b. The amount of compensation received from incumbent LECs and CLECs; and
- c. Describe any changes you may have made to your billing policies with respect to calls terminating to your FX or FX-Like customers.

RESPONSE:

Qwest objects to this request on the basis that it is not limited to the state of Arizona and is otherwise overly broad, unreasonably burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving this objection, Qwest states:

The local calling area where the Qwest FX customer purchases a connection to the local network is the point for determining whether a call is local. ILEC calls to a Qwest FX customer who purchases a connection in the same local calling area that the call originated in are generally treated as bill and keep. CLEC calls originating in the local calling area where the FX customer purchased a local connection are billed local reciprocal compensation.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-031

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 031

Are there any circumstances in which Qwest has paid access charges to the originating carrier for a call originated by another carrier and terminated to a Qwest FX or FX-Like customer? If your answer is anything other than an unequivocal "no." please describe all circumstances under which Qwest has made such payments.

RESPONSE:

Qwest objects to this request on the basis that it is not limited to the state of Arizona and is otherwise overly broad, unreasonably burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving this objection, Qwest states:

If the call originated outside the local calling area, the toll carrier pays access charges. When Qwest is the toll carrier, and the call originates in a non-Qwest exchange, Qwest pays originating access.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
I3C 01-032

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 032

Please state whether Qwest knows, or has reason to believe, that any independent LEC with whom Qwest has EAS arrangements provide FX or FX-Like service that permits customers physically located in another rate center to be assigned a number that is local to the rate center included in Qwest's EAS area.

RESPONSE:

Qwest objects to this request on the basis that it is not limited to the state of Arizona and is otherwise overly broad and unreasonably burdensome. Qwest further objects that the service offerings of independent LECs in Arizona are available from said LECs and are filed as a matter of public record with the Commission where they are as readily available to Level 3 as to Qwest.

Without waiving this objection, Qwest states:

Qwest is not aware if any Independents in Arizona offer FX or FX-like services to their end-users.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-033

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 033

Does Qwest treat FX service associated with broadband data, and FX service associated with voice service, differently? If yes, please explain the basis for such differences.

RESPONSE:

The question is unclear because there are different characteristics for transmitting each type of call. For example, a voice capable loop is different than a broadband capable loop. If Qwest assumes these transmission characteristics are irrelevant to the question, the answer is no. The services are offered in a similar manner and treated the same.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-034

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 034

Please provide Qwest's definition of "interexchange" service when assessing charges to local exchange customers for such a call, and provide the source for such definition.

RESPONSE:

Generally, inter-exchange means between two exchanges. The boundaries of the exchanges are established by the Arizona Commission and calls from one commission defined exchange to another commission defined exchange are inter-exchange.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-035

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 035

Is it Qwest's position that access charges should apply to all interexchange services? If not, please explain.

RESPONSE:

Qwest objects on the basis that this request is overly broad. Without waiving its objection, Qwest responds:

Access charges apply to interexchange services when the exchanges are not located within the same local calling area as defined by the Commission. Access charges do not apply between multiple exchanges when the exchanges are located within the same local calling area as defined by the Commission.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-036

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 036

Please Provide Qwest's definition of a "local" call when assessing charges (such as message unit or similar charges) to local exchange customers for such a call, and provide the source for this definition.

RESPONSE:

A local call is a call which physically originates and terminates within the same local exchange as defined by the Arizona Commission. It is the geographical area within which calls are permitted as part of the local exchange rate paid by the subscriber.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-037

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 037

Please provide Qwest's definition of a "toll" call when assessing charges to local exchange customers for such a call, and provide the source for this definition,

RESPONSE:

A toll call is a call which goes outside the Commission defined geographical boundary of the local calling area for which a subscriber is entitled to place local calls.

Respondent: Larry Brotherson

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-038

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 038

Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or expects to use in delivering traffic from its end users to Level 3. Assume for purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA and that Qwest is responsible for delivering its originated traffic to that POI.

RESPONSE:

Qwest objects to this request on the basis that the phrase "uses or expects to use" calls for Qwest to speculate about possible future conditions. Qwest further objects that this request is ambiguous such that Qwest cannot determine what specific information Level 3 is seeking. This request may also be overbroad and unduly burdensome depending on what detailed information Level 3 is seeking.

Without waiving its objections, Qwest states:

Qwest currently may utilize circuit switch facilities, fiber optic transport, and multiplexing equipment, as well as copper facilities in the exchange of traffic with Level 3 for the delivery of Qwest end-user traffic to Level 3.

Respondent: Daniel Collins, Staff Advocate

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-040

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 040

Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or expects to use in delivering traffic from Level 3 to Qwest's end users. Assume for purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA and that Level 3 is responsible for delivering its originated traffic to that POI.

RESPONSE:

Qwest objects to this request on the basis that the phrase "uses or expects to use" calls for Qwest to speculate about possible future conditions. Qwest further objects that this request is ambiguous such that Qwest cannot determine precisely what information Level 3 is requesting.

Without waiving its objections, Qwest responds as follows:

Qwest currently may utilize circuit switch facilities, fiber optic transport, and multiplexing equipment, as well as copper facilities in the exchange of traffic with Level 3 for the delivery of Level 3 toll traffic and Level 3 local traffic to Qwest.

Respondent: Daniel Collins, Staff Advocate.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-042

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 042

With how many CLECs in Arizona does Qwest exchange traffic (that is, CLECs with their own switches, as opposed to resellers)?

RESPONSE:

Qwest objects to this request on the basis that it is unreasonably burdensome and that response would require a special study. Qwest further objects that the request is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections, Qwest responds as follows:

Without waiver of the foregoing objection, Qwest responds that Qwest does not track CLEC switches and therefore does not have a count to provide to Level 3. However, Qwest exchanges traffic with numerous CLECs in Arizona.

Respondent: Cindy Hentschel

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-062S1

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 062S1

Please admit that Qwest offers hosted service, in which VoIP equipment is kept at the provider's data center and customers lease it such that the only equipment customers need on-site is a VoIP-enabled phone and a broadband connection. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is an ambiguous and compound request and as such is an inappropriate request to admit.

Without waiving the foregoing objections, Qwest will supplement this response as soon as possible.

SUPPLEMENTAL RESPONSE dated 7/06/05:

Without waiving the foregoing objections, Qwest admits this request as to QCC but denies it as to Qwest Corporation.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-063S1

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 063S1

Please admit that Qwest currently offers Qwest @ OneFlex™ Voice over Internet Protocol services within Arizona which provide customers "the option of choosing up to five additional phone numbers (virtual numbers) that will ring to your phone. Calls placed to a virtual phone number will ring the same phone as calls placed to your primary phone number. A virtual phone number can be beneficial if you have colleagues, friends or family living outside your local calling area. You could request a virtual number within their area and the people who live in that local calling area can call you for a price of a local phone call" If your answer is anything other than an unqualified admission, please, describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is an ambiguous and compound request and as such is an inappropriate request to admit.

Without waiving the foregoing objections, Qwest will supplement this response as soon as possible.

SUPPLEMENTAL RESPONSE dated 7/06/05:

Without waiving the foregoing objections, Qwest admits this request as to QCC but denies it as to Qwest Corporation.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-064S1

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 064S1

Please admit that Qwest currently offers Qwest® OneFlex™ Voice Over Internet Protocol services within Arizona that provide "Virtual Numbers" which Qwest describes as follows:

"Virtual Numbers are alias phone numbers that can be associated with your OneFlex™ phone number. Your friends and family can dial your Virtual phone number and avoid incurring long-distance charges. For example, if you live in Denver and our primary # is 303.xxx.xxxx and your family lives in Omaha, your family has to call long distance. With OneFlex, you can get a virtual phone number assigned to your account with an Omaha area code, so your family doesn't have to pay long-distance charges.

You can have up to 5 Virtual Phone Numbers attached to one primary OneFlex phone number." If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial. and provide any information, evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is an ambiguous and compound request and as such is an inappropriate request to admit.

Without waiving the foregoing objections, Qwest will supplement this response as soon as possible.

SUPPLEMENTAL RESPONSE dated 7/06/05:

Without waiving the foregoing objections, Qwest admits this request as to QCC but denies it as to Qwest Corporation.

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-098S1

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 098S1

Please admit that Qwest offers a dial up internet services to ISPs on a wholesale basis that provides a dial-up network infrastructure (network-based modems, V.90, V.92, and ISDN protocol support) with dial coverage from more than 2,700 points of presence, covering more than 85 percent of the U.S. population with a local call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this request on the grounds that it is ambiguous and is a compound question and as such is an inappropriate request to admit.

Without waiving the foregoing objections, Qwest will supplement this response as soon as possible.

SUPPLEMENTAL RESPONSE dated 7/06/05:

Without waiving the foregoing objections, Qwest admits this request as to QCC but denies it as to Qwest Corporation.

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EXHIBIT E

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-038S1

INTERVENOR: Level 3 Communications, LLC
REQUEST NO: 038S1

Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or expects to use in delivering traffic from its end users to Level 3. Assume for purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA and that Qwest is responsible for delivering its originated traffic to that POI.

RESPONSE:

Qwest objects to this request on the basis that the phrase "uses or expects to use" calls for Qwest to speculate about possible future conditions. Qwest further objects that this request is ambiguous such that Qwest cannot determine what specific information Level 3 is seeking. This request may also be overbroad and unduly burdensome depending on what detailed information Level 3 is seeking.

Without waiving its objections, Qwest states:

Qwest currently may utilize circuit switch facilities, fiber optic transport, and multiplexing equipment, as well as copper facilities in the exchange of traffic with Level 3 for the delivery of Qwest end-user traffic to Level 3.

Respondent: Daniel Collins, Staff Advocate

SUPPLEMENTAL RESPONSE dated 7/20/05:

Without waiving its objections, Qwest states:

As Qwest's network evolves in the future and new technologies become available, the response to this question could change. However, for purposes of this response, Qwest assumes that the request is seeking information about the facilities in Qwest's network as it currently exists. With that assumption (and without identifying each specific component in Qwest's network), the following types of facilities are likely to be used to deliver traffic to Level 3: Currently, Qwest may use circuit switch facilities, fiber optic transport, multiplexing equipment, and copper facilities in delivering traffic to Level 3 from Qwest end users.

Respondent: Legal

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-039S1

INTERVENOR: Level 3 Communications, LLC
REQUEST NO: 039S1

Please state whether the facilities Qwest uses or expects to use in delivering traffic from its end users to Level 3 as stated above differ in any way based on whether the traffic is classified as "local" or "toll." If your answer is anything other than an unqualified "no," please explain in detail the basis for your answer.

RESPONSE:

Qwest objects to this request on the basis that the phrase "uses or expects to use" calls for Qwest to speculate about possible future conditions. Qwest further objects that this request is ambiguous such that Qwest cannot determine precisely what information Level 3 is requesting.

SUPPLEMENTAL RESPONSE DATED 7/20/05:

Without waiving its objection, Qwest states:

Based on the assumptions in the response to L3C 01-038S1, the same general types of facilities described in response to Request No. 38S1 would be used to deliver traffic to Level 3, whether the traffic is ultimately local or toll (i.e., interexchange). Qwest, of course, has never asserted that different "types" of facilities may be used to deliver "local" traffic and "toll" traffic to a Level 3 POI, or to the POI of another CLEC, IXC, or CMRS carrier. However, it should be noted that different switch ports may be used and the routing to the Level 3 POI may be over different transport facilities depending on how the facility connections are configured. An interexchange call may also involve routing the traffic through different switches to deliver the call to the Level 3 POI than a local call.

Both state and federal regulatory authorities have a long history of treating traffic in different ways depending on whether it is local or toll (i.e., local calls tend to be priced on a flat-rated basis, while toll calls have been usage sensitive) and likewise of placing different kinds of traffic under different intercarrier compensation regimes. Among these differences are local calling areas and EAS areas established by state commissions and the identification of various varieties of traffic in the federal Act, FCC rules, and FCC orders. These differences continue to be reflected in interconnection agreements approved by state commissions that are entirely consistent with the federal Act.

Respondent: Legal

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-040S1

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 040S1

Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or expects to use in delivering traffic from Level 3 to Qwest's end users. Assume for purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA and that Level 3 is responsible for delivering its originated traffic to that POI.

RESPONSE:

Qwest objects to this request on the basis that the phrase "uses or expects to use" calls for Qwest to speculate about possible future conditions. Qwest further objects that this request is ambiguous such that Qwest cannot determine precisely what information Level 3 is requesting.

Without waiving its objections, Qwest responds as follows:

Qwest currently may utilize circuit switch facilities, fiber optic transport, and multiplexing equipment, as well as copper facilities in the exchange of traffic with Level 3 for the delivery of Level 3 toll traffic and Level 3 local traffic to Qwest.

Respondent: Daniel Collins, Staff Advocate.

SUPPLEMENTAL RESPONSE dated 7/20/05:

Without waiving its objections, Qwest states:

See response to L3C 01-038IS1. Currently, Qwest may use circuit switch facilities, fiber optic transport, multiplexing equipment, and copper facilities in delivering traffic from Level 3 to Qwest end users.

Respondent: Legal

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-041S1

INTERVENOR: Level 3 Communications, LLC
REQUEST NO: 041S1

Please state whether the facilities Qwest uses or expects to use in delivering traffic from Level 3 to Qwest's end users as stated above differ in any way based on whether the traffic is classified as "local" or "toll." If your answer is anything other than an unqualified "no," please explain in detail the basis for your answer.

RESPONSE:

Qwest objects to this request on the basis that the phrase "uses or expects to use" calls for Qwest to speculate about possible future conditions. Qwest further objects that this request is ambiguous such that Qwest cannot determine precisely what information Level 3 is requesting.

SUPPLEMENTAL RESPONSE DATED 7/20/05:

Without waiving its objections, Qwest states:

See response to L3C 01-040S1. It should be noted that different switch ports may be used and the routing to Qwest end users from the Level 3 POI may be over different transport facilities depending on how the facility connections are configured. An interexchange call may also involve routing the traffic through different switches to deliver the call to the Qwest end user than a local call.

Respondent: Legal

Arizona
Docket No. T-01051B-05-0350 and
T-03654A-05-0350
L3C 01-042S1

INTERVENOR: Level 3 Communications, LLC
REQUEST NO: 042S1

With how many CLECs in Arizona does Qwest exchange traffic (that is, CLECs with their own switches, as opposed to resellers)?

RESPONSE:

Qwest objects to this request on the basis that it is unreasonably burdensome and that response would require a special study. Qwest further objects that the request is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections, Qwest responds as follows:

Without waiver of the foregoing objection, Qwest responds that Qwest does not track CLEC switches and therefore does not have a count to provide to Level 3. However, Qwest exchanges traffic with numerous CLECs in Arizona.

Respondent: Cindy Hentschel

SUPPLEMENTAL RESPONSE DATED 7/20/05:

Without waiver of the foregoing objection, Qwest responds that as of May 31, 2005, there were 21 CLECs with LIS trunks in service for Arizona. The presence of LIS trunks usually indicates the CLEC connecting with Qwest through those trunks uses its own switching.

Respondent: Cindy Hentschel

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EXHIBIT F

**Response Matrix
Data Requests Qwest to Level 3**

8/8/2005

KEY TO CODES: (N) Refus; (A) Admit; (D) Deny; (N) Neither admit/deny; (I) Interrogatories; (T) Request for documents		
State	Level 3 Discovery Request	Qwest's Response(s)
AZ	4 Does Qwest offer Internet access services in the state? If so, how many end user customers and how many wholesale customers in the state does Qwest have?	Qwest objects to the request that it identify "how many end user customers and how many wholesale customers in the state" each Qwest affiliate has in Arizona on the basis that the information requested constitutes a trade or business secret and is highly confidential and proprietary. Qwest further objects that the information requested is not relevant and that it does not appear the request is reasonably calculated to lead to the discovery of admissible evidence.
AZ	4a Please identify each telephone company end office in the state in which Qwest has collocated equipment such as modem banks, DSL equipment, routers, ATM switches or other equipment. Please identify the telephone company that owns/operates each such end office.	
AZ	4b Please list each local calling area within the state in which Qwest maintains a physical presence as defined by Qwest in Section 4-Definitions VNX Traffic (Issue No. 3B) of the Parties' interconnection agreement.	
AZ	5 Does Qwest offer PRI or DID/DOD services to ISP customers within the state?	
AZ	5a If so, does Qwest pay carriers whose customers originate calls to such Qwest services originating access charges at the CLEC's tariffed rate for each minute of use?	
AZ	5b If Qwest contends that there are no such carriers whose customers originate calls to such Qwest services, does Qwest contend that it would pay originating access?	
AZ	7 Does Qwest offer Voice over Internet Protocol ("VoIP") to end users in Arizona? If so,	
AZ	7b Please state the number of retail customers ("retail" in the sense that the customers uses the service for his/her personal communications needs) and how many wholesale customers ("wholesale" in the sense that an ESP or carrier purchases this service from Qwest and sells to other customers) Qwest has in the state.	b. Qwest objects to this subpart on the basis that the information requested constitutes a trade or business secret and is highly confidential and proprietary. Qwest further objects that the information requested is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence.
AZ	7c Please list each local calling area within the state in which Qwest maintains a physical presence as defined by Qwest in Section 4-Definitions VNX Traffic (Issue No. 3B) of the Parties' interconnection agreement.	
AZ	7e Does Qwest purchase any wholesale VoIP services from any other provider? If so, name the provider, the services purchased and the states in which such service is purchased.	e. Qwest objects to this subpart to the extent that it seeks information concerning Qwest's purchases of services outside the state of Arizona and outside the 14-state territory in which Qwest operates as an incumbent LEC. This request is overly broad and burdensome and seeks information that is irrelevant. Furthermore, the subpart is not reasonably calculated to lead to the discovery of admissible evidence.

**Response Matrix
Data Requests Qwest to Level 3**

8/8/2005

State	ID	Level 3 Discovery Request	Qwest's Response(s)
AZ	8	Please describe any traffic exchange arrangements of any description applicable to enhanced or Internet Enabled services such as VoIP that Qwest has in Arizona with:	Qwest objects to this request on the grounds that this arbitration is between Qwest Corporation, the incumbent LEC, and Level 3. The arrangements Qwest or a Qwest affiliate may have with other LECs, particularly those in other states, are not relevant. Qwest further objects that the request is not reasonably calculated to lead to the discovery of admissible evidence. Qwest also objects that to the extent Qwest or a Qwest affiliate has interconnection agreements with other LECs, those public records are on file with the Commission and may be obtained readily by Level 3 from that source.
AZ	8a	Other ILECs;	
AZ	8b	CLECs; or	
AZ	8c	Any other parties.	
AZ	14	Please identify every state in which Qwest combines local (including intraLATA CMRS traffic) and toll traffic (including either interLATA or intraLATA toll traffic, or any combination thereof, as the case may be) on the same trunk group at any point in Qwest's transmission of traffic. For each such state, please indicate which of the following situations apply: Local and toll traffic combined on a direct trunk group between two end offices; Local and toll traffic combined on a trunk group between a Qwest end office and a Qwest tandem; Local and toll traffic combined on a trunk group between a Qwest end office and a third party carrier (CLEC, ILEC, IXC, CMRS) switch; Local and toll traffic combined on a trunk group between a Qwest tandem and a third party (CLEC, ILEC, IXC, CMRS) switch; and/or Local and toll traffic combined on a trunk group between two Qwest tandems. If your response would be different using Qwest's own definitions of "local" and "toll" traffic, but provide a brief explanation of how Qwest classifies traffic into those categories and how that would change your response.	Qwest objects to this request to the extent that it seeks information about states other than Arizona and is so over broad as to include states in which Qwest is not the incumbent LEC. Qwest further objects that the request is overbroad, unduly burdensome, seeks information that is not relevant to the subject matter in the pending action, and is not reasonably calculated to lead to the discovery of admissible evidence.
AZ	14a	Local and toll traffic combined on a direct trunk group between two end offices;	
AZ	14b	Local and toll traffic combined on a trunk group between a Qwest end office and a Qwest tandem;	
AZ	14c	Local and toll traffic combined on a trunk group between a Qwest end office and a third party carrier (CLEC, ILEC, IXC, CMRS) switch;	
AZ	14d	Local and toll traffic combined on a trunk group between a Qwest tandem and a third party (CLEC, ILEC, IXC, CMRS) switch; and/or	
AZ	14e	Local and toll traffic combined on a trunk group between two Qwest tandems. If your response would be different using Qwest's own definitions of "local" and "toll" traffic, but provide a brief explanation of how Qwest classifies traffic into those categories and how that would change your response.	
AZ	15	Excluding those states in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), in which states, and in which local calling areas in those states, do Qwest's CLEC affiliates combine their own local and toll (IntraLATA and InterLATA) traffic on a single trunk?	Qwest objects to these requests to the extent that they seek information about the activities of Qwest affiliates in states other than Arizona. Qwest further objects that these requests are unduly burdensome, seek information that is not relevant to the subject matter in the pending action, and is not reasonably calculated to lead to the discovery of admissible evidence. Qwest also objects to these requests to the extent they request that Qwest identify individual wholesale customers and to disclose information that said customers may consider proprietary.
AZ	17a	Please provide a list of all CLECs for whom Qwest combines, or has combined, local and toll (IntraLATA and InterLATA) traffic on a single trunk.	

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State	ID	Level 3 Discovery Request	Qwest's Response(s)
AZ	19	For each state in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), please identify each CLEC with which Qwest:	Qwest objects to this request on the basis that it seeks information about Qwest operations in states other than Arizona. Qwest further objects that the request appears to seek information about specific Qwest wholesale customers that is not relevant and may not be appropriately disclosed in this case. Finally, Qwest objects that the request seeks information that is not relevant to the subject matter in the pending action and is not reasonably calculated to lead to the discovery of admissible evidence.
AZ	19a	Exchanges local and toll (IntraLATA and InterLATA) traffic on a single trunk group; and	
AZ	19b	Uses a Percent Local Use (PLU) or similar method of establishing the apportionment of local vs. toll traffic on the combined trunk group.	
AZ	20	For each state in which a Qwest CLEC affiliate combines local and toll (IntraLATA and InterLATA) traffic on a single trunk group, please state whether Qwest's CLEC affiliate uses a Percent Local Use (PLU) or similar other method of establishing the apportionment of local vs. toll traffic on the combined trunk group.	Qwest objects to this request on the basis that it seeks information about Qwest's affiliate's operations in states other than Arizona. Qwest further objects that the request seeks information that is not relevant to the subject matter in the pending action and is not reasonably calculated to lead to the discovery of admissible evidence.
AZ	21	Please describe each system and/or method that Qwest uses to track or estimate the amount of local and toll traffic exchanged with a CLEC. Please specifically state whether each such system and/or method is capable of distinguishing between IntraLATA and/or InterLATA calls on the one hand, and calls that are in-state versus out-of-state on the other.	Qwest objects to this request on the basis that it seeks information about Qwest operations in states other than Arizona. Qwest further objects that the request seeks information that is not relevant to the subject matter in the pending action and is not reasonably calculated to lead to the discovery of admissible evidence.
AZ	22	Please state whether Qwest is aware of any state commission that has required separate trunk groups for transit traffic. If your answer is anything other than an unqualified "no," please identify each state that Qwest believes has required separate trunk groups for transit traffic and provide a compete citation to such order.	Qwest objects to this request on the grounds that it is overbroad, unduly burdensome, equally available to Level 3, seeks information that is not relevant to the subject matter in the pending action, and is not reasonably calculated to lead to the discovery of admissible evidence.
AZ	24	Does Qwest offer any kind of foreign exchange ("FX") service in Arizona? If so, please provide a service description (including, but not limited to, tariff pages) for each such service.	Yes. Qwest offers Foreign Exchange (FX) service in Arizona. Qwest does not actively promote or advertise FX service; therefore, there is no additional material available for FX, other than the tariff, which is provided with this response as Attachment A.
AZ	25	Unless your answer to Question #24 above was an unqualified "no," please identify:	Qwest objects to these requests in so far as they seek information about the volumes of Qwest's retail business, on the basis that such information constitutes a trade or business secret and is confidential and proprietary to Qwest. Qwest also objects on the ground that the request is unduly burdensome and would require a special study. Qwest further objects on the basis that it does not retain information about the business purposes of its retail customers and that such information may be proprietary to Qwest's customers. Qwest further objects to these requests to the extent that they seek information concerning Qwest's product offerings in states other than the state of Arizona. Finally, Qwest objects because the requested information is irrelevant and not calculated to lead to the discovery of admissible evidence.
AZ	25a	The number of customers in Arizona who subscribe to or purchase Qwest's FX service;	
AZ	25b	The number of FX lines that Qwest provides in Arizona;	

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State	ID	Level 3 Discovery Request	Qwest's Response(s)
AZ	25c	How long FX service has been available from Qwest; and,	
AZ	25d	The number of ISPs to whom Qwest provides such service. Please state whether Qwest offers any FX-Like service, other than service specifically described as Foreign Exchange. If the answer is anything other than an unqualified "no," please state the name of each such FX-Like service and provide service descriptions (including, but not limited to, tariff pages) for each such FX-Like service.	Qwest objects to these requests in so far as they seek information about the volumes of Qwest's retail business, on the basis that such information constitutes a trade or business secret and is confidential and proprietary to Qwest. Qwest also objects on the ground that the request is unduly burdensome and would require a special study. Qwest further objects on the basis that it does not retain information about the business purposes of its retail customers and that such information may be proprietary to Qwest's customers. Qwest further objects to these requests to the extent that they seek information concerning Qwest's product offerings in states other than the state of Arizona. Finally, Qwest objects because the requested information is irrelevant and not calculated to lead to the discovery of admissible evidence.
AZ	26	Unless your answer to Question #26 above was an unqualified "no," please identify:	Qwest objects to these requests in so far as they seek information about the volumes of Qwest's retail business, on the basis that such information constitutes a trade or business secret and is confidential and proprietary to Qwest. Qwest also objects on the ground that the request is unduly burdensome and would require a special study. Qwest further objects on the basis that it does not retain information about the business purposes of its retail customers and that such information may be proprietary to Qwest's customers. Qwest further objects to these requests to the extent that they seek information concerning Qwest's product offerings in states other than the state of Arizona. Finally, Qwest objects because the requested information is irrelevant and not calculated to lead to the discovery of admissible evidence.
AZ	27	The number of customers in Arizona who subscribe to or purchase each of the FX-Like services identified in response to the preceding questions; The number of lines in Arizona over which Qwest provides each of the FX-Like services identified in response to the preceding questions; How long each FX-Like service has been available from Qwest; and,	
AZ	27a	The number of ISPs who purchase each of the FX-Like services identified in response to the preceding questions.	
AZ	27b	With respect to Qwest's FX and FX-Like services:	
AZ	27c	Please explain the circumstances under which calls from a subscriber to Qwest FX or FX-Like service are rated as local versus toll, and provide all documentation supporting your answer.	Qwest objects to this request and its subparts on the basis that the terms "toll" and "local" are not defined and may be ambiguous in this context. Qwest further objects on the basis that the request is overly broad, unreasonably burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.
AZ	27d		a. and b. Foreign Exchange (FX) service is a combination of rate elements from the Local Exchange tariffs and Private Line Transport tariffs and/or catalogs. The subscriber purchases an FX connection in the local calling area that the subscriber seeks a local number. All calls to and from other subscribers in the same local calling area where the FX subscriber purchased a connection are treated as local. All calls to and from subscribers outside the local calling area where the FX subscriber connection was purchased are treated as toll calls. The additional transport for carrying calls beyond the local calling area where the connection was purchased are ordered as private line tariff services. Documentation for charges are identified in the Exchange and Network Services tariff for each service.
AZ	28		
AZ	28a		

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State	ID	Level 3 Discovery Request	Qwest's Response(s)
AZ	29	Please state whether Qwest has ever billed or demanded payment of access charges from an incumbent LEC for calls originated by Qwest's end user to an incumbent LEC's FX or FX-Like customer.	Qwest objects to this request on the basis that it is not limited to the state of Arizona and is otherwise overly broad, unreasonably burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.
AZ	29	Please state whether Qwest has ever billed or demanded payment of access charges from an incumbent LEC for calls originated by Qwest's end user to an incumbent LEC's FX or FX-Like customer.	Without waiving this objection Qwest states: If the call was placed to an incumbent LEC's subscriber who had purchased a physical connection in the same local calling area as the calling party, the call would be treated as a local call. If the call was made from outside the local calling area, access charges would be paid by the toll carrier.
AZ	30	Please state whether Qwest has ever billed or received reciprocal compensation or other terminating compensation for calls received from an incumbent LEC or any CLECs for termination to Qwest's FX or FX-Like customers. Please explain your answer, including but not limited to:	Qwest objects to this request on the basis that it is not limited to the state of Arizona and is otherwise overly broad, unreasonably burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.
AZ	30	Please state whether Qwest has ever billed or received reciprocal compensation or other terminating compensation for calls received from an incumbent LEC or any CLECs for termination to Qwest's FX or FX-Like customers. Please explain your answer, including but not limited to:	Without waiving this objection, Qwest states: The local calling area where the Qwest FX customer purchases a connection to the local network is the point for determining whether a call is local. ILEC calls to a Qwest FX customer who purchases a connection in the same local calling area that the call originated in are generally treated as bill and keep. CLEC calls originating in the local calling area where the FX customer purchased a local connection are billed local reciprocal compensation.
AZ	30a	The dates upon which you first began billing incumbent LECs or CLECs for such compensation;	
AZ	30b	The amount of compensation received from incumbent LECs and CLECs; and	
AZ	30c	Describe any changes you may have made to your billing policies with respect to calls terminating to your FX or FX-Like customers.	
AZ	31	Are there any circumstances in which Qwest has paid access charges to the originating carrier for a call originated by another carrier and terminated to a Qwest FX or FX-Like customer? If your answer is anything other than an unequivocal "no," please describe all circumstances under which Qwest has made such payments.	Qwest objects to this request on the basis that it is not limited to the state of Arizona and is otherwise overly broad, unreasonably burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.
AZ	31	Are there any circumstances in which Qwest has paid access charges to the originating carrier for a call originated by another carrier and terminated to a Qwest FX or FX-Like customer? If your answer is anything other than an unequivocal "no," please describe all circumstances under which Qwest has made such payments.	Without waiving this objection, Qwest states: If the call originated outside the local calling area, the toll carrier pays access charges. When Qwest is the toll carrier, and the call originates in a non-Qwest exchange, Qwest pays originating access.
AZ	32	Please state whether Qwest knows, or has reason to believe, that any independent LEC with whom Qwest has EAS arrangements provide FX or FX-Like service that permits customers physically located in another rate center to be assigned a number that is local to the rate center included in Qwest's EAS area.	Qwest objects to this request on the basis that it is not limited to the state of Arizona and is otherwise overly broad and unreasonably burdensome. Qwest further objects that the service offerings of independent LECs in Arizona are available from said LECs and are filed as a matter of public record with the Commission where they are as readily available to Level 3 as to Qwest.

Response Matrix

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Data Requests Qwest to Level 3

State	ID	Level 3 Discovery Request	Qwest's Response(s)
AZ	32	Please state whether Qwest knows, or has reason to believe, that any independent LEC with whom Qwest has EAS arrangements provide FX or FX-Like service that permits customers physically located in another rate center to be assigned a number that is local to the rate center included in Qwest's EAS area.	Without waiving this objection, Qwest states: Qwest is not aware if any Independents in Arizona offer FX or FX-like services to their end-users.
AZ	33	Does Qwest treat FX service associated with broadband data, and FX service associated with voice service, differently? If yes, please explain the basis for such differences.	The question is unclear because there are different characteristics for transmitting each type of call. For example, a voice capable loop is different than a broadband capable loop. If Qwest assumes these transmission characteristics are irrelevant to the question, the answer is no. The services are offered in a similar manner and treated the same.
AZ	43	How many physical POIs exist in Arizona between Qwest and CLECs?	Qwest objects to these requests on the basis that they are unreasonably burdensome and that the response would require a special study. Qwest further objects that these requests are not reasonably calculated to lead to the discovery of admissible evidence.
AZ	44	With how many CLECs in Arizona does Qwest assign traffic to different jurisdictional/rating categories based on PIU/PLU or similar factors?	Qwest objects to these requests on the basis that they are unreasonably burdensome and that the response would require a special study. Qwest further objects that these requests are not reasonably calculated to lead to the discovery of admissible evidence.
AZ	45	How many CLECs in Arizona connect to Qwest's network by means of (a) a Qwest-supplied entrance facility running between Qwest's network and a CLEC switch; (b) a CLEC-supplied facility delivered to Qwest's network at or near a Qwest central office building; or (c) some other means?	Qwest objects to these requests on the basis that they are unreasonably burdensome and that the response would require a special study. Qwest further objects that these requests are not reasonably calculated to lead to the discovery of admissible evidence.
AZ	RFA 56	Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for VoIP traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Without waiving the foregoing objections, Qwest provides the following response: Denied. Qwest has not attempted to review the voluminous set of tariffs on file at the FCC. However, even if Qwest's federal tariffs make no specific mention of VoIP traffic, that does not mean that various federal tariffs are not applicable to VoIP traffic, depending on the nature of the traffic, its origination and termination points, and other factors. To the extent that VoIP traffic meets the definitions of traffic subject to federal tariffs, then those tariffs would apply to the traffic. To the extent the ESP exemption applies to some access charges, then the exemption would apply. However, the ESP exemption does not purport to preclude the application of federal tariffs for traffic not subject to the exemption.
AZ	RFA 57	Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for VoIP traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Qwest objects to this request on the grounds that it calls for a legal conclusions and are therefore not appropriate subjects for discovery. Furthermore, the state and federal tariffs speak for themselves.
AZ	RFA 57	Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for VoIP traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Without waiving the foregoing objections, Qwest provides the following response: Denied. Qwest has not attempted to review the voluminous set of state tariffs on file with the Commission. However, even if Qwest's state tariffs make no specific mention of VoIP traffic, that does not mean that various state tariffs are not applicable to VoIP traffic, depending on the nature of the traffic, its origination and termination points, and other factors.

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State	ID	Level 3 Discovery Request	Qwest's Response(s)
AZ	RFA 58	Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Qwest objects to this request on the grounds that it calls for a legal conclusions and are therefore not appropriate subjects for discovery. Furthermore, the state and federal tariffs speak for themselves.
AZ	RFA 58	Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Without waiving the foregoing objections, Qwest provides the following response: Denied. See explanation associated with Qwest's response to Request No. 56. The same response applies to information services as well.
AZ	RFA 59	Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Qwest objects to this request on the grounds that it calls for a legal conclusions and are therefore not appropriate subjects for discovery. Furthermore, the state and federal tariffs speak for themselves.
AZ	RFA 59	Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Without waiving the foregoing objections, Qwest provides the following response: Denied. See explanation associated with Qwest's response to Request No. 57. The same response applies to information services as well.
AZ	RFA 66	Please admit that the Qwest@ OneFlex™ Voice over Internet Protocol offering is less expensive than its Choice Home Plus package, which includes unlimited local calling and a full range of features, which costs approximately \$35 per month, with about \$10 in taxes and fees, with one long-distance option at 5 cents per minute plus a \$4.99 monthly fee. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Qwest objects to this request on the grounds that it is an ambiguous and compound request and as such is an inappropriate request to admit.
AZ	RFA 66	Please admit that the Qwest@ OneFlex™ Voice over Internet Protocol offering is less expensive than its Choice Home Plus package, which includes unlimited local calling and a full range of features, which costs approximately \$35 per month, with about \$10 in taxes and fees, with one long-distance option at 5 cents per minute plus a \$4.99 monthly fee. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Without waiving the foregoing objections, Qwest provides the following response: Qwest can neither admit nor deny this request. It is not clear what "Qwest VoIP offering" is being referred to in this request, thus making it impossible to make the requested comparison.

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State	ID	Level 3 Discovery Request	Qwest's Response(s)
AZ	RFA 82	Please admit that Qwest's end office and tandem switches do not store any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Qwest can neither admit nor deny this request. The telephone numbers that Qwest uses for call routing purposes are assigned to its end users based on NPA-NXXs associated with specific LCAs in the state. Thus, Qwest's end office and tandem switches process calls based on information that that in most, but not all, cases identifies the general geographic area within which the end users are located. Thus, while switches do not route calls based on specific addresses stored within the switches, the routing and connecting function of switches are based on information concerning a customer's address and location located in other company databases. Furthermore, installation facts, repair facts, billing information and other related information related to specific customers are contained in company databases that are based on customer address and location information.
AZ	RFA 88	Please admit that Qwest's billing systems never sample any data regarding the address or location of any end user's premises for purposes of billing. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Denied for the same reasons as set forth in Qwest's responses to Request Nos. 82 and 86.
AZ	RFA 96	Please admit that where Qwest proposes to rate ISP-bound traffic as toll traffic, Level 3 would pay Qwest \$0.016270 per MOU instead of paying Level 3 \$.0007 per MOU for terminating a call received at the Parties' POI. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Qwest objects to this request on the grounds that it is ambiguous and is a compound question and as such is an inappropriate request to admit.
AZ	RFA 99	Please admit that Qwest physically collocates equipment at its or another carriers' switch or other location permitting collocation within the local calling area associated with each of the NPA-NXX codes that Qwest uses to provide this service. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Qwest objects to this request on the grounds that it is ambiguous.
AZ	RFA 99	Please admit that Qwest physically collocates equipment at its or another carriers' switch or other location permitting collocation within the local calling area associated with each of the NPA-NXX codes that Qwest uses to provide this service. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Without waiving the foregoing objections, Qwest provides the following response: Qwest can neither admit nor deny this request because it is unclear what "this service" refers to.

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State	ID	Level 3 Discovery Request	Qwest's Response(s)
AZ	RFA 100	Please admit that revenue for Qwest's local voice services may be affected adversely should providers of VoIP services attract a sizable base of customers who use VoIP to bypass traditional local exchange carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Qwest objects to this request on the grounds that it is ambiguous and calls for speculation and is therefore an inappropriate request to admit.
AZ	RFA 100	Please admit that revenue for Qwest's local voice services may be affected adversely should providers of VoIP services attract a sizable base of customers who use VoIP to bypass traditional local exchange carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	Without waiving the foregoing objections, Qwest provides the following response: Qwest can neither admit nor deny this request because there are far too many variables to predict that the statement represents a likely or probable result. It is one of many possible outcomes.