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BEFORE THE ARIZONA CORPORATION COMMISSION

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2000 APR 10 P 1:48

AZ CORP COMMISSION
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IN THE MATTER OF THE COMPLAINT)
OF AT&T COMMUNICATIONS OF THE)
MOUNTAIN STATES, INC. AGAINST)
U S WEST COMMUNICATIONS, INC.)
REGARDING ACCESS SERVICE)

DOCKET NO. T-02428A-99-0476
T-01051B-99-0476

Arizona Corporation Commission

AT&T'S RESPONSE TO U S WEST'S)
MOTION FOR PROTECTIVE)
ORDER)

APR 10 2000

DOCKETED

AT&T Communications of the Mountain States, Inc. ("AT&T") hereby responds

DOCKETED BY [Signature]

to U S WEST Communications, Inc.'s ("U S WEST") Motion for Protective Order.

1. As an initial matter, AT&T generally is not opposed to the issuance of a Protective Order that is consistent with the Protective Agreement entered into between AT&T and U S WEST on December 14, 1999, and addresses the exchange of highly confidential information. However, AT&T believes the parties can negotiate the terms of such an order.

2. U S WEST's Motion was filed by U S WEST in response to a request by AT&T. U S WEST sent an e-mail asking if AT&T would voluntarily agree to treat U S WEST's responses to AT&T Nos. 008, 009, 028, 039, 045, 069 and 086 as highly confidential, consistent with the Hearing Officer's ruling on AT&T Nos. 021 and 062, with the understanding that a third in-house attorney could review the material. Mr. Richard Wolters, an in-house attorney for AT&T, responded by e-mail that it would voluntarily agree to extend the highly confidential designation to AT&T Nos. 008, 009, 028, 039, 045, 086 and inadvertently 044, but disagreed to extend such designation to

AT&T No. 069, because AT&T was not aware such information was produced in the Larimer County class action proceeding (*Emmons v. USWC*) with a highly confidential classification. AT&T agreed to treat U S WEST's response to AT&T No. 069 as highly confidential to permit U S WEST to file a request with the Hearing Officer to obtain a highly confidential designation, and AT&T agreed to treat U S WEST's response to AT&T No. 069 as highly confidential until the Hearing Officer ruled on U S WEST's Motion.

3. U S WEST provided as an attachment to its Motion, a copy of a stipulation for the protection of information in the class action proceeding that contains a highly confidential classification, in addition to a confidential classification. A review of the materials provided by U S WEST in response to AT&T No. 069 shows that some of the information provided in the class action proceeding is marked highly confidential and some of the information is marked only confidential. (For example, see *Emmons v. USWC, 0187546-0187593*, which is stamped confidential.)

4. AT&T voluntarily agrees to a highly confidential classification for the materials so marked in *Emmons v. USWC*. However, AT&T does not believe the information marked as confidential in *Emmons v. USWC* should be marked highly confidential in this proceeding.

Therefore, AT&T does not oppose the issuance of a Protective Order, but requests that the parties be ordered to negotiate the terms of such Protective Order. AT&T voluntarily agrees to a highly confidential classification for the documents provided in response to AT&T No. 069 that were marked highly confidential in *Emmons v. USWC*. AT&T also requests that the Hearing Officer deny a highly confidential classification for

materials provided by U S WEST in response to AT&T No. 069 that were marked as confidential in *Emmons v. USWC*. Finally, AT&T agreed to treat the specific responses as highly confidential based U S WEST's agreement to allow a third in-house AT&T attorney, Richard S. Wolters, to review the highly confidential information. This applies to AT&T No. 069, as well

Respectfully submitted this 7th day of April, 2000.

**AT&T COMMUNICATIONS OF THE
MOUNTAIN STATES, INC.**

By: 

Thomas Pelto
Richard S. Wolters
1875 Lawrence Street, #1500
Denver, Colorado 80202
303-298-6741
303-298-6301 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of AT&T's Response to U S WEST's Motion for Protective Order in Docket No. T-01051B-99-0476, were sent via overnight delivery this 7th day of April, 2000 to:

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

and that a true and correct copy was sent via facsimile and overnight delivery this 7th day of April, 2000 to the following:

Timothy Berg
Fennemore Craig, P.C.
3003 North Central Ave., #2600
Phoenix, AZ 85012
FAX: (602) 916-5621

and that a true and correct copy was sent via overnight delivery this 7th day of April, 2000 to the following:

Jerry Rudibaugh
Chief Hearing Officer
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Andrew D. Hurwitz
Joan S. Burke
P. O. Box 36379
2929 N. Central Avenue, 21st Floor
Phoenix, AZ 85067-6379

Carl J. Kunasek, Chairman
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Jerry Porter
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

James M. Irvin, Commissioner
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Patrick Black
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

William A. Mundell, Commissioner
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Hercules Alexander Dellas
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

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

David Motycka
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Maureen Arnold
Director Regulatory Matters
U S WEST Communications, Inc.
3033 North 3rd Street, Room 1010
Phoenix, AZ 85012

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

Thomas M. Dethlefs
U S WEST Communications, Inc.
1801 California Street, #5100
Denver, CO 80202

Scott Wakefield
Residential Utility Consumer Office
2828 North Central Ave., #1200
Phoenix, AZ 85004

Carla Dickinson
