



0000055837

DEPARTMENT OF THE ARMY
UNITED STATES ARMY LEGAL SERVICES AGENCY
901 NORTH STUART STREET
ARLINGTON VA 22203-1837

ORIGINAL

RECEIVED



April 24, 2003

2003 APR 25 A 11: 26

REPLY TO
ATTENTION OF

Regulatory Law Office
U 4078

AZ CORP COMMISSION
DOCUMENT CONTROL

Subject: In The Matter Of Qwest Communications International Inc.'s, Qwest Services Corporation's, And Qwest Corporation's Notice Of Sale, Request For Waiver, or Application For Approval Of Sale Of The Arizona Operations Of Dex, Inc.

Arizona Corporation Commission, Docket No. T-01051B-02-0666

Arizona Corporation Commission
Docket Control
Attn: Ms. Viki Lasher
1200 West Washington Street
Phoenix, Arizona 85007

Arizona Corporation Commission
DOCKETED

APR 25 2003

DOCKETED BY *CR*

Dear Ms. Lasher:

Enclosed for filing with the Arizona Corporation Commission are the original and thirteen copies of the Response of the Department of Defense and All Other Federal Executive Agencies To Joint Notice Of Filing Settlement Agreement And Motion For Procedural Order in the subject proceeding.

Copies of this Response have sent in accordance with the attached Certificate of Service. Inquiries concerning this matter may be directed to the undersigned at (703) 696-1644.

Sincerely,

Peter Q. Nyce Jr.
General Attorney
Regulatory Law Office

Enclosure

BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER

Chairman

JIM IRVIN

Commissioner

WILLIAM A. MUNDELL

Commissioner

JEFF HATCH-MILLER

Commissioner

MIKE GLEASON

Commissioner

IN THE MATTER OF QWEST COMMUNICATIONS)Docket No.T-01051B-02-0666
INTERNATIONAL, INC.'S, QWEST SERVICES)
CORPORATION'S, AND QWEST CORPORATION'S)
NOTICE OF SALE, REQUEST FOR WAIVER, OR)
APPLICATION FOR APPROVAL OF THE SALE OF)
THE ARIZONA OPERATIONS OF QWEST DEX, INC.)

RESPONSE OF THE DEPARTMENT OF DEFENSE AND ALL OTHER FEDERAL
EXECUTIVE AGENCIES TO JOINT NOTICE OF FILING SETTLEMENT
AGREEMENT AND MOTION FOR PROCEDURAL ORDER

ROBERT N. KITTEL

Chief

Regulatory Law Office

Office of the Judge Advocate General

Department of the Army

Litigation Center

JALS-RL, Suite 713

901 N. Stuart Street

Arlington, VA 22203-1837

by

Peter Q. Nyce, Jr.

General Attorney

Dated: April 24, 2003

BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER

Chairman

JIM IRVIN

Commissioner

WILLIAM A. MUNDELL

Commissioner

JEFF HATCH-MILLER

Commissioner

MIKE GLEASON

Commissioner

IN THE MATTER OF QWEST COMMUNICATIONS)Docket No.T-01051B-02-0666
INTERNATIONAL, INC.'S, QWEST SERVICES)
CORPORATION'S, AND QWEST CORPORATION'S)
NOTICE OF SALE, REQUEST FOR WAIVER, OR)
APPLICATION FOR APPROVAL OF THE SALE OF)
THE ARIZONA OPERATIONS OF QWEST DEX, INC.)

RESPONSE OF THE DEPARTMENT OF DEFENSE AND ALL OTHER FEDERAL
EXECUTIVE AGENCIES TO JOINT NOTICE OF FILING SETTLEMENT
AGREEMENT AND MOTION FOR PROCEDURAL ORDER

The United States Department of Defense and all other Federal Executive Agencies ("DOD/FEA") hereby responds to the JOINT NOTICE AND MOTION as follows:

The DOD/FEA opposes the Settlement Agreement as proposed.

As to scheduling, the DOD/FEA would find it almost impossible to attend a Hearing (3 day round trip) on May 6 on the Settlement Agreement and at the same time prepare Rejoinder Testimony to file on May 9. For this reason and taking into account DOD/FEA witness Lee's availability (Mr. Lee will be out of the country and unavailable between May 19 and June 4, 2003) we propose three alternatives to the schedule proposed in the JOINT MOTION.

Alternative 1

- 4/28 Supporters of Settlement File Support (Overnight to Parties)
- 5/9 Opponents of Settlement File Opposition and Rejoinder
- 5/13 Hearings on Settlement and Case (Lee testifies by 5/16)

Alternative 2

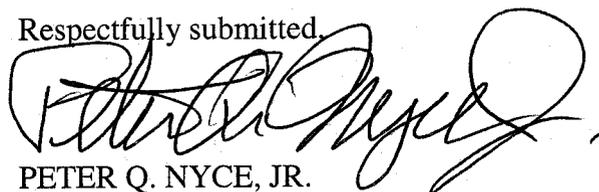
- 4/28 Supporters of Settlement File Support (Fax or E-mail to Parties)
- 5/2 Opponents of Settlement File Opposition
- 5/9 Rejoinder Filed
- 5/13 Hearings on Settlement and Case (Lee testifies by 5/16)

Alternative 3

- 4/28 Supporters of Settlement File Support (Fax or E-mail to Parties)
- 5/2 Opponents of Settlement File Opposition
- 5/6 Hearings on Settlement
- 5/16 Rejoinder Filed
- 6/10 Hearings on Case (Begin no earlier than 6/5)

Accordingly, the DOD/FEA respectfully requests modification of the proposed procedural schedule to one of the above alternatives. The DOD/FEA prefers Alternative No. 3 as providing the best opportunity for considered judgment in this matter.

Respectfully submitted,



PETER Q. NYCE, JR.

General Attorney

Regulatory Law Office

Office of the Judge Advocate General

Department of the Army

Litigation Center JALS-RL, Suite 713

901 North Stuart Street

Arlington, VA 22203-1837

For

THE DEPARTMENT OF DEFENSE

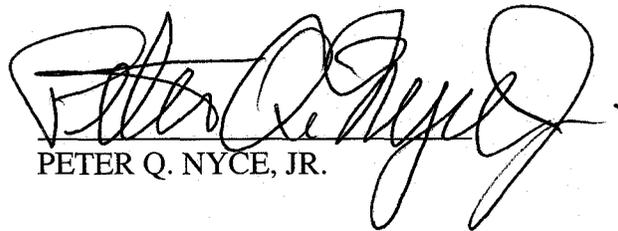
Dated: Arlington, Virginia this

24th Day of April 2003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Response of the United States Department of Defense and All Other Federal Executive Agencies to Joint Notice Of Filing Settlement Agreement And Motion For Procedural Order was sent to the parties on the attached service list by E-mail and either by United Parcel Service - Next Day Air, or by first class mail, postage prepaid on April 24, 2003.

Dated at Arlington County, Virginia, on this 24th Day of April 2003.


PETER Q. NYCE, JR.

DOCKET CONTROL
ARIZONA CORPORATION COMMISSION
1200 WEST WASHINGTON
PHOENIX AZ 85007

ERNEST G JOHNSON ESQ
DIRECTOR UTILITIES DIVISION
ARIZONA CORPORATION COMMISSION
1200 WEST WASHINGTON
PHOENIX AZ 85007

SCOTT S WAKEFIELD ESQ
RESIDENTIAL UTILITY CONSUMER
OFFICE
1110 WEST WASHINGTON SUITE 220
PHOENIX AZ 85007

RUSSELL P ROWE ESQ
WILLIAM C BRITTAN ESQ
CAMPBELL BOHN KILLIN BRITTAN
& RAY LLC
270 ST PAUL STREET SUITE 200
DENVER CO 80206

RICHARD R CAMERON
LATHAM & WATKINS
555 ELEVENTH STREET N W SUITE 1000
WASHINGTON DC 20004

LYN FARMER ESQ
CHIEF ALJ HEARING DIVISION
ARIZONA CORPORATION COMMISSION
1200 WEST WASHINGTON
PHOENIX AZ 85007

PHILIP J ROSELLI
WENDY MOSER
SHARON BERRY
QWEST SERVICES CORPORATION
1801 CALIFORNIA STREET, SUITE 5200
DENVER CO 80202

THOMAS H CAMPBELL ESQ
MICHAEL T HALLAM ESQ
LEWIS AND ROCA
40 NORTH CENTRAL AVENUE
PHOENIX AZ 85004

RICHARD LEE ESQ
SNAVELY KING MAJOROS O'CONNOR
& LEE, INC
1220 L STREET N W SUITE 410
WASHINGTON DC 20005

MARK BROWN
3033 N 3RD STREET
PHOENIX AZ 85012

CHRISTOPHER C KEMPLEY ESQ
MAUREEN A SCOTT ESQ
LEGAL DIVISION
ARIZONA CORPORATION COMMISSION
1200 WEST WASHINGTON
PHOENIX AZ 85007

TIMOTHY BERG ESQ
THERESA DWYER ESQ
FENNEMORE CRAIG PC
3003 NORTH CENTRAL AV SUITE 2600
PHOENIX AZ 85012

THOMAS F DIXON ESQ
WOLDCOM INC
707 17TH STREET 39TH FL
DENVER COLORADO 80202

MICHAEL W PATTEN
LAURA E SCHOELER
ROSHKA HEYMAN & DEWAULF PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET SUITE 800
PHOENIX AZ 85004

ALJ JANE RODDA
400 WEST CONGRESS
TUCSON AZ 85701-1347