

ORIGINAL



0000083497

57

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

2008 APR -1 P 4:39

1
2 **MIKE GLEASON**
3 **Chairman**
4 **WILLIAM MUNDELL**
5 **Commissioner**
6 **JEFF HATCH-MILLER**
7 **Commissioner**
8 **KRISTIN MAYES**
9 **Commissioner**
10 **GARY PIERCE**
11 **Commissioner**

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

APR -1 2008

DOCKETED BY ne

8 **IN THE MATTER OF QWEST**
9 **CORPORATION'S PETITION FOR**
10 **ARBITRATION AND APPROVAL OF**
11 **AMENDMENT TO INTERCONNECTION**
12 **AGREEMENT WITH ARIZONA**
13 **DIALTONE, INC. PURSUANT TO**
14 **SECTION 252(B) OF THE**
15 **COMMUNICATIONS ACT OF 1934, AS**
16 **AMENDED BY THE**
17 **TELECOMMUNICATIONS ACT OF 1996**
18 **AND APPLICABLE STATE LAWS**

DOCKET NO. T-01051B-07-0693
DOCKET NO. T-03608A-07-0693

ARIZONA DIALTONE, INC.'S
STATEMENT OF POSITION WITH
RESPECT TO FORM OF
PROTECTIVE ORDER

15 At the Procedural Conference held on March 31, 2008, it was ordered that counsel for
16 Arizona Dialtone, Inc. ("AZDT"), review a form of protective order entered into by Qwest
17 Corporation ("Qwest"), in the matter of Qwest Corporation v. Cox Arizona Telcom, L.L.C.,
18 Docket Nos. T-01051B-06-0045 and T-03471A-06-0045 (hereinafter, the "Cox case"), and state
19 its position thereon. Undersigned counsel has reviewed the form of protective order entered into
20 by the parties in the Cox case, and believe that the form of protective order drafted by counsel for
21 Qwest and previously submitted to the Commission along with Qwest's Motion for Protective
22 Order is preferable for the following reasons.

23 First, the form of protective order used in the Cox case states that the only employees of a
24 party who are entitled to review confidential information are employees who are not engaged in
25 the sale or marketing of that party's products or services. This language is overly restrictive and
26

1 would hinder AZDT's ability to share confidential information with the employees whose
2 assistance it needs in this matter. Second, the form of protective order used in the Cox case is
3 generally more restrictive than necessary given the very limited amount of confidential
4 information at issue in this case.

5 For these reasons, AZDT submit that the form of protective order drafted by counsel for
6 Qwest and submitted along with Qwest's Motion for Protective Order is the appropriate protective
7 order for use in this case, especially as Staff Counsel indicated during the March 31, 2008
8 Procedural Conference that Staff has no specific objections to that form of protective order.

9 **RESPECTFULLY SUBMITTED** this 12th day of April, 2008.

10 **CHEIFETZ IANNITELLI MARCOLINI, P.C.**

11
12 By 
13 Claudio E. Iannitelli, Esq.
14 Glenn B. Hotchkiss, Esq.
15 Matthew A. Klopp, Esq.
16 Attorneys for Arizona Dialtone, Inc.

15
16
17
18
19
20
21
22
23
24
25
26

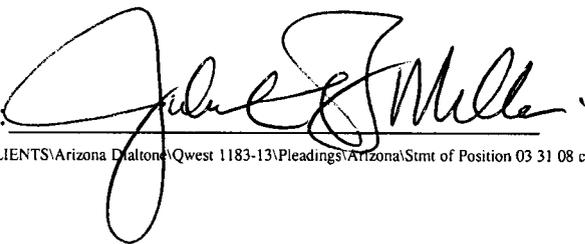
1 ORIGINAL and 13 copies of the foregoing
hand-delivered this 1st day of April, 2008, to:

2 Docket Control
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
Phoenix, AZ 85007

5 COPY of the foregoing mailed
6 this 1st day of April, 2008, to:

7 Norman G. Curtright, Esq.
8 Qwest Corporation
20 East Thomas Road, 16th Floor
Phoenix, AZ 85012

9 Maureen A. Scott, Esq.
10 Legal Division
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington
Phoenix, AZ 85007

13 By: 
14

N:\CLIENTS\Arizona Dalton\Qwest 1183-13\Pleadings\Arizona\Stmt of Position 03 31 08 car.doc

15
16
17
18
19
20
21
22
23
24
25
26