



0000087025

ORIGINAL

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

2008 JUL 28 P 4: 07

AZ CORP COMMISSION
DOCKET CONTROL

1
2
3
4
5
6
7

- MIKE GLEASON
Chairman
- WILLIAM MUNDELL
Commissioner
- JEFF HATCH-MILLER
Commissioner
- KRISTIN MAYES
Commissioner
- GARY PIERCE
Commissioner

8
9
10
11
12
13
14
15
16
17
18

IN THE MATTER OF THE APPLICATION OF DIECA COMMUNICATIONS DBA COVAD COMMUNICATIONS COMPANY, ESCHELON TELECOM OF ARIZONA, INC., MCLEODUSA TELECOMMUNICATIONS SERVICES, INC., MOUNTAIN TELECOMMUNICATIONS, INC., XO COMMUNICATIONS SERVICES, INC. AND QWEST CORPORATION REQUEST FOR COMMISSION PROCESS TO ADDRESS KEY UNE ISSUES ARISING FROM TRIENNIAL REVIEW REMAND ORDER, INCLUDING APPROVAL OF QWEST WIRE CENTER LISTS.

DOCKET NOS. T-03632A-06-0091
T-03406A-06-0091
T-03267A-06-0091
T-03432A-06-0091
T-04302A-06-0091
T-01051B-06-0091

QWEST CORPORATION'S
RESPONSE TO STAFF'S COMMENTS
ON PROPOSED PROTECTIVE
ORDER

Arizona Corporation Commission
DOCKETED

JUL 28 2008

DOCKETED BY	
-------------	--

19
20
21
22
23
24
25
26

Qwest Corporation ("Qwest") hereby responds to the Arizona Corporation Commission Staff ("Staff") comments on the proposed protective order filed by Qwest Corporation.

The Staff misunderstands key points about the form of protective order filed by Qwest. The form of protective order is not merely "[one] that was agreed upon by the CLECs and Qwest in a Minnesota proceeding." Rather, it is the form of protective order that was part of the Settlement Agreement approved by this Commission in Decision No. 70355. The approved Settlement Agreement provides a procedural roadmap for all subsequent TRRO wire center proceedings before this Commission, including the 2007 and 2008 additions that are pending

1 here. One of the elements of that procedural roadmap is the form of protective order.

2 The Staff does not claim that the Settlement Agreement form of protective order is
3 improper or inadequate. Rather, Staff insists on its relatively new standard form because of
4 perceived efficiencies for Staff. Staff believes that its standard form will serve adequately in all
5 but rare instances. Qwest questions that position, noting that there is another docket, T-01051B-
6 07-0694 and T-03608A-07-0694, in which the parties to the complaint argue that the Staff's
7 standard form is inadequate for the purposes of the case. The Staff's standard form is inadequate
8 in this case for many of the same reasons.

9 The Staff's standard form contemplates a single company providing confidential
10 information to the Staff. In this docket, however, there is a need for Qwest to provide
11 confidential information regarding CLECs' line counts and collocation with Qwest, to all the
12 other active participants in the docket, as well as to the Staff. Substantial re-writing of Staff's
13 form of agreement would be necessary to accomplish that purpose.

14 Further, the Commission Staff's form of protective order does not make any provision for
15 how confidential information may be entered into evidence. That will not serve in this case, in
16 the event of an evidentiary hearing.

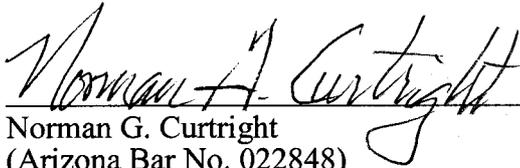
17 The form proposed from the Settlement Agreement contains special provisions designed
18 to better enable small companies to participate more easily (para. 4, proposed protective order),
19 and a process for "masking" of competitors' identities, a process that the joint CLECs and Qwest
20 have agreed upon and used successfully (para.5, proposed protective order). Those are useful
21 provisions that should not be lost.

22 Qwest believes that the Commission should proceed to act on this matter by approving
23 and entering the protective order in the form proposed in Qwest's motion. Staff has proposed
24 that the form of protective order that was entered in the first phase of this docket would be
25 another suitable alternative. In Qwest's view, either the form from the Settlement Agreement or
26 the form of protective order that was issued by Judge Nodes in the first phase of this docket are

1 workable alternatives. The Staff's standard form simply does not fit this situation, without
2 substantial revisions.

3 RESPECTFULLY SUBMITTED this 28th day of July, 2008.

4 QWEST CORPORATION

5 
6 _____
7 Norman G. Curtright
8 (Arizona Bar No. 022848)
9 20 E. Thomas Rd., 16th Floor
10 Phoenix, Arizona 85012
11 Tel: (602) 630-2187
12 Fax: (303) 383-8484
13 Email: norm.curtright@qwest.com

11 ORIGINAL and 13 copies hand-delivered
12 for filing this 28th day of July, 2008, to:

13 Docket Control
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, AZ 85007

16 COPY of the foregoing hand delivered
17 this 28th day of July, 2008, to:

18 Dwight D. Nodes
19 Assistant Chief Administrative Law Judge
20 Arizona Corporation Commission
21 1200 West Washington Street
22 Phoenix, AZ 95012

21 Maureen A. Scott, Esq.
22 Legal Division
23 ARIZONA CORPORATION COMMISSION
24 1200 W. Washington Street
25 Phoenix, AZ 85007

24 Ernest Johnson, Director
25 Utilities Division
26 Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

COPY of the foregoing mailed
this 28th day of July, 2008, to

Michael W. Patten
Roshka DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, AZ 85004

Jason Wakefield
Covad Communications Company
110 Rio Robles
San Jose, CA 95134

Douglas Denney
Director, Costs & Policy
Eschelon Telecom, Inc.
730 Second Avenue S., Suite 900
Minneapolis, MN 55402-2489

William Haas
Regulatory Contact
McLeodUSA Telecommunications
Services, Inc.
6400 C Street SW
P.O. Box 3177
Cedar Rapids, IA 52406-3177

Mike Hazel
Mountain Telecommunications
1430 West Broadway, Suite 206
Tempe, AZ 85282

Rex Knowles
Regulatory Contact
XO Communications Services
111 East Broadway, Suite 1000
Salt Lake City, UT 84111

Gary Joseph, Vice President
National Brands, Inc.
dba Sharenet Communications Company
4633 W. Polk Street
Phoenix, AZ 85043