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BEFORE THE ARIZONA CORPORATION COMMISSION

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KRISTIN K. MAYES
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2009 JAN 23 P 2:57

AZ CORP COMMISSION
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Arizona Corporation Commission
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JAN 23 2009

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**IN THE MATTER OF THE REVIEW AND
POSSIBLE REVISION OF ARIZONA
UNIVERSAL SERVICE FUND RULES,
ARTICLE 12 OF THE ARIZONA
ADMINISTRATIVE CODE**

DOCKET NO. RT-00000H-97-0137

**IN THE MATTER OF THE
INVESTIGATION OF THE COST OF
TELECOMMUNICATIONS ACCESS.**

DOCKET NO. T-00000D-00-0672

**QWEST CORPORATION'S
COMMENTS WITH REGARD TO
STAFF'S PROPOSED PROTECTIVE
ORDER**

Qwest Corporation ("Qwest") submits the following comments with regard to the Commission Staff's proposed protective order. Qwest's comments go to the "Small Company Exemption" which is provided in paragraph 5 of the proposed protective order. The proposed protective order provides that employees of companies receiving Confidential Information and Highly Confidential Information must be directly involved in these proceedings and must not be engaged in the sale or marketing of that party's products or services. Proposed Protective Order, p. 2, lines 20-27. However, the small company exemption stated in paragraph 5 provides that employees of parties who are not eligible to access the Confidential Information or Highly Confidential Information because of the restriction, may nevertheless be granted such access if

1 they are employed by a "Small Company." "Small Company" is defined in the proposed order
2 as, "a party with fewer than 5000 employees, including the employees of affiliates' U.S. ILEC,
3 CLEC, and IXC operations within a common holding company." Proposed Protective Order, p.
4 7, lines 1-3. Qwest does not disagree that it may be appropriate for the protective order to
5 contain a small company exemption from the restriction. However, Qwest asks that the
6 definition of a "Small Company" be amended so that telephone providers in Arizona that meet
7 the definition of Class A Utilities under Commission Rule 103, are not exempted from the scope
8 of the restriction.

9 Specifically, Qwest asks that the definition of "Small Company" proposed protective
10 order be amended as follows (new language underlined):

11
12 "Small Company" means a party with fewer than 5000 employees, including the
13 employees of affiliates" U.S. ILEC, CLEC, and IXC operations within a common
14 holding company; provided, however, that no company that is classified as a
15 Class A telephone utility under Commission Rule 103 shall qualify as a "Small
16 Company" for purposes of this Order."

17 Qwest's concern is driven in part by the distinct possibility that a carrier may have fewer than
18 5000 employees under the definition, but still be a significant carrier in Arizona. It would be
19 ironic and inappropriate to the purposes of the exemption if large carriers fall within the Small
20 Carrier Exemption.

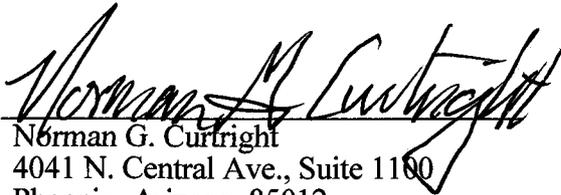
21
22 The change Qwest seeks is appropriate because the Commission's rules provide an
23 existing, established system of classification. By Rule 103, the Commission has established that
24 the providers meeting the Class A criteria are subjected to a higher level of filing and reporting
25 requirements than non-Class A utilities. Thus, wording the small company exemption as Qwest
26 proposes, so that all Class A providers shall be held to a higher standard is consistent with how

1 the Commission has chosen to regulate companies of that size. Qwest believes that all
2 companies that are categorized as Class A and subjected to a higher standard of reporting should
3 also be held to a higher standard for purposes of the protective order.

4
5 RESPECTFULLY SUBMITTED this 23rd day of January, 2009.

6 QWEST CORPORATION

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8 By:



9 Norman G. Curtright
4041 N. Central Ave., Suite 1100
Phoenix, Arizona 85012
Telephone: (602) 630-2187
Fax: (602) 235-3107
Attorney for Qwest Corporation

10
11
12 **Original and 15 copies of the foregoing**
13 **were filed this 23rd day of January, 2009 with:**

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

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17 **COPY of the foregoing mailed/emailed**
18 **this 23rd day of January, 2009 to:**

19 Jane L. Rodda
Administrative Law Judge
20 Arizona Corporation Commission
1200 West Washington Street
21 Phoenix, AZ 85007
jrodde@cc.state.az.us

Ernest G. Johnson, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007
ernestjohnson@cc.state.az.us

22
23 Janice Alward, Chief Counsel
Arizona Corporation Commission
24 Legal Division
1200 West Washington Street
25 Phoenix, AZ 85007
ckempley@cc.state.az.us

Maureen A. Scott, Esq.
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007
msscott@cc.state.az.us

1 Michael W. Patten
2 Roshka Heyman & DeWulf, PLC
3 400 E. Van Buren Street, Suite 800
4 Phoenix, AZ 85004
5 mpatten@rhd-law.com

Thomas Campbell
Michael Hallam
Lewis and Roca LLP
40 North Central Avenue
Phoenix, AZ 85004
Attorneys for Verizon
tcampbell@lrlaw.com
mhallam@lrlaw.com

6 Mark A. DiNunzio
7 Cox Arizona Telcom, LLC
8 MS: DV3-16, Bldg. C
9 1550 West Deer Valley Road
10 Phoenix, AZ 85027
11 Mark.dinunzio@cox.com

Scott Wakefield, Chief Counsel
Residential Utility Consumer Office (RUCO)
1110 West Washington Street, Suite 220
Phoenix, AZ 85007
sakefield@azruco.gov

12 Jeffrey Crockett
13 Bradley S. Carroll
14 Snell & Wilmer, LLP
15 One Arizona Center
16 Phoenix, AZ 85004
17 Attorneys for ALECA
18 jrocket@swlaw.com
19 bcarroll@swlaw.com

Michael M. Grant
Gallagher & Kennedy
2575 East Camelback Road
Phoenix, AZ 85016
Attorneys for AT&T
mmg@gknet.com

20 Dan Foley
21 Gregory Castle
22 AT&T Nevada
23 645 E. Plumb Lane, B132
24 P.O. Box 11010
25 Reno, NV 89520
26 Dan.foley@att.com
Gc1831@att.com

Charles H. Carrathers, III
General Counsel South Central Region
Verizon, Inc.
HQE03H52
600 Hidden Ridge
Irving, TX 75015-2092
Chuck.carrathers@verizon.com

Arizona Dialtone, Inc.
Thomas W. Bade, president
717 W. Oakland Street
Chandler, AZ 85226
tombade@arizonadialtone.com

Joan S. Burke
Osborn Maledon, PA
2929 North Central Avenue, Suite 2100
Phoenix, AZ 85012
Attorneys for Time Warner Telecom
jburke@omlaw.com

OrbitCom, Inc.
Brad VanLeur, President
1701 N. Louise Avenue
Sioux Falls, SD 57107
bvanleur@svtv.com

Lyndall Nipps
Vice President, Regulatory
Time Warner Telecom
845 Camino Sur
Palm Springs, CA 92262

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23
24
25
26

Karen E. Nally
Moyes Sellers & Sims, Ltd.
1850 N. Central Avenue, Suite 1100
Phoenix, AZ 85004
kenally@lawns.com

Nathan Glazier
Regional Manager
Alltel Communications, Inc.
4805 E. Thistle Landing Drive
Phoenix, AZ 85044
Nathan.glazier@alltel.com



Lyndall.nipps@twtelecom.com

Dennis D. Ahlers
Associate General Counsel
Eschelon Telecom, Inc.
6160 Golden Hills Drive
Golden Valley, MN 55416-1020

ddahlers@eschelon.com

Dennis D. Ahlers
Associate General Counsel
Integra Telecom, Inc.
6160 Golden Hills Drive
Golden Valley, MN 55416
ddahlers@eschelon.com