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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

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Arizona Corporation Commission

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IN THE MATTER OF THE
INVESTIGATION INTO QWEST
CORPORATION'S COMPLIANCE WITH
CERTAIN WHOLESALE PRICING
REQUIREMENTS FOR UNBUNDLED
NETWORK ELEMENTS AND RESALE
DISCOUNTS

DOCKET NO. T-00000A-00-0194

**QWEST CORPORATION'S RESPONSE TO
SPRINT COMMUNICATION COMPANY'S MOTION TO STRIKE OR,
ALTERNATIVELY, TO ADMIT AFFIDAVIT**

On August 16, 2001, Sprint Communications Company ("Sprint") filed its Motion to Strike Certain Testimony of Qwest Witness Garrett Fleming Or In the Alternative to Reopen the Record and Admit the Attached Affidavit of David E. Stahly (the "motion").

As set forth below, insofar as the motion seeks the exclusion of plainly relevant and admitted testimony, the motion should be denied. However, Qwest does not oppose the alternative relief sought regarding the admission into the record of the affidavit of Sprint's witness Mr. Stahly.

DISCUSSION

Preliminarily, Sprint does not articulate and makes no attempt to demonstrate why the extreme relief it seeks in the motion – the striking of relevant and admitted testimony from the record – is appropriate here. At most, Sprint's motion and the attached affidavit of Mr. Stahly demonstrate a conflict of evidence. In fact, based on the background of and the materials offered

in support of the motion, it appears that Sprint has fundamentally misinterpreted Mr. Fleming's testimony and Qwest's DC power billing practices.

At any rate, however, Sprint does not, indeed it cannot, demonstrate why such a conflict (assuming one exists) requires the exclusion of Mr. Fleming's testimony. Sprint fails to cite to any Commission order or procedural rule entitling it to the draconian relief it seeks here. Similarly, apart from the mandates of Commission rules and orders, Sprint makes no attempt to explain why under the circumstances here the Commission should exclude the testimony at issue. In short, to the extent that Sprint seeks an order striking Mr. Fleming's testimony, the motion is wholly unsupported by any legal or logical argument. The motion meritless and should be denied.

However, because, as noted above, Sprint appears to have misinterpreted Mr. Fleming's testimony and because the parties have yet to file their post-hearing reply briefs in this docket, Qwest does not oppose the alternative relief sought – the admission of the Stahly affidavit and supporting documentation into the record. If admitted, Qwest proposes that the parties be allowed to address the issues raised by the Stahly affidavit and Sprint's contentions concerning Mr. Fleming's testimony in their reply briefs.

CONCLUSION

For the reasons stated, Sprint's motion to strike should be denied. Qwest does not oppose the admission of the affidavit of David E. Stahly attached to the motion. The parties should be allowed to brief the issues raised by the motion and the Stahly affidavit in their respective reply briefs in this docket.

DATED: September 6, 2001

Respectfully submitted,

Qwest Corporation

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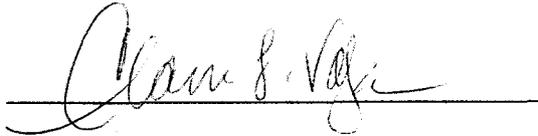
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