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BEFORE THE ARIZONA CORPORATION COMMISSION

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KRISTIN K. MAYES
Chairman
GARY PIERCE
Commissioner
PAUL NEWMAN
Commissioner
SANDRA D. KENNEDY
Commissioner
BOB STUMP
Commissioner

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AT CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

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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

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

DOCKET NO. T-00000D-00-0672

**JOINT APPLICATION FOR
SUBPOENA DUCES TUCEM**

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Pursuant to A.A.C. R14-3-109, Qwest Corporation and Qwest Communications Company LLC hereby jointly apply for the issuance of a subpoena duces tecum, requiring the production of certain documents, directed to (1) AT&T Inc., AT&T Corp., and their affiliates, subsidiaries and predecessors (collectively, "AT&T"), (2) Sprint Communications Company, LP and its affiliates, subsidiaries and predecessors (collectively, "Sprint"), and (3) MCI Communications Services, Inc. dba Verizon Business Services ("MCI").

1. On September 29, 2009, a Procedural Order (the "Procedural Order") was issued in these consolidated dockets regarding access charges and the Arizona Universal Service Fund ("AUSF"). As a result of the Procedural Order, a hearing has been scheduled for March 16, 2010. The deadline to file direct testimony is December 1, 2009.

1 2. The Procedural Order states, “The hearing will cover, at a minimum, but not
2 be limited to, the following issues, and parties may address additional matters that they
3 believe are important to the Commission’s investigation.” Procedural Order p. 4. The
4 Procedural Order then identifies twelve issues. Issue 2 is, “To what target level should
5 access rates be reduced?” Issue 4 is “Should carriers be permitted to contract for access
6 rates that differ from their tariffed rates?”

7 3. The request to include in this investigative docket contracts for switched
8 access services that CLECs have entered into with interexchange carriers (“IXCs”) was
9 raised by Qwest’s affiliate Qwest Communications Company LLC by its motion filed on
10 July 27, 2009. Following the Procedural Order ruling that such contracts shall be the
11 subject of the investigation, Qwest Communications Company LLC issued Data Requests
12 to eighteen CLECs, asking them each to produce agreements that they may have entered
13 into with IXCs for switched access services at rates different than they had on file with the
14 Commission. A copy of Data Request issued to AT&T is attached hereto as **Exhibit 1**.
15 All the Data Requests were identical in form, and were issued on October 8, 2009.

16 4. Only two CLECs have unqualifiedly responded that they have not entered
17 such agreements. Only one of the CLECs produced an agreement in response to the Data
18 Requests. The rest have either failed to respond, or have objected that the Data Request is
19 “beyond the scope of this proceeding,” or objected on “relevance and materiality
20 grounds.” Despite the objection and refusal to produce the actual agreements, several of
21 the objecting CLECs admit that such agreements were entered into.

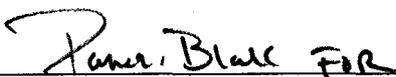
22 5. The information sought by Qwest is relevant and material to the issues being
23 addressed by the Commission in this proceeding. Qwest has attempted in good faith to
24 conduct discovery that will enable it to submit meaningful testimony in this docket, but it
25 appears that discovery upon the CLECs will require a significant amount of motion
26 litigation that will prevent Qwest from preparing its testimony in a timely manner. These

1 same IXCs have already produced agreements in other jurisdictions, so compliance with
2 the subpoena will not be burdensome. Further, securing responsive documents by
3 subpoena directed to the IXCs rather than the CLECs will likely result in a more complete
4 inventory of relevant documents, with greater economy, than going to each of the many
5 CLECs doing business in Arizona.

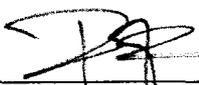
6 6. A true copy of Qwest's proposed form of each subpoena duces tecum
7 applied for is attached hereto as Exhibit 2. Original subpoenas have been delivered to the
8 Executive Director concurrently herewith for execution and issuance in accordance with
9 the Commission's Rules of Practice and Procedure.

10 DATED this 6th day of November, 2009.

11 QWEST CORPORATION
12 QWEST COMMUNICATIONS COMPANY, LLC

13 By 
14 Norman G. Curtright
15 20 E. Thomas Road, 16th Floor
16 Phoenix, Arizona 85012
17 Telephone: (602) 630-2187
18 Fax: (602) 235-3107
19 *Their Attorney*

18 FENNEMORE CRAIG, P.C.

19 By 
20 Patrick J. Black
21 3003 N. Central Ave., #2600
22 Phoenix, AZ 85012
23 Telephone: (602) 916-5400
24 Fax: (602) 916-5600
25 *Attorney for Qwest Corporation and Qwest*
26 *Communications Company, LLC*

1 ORIGINAL and fifteen (15) copies
2 of the foregoing were filed this
3 6th day of November, 2009 with:

4 Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington Street
7 Phoenix, AZ 85007

8 COPY of the foregoing hand-delivered
9 this 6th day of November, 2009, to:

10 Jane L. Rodda
11 Administrative Law Judge
12 Arizona Corporation Commission
13 1200 West Washington Street
14 Phoenix, AZ 85007

15 Janice M. Alward
16 Legal Division
17 Arizona Corporation Commission
18 1200 West Washington Street
19 Phoenix, AZ 85007

20 Steve Olea, Director
21 Utilities Division
22 Arizona Corporation Commission
23 1200 West Washington Street
24 Phoenix, AZ 85007

25 Armando Fimbres
26 Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

COPY of the foregoing mailed this
this 6th day of November, 2009, to:

Ms. Joan S. Burke
Osborn Maledon, PA
2929 North Central Avenue, Suite 2100
Phoenix, AZ 85012

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Arizona Payphone Association
c/o Mr. Gary Joseph
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Phoenix, AZ 85004

Mr. Rex Knowles
Executive Director - Regulatory
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Salt Lake City, Utah 84111

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2 Cox Arizona Telecom
3 1550 W. Deer Valley Road
4 MS:DV3-16, Bldg. C 20
5 Phoenix, AZ 85027

6 Mr. Nathan Glazier
7 Associate Director, Public Policy
8 Verizon Wireless
9 4805 East Thistle Landing Drive
10 Phoenix, AZ 85044

11 Paul Castaneda
12 President, Local 7019
13 Communication Workers of America
14 11070 North 24th Avenue
15 Phoenix, AZ 85029

16 Mr. Stephen H. Kukta
17 Director and Counsel
18 Sprint Nextel
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20 San Francisco, CA 94105

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25 6400 SW C Street
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9 Isabelle Salgado
AT&T Nevada
10 645 E. Plumb Ln., B132
P.O. Box 11010
11 Reno, NV 89520

12 Michael Grant
Gallagher & Kennedy, P.A.
13 2575 E. Camelback Road
Phoenix, AZ 85016-9225

14
15 By: *Maria San Jose*
2253823.2/67817.000

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Exhibit 1

Norman Curtright
Corporate Counsel
20 E. Thomas Road, 16th Floor
Phoenix, AZ 85012

602 630 2187 Direct
303 383 8484 Fax
norm.curtright@qwest.com

October 8, 2009



VIA U.S. OR ELECTRONIC MAIL

Michael M. Grant
Gallagher & Kennedy, P.A.
2575 East Camelback Road
Phoenix, AZ 85016

Re: Qwest Communications Company, LLC's Second Set of Data Requests to AT&T In the Matter of the Investigation of the Cost of Telecommunications Access, Docket No. T-00000D-00-0672, and In the Matter of the Review of Arizona Universal Service Fund Rules Docket Nos. RT-00000H-97-0137,

Dear Mr. Grant,

Enclosed is Qwest Communications Company, LLC's Second Set of Data Requests to AT&T in the above matter.

These data requests are continuing in nature, and your answers or any documents supplied in response to these data requests should be supplemented with any additional information or document that comes to your attention after you have provided your initial responses.

Qwest Communications Company, LLC personnel have signed Protective Order Exhibits A and B, and Confidential Information and Highly Confidential Information should be designated in accordance with the Protective Order.

Qwest Communications Company, LLC requests that the answers be provided in **ten (10) business days**.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Norman G. Curtright'. The signature is written in a cursive style with a large, looped 'C' at the end.

Norman G. Curtright

Enclosures

QWEST COMMUNICATIONS COMPANY, LLC'S
Second Set Of Data Requests To
AT&T

In the Matter of the Investigation of the Cost of
Telecommunications Access, Docket No. T-00000D-00-
0672, and In the Matter of the Review of Arizona Universal
Service Fund Rules, Docket Nos. RT-00000H-97-0137

October 8, 2009

For purposes of this set of data requests, "IXC" shall mean interexchange carriers, and "switched access" shall mean intrastate switched access provided by a local exchange carrier. "Contract" shall mean an agreement (including terms and conditions of a settlement which change switched access rates prospectively), written or unwritten, but shall not mean transactions governed only by tariffs or rate schedules filed with the Arizona Corporation Commission.

These data requests are made to your company in its capacity as a competitive local exchange carrier.

- 1-1. Identify each IXC with which your company has been party to a contract between January 1, 2002, and the present, which provides for a switched access rate different from the rate or rates that your company has filed as tariffs or rate schedules with the Arizona Corporation Commission.
- 1-2. Provide a copy of every written contract entered into or effective at any time between January 1, 2002, and present, which provides for a switched access rate different from the rate or rates that your company has filed as tariffs or rate schedules with the Arizona Corporation Commission.
- 1-3. With regard to any unwritten contract or contracts with an IXC for switched access rates that are different from the rate or rates that you company has filed as tariffs or rate schedules with the Arizona Corporation Commission, state the rate that you charge.
- 1-4. For each contract that is identified under data requests 1 through 3 above, state the difference between the contract switched access rate or rates, terms or conditions and the switched access rate or rates, terms or conditions that you company has filed as tariffs or rate schedules with the Arizona Corporation Commission.
- 1-5. For each contract that is identified under the data requests 1 through 3 above, explain all reasons why you provided the IXC a different rate, terms or conditions for the contract switched access from the rate, terms or conditions contained in the tariffs or price schedules your company has filed with the Arizona Corporation Commission.

- 1-6. Does / did the rate or rates set forth in a contract identified under data requests 1 through 3 above apply only to a set, minimum or maximum number of intrastate switched access minutes of use, or does / did the rate(s) apply to as many switched access minutes as the IXC would use while the agreement was effective? Please explain any such limitations / requirements, and produce any documents establishing the limitations / requirements.
- 1-7. Did you produce or rely on a cost study to establish the intrastate switched access rate set forth in a contract identified under data requests 1 through 3 above? If so, produce a copy of the cost study, as well as all workpapers and documents pertaining to the cost study.
- 1-8. Identify every IXC that has asked you to enter into a contract for a switched access rate, between January 1, 2002, and the present, which did not culminate in a contract.
- 1-9. Identify (by name, job title and address) all employees or agents who participated in negotiating the contracts with the IXCs identified under data requests 1 through 3 above.
- 1-10. State the provisions of Arizona statutes and Arizona Corporation Commission rules that authorize you to provide switched access at rates that are different from the rate or rates that are filed as tariffs or rate schedules with the Arizona Corporation Commission. If you do not state any such provisions, state your rationale regarding why providing switched access at rates that are different from the rate or rates that are filed as tariffs or rate schedules with the Arizona Corporation Commission is not unlawful.
- 1-11. State the provisions of Arizona statutes and Arizona Corporation Commission rules that authorize you to charge different switched access rates to different IXCs. If you do not state any such provisions, state your rationale regarding why providing switched access at rates that different to different IXCs is not unlawful.
- 1-12. In the past seven years, has your company received any publication or other form of advice (not protected by attorney-client privilege) regarding the lawfulness or propriety of off-tariff agreements for switched access services? If so, please produce a copy of all documents bearing that advice. What actions, if any, did you take based on this advice?
- 1-13. For each contract that is identified under data requests 1 through 3 above, state whether you provided notice to the Arizona Corporation Commission (including but not limited to the Utilities Division Staff) of your having entered into the contract. Provide a copy of each such notice.
- 1-14. For each contract that is identified under data requests 1 through 3 above, state whether you provided notice to any other IXC of your having entered into the contract. Provide a copy of each such notice.

Exhibit 2

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BEFORE THE ARIZONA CORPORATION COMMISSION

KRISTIN K. MAYES
Chairman
GARY PIERCE
Commissioner
PAUL NEWMAN
Commissioner
SANDRA D. KENNEDY
Commissioner
BOB STUMP
Commissioner

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

SUBPOENA DUCES TECUM

TO: AT&T Inc., AT&T Corp., and their affiliates, subsidiaries and predecessors

WE COMMAND YOU THAT ALL AND SINGULAR BUSINESS AND
EXCUSES BEING LAID ASIDE, YOU PRODUCE THE DOCUMENTS IDENTIFIED
AND DESCRIBED BELOW AT THE OFFICES OF FENNEMORE CRAIG, P.C.,
3003 N. CENTRAL AVENUE, SUITE 2600, PHOENIX, ARIZONA 85012 NO LATER
THAN 5:00 P.M. ON NOVEMBER 16TH, 2009.

For purposes of this subpoena duces tucem, "IXC" shall mean interexchange
carriers, and "switched access" shall mean intrastate switched access provided by a local
exchange carrier. "Contract" shall mean an agreement (including terms and conditions of
a settlement which change switched access rates prospectively), written or unwritten, but

1 shall not mean transactions governed only by tariffs or rate schedules filed with the
2 Arizona Corporation Commission ("Commission").

3 1. Produce copies of each and every Contract, whether or not still in effect,
4 entered into since 2002 between AT&T Inc., AT&T Corp., or any affiliate, subsidiary or
5 predecessor-in-interest of those entities (collectively "AT&T") and any competitive local
6 exchange carrier ("CLEC") relating to going-forward rates, terms or conditions (as of the
7 date of the agreement) for the provision (by the CLEC) of intrastate switched access
8 services to AT&T. These agreements include, but are not necessarily limited to,
9 settlement agreements and so-called "switched access service agreements."

10 2. For each agreement identified in response to this Subpoena, produce
11 documents identifying the date on which the agreement was terminated. To clarify,
12 Qwest seeks the date AT&T stopped receiving the rates, terms and conditions under the
13 agreement, not the date on which the original term of the agreement may have expired.

14 3. For each agreement identified in response to this Subpoena, produce
15 documents identifying whether, to AT&T's knowledge, the agreement was filed with the
16 Commission (by either AT&T or the CLEC) as an off-tariff, individual-case-basis
17 agreement.

18 ISSUANCE OF THIS SUBPOENA HAS BEEN REQUESTED BY QWEST.

19 BY ORDER OF THE _____ WITNESS MY HAND AND SEAL
20 OF _____, THIS _____ DAY OF NOVEMBER, 2009.

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Executive Director

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BEFORE THE ARIZONA CORPORATION COMMISSION

KRISTIN K. MAYES
Chairman
GARY PIERCE
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PAUL NEWMAN
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BOB STUMP
Commissioner

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

SUBPOENA DUCES TECUM

TO: MCI Communications Services, Inc. dba Verizon Business Services

WE COMMAND YOU THAT ALL AND SINGULAR BUSINESS AND
EXCUSES BEING LAID ASIDE, YOU PRODUCE THE DOCUMENTS IDENTIFIED
AND DESCRIBED BELOW AT THE OFFICES OF FENNEMORE CRAIG, P.C.,
3003 N. CENTRAL AVENUE, SUITE 2600, PHOENIX, ARIZONA 85012 NO LATER
THAN 5:00 P.M. ON NOVEMBER 16TH, 2009.

For purposes of this subpoena duces tucem, "IXC" shall mean interexchange
carriers, and "switched access" shall mean intrastate switched access provided by a local
exchange carrier. "Contract" shall mean an agreement (including terms and conditions of
a settlement which change switched access rates prospectively), written or unwritten, but

1 shall not mean transactions governed only by tariffs or rate schedules filed with the
2 Arizona Corporation Commission (“Commission”).

3 1. Produce copies of each and every Contract, whether or not still in effect,
4 entered into since 2002 between MCI Communications Services, Inc. dba Verizon
5 Business Services or any affiliate, subsidiary or predecessor-in-interest of those entities
6 (collectively “MCI”) and any competitive local exchange carrier (“CLEC”) relating to
7 going-forward rates, terms or conditions (as of the date of the agreement) for the provision
8 (by the CLEC) of intrastate switched access services to MCI. These agreements include,
9 but are not necessarily limited to, settlement agreements and so-called “switched access
10 service agreements.”

11 2. For each agreement identified in response to this Subpoena, produce
12 documents identifying the date on which the agreement was terminated. To clarify,
13 Qwest seeks the date MCI stopped receiving the rates, terms and conditions under the
14 agreement, not the date on which the original term of the agreement may have expired.

15 3. For each agreement identified in response to this Subpoena, produce
16 documents identifying whether, to MCI’s knowledge, the agreement was filed with the
17 Commission (by either MCI or the CLEC) as an off-tariff, individual-case-basis
18 agreement.

19 ISSUANCE OF THIS SUBPOENA HAS BEEN REQUESTED BY QWEST.

20 BY ORDER OF THE _____ WITNESS MY HAND AND SEAL
21 OF _____, THIS _____ DAY OF NOVEMBER, 2009.

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Executive Director

2254365.1/67817.000

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BEFORE THE ARIZONA CORPORATION COMMISSION

- KRISTIN K. MAYES**
Chairman
- GARY PIERCE**
Commissioner
- PAUL NEWMAN**
Commissioner
- SANDRA D. KENNEDY**
Commissioner
- BOB STUMP**
Commissioner

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

SUBPOENA DUCES TECUM

TO: Sprint Communications Company, LP and its affiliates, subsidiaries and predecessors

WE COMMAND YOU THAT ALL AND SINGULAR BUSINESS AND EXCUSES BEING LAID ASIDE, YOU PRODUCE THE DOCUMENTS IDENTIFIED AND DESCRIBED BELOW AT THE OFFICES OF FENNEMORE CRAIG, P.C., 3003 N. CENTRAL AVENUE, SUITE 2600, PHOENIX, ARIZONA 85012 NO LATER THAN 5:00 P.M. ON NOVEMBER 16TH, 2009.

For purposes of this subpoena duces tucem, "IXC" shall mean interexchange carriers, and "switched access" shall mean intrastate switched access provided by a local exchange carrier. "Contract" shall mean an agreement (including terms and conditions of

1 a settlement which change switched access rates prospectively), written or unwritten, but
2 shall not mean transactions governed only by tariffs or rate schedules filed with the
3 Arizona Corporation Commission ("Commission").

4 1. Produce copies of each and every Contract, whether or not still in effect,
5 entered into since 2002 between Sprint Communications Company, LP or any affiliate,
6 subsidiary or predecessor-in-interest of those entities (collectively "Sprint") and any
7 competitive local exchange carrier ("CLEC") relating to going-forward rates, terms or
8 conditions (as of the date of the agreement) for the provision (by the CLEC) of intrastate
9 switched access services to Sprint. These agreements include, but are not necessarily
10 limited to, settlement agreements and so-called "switched access service agreements."

11 2. For each agreement identified in response to this Subpoena, produce
12 documents identifying the date on which the agreement was terminated. To clarify,
13 Qwest seeks the date Sprint stopped receiving the rates, terms and conditions under the
14 agreement, not the date on which the original term of the agreement may have expired.

15 3. For each agreement identified in response to this Subpoena, produce
16 documents identifying whether, to Sprint's knowledge, the agreement was filed with the
17 Commission (by either Sprint or the CLEC) as an off-tariff, individual-case-basis
18 agreement.

19 ISSUANCE OF THIS SUBPOENA HAS BEEN REQUESTED BY QWEST.

20 BY ORDER OF THE _____ WITNESS MY HAND AND SEAL
21 OF _____, THIS _____ DAY OF NOVEMBER, 2009.

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23

Executive Director

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2254361.1/67817.000

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