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BEFORE THE ARIZONA CORPORATION COM

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

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AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE REVIEW) Docket No. RT-00000H-97-0137
AND POSSIBLE REVISION OF)
ARIZONA UNIVERSAL SERVICE)
FUND RULES, ARTICLE 12 OF THE)
ARIZONA ADMINISTRATIVE CODE)

IN THE MATTER OF THE) Docket No. T-00000D-00-0672
INVESTIGATION OF THE COST OF)
TELECOMMUNICATIONS ACCESS)

Arizona Corporation Commission

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**Reply in Support of Motion for
Authorization to Redact Contract
by tw telecom of arizona llc**

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tw telecom of arizona llc ("tw telecom") files the following reply in support of its Motion for Authorization to Redact Contract ("Motion").

Yesterday, November 23, 2009, AT&T produced the tw telecom contract amendment dated December 18, 2008 (the "Amendment") in redacted form to Qwest Corporation and thus to Qwest Communications Company LLC. The intrastate switched access rate information was not redacted from the Amendment. tw telecom recommends that Qwest take time to review the Amendment and judge whether the redacted portions of the Amendment are relevant. If the Amendment does not set an intrastate switched access rate that differs in any way from tw telecom's filed intrastate tariff rate, then the remainder of

the Amendment is not relevant to the policy discussion advocated by Qwest. Put another way, if the Amendment rate is the tariff rate, then Qwest's argument—that “the nominal contract rate for switched access is effectively discounted by other contract sections” — necessarily fails. Likewise, Qwest's argument that “in those instances, the entire contract must be examined” also fails for the same reason. (That argument may fail for other reasons as well, but we need not address those arguments any further in this case.) Only party representatives who are signatories to the Protective Order in this docket are permitted to review the details of the highly confidential contracts. Thus, rebutting Qwest's argument position on the merits in this reply is difficult. As a matter of procedure, however, it makes sense for Qwest to review the redacted document before challenging tw telecom's request to redact proprietary information.

For the above reasons, tw telecom stands by its request for redaction of the Amendment. As Qwest concedes, the Amendment has been produced in complaint proceedings (under seal) in neighboring states in redacted form. Additionally, if the pertinent policy issues raised by these contracts is whether the access “rates are below tariff rate or above – or not in the range of tariff rates,” then production of the Amendment, with rate and terms unredacted, matches the inquiry. *See* Transcript of September 16, 2009 Procedural Conference pp. 18-19. Providing additional proprietary information about tw telecom customers, services and pricing (of products other than switched access) will not advance the Commission's agenda in this docket. The intrastate switched access rate contained in the Amendment between tw telecom and AT&T is available for review in this docket by Commission Staff and those who have signed the Exhibit to the Protective Order.

tw telecom renews its request for an order from the Hearing Officer permitting redaction of proprietary information in the Amendment unrelated to the rates, terms, or conditions of intrastate switched access services. Alternatively, tw telecom asks that the burden of requesting unredacted information be placed on the party requesting the unredacted version after review of the redacted document at issue.

RESPECTFULLY SUBMITTED this 24th day of November 2009.

OSBORN MALEDON, P.A.

By Joan S. Burke
Joan S. Burke
2929 North Central Ave., Ste. 2100
Phoenix, Arizona 85012-2794
602-640-9356 (voice)
602-640-6074 (fax)
jburke@omlaw.com

Attorneys for tw telecom of arizona llc

ORIGINAL and fifteen (15) copies of the foregoing filed this 24th day of November, 2009 with:

Docket Control
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

COPY of the foregoing hand-delivered this 24th day of November, 2009, to:

Jane L. Rodda
Administrative Law Judge
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Janice M. Alward
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Steve Olea, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

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

COPY of the foregoing mailed this
this 24th day of November, 2009, to:

Norman G. Curtright
Qwest Corporation
Qwest Communications Company, LLC
20 E. Thomas Road, 16th Floor
Phoenix, Arizona 85012

Patrick J. Black
Fennemore Craig, P.C.
3003 N. Central Ave., #2600
Phoenix, AZ 85012

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

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

Mr. Charles H. Carrathers, III
General Counsel
South Central Region Verizon, Inc.
600 Hidden Ridge
HQE03H52
Irving, Texas 75015-2092

Arizona Payphone Association
c/o Mr. Gary Joseph
Sharet Communications
4633 West Polk Street
Phoenix, AZ 85043

Mr. Dennis D. Ahlers
Associate General Counsel
Eschelon Telecom, Inc.
730 Second Avenue, Suite 900
Minneapolis, MN 55402

Mr. Thomas Campbell
Mr. Michael Hallam
Lewis and Roca LLP
40 North Central Avenue
Phoenix, AZ 85004

Rex Knowles
Executive Director – External Affairs
XO Communications
7050 Union Park Avenue
Suite 400
Midvale, Utah 84047

Mark DiNunzio
Cox Arizona Telecom
1550 W. Deer Valley Road
MS:DV3-16, Bldg. C 20
Phoenix, AZ 85027

Mr. Nathan Glazier
Associate Director, Public Policy
Verizon Wireless
4805 East Thistle Landing Drive
Phoenix, AZ 85044

Paul Castaneda
President, Local 7019
Communication Workers of America
11070 North 24th Avenue
Phoenix, AZ 85029

Mr. Stephen H. Kukta
Director and Counsel
Sprint Nextel
201 Mission Street, Suite 1500
San Francisco, CA 94105

William A. Haas
Deputy General Counsel
McLeodUSA Telecommunications Services, Inc.
P.O. Box 3177
6400 SW C Street
Cedar Rapids, IA 52406-3177

Brad VanLeur
Orbitcom, Inc.
1701 N. Louise Avenue
Sioux Falls, SD 57107

Tom Bade, President
Arizona Dialtone
7170 W. Oakland Street
Chandler, AZ 85226

Karen Nally
3420 E. Shea Boulevard, Suite 200
Phoenix, AZ 85028

Craig Marks
10645 N. Tatum Blvd., Suite 200-676
Phoenix, AZ 85028

Jeffrey W. Crockett
One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004-2202

Michelle L. Wood
RUCO
1110 W. Washington Street, Suite 220
Phoenix, AZ 85007

Isabelle Salgado
AT&T Nevada
645 E. Plumb Ln., B132
P.O. Box 11010
Reno, NV 89520

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

Naomi Ewing