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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

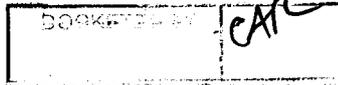
Arizona Corporation Commission

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AZ CORP COMMISSION
DOCUMENT CONTROL



IN THE MATTER OF QWEST
CORPORATION'S COMPLIANCE WITH
SECTION 252(e) OF THE
TELECOMMUNICATIONS ACT OF 1996.

Docket No. RT-00000F-02-0271

NOTICE OF DEPOSITION

YOU ARE HEREBY NOTIFIED that, pursuant to RCP 26 and 30, the deposition will be taken upon oral examination of the persons whose names and addresses are stated below at the time and place stated below before an officer authorized by law to administer oaths. If the names are not known, a general description sufficient to identify those persons or the particular classes or groups to which those persons belong is given below.

PERSONS TO BE EXAMINED:

Richard Smith, President

DATE AND TIME OF DEPOSITION:

Saturday, October 26, 2002
9:00 a.m.

PLACE OF DEPOSITION:

Eschelon Telecom Inc.,
730 Second Avenue South,
Suite 1200
Minneapolis, MN 55402

Daniel W. Pozefsky
Staff Attorney

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
CHAIRMAN

3 JIM IRVIN
COMMISSIONER

4 MARC SPITZER
COMMISSIONER

5
6 IN THE MATTER OF QWEST
CORPORATION'S COMPLIANCE WITH
SECTION 252(e) OF THE
7 TELECOMMUNICATIONS ACT OF 1996.

Docket No. RT-00000F-02-0271

SUBPOENA DUCES TECUM

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9
10 THE ARIZONA CORPORATION COMMISSION TO:

11 Richard Smith, President
Eschelon Telecom, Inc.
12 730 Second Avenue South, Suite 1200
Minneapolis, MN 55402

13 PURSUANT to Ariz. Const. Art. 15 § 4, A.R. S. § § 40-241, 40-242, 40-244, A.A.C.
14 R14-3-101 and R14-3-109, and 16 A.R.S. Rules of Civil Procedures, Rules 30 and 45, you are
hereby commanded to appear and give your testimony at the time and place specified below.

15
16 YOU ARE COMMANDED to appear and produce any and all documents pertaining to
this matter, including, but not limited to, books, papers, documents, tangible things, notes,
17 correspondence, and drafts not provided in previous discovery.

18 DATE AND TIME OF APPEARANCE
AND PRODUCTION:

October 26, 2002 at 9:00 a.m.

19
20 PLACE OF APPEARANCE
AND PRODUCTION:

21 Eschelon Telecom, Inc.,
730 Second Avenue South,
Suite 1200
22 Minneapolis, MN 55402

23 You have been subpoenaed by: Residential Utility Consumers Office, whose attorney's
name, address and telephone number is:

1 Daniel W. Pozefsky
2 1110 West Washington, Suite 220
3 Phoenix, AZ 85007

4 Requests for reasonable accommodation for persons with disabilities must be made to
5 the division assigned to the case by parties at least 3 judicial days in advance of a scheduled
6 court proceeding.

7 YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS SUBPOENA
8 WITHOUT ADEQUATE EXCUSE MAY BE DEEMED A CONTEMPT OF THIS COURT, AND A
9 CIVIL ARREST WARRANT MAY BE ISSUED. A CIVIL ARREST WARRANT IS AN ORDER
10 DIRECTING ANY POLICE OFFICER IN ARIZONA TO ARREST YOU AND BRING YOU
11 BEFORE THIS COURT FOR FUTURE PROCEEDINGS.

12 **Your Duties In Responding To This Subpoena**

13 You have the duty to produce the documents requested as they are kept by you in the
14 usual course of business, or you may organize the documents and label them to correspond
15 with the categories set forth in this subpoena. See Rule 45(d)(1) of the Arizona Rules of Civil
16 Procedure.

17 If this subpoena asks you to produce and permit inspection and copying of designated
18 books, papers, documents, tangible things, or the inspection of premises, you need not appear
19 to produce the items unless the subpoena states that you must appear for a deposition,
20 hearing or trial. See Rule 45(c)(2)(A) of the Arizona Rules of Civil Procedure.

21 **Your Right To Object**

22 The party or attorney serving the subpoena has a duty to take reasonable steps to avoid
23 imposing an undue burden or expense on you. The Superior Court enforces this duty and may
24 impose sanctions upon the party or attorney serving the subpoena if this duty is breached.
See Rule 45(c)(1) of the Arizona Rules of Civil Procedure.

You may object to this subpoena if you feel that you should not be required to respond
to the request(s) made. Any objection to this subpoena must be made within 14 days after it is
served upon you, or before the time specified for compliance, by providing a written objection
to the party or attorney serving the subpoena. See Rule 45(c)(2)(B) of the Arizona Rules of
Civil Procedure.

If you object because you claim the information requested is privileged or subject to
protection as trial preparation material, you must express the objection clearly, and support
each objection with a description of the nature of the document, communication or item not
produced so that the demanding party can contest the claim. See Rule 45(d)(2) of the
Arizona Rules of Civil Procedure.

1 If you object to the subpoena in writing you do not need to comply with the subpoena until
2 a court orders you to do so. It will be up to the party or attorney serving the subpoena to seek
3 an order from the court to compel you to provide the documents or inspection requested, after
4 providing notice to you. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

5 If you are not a party to the litigation, or an officer of a party, the court will issue an
6 order to protect you from any significant expense from the inspection and copying
7 commanded. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

8 You may also file a motion in the superior court of the county in which the case is
9 pending to quash or modify the subpoena if the subpoena:

- 10 (i) does not provide a reasonable time for compliance;
- 11 (ii) requires a non-party or officer of a party to travel to a county different from
12 the county where the person resides or does business in person; or to
13 travel to a county different from where the subpoena was served; or to
14 travel to a place farther than 40 miles from the place of service; or to travel
15 to a place different from any other convenient place fixed by an order of a
16 court, except that a subpoena for you to appear and testify at trial can
17 command you to travel from any place within the state;
- 18 (iii) requires the disclosure of privileged or protected information and no waiver
19 of exception applies; or
- 20 (iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona
21 Rules of Civil Procedure.

22 If this subpoena:

- 23 (i) requires disclosure of a trade secret or other confidential research,
24 development, or commercial trade information; or
- (ii) requires disclosure of an unretained expert's opinion or information not
describing specific event or occurrences in dispute and resulting from the
expert's study made not at the request of any party; or
- (iii) requires a person who is not a party or an officer of a party to incur
substantial travel expense.

25 The court may either quash or modify the subpoena, or the court may order to
26 appear or produce documents only upon specified conditions, if the party who served the
27 subpoena shows a substantial need for the testimony or material that cannot be otherwise met
28 without undue hardship and assures that you will be reasonably compensated. See Rule
29 45(c)(3)(B) of the Arizona Rules of Civil Procedure.

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SIGNED AND SEALED this date: 10/1/02

By:  pbc
Executive Secretary

1 ORIGINAL and 10 copies of the foregoing
Filed this 1st day of October, 2002 with:

2 Docket Control
3 Arizona Corporation Commission
1200 W. Washington
4 Phoenix, AZ 85007

5 Copies delivered/mailed this 1st day of
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