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BEFORE THE ARIZONA CORPORATION COMMISSION

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 Commissioner

Arizona Corporation Commission

DOCKETED

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AZ CORP COMMISSION  
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IN THE MATTER OF U S WEST  
 COMMUNICATIONS, INC.'S  
 COMPLIANCE WITH § 271 OF THE  
 TELECOMMUNICATIONS ACT OF  
 1996

DOCKET NO. T-00000A-97-0238

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

DOCKET NO. RT-00000F-02-0271

ARIZONA CORPORATION  
 COMMISSION

DOCKET NO. T-01051B-02-0871

Complainant.

v.

QWEST CORPORATION

Respondent.

AT&T'S MOTION FOR LEAVE TO FILE A REPLY TO QWEST'S EXCEPTIONS

AT&T Communications of the Mountain States, Inc. and TCG Phoenix (collectively, "AT&T") move for leave to file a reply to Qwest Corporation's Exceptions Regarding Recommended Opinion and Order filed December 1, 2003, and Request for Hearing dated December 19, 2003.

On December 1, 2003, the Administrative Law Judge ("ALJ") released her Recommended Opinion and Order. The ALJ gave the parties until December 10, 2003, to file exceptions.<sup>1</sup>

On December 3, 2003, Qwest Corporation ("Qwest") filed a Motion to Extend Time for Filing Exceptions to Proposed Order. In its Motion to Extend, Qwest argued that "[d]ue to the size of the record, the complexity of the legal issues involved, and other pending regulatory matters," Qwest would be unable to meet the December 10, 2003, due date. The ALJ found that "Qwest's request is reasonable under the circumstances." Procedural Order (Dec. 4, 2003). The ALJ granted Qwest's request and extended the date for filing exceptions to December 19, 2003. *Id.*

Qwest makes a number of factual and legal assertions that AT&T disagrees with; but, more importantly, it is AT&T's position that a number of such assertions are incorrect or misleading. Considering the uniqueness and complexity of the issues raised in the proceedings, AT&T believes the Commission would be well served by allowing interested parties the opportunity to file replies to exceptions.

The Commission's Rules of Practice state that there shall be no replies to exceptions. R143-110(B). However, the Rules also permit the Commission or the ALJ to waive the rules when a waiver would not conflict with the law and does not affect the substantial interests of the parties. R14-3-101(B).

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<sup>1</sup> Ten days is consistent with the Commission's Rules of Practice. R14-3-110(B).

AT&T's request does not conflict with Section 40 of the Arizona Revised Statutes, nor any other statute as far as AT&T can determine. Article 3 of Section 40 is silent with respect to the exception process.<sup>2</sup> AT&T does not believe its request adversely affects the substantial interest of the parties. A favorable ruling on AT&T's request would simply provide AT&T the opportunity and additional time to file its reply. This time would be insignificant in the overall process. Since other parties would be permitted to file replies, their interests would not be adversely affected.<sup>3</sup> Furthermore, all other parties, except Staff, are adverse to Qwest; therefore, the other parties may actually benefit from AT&T's request, should they also want to file replies to Qwest's exceptions.

Therefore, AT&T seeks leave to file a reply to Qwest's exceptions. AT&T requests that interested parties be given 10 days to file their replies from the date of any procedural order granting such leave.

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<sup>2</sup> According to A.R.S § 40-243(A), all hearings are governed by Article 3 and the Commission's Rules of Practice.

<sup>3</sup> AT&T would not object to Qwest having a short period to file a response, allowing it to have the last word.

Dated this 22<sup>nd</sup> day of December, 2003.

**AT&T COMMUNICATIONS OF THE MOUNTAIN  
STATES, INC. AND TCG PHOENIX**

By 

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**CERTIFICATE OF SERVICE**

(Docket No. T-00000A-97-0238, RT-00000F-02-0271, T-01051B-02-0871)

I certify that the original and seventeen copies of AT&T Communications of the Mountain States, Inc. and TCG Phoenix's Motion for Leave to File a Reply to Qwest's Exceptions was sent by overnight delivery on December 22, 2003 to:

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