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AZ CORP COMMISSION
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1 **LEWIS**
2 **AND**
3 **ROCA**
4 **LLP**
5 **LAWYERS**

6 **BEFORE THE ARIZONA CORPORATION COMMISSION**

7 **WILLIAM A. MUNDELL**
8 **Chairman**

9 **JAMES M. IRVIN**
10 **Commissioner**

11 **MARC SPITZER**
12 **Commissioner**

Arizona Corporation Commission
DOCKETED

JUN 27 2002

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13)
14 **IN THE MATTER OF U S WEST**)
15 **COMMUNICATIONS, INC.'S**)
16 **COMPLIANCE WITH § 271 OF THE**)
17 **TELECOMMUNICATIONS ACT OF**)
18 **1996**)

Docket No. T-00000A-97-0238

19 **WORLDCOM'S RESPONSE TO STAFF'S NOTICE**
20 **AND REQUEST FOR COMMENTS**

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22 WorldCom, Inc., on behalf of its regulated subsidiaries ("WorldCom") submits this
23 response to Staff Notice and Request for Comments dated June 20, 2002.
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WorldCom cannot make any allegations as to whether the unfiled agreements in any way affected the integrity of the 271 record. Without addressing the material facts that WorldCom suggested should be investigated by the Commission, WorldCom has no independent knowledge or facts to state one way or the other whether the unfiled agreements in any way affected the integrity of the 271 record. WorldCom's request for an investigation is intended to develop a factual record to determine whether the unfiled agreements in any way affected the integrity of the 271 record. However, Staff's report clearly refutes Qwest's assertion that some of the unfiled agreements are not interconnection agreements. That finding alone, regardless of Qwest's intent or lack of intent, suggests an appearance of impropriety that the Commission should investigate to answer the ultimate question posed to WorldCom and other interested parties.

WorldCom has not reviewed any of the agreements discussed in the Staff's Report, issued June 7, 2002, in this docket and Docket No. RT-00000F-02-0271 with the exception of those provided by WorldCom.

Attached hereto are WorldCom's Responses to Staff Revised Third Data Requests which in response To Question 3-11 identifies issue WorldCom believes need to be addressed in the investigation proposed.

WHEREFORE, WorldCom requests the Commission investigate the unfiled agreements further to ascertain whether the unfiled agreements in any way affected the integrity of the 271 record.

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RESPECTFULLY submitted this 27th day of June, 2002.

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ORIGINAL and ten (10) copies of the foregoing
filed this 27th day of June, 2002 with:

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COPY of the foregoing hand-delivered this
27th day of June, 2002 to:

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Jane Rodda, Administrative Law Judge
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**WORLDCOM, INC.'S RESPONSES TO ARIZONA CORPORATION COMMISSION
STAFF'S THIRD SET OF DATA REQUESTS
Docket No. T-00000B-97-0238
June 26, 2002**

WorldCom, Inc. ("WCom") provides the following responses to Arizona Corporation Commission Staff's ("Staff's") Third Set of Data Requests:

Staff's Data Request No. 3-1.

Have you been an active participant in prior ACC proceedings? Please list any proceedings in which you have been active in the last two years.

Response No. 3-1.

Yes. WCom is active in the 271 docket, wholesale costing and pricing docket, the Qwest secret deals docket the PIC freeze docket, the access charge docket, the USF docket and the slamming/cramming rulemaking.

Staff Data Request No. 3-2.

Did your company participate in the 271 proceeding in Arizona at any time? Please indicate the time period in which you participated. If your Company elected not to participate, what were the reasons behind its decision?

Response No. 3-2.

Yes. WCom has participated from the beginning of the 271 docket.

Staff's Data Request No. 3-3.

If your response to Question 2-2 is yes, please indicate the issues raised by you and whether they were satisfactorily resolved.

Response No. 3-3.

All issues including all of the 14 point section 271 checklist items, OSS test and related matters, PAP, change management, SATE, preorder-to-order integration, manual handling of CLEC LSRs, Qwest secret agreements, public interest issues. Not all issues were satisfactorily resolved as is evident from our final comments filed in this docket after the conclusion of the OSS test and issuance of the final report and Staff's final report. Please see our final comments in the 271 docket filed May 17, 2002.

Staff's Data Request No. 3-4.

Is there any agreement, oral or written, which currently, or has in the past, limited your ability to participate in the Arizona Corporation Commission's ("Commission") Section 271 proceeding?

Response No. 3-4.

No.

Staff's Data Request No. 3-5.

If your response to Question 2-4 is yes, would you have actively participated in the proceeding but for such agreement? If applicable, why did your company agree not to participate in the ACC's Section 271 proceeding?

Response No 3-5.

N/A.

Staff's Data Request No. 3-6.

If your response to Question 2-4 is yes, please describe in detail how your ability to participate was limited.

Response No 3-6.

N/A.

Staff's Data Request No. 3-7.

If your response to Question 2-4 is yes, how long was your ability to participate affected? Please specify the relevant time period.

Response No. 3-7.

N/A.

Staff's Data Request No. 3-8.

If your response to Question 2-4 if yes, what issues would you have raised if your ability to participate had not been limited by oral or written agreement.

Response No. 3-8.

N/A.

Staff's Data Request No. 3-9.

If your response to Question 2-4 is yes, have all of the issues which you would have raised been addressed in the Commission's 271 process? If your response is no, please describe in detail what issues were not addressed that relate to Qwest's compliance with Section 271.

Response No. 3-9.

N/A.

Staff's Data Request No. 3-10.

Please describe in detail the consequences to your not being able to raise any unresolved issue contained in your response to the prior question.

Response No. 3-10.

N/A.

Staff's Data Request No. 3-11.

Are you aware of any 271 issue you believe was not adequately addressed in the Arizona 271 proceeding as a result of Qwest's unfiled agreements with certain CLECs? Please describe any such issues in detail.

Response No. 3-11.

Yes. All material facts related to Qwest's unfiled agreements that WCom raised in the procedural conference held June 19, 2002 in the Qwest secret deals docket including:

- 1. Whether other parties should be able to review 100 agreements and advise whether they agree with Staff recommendation on whether any of other 75 should be filed for approval.**

2. Whether Qwest actions when it failed to file unfiled agreements were willful or intentional violations of federal Telecommunications Act of 1996?
3. Whether there was any damage to CLECs who could not opt into unfiled agreements?
4. Whether there was economic gain to Qwest in entering into the unfiled agreements?
5. Whether there are any other agreements, oral or written, that have not been identified?
6. Whether Qwest terminated any of the unfiled agreements?
7. Whether CLECs can retroactively seek to opt into the unfiled agreements based upon their effective dates.
8. What is the status of the unfiled agreements?
9. Whether any CLECs were granted preferential treatment in unfiled agreements.
10. Whether an CLECs actually received any preferential treatment as a result of the unfiled agreements.
11. Whether data from CLECs who entered into unfiled agreements was used in OSS test data and relied upon by CGE&Y in its evaluation.
12. Whether CGE&Y reviewed any of the unfiled agreements.
13. Whether Qwest engaged in a pattern of conduct to silence competitors actively in business in Arizona and Qwest territory by entering into unfiled agreements.
14. Whether the unfiled agreements are state specific, as opposed to applicable throughout Qwest territory, including Arizona.
15. Whether Qwest attempted to limit Eschelon's, McLeod's, XO's or any other CLEC's participation in CMP redesign because of unfiled agreements with Qwest.
16. Whether Qwest's alleged actions concerning the unfiled agreements impacts the 271 recommendation to be made by the Commission.

Staff's Data Request No. 3-12.

Has any agreement between you and Qwest caused you to refrain from raising relevant issues during any other related proceeding? Have you ever refrained from participating in any

Commission evidentiary proceeding involving Qwest for any reason. Please discuss in detail any such circumstances.

Response No. 3-12.

No, not that I am aware of since 1996 when I began handling Arizona.

Staff's Data Request No. 3-13.

If your company has agreed not to participate in any Arizona Commission proceeding, including the 271 proceeding, what benefit do you obtain through your agreement not to participate?

Response No. 3-13.

N/A.

Staff's Data Request No. 3-14.

Please provide copies of any agreements referenced above which have not already been provided to the Commission by either Qwest or your Company.

Response No. 3-14.

N/A.