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Arizona Corporation Commission

DOCKETED

DEC 12 2011

DOCKETED BY

GEORGE BIEN-WILLNER, for
GLENDALE & 27TH
INVESTMENTS,
LLC

COMPLAINANT,

V.

QWEST CORPORATION,

RESPONDENT.

DOCKET NO. T-01051B-10-0200

MOTION TO COMPEL DISCOVERY
RESPONSES AND FOR SANCTIONS
AGAINST NORMAN G. CURTRIGHT &
QWEST CORPORATION

Pursuant to Arizona Administrative Code Rule 14-3-103 and 16 A.R.S.

Rules of Civil Procedure Rule 11(a), Complainant brings this motion to compel appropriate discovery responses and for sanctions against Norman G. Curtright ("Curtright") and Qwest Corporation ("Qwest"). This motion is required because Qwest has made deficient discovery responses, Curtright has misrepresented facts concerning Qwest's deficient discovery responses, and Qwest and Curtright have failed to correct those deficiencies and misrepresentations even after ample opportunity to do so.

Specifically, on March 3, 2011, Complainant requested responses to interrogatories and documents from Qwest. On October 11, 2011 (or approximately seven months after the requests were issued), Qwest responded to

the March 3, 2011 discovery (*see* Exhibit 1). On October 28, 2011, Complainant wrote to Curtright to identify several deficiencies in Qwest's responses (*see* Exhibit 2). Among the deficiencies highlighted in Complainant's October 21, 2011 letter to Curtright was the fact that "[w]hile some of the responses to our interrogatories identified specific respondents, many of the responses to our interrogatories were signed "CenturyLink Legal" – since you are the only person from Qwest/CenturyLink who has participated in this case before the Commission, we will understand that the "CenturyLink Legal" responses are attributable to you unless other Qwest personnel are specifically identified." Complainant sought this clarification so that it would be able to properly identify and examine Qwest witnesses, as the discovery system is intended to permit.

On November 7, 2011, Qwest responded to the October 11, 2011 letter with a letter signed by Curtright (*see* Exhibit 3). The above concern in Complainant's letter was addressed as follows in Curtright's November 7, 2011 letter:

Response to your paragraph number 2. "CenturyLink Legal" responses are made by legal counsel for the Respondent, including the undersigned. **Those responses are objections made to your data requests, for the reasons stated above.**

(*see* Exhibit 3; emphasis added).

The problem with Curtright's response is that it is false and misleading, which even a cursory review of Qwest's October 11, 2011 responses reveals.

There are many responses to the discovery that are clearly substantive in nature (as opposed to "objections made to data requests"), yet are attributed to "CenturyLink Legal" rather than an identified individual. These anonymous responses deprive

Complainant of its opportunity to pursue and prove its case. Moreover, it appears that Qwest is seeking to answer the most probing questions asked of in a self-serving manner, but without any person at the company taking responsibility for those responses. For example, Complainant's March 3, 2011, Request #2 and Qwest's response to that request state as follows:

2. In accordance with Arizona State Legislation No. 40-361, has Qwest complied with the legislative requirements concerning all account billings by Qwest to George Bien-Willner during the period of January 2004 through December 31, 2005[?]

RESPONSE: Yes.

Respondent: CenturyLink Legal

"Yes" is hardly an objection, as Curtright claims in his letter and there could be no good faith basis to claim so. Thus, contrary to Curtright's claim that responses by "CenturyLink Legal" were merely objections made to data requests, Qwest personnel have hidden and continue to hide behind to the "CenturyLink Legal" label in responding to discovery requests – exactly as raised in Complainant's October 28, 2011 letter. Indeed, Qwest's responses to Requests 2, 6, 19, 28 (which contains both objections and responses) and 31 (same) each make substantive responses (as opposed to objections), but fail to identify a specific person or persons responsible those responses. **By way of further example, Qwest's response to Request #6 – which asks for the purpose of the refund issued by Qwest to Complainant in the amount of \$810.89 – is one of the important questions that Qwest anonymously and self-servingly answered, but now attempts to claim is a "data objection."**

Complainant spoke with Mr. Curtright late in the week of November 7, 2011. During that discussion, among other topics, Complainant again raised the deficiencies in Qwest's discovery responses with Curtright. Curtright indicated that Qwest was comfortable with its position.

Complainant should be provided answers to its questions attributable to specific individuals at Qwest, so that it may fairly pursue its case, and Qwest should also be required to correct the other deficiencies noted in Complainant's October 28, 2011 letter to Qwest.

Relevant Standards Regarding Discovery Sanctions

Arizona Administrative Code Rule 14-3-103(F) provides the following:

F. Conduct required

1. All persons appearing before the Commission or a presiding officer in any proceeding shall conform to the conduct expected in the Superior Court of the state of Arizona.

2. Any alleged inappropriate conduct before a Commissioner or a Hearing Officer shall be referred to the Commission for appropriate action.

3. Contemptuous conduct by any person appearing at a hearing shall be grounds for his exclusion by the presiding officer from the hearing.

4. If the Commission finds that any person has committed any improper or contemptuous conduct in any hearing before the Commission or a presiding officer, the Commission may impose such penalties provided by law that it deems appropriate.

(Emphasis added).

As stated above, A.A.C. Rule 14-3-203(F)(1) requires that "all persons appearing before the Commission or a presiding officer in any proceeding shall conform to the conduct expected in the Superior Court of Arizona." Therefore,

the Arizona Rules of Civil procedure govern the conduct of the parties. 16 A.R.S.

Rules of Civil Procedure, Rule 11(a) (“Rule 11(a)”) states as follows:

Every pleading, motion, and other paper of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. . . . **The signature of an attorney or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other paper; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. . . . If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, including a reasonable attorney's fee.**

(Emphasis added). Furthermore, the State Bar Committee Note to Rule 11(a) state the following:

The 1984 amendments to Rule 11(a) are intended to establish a better defined and more stringent standard of conduct for the signing attorney or party, and to expand the range of sanctions which a court may impose for its violation. The signing of a pleading, motion or other paper (which includes discovery papers) now constitutes a certification of a bona fide belief formed after reasonable inquiry that it is well grounded in fact and warranted by law or a good faith argument for extension, modification or reversal of existing law, and that it is not interposed for any improper purpose, including delay.

* * * *

The amended rule gives the court greater latitude to tailor sanctions, including the award of expenses to the signer's opponent, to the particular situation before it, and authorizes the imposition of sanctions on the court's own motion. . . .

Application of Relevant Standards to Facts

As discussed above, Mr. Curtright has signed discovery responses on Qwest's behalf that contain falsehoods – specifically, that its “CenturLink Legal” responses were merely objections. Given the requirements of Rule 11(a), Curtright's signature was a certification that he had read his own response and **“that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact . . . and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.”** It is Complainant's belief that given the extreme obviousness of the misrepresentation of Qwest's substantive responses supposedly merely being data objections, Curtright (and/or Qwest) was either highly reckless in his response, or acted with intent. In either event, Complainant respectfully submits that such deficiencies rise to the level of conduct that should be discouraged through the imposition of sanctions. The conduct further deserves scrutiny because, based upon Complainant's review, Curtright appears to be the primary person responsible for communicating with and responding to the Commission on Qwest's behalf on a wide range of matters and issues.

Requested Relief

Complainant respectfully requests that the Commission order: Qwest to identify specific personnel responsible for its responses to interrogatories; that Qwest supplement its discovery requests as indicated in Complainant's October 28, 2011 letter; that Qwest refrain from further thwarting the discovery process;

that Qwest be required to pay a reasonable amount for the time and expenses associated with pursuing these discovery matters; and that the Commission order any other relief that it may deem appropriate.

DATED this 12th day of December, 2011.



George Bien-Wilmer
Glendale & 27th Investments LLC
3641 North 39th Avenue
Phoenix, Arizona 85019

13 copies of this document and related exhibits are being filed with the Commission, and a copy of this document is also being mailed to Norman Curtright via U.S. mail.

EXHIBIT 1

Reed Peterson
Director - State Regulatory Affairs
20 East Thomas Road - 1st Floor
Phoenix, Arizona, 85012

Office: 602-630-8221
Fax: 602 630 8337
Reed.Peterson@centurylink.com



October 11, 2011

Via U.S. Mail

Mr. George Bien-Willner
Glendale & 27th Investments LLC
3641 North 39th Avenue
Phoenix, Arizona 85004

Re: Docket No. T-01051B-10-0200
Responses to Complainant's Interrogatories and Requests for Production

Dear Mr. Bien-Willner:

Enclosed please find CenturyLink/Qwest's Responses to Complainant's Interrogatories and Requests for Production dated March 3, 2011.

Sincerely,

A handwritten signature in cursive script that reads "Reed Peterson".

Enclosures

DISCOVERY INTERROGATORIES

1. Whom did Qwest inform at the Arizona Corporation Commission that Qwest would not agree to participate in the "informal hearing process" in accordance with Arizona R14-2-510, and why did Qwest refuse to participate in this specific process?

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence.

Respondent: CenturyLink Legal

2. In accordance with Arizona State Legislation No. 40-361, has Qwest complied with the legislative requirements concerning all account billings by Qwest to George Bien-Willner during the period of January 2004 through December 31, 2005.

RESPONSE: Yes.

Respondent: CenturyLink Legal

3. Please identify the responsible party for the Telephone No. 602-273-4326 in 2005.

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence. Without waiving its objection, Qwest states that the number belongs to a different customer and was not billed to complainant.

Respondent: Julie Layne

4. Please identify the responsible party for the Telephone No. 602-275-4990 in 2005.

RESPONSE:

BN1 GLENDALE & 27 INVSTMNTS
BN2 STERLING INT'L
BA1 3641 N 39 AV
BA2 2ND FLR
PO 85019 PHOENIX AZ
BA5 DBA HOWARD JOHNSONS

Respondent: Julie Layne

5. Please identify the responsible party for the Telephone No. 602-272-0321 in 2005.

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence.

Respondent: CenturyLink Legal

6. On February 5, 2010, please describe the purpose of the Qwest refund in the amount of \$810.89.

RESPONSE: As a gesture of good will, and not as an admission of liability, Qwest provided a courtesy credit equal to six months of service on billing telephone number (602) 275-4990.

Respondent: CenturyLink Legal

7. How many Commercial customer-billing disputes did Qwest receive for telephone services during the calendar years 2008, 2009 and 2010?

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence.

Respondent: CenturyLink Legal

8. How many Commercial customer complaints were submitted to the Arizona Corporation Commission by the customer for a third party resolution of the contested billing during the calendar years 2008, 2009 and 2010?

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence.

Respondent: CenturyLink Legal

9. How many individual business category Arizona Corporation Commission complaints for improper billing's has Qwest resolved through the Arizona Corporation Commission during the calendar periods of 2008 through January 2011?

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence. Qwest further objects to this request on the grounds that the use of the word "resolved" is vague and ambiguous.

Respondent: CenturyLink Legal

10. Who was the Qwest account manager assigned responsibility for the Qwest account services provided to Glendale & 27th Investments, LLC during the transition of ownership in 2004 and 2005 calendar years?

RESPONSE: The Glendale & 27th Investments, LLC customer was a general small business account, and was not assigned an individual account manager.

Respondent: Pattie Fenner
Julie Layne

11. During the years 2004 through 2011 how many customer billing disputes have been resolved with Qwest through the Arizona Corporation Commission Informal and Formal Hearing process?

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence.

Respondent: CenturyLink Legal

12. Please explain why Complainant's account was billed for the government account/telephone # 602-273-4326 (is referenced as that certain Chantel Scheen memo dated Tuesday, September 14, 2004).

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence. Qwest further objects on the basis that the request mischaracterizes the facts within the 9/14/04 memo from Chantel Scheen, which simply states that the telephone number provided in previous correspondence from the complainant was not one of the complainant's accounts. Without waiving its objections, Qwest states that the Complainant's accounts have not been billed for service to 602-273-4326.

Respondent: Patty Fenner
Julie Layne

13. What authority did Jim Holstrom have as the "Account Manager" of this account under the direction of Elaine Hinchcliffe, Senior Account Executive?

RESPONSE: Qwest objects on the basis that the question concerning authority is vague and ambiguous and does not provide any factual predicate as to the basis for the question or the reference to Jim Holstrom. Also, see the response to Set 1, No. 006 and Set 2, No. 010.

Respondent: Pattie Fenner
Julie Layne

14. How many Qwest credits have been issued for the subject Qwest Glendale & 27th Investments, LLC account by date commencing March 2005 through February 23, 2011, for what amount, and why were they issued?

RESPONSE: Qwest's records with respect to the subject account, i.e. 602-275-4990, reflect the following credits.

2005 none
2006 none
2007 none
2008 none
2009 none
2010 Please see response to Request 6.

Respondent: Julie Layne

15. What was the intended purpose of multiple communications between Account Manager Jim Holstrom and George Bien-Willner during the period including February 2004 through 2005, also provide a description of any results of these communications.

RESPONSE: Qwest has no record regarding the existence or content of the alleged communications.

Respondent: Julie Layne

16. How many times has Jim Holstrom met with Qwest customer George Bien-Willner; please specify where, when, for what specific issues and the outcome of each meetings?

RESPONSE: Qwest has no record regarding the existence or content of the alleged communications.

Respondent: Julie Layne

17. How many times has the Qwest Account Manager, Jim Holstrom been to the Sterling International Hotel (former Howard Johnson) at 124 S. 24th Street, Phoenix Arizona 85034?

RESPONSE: See response to No. 15 and No. 16 preceding.

18. What specific telephone account numbers were assigned to Glendale & 27th Investments, LLC by Qwest at the time of the transfer of ownership from Howard Johnson in February/March 2005 to George Bien-Willner (DBA) Glendale & 27th Investments, LLC, and what were the specific departments and or use within the Hotel that these numbers were assigned?

RESPONSE: Qwest is unable to produce the requested information without the account number under which each of the customer's assigned telephone numbers is billed because Qwest telephone account records cannot be searched by customer name. While some of the communications from the customer to Qwest provided a list of telephone numbers, Qwest is not able to verify that the list of numbers is correct or complete. Qwest has no specific knowledge of how the assigned telephone numbers were assigned or used within the Hotel.

Respondent: Julie Layne

19. Who is the owner of Qwest as of February 24, 2011; who is the President or other Chief Executive Officer?

RESPONSE: Qwest Communications International, Inc. (QCII) is the owner of Qwest Corporation and QCII is a publicly traded corporation. Ed Mueller was the Chief Executive Officer of QCII on February 24, 2011.

Respondent: Qwest Legal

20. Who was the Qwest Account Manager for the Glendale & 27th Investments, LLC accounts, including the account in dispute prior to February 24, 2011?

RESPONSE: The Glendale & 27th Investments, LLC customer was a general small business account, and was not assigned an individual account manager.

Respondent: Julie Layne

21. Who is the current Qwest Account Manager of the Glendale & 27th Investments, LLC as of February 24, 2011.

RESPONSE: The Glendale & 27th Investments, LLC customer was a general small business account, and was not assigned an individual account manager.

Respondent: Julie Layne

22. Who is the Qwest Account Manager as of February 24, 2011 for the Glendale & 27th Investments, LLC account in dispute?

RESPONSE: The Glendale & 27th Investments, LLC customer was a general small business account, and was not assigned an individual account manager.

Respondent: Julie Layne

23. How many billing dispute complaints have been received by telephone or other means by Qwest for the subject Glendale & 27th Investments, LLC since the account was opened in 2004?

RESPONSE: Qwest objects on the basis that the phrase "billing dispute complaints" is vague and ambiguous. Qwest Corporation also objects on the grounds that the information sought, with the exception of information relating to the telephone number (602) 275-4990, is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence. Notwithstanding and without waiving its objection, information concerning communications between Qwest and Glendale & 27th Investments, LLC since 2004 regarding telephone number (602) 275-4990 is contained in Qwest's response to Set 1, No. 4 and in Confidential Attachments A, B, C, D, E, F, G and H.

Respondent: Julie Layne
CenturyLink Legal

24. What are the specific Qwest account complaints concerning Glendale & 27th Investments, LLC that have been resolved since the account opened in 2004, and what are the specific complaints concerning contested billings which have not been satisfactorily addressed as of February 23, 2011?

RESPONSE: Qwest objects on the basis that the phrase "Qwest account complaints" is vague and ambiguous. Notwithstanding and without waiving its objection, please refer to Qwest's response to Set 2, No. 23 for information concerning communications between Qwest and Glendale & 27th Investments, LLC since 2004.

Respondent: Julie Layne

25. As Arizona law pertains to R14-2-510, and why did Qwest refuse to participate in the specific process and refuse to comply with this tribunal Procedural order dated November 4, 2010?

RESPONSE: Qwest Corporation objects on the grounds that the information sought is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence.

Respondent: CenturyLink Legal

DISCOVERY REQUEST FOR PRODUCTION

26. Please provide documentation regarding the official outcome of all George Bien-Willner/Qwest billing Complaints, complete with all written responses, notes and phone/fax/log entries regarding the billing and customer service issues raised by George Bien-Willner's correspondence to Qwest dated August 26,2004.

RESPONSE: See Qwest's response to Set 2, No. 23 preceding.

Respondent: Julie Layne

27. Please provide all handwritten recorded notes, logs, electronic communications, and documented records of Qwest's personnel communications with Sterling International/Glendale & 27th Investments, LLC and/or George Bien-Willner for any billing period which includes January 1,2006 through February 28,2011.

RESPONSE: Please see response to Set 2, No. 23 preceding.

Respondent: Julie Layne

28. Please provide a list of all involved employees of Qwest (2004 through 2005) who have any knowledge of the customer service issues, billing disputes, customer service recordings, telephone billing discussions, account change orders and all written communication concerning Glendale & 27th Investments, LLC/George Bien-Willner regarding Qwest accounts identified as; 602-275-4990, 602,269-2626, 602-220-0044, 602-220-0174,602-244-8221, 602-224-822 1, 602-273-4326, 602-233-2602 and 602-273-0327. With regard to each employee, please provide the employee's full name, title class position during the period including January 2004 through December 31, 2005, the scope of each employee's individual responsibilities and authority. A list of employees for which this information is requested includes, but is not limited to, Chantel Scheen, Jim Holstrom, Elaine Hinchcliffe, Tod Collins, Richard C. Notebaert, Max Iwaniec, Annette Kreger, Tom Carlson and Beth Johnson.

RESPONSE: Qwest objects on the basis that the numbers listed, with the exception of 602-275-4990, are not the subject of this complaint. With respect to the subject account, see response to Set 1, No. 4 and Set 2, No. 23 preceding. Qwest further objects on the basis that the question concerning authority is vague and ambiguous and does not provide any factual predicate as to the basis for the question or the reference to the listed individuals.

Respondent: Qwest Legal

29. With regard to Arizona Administrative Code Title 14, Ch.2 R-14-508- H, regarding (Billing & Collection), there having been a change of responsibility or occupancy in 2004, please provide supporting documentation of the arrangements, terms and conditions of the Howard Johnson/Qwest's acceptable agreement achieved prior to the new subscriber accepting billing responsibility for the Qwest telephone numbers of Howard Johnson, 124 S. 24th Street, Phoenix, Arizona 85034 in 2004.

RESPONSE: See Confidential Attachment A and response to Set 1, No. 4.

Respondent: Julie Layne

30. Please provide a copy of the CTX21 contract on 602-244-8221 applicable in 2003, 2004, and 2005.

RESPONSE: Qwest objects on the basis that the requested information is beyond the scope of the complaint.

Respondent: CenturyLink Legal

31. Please provide copies of all logs, tapes, disc's, and all written & verbal communications, and recordings of all Qwest telephone business communications transacted in Qwest's billing department between Qwest management, employees, agents, and Qwest representatives (to include their individual names) employed during the period of February 2004 through January 2005.

RESPONSE: Qwest Corporation objects on the grounds that the information sought is overly broad, is not relevant to the matters alleged in the Complaint, and is not calculated to lead to the discovery of admissible evidence. Without waiving this objection, see Qwest's response to Set 1, No. 4 and Set 2, No. 23.

Respondent: Qwest Legal

32. Please provide the official outcome of the George Bien-Willner/Qwest billing complaints with all written responses, notes and phone/fax logs entries to the specific correspondence billing and customer service issues raised by George Bien-Willner's correspondence to Qwest dated September 28, 2004.

RESPONSE: Qwest objects on the basis that the information sought is beyond the scope of the stated complaint. Without waiving this objection, Qwest states that it has no record of the referenced correspondence from George Bien-Willner dated September 28, 2004.

Respondent: Julie Layne

33. Please provide the results of the George Bien-Willner Qwest billing complaints with all written responses, notes and phone/ fax logs entries to the specific correspondence billing and customer service issues raised by George Bien-Willner's correspondence to Qwest dated May 10, 2005 (sent to Qwest via facsimile to 602-604-7982 and 303-896-85150).

RESPONSE: Qwest objects on the basis that the information sought is beyond the scope of the stated complaint. Specific issues raised by the referenced correspondence do not relate to telephone number 602-275-4990 and are not related to the allegations made in the complaint.

Respondent: Julie Layne

34. Please provide a complete itemized review (with a detailed explanation of each line item category) billed by Qwest to the Glendale & 27th Investments, LLC for the calendar billing months of February 2005, March 2005, April 2005, May 2005 and June 2005.

RESPONSE: Please see Confidential Attachments A-E, which include the bills for 602-275-4990 for February through June 2005.

Respondent: Julie Layne

35. Please provide a complete list of credits, which have been issued to Glendale & 27th Investments, LLC commencing in March 2005 through 2006 with an explanation as to why Qwest issued the credit.

RESPONSE: Please see response to Set 2, Nos. 6 and 14 preceding.

Respondent: Julie Layne

EXHIBIT 2

ORIGINAL

**George Bien-Willner
Glendale & 27th Investments LLC
3641 N. 39th Avenue
Phoenix, AZ 85019**

Office Phone: 602-269-2626 Office Fax: 602-269-1058

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October 28, 2011

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Via U.S. Mail, Fax and Docket Filing

Arizona Corporation Commission

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**Mr. Norman G. Curtright
Associate General Counsel
Qwest/CenturyLink
20 E. Thomas Road, 16th Floor
Phoenix, AZ 85012
Fax: 602.235.3107**

DOCKETED BY	
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Re: Docket No. T-01051B-10-0200; Qwest's Responses to Discovery

Dear Mr. Curtright:

We recently received Qwest's responses to our discovery requests; the documents were addressed incorrectly (it appears that they were mailed by Qwest to our address, but at the wrong zip code; our zip code is 85019, not 85004). We have preliminarily reviewed Qwest's responses, and we have noted the following issues presented by the responses:

1. Many of the objections to the documents produced to us have been redacted, and it appears that important information was removed, but there is inadequate explanation for why that information was removed. For example, certain documents were redacted based on claims of privilege, but there is no specific information about why the information was redacted. The documents should be produced in whole. If not, a specific explanation is due for each redaction, and Qwest should produce complete copies to the Corporation Commission.
2. While some of the responses to our interrogatories identified specific respondents, many of the responses to our interrogatories were signed "CenturyLink Legal" - since you are the only person from Qwest/CenturyLink who has participated in this case before the commission, we will understand that the "CenturyLink Legal" responses are attributable to you unless other Qwest personnel are specifically identified.
3. Many of the documents are completely unintelligible, and appear to be poorly formatted computer system printouts. These appear to be important documents relating to the history of our account. Please produce revised documents that are legible, properly formatted and understandable and with

**George Bien-Willner
Glendale & 27th Investments LLC
3641 N. 39th Avenue
Phoenix, AZ 85019**

Office Phone: 602-269-2626 Office Fax: 602-269-1058

sufficient information so that we can understand what you have provided, or provide us access to your computer systems so that we can view the information.

4. The document responses are incomplete. In particular, it does not appear that to date we have been provided with a complete set of our billing information, as we have requested. Please supplement the documents. We will notify you of any other deficiencies we find.
5. Qwest's repeated objection that attempts to narrow the issues to a single phone line are improper, particularly in light of Qwest's admission that is not able to identify which lines were transferred to us upon our acquisition of the hotel.

We will address any other issues with the responses provided to us by Qwest as we encounter them.

Qwest's inability or unwillingness to provide complete and accurate records and responses to date - including a clear billing history, and clear explanations for the charges on the bills in question - corroborates our complaint. Please contact me at (602) 717-8117 or (602) 738-7227 to discuss the issues above. I would also like to discuss other discovery with you.

Sincerely,



George Bien-Willner

EXHIBIT 3

ORIGINAL

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BEFORE THE ARIZONA CORPORATION COMMISSION

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GARY PIERCE
Chairman
BOB STUMP
Commissioner
SANDRA D. KENNEDY
Commissioner
PAUL NEWMAN
Commissioner
BRENDA BURNS
Commissioner

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Arizona Corporation Commission
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IN THE MATTER OF:

GEORGE BIEN-WILLNER, for GLENDALE & 27TH INVESTMENTS, LLC,

COMPLAINANT,

v.

QWEST CORPORATION,

RESPONDENT.

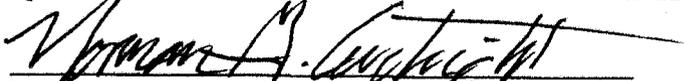
DOCKET NO. T-01051B-10-0200

NOTICE OF FILING

Please take notice that Qwest Corporation hereby files the attached response letter addressed to Glendale & 27th Investments, LLC.

RESPECTFULLY SUBMITTED, this 8th day of November, 2011.

QWEST CORPORATION d/b/a CENTURYLINK



Norman G. Curtright
Associate General Counsel
20 E. Thomas Road, 1st Floor
Phoenix, Arizona 85012
Telephone: (602) 630-2187

1 ORIGINAL and thirteen (13) copies filed
this 8th day of November, 2011, with:

2 Docket Control
3 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
4 Phoenix, Arizona 85007

5 Copy of the foregoing sent via e-mail and
U.S. Mail this 8th day of November, 2011, to:

6
7 Steve M. Olea, Director
Utilities Division
8 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
9 Phoenix, Arizona 85007

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

10 George Bien-Willner
11 GLENDALE & 27TH INVESTMENTS, INC.
3641 North 39th Avenue
Phoenix, Arizona 85019

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Norman G. Curtright
Associate General Counsel
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November, 7, 2011

Mr. George Bien-Wilner
Glendale & 2th Investments LLC
3641 N. 39th Avenue
Phoenix, Arizona

Re: Docket No. T-01051B-10-0200

Dear Mr. Bien-Wilner:

In response to your letter dated October 28, 2011:

Response to your paragraph number 1. The matters withheld have not been produced for the reason that: (a) the subject of the withheld materials bears no relationship to the claims made in your Amended Complaint; or (b) are confidential communications with legal counsel for the purposes of providing legal advice and defense. The subjects of the materials withheld for lack of relevancy are services other than an "800 service" alleged in your Amended Complaint, and account numbers other than the account number identified by your Amended Complaint.

As Qwest has stated, there is no 800 service billed under account number 602-275-4990. Qwest has produced the materials related to that account and the communications with your firm and the Commission personnel related to your 800 service allegations. An examination of the other account numbers you have previously identified as associated with the hotel does not show an 800 service. Production of records regarding such other services and accounts will not tend to make any of your allegations regarding an 800 service more probable.

Response to your paragraph number 2. "CenturyLink Legal" responses are made by legal counsel for the Respondent, including the undersigned. Those responses are objections made to your data requests, for the reasons stated above.

Response to your paragraph number 3. Qwest objects for the following reasons: The documents which are printouts from computer systems are the only print formats available from those systems, and are the same that company personnel would use when paper prints are used. The format is typically a "screen shot," meaning that the format is the same as that which appears electronically at a system terminal, and is the format that company personnel see when

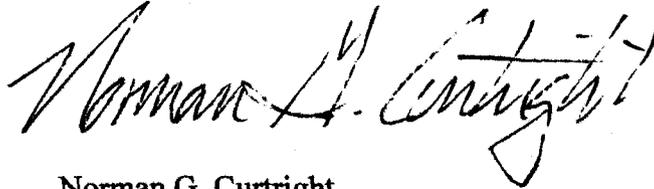
performing their job functions. The format cannot be changed without programming work that would have to be performed specifically for your request. Company personnel are trained to work with the systems. If you have specific questions I suggest that you ask them and we will endeavor to explain the materials. However, we are not required to re-format the information. Because of security and privacy requirements for our systems, we cannot agree to give you access to the systems.

Response to your paragraph number 4. Please direct your attention to Qwest's response sent to you on October 11, 2011, number 34. The attachments include the bills for 602-275-4990 for February-June, 2005, in accordance with your request.

Response to your paragraph number 5. Qwest answered the data requests that relate directly or indirectly to the allegations made in your Amended Complaint regarding a supposed 800 number and account number 602-275-4990. The data requests that seek information regarding services and accounts that are not related to a supposed 800 number or to account number 602-275-4990 are irrelevant. See also, response to paragraph number 1, above.

Your letter asks me to call you regarding the issues listed above. I will send this written response first, so that our talk might be more productive. Your letter also states that you would like to discuss other discovery with me, which I take to mean matters other than those mentioned in your October 28, 2011 letter. I propose that we have that discussion at the same time.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman G. Curtright". The signature is written in a cursive style with a large, stylized initial "N".

Norman G. Curtright
Associate General Counsel
Qwest Corporation d/b/a CenturyLink
20 E. Thomas Road, 1st Floor
Phoenix, Arizona 85012