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2011 DEC 16 P 4:13
AZ CORP COMMISSION
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DEC 16 2011

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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

QWEST CORPORATION'S REPLY TO (1) COMPLAINANT'S MOTION TO COMPEL DISCOVERY AND (2) COMPLAINANT'S MOTION FOR SANCTIONS

Qwest Corporation responds to the Complainant's "Motion to Compel Discovery Responses and For Sanctions Against Norman G. Curtright and Qwest Corporation," filed December 12, 2011.

(1) Response to Motion to Compel Discovery Responses

The Complainant's Motion simply repeats that he wants documents in response to his many questions about unrelated subjects, without any showing that the documents are legally or factually relevant. In Qwest's November 7, 2011 response, which Mr. Bien-Willner attached to his Motion, Qwest explained that the data requests it refused, and the documents Qwest withheld, are completely unrelated to an alleged "800 service" that was the subject of the

1 Amended Complaint, and completely unrelated to the account number identified by the
2 Complainant in the Amended Complaint. Disclosure of the unrelated documents cannot possibly
3 advance the Complainant's understanding of the facts surrounding his claim, and because they
4 simply do not have anything to do with the matters alleged in the Amended Complaint, they
5 cannot make any of the allegations made by the Complainant more probable. Qwest repeats, and
6 notes that the testimony filed on December 12 bears out, that contrary to the claims made in the
7 Amended Complaint, there is no 800 service billed under account number 602-275-4990.
8 Furthermore, Qwest has not found that it has ever billed the Complainant for an 800 service
9 under any other account, so examination of all of those other records is pointless.

10 It is most telling that the Complainant has not written a single sentence in his Motion to
11 Compel to rebut Qwest's relevancy objections. Rather than articulate why requests for
12 documents related to other accounts may be relevant to the claim made in his Amended
13 Complaint, the Complainant dwells on the fact that "CenturyLink Legal" was listed as the
14 responding person in many of Qwest's responses. Qwest has responded to those concerns by a
15 letter sent on December 16, 2011, a copy of which is attached to Response, marked as
16 Attachment A. Qwest incorporates that letter response herein by reference.

17 Qwest has explained by its letter dated December 16, that in one instance—DR No. 6,
18 Julie Layne should have been listed as the responding individual for Qwest. However, listing the
19 Legal Department as the responding entity is appropriate for the other instances, since those
20 questions were objected to, called for legal conclusion, or were matters that the Legal
21 Department is well-suited to answer, such as the identity of the president of the company at a
22 particular point in time.

23 The Complainant's Motion to Compel Discovery Responses should be denied for the
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25

1 foregoing reasons.

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3 ***(2) Response to Motion for Sanctions***

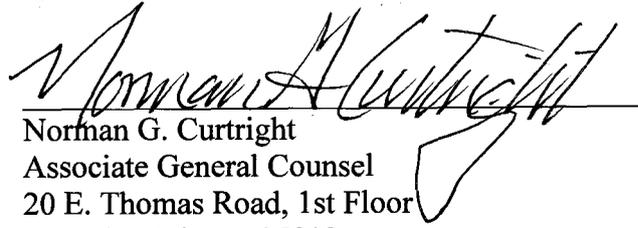
4 The outlandish and reckless claims of misconduct alleged in the motion seem to revolve
5 around the fact that Qwest's discovery responses listed "CenturyLink Legal" as the responding
6 individual for a number of the responses, and counsel's letter of November 7, which stated that
7 CenturyLink Legal was the author of responses that consisted of objections, but did not address 3
8 instances in which substantive responses were attributed to CenturyLink Legal. It seems that Mr.
9 Bien-Willner attempts to claim that, since those 3 responses were not objections, Qwest and its
10 counsel have made intentionally misleading and false representations in the course of this
11 proceeding, for which, he claims sanctions should issue. Qwest has explained why none of those
12 claims are true in the letter dated December 15, 2011, (Attachment A) and incorporates that
13 explanation herein. As is explained in the December 15 letter, there was one response where
14 CenturyLink employee Julie Layne, who is the witness who has filed testimony on the subject,
15 should have been listed as the individual providing the response. The Legal Department was in
16 fact the responding entity in the other instances.

17 As is evident from the explanation in Attachment A, no sanctions should issue pursuant
18 to the criteria of Rules of Civil Procedure Rule 11. Neither Qwest nor its counsel has recklessly
19 or intentionally filed false representations, made claims not warranted by existing law, or
20 interposed a filing with any improper purpose, such as to harass or to cause unnecessary delay.
21 Importantly, the Complainant has not been hindered in his pursuit of legitimate discovery. The
22 Complainant's Motion for Sanctions must be rejected.

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RESPECTFULLY SUBMITTED, this 16th day of December, 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

ORIGINAL and thirteen (13) copies filed
this ___ day of December, 2011, with:

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

Copy of the foregoing sent via e-mail and
U.S. Mail this 16th day of December, 2011, to:

Steve M. Olea, Director
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ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

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

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



ATTACHMENT A

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Norm.curtright@centurylink.com



December 16, 2011

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

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

Dear Mr. Bien-Willner:

I have your Motion to Compel dated December 12, 2011 ("Motion"), in which you make outlandish claims and assertions that I or my client have made false and misleading responses in my letter of November 7, and that my client has attempted to conceal the identity of individuals you need to have identified to pursue your case. You also ask that my client be compelled to supplement its responses to your data request. This letter is written as a reply to the points you have made about Qwest's responses, and will be filed in the Docket as an exhibit to the formal reply we shall make to the Motion.

1. Data Request No. 2 asked whether Qwest has complied with "Arizona Legislation No. 40-361." The response was "Yes." Let me explain. First, we have assumed that you are referring to A.R.S. §40-361. Compliance with law is a legal question. My legal opinion is that my client is in full compliance with that statute. You may have more specific questions, but you did not ask them.

2. Data Request No. 6 asked about the purpose of a refund that was given to you. Qwest hereby reaffirms the response given on October 11, and adds that Julie Layne is the individual who provided the facts for that response. She should have been listed as the responding individual. I note that the question was answered, and your statement at the very bottom of page 3 of your Motion that Qwest is attempting to object to the question is incorrect and nonsensical in view of the fact that the question was substantively answered. Qwest stands by its response regarding the refund, as you can see by the testimony of Julie Layne filed on December 12.

Mr. George Bien-Willner

Page 2

December 16, 2011

3. Data Request No. 19 asked who the owner of QCII was on February 24, 2011, and the name of its president. The question was fully answered. We don't understand why you are complaining about the Qwest Legal Department being named as the answering person.

4. Data Request Nos. 5, 7, 8, 9, 11, 23, 25, 28, and 30 also listed "CenturyLink Legal" as the Respondent, because as the legal counsel representing the company I made legal objections to the request, for reasons that are articulated in each response. In those circumstances, listing "Legal" as the responsive individual is absolutely correct. Your Motion does not contain any arguments in opposition to the objections, and accordingly, Qwest stands by its objections.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman G. Curtright". The signature is written in a cursive style with a large, sweeping flourish at the end.

Norman G. Curtright

NGC/bardm