

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)
QWEST CORPORATION	) DOCKET NO. UT-030614
	)
	) <b>AT&amp;T'S RESPONSE TO</b>
	) <b>THE REQUEST SEEKING</b>
For Competitive Classification of	) <b>ADDITIONAL INPUT ON</b>
Basic Business Exchange	) <b>ISSUES RAISED IN ANSWERS</b>
Telecommunications Services.	) <b>TO STAFF'S MOTION</b>
	) <b>REQUESTING INFORMATION</b>

Pursuant to Administrative Law Judge (“ALJ”) Mace’s notice to provide addition input to issues raised in answers to Commission Staff’s motion requesting competitive local exchange carriers (“CLECs”) to produce information, AT&T Communications of the Pacific Northwest, Inc.; AT&T Local Services on behalf of TCG Seattle; and TCG Oregon (collectively “AT&T”) hereby provides this further response.

**RESPONSES TO SPECIFIC INQUIRIES**

**Inquiry No. 1: For CLECs who provide facilities-based service, would adequate information be provided if responses were based on Qwest exchanges, or other parameters, rather than Qwest wire centers?**

Because it is difficult for CLECs to map services to Qwest’s wire centers and because Qwest’s Petition is based largely upon resale and UNE competition, AT&T believes it would be most appropriate for Qwest to map all resale and UNE wholesale services to its own wire centers. As for facilities-based competitors, AT&T believes that the wire center is the appropriate geographic increment that the Commission should consider; however, given that CLECs do not necessarily know all of Qwest’s wire centers makes such mapping difficult at best. Consequently, should the Commission desire such

mapping, the facilities-based CLECs will require a map from Qwest of all its wire centers for the entire State and additional time in which to respond.

**Inquiry No. 2: For CLECs that provide services based on Qwest’s facilities, would Qwest be the logical provider of the information Staff seeks regarding location of services by wire center?**

As noted above, not only would Qwest be the logical provider of such information, but it may in fact be the only provider capable of accurately supplying such information.

**Inquiry No. 3: Is there any objection to the inclusion of additional or revised requests for information as proposed by Public Counsel?**

AT&T objects to the inclusion of Public Counsel’s discovery questions within Staff’s Motion on a number of grounds. First, Public Counsel is a party to this proceeding like any other party, and it is, therefore, subject to all the discovery obligations of any party. Public Counsel should not be allowed to piggyback its discovery requests onto Staff’s requests, which adequately cover Staff’s desires.

Second, if Public Counsel believes that Staff did not ask the “right” questions, then Public Counsel may ask for the discovery it believes is more appropriate. When and if it does that, the CLECs to whom such discovery is directed, should be given a full and fair opportunity to object and respond where appropriate.

Third, Public Counsel’s additional discovery requests are tremendously burdensome and, in some cases, CLECs may not be able to respond—certainly not within the time frames suggested by Staff’s Motion—to many of the demands. It is impractical, unreasonable and simply unfair to subject CLECs to the additional demands of Public Counsel’s discovery under the guise of the Commission’s audit and inquiry authority. As

a result, AT&T objects to the alteration and inclusion of Staff's requests by the use of Public Counsel's proposals.

**Inquiry No. 4: If a further protective order is entered in this proceeding, should it reflect the highly confidential provisions contained in the protective order entered in Docket No. UT-00083 Second Supplemental – Protective Order, July 31, 2000? If not, why not? What further protective provisions, if any, would be appropriate?**

AT&T suggests that the above-referenced Protective Order be modified slightly as follows. First, in the disclosure of material to Staff, Staff should only disclose “Highly Confidential”<sup>1</sup> aggregated data: (a) if it is disclosed as “confidential” under the current protective order; and (b) if such disclosure will not reveal the source(s) of the data. That is, there may be instances in which the aggregation of data will reveal its source because there is only, for example, one CLEC providing a particular service in a particular area. In those cases, the data should not be disclosed or it should be disclosed in aggregation with another similar geographic area such that the information is protected in fact and not in theory alone.

Second, paragraph 20 allows both Staff and Public Counsel to treat this “Highly Confidential” material as if operating under the general protective order. AT&T believes this exception may completely undermine the use of the “Highly Confidential” designation. With the exception of not having to hire outside counsel and outside consultants, Staff and Public Counsel should designate a few individuals that may examine the information and should otherwise be bound by the same provisions as the other parties with respect to “Highly Confidential” material.

With these modifications as discussed above, AT&T would find the Second Supplemental Order and Protective Order acceptable for use in this docket.

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<sup>1</sup> See generally, Second Supplemental Order Protective Order, Docket No. UT-00083, at ¶¶ 11 – 20.

**Inquiry No. 5: In light of AT&T and MCI's answer that they would need additional time to respond and in light of the possible need to request information from Qwest in circumstances where Qwest provides facilities upon which CLEC service is based, should the time frames for responses to Staff's motion be lengthened? What is a reasonable alternative deadline for production of information? Would Qwest be willing to lengthen its waiver of statutory deadline for completion of the proceeding to accommodate the additional time needed?**

In light of its jointly filed initial comment, AT&T will respond only to the inquiry of whether additional time is needed and what that time ought to be. At the outset it is important to remember that this is a statewide response that is required and that AT&T simply cannot respond as demanded in the time allotted. It is also important to remember who has the burden of proof in this matter—that entity is Qwest, not the CLECs, not Staff and not Public Counsel. It is, therefore, incumbent upon Qwest to prove its case through the filing of its evidence. AT&T submits that Qwest has already made that filing and the evidence provided by Qwest should be judged alone.

With the burden of proof established, AT&T believes the discovery sought may not be necessary at all, and to the extent that CLECs must still provide such information, AT&T recommends that CLECs be given sufficient time to respond accurately. The time AT&T would need if it were to respond to the Staff requests, *as currently posed*, would be 10 weeks at a minimum from the time the decision to respond is made.

**Inquiry No. 6: Any other matter raised in the answers that the parties wish to address at this time?**

AT&T has no other matters it wishes to raise at this time.

Respectfully submitted this 23<sup>rd</sup> day of June 2003.

**AT&T COMMUNICATIONS OF THE  
PACIFIC NORTHWEST, INC. AND  
AT&T LOCAL SERVICES ON  
BEHALF OF TCG SEATTLE AND  
TCG OREGON**

By: \_\_\_\_\_

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