

Exhibit CMD-3
Reply Declaration of Christian M. Dippon

February 13, 2004

VIA EMAIL AND REGULAR MAIL

Gregory J. Kopta, Esq.
Davis Wright Tremaine L.L.P.
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688

Re: Docket No. UT-023003

Dear Greg:

Verizon has reviewed the files and data produced with AT&T/MCI's January 26, 2004 filing and requests that AT&T/MCI produce, without further delay, the TNS data promised in their November 21, 2003 Opposition to Verizon Motion to Strike HAI Model ("Opposition").¹ Without any explanation, this information was omitted from AT&T/MCI's supplemental filing. The failure to produce these data has compromised Verizon's ability to analyze and validate the latest version of HM 5.3, and the cost estimates produced thereby. If this information, as well as the data discussed below, is not produced immediately, Verizon will seek an order from the ALJ compelling its production.²

In their Opposition, AT&T/MCI state, "TNS has agreed that if AT&T and MCI use TNS to process the raw customer location data that Verizon has provided in response to discovery, TNS will provide – and AT&T and MCI will make available to the parties under appropriate safeguards comparable to the conditions Verizon placed on access to its vendors' competitively sensitive information – the following information:

- (1) an executable of the clustering algorithm used by TNS;

¹ See Before the Washington Utilities and Transportation Commission, Docket No. UT-033034, *AT&T/MCI Opposition to Verizon Motion to Strike HAI Model* (Nov. 21, 2003) at p. 5 ("Opposition").

² See Before the Washington Utilities and Transportation Commission, Docket No. UT-033034, *Seventeenth Supplemental Order* (Nov. 25, 2003) at pp. 3-4 ("Seventeenth Supplemental Order").

- (2) the inputs for the clustering application;
- (3) the direct output of the clustering process, as well as outputs from each step of the process;
- (4) the Point Code executable;
- (5) databases and the post-clustering input for Point Code;
- (6) demographic data; and
- (7) documentation related to these items.”³

Because AT&T/MCI did in fact use TNS to process Verizon’s raw customer location data, it was incumbent upon them to produce the information identified above. Their failure to do so must be remedied immediately.

In addition to the aforementioned items, AT&T/MCI must also provide Verizon with data, files and documentation comparable to the universe of information produced in the ongoing California UNE proceeding. As AT&T/MCI know, all of the data requests served by Verizon in this proceeding are “deemed continuing in nature so that AT&T and/or MCI shall produce any additional or more current information that comes to its attention.”⁴ The data requests contained in Verizon’s first and third sets specifically asked AT&T/MCI for a wide variety of data relating to the TNS preprocessing and the HM 5.3 cluster database generally.⁵ Data comparable to that produced by AT&T/MCI in the California UNE proceeding undoubtedly would be responsive to these data requests. Attached hereto are three directories, which identify the universe of data, files and documentation produced in the California UNE proceeding. Equivalent data, files and

³ Opposition at p. 5

⁴ See e.g., Before the Washington Utilities and Transportation Commission, Verizon’s First Set of Data Requests to AT&T and MCI (July 10, 2003) at p. 4 (“Verizon’s First Set of Data Requests”).

⁵ See e.g., Verizon’s First Set of Data Requests at Data Request Nos. 1-8, 1-9, 1-10, 1-11 and 1-12, requesting, among other things, an explanation as to “how HM 5.3 ‘locates’ customers who are not identified through the geocoding process,” and documents concerning, referring or relating” thereto (Data Request No. 1-8); “the geocoded data set [in electronic format] for Verizon’s Washington service area used to produce the clusters in HM 5.3” (Data Request No. 1-9); “all the software, input files and other documents used to cluster customer locations or related to the clustering of customer locations (including, without limitation, any files that are immediate outputs of, and immediate inputs to, the clustering algorithm), and a detailed description of, and all documents related to, “the method by which AT&T, MCI and/or HAI Consulting, Inc. verified the accuracy of the results of the clustering process” (Data Request No. 1-10); “a detailed description of each user-adjustable input value to the clustering software” (Data Request No. 1-11); and “the computer code(s) or algorithm(s) [in electronic format] used to convert clusters into rectangular serving areas” (Data Request No. 1-12).

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documentation with respect to the version of HM 5.3 filed here should be made available without further delay.⁶

Similarly, please advise whether AT&T/MCI's position has changed with respect to the source code, which, as you know, AT&T/MCI had refused to make available to Verizon in connection with the previous version of HM 5.3 produced in this proceeding.⁷

Sincerely,



Christopher S. Huther

⁶ AT&T/MCI must recognize, however, that the aforementioned data requests are merely a small subset of the data requests that must be updated and/or supplemented based on AT&T/MCI's new filing.

⁷ See Opposition at p. 6; Seventeenth Supplemental Order at p. 6.