

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

IN THE MATTER OF THE CONTINUED
COSTING AND PRICING OF UNBUNDLED
NETWORK ELEMENTS, TRANSPORT,
TERMINATION, AND RESALE

Docket No. UT-003013

**WORLDCOM'S MOTION TO COMPEL
DEMONSTRATIONS**

WorldCom, Inc., on behalf of its regulated subsidiaries in the State of Washington, hereby moves the Washington Utilities and Transportation Commission (the "Commission") to compel Qwest to provide demonstrations of activities underlying some of its cost proposals. In support thereof, WorldCom states:

1. Qwest bears the burden of proof in this matter to demonstrate that its proposed rates are fair, reasonable and justified. In an attempt to do so, it has submitted witness testimony and cost studies describing the particular costs and activities that underlie its rate elements. The cost studies describe tasks and time estimates for those tasks.
2. In WorldCom's Second Set of Discovery to Qwest, WorldCom requested demonstrations at Qwest locations of the actual receipt, entry, verification, and other activities for nonrecurring charges for:
 - a. Trunk Nonrecurring Charges for Installation of DS1

- b. Trunk Nonrecurring Charges for Disconnection of DS1
 - c. Multiplexing for UDITs DS3 to DS1 Installation
 - d. Multiplexing for UDITs DS3 to DS1 Disconnection
 - e. UNE Combinations (elements 9.23.1.1 and 9.23.1.2)¹
3. On January 4, 2002, Qwest objected to providing the demonstrations.²
4. WorldCom sent two follow up letters to Qwest, each urging Qwest to provide the demonstrations.³ Qwest refused.⁴ Qwest never formally responded to WorldCom's letter of January 8, 2002 letter. WorldCom learned, however, through a phone conversation between counsel that Qwest did not intend to respond.
5. WAC 480-09-480 addresses the scope and process for discovery before the Commission. Subsection (1) provides:
- Nothing in this section shall be construed as imposing any limitation whatsoever on the commission's ability to audit and/or obtain the books and records of public service companies and the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding. Parties in an adjudicative proceeding may agree on informal discovery procedures in addition to or in place of the procedures contained in this section.
6. WAC 480-09-480(3)(c) and (6)(a) permit parties to submit data requests to other parties and (3)(b) defines "data" as "information of any type in any form."

¹ See Exhibit 1 attached hereto, WorldCom's Second Data Request to Qwest Communications, Inc. at Data Request No. 20. Since service of the discovery, Qwest has withdrawn its proposals for nonrecurring charges for local interconnection trunking. Therefore, WorldCom withdraws its request, subsections a. and b.

² See Exhibit 2 attached hereto, Qwest's objection to WorldCom data request no. 20.

³ See Exhibits 3 and 4 attached hereto, WorldCom letters to Qwest, dated December 14, 2001 and January 8, 2002 respectively.

⁴ See Exhibit 5 attached hereto, Qwest letter to WorldCom, dated December 17, 2001.

7. WAC 480-09-480(6)(vi) sets forth the scope of requests:

The scope of any request for data shall be for data relevant to the issues identified in the notices of hearing or orders in the adjudicative proceeding. It is not grounds for objection that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The frequency, extent, or scope of discovery shall be limited by the commission if it determines that the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; the party seeking discovery has had ample opportunity to obtain the information sought; or, the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding.

8. WorldCom's discovery seeks demonstrations of the activities that Qwest relies on to support its nonrecurring rate proposals for multiplexing and unbundled network element combinations. It is indisputable that this information is relevant and reasonably calculated to lead to the discovery of admissible evidence in this case. Moreover, this information is not duplicative or available from another source. Qwest has submitted testimony of witnesses and cost studies providing a description of the tasks and time estimates for each task. This is evidence that is neither as valuable nor verifiable as evidence that would result from an actual demonstration of the particular tasks described in the study. Demonstrations would allow the Commission, its Staff and the other parties the opportunity, on a first hand basis, to evaluate the value of the tasks and the time needed to perform each task. No other means of discovery would allow this level of evaluation.

9. In sum, the demonstrations requested would provide meaningful input for the Commission, the Staff and other parties to come to a better understanding of the work steps, systems and processes involved in the processing of nonrecurring activities. Qwest should welcome the opportunity to attempt to validate its studies.
10. For all of these reasons, WorldCom respectfully requests that the Commission compel Qwest to respond to WorldCom's Data Request No. 20, subparts (c), (d) and (e).

Respectfully submitted this 18th day of March 2002.

WORLD.COM, INC.

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