

June 30, 2004

**NOTICE OF RULING ON MOTION TO STRIKE**

RE: In the Matter of the Review of Unbundled Loop and Switching Rates and  
Review of the Deaveraged Zone Rate Structure  
Docket No. UT-023003

TO ALL THE PARTIES:

On June 18, 2004, AT&T filed a motion to strike portions of Verizon's report regarding AT&T witness Dr. Lee Selwyn's answer to Bench Request No. 3. In his answer to Bench Request No. 3, Dr. Selwyn provided corrected exhibits and tables affected by errors he made due to inclusion of ILEC assets in non-ILEC asset categories contained in his SBC regression analysis data. AT&T objected to the portions of Verizon's report that addressed Qwest data included in Dr. Selwyn's initial analysis. AT&T requested that if the objectionable portions of Verizon's report were not stricken, AT&T's brief response to those portions, included with its motion to strike, should also be admitted into the record.

On June 28, 2004, Verizon filed its response to AT&T's motion. Verizon contends that its report is a fair response to Dr. Selwyn's answer to the bench request, but that Verizon does not object if the Commission allows AT&T's response to the report to come into the record, as long as the entirety of Verizon's report is accepted too.

**NOTICE IS GIVEN That AT&T's motion to strike is denied, but its motion to permit response is granted. Verizon's report on Dr. Selwyn's answer to Bench Request No. 3 and AT&T's response to that report will both be admitted into the record as part of the response to Bench Request No. 3, which has been marked for purposes of the record as Exhibit No. 1153.**

Sincerely,

THEODORA M. MACE  
Administrative Law Judge