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**Before the
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
Olympia, Washington**

AT&T CORP., and AT&T COMMUNICATIONS OF THE)	
PACIFIC NORTHWEST, INC.,)	
)	
Complainants,)	Docket No. UT-041394
vs.)	
)	
QWEST CORPORATION,)	COMPLAINANTS'
)	RESPONSE TO QWEST'S
)	FIRST SET OF DATA
Respondent.)	REQUESTS TO AT&T CORP.
)	AND AT&T
)	COMMUNICATIONS OF THE
)	PACIFIC NORTHWEST, INC.

AT&T Corp. and AT&T Communications of the Pacific Northwest, Inc. (hereinafter "Claimants"), through their attorneys and pursuant to WAC 480-07-405, hereby submit this Response to Qwest Corporation's First Set of Data Requests to AT&T Corp., and AT&T Communications of the Pacific Northwest, Inc. ("Qwest's First Data Request") in the above-captioned matter, as follows:

I. GENERAL OBJECTIONS

1. Claimants object to each Request to the extent it requires Claimants to provide information not within their possession, custody or control.
2. Claimants object to any Requests that call for information not within their present knowledge or which seek to require Claimants to offer a narrative of their case.

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3. Claimants object to the Requests to the extent that they are unreasonably cumulative or duplicative and to the extent that the information requested is already within the possession of Qwest or is otherwise obtainable from some other source that is more convenient, less burdensome, or less expensive.

4. Claimants object to the Requests to the extent that they seek discovery of information that is not relevant to any claim or defense raised by Claimants or Qwest and/or where the burden or expense of the proposed discovery would outweigh any benefit to Qwest of the discovery.

5. Claimants object to the Requests to the extent that they seek discovery of pure legal conclusions or contention without any application to specific facts. Further, to the extent that any Request seeks discovery of Claimants' legal contentions in relation to specific facts, Claimants object to the Request as being premature.

6. The foregoing General Objections are hereby incorporated into each of the numbered answers to the Requests and each Request is answered subject to and without waiver of these General Objections.

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Qwest Data Request No. 6(c): Does [AT&T Corp.] provide telecommunications services directly to customers in Washington?

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, the request is ultimately ambiguous, as it is unclear what is meant by "directly provide telecommunications services. . . ." (*i.e.*, is the question whether AT&T Corp. serves end user subscribers? or is it whether it provides service through an affiliate?).

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

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Qwest Data Request No. 12: With regard to paragraph 1 of the Complaint, does AT&T Corp. directly provide any telecommunications services in the State of Washington or has it ever in the past?

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. In addition, the request is ultimately ambiguous, as it is unclear what is meant by "directly provide any telecommunications services. . . ." (*i.e.*, is the question whether AT&T Corp. serves end user subscribers? or is it whether it provides service through an affiliate?).

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

**WUTC Docket No. UT-041394
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Qwest Data Request No. 12(a): If so, what services does it currently provide?

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. The specific kinds of telecommunications services provided in the State of Washington and whether provided "directly" are not relevant to the fact that RCW 80.54.20, 80.54.070, 80.36.170 and 80.36.180 apply.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

**WUTC Docket No. UT-041394
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Qwest Data Request No. 12(b): What services did it formerly provide in Washington that it no longer provides?

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. The specific kinds of telecommunications services formerly provided in the State of Washington are not relevant to the fact that RCW 80.54.20, 80.54.070, 80.36.170 and 80.36.180 apply. Moreover, an historic listing of the services provided and discontinued is irrelevant, unduly burdensome and overbroad.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

WUTC Docket No. UT-041394
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Qwest Data Request No. 12(c): Is AT&T Corp. certificated to provide services in Washington? If so, provide copies of its certification by the Washington Utilities and Transportation Commission.

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. RCW 80.54.10, 80.54.20 and 80.54.070 require Qwest to charge "licensees" like Claimants, just, fair, reasonable and uniform rates for conduit occupancy, regardless of whether the telecommunications service provider is certificated in the State of Washington.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

WUTC Docket No. UT-041394
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Qwest Data Request No. 12(d): Is AT&T Corp. a CLEC in Washington?

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. RCW 80.54.10, 80.54.20 and 80.54.070 require Qwest to charge "licensees" like AT&T, just, fair, reasonable and uniform rates for conduit occupancy, regardless of whether the telecommunications service provider is classified as a CLEC in the State of Washington.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

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Qwest Data Request No. 12(e): Provide a copy of all interconnection agreements between AT&T Corp. and Qwest in Washington.

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Claimants' Complaint does not raise issues concerning the application of the interconnection agreements. Claimants' claims do not invoke the interconnection agreements, but only refer to the SGAT rates attached thereto for purposes of a convenient proxy for lawful conduit rates under RCW 80.54.010 - 80.54.070. Claimants further object that this request seeks information that is already fully within the possession of Qwest and is therefore unduly burdensome and imposed for the purpose of harassment.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

WUTC Docket No. UT-041394
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Qwest Data Request No. 13: Does the American Telephone and Telegraph Company directly provide any telecommunications services in the State of Washington or has it ever in the past?

Claimants' Response: Claimants object to this interrogatory on the grounds that it is overly broad to the extent that it seeks information that is not relevant to the claims or defenses in the proceeding, and vague, ambiguous, and unduly burdensome in seeking information concerning past telecommunications service offerings, without limit to time or scope. In addition, the request is ultimately ambiguous, as it is unclear what is meant by "directly provide any telecommunications services. . . ." (*i.e.*, is the question whether the American Telephone and Telegraph Company serves end user subscribers? or is it whether it provides service through an affiliate?).

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

**WUTC Docket No. UT-041394
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Qwest Data Request No. 13(a): If so, what services does it currently provide?

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. The specific kinds of telecommunications services provided in the State of Washington and whether provided "directly" are not relevant to the fact that RCW 80.54.20, 80.54.070, 80.36.170 and 80.36.180 apply.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

**WUTC Docket No. UT-041394
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Qwest Data Request No. 13(b): What services did it formerly provide in Washington that it no longer provides?

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request is vague, ambiguous, and unduly burdensome in seeking information concerning past telecommunications service offerings, without limit to time or scope. The specific kinds of telecommunications services formerly provided in the State of Washington are not relevant to the fact that RCW 80.54.20, 80.54.070, 80.36.170 and 80.36.180 apply. Moreover, an historic listing of the services provided and discontinued is irrelevant and overreaching.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

**WUTC Docket No. UT-041394
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Qwest Data Request No. 13(c): Is the American Telephone and Telegraph Company certificated to provide services in Washington? If so, provide copies of its certification by the Washington Utilities and Transportation Commission.

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Further, as explained *supra* in response to Data Request No. 2(b), the American Telephone and Telegraph Company no longer exists by that name. In addition, RCW 80.54.10, 80.54.20 and 80.54.070 require Qwest to charge "licensees" like Claimants, just, fair, reasonable and uniform rates for conduit occupancy, regardless of whether the telecommunications service provider is certificated in the State of Washington.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

WUTC Docket No. UT-041394
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Qwest Data Request No. 13(d): Is the American Telephone and Telegraph Company a CLEC in Washington?

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Further, as explained *supra* in response to Data Request No. 2(b), the American Telephone and Telegraph Company no longer exists by that name. In addition, RCW 80.54.10, 80.54.20 and 80.54.070 require Qwest to charge "licensees" like Claimants, just, fair, reasonable and uniform rates for conduit occupancy, regardless of whether the telecommunications service provider is classified as a CLEC in the State of Washington.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

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Qwest Data Request No. 13(e): Provide a copy of all interconnection agreements between the American Telephone and Telegraph Company and Qwest in Washington.

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Claimants' Complaint does not raise issues concerning the application of an interconnection agreement. Claimants' claims do not invoke the interconnection agreement, but only refer to the SGAT rates attached thereto for purposes of a convenient proxy for lawful conduit rates under RCW 80.54.010 - 80.54.070. Claimants further object that this request seeks information that is already fully within the possession of Qwest and is therefore imposed solely for the purpose of harassment.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

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Qwest Data Request No. 14: With regard to paragraph 5 of the complaint, do any other affiliates of the Complainants—e.g., TCG Washington—occupy the conduit at issue in this case? If so, identify each affiliated company and identify the portions of conduit in Washington that each affiliate uses.

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

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Qwest Data Request No. 15: Based on the documentation in Exhibit 5 to the Complaint, there are a number of conduits that are occupied by complainants and any other [sic] AT&T entities in Washington. With regard to each section of conduit occupied by an AT&T entity in Washington, identify which AT&T entities currently occupy the conduit with (1) their own facilities for their own use or (2) their own facilities for the use of another AT&T entity.

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, this is information that is within Qwest's knowledge and control. Qwest's own records will reveal where any AT&T entity is leasing conduit (and as discussed above, Qwest knows well the corporate relationship of various AT&T entities and subsidiaries).

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

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Qwest Data Request No. 16: With regard to the conduits that are occupied by complainants and any other AT&T entities in Washington, please identify the conduits, the footage occupied, and identify which AT&T entities occupy them.

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Claimants submit that there is no issue in this case about the amount of conduit being used, nor is the specific location of the conduit of any import to whether Qwest's rates are lawful. Moreover, this is information that is within Qwest's knowledge and control. Qwest's own records will reveal where any AT&T entity is leasing conduit (and as discussed above, Qwest knows very well the corporate relationship of various AT&T entities and subsidiaries).

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

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Qwest Data Request No. 17(a): As to each section of conduit identified in data requests 17 and 18, provide the following historical and current information: Which AT&T entities originally occupied the conduit after execution of the applicable license.

Claimants' Response: Claimants object to this interrogatory on the grounds that data requests 17 and 18 do not identify specific sections of conduit. Further, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Claimants object to this interrogatory because Claimants' Complaint does not go back to the original occupation of conduit, and thus, Qwest's questions seeking a historical timeline of occupation are irrelevant.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

**WUTC Docket No. UT-041394
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Qwest Data Request No. 17(b): As to each section of conduit identified in data requests 17 and 18, provide the following historical and current information: The date on which another AT&T entity began to occupy some or all of the conduit.

Claimants' Response: Claimants object to this interrogatory on the grounds that data requests 17 and 18 do not identify specific sections of conduit. Further, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Claimants object to this interrogatory because Claimants' Complaint does not go back to the original occupation of conduit, and thus, Qwest's questions seeking a historical timeline of occupation are irrelevant.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

WUTC Docket No. UT-041394
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Qwest Data Request No. 17(c): As to each section of conduit identified in data requests 17 and 18, provide the following historical and current information: In those cases when another AT&T entity occupied the conduit in addition to The American Telephone & Telegraph Company, did that other entity place new facilities or take over (either by lease, purchase or otherwise) the facilities originally placed in the conduit. Identify all AT&T entities that subsequently occupied any of the Washington conduit.

Claimants' Response: Claimants object to this interrogatory on the grounds that data requests 17 and 18 do not identify specific sections of conduit. Further, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Claimants object to this interrogatory because Claimants' Complaint does not go back to the original occupation of conduit, and thus, Qwest's questions seeking a historical timeline of occupation are irrelevant.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

WUTC Docket No. UT-041394
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Qwest Data Request No. 17(d): As to each section of conduit identified in data requests 17 and 18, provide the following historical and current information: Which AT&T entities (including AT&T entities not a complainant in this case) currently occupy the conduit and in what amounts.

Claimants' Response: Claimants object to this interrogatory on the grounds that data requests 17 and 18 do not identify specific sections of conduit. Further, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

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Qwest Data Request No. 17(e): As to each section of conduit identified in data requests 17 and 18, provide the following historical and current information: To the extent an AT&T entity other than The American Telephone and Telegraph Company occupies any of those conduits, state the date upon which notice was provided to Qwest or its predecessors notifying Qwest of the intention that another AT&T entity occupy the conduit. Provide copies of all such notices and any written replies by Qwest or its predecessors. Describe any oral conversations (including date and participants) that complainants assert occurred between them and Qwest with regard to the use of the conduit by any entity other than The American Telephone and Telegraph Company.

Claimants' Response: Claimants object to this interrogatory on the grounds that data requests 17 and 18 do not identify specific sections of conduit. Further, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Claimants object that the request is premised on assumptions and legal conclusions.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

WUTC Docket No. UT-041394
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Qwest Data Request No. 18: Has AT&T Communications of the Pacific Northwest, Inc. ever ordered conduit from Qwest pursuant to an interconnection agreement between it and Qwest (or a Qwest predecessor) in Washington? If so, state the date of each order, provide a specific description of the conduit ordered, and provide a written copy of the order.

Claimants' Response: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Claimants' Complaint does not raise issues concerning the application of interconnection agreement and Qwest's duties thereunder. Claimants' claims do not invoke the interconnection agreement, but only refer to the SGAT rates attached thereto for purposes of a convenient proxy for lawful conduit rates under RCW 80.54.010 - 80.54.070. Claimants further object that this request seeks information that is already fully within the possession of Qwest and is therefore imposed solely for the purpose of harassment.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.

**WUTC Docket No. UT-041394
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Qwest Data Request No. 19: With regard to Article 18—Assignment of Rights (attached as Exhibit 4-page 11 to the Complaint), provide copies of all requests for assignment made by The American Telephone and Telegraph Company, AT&T Corp., or any other AT&T affiliated entity to allow AT&T Communications of the Pacific Northwest, Inc. or any other AT&T affiliate to use the conduit pursuant to the General License Agreement.

Claimants' Response: Claimants object to this interrogatory on the grounds that it assumes a conclusion of law, specifically, that such a request for assignment was required. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to the claims or defenses in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence.

Objection and answer prepared on November 2, 2004 by Brian M. Josef, Esq.