

Robert C. Brown  
Qwest Services Corp.  
1801 California St., Tenth Floor  
Denver, CO 80202  
(303) 383-6642  
(303) 296-3132 (fax)  
robert.brown@qwest.com

Ted D. Smith (3017)  
STOEL RIVES LLP  
201 South Main Street, Suite 1100  
Salt Lake City, Utah 84111  
(801) 328-3131  
(801) 578-6999 (fax)  
tsmith@stoel.com

*Attorneys for Qwest Corporation*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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AT&T CORP., a New York Corporation;  
AT&T COMMUNICATIONS OF THE  
MOUNTAIN STATES, INC., a Colorado  
Corporation,

Claimant,

vs.

QWEST CORPORATION, a Colorado  
Corporation,

Respondent.

Docket No. 04-087-03

**QWEST CORPORATION'S FIRST SET  
OF DATA REQUESTS TO AT&T  
CORP., AND AT&T  
COMMUNICATIONS OF THE  
MOUNTAIN STATES, INC.**

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Qwest Corporation requests that AT&T Corp. and AT&T Communications of the Mountain States, Inc. (sometimes referred to collectively herein as the “AT&T Claimants” or as “complainants”) submit answers to the following data requests by serving the same on its undersigned counsel within 21 days, as required by the scheduling order in this case.

**INSTRUCTIONS**

1. Pursuant to Rule 26(e) of the Utah Rules of Civil Procedure, these data requests shall be deemed continuing in nature, and any answer to a data request must be supplemented

when additional information responsive to the data request comes to your attention or the attention of your attorneys or other representatives while this docket is pending.

2. Each data request should be answered fully and independently. If it is not possible to provide a complete answer to a data request, or portion of a data request, the remaining part of the data request should be answered and a reason should be stated why only part of the data request has been answered.

3. All words used in their singular form shall include the words in their plural form, and all words in their plural form shall include the words in their singular form.

4. The use of the past tense shall include the present tense, and the use of the present tense shall include the past tense.

5. If you contend that you are entitled to withhold any information requested herein on a claim of privilege, then for each such item of information:

- a. Identify the character of the information that is claimed to be privileged;
- b. State the date and place of any communication which contained the information;
- c. Identify each person who sent, participated in, overheard, or received the communication or who now has possession, custody, or control of any documents relating thereto;
- d. Describe the subject matter of the privileged information;
- e. State the number of pages of any privileged document;
- f. State the basis upon which you contend that you are entitled to withhold the information.

6. Any objection which you raise should be confined to that portion of the data request for which you claim a privilege or objection and shall not excuse you from answering the remaining part of the data request.

7. If any document requested has been lost or destroyed, state the circumstances of such loss or destruction and identify each person having knowledge of such loss or destruction.

8. For any data request answered, identify the person or persons answering the data request.

### **DEFINITIONS**

1. As used in these data requests, the term “AT&T Corp.” shall refer to the New York Corporation of that name that is listed as one the complainants in this matter, its principals and predecessors in interest, and any person acting on behalf of any of them, including but not limited to their past or present officers, directors, shareholders, agents, representatives, employees, attorneys, accountants, and investigators.

2. As used in these data requests, the term “AT&T Communications of the Mountain States, Inc.” shall refer to the Colorado Corporation of that name that is listed as one the complainants in this matter, its principals and predecessors in interest, and any person acting on behalf of any of them, including but not limited to their past or present officers, directors, shareholders, agents, representatives, employees, attorneys, accountants, and investigators.

3. As used in these data requests, the term “The American Telephone and Telegraph Company” shall refer to the New York Corporation of that name that is listed as one of the parties to the “General License Agreement” attached as Exhibit 4 to the Complaint and in several of the “Conduit System Occupancy License[s]” attached as part of Exhibit 5 to the Complaint, its principals and predecessors in interest, and any person acting on behalf of any of them, including

but not limited to their past or present officers, directors, shareholders, agents, representatives, employees, attorneys, accountants, and investigators.

4. As used in these data requests, the term “Qwest” shall refer to Qwest Corporation, its principals and predecessors in interest, including U S WEST Communications, Inc., and the Mountain States Telephone and Telegraph Company, and any person acting on behalf of any of them, including but not limited to their past or present officers, directors, shareholders, agents, representatives, employees, attorneys, accountants, and investigators.

5. The term “data request” includes an interrogatory, request for admission, and request for production of documents, as applicable.

6. The term “document” has the same meaning as in Rule 34(a) of the Utah Rules of Civil Procedure. It includes the original and all non-identical copies (whether different from the original because of notes made on or attachments to such copies or otherwise) of all “writings” and “recordings” as defined in Rule 1001 of the Utah Rules of Evidence. The term “document” as used herein also includes, without limitation, papers, books, letters, journals, photographs, correspondence, telegrams, cables, telex messages, facsimile copies, brochures, memoranda, notes, notebooks, work papers, data sheets, bulletins, instructions, tape recordings, video tapes, transcripts, minutes or other records of meetings or conferences, reports, agendas, affidavits, studies, financial statements, press releases, contracts, pamphlets, catalogues, calendars, desk calendars, appointment books, diaries, time records, telephone logs, expense reports, and drafts of all of the above. The term “document” further includes tapes, disks, and all other computer, electronic, photographic, magnetic, laser, or mechanical means of storing and recording information, together with program and program documentation necessary to use or retrieve such information, and printouts of such information.

7. The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.
8. The word “including” shall be construed to mean without limitation.
9. The term “communication” means any oral or written statements, conversations, meetings, speeches, discussions, remarks, questions, answers, telephone calls, letters, memoranda, correspondence, electronic transmissions, or other transmittal of information by writing or by other means.
10. The terms “relating to” or “regarding” means constituting, comprising, containing, consisting of, evidencing, setting forth, proposing, showing, disclosing, describing, discussing, explaining, summarizing, concerning, reflecting, authorizing, referring to, or in any way pertinent to that subject matter, either directly or indirectly.
11. The term “identify,” or words of similar import:
  - a. When used in reference to a document, shall mean to describe the document with sufficient specificity to enable it to be requested in a subpoena duces tecum, including, but not limited to, the type of document, its author (and, if different, its signer or signers), its date, its present or last known location, and its present or last known custodian.
  - b. When used in reference to a natural person shall require the person’s full name, present or last known residence address, present or last known place of employment, and present or last known occupation or job title.
12. The term “person” means any individual, firm, corporation, association, partnership, joint venture, governmental agency, or any other form of entity, together with any officers, directors, partners, trustees, employees, representatives, or agents.

13. To “state the factual basis” for a claim, denial or defense means to provide a reasonably detailed statement of the facts, information and matters which you presently believe support or tend to support that claim, denial or defense. Your summaries should include, where applicable, references to dates, times, persons and documents.

14. The term “complaint” shall refer to the Request for Agency Action filed by AT&T Corp. and AT&T Communications of the Mountain States, Inc. in this docket.

15. The terms “complainant” and “complainants” refers to AT&T Corp. and AT&T Communications of the Mountain States, Inc., either singularly or collectively as the context indicates.

### **DATA REQUESTS**

1. The following documents attached to the Complaint make reference to an entity referred to as “The American Telephone and Telegraph Company”: (a) Cover page to General License Agreement dated April 10, 1987 (Exhibit 4, page 1); (b) signature page to General License Agreement dated April 10, 1987 (Exhibit 4 to Complaint, page 13); (c) various documents entitled “Conduit System Occupancy License” or “Application for Conduit System Occupancy Agreement” that are included in Exhibit 5 of the Complaint. With regard to the references to “The American Telephone and Telegraph Company” in these documents:

a. Are all of the references to “The American Telephone and Telegraph Company” to the same corporate entity? If so, state the date that entity was incorporated, whether it still exists, and if it still exists state its current name.

b. If the references to The American Telephone & Telegraph Company in the documents attached to exhibits 4 and 5 are to more than one corporate entity, describe each corporate entity referred to in the documents, including the date of incorporation of each corporation, whether each entity still exists and, if so, under what name or names.

2. Does the corporate entity known as “The American Telephone and Telegraph Company” still exist under that name?

a. If the corporate entity ceased to exist, state the date upon which it ceased to exist? (Provide documentation of the action by which the entity ceased to exist).

- b. Does the corporate entity known as “The American Telephone and Telegraph Company” still exist under another name?
  - c. If the name of the corporate entity was changed, state (1) the date upon which the name change was made effective and (2) the new name of the corporate entity following the name change. (Provide documentation of the name change).
  - d. If the response to b. is that the name of the corporation changed, has that corporation (the entity that changed its name) undergone any other subsequent name changes or other corporate mergers or spinoffs since the time of the name change? If so, please describe each such name change and/or corporate merger or spinoff. (Provide documentation of all subsequent name changes and/or corporate mergers or spinoffs).
3. Given the fact that most of the documents attached to the complaint refer to The American Telephone and Telegraph Company, please explain why that legal entity is not participating in this docket under that name.
4. Describe the relationship between “The American Telephone and Telegraph Company” and the complainant “AT&T Corp.” To the extent not described in the response to data request 2, explain in detail the corporate changes by which “The American Telephone and Telegraph Company” became “AT&T Corp.” (if it did). Please include the date or dates of such changes and the state in which such changes were made effective (Provide all documents that memorialize the transformation of “The American Telephone and Telegraph Company” to become “AT&T Corp.”)
5. Describe the relationship between “The American Telephone and Telegraph Company” and the complainant “AT&T Communications of the Mountain States, Inc.”
6. With regard to the Complainant “AT&T Corp.”:
- a. When was it incorporated and in which state? (Provide documentation)
  - b. Where is its corporate headquarters? To the extent the headquarters location has changed since its incorporation, state the address of each headquarters location and the time period that location served as headquarters.
  - c. In which states does it provide telecommunications services directly to customers?
  - d. Provide a list of its officers and board of directors, including their positions and addresses.

- e. Is it a publicly held company or is it owned by an affiliated company? If neither, describe the manner in which it is owned.
  - f. If it is owned by an affiliated company, identify the company that owns it currently and identify the companies that have owned it since its formation (including an identification of the time periods during which it was owned by each affiliated company).
  - g. Does it currently maintain any employees in New York, New Jersey, or Georgia? If so, identify how many employees and describe their job functions.
  - h. Has it maintained employees in New York, New Jersey, or Georgia in the past? If so, what types of job functions has it maintained for employees in those states?
  - i. Does it maintain employees at 55 Corporate DR RM 21C70, Bridgewater, NJ 08807? If so, what functions do those employees fulfill at that location? If not, which AT&T entity maintains employees at that location?
7. With regard to the Complainant "AT&T Communications of the Mountain States, Inc.":
- a. When was it incorporated and in which state? (Provide documentation)
  - b. Where is its corporate headquarters? To the extent the headquarters location has changed since its incorporation, state the address of each headquarters location and the time period that location served as headquarters.
  - c. In which states does it provide telecommunications services directly to customers?
  - d. Provide a list of its officers and board of directors, including their positions and addresses.
  - e. Is it a publicly held company or is it owned by an affiliated company? If neither, describe the manner in which it is owned.
  - f. If it is owned by an affiliated company, identify the company that owns it currently and identify the companies that have owned it since its formation (including an identification of the time periods during which it was owned by each affiliated company).
  - g. Does it currently maintain any employees in New York, New Jersey, or Georgia? If so, identify how many employees and describe their job functions.



- h. Has it maintained employees in New York, New Jersey, or Georgia in the past? If so, what types of job functions has it maintained for employees in those states?
  - i. Does it maintain employees at 55 Corporate DR RM 21C70, Bridgewater, NJ 08807? If so, what functions do those employees fulfill at that location? If not, which AT&T entity maintains employees at that location?
8. Is the Complainant AT&T Communications of the Mountain States, Inc. the same corporate entity as the company by the same name that is referred to Exhibits 1 and 2 of the Complaint? If not, please explain how the corporate entity or entities identified in Exhibits 1 and 2 differ from the entity by that same name that is a complainant in this case.
9. The last two documents included in Exhibit 5 of the Complaint refer to AT&T Communications of the Mountain States, Inc. The first is entitled "Agreement," and is dated July 7, 1987; the second is entitled "Franchise Use Agreement" and is dated March 22, 1988. Is the Complainant AT&T Communications of the Mountain States, Inc. the same corporate entity as the company by the same name as referred to that in these two agreements? If not, please explain how the corporate entities identified in these documents in Exhibit 5 differ from the entity by that same name that is a complainant in this case.
10. Is the entity referred to as "AT&T Communications of the Mountain States, Inc." in the interconnection agreement attached as Exhibit 6 to the Complaint the same legal entity as the complainant by the same name? If not, please explain how the corporate entities identified in these documents in the interconnection agreement differ from the entity by that same name that is a complainant in this case.
11. Does AT&T Corp. maintain offices at 55 Corporate DR RM 21C70, Bridgewater, NJ 08807? If so, what functions do its employees at that location perform? If not, identify the AT&T entity that maintains employees at that address and describe the functions they perform?
12. Explain complainants understanding of the reference to "GRE Lease Admin" as used in the documents attached to Exhibit 7 of the Complaint?
13. With regard to paragraph 1 of the complaint, does AT&T Corp. directly provide any telecommunications services in the State of Utah or has it ever in the past?
- a. If so, what services does it currently provide?
  - b. What services did it formerly provide in Utah that it no longer provides?
  - c. Is AT&T Corp. certificated to provide services in Utah? If so, provide copies of its certification by the Utah Public Service Commission.
  - d. Is AT&T Corp. a CLEC in Utah?

- e. Provide a copy of all interconnection agreements between AT&T Corp. and Qwest in Utah.

14. Does the American Telephone and Telegraph Company directly provide any telecommunications services in the State of Utah or has it ever in the past?

- a. If so, what services does it currently provide?
- b. What services did it formerly provide in Utah that it no longer provides?
- c. Is the American Telephone and Telegraph Company certificated to provide services in Utah? If so, provide copies of its certification by the Utah Public Service Commission.
- d. Is the American Telephone and Telegraph Company a CLEC in Utah?
- e. Provide a copy of all interconnection agreements between the American Telephone and Telegraph Company and Qwest in Utah.

15. With regard to paragraph 1 of the complaint, identify the specific services that AT&T Communications of the Mountain States, Inc. provides in the State of Utah?

16. With regard to paragraph 5 of the complaint, do any other affiliates of the Complainants—e.g., TCG Utah—occupy the conduit at issue in this case? If so, identify each affiliated company and identify the portions of conduit in Utah that each affiliate uses.

17. Based on the documentation in Exhibit 6 to the Complaint, there are three major conduits that are occupied by complainants and any other AT&T entities in Utah: (1) Salt Lake City to Salt Lake Junction (87-1); (2) Salt Lake City Main to Brigham City (87-2); and (3) Salt Lake City Main to Provo Main (87-3). With regard to each section of conduit occupied by an AT&T entity in Utah, identify which AT&T entities currently occupies the conduit with (1) their own facilities for their own use or (2) their own facilities for the use of another AT&T entity.

18. In addition to the conduits specifically identified in data request no. 17, are there any other conduits that are occupied by complainants and any other AT&T entities in Utah? If so, identify the conduits, the footage occupied, and identify which AT&T entities occupy them.

19. As to each section of conduit identified in data requests 17 and 18, provide the following historical and current information:

- a. Which AT&T entities originally occupied the conduit after execution of the applicable license.
- b. The date on which another AT&T entity began to occupy some or all of the conduit.

- c. 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 Utah conduit.
- d. Which AT&T entities (including AT&T entities not a complainant in this case) currently occupy the conduit and in what amounts.
- e. 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.

20. Has AT&T Communications of the Mountain States, Inc. ever ordered conduit from Qwest pursuant to an interconnection agreement between it and Qwest (or a Qwest predecessor) in Utah? If so, state the date of each order, provide a specific description of the conduit ordered, and provide a written copy of the order.

21. 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 Mountain States, Inc. or any other AT&T affiliate to use the conduit pursuant to the General License Agreement.

22. What portion of the conduit occupied by AT&T Corp, AT&T Communications of the Mountain States, or any other AT&T entity is within the city limits of the Salt Lake City?

23. With regard to paragraph 19 of the complaint, provide a specific description of the efforts of complainants or any other AT&T entity to renegotiate conduit rental rates with Qwest in Utah. In that regard, please describe what specifically happened in February 2000? Provide copies of all documents in the possession of complainants relating to the attempted negotiations described in paragraph 19 of the complaint.

24. In its Prayer for Relief, subparagraph c., the complainants seek recovery back to July 9, 1998, a date that is described as “when Qwest committed to providing AT&T with non-discriminatory rates.” Describe in detail the act that Qwest allegedly committed on July 9, 1998 that allegedly resulted in Qwest’s commitment to provide non-discriminatory rates. Provide all documents in complainants’ possession that support that claim.

25. In the documents attached as Exhibit 5 to the Complaint is a single-page document entitled "Appendix 1 Form A-6" relating to the surrender of 7,599 feet of conduit located in Provo, Utah. With regard to that document, please state the name of the AT&T entity by whom Mr. Albert Uchaker was employed on August 27, 2003, provide Mr. Uchaker's business address on August 27, 2003, describe Mr. Uchaker's duties on that date, and state whether he is still an employee of an AT&T entity. If Mr. Uchaker is no longer employed by an AT&T entity, please provide his current home address and telephone number.

26. Provide all documents in complainants' possession that support a claim that Qwest has denied AT&T Communications of the Mountain States, Inc. access to conduit under interconnection agreement between the two companies, including any documentation that Qwest has denied orders made by AT&T Communications of the Mountain States, Inc., to Qwest for such conduit pursuant to the interconnection agreements between AT&T Communications of the Mountain States, Inc. and Qwest.

27. With regard to complainant's request for attorneys' fees (Prayer for Relief, subparagraph d), identify (1) all contractual provisions upon which complainants rely for such relief and (2) all statutory provisions upon which complainants rely for such relief.

DATED: September 22, 2004.

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Ted D. Smith  
STOEL RIVES, LLP

Robert C. Brown  
Qwest Services Corporation

*Attorneys for Qwest Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **QWEST'S FIRST SET OF DATA REQUESTS TO AT&T CORP., AND AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.**

were served upon the following by electronic mail and by hand delivery, on September 22, 2004:

Jerold G. Oldroyd  
Angela W. Adams  
Ballard Spahr Andrews & Ingersoll, LLP  
201 South Main Street, Suite 600  
Salt Lake City, UT 84111-2221

Patricia T. Schmid  
Assistant Attorney General  
500 Heber M. Wells Building  
160 East 300 South  
Salt Lake City, UT 84111

Peggy N. Egbert  
Technical Consultant  
Division of Public Utilities  
400 Heber M. Wells Building  
160 East 300 South  
Salt Lake City, Utah 84111

and on the following by U.S. Mail, postage prepaid, on September 22, 2004:

J. Davidson Thomas  
Genevieve D. Sapir  
Rita Twari  
Cole, Raywid & Braverman, LLP  
1919 Pennsylvania Ave., N.W.  
Second Floor  
Washington, D.C. 20006

Richard W. Wolters  
Meredith R. Harris  
AT&T Corp.  
One AT&T Way  
Bedminster, NJ 07921