

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

QWEST CORPORATION

For Competitive Classification of  
Basic Business Exchange  
Telecommunications Services

DOCKET NO. UT-030614

PUBLIC COUNSEL MOTION TO  
COMPEL RESPONSE TO PUBLIC  
COUNSEL DATA REQUEST NO.  
03-022.

REQUEST FOR EXPEDITED  
TREATMENT

Pursuant to WAC 480-09-480(7), Public Counsel moves for an order directing Qwest to respond to Public Counsel discovery, specifically Public Counsel Data Request No. 22 (PC DR 03-022). A copy of the data request and the response is attached to this motion.

1. Background

Public Counsel served PC DR 03-022 on Qwest counsel on July 17, 2003. In substance, the request asks Qwest to provide the quantity of business access lines and business customers that Qwest has signed up for in-region interLata distance service for each month starting with the month of January 2003. Response was due, pursuant to the Prehearing Conference Order in this docket, on Friday, July 25, 2003. The attached response was provided on Monday, July 28.

On Monday August 18, the undersigned counsel contacted Qwest counsel Adam Sherr to discuss the concerns set out in this motion. No resolution was reached.

2. Argument

The Commission rules favor liberal discovery, WAC 480-09-480 gives a party the right to reasonable discovery. It is not a ground for objection that the information sought is not admissible, if the information sought appears reasonably likely to lead to the discovery of admissible evidence. A party asserting that a request is burdensome must demonstrate that fact, taking into account the needs of the proceedings, the limitations on parties' resources, scope of

the responding party's interest in the proceeding and the importance of the issues at stake in the proceeding. This standard is met here.

This request is not overly broad nor unduly burdensome. DR 03-22(a) limits its data request to the year 2003 – unlike some data requests that ask for several years of data – and it is narrow in scope, requesting only the number of business access lines and the number of business customers who have signed up for in-region interLata distance service. Likewise, DR 03-22(b) simply asks Qwest to provide any written material it has in its possession pertaining to its marketing efforts for its in-region interLata distance service. It is difficult to understand how it could be unduly burdensome for Qwest to provide responses to such simple, straightforward inquiries.

This information is relevant in understanding Qwest's ability to dominate the local market Qwest is historically a local exchange company. Qwest's newly acquired ability under Section 271 to market and provide long distance services has fundamentally altered its relationship with Washington customers, and consequently has altered the local market structure. In a post-271 environment, Qwest can offer its business customers a comprehensive package of telecommunications services, combining local and long distance service into one single plan. Qwest's own testimony discusses the significance of Section 271 approval. Direct Testimony of David L. Teitzel, Exhibit DLT-1T, pp. 13-15. Any information pertaining to Qwest's success in obtaining long distance customers in a post-271 environment would shed light on Qwest's ability to dominate the local market in Washington.

For the foregoing reasons, Public Counsel respectfully requests that its Motion to Compel be granted and that the Commission order Qwest to produce the requested information. The response to this request will be of significant use to the Commission and will be a valuable addition to the record.

Public Counsel requests that Qwest be ordered to provide this information prior to August 29, the date for rebuttal testimony.

Respectfully submitted, this 20th day of August, 2003.

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