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September 14, 2005

VIA HAND DELIVERY

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

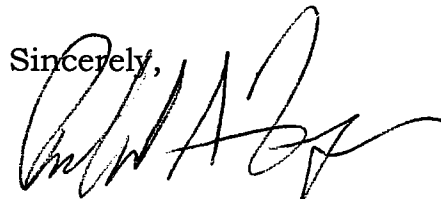
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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Re: Docket No. UT-050606; Inland Telephone Company - Motion to
Compel - **Expedited Treatment Requested**

Dear Ms. Washburn:

Enclosed are the original and six copies of The Motion to Compel ICS to
Respond to Data Requests, and the Certificate of Service. Please note that due to
a formatting error page eight of the Motion is deliberately omitted.

Sincerely,



RICHARD A. FINNIGAN

RAF/cf
Enclosures

cc: Service List (via U.S. mail)
James Brooks (via e-mail)
Greg Maras (via e-mail)
John Coonan (via e-mail)
ALJ Theodore Mace

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CERTIFICATE OF SERVICE

I certify that I have this day served the Motion to Compel ICS to Respond to Data Requests signed by Richard A. Finnigan upon all parties of record in this proceeding by sending a copy by U.S. mail, postage prepaid, to the following parties or attorneys of parties:

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Seattle, WA 98164-1012
Robertc1@atg.wa.gov

Date at Olympia, Washington this 14th day of September, 2005.



RICHARD A. FINNIGAN, WSB #6443
Attorney for Inland Telephone Company

CERTIFICATE OF SERVICE

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

INLAND TELEPHONE COMPANY,

Respondent.

DOCKET NO. UT-050606

**MOTION TO COMPEL ICS TO RESPOND
TO DATA REQUESTS
(Expedited Treatment Requested)**

By this Motion to Compel ("Motion"), Inland Telephone Company ("Inland") hereby seeks an Order compelling Intelligent Community Services ("ICS") to respond to Data Requests propagated by Inland by ICS. This information is needed by Inland for the preparation of its testimony. On that basis, Inland hereby requests that this matter be handled on an expedited basis.

BACKGROUND TO DISCOVERY ISSUE

In this docket, Inland has filed to remove a certain portion of its existing service territory from its exchange map. The effect of such a change will be that the area in question will no longer be within Inland's service territory. Inland has chosen to take this step because it has been unsuccessful in obtaining access to the territory to provide service on reasonable terms and

MOTION TO COMPEL ICS
TO RESPOND TO DATA REQUESTS 1

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1 conditions from the property owner. The property owner is Suncadia, LLC. The property in
2 question is referred to as the Suncadia Resort.

3 The position taken, to date, by Commission Staff and Public Council in this docket is that
4 there may be public policy reasons that require Inland to remain available as a carrier of last resort
5 for the Suncadia Resort. ¹ Thus, one consideration in this proceeding is the extent to which it may
6 be likely that ICS will fail in its operations and the customers left without service if the Suncadia
7 Resort is no longer in Inland's service territory and Inland is no longer carrier of last resort. How
8 Inland could serve the population of the Suncadia Resort without access on reasonable terms and
9 conditions remains an open question. However, setting that question aside, the issue of whether the
10 public interest requires Inland to remain in a state of indentured servitude for the Suncadia Resort
11 area reasonably requires an evaluation of any likelihood of the need to invoke Inland's carrier of
12 last resort obligations. To this end, Inland has attempted to derive factual information from ICS
13 related to the operations of ICS in the Suncadia Resort area.

14 **SPECIFIC DATA REQUESTS**

15
16 In this section of the Motion, Inland will identify the Data Requests that is seeks the
17 Commission to compel ICS to respond to. While there are other data requests to which ICS has
18 failed to respond or provided inadequate information, Inland is not seeking compulsion at this time.
19 Inland is focusing its efforts on the data requests that may produce the highest priority of
20 information for Inland's preparation of testimony.

21
22
23 ¹ By making the statement, Inland is not trying to prejudge the ultimate position that may be taken by Commission Staff
24 or Public Council. However, Inland has the obligation to file opening testimony in advance of the testimony of
25 Commission Staff and Public Council. Therefore, to the extent Inland must anticipate positions that may be taken by
26 Commission Staff and Public Council, it must do so based upon informal statements that have been made to Inland by
Commission Staff and Public Council to date.

1 The approach that Inland took in propounding its data requests to ICS was to focus on
2 statements that ICS has made in writing, or before the Commission in open meeting, in this docket
3 or in other Commission dockets. In essence, Inland is asking ICS to explain the statements that it
4 has made to the Commission in various forms. In that way, Inland sought to help produce
5 information that Inland could use to evaluate whether there is any need for Inland to be a carrier of
6 last resort for the Suncadia Resort area.

7 Copies of each Data Request and their Response thereto that are involved in the following
8 Request for an Order Compelling Responses are contained in Attachment A. In order to keep this
9 Motion as concise as possible, the Data Requests and Responses are not set forth in the body of the
10 Motion itself. Rather, a summary of what is sought and why and the Response thereto are included.
11 The full Data Request and Response are set out in Attachment A. The Motion reviews the Data
12 Requests grouped by subject matter.

13 **Data Request No. 1 and 2**

14
15 These two data requests ask ICS to explain statements that ICS made in its Petition to
16 Intervene in this docket. ICS objected that the data requests called for legal analysis and
17 conclusions, not factual data. ICS is incorrect.

18 In the Petition to Intervene in this docket, ICS stated that the redefinition of the Roslyn
19 exchange “would directly and significantly impact ICS’s ability to serve customers in the Suncadia
20 Resort by altering the regulatory requirements would apply to the company serving that area.” Data
21 Request No. 1 simply asks ICS to explain what regulatory requirements would be altered and how
22 they would be altered. This is not asking for a legal analysis or conclusion. It is asking Suncadia to
23 explain the very heart of Suncadia’s request for intervention in this proceeding. It is seeking factual
24 information of Suncadia’s view of the operating environment that would be in place if the
25

1 redefinition of the Rosen exchange takes place. ICS cannot use a statement as a basis for its
2 intervention and then refuse to explain what it means by that statement.

3 Data request No. 2 asks ICS to explain its statement that the redefinition of the Roslyn
4 exchange would preclude “access to universal service funds, limiting ICS’s ability to obtain
5 interconnection with, and services from, Inland on reasonable rates, terms and conditions, and
6 potentially subjecting ICS to treatment as an incumbent local exchange carrier.” The objection is
7 that the request seeks legal analysis and conclusions, of actual data. Again, ICS is incorrect.

8 ICS is being asked to explain how the alteration of the Roslyn exchange would preclude
9 access to universal service funds, how the alteration of the Roslyn exchange would limit ICS’s
10 ability to obtain interconnection with and services from Inland on reasonable rates, terms and
11 conditions, and how the alteration of the Roslyn exchange would subject ICS to treatment as an
12 incumbent local exchange carrier. These are clearly factual inquiries. These inquiries are not
13 requesting a legal analysis and conclusion.

14 **Data Request No. 4 - 9**

15
16 In Docket UT-053041, ICS filed a Petition for Designation as Eligible Telecommunications
17 Carrier. In that Petition, ICS made certain statements and representations to the Commission related
18 to its operations in the Suncadia Resort area. Inland used those statements as a basis to obtain
19 factual information concerning Suncadias operations and the Suncadia Resort area so that an
20 evaluation could be made about whether or not there is any practical concern that ICS may fail in its
21 operations in the Suncadia Resort area in the near future. The questions in these areas requested
22 information concerning such things as the facilities that may have been constructed, types of such
23 facilities, the way in which ICS may be interconnected with Qwest Corporation and so on. These
24 questions are directly related to the way in which ICS will operate in the Suncadia Resort area and
25

26 MOTION TO COMPEL ICS
TO RESPOND TO DATA REQUESTS 4

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1 were designed to produce information that could be used to evaluate whether there is any practical
2 concern for the Commission concerning service in that area.

3 ICS objected to each request on the grounds that is was overly broad, and unduly
4 burdensome, improperly seeks private and confidential information and is not reasonably calculated
5 to lead the discovery of admissible evidence.

6 First, to the extent the information is believed by ICS to be confidential, there is a Protective
7 Order in place in this docket. The fact that confidential information is sought in a data request is
8 not valid grounds for objection.

9 Second, to the extent that ICS states that the information is not relevant, relevancy is a very
10 poor objection in the discovery context. It is not known whether that information will be relevant
11 until it is produced. As explained above, Inland believes that the information is relevant to evaluate
12 whether or not a core concern in this docket, whether Inland should be forced to be an available
13 carrier with carrier of last resort obligations in the area, can be answered.

14 As to whether the requests are overly broad, Inland respectfully asserts that they are not.
15 The questions are specific as to statements made by ICS related to the operations in the Suncadia
16 Resort area and ask that the information be provided as to those operations.

17 To the extent the objection is that the request are unduly burdensome, and Inland
18 acknowledges there is a burden in complying with discovery requests. Inland is sensitive to that
19 burden and is willing to discuss with ICS what may or may not be too burdensome. However, in
20 light of the need to evaluate the information in the docket related to the effect that the alteration of
21 the Roslyn exchange area might have (the very basis for ICS's intervention as stated by ICS), Inland
22 believes that the information related to the service to be offered by ICS in the Suncadia Resort area
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1 is important. Therefore, some burden is appropriate. Inland does not believe these data requests are
2 unduly burdensome.

3 **Data Request No. 10 and 11**

4 These two data requests come from statements that ICS has made to Commission Staff in
5 the response to informal data requests in this docket. Early on in this proceeding, a Commission
6 Staff issued informal data requests to Inland, ICS and Suncadia LLC. Each responded. ICS
7 responded in a very general sense to some of the Commission Staff questions. The purpose of these
8 two data requests is to gather factual information related to the way which ICS stated to the
9 Commission Staff that it would be providing service in the Suncadia Resort area.

10
11 ICS objected to these data requests on the grounds that they are over broad, unduly
12 burdensome, improperly seeks private and confidential information, and is not reasonably
13 calculated to lead to the discovery of admissible evidence. For the same reasons that Inland
14 advanced as to why Data Requests No. 4 – 9 should be answered, Inland respectfully asserts that the
15 reasons advanced by ICS for objection to Inland’s Data Request No. 10 and 11 are inappropriate
16 and ICS should be compelled to respond to those two data requests. Again, the purpose of these
17 two questions is to gather factual information on how ICS will operate in the Suncadia Resort area.

18 **Data Request No. 21 and 22**

19 Data request No. 21 and 22 are founded in statements Mr. Tilleman, President of ICS, made
20 before the Commission at the June 29, 2005, open meeting. Mr. Tilleman made a specific
21 representations as to roles in which service would be provided. He discussed construction of an
22 interconnect conduit with Qwest and construction of a Network Operations Center. Data requests
23 No. 21 and 22 seek specific factual information concerning the way in which those items identified
24 by Mr. Tilleman would be used to provide telecommunication service in the Suncadia Resort area,
25

1 the level of investment undertaken by ICS and other items designed to find out how these facilities
2 identified by Mr. Tilleman relate to telecommunication service in the Suncadia Resort area.

3 ICS objected on the grounds that the data requests were overly broad, unduly burdensome,
4 improperly seek private and confidential information, and are not reasonably calculated to lead the
5 discovery of admissible evidence.

6 Inland respectfully asserts that the data requests cannot be characterized as overly broad.
7 The data requests are specific as to specific statements by Mr. Tilleman before the Commission.
8 The data requests are focused on facilities Mr. Tilleman stated are in place or are under
9 construction. Under no circumstances should an objection that the data requests are overly broad
10 stand.

11
12 There does not appear to be any real burden to providing the information. The requests are
13 focused and relate to items that ICS should readily have at hand.

14 Again, to the extent that the information is deemed confidential by ICS, there is a Protective
15 Order in this docket. It is not appropriate to premise objection an objection upon confidentiality in
16 light of an existing Protective Order.

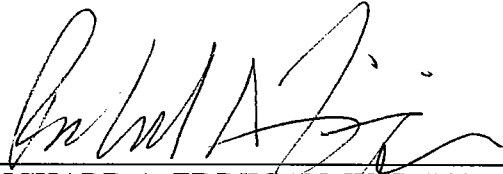
17 While ICS may not view the issue of the type of, extent of and investment in facilities to
18 provide telecommunication service to the Suncadia Resort area is a relevant question, Inland does.
19 In addition, it would appear that Commission Staff and Public Council believe that this inquiry is
20 relevant since they both premise the concept that Inland may need to retain the service area with
21 carrier of last resort obligations on the premise that ICS may fail in its business operations. The
22 practical level of that concern can only be measured through knowledge as to the manner in which
23 ICS is providing service in the area, the extent of its investment and how ICS expects to provide
24 service.

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26 MOTION TO COMPEL ICS
TO RESPOND TO DATA REQUESTS 7

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1 Based upon the foregoing, Inland respectfully requests that the Commission issue an order
2 compelling ICS to respond to fully and completely respond to Data Request Nos. 1, 2, 4 – 11 and 21
3 and 22.

4 Respectfully submitted this 14th day of September, 2005.

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6
7 

8 RICHARD A. FINNIGAN, WSB #6443
9 Attorney for Inland Telephone Company

ATTACHMENT A

WUTC Docket No. UT-050606
ICS Response to Inland's First Data Requests
September 8, 2005

Data Request No. 1:

In the Petition to Intervene filed by ICS in this docket, ICS makes the following statement: "ICS has a substantial interest in Inland's proposal to redefine the geographic boundaries of the Roslyn exchange to exclude the Suncadia resort area. Such a redefinition would directly and significantly impact ICS's ability to serve customers in the Suncadia resort by altering the regulatory requirements that would apply to the company serving that area." As to this statement, please provide the following:

- A. Identify what is meant by the term "the company serving that area."
- B. If the reference of "the company serving that area" is ICS, please identify each and every regulatory requirement that would be altered and how it would be altered by the redefinition of the Roslyn exchange to exclude the Suncadia Resort area.
- C. If the reference of "the company serving that area" is to Inland, please identify each and every regulatory requirement that would be altered and how it would be altered by the redefinition of the Roslyn exchange to exclude the Suncadia Resort area.

Response:

- A. The "company serving that area" refers to any registered provider of telecommunications service who provides local exchange service to customers in the geographic area that Inland proposed to exclude from its exchange.
- B. ICS objects to this request on the grounds that it seeks legal analysis and conclusions, not factual data. Subject to, and without waiver of, that objection, see Response to subpart A.
- C. ICS objects to this request on the grounds that it seeks legal analysis and conclusions, not factual data. Subject to, and without waiver of, that objection, see Response to subpart A.

Prepared by: Counsel
Date: September 8, 2005

WUTC Docket No. UT-050606
ICS Response to Inland's First Data Requests
September 8, 2005

Data Request No. 2:

In the Petition to Intervene filed by ICS in this docket, the following statement is made: "Such alterations include virtually precluding access to universal service funds, limiting ICS's ability to obtain interconnection with, and services from, Inland on reasonable rates, terms and conditions, and potentially subjecting ICS to treatment as an incumbent local exchange carrier." As to this statement, please provide the following:

- A. Identify how "such alterations" would virtually preclude access to universal service funds.
- B. Identify how "such alterations" would limit ICS's ability to obtain interconnection with, and services from, Inland on reasonable rates, terms and conditions.
- C. Identify how "such alterations" would subject ICS to treatment as an incumbent local exchange carrier.
- D. Identify how "such alterations" would subject ICS to treatment as an incumbent local exchange carrier if ICS does not request status as an incumbent local exchange carrier.

Response:

ICS objects to this request on the grounds that it seeks legal analysis and conclusions, not factual data.

Prepared by: Counsel
Date: September 8, 2005

WUTC Docket No. UT-050606
ICS Response to Inland's First Data Requests
September 8, 2005

Data Request No. 4:

On or about June 29, 2005, in Docket UT-053041, ICS filed a Petition for Designation as Eligible Telecommunications Carrier ("Petition"). In the Petition, ICS made the following statement: "ICS is currently building a switching building and extending facilities to interconnect with Qwest inside the Cle Elum exchange." As to this statement, please provide the following:

- A. Identify the precise location where ICS is currently building its "switching building."
- B. Identify whether that switching building is on leased property or purchased property. If the building is on leased property, please provide a copy of the lease. If the building is on purchased property, please provide a copy of the deed for that property and identify the purchase price of that property.
- C. Identify the amount spent to date for construction of the "switching building."
- D. Identify the projected cost for completion and the projected completion date for the "switching building."
- E. Identify and provide every document related in any way to the "switching building."
- F. Identify the place and type of "interconnect with Qwest."
- G. Identify the cost of the "interconnect with Qwest," listing each facility used for such interconnect.
- H. Identify the route used to extend the facilities and whether any easements or rights-of-way were used to extend said facilities. Please identify and provide copies of any such easements or rights-of-way.

Response:

ICS objects to this Request on the grounds that it is overly broad, unduly burdensome, improperly seeks private and confidential information, and is not reasonably calculated to lead to the discovery of admissible evidence. ICS's Petition is not at issue in this proceeding, and the information requested is far beyond the scope of any issue legitimately presented for resolution in this docket.

Prepared by: Counsel
Date: September 8, 2005

WUTC Docket No. UT-050606
ICS Response to Inland's First Data Requests
September 8, 2005

Data Request No. 5:

Please identify each and every facility incorporated by the phrase "extending facilities," as that term is used by ICS in the quote set out in Data Request No. 4. For each facility, identify the cost to ICS of the facility. If any of these facilities are leased facilities, please identify which facilities are leased facilities and provide copies of any document, including but not limited to any lease or leases for such facility or facilities. If any of the facilities are facilities owned by ICS, please identify the original cost, date of purchase and the vendor for each such facility.

Response:

ICS objects to this Request on the grounds that it is overly broad, unduly burdensome, improperly seeks private and confidential information, and is not reasonably calculated to lead to the discovery of admissible evidence. ICS's Petition is not at issue in this proceeding, and the information requested is far beyond the scope of any issue legitimately presented for resolution in this docket.

Prepared by: Counsel
Date: September 8, 2005

WUTC Docket No. UT-050606
ICS Response to Inland's First Data Requests
September 8, 2005

Data Request No. 6:

In the Petition, ICS makes the following statement: "Future plans call for an interconnect agreement with Inland to provide E911 [*sic*] redundancy." As to this statement, please provide the following:

- A. Identify why a "interconnect agreement" is necessary to provide E-911 redundancy.
- B. Identify why E-911 redundancy may not be provided through arrangements with the Public Safety Answering Point provider (Kittitas County or KitCom).
- C. Identify why E-911 redundancy may not be provided through arrangements with Qwest.

Response:

ICS objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. ICS's Petition is not at issue in this proceeding, and the information requested is far beyond the scope of any issue legitimately presented for resolution in this docket.

Prepared by: Counsel
Date: September 8, 2005

WUTC Docket No. UT-050606
ICS Response to Inland's First Data Requests
September 8, 2005

Data Request No. 7:

In the Petition, ICS made the following representation as of June 29, 2005, "ICS provides voice grade access to the public switched network through interconnection arrangements with local telephone companies." As to the quoted statement, please provide the following:

- A. Provide a copy of each such interconnection arrangement with a local telephone company referenced in the Petition.
- B. Identify and provide a copy of any document related to each such interconnection agreement.
- C. Identify each and every facility that was in place to provide voice grade access to the "public switched network" from the Suncadia Resort area as of June 29, 2005.
- D. If facilities to provide voice grade access to the public switched network were not in place as of June 29, 2005, from the Suncadia Resort area, identify each and every facility that is needed to provide voice grade access to the "public switched network," specifying the quantity and type of each such facility, how and from whom each such facility will be procured by ICS and when ICS expects each such facility to be operational.
- E. Define the term "public switched network" as used by ICS in the Petition.

Response:

ICS objects to this Request on the grounds that it is overly broad, unduly burdensome, improperly seeks private and confidential information, and is not reasonably calculated to lead to the discovery of admissible evidence. ICS's Petition is not at issue in this proceeding, and the information requested is far beyond the scope of any issue legitimately presented for resolution in this docket.

Prepared by: Counsel
Date: September 8, 2005

WUTC Docket No. UT-050606
ICS Response to Inland's First Data Requests
September 8, 2005

Data Request No. 8:

In the Petition, ICS makes the following statement: "ICS provides dual tone multi-frequency ("DTMF") signaling to facilitate the transportation of signaling throughout its network." Please identify the equipment used by ICS to provide dual tone multi-frequency signaling in the Roslyn exchange. As to each such piece of equipment so identified, please provide the following:

- A. Identify whether the equipment is leased or owned by ICS. If the equipment is leased, please provide a copy of such lease. If the equipment is owned, please identify the original purchase cost, the date purchased and the vendor providing the equipment.
- B. As to each piece of equipment, identify by make and model, if applicable, the type of equipment. For equipment such as cable equipment, identify the size of equipment and nature of equipment (i.e., 24 strand fiber optic cable).

Response:

ICS objects to this Request on the grounds that it is overly broad, unduly burdensome, improperly seeks private and confidential information, and is not reasonably calculated to lead to the discovery of admissible evidence. ICS's Petition is not at issue in this proceeding, and the information requested is far beyond the scope of any issue legitimately presented for resolution in this docket.

Prepared by: Counsel
Date: September 8, 2005

WUTC Docket No. UT-050606
ICS Response to Inland's First Data Requests
September 8, 2005

Data Request No. 9:

In its Petition, ICS makes the following statement: "ICS has signed interconnection agreements with interexchange carriers." Please provide a copy of each such signed interconnection agreement. Please identify and provide a copy of every document related in any way to each such interconnection agreement.

Response:

ICS objects to this Request on the grounds that it is overly broad, unduly burdensome, improperly seeks private and confidential information, and is not reasonably calculated to lead to the discovery of admissible evidence. ICS's Petition is not at issue in this proceeding, and the information requested is far beyond the scope of any issue legitimately presented for resolution in this docket.

Prepared by: Counsel
Date: September 8, 2005

WUTC Docket No. UT-050606
ICS Response to Inland's First Data Requests
September 8, 2005

Data Request No. 10:

In Commission Staff's Informal Data Requests, Question 2.b, Commission Staff asked "What services is ICS currently planning to provide to Suncadia Resort and residents?" The response from ICS was as follows: "Local, long distance, Internet, video services, smart home services, home monitoring, maintenance and alarming." As to "local" service, please provide the following:

- A. Identify each and every facility that ICS will use to provide local service.
- B. As to each facility, identify whether the facility is leased or owned by ICS. As to leased facilities, please provide a copy of the lease. As to owned facilities, please provide the date purchased, the original cost and vendor for each such facility.
- C. Provide a narrative description of how local service will be provisioned.
- D. Provide a description of all switching equipment that will be used by ICS to provide local service. Please identify the location of such switching equipment, the manufacturer and model, the original cost and date purchased. If the switching equipment is not owned by ICS, please provide a copy of every document related to such switching equipment, including, but not limited to, the lease of each such piece of switching equipment.
- E. As to distribution plant within the Suncadia Resort area identify the type or types of distribution plant used or to be used by ICS to provide local service, the quantity of each type of distribution plant (i.e., two miles of 24 strand fiber optic cable), whether such plant is owned by ICS or used by ICS under another arrangement.
- F. As to any distribution plant identified by ICS as not owned by ICS, please identify and provide a copy of any document related to such distribution plant.

Response:

ICS objects to this Request on the grounds that it is overbroad, unduly burdensome, improperly seeks private and confidential information, and is not reasonably calculated to lead to the discovery of admissible evidence. The facilities that ICS would use to provide local service within the Suncadia Resort area if ICS were to offer such service is not information that is reasonably related to any issue legitimately presented for resolution in this docket.

Prepared by: Counsel
Date: September 8, 2005

WUTC Docket No. UT-050606
ICS Response to Inland's First Data Requests
September 8, 2005

Data Request No. 11:

As to the services other than "local" set forth in ICS's response identified in the previous data request, please provide a description of how each of the listed services will be provided, identifying the equipment and mechanism for providing such service.

Response:

ICS objects to this Request on the grounds that it is overbroad, unduly burdensome, improperly seeks private and confidential information, and is not reasonably calculated to lead to the discovery of admissible evidence. The facilities that ICS would use to provide service other than local telephone service within the Suncadia Resort area if ICS were to offer such service is not information that is reasonably related to any issue legitimately presented for resolution in this docket.

Prepared by: Counsel
Date: September 8, 2005

WUTC Docket No. UT-050606
ICS Response to Inland's First Data Requests
September 8, 2005

Data Request No. 21:

In testimony before the Washington Utilities and Transportation Commission ("Commission") on June 29, 2005, Jeff Tilleman, President of ICS, testified that ICS is building an interconnect conduit with Qwest. Please identify the location of such interconnect conduit. Please identify all costs associated with such interconnect conduit. Please identify the length and type of conduit. Please identify all facilities placed in such interconnect conduit. Please identify and provide copies of all documents related to such interconnect conduit, including, but not limited to, any easements or rights-of-way.

Response:

ICS objects to this Request on the grounds that it is overbroad, unduly burdensome, improperly seeks private and confidential information, and is not reasonably calculated to lead to the discovery of admissible evidence. The location, costs, and other information related to ICS's interconnection with Qwest is not reasonably related to any issue legitimately presented for resolution in this docket.

Prepared by: Counsel
Date: September 8, 2005

WUTC Docket No. UT-050606
ICS Response to Inland's First Data Requests
September 8, 2005

Data Request No. 22:

In Mr. Tilleman's testimony before the Commission, he also stated that ICS is building a "NOC." Please define what is meant by "NOC." Please identify all costs associated with said "NOC." Please identify the location of the "NOC." Please identify whether the "NOC" is on leased land or purchased land owned by ICS. Please identify and provide copies of all documents related to the construction of the "NOC." Please identify and provide copies of all documents related to the lease or purchase of the land on which the "NOC" is located. Please identify all services provided or monitored through the "NOC."

Response:

ICS objects to this Request on the grounds that it is overbroad, unduly burdensome, improperly seeks private and confidential information, and is not reasonably calculated to lead to the discovery of admissible evidence. The location, costs, and other information related to ICS's Network Operations Center ("NOC") is not reasonably related to any issue legitimately presented for resolution in this docket.

Prepared by: Counsel
Date: September 8, 2005