

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Joint Application of)	Docket No. UT-100820
)	
QWEST COMMUNICATIONS)	SPRINT NEXTEL CORPORATION'S
INTERNATIONAL INC. AND)	RESPONSE TO BENCH REQUESTS 3
CENTURYTEL, INC.)	AND 4 REGARDING MOTION TO
)	COMPEL RESPONSES TO DATA
For Approval of Indirect Transfer of control)	REQUESTS
of Qwest Corporation, Qwest)	
Communications Company LLC, and Qwest)	
LD Corp.)	
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A. SPRINT'S RESPONSE TO BENCH REQUESTS

1 Sprint Nextel Corporation ("Sprint") hereby responds to Bench Requests 3 and 4. In such requests, Administrative Law Judge Friedlander asks Sprint to state whether the supplemental responses to Data Request ("DR") 5, 41 and 42 from Qwest Communications International, Inc. ("QC") and CenturyTel, Inc. ("CenturyLink") are sufficient to render Sprint's Motion to Compel responses moot. While Sprint agrees that its motion to compel with respect to DR 5 is moot, this does not impact Sprint's request that QC and CenturyLink should be compelled to respond to DR Nos. 13 and 14, as explained herein. With respect to DR Nos. 41 and 42, Sprint's request is not moot.

BENCH REQUEST NO. 3:

2 With regard to DR No. 5, Sprint initially requested information from Joint Applicants regarding their total revenues generated over their Washington networks for the following telecommunications services: broadband Internet access; wireless service; long

distance service; any products or services provided outside the incumbent local exchange carrier (ILEC) service territory; video entertainment, cable television, video satellite dish, or comparable service; residential and business customer premises equipment; other services such as maintenance contracts, consulting services, security services, or comparable services; and local area network, wide area network, or other comparable private network service. *Sprint's Motion*, ¶ 7 and *Appendix A*. Sprint concedes that it subsequently narrowed this request to seek Joint Applicants' total revenue for services provided over the intrastate network without the need for revenue totals to be broken out by service. *Id.*, ¶ 7.

- 3 Joint Applicants contend that information responsive to this narrowed DR was provided to Sprint by Qwest on August 13 and by CenturyLink on August 20, 2010. *Joint Applicants' Answer*, ¶ 3. Joint Applicants, as a result, contend the controversy regarding this DR is resolved. *Id.*
- 4 Sprint is directed to indicate whether Joint Applicants did provide information to it on August 13 and August 20, 2010 and whether the information provided by Joint Applicants has now rendered the controversy relating to DR No. 5 moot. If Sprint does not agree that the Motion is moot with regard to DR No. 5, Sprint shall indicate its reasoning for this conclusion.

RESPONSE:

- 5 Both QC and CenturyLink provided responses to DR No. 5 showing the interstate revenues of the QC entities and the CenturyLink entities respectively. Sprint agrees that the motion to compel on DR No. 5 is moot. But that fact that QC and CenturyLink did provide interstate revenues in response to DR 5 means they should be compelled to

provide the interstate revenues requested by Sprint in DR Nos. 13 and 14. The Joint applicants contended that these figures deal with interstate services beyond the Commission's jurisdiction and are irrelevant and should not be provided. If they could provide overall interstate revenues in response to DR No. 5, then they can and should respond to DR Nos. 13 and 14 which seek interstate switched and special access payments made by the merging companies to each other.

BENCH REQUEST NO. 4:

- 6 With regard to DR Nos. 41 and 42, Sprint requested the number of Joint Applicants' local access lines and total revenues from those access lines in Washington. *Sprint's Motion*, ¶ 9 and *Appendix A*. Sprint stated that Qwest provided a narrow response and had designated this response as "Highly Confidential." *Id.*, ¶ 9. Sprint argued that the designation should be modified to "Confidential." *Id.*
- 7 Joint Applicants contend that it re-designated the information as "Confidential" on August 13, 2010, pursuant to Sprint's request. *Joint Applicants' Answer*, ¶ 7. Joint Applicants also argue that CenturyLink provided Sprint with additional information on August 13, 2010, including access line counts and revenues. *Id.*, ¶ 8. They maintain that Sprint's Motion as to DR Nos. 41 and 42 is moot. *Id.*
- 8 Sprint is directed to indicate whether Joint Applicants did provide additional information to it on August 13 in response to DR Nos. 41 and 42 and whether the requested designation change was made. Further, Sprint shall indicate whether its Motion relating to DR Nos. 41 and 42 is moot. If Sprint does not agree that the Motion is moot with regard to these data requests, Sprint shall state its reasoning for this conclusion.

RESPONSE:

- 9 CenturyLink and QC did provide additional information to Sprint on August 13 in response to DR Nos. 41 and 42. Sprint does not agree, however, that its motion to compel with respect to these DRs is moot.
- 10 With respect to CenturyLink, Sprint disagrees with CenturyLink's characterization of its response to Sprint's motion to compel (Par. 8) that it provided access line counts and revenues in response DR No. 42. No such response is provided. Instead, CenturyLink says that it provides Ethernet service to less than 20 customers but it claims that those are not access lines and therefore provides no revenue numbers. CenturyLink claims that the services it provides do not meet the definition of "access lines" in the question, but fails to provide any definition. To obtain a better picture of the merger's impact on competition, CenturyLink should provide more information on the extent of its customer base and revenues from that customer base that it has in Qwest territory.
- 11 With respect to QC, it did redesignate the response to DR No. 41 from highly confidential to confidential. But QC severely limits its analysis on whether it competes in CenturyLink territory to the size of exchanges and the geographic proximity of CenturyLink exchanges to QC. DR. No. 41 did not impose this limit. Moreover, QC makes the same claim as CenturyLink does that the services it provides do not meet the definition of "access lines" in the question, again without an explanatory definition. In addition, the question asks for access lines and total revenues "that Qwest and its affiliates have in CenturyLink ILEC territories in the state". Qwest's response appears limited to only services provided by QC, the ILEC. By including affiliates in the question, Sprint is requesting line counts and revenues associated with **all** Qwest entities in the state, both ILEC and CLEC. This response should be supplemented.

12 In sum, CenturyLink and QC have not fully responded to DR Nos. 41 and 42 and Sprint's motion to compel on those requests is not moot. In addition, Sprint requests a ruling compelling responses to DR Nos. 13 and 14.

RESPECTFULLY SUBMITTED this 30th day of August, 2010.

GRAHAM & DUNN PC


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