

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Review of	)	Docket No. UT-023003
Unbundled Loop and Switching Rates and	)	
Review of the Deaveraged Zone Rate	)	MOTION BY AT&T TO COMPEL
Structure	)	DISCOVERY OF QWEST
_____	)	

AT&T Communications of the Pacific Northwest, Inc. (“AT&T”) hereby requests that Qwest Corporation (“Qwest”) be compelled to respond to data request 001-002 served by AT&T in December 2002.

**BACKGROUND**

The HAI model filed by AT&T and WorldCom, Inc., in this proceeding uses information regarding locations of customers as the starting point in designing a telecommunications network that will serve these customers efficiently. Because of difficulties in obtaining customer location information from ILECs, the HAI model has typically relied upon commercially available customer location information, as processed by TNS, a third-party vendor. In other cost proceedings within its territory, however, Qwest has criticized the HAI Model’s use of information from TNS.

Although AT&T disputes the validity of Qwest’s criticisms, AT&T sought to avoid any possible concern with the TNS data by requesting both Qwest and Verizon to produce their own customer location information for use within the HAI Model. See AT&T/XO Data Request 001-002 to Qwest, attached as Exhibit A. Verizon has substantially complied with that request. Qwest, in contrast, has refused to provide the requested data. This motion seeks an order requiring Qwest to produce the customer location data requested.

AT&T propounded its original discovery upon Qwest on December 3, 2002. Qwest filed its initial response on December 17, 2002. This response, attached as Exhibit B, contends that providing the substantive responses requested would be “unduly burdensome”, requiring “five to six months of effort and significant resources”. AT&T requested that Qwest reconsider its response. More specifically, AT&T pointed out that Qwest produced similar customer location data in response to an order by the Arizona Commission and that Qwest was able to provide that data within less than a month. See Exhibit C.

Qwest provided a supplemental response on March 5, 2003. This supplemental response, however, provided only line count information, and no information about customer locations. See Exhibit D. Qwest has refused to provide further supplementation of its response.

## **DISCUSSION**

Under W.A.C. 480-09-480 (a)(vi), relevant information requested through a data request must be produced unless the Commission limits the scope of discovery for good cause. The relevance standard adopted by the rule is broad, encompassing any information “reasonably calculated to lead to the discovery of admissible evidence.” *Id.*

This proceeding directly involves review and analysis of the costing models submitted by the parties to determine the appropriate prices for unbundled network elements. Both Qwest’s cost model and the HAI Model as submitted by AT&T and MCI in this proceeding rely upon information concerning the location of Qwest’s customers in building a model network. All available information about where Qwest’s customers are located, therefore, is directly relevant to this proceeding. This is particularly the case

given that Qwest in the past has criticized the customer location information used by the HAI Model. Qwest should not be permitted to criticize that information while at the same time refusing to provide data in its possession regarding where its customers are located.

For these reasons, Qwest should be required to produce the information requested by AT&T and XO regarding customer locations.

Dated this \_\_\_\_ day of July, 2003.

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