IN THE MATTER OF QWEST CORPORATION'S FILING AMENDED RENEWED PRICE REGULATION PLAN

IN THE MATTER OF THE INVESTIGATION OF THE COST OF TELECOMMUNICATIONS ACCESS

Pursuant to Rule 37 of the Arizona Rules of Civil Procedure and Rule 14-3-101 of the Arizona Administrative Code, Qwest Corporation ("Qwest") moves the Administrative Law Judge ("ALJ") for an order compelling AT&T Communications of the Mountain States, Inc ("AT&T") and TCG Phoenix ("TCG") to respond to certain data requests described herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Factual Background

On July 21, 2004, Qwest propounded its first set of data requests to AT&T and TCG in the above-captioned matter, attached hereto as Exhibits A and B. The data requests sought information concerning the depreciation of specific telecommunications assets in Arizona. On July 26, 2004, counsel for AT&T and TCG advised Qwest's
attorneys via e-mail that AT&T and TCG would not provide any responses to these data requests on the grounds that the depreciation information sought: (1) was not relevant because companies like AT&T and TCG were not comparable to Qwest; and (2) was not discoverable under Rule 26(b) as Qwest’s depreciation lives were not yet at issue in this docket. A copy of this e-mail is attached hereto as Exhibit C. On August 17, 2004, counsel for Qwest responded to AT&T and TCG in a letter, attached hereto as Exhibit D, in a good faith effort to resolve this discovery dispute. Although Qwest disputed the validity of AT&T and TCG’s objections for the reasons stated herein, it offered a compromise – that AT&T and TCG would only be required to provide the depreciation information responsive to the data requests within five days of the filing of Staff testimony recommending changes to Qwest’s depreciation lives. See Exhibit D. AT&T and TCG rejected this offer in an e-mail dated August 24, 2004, attached hereto as Exhibit E.

As an additional factual matter, it should be noted that Qwest propounded the identical set of data requests upon six other CLEC intervenors in this docket (specifically, Arizona Dialtone, Inc.; Cox Arizona Telecom, L.L.C. (“Cox”); Eschelon Telecom of Arizona, Inc.; Sprint Communications Company, L.P.; Time Warner Telecom of Arizona, L.L.C.; and WorldCom, Inc.). All of these CLECs provided answers. The only CLEC to raise objections substantially similar to those of AT&T and TCG was Cox. In the case of Cox, Qwest offered the same compromise to resolve this discovery dispute, which Cox accepted. A letter from Cox’s counsel accepting this offer is attached hereto as Exhibit F.

II. Discovery Obligations

Rule 26 provides that parties may obtain discovery “regarding any matter, not privileged, which is relevant to the subject matter involved.” Ariz. R. Civ. P. 26(b)(1). Relevancy of evidence is found if it has “any tendency to make the existence of any fact
that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Ariz. R. Evid. 401. Evidence need not be admissible in order to be discovered—it need only be "reasonably calculated to lead to the discovery of admissible evidence." Ariz. R. Civ. P. 26(b)(1). Rule 37 states that where a party fails to respond to an interrogatory or request for production, the party serving such discovery may move for an order compelling the non-responsive party to answer. Ariz. R. Civ. P. 37(a).

The Arizona Rules of Civil Procedure advocate a policy of full disclosure between parties. The purpose of discovery is to "provide a vehicle by which one party may be fairly apprised of the other's case and be prepared to meet it if he can." Kott v. City of Phoenix, 158 Ariz. 415, 418, 763 P.2d 235, 238 (1988) citing Watts v. Superior Court, 87 Ariz. 1, 347 P.2d 565 (1959). Discovery promotes the efficient and speedy disposition of [an action], minimizes surprise, and prevents a hearing or trial from becoming a guessing game. See Cornet Stores v. Superior Court, 108 Ariz. 85, 86, 492 P.2d 1191, 1193 (1972). In light of Arizona's policy of full disclosure, a party must respond to a data request "unless it appears affirmatively that the evidence sought is patently objectionable and inadmissible." Id. at 87, 492 P.2d at 1194 (citations omitted).

III. AT&T and TCG Have Failed To Adequately Respond To Qwest's Data Requests.

With these basic and familiar principles in mind, the Hearing Division should order AT&T and TCG to respond to Qwest's data requests. Here, it is AT&T and TCG's burden to demonstrate that the data requests seek information that in no manner could lead Qwest to relevant evidence. This they cannot do because the information Qwest seeks is, in fact, relevant to these proceedings.

In the depreciation docket that served as a companion for Qwest's last 1999 rate case, the Commission concluded, "Advancements in technology, coupled with the desire
to create robust competition in Arizona’s telecommunications industry, warrants setting
U S WEST’s depreciation lives within the range of its competitors.” In the Matter of the
Application of U S WEST Communications, Inc. for Changes in its Depreciation Rates,
Decision No. 6257, Conclusions of Law, ¶ 3 (emphasis added). Decision No. 6257
recognizes the Commission’s desire to provide forward-looking projection lives in
correlation to the rapid changes in the telecommunications industry, including the
complete opening of a competitive market for both local and long-distance services. It
further recognizes that the depreciation lives employed by Qwest’s competitors are a
benchmark of appropriate and reasonable depreciation lives for Qwest.

Although Qwest did not propose a change to its depreciation lives as part of its
direct case in this proceeding, a substantial number of data requests propounded on
Qwest by Staff’s expert witness William Dunkel strongly indicate that Staff will
recommend changes to Qwest’s depreciation lives as part of Staff’s direct case. Because
of the limited time available between the filing of Staff’s direct testimony and the
deadline for filing Qwest’s rebuttal testimony, Qwest cannot wait until Staff files such
testimony to undertake its discovery.

It would not serve either the public or any party’s interests to delay these
proceedings further to permit Qwest an extension of time in order to conduct discovery
on depreciation issues after Staff files its testimony. The Commission has expressed a
desire for a prompt and timely resolution of this docket, which was originally intended
under the Price Cap Plan to be a streamlined review as opposed to a full-blown rate case.
See, e.g., Open Meeting Transcript (January 29, 2004) at 81, 100. The compromise
offered by Qwest fairly balances the competing interests of AT&T, TCG, Staff and
Qwest, while continuing to move this docket along in an expeditious manner. AT&T and
TCG are not required to provide the information until Staff actually places depreciation
directly at issue in these proceedings, but must then respond in an expedited manner so
that Qwest can meet its rebuttal testimony deadline without having to request an extension. To the extent that any of the information sought is "proprietary," the Commission’s Hearing Division has entered a protective order in this docket that will safeguard AT&T and TCG’s interests.

Under these circumstances, AT&T and TCG should not be permitted to stonewall discovery in this manner and thereby indirectly and improperly preclude the Commission’s consideration of the issue of depreciation in this docket. They must permit discovery by all parties on the issue and thereafter, at the appropriate juncture in these proceedings, directly address its relevance and seek to bar the admission of testimony and evidence on depreciation through appropriate motion practice (e.g., motion in limine, objection at hearing, etc.).

RESPECTFULLY SUBMITTED this 3rd day of September, 2004.

FENNEMORE CRAIG

By: \[Signature\]
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Theresa Dwyer
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Phoenix, Arizona 85012-2913
(602) 916-5421

-and-

Norm Curtright
QWEST CORPORATION
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11th Floor
Phoenix, AZ 85012

Attorneys for Qwest Corporation
ORIGINAL and 15 copies hand-delivered for filing this 3rd day of September, 2004 to:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 W. Washington St.
Phoenix, AZ 85007

COPY of the foregoing delivered this 3rd day of September, 2004 to:

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Phoenix, AZ 85007

Maureen A. Scott
Legal Division
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1200 W. Washington St.
Phoenix, AZ 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington St.
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San Francisco, CA 94105

Walter W. Meek
President
Arizona Utility Investors Association
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Phoenix, AZ 85004
<table>
<thead>
<tr>
<th></th>
<th>Company Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>1</td>
<td>Accipiter Communications, Inc.</td>
<td>2238 W. Lone Cactus Dr., Ste. 100</td>
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<td>2</td>
<td>Phoenix, AZ 85027</td>
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<td>Alliance Group Services, Inc.</td>
<td>1221 Post Road East</td>
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<td></td>
<td>Westport, CT 06880</td>
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<td>Archtel, Inc.</td>
<td>1800 West Park Drive, Ste. 250</td>
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<td></td>
<td>Westborough, MA 01581</td>
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<td>5</td>
<td>Brooks Fiber Communications of Tucson, Inc.</td>
<td>201 Spear Street, 9th Floor</td>
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<td></td>
<td>San Francisco, CA 94105</td>
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<td>6</td>
<td>Centruytel</td>
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<td>Monroe, LA 71211-4065</td>
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<td>7</td>
<td>Citizens Utilities Rural Co. Inc.</td>
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<td>8</td>
<td>Citizens Communications Co. of Arizona</td>
<td>4 Triad Center, Suite 200</td>
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<td>Salt Lake City, UT 84180</td>
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<td>9</td>
<td>Citizens Telecommunications Co. of the White Mountains, Inc.</td>
<td>4 Triad Center, Ste. 200</td>
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<td></td>
<td>Salt Lake City, UT 84180</td>
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<td>10</td>
<td>Comm South Companies, Inc.</td>
<td>2909 N. Buckner Blvd., Ste. 200</td>
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<td></td>
<td>Dallas, TX 75228</td>
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<td>11</td>
<td>Copper Valley Telephone, Inc.</td>
<td>PO Box 970</td>
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<td></td>
<td>Willcox, AZ 85644</td>
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<td>Electric Lightwave, Inc.</td>
<td>4 Triad Center, Ste. 200</td>
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<td></td>
<td>Salt Lake City, UT 84180</td>
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<td>13</td>
<td>Eschelon Telecom of Arizona, Inc.</td>
<td>730 Second Avenue South, Ste. 1200</td>
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<td>Minneapolis, MN 55402</td>
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<td>14</td>
<td>Ernest Communications, Inc.</td>
<td>5275 Triangle Pkwy, Ste. 150</td>
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<td>Norcross, GA 30092-6511</td>
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<td>15</td>
<td>Intermedia Communications, Inc.</td>
<td>3608 Queen Palm Drive</td>
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<td></td>
<td>Tampa, FL 33619-1311</td>
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</table>
The Phone Company/Network Services of New Hope
6805 Route 202
New Hope, PA  18938

Rio Virgin Telephone Co.
Rio Virgin Telephone and Cablevision
PO Box 189
Estacada, OR  97023-000

South Central Utah Telephone Association, Inc.
PO Box 226
Escalante, UT  84726-000

Southwestern Telephone Co., Inc.
PO Box 5158
Madison, WI  53705-0158

Special Accounts Billing Group
1523 Withorn Lane
Inverness, IL  60067

Sprint Communications Company, L.P.
6860 W. 115th MS:KSOPKD0105
Overland Park, KS  66211

Touch America
130 N. Main Street
Butte, MT  59701

Table Top Telephone Co, Inc.
600 N. Second Avenue
Ajo, AZ  85321-0000

TCG Phoenix
1875 Lawrence Street, Room 1575
Denver, CO  80202

Valley Telephone Cooperative, Inc.
752 E. Malley Street
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Willcox, AZ  85644

Verizon Select Services Inc.
6665 MacArthur Blvd, HQK02D84
Irving, TX  75039

VYVX, LLC
One Williams Center, MD 29-1
Tulsa, OK  74172
BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER
Chairman
WILLIAM MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
MIKE GLEASON
Commissioner
KRISTIN MAYES
Commissioner

IN THE MATTER OF QWEST CORPORATION'S FILING AMENDED RENEWED PRICE REGULATION PLAN.

DOCKET NO. T-01051B-03-0454

IN THE MATTER OF THE INVESTIGATION OF THE COST OF TELECOMMUNICATIONS ACCESS.

DOCKET NO. T-00000D-00-0672

QWEST'S FIRST SET OF DATA REQUESTS TO AT&T OF THE MOUNTAIN STATES, INC.

Qwest Corporation (“Qwest”) hereby submits its first set of data requests to AT&T of the Mountain States, Inc. (“AT&T”) in the above-captioned docket and requests that full and complete responses be made by August 2, 2004.

DEFINITIONS

As used herein, the following terms have the meaning as set forth below:

1. The term “you,” and “your” shall mean AT&T in the above captioned proceedings, as well as its parent, subsidiaries, and affiliates, its former and present officers, attorneys, employees, servants, agents and representatives, and any person acting on its behalf for any purpose.

2. “List,” “describe,” “detail,” “explain,” “specify” or “state” shall mean to set forth fully, in detail, and unambiguously each and every fact of which you, your company or your agents or representatives have knowledge which is relevant to the answer called for by the data request.
3. The terms "document," "documents," or "documentation" as used herein shall include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including, but not limited to: correspondence, letters, memoranda, internal communications, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, studies, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, work papers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of any oral communications whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that: (a) are now or were formerly in your possession, custody or control; or (b) are known or believed to be responsive to these interrogatories, regardless of who has or formerly had custody, possession or control.

4. The terms "identify" and "identity" when used with reference to a natural person means to state his or her full name, present or last known address, present or last known telephone number, present or last known place of employment, position or business affiliation, his or her position or business affiliation at the time in question, and a general description of the business in which he or she is engaged.

5. The terms "identify" and "identity" when used with respect to any other
entity means to state its full name, the address of its principal place of business and the name of its chief executive officers.

6. The terms “identify” and “identity” with respect to a document mean to state the name or title of the document, the type of document (e.g., letter, memorandum, telegram, computer input or output, chart, etc.), its date, the person(s) who authored it, the person(s) who signed it, the person(s) to whom it was addressed, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian. If any such document was but is no longer in your possession or subject to your control, state what disposition was made of it and explain the circumstances surrounding, and the authorization for, such disposition, and state the date or approximate date of such disposition.

7. The terms “identify” and “identity” with respect to any non-written communication means to state the identity of the natural person(s) making and receiving the communication, their respective principals or employers at the time of the communication, the date, manner and place of the communication, and the topic or subject matter of the communication.

8. The term to “state the basis” for an allegation, contention, conclusion, position or answer means: (a) to identify and specify the sources therefore; (b) to identify and specify all facts on which you rely or intend to rely in support of the allegation, contention, conclusion, position or answer; and (c) to set forth and explain the nature and application to the relevant facts of all pertinent legal theories upon which you rely for your knowledge, information and/or belief that there are good grounds to support such allegation, contention, conclusion, position or answer.

9. The terms “relates to” or “relating to” mean referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any
way pertaining to.

10. The term “including” means “including, but not limited to.”

11. The terms “CLEC” or “competitor” means any competing local exchange carrier not affiliated with Qwest, regardless of whether the carrier is presently providing local telephone exchange services in the State of Arizona.

12. The term “carrier” means any provider of telecommunications services.

13. The term “possession, custody or control” includes the joint and several possession, custody, or control not only by one or more employees or representatives of AT&T, but also by each or any person acting or purporting to act on behalf of AT&T or any of its employees or representatives whether as an agent, independent contractor, attorney, consultant, witness or otherwise.

14. “Entity” or “entities” means any corporation, unincorporated association, sole proprietorship, partnership, individual, department, agency or consulting firm.

INSTRUCTIONS

A. These data requests shall be deemed to be continuing. You are obliged to change, supplement, and correct all answers to data requests to conform to available information, including such information as first becomes available to you after the data requests hereto are filed and made, should additional information become known or should information supplied in the responses prove to be incorrect or incomplete.

B. The response to each data request provided should first restate the question asked and also identify the person(s) supplying the information and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in any response or document produced.

C. In answering these data requests, furnish all information that is available to you or may be reasonably ascertained by you, including information in the possession of any of your agents or attorneys, or otherwise subject to your knowledge, possession,
D. If in answering these data requests you encounter any ambiguity in construing the request or a definition or instruction relevant to the inquiry contained within the request, set forth the matter deemed "ambiguous" and set forth the construction chosen or used in responding to the request.

E. If you object to any part of a request, answer all parts of such requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

F. In the event you assert that the data requested is privileged, you should identify any such data and any supporting documents in your written response, by date, and provide a general description of its content. You should also identify all persons who participated in the preparation of the document and all persons, inside or outside AT&T, who received a copy, read or examined any such document. In addition, you should describe, with particularity, the grounds upon which privilege is claimed.

G. In the event that you assert that the requested data are not relevant or material to any issue in the above-captioned matter, you should indicate in your written response to the specific basis for such assertion.

H. In the event you assert that the requested data are public information otherwise available to Qwest, you should identify the following in your written response:

1. The title or description of the data claimed to be public information;
2. The specific page and line number on which the requested material can be found;
3. The address of the office(s) and/or location(s) nearest downtown Denver where the document or file containing the requested material is maintained for public inspection.
I. In the event that you assert that the requested data are not available in the form requested, you should disclose the following in your written response thereto:

1. The form in which the requested data currently exists (identifying documents by title or description);
2. The earliest dates, time period, and location that representatives of Qwest may inspect AT&T files, records or documents in which the requested data currently exist.

J. If any request calls for a document that has been destroyed, placed beyond your control, or otherwise disposed of, identify with specificity each such document and describe in detail any such destruction, placement or disposition.

DATA REQUESTS

1. Please provide to Qwest a complete copy of all data requests that you have propounded and the responses thereto that you have received from any and all parties in the above-captioned docket, with the exception of Qwest.

2. Please provide to Qwest a complete copy of all data requests with which you have been served and the responses thereto that you have provided to any and all parties in the above-captioned docket, with the exception of Qwest.

3. Identify your company’s depreciation lives for the following classes of plant (for regulated and financial reporting depreciation):

   Buildings
   Computer
   Digital Switch
   Digital Circuit
   Aerial Cable - Metallic
   Buried Cable – Metallic
   Underground Cable – Metallic
   Intra-Building Cable – Metallic

If you do not categorize your plant in the above manner, provide the depreciation lives according to the plant categories you utilize.
4. Identify your net salvage values as percent of the gross plant category for the following classes of plant (for regulated and financial reporting depreciation):

   - Buildings
   - Computer
   - Digital Switch
   - Digital Circuit
   - Aerial Cable - Metallic
   - Buried Cable – Metallic
   - Underground Cable – Metallic
   - Intra-Building Cable – Metallic

If you do not categorize your plant in the above manner, provide the net salvage values as a percent of the plant categories you do utilize.

5. Identify your depreciation survivor curve descriptions for the following classes of plant (for regulated and financial reporting depreciation):

   - Buildings
   - Computer
   - Digital Switch
   - Digital Circuit
   - Aerial Cable - Metallic
   - Buried Cable – Metallic
   - Underground Cable – Metallic
   - Intra-Building Cable – Metallic

If you do not categorize your plant in the above manner, provide the depreciation survivor curve descriptions for the plant categories that you do utilize.

6. Provide your depreciation rates for the following classes of plant (for regulated and financial reporting depreciation):

   - Buildings
   - Computer
   - Digital Switch
   - Digital Circuit
   - Aerial Cable - Metallic
   - Buried Cable – Metallic
If you do not categorize your plant in the above manner, provide the depreciation rates for the plant categories that you do utilize.

7. Identify your vintage age distribution data for the following classes of plant (for regulated and financial reporting depreciation):

- Buildings
- Computer
- Digital Switch
- Digital Circuit
- Aerial Cable – Metallic
- Buried Cable – Metallic
- Underground Cable – Metallic
- Intra-Building Cable – Metallic

If you do not categorize your plant in the above manner, provide the vintage age distribution for the plant categories that you do utilize.

8. Identify your depreciation methodology(ies) (for regulated and financial reporting depreciation), i.e., straight-line, double-declining balance, sum-of-the-years digits, etc. If different classes of plant follow different methodologies, please itemize individually.

9. Identify depreciation procedure(s) you follow (for regulated and financial reporting depreciation), i.e., broad group, vintage group, equal life group or individual unit depreciation. If different classes of plant follow different procedures, please identify and itemize individually.

10. Identify the technique(s) you follow, i.e., whole-life or remaining-life depreciation techniques (for regulated and financial reporting depreciation). If different classes of plant follow different techniques, please identify and itemize individually.
RESPECTFULLY SUBMITTED this 21st day of July, 2004.

FENNEMORE CRAIG

By: ________________

Timothy Berg
Theresa Dwyer
3003 North Central Ave., Suite 2600
Phoenix, Arizona 85012-2913
(602) 916-5421

ORIGINAL +1 COPY mailed and e-mailed this 21st day of July, 2004 to:

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Phoenix, AZ 85012

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Scott S. Wakefield, Chief Counsel
Daniel W. Pozefsky, Esq.
RUCC
1110 West Washington, Suite 220
Phoenix, AZ 85007

- 9 -
BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF QWEST CORPORATION'S FILING AMENDED RENEWED PRICE REGULATION PLAN.

IN THE MATTER OF THE INVESTIGATION OF THE COST OF TELECOMMUNICATIONS ACCESS.

DOCKET NO. T-01051B-03-0454

DOCKET NO. T-00000D-00-0672

QWEST'S FIRST SET OF DATA REQUESTS TO TCG PHOENIX

Qwest Corporation ("Qwest") hereby submits its first set of data requests to TCG Phoenix ("TCG") in the above-captioned docket and requests that full and complete responses be made by August 2, 2004.

DEFINITIONS

As used herein, the following terms have the meaning as set forth below:

1. The term "you," and "your" shall mean TCG in the above captioned proceedings, as well as its parent, subsidiaries, and affiliates, its former and present officers, attorneys, employees, servants, agents and representatives, and any person acting on its behalf for any purpose.

2. "List," "describe," "detail," "explain," "specify" or "state" shall mean to set forth fully, in detail, and unambiguously each and every fact of which you, your company or your agents or representatives have knowledge which is relevant to the answer called for by the data request.

3. The terms "document," "documents," or "documentation" as used herein
shall include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including, but not limited to: correspondence, letters, memoranda, internal communications, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, studies, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, work papers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of any oral communications whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that:

(a) are now or were formerly in your possession, custody or control; or (b) are known or believed to be responsive to these interrogatories, regardless of who has or formerly had custody, possession or control.

4. The terms “identify” and “identity” when used with reference to a natural person means to state his or her full name, present or last known address, present or last known telephone number, present or last known place of employment, position or business affiliation, his or her position or business affiliation at the time in question, and a general description of the business in which he or she is engaged.

5. The terms “identify” and “identity” when used with respect to any other entity means to state its full name, the address of its principal place of business and the
name of its chief executive officers.

6. The terms “identify” and “identity” with respect to a document mean to state the name or title of the document, the type of document (e.g., letter, memorandum, telegram, computer input or output, chart, etc.), its date, the person(s) who authored it, the person(s) who signed it, the person(s) to whom it was addressed, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian. If any such document was but is no longer in your possession or subject to your control, state what disposition was made of it and explain the circumstances surrounding, and the authorization for, such disposition, and state the date or approximate date of such disposition.

7. The terms “identify” and “identity” with respect to any non-written communication means to state the identity of the natural person(s) making and receiving the communication, their respective principals or employers at the time of the communication, the date, manner and place of the communication, and the topic or subject matter of the communication.

8. The term to “state the basis” for an allegation, contention, conclusion, position or answer means: (a) to identify and specify the sources therefore; (b) to identify and specify all facts on which you rely or intend to rely in support of the allegation, contention, conclusion, position or answer; and (c) to set forth and explain the nature and application to the relevant facts of all pertinent legal theories upon which you rely for your knowledge, information and/or belief that there are good grounds to support such allegation, contention, conclusion, position or answer.

9. The terms “relates to” or “relating to” mean referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any way pertaining to.
10. The term "including" means "including, but not limited to."

11. The terms "CLEC" or "competitor" means any competing local exchange carrier not affiliated with Qwest, regardless of whether the carrier is presently providing local telephone exchange services in the State of Arizona.

12. The term "carrier" means any provider of telecommunications services.

13. The term "possession, custody or control" includes the joint and several possession, custody, or control not only by one or more employees or representatives of TCG, but also by each or any person acting or purporting to act on behalf of TCG or any of its employees or representatives whether as an agent, independent contractor, attorney, consultant, witness or otherwise.

14. "Entity" or "entities" means any corporation, unincorporated association, sole proprietorship, partnership, individual, department, agency or consulting firm.

INSTRUCTIONS

A. These data requests shall be deemed to be continuing. You are obliged to change, supplement, and correct all answers to data requests to conform to available information, including such information as first becomes available to you after the data requests hereto are filed and made, should additional information become known or should information supplied in the responses prove to be incorrect or incomplete.

B. The response to each data request provided should first restate the question asked and also identify the person(s) supplying the information and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in any response or document produced.

C. In answering these data requests, furnish all information that is available to you or may be reasonably ascertained by you, including information in the possession of any of your agents or attorneys, or otherwise subject to your knowledge, possession, custody or control.
D. If in answering these data requests you encounter any ambiguity in construing the request or a definition or instruction relevant to the inquiry contained within the request, set forth the matter deemed “ambiguous” and set forth the construction chosen or used in responding to the request.

E. If you object to any part of a request, answer all parts of such requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

F. In the event you assert that the data requested is privileged, you should identify any such data and any supporting documents in your written response, by date, and provide a general description of its content. You should also identify all persons who participated in the preparation of the document and all persons, inside or outside TCG, who received a copy, read or examined any such document. In addition, you should describe, with particularity, the grounds upon which privilege is claimed.

G. In the event that you assert that the requested data are not relevant or material to any issue in the above-captioned matter, you should indicate in your written response to the specific basis for such assertion.

H. In the event you assert that the requested data are public information otherwise available to Qwest, you should identify the following in your written response:

1. The title or description of the data claimed to be public information;
2. The specific page and line number on which the requested material can be found;
3. The address of the office(s) and/or location(s) nearest downtown Denver where the document or file containing the requested material is maintained for public inspection.
I. In the event that you assert that the requested data are not available in the form requested, you should disclose the following in your written response thereto:

1. The form in which the requested data currently exists (identifying documents by title or description);
2. The earliest dates, time period, and location that representatives of Qwest may inspect TCG files, records or documents in which the requested data currently exist.

J. If any request calls for a document that has been destroyed, placed beyond your control, or otherwise disposed of, identify with specificity each such document and describe in detail any such destruction, placement or disposition.

**DATA REQUESTS**

1. Please provide to Qwest a complete copy of all data requests that you have propounded and the responses thereto that you have received from any and all parties in the above-captioned docket, with the exception of Qwest.
2. Please provide to Qwest a complete copy of all data requests with which you have been served and the responses thereto that you have provided to any and all parties in the above-captioned docket, with the exception of Qwest.
3. Identify your company’s depreciation lives for the following classes of plant (for regulated and financial reporting depreciation):

   - Buildings
   - Computer
   - Digital Switch
   - Digital Circuit
   - Aerial Cable - Metallic
   - Buried Cable – Metallic
   - Underground Cable – Metallic
   - Intra-Building Cable – Metallic

If you do not categorize your plant in the above manner, provide the depreciation lives according to the plant categories you utilize.
4. Identify your net salvage values as percent of the gross plant category for the following classes of plant (for regulated and financial reporting depreciation):

   Buildings
   Computer
   Digital Switch
   Digital Circuit
   Aerial Cable - Metallic
   Buried Cable - Metallic
   Underground Cable - Metallic
   Intra-Building Cable - Metallic

If you do not categorize your plant in the above manner, provide the net salvage values as a percent of the plant categories you do utilize.

5. Identify your depreciation survivor curve descriptions for the following classes of plant (for regulated and financial reporting depreciation):

   Buildings
   Computer
   Digital Switch
   Digital Circuit
   Aerial Cable - Metallic
   Buried Cable - Metallic
   Underground Cable - Metallic
   Intra-Building Cable - Metallic

If you do not categorize your plant in the above manner, provide the depreciation survivor curve descriptions for the plant categories that you do utilize.

6. Provide your depreciation rates for the following classes of plant (for regulated and financial reporting depreciation):

   Buildings
   Computer
   Digital Switch
   Digital Circuit
   Aerial Cable - Metallic
   Buried Cable - Metallic
   Underground Cable - Metallic
Intra-Building Cable – Metallic

If you do not categorize your plant in the above manner, provide the depreciation rates for the plant categories that you do utilize.

7. Identify your vintage age distribution data for the following classes of plant (for regulated and financial reporting depreciation):

   Buildings
   Computer
   Digital Switch
   Digital Circuit
   Aerial Cable – Metallic
   Buried Cable – Metallic
   Underground Cable – Metallic
   Intra-Building Cable – Metallic

   If you do not categorize your plant in the above manner, provide the vintage age distribution for the plant categories that you do utilize.

8. Identify your depreciation methodology(ies) (for regulated and financial reporting depreciation), *i.e.*, straight-line, double-declining balance, sum-of-the-years digits, etc. If different classes of plant follow different methodologies, please itemize individually.

9. Identify depreciation procedure(s) you follow (for regulated and financial reporting depreciation), *i.e.*, broad group, vintage group, equal life group or individual unit depreciation. If different classes of plant follow different procedures, please identify and itemize individually.

10. Identify the technique(s) you follow, *i.e.*, whole-life or remaining-life depreciation techniques (for regulated and financial reporting depreciation). If different classes of plant follow different techniques, please identify and itemize individually.
RESPECTFULLY SUBMITTED this 21st day of July, 2004.

FENNEMORE CRAIG

By: ________________________________

Timothy Berg
Theresa Dwyer
3003 North Central Ave., Suite 2600
Phoenix, Arizona 85012-2913
(602) 916-5421

ORIGINAL +1 COPY mailed and e-mailed
this 21st day of July, 2004 to:

Richard S. Wolters (rwolters@att.com)
AT&T
1875 Lawrence Street, Room 1575
Denver, CO 80202-1847

Joan S. Burke (jsburke@omlaw.com)
Osborn Maledon
2929 N. Central Avenue, Suite 2100
Phoenix, AZ 85012

COPY of the foregoing mailed
this 21st day of July, 2004 to:

Maureen A. Scott
Legal Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington St.
Phoenix, AZ 85007

Scott S. Wakefield, Chief Counsel
Daniel W. Pozefsky, Esq.
RUCO
1110 West Washington, Suite 220
Phoenix, AZ 85007
Tim, while I appreciate your proposal to resolve our dispute on Qwest's first set of data requests to AT&T, I cannot agree to it on behalf of my client. If you have any questions feel free to call. Rick

-----Original Message-----
From: VOLPE, CLAIRE [mailto:CVOLPE@FCLAW.com]
Sent: Tuesday, August 17, 2004 11:41 AM
To: Wolters,Richard S (Rick) - LGCRP; jsburke@omlaw.com
Cc: BERG, TIM; DWYER, THERESA
Subject: SENT ON BEHALF OF TIM BERG

Attached please find a letter to Rick Wolters from Tim Berg regarding Qwest's First Set of Data Requests to AT&T/TCG in the Price Cap Plan docket, T-01051B-03-0454. This letter will also be mailed to you today.

Thank you.
Claire L. Volpe
FENEMORE CRAIG
3003 N. Central Ave., Ste. 2600
Phoenix, AZ 85012
602-916-5180
cvolpe@fclaw.com

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For more information on Fennemore Craig, please visit us at http://www.fennemorecraig.com.
D
August 17, 2004

Richard S. Wolters
AT&T
1875 Lawrence Street, Room 1575
Denver, CO 80202-1847

Re: Qwest Corporation First Set of Data Requests to AT&T/TCG
Docket No. T-01051B-03-0454

Dear Rick:

On July 21, 2004, Qwest Corporation ("Qwest") propounded its First Set of Data Requests to AT&T and TCG Phoenix ("TCG") in the above-referenced matter. As you are aware, these data requests concern depreciation information for specific telecommunication assets, and Qwest has already received substantive responses from MCI, Inc., Time Warner Telecom of Arizona, LLC, Eschelon Telecom of Arizona, Inc. and Sprint Communications Company, L.P.

I understand from our recent telephone conversations and your e-mail of July 26, 2004, that your clients refuse to provide responses to these data requests on the grounds that the depreciation information sought: 1) is not relevant because companies like AT&T and Qwest are not comparable; and 2) is not discoverable pursuant to Rule 26(b) because Qwest’s depreciation lives are not yet at issue in this case. I would like to address both of these positions in hopes of avoiding the need to file a Motion to Compel in this matter.

Contrary to your assertion, AT&T and TCG’s depreciation lives are relevant in setting Qwest’s depreciation lives. In Decision No. 62507 (May 4, 2000) ("Order"), the Arizona Corporation Commission ("Commission") concluded, “Advancements in technology, coupled with the desire to create robust competition in Arizona’s telecommunications industry, warrants setting US West’s depreciation lives within the range of its competitors.” [Emphasis added] See Order, Conclusions of Law at ¶ 3. The Order recognizes the Commission’s desire to provide forward-looking projection lives in correlation to the rapid changes in the telecommunications industry, including the complete opening of competitive markets for both local and long-distance services. It further recognizes that the depreciation lives employed by Qwest’s competitors are a benchmark of appropriate and reasonable depreciation lives for Qwest. Therefore, the
Second, you suggest that AT&T and TCG's depreciation information is not subject to discovery at this time because Qwest did not propose a change to its depreciation lives as part of its direct case. However, as I told you in our telephone conversation, data requests from Staff witness William Dunkel strongly indicate that Staff will recommend changes to Qwest's depreciation lives as part of Staff's direct case. Because of the limited time available between the filing of Staff's direct testimony and the deadline for filing Qwest's rebuttal testimony, Qwest cannot wait until Staff files its testimony to undertake its discovery. It would not be in the best interest of either of our clients if this proceeding were delayed to permit Qwest adequate time to conduct discovery on depreciation issues after Staff files its testimony. For that reason, Qwest believes it is entitled to ask for depreciation information from AT&T at this time.

However, in a desire to resolve the current impasse, my client is willing to agree that AT&T and TCG will only be required to provide depreciation information responsive to Qwest's First Set of Data Requests within five (5) days of filing of Staff testimony that recommends changes to Qwest's depreciation lives. However, AT&T and TCG must agree to do so at that time without any further objection or delay. I believe that this procedural arrangement is reasonable and provides your clients assurance that depreciation information will only be used to the extent Staff recommends any change in Qwest's depreciation lives.

Please respond in writing by August 24, 2004 as to whether this proposal is acceptable to AT&T and TCG. If the current impasse is not resolved, Qwest will file a Motion to Compel seeking responses to its data requests.

Sincerely,

Timothy Berg

cc: Joan Burke, Esq.
    Norman Curtright, Qwest Corporation
Tim, while I appreciate your proposal to resolve our dispute on Qwest's first set of data requests to AT&T, I cannot agree to it on behalf of my client. If you have any questions feel free to call. Rick

----- Original Message ----- 
From: VOLPE, CLAIRE [mailto:CVOLPE@FCLAW.com] 
Sent: Tuesday, August 17, 2004 11:41 AM 
To: Wolters,Richard S (Rick) - LGCRP; jsburke@omlaw.com 
Cc: BERG, TIM; DWYER, THERESA 
Subject: SENT ON BEHALF OF TIM BERG 

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Thank you.
Claire L. Volpe
FENNEMORE CRAIG
3003 N. Central Ave., Ste. 2600
Phoenix, AZ 85012
602-916-5180
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For more information on Fennemore Craig, please visit us at http://www.fennemorecraig.com.
August 24, 2004

TELECOPIED AND MAILED

Timothy Berg, Esq.
FENNEMORE CRAIG, PC
3003 North Central Avenue, Suite 2600
Phoenix, Arizona 85012-2913

Dear Tim:

I am writing in response to your August 18, 2004 letter concerning Qwest’s First Set of Data Requests to Cox Arizona Telcom, LLC (“Cox”). Your proposal concerning information concerning Cox’s depreciation information is generally acceptable to Cox. Cox will provide responsive depreciation information to Qwest to the extent Staff proposes changes to Qwest’s depreciation lives. However, Cox requests that: (i) Qwest provide written notice to Cox of Staff’s proposed changes to Qwest’s depreciation lives (and, therefore, the need for responses from Cox); (ii) an appropriate protective agreement or protective order be in place before responses are provided; and (iii) Cox has ten business days from receipt of that notice to provide responsive information.

Please let me know if this resolves the impasse.

Sincerely,

Michael W. Patten

MWP:mi
cc: Mark A. DiNunzio