WorldCom, Inc., on behalf of its regulated subsidiaries, ("WorldCom") hereby responds to Qwest Corporation’s Motion to Strike the Rebuttal Testimony of Timothy Gates. As Qwest correctly notes in its Motion, the parties deferred all issues relating to "switching" to Phase II-A. As set forth in Mr. Gates’ rebuttal testimony, costs related to daily usage files and Category 11 documents are embedded in Qwest’s switch usage charges and are therefore switching in nature. In line with this position, WorldCom argued without objection in its Phase II post-hearing brief that these issues should be deferred. Accordingly, the Arizona Corporation Commission ("Commission") should
allow WorldCom to address these switching-related charges in this phase of the proceedings and should deny Qwest’s Motion to Strike.

I. THE ISSUES RAISED IN MR. GATES’ REBUTTAL TESTIMONY ARE “SWITCHING ISSUES”

Qwest correctly notes in its Motion to Strike that the parties’ stipulation dated August 3, 2001 deferred all “switching issues.” The crux of Mr. Gates’ rebuttal testimony is that the “daily usage record file is not unique and does not impose any additional costs on Qwest” because the investment for this function is “already recovered in switch usage charges.” Gates Rebuttal Testimony, at 4, attached as Exhibit A. Because Qwest recoups the costs for daily usage records and Category 11 records as part of its switch usage charges, it is entirely appropriate for WorldCom to raise these issues as part of Phase II-A. Indeed, because the parties deferred all switching issues, this is the only venue in which WorldCom can fully address these switching-related charges. Whether Qwest includes these charges in its switching price list is not determinative. Rather, the true nature of the charges, which WorldCom believes to be switching in nature, must control.

II. WORLDCOM’S POST-HEARING BRIEF ARGUES WITHOUT OBJECTION FOR DEFERRAL

In its Phase II post-hearing brief, WorldCom clearly states that Category 10 and 11 data, which is the subject of Mr. Gates’ rebuttal testimony, should be deferred to Phase II-A. See WorldCom Post-Hearing Brief, at 27, attached as Exhibit B. Deferral is appropriate because the costs related to this data “may be included in switching costs.” Id. Although Qwest now claims that Mr. Gates’ testimony is not appropriate for Phase II-A, Qwest did not object in its reply to WorldCom’s post-hearing brief. See Qwest Corporation Post-Hearing Reply Brief. By failing to object and by allowing WorldCom to rely upon Qwest’s apparent consent to the deferral, Qwest waived any argument regarding the deferral of these issues.
III. CONCLUSION

As set forth in Mr. Gates' rebuttal testimony, Qwest recovers all costs related to daily usage files and Category 11 records as part of its switch usage charges. As such, it is necessary and appropriate to address these issues in the only phase of this proceeding relating to switching issues—Phase II-A. Accordingly, the Commission should deny Qwest's Motion to Strike.

RESPECTFULLY SUBMITTED this 23rd day October, 2001.

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I. INTRODUCTION AND PURPOSE OF TESTIMONY

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of this testimony is two-fold. First, in this testimony, I evaluate the merit of Qwest's proposal to charge a fee for the transfer of call record information, referred to as the daily usage file or "DUF". Second, I provide a critical review of Qwest's cost studies purportedly supporting the DUF rates for both Category 10 and Category 11 records.

Q. ON WHOSE BEHALF IS THIS TESTIMONY BEING FILED?

A. This testimony is being filed on behalf of WorldCom, Inc.

II. SUMMARY OF FINDINGS AND RECOMMENDATIONS

Q. PLEASE SUMMARIZE YOUR CONCLUSIONS AND STATE YOUR RECOMMENDATIONS.

A. This testimony focuses on Qwest's inappropriate attempt to impose charges for the recording and transfer of call information. I reach several conclusions that are outlined below:

- The daily usage record file is not unique and does not impose any additional costs on Qwest. The recording function is inherent in the switch generics and measurement devices that are paid for in the getting-started investment for the switch. Those investments are already recovered in the switch usage charges. To charge CLECs for this function would result in double recovery.
“dip” Qwest’s database rather than access its own ICNAM database also forces WorldCom to incur development costs associated with creating a complex routing scheme within its network. Since Qwest already has its own database, it does not incur the same cost associated with implementing and maintaining a routing scheme. Caputo Direct, p. 16. Qwest witnesses could not confirm that any ICNAM charges are imputed to Qwest. Transcript, p. 583. Thus, by enjoying superior access to its ICNAM data, Qwest limits WorldCom to an inferior service they can provide more efficiently, quickly and cheaply. For these reasons, WorldCom should have full batch access to the same ICNAM data that Qwest uses to provide ICNAM services; anything less is discriminatory.

The Michigan and Georgia Public Service Commissions ordered the ILEC to allow full access to the calling name database rather than being restricted to access on a per dip basis. See Michigan and Georgia Orders at Attachments C and D.

F. **Category 10 and Category 11 Data**

Category 10 and 11 data should be made the subject of Phase II B because such costs already may be included in switching costs. The pricing for this data, which is data used for billing, is based on a per unit basis. The data, however, is provided in multiple units to the CLEC who then reorganizes and returns the data in aggregated groups to Qwest. As a result, a per unit of data charge is necessarily discriminatory.

III. **CONCLUSION**

WorldCom respectfully requests that the Commission adopt the prices jointly sponsored by AT&T, XO and WorldCom and, for the reasons set forth above, reject the