COMMISSION STAFF’S MOTION TO STRIKE
A PORTION OF THE SURREBUTTAL TESTIMONY OF ROBERT BRIGHAM AND
ATTACHMENT RHB-R1

The Arizona Corporation Commission (“ACC”) Staff hereby moves to strike a portion of
the Surrebuttal Testimony of Robert Brigham and Attachment RHB-R1 in its entirety. Mr. Brigham’s
Testimony at page 3, lines 8-20, and Attachment RHB-R1 address issues raised in Phase II and are
not relevant to Phase II-A issues. As such, Qwest Witness Brigham is attempting to inappropriately
reintroduce and reargue issues specific to Phase II of this proceeding.

More specifically, this portion of Mr. Brigham’s Surrebuttal Testimony addresses and
attempts to reintroduce through Attachment RHB-1, the testimony of Qwest Witness William
Fitzsimmons filed in an earlier phase of this proceeding. Dr. Fitzsimmons is not a witness in Phase
II-A, nor does his testimony address Phase II-A issues, but rather is limited to addressing Mr.
Dunkel’s run of the HAI 5.2a Model to calculate loop costs in the previous phase of this proceeding.
It is inappropriate for Qwest Witness Brigham to attempt to reintroduce Fitzsimmon’s testimony
from an earlier phase to cloud the issues in this phase of the docket. Mr. Fitzsimmon’s testimony
itself states that his Surrebuttal responds to the cost studies that Mr. Dunkel filed as part of his
Surrebuttal testimony in Phase II pertaining to loop costs.
In addition, Witness Fitzsimmons is not available for cross-examination. Mr. Brigham cannot reasonably be crossed on Mr. Fitzsimmon’s Testimony because it was prepared by Mr. Fitzsimmons.

ACC Staff also objects to Mr. Brigham’s testimony on the grounds that it misrepresents the inputs used by Staff Witness Dunkel in his Surrebuttal Testimony and accompanying run of the HAI 5.2a Model. Attached is a copy of the “SAI Indoor” investment inputs that were used in Staff’s Surrebuttal run in Phase II and were shown on that disk. If one compares the Staff Surrebuttal inputs in Phase II, as shown on Attachment A, to the claim that is presented on Table 1 on page 6 of Mr. Fitzsimmons’ Surrebuttal testimony (attached as Exhibit RHB-R1 to Mr. Brigham’s Surrebuttal in this Phase), Qwest’s representation of the inputs that were allegedly used in Staff’s Surrebuttal run in Phase II is inaccurate.

For these reasons, the Commission should strike Mr. Brigham’s testimony and Attachment RHB-R1 since Mr. Fitzsimmons is not being presented as a witness in this phase of the proceeding, his testimony does not address switching costs or issues relevant to this phase of the proceeding and Mr. Fitzsimmons is not available for cross-examination.

RESPECTFULLY SUBMITTED this 6th day of November, 2001.

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Assistant to Maureen A. Scott
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