I. INTRODUCTION

On November 8, 2001, the Administrative Law Judges assigned to this docket issued a Recommended Opinion and Order ("RO&O"). After an extension requested by Qwest, the parties filed exceptions to that RO&O on December 12, 2001. Now, more than three weeks after the exceptions date, Qwest has filed what it terms a "Response" to the exceptions filed by other parties. This Commission’s rules prohibit any response to exceptions. Moreover, the only effect of considering Qwest’s Response will be to delay the Commission’s consideration of the RO&O issued almost two months ago. For these reasons, AT&T of the Mountain States, Inc. ("AT&T") requests that the Commission strike Qwest’s Response. In the alternative, AT&T requests an opportunity to file its own Response to Qwest’s Exceptions.

II. DISCUSSION

The RO&O adopted a number of Qwest’s proposals in this proceeding and made other recommendations in line with findings of the FCC and other state commissions. Nevertheless, Qwest filed substantial exceptions to the RO&O on December 12, 2001. In fact, Qwest’s
exceptions and exhibits substantially exceed the length of the Order itself.

Other parties also filed exceptions to the RO&O. On January 3, 2002, Qwest filed what it termed a "Response" to the exceptions of other parties. Again, the length of Qwest’s Response and exhibits exceeded the exceptions to which Qwest was responding. For the most part, Qwest’s "Response" simply reiterates or expands upon arguments Qwest has already made.

The Commission’s rules do not permit one party to respond to the exceptions filed by another. See A.A.C. § 14-3-110B. Permitting such a response necessarily has the effect of delaying the Commission’s considerations of the RO&O, which has already been delayed by Qwest’s request for an extended exception period in this matter. The Commission should, therefore, reject Qwest’s Response and strike it from the record in this proceeding.

If the Commission determines to accept Qwest’s Response, the Commission must permit other parties an opportunity to respond to Qwest’s exceptions. AT&T and other parties have complied with the Commission’s rules and have not had an opportunity to file anything with the Commission demonstrating the deficiencies in Qwest’s exceptions. Although AT&T does not desire any further delay in the Commission’s consideration of the RO&O, fairness demands that if one party is provided an opportunity to respond, all parties must have the same opportunity. AT&T requests, therefore, that it be permitted to file the Response to Qwest’s Exceptions within two weeks following a ruling on this motion.
Dated this 4th day of January, 2002.

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CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of AT&T of the Mountain States, Inc. Final Proposed Price List, regarding Docket No. T-00000A-00-0194, were hand delivered this 19th day of December, 2001, to:

Arizona Corporation Commission
Docket Control – Utilities Division
1200 West Washington Street
Phoenix, AZ 85007

and that a copy of the foregoing was hand-delivered this 19th day of December, 2001 to the following:

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and that a copy of the foregoing was sent via United States Mail, postage prepaid, on the 19th day of December, 2001 to the following:

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