QWEST CORPORATION'S RESPONSE TO AT&T'S MOTION TO STRIKE

Qwest Corporation ("Qwest") hereby responds to the motion of AT&T of the Mountain States, Inc. ("AT&T") to strike Qwest's response to the exceptions filed by other parties in this docket, or alternatively, to permit AT&T to file its own response to Qwest's exceptions. The Arizona Corporation Commission ("Commission") should deny AT&T's motion to strike but grant its alternative request to file a response.

Because this Commission would benefit from having more rather than less information on which to base its decisions in this complex proceeding, Qwest has no objection to allowing any party to respond to the exceptions filed by Qwest (or any other party). Citing A.A.C. R14-3-110(B), however, AT&T argues that the Commission does not customarily permit replies to exceptions. But A.A.C. R14-3-110 should be applied consistently with the Commission's best interests, and the Commission may waive the application of that provision for good cause. A.A.C. R14-3-101(B). There is plainly good cause exists for such waiver here. This docket, which arises pursuant to the
Telecommunications Act of 1996 (the “Act”), is so broad and so complex that additional briefing beyond the initial exceptions is necessary to enable the Commission to make a fully informed decision.

The Commission promulgated A.A.C. R14-3-110 in 1975, decades before the adoption of the Act and the Commission rules addressing competitive telecommunications service, interconnection and unbundling, and arbitration and mediation under the Act. When viewed as a whole, many of the rules set forth in Article 1, Chapter 3, Title 14 of the Arizona Administrative Code appear designed for the processing of less complicated administrative proceedings (e.g., issues related to the provisions of service, construction agreement, individual consumer complaints, etc.).

In contrast, this proceeding requires the Commission to set over 583 prices for interconnection and unbundled network elements, as required under the Act and the FCC’s implementing rules. It resulted in a two-week hearing with 20 witnesses, 135 exhibits, and countless disputes about the proper application of the governing methodology: “total element long-run incremental cost,” or TELRIC. In these circumstances, the Commission would derive clear benefits from a full and fair airing of the issues by the parties to this proceeding.

Clearly, the complexity of this docket merits a waiver of the application of A.A.C. R14-3-110(B). Additionally, permitting the filing of additional briefing on significant issues is consistent with past Commission practice. In the original generic cost docket, the parties filed additional comments in the form of legal memoranda, letters, supplemental citations of authority, etc. between the issuance of the proposed order and

Based on the foregoing, Qwest requests that the Hearing Division deny AT&T’s motion to strike, but permit the filing of additional responses to other parties’ exceptions, as AT&T alternatively suggests.

Respectfully submitted this 13th day of January, 2002.

By: Timothy Berg
Theresa Dwyer
FENNEMORE CRAIG, P.C.
3003 North Central, Suite 2600
Phoenix, Arizona 85012-2913
(602) 916-5421
(602) 916-5999 (fax)
Roy Hoffinger
Wendy Moser
QWEST CORPORATION

John M. Devaney
Norton Cutler
PERKINS COIE LLP
Attorneys for Qwest Corporation

ORIGINAL and 10 copies of the foregoing hand-delivered for filing this 13th day of January, 2002 to:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ 85007

COPY of the foregoing hand-delivered this day to:

Maureen Scott
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ 85007
Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ  85007

Lyn Farmer, Chief Arbitrator
Hearing Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ  85007

COPY of the foregoing mailed this day to:

Steven J. Duffy
RIDGE & ISAACSON, P.C.
3101 North Central Avenue, Ste. 1090
Phoenix, Arizona 85012-2638

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

Allen Wong
AT&T
1875 Lawrence Street, Room 1575
Denver, CO  80202-1847

Michael W. Patten
ROSHKA HEYMAN & DEWULF
400 North Fifth St., Ste. 1000
Phoenix, AZ  85004-3906

Michael Grant
Todd C. Wiley
GALLAGHER & KENNEDY
2575 E. Camelback Rd.
Phoenix, AZ  85016-9225

Thomas H. Campbell
LEWIS & ROCA
40 N. Central Avenue
Phoenix, AZ  85007
Brian S. Thomas  
TIME WARNER TELECOM  
520 SW Sixth Ave., Suite 300  
Portland, OR 97204-1522

Thomas F. Dixon  
WORLDCOM  
707 17th Street  
Denver, CO 80202

Eric S. Heath  
SPRINT COMMUNICATIONS CO.  
100 Spear Street, Suite 930  
San Francisco, CA 94105

Scott S. Wakefield  
RUCO  
2828 N. Central Avenue, Suite 1200  
Phoenix, AZ 85004

Ray Heyman  
ROSHKA HEYMAN & DeWULF  
400 North 5th Street, Suite 1000  
Phoenix, AZ 85004

Rex M. Knowles  
XO Communications, Inc.  
111 E. Broadway, Suite 1000  
Salt Lake City, UT 84111

Megan Doberneck  
COVAD COMMUNICATIONS COMPANY  
7901 Lowry Boulevard  
Denver, Colorado 80230

Robert S. Tanner  
DAVIS WRIGHT TREMAINE LLP  
17203 N. 42nd Street  
Phoenix, AZ 85032
Greg Kopta  
DAVIS WRIGHT TREMAINE LLP  
2600 Century Square  
1501 Fourth Avenue  
Seattle, WA  98101-1688

Mary S. Steele  
DAVIS WRIGHT TREMAINE, LLP  
2600 Century Square  
1501 Fourth Avenue  
Seattle, WA  98101-1688

Dennis Ahlers  
Senior Attorney  
ESCHELON TELECOM, INC.  
730 Second Avenue South, Suite 1200  
Minneapolis, MN  55402

Steve Sager, Esq.  
MCLEODUSA TELECOMMUNICATIONS SERVICE, INC.  
215 South State Street, 10th Floor  
Salt Lake City, Utah 84111

Marti Allbright, Esq., Esq.  
MPOWER COMMUNICATIONS CORPORATION  
5711 South Benton Circle  
Littleton, CO  80123

Penny Bewick  
NEW EDGE NETWORKS  
PQ Box 5159  
3000 Columbia House Blvd.  
Vancouver, Washington  98668

Michael B. Hazzard  
KELLEY DRYE AND WARREN  
1200 19th Street, NW  
Washington, DC  20036

Janet Livengood  
Z-TEL COMMUNICATIONS, INC.  
601 South Harbour Island  
Suite 220  
Tampa, Florida  33602
Andrea Harris
ALLEGIANCE TELECOM
2101 Webster
Suite 1580
Oakland, CA 94612

Traci Grundon
DAVIS, WRIGHT TREMAINE, LLP
1300 S. W. Fifth Avenue
Portland, OR 97201

Joan Burke
OSBORN MALEDON
2929 N. Central Avenue
Phoenix, AZ 85012

PHX/TDWYER/1259578.2/67817.240