AT&T Communications of the Mountain States, Inc. and TCG Phoenix (collectively “AT&T”) and WorldCom, Inc. (“WorldCom”) respectfully request that the Administrative Law Judge clarify the Procedural Order dated April 19, 2002.

I. INTRODUCTION

On April 19, 2002, the Administrative Law Judge (“ALJ”) issued a Procedural Order that:

1. Ordered Qwest to provide to all parties calendar year 2000 customer location data and number of lines by location no later than May 1, 2000, and

2. Ordered Qwest to have the data formatted and run through the HAI model and provide such results to the parties and to the Commission as soon as possible, but no later than May 24, 2000.

AT&T and WorldCom believe that Qwest has interpreted the ALJ’s second ordering paragraph in a manner that goes beyond the directions to Qwest made by the
Commissioners on April 16, 2002, and is inconsistent with Commissioner Spitzer's amendment number 1.

II. ARGUMENTS

The Commissioners directed Qwest to provide customer location data and the number of lines at each location for the year 2000. TR. 121-122 & 177. AT&T made it clear to the Commissioners that the information must be processed by TNS before it can be used as input to the HAI model. TR. 176. At no time did the Commissioners direct Qwest to run the 2000 location and line data through the HAI model.

AT&T and WorldCom believe that Qwest has misinterpreted the terms of the Procedural Order. Instead of using TNS to process the year 2000 customer location and line information data, Qwest intends to use StopWatch Maps, a different third party vendor. Qwest's approach will add considerable and unnecessary complexity and ambiguity to incorporating the new data into the HAI Model. TNS processed the customer location data used throughout this proceeding in the HAI model and used to arrive at the rates agreed to by the parties and submitted in response to the supplemental recommended order. The Commissioners supported the use of the HAI model and did not raise any objections to, or propose any amendments regarding, the use of TNS to process the customer location information.¹

The Procedural Order requires that on May 1, 2002, Qwest must provide AT&T, WorldCom, Commission Staff and the other parties with the customer location and line

¹ Commissioner Spitzer said the Administrative Law Judge “correctly” adopted the HAI model TR. 96, and there were only three items he disagreed with in the recommended order. TR. 11. Commissioner Irvin did not propose any amendments. Chairman Mundell proposed only one amendment. None of the amendments addressed use of the TNS process. See TR 102-106 for a discussion of processing the data by TNS.
count information. AT&T has attempted to work cooperatively with Qwest and has advised Qwest how the data needs to be formatted. Once Qwest has formatted and provided the data, AT&T and WorldCom's understanding is that the Commission's directions to the parties require that the data be processed by TNS. After TNS processes the data, it can be used in the HAI model, and any of the parties can run the model to achieve the results.

Qwest's use of a different third party vendor to process the data not only is inconsistent with the Commission's directions to the parties but would result in protracted and contentious additional proceedings. The Chairman made it clear that the parties should have adequate time to prepare for an evidentiary hearing. Qwest's decision to use another data processing vendor will expand the scope of such a hearing and require substantial additional time to prepare. The processing of customer location data will become an issue – an issue never raised by the Commissioners in their deliberation – and will include disputes over which vendor's results should be adopted. Discovery would also be more extensive. AT&T advised the Commission that limited discovery of the year 2000 customer location and line count data may be necessary, TR. 177, but that representation was based on the understanding that TNS would be used to process the customer location information. By interjecting a new third party vendor, Qwest has opened up new areas for discovery and litigation that go beyond the accuracy of the year 2000 data. AT&T and WorldCom will certainly need more time than initially anticipated to conduct discovery\(^2\) and to prepare for an evidentiary hearing.\(^3\)

\(^2\) It may also be necessary to take depositions of the employees of StopWatch Maps for AT&T to adequately understand how the data was processed.

\(^3\) AT&T hereby requests that an evidentiary hearing be incorporated in any subsequent procedural order. TR. 176.
The ALJ, therefore, should clarify that TNS is the third party vendor tasked with processing the data.\(^4\) In addition, because TNS is a third party vendor, TNS will need to be compensated for its services in processing the data. Qwest, as the party with the burden of proof and the party that originally advocated the use of different data, should be responsible for paying that compensation. In the spirit of compromise and their commitment to work cooperatively with Qwest to process this data, however, AT&T and WorldCom are prepared to pay for one-half the costs. The Commission, therefore, not only should require that the data be submitted to TNS for processing but should order Qwest to pay one half of the costs of using TNS.\(^5\)

III. CONCLUSION

AT&T and WorldCom respectfully request that the Administrative Law Judge clarify the Procedural Order dated April 19, 2000. Such clarification should include the requirement that Qwest provide the year 2000 customer location and line count information to AT&T and WorldCom, in the format they have requested, on or before May 1, 2002, and order either Qwest or AT&T and WorldCom to provide the data to TNS for processing. AT&T and WorldCom further request that the Administrative Law Judge apportion the costs of TNS data processing so that Qwest pays one-half of those costs while AT&T and WorldCom pay the other half. The results from TNS should then

\(^4\) AT&T believes it is inappropriate for Qwest to inject results from another vendor at this time. The Commissioners did not take issue with TNS processing the data. Qwest seeks to relitigate the data processing issue when the Commissioners only ordered that the customer location and line count data be updated to the year 2000.

\(^5\) Qwest has, in essence, agreed that it should share in the costs of processing the data by retaining its own third-party vendor to do the processing. Qwest is wasting these resources, however, by obtaining its own vendor that has not had any relationship to the proceeding nor been approved by the Commissioners in its deliberations, either explicitly or implicitly. Qwest may actually save money by paying half the costs of TNS to process the data versus the entire costs of StopWatch Maps to process the data.
be provided to AT&T, WorldCom, Staff and Qwest, and the parties can run the HAI model jointly or independently. If jointly, the parties can be ordered to provide a joint rate sheet based on the model results.

Respectfully submitted this 29th day of April 2002.

AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC., AND TCG PHOENIX

By: Richard S. Wolters
1875 Lawrence Street, Suite 1503
Denver, Colorado 80202
Telephone: (303) 298-6741

Gregory H. Hoffman
AT&T
795 Folsom St.
San Francisco, CA 94107-1243

and

WORLDCOM, INC.

Thomas F. Dixon
WorldCom, Inc.
707 – 17th Street, #3900
Denver, Colorado 80202
Telephone: (303) 390-6206
CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of the Request for Clarification of the April 19, 2002 Procedural Order, regarding Docket No. T-00000A-00-0194, were hand delivered this 29th day of April, 2002, 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 29th day of April, 2002 to the following:

Ernest Johnson
Director - Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Maureen Scott
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Lyn Farmer
Chief Hearing Officer
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Dwight D. Nodes, ALJ
Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

and that a copy of the foregoing was sent via United States Mail, postage prepaid, on the 29th day of April, 2002 to the following:

Timothy Berg
Fennemore Craig, P.C.
3003 North Central Ave.
Suite 2600
Phoenix, AZ 85012
Attorneys for Qwest

Janet Livengood
Z-TEL Communications, Inc.
601 South Harbour Island
Suite 220
Tampa, Florida 33602
Attorneys for Z-Tel Communications, Inc.

Steve Sager, Esq.
McLeod USA Telecommunications
Service, Inc.
215 South State Street, 10th Floor
Salt Lake City, Utah 84111
Attorneys for McLeod USA

Ray Heyman
Roshka Heyman & DeWulf
400 North 5th Street
Suite 1000
Phoenix, AZ 85004
Attorneys for Alltel Communications
Michael W. Patten
Roscoe Heyman & DeWulf
400 North 5th Street
Suite 1000
Phoenix, AZ 85004
Attorneys for Cox, e-spire, McLeod USA, Teligent, Z-Tel, MGC Communications

Marti Allbright, Esq.
MPOWER Communications Corporation
5711 South Benton Circle
Littleton, CO 80123
Attorneys for MGC Communications

Dennis Ahlers
Echelon Telecom, Inc.
730 Second Avenue South
Suite 1200
Minneapolis, MN 55402
Attorneys for Echelon Telecom, Inc.

Thomas H. Campbell
Lewis & Roca LLP
40 N. Central Avenue
Phoenix, AZ 85004
Attorneys for Rhythms Links, Inc., Time Warner, WorldCom, Echelon Telecom, Allegiance

Thomas F. Dixon
WorldCom, Inc.
707 17th Street
Suite 3900
Denver, CO 80202
Attorneys for WorldCom

John Connors
WorldCom, Inc.
Law and Public Policy
707 17th Street, Suite 3600
Denver, CO 80202
Attorney for WorldCom

Darren S. Weingard
Stephen H. Kukta
Sprint Communications Co.
1850 Gateway Drive
7th Floor
San Mateo, CA 94404-2647
Attorneys for Sprint

Eric Heath
Sprint Communications
100 Spear Street
Suite 930
San Francisco, CA
Attorneys for Sprint

Steven J. Duffy
Ridge & Isaacson, P.C.
3101 North Central Avenue
Suite 1090
Phoenix, AZ 85012-2638
Attorneys for Sprint

Megan Doberneck, Senior Counsel
Nancy Mirabella, Paralegal
Covad Communications Company
4250 Burton Drive
Santa Clara, CA 95054
Attorney for Covad

Penny Bewick
New Edge Networks
P.O. Box 5159
3000 Columbia House Blvd.
Vancouver, Washington 98668
Attorneys for New Edge

Michael M. Grant
Gallagher and Kennedy
2575 E. Camelback Road
Phoenix, AZ 85016-9225
Attorneys for ELI, Covad, New Edge
Michael B. Hazzard
Kelley Drye and Warren
1200 19th Street, NW
Washington, DC 20036
Attorneys for Z-Tel Communications

Andrea Harris
Allegiance Telecom
2101 Webster
Suite 1580
Oakland, CA 94612

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

Kevin Chapman
SBC Telecom, Inc.
300 Convent Street, Room 13-Q-40
San Antonio, TX 78205