IN THE MATTER OF THE GENERIC 
INVESTIGATION INTO U S WEST 
COMMUNICATIONS, INC.'S 
COMPLIANCE WITH CERTAIN 
WHOLESALE PRICING REQUIRE-
MENTS FOR UNBUNDLED NETWORK 
ELEMENTS AND RESALE DISCOUNTS 

STAFF’S POSITION ON THE TNS PAYMENT ISSUE

On November 8, 2002, Qwest Corporation ("Qwest") filed a request for clarification of the Commission’s May 9, 2002 Procedural Order. Qwest stated in its request that it has not made final payment of $10,000.00 to TNS because of the late delivery of the customer location data and the failure of TNS to deliver the back-up data that Qwest states would have permitted it to audit the TNS results. Qwest Request for Clarification at p. 2.  

TNS’ position was set forth in correspondence to Qwest dated September 27, 2002: 

...[I]t is our belief that our obligation to Qwest ended with the production and dissemination of the input data for AZ. Per the Az commission’s May order in DOCKET No. T-00000A-00-0194 TNS was to provide “data processing services” under specific requirements and that “AT&T/WorldCom shall pay one-half of TNS’ data processing costs, and Qwest shall pay one-half of TNS’ data processing costs.” Thus, as this is the only guidance provided to TNS Telecoms surrounding the creation of the input data, the viewpoint that TNS Telecoms is also obligated to provide additional support and documentation was never mutually agreed to.” 

---

1 To-date Qwest has paid TNS only $5,000.00 on its total bill of $15,000.00.
Staff agrees with TNS on this issue, and believes that Qwest should be required to immediately remit all outstanding payments to TNS. The May 9, 2002, Procedural Order in Phase II directed Qwest, AT&T Communications of the Mountain States, Inc. (“AT&T”) and WorldCom, Inc. (“WorldCom”) to provide the updated year 2000 customer location data to TNS so TNS could process the data through the HAI model as it had done before. TNS produced the run requested by the Commission. If there was ever any question as to the nature and extent of TNS’ obligations, it was resolved by the Commission’s final Phase II Opinion and Order, Decision No. 64922. In addition, Qwest made the same argument that TNS had not timely made available or had not made available at all certain data in its petition for rehearing filed July 2, 2002. The Petition was subsequently deemed denied by operation of law.

In conclusion, the Commission should order Qwest to immediately remit payment to TNS in the amount of $10,000.00.

RESPECTFULLY SUBMITTED this 10th day of March, 2003.

Maureen A. Scott
Attorney
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
Telephone: (602) 542-6022
Facsimile: (602) 542-4870

Original and 13 copies of the foregoing were filed this 10th day of March 2003, with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007
Copies of the foregoing were mailed and/or hand-delivered this 10th day of March 2003 to:

1. Jon Poston  
   ACTS  
   6733 East Dale Lane  
   Cave Creek, Arizona 85331-6561

2. Richard S. Wolters  
   AT&T Communications of the Mountain States, Inc.  
   1875 Lawrence Street, Room 1575  
   Denver, CO 80202-1847

3. Mary E. Steele  
   Davis-Wright-Tremaine  
   2600 Century Square  
   4th Avenue  
   Seattle, WA 98101-1688

4. Joan Burke  
   Osborn Maledon, P.A.  
   2929 N. Central Avenue, 21st Floor  
   Phoenix, AZ 85067-6379

5. Gregory Kopta  
   Davis Wright Tremaine  
   2600 Century Square  
   1501 Fourth Avenue  
   Seattle, WA 98101-1688

6. Drake Tempest  
   Qwest Communications  
   555 Seventeenth Street  
   Denver, CO 80202

7. Kathryn E. Ford  
   QWEST COMMUNICATIONS, INC.  
   1801 California Street, Suite 4900  
   Denver, CO 80202

8. Timothy Berg  
   Fennemore Craig, P.C.  
   3003 North Central Avenue, Suite 2600  
   Phoenix, AZ 85012

9. Michael W. Patten  
   Roshka Heyman & DeWulf  
   One Arizona Center  
   400 East Van Buren, Suite 800  
   Phoenix, AZ 85004

10. Jeffrey W. Crockett  
    Jeffrey B. Guldner  
    Snell & Wilmer L. L. P.  
    One Arizona Center  
    Phoenix, AZ 85004-2202

11. Steve Sager  
    McLeodUSA  
    215 S. State Street, 10th Floor  
    Salt Lake City, Utah 84111

12. Rex Knowles  
    Nextlink Communications  
    111 East Broadway, Suite 1000  
    Salt Lake City, Utah 84111

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

    MCI WORLDCOM  
    707 17th Street, #3900  
    Denver, CO 80202

    SPRINT COMMUNICATIONS CO., L.P.  
    100 Spear Street, Suite 930  
    San Francisco, CA 94105

16. Scott S. Wakefield  
    RUCO  
    1110 West Washington, Suite 220  
    Phoenix, AZ 85007

17. Timothy Peters  
    ELECTRIC LIGHTWAVE, INC.  
    4400 NE 77th Avenue  
    Vancouver, WA 98668

18. Douglas Hsiao  
    RHYTHMS LINKS, INC.  
    6933 S. Revere Pkwy.  
    Englewood, CO 80112

19. NEW EDGE NETWORKS  
    P.O. Box 5159  
    3000 Columbia House Blvd.  
    Vancouver, WA 98668
November 6, 2001

Andrea Harris, Sr. Mgr.
ALLEGIANCE TELECOM INC. OF AZ
2101 Webster, Suite 1580
Oakland, CA 94612

Megan Doberneck, Sr. Counsel
Covad Communications Co.
7901 Lowry Blvd
Denver, CO 80230

Traci Grundon
DAVIS, WRIGHT TREMAINE L.L.P.
1300 S.W. Fifth Avenue
Portland, OR 97201
Attorneys for Nextlink, Inc., & ATG, Inc.

Marti Allbright, Esq.
Mpower Communications Corp.
5711 South Benton Circle
Littleton, Colorado 80123

Dennis D. Ahlers, Sr. Attorney
Eschelon Telecom, Inc.
730 Second Ave. South, Ste 1200
Minneapolis, MN 55402

Janet Livengood, Reg. VP
Z-Tel
Tampa, FL 33602

Michael B. Hazzard
Kelley Drye & Warren LLP
1200 – 19th St., NW 5th Fl.
Washington, DC 20036

Ray Heyman
Roshka-Heyman & DeWulf
One Arizona Center
400 East Van Buren, Suite 800
Phoenix, AZ 85004
Attorneys for Alltel Communications

Gregory Hoffman
AT&T Telecommunications
795 Folsom Street, Room 2159
San Francisco, CA 94107-1243

Kevin Chapman
Director-Regulatory Relations
SBC Telecom, Inc.
300 Convent Street, Rm. 13-Q-40
San Antonio, TX 78205

Thomas H. Campbell
LEWIS & ROCA
40 N. Central Avenue
Phoenix, AZ 85004

Brian Thomas
Vice-President Regulatory-West
Time Warner Telecom, Inc.
223 Taylor Avenue North
Seattle, Washington 98109

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

Deborah R. Scott
Associate General Counsel
Citizens Communications Company
2901 North Central Avenue, Suite 1660
Phoenix, AZ 85012

Jacqueline Manogian
Mountain Telecommunications, Inc.
1430 W. Broadway Road, Suite A200
Tempe, AZ 85282

Kimberly M. Kirby
Davis, Dixon Kirby LLP
19200 Von Karman Avenue, Suite 600
Irvine, CA 92612

Deborah A. Amaral
Assistant to Maureen A. Scott