

December 17, 2004

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BY HAND AND E-MAIL

Sandy Mooy
Hearing Officer
Public Service Commission of Utah
Heber M. Wells Building
Fourth Floor
160 East 300 South
Salt Lake City, UT 84111

Re: Developer Interventions in Docket No. 03-049-62

Dear Sandy:

In connection with discovery in this docket, Qwest has been contacted by nine developers who were granted intervention by the Commission, but who have informed Qwest that they were not aware of, and had not authorized, a petition to intervene on their behalf.

The developers who have contacted Qwest with this information are A&A Wiser Construction, Aspen Homes, Celebrity Builders, MCM Engineering Inc., McMullin Homes, Inc., Oakridge Homes, Quail Hollow LLC, Suncrest Development,¹ and Symphony Homes. They contacted Qwest in response to data requests Qwest submitted to intervening developers, and informed Qwest that they did not believe they had authorized a petition to intervene, in some cases never having heard of the LDA proceeding or even of the Public Service Commission. Some of them requested that Qwest forward their purported petitions to intervene, and upon seeing the petitions reported that the signatures on the petitions were not genuine. In the case of Oakridge Homes, the signed name on the petition was actually spelled incorrectly.

With the exception of McMullin Homes,² the petitions of these nine developers arrived at the offices of Stoel Rives on November 2 as part of a larger group of 36 petitions, in one envelope with no return address, but with a post mark from a Park City zip code (84060). Other than these responses and one additional response from J&H Development, whose counsel did not confirm whether J&H had initially sought intervention but did inform Qwest that J&H does not intend to

¹ There is apparently no entity known as Suncrest Development, but counsel for the actual developer of the Suncrest subdivision informed Qwest that the developer had not intervened. Suncrest does not have Qwest's facilities installed and therefore has never entered an LDA with Qwest.

² The McMullin Homes petition was received by Qwest on September 21 and did not have a signature on its certificate of service.

Sandy Mooy, Esq.
Hearing Officer
Public Service Commission of Utah
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participate in the docket, none of the developers from this set of 36 petitions has responded in any way to Qwest's data requests, which were served on November 24 and had responses due on December 13. All of the petitions from this set of 36 appear to have been dated from early October and all have certificates of service that were apparently signed by the same person, whose signature looks like a large "M".

Upon request of the Division of Public Utilities, Qwest has forwarded to the Division the specific information received from the developers identified above, and at your request will forward to the Commission relevant correspondence. Please let us know if we can be of further assistance in addressing this irregularity.

Sincerely,

David L. Elmont

Attorney for Qwest Corporation

cc: All Parties of Record