

Jerold G. Oldroyd, Esq. (#2453)  
Angela W. Adams, Esq. (#9081)  
Ballard Spahr Andrews & Ingersoll, LLP  
One Utah Center, Suite 600  
201 South Main Street  
Salt Lake City, Utah 84111-2221  
Telephone: (801) 531-3000  
Facsimile: (801) 531-3001

J. Davidson Thomas, Esq.  
T. Scott Thompson, Esq.  
Brian M. Josef, Esq.  
Cole, Raywid & Braverman, LLP  
1919 Pennsylvania Avenue, N.W.  
Second Floor  
Washington, D.C. 20006  
Telephone: (202) 659-9750

Meredith R. Harris, Esq.  
AT&T Corp.  
One AT&T Way  
Bedminster, New Jersey 07921  
Telephone: (908) 532-1850

**Attorneys for AT&T Corp. and AT&T  
Communications of the Mountain States, Inc.**

Submitted December 3, 2004

---

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

---

AT&T CORP., a New York Corporation;	)	
AT&T COMMUNICATIONS OF THE	)	
MOUNTAIN STATES, INC., a Colorado	)	
Corporation,	)	
	)	<b>Docket No. 04-087-73</b>
	)	
Claimants,	)	
vs.	)	<b>CLAIMANTS' FIRST</b>
	)	<b>SUPPLEMENTAL RESPONSE TO</b>
	)	<b>QWEST CORPORATION'S FIRST</b>
QWEST CORPORATION, a Colorado	)	<b>SET OF DATA REQUESTS TO AT&amp;T</b>
Corporation,	)	<b>CORP., AND AT&amp;T</b>
	)	<b>COMMUNICATIONS OF THE</b>
Respondent.	)	<b>MOUNTAIN STATES, INC.</b>

---

AT&T Corp. and AT&T Communications of the Mountain States, Inc. (“Claimants”), by and through their attorneys, Ballard Spahr Andrews & Ingersoll, LLP, and pursuant to Rule 33 of the Utah Rules of Civil Procedure, hereby submit this First Supplemental Response to Qwest Corporation’s First Set of Data Requests to AT&T Corp., and AT&T Communications of the Mountain States, Inc. (“Qwest’s Data Requests # 1”) in the above-captioned matter, as follows:

**I. GENERAL OBJECTIONS**

1. Claimants object to each Request to the extent it requires Claimants to provide information not within their possession, custody or control.

2. Claimants object to any Requests that call for information not within their present knowledge or which seek to require Claimants to offer a narrative of their case.

3. Claimants object to the Requests to the extent that they are unreasonably cumulative or duplicative and to the extent that the information requested is already within the possession of Qwest or is otherwise obtainable from some other source that is more convenient, less burdensome, or less expensive.

4. Claimants object to the Requests to the extent that they seek discovery of information that is not relevant to any claim or defense raised by Claimants or Qwest and/or where the burden or expense of the proposed discovery would outweigh any benefit to Qwest of the discovery.

5. Claimants object to the Requests to the extent that they seek discovery of pure legal conclusions or contention without any application to specific facts. Further, to the extent that any Request seeks discovery of Claimants’ legal contentions in relation to specific facts, Claimants object to the Request as being premature.

6. Claimants object to the Requests to the extent that they seek the discovery or production of information or documents already in Qwest's custody or control.

7. Claimants object to the Requests to the extent that they seek the discovery or production of information or documents that are a matter of public record or that are publicly available.

8. Claimants object to the Requests to the extent that they seek discovery or production of information or documents for the purpose of identifying claims Qwest has not previously identified.

9. The foregoing General Objections are hereby incorporated into each of the numbered answers to the Requests and each Request is answered subject to and without waiver of these General Objections.

### **III. SUPPLEMENTAL RESPONSES TO INTERROGATORIES**

Interrogatory 7 [Qwest Data Request No. 2(d)]: If the response to [Interrogatory 6, [Qwest Data Request No. 2(c)]] is that the name of the corporation changed, has that corporation (the entity that changed its name) undergone any other subsequent name changes or other corporate mergers or spinoffs since the time of the name change? If so, please describe each such name change and/or corporate merger or spinoff. (Provide documentation of all subsequent name changes and/or corporate mergers or spinoffs).

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it seeks information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. Claimants object that the request is overly broad and unduly burdensome. In addition, Claimants object that this request seeks information that is already fully within the possession of Qwest and is therefore imposed solely for the purpose of harassment. Finally, Claimants object that the request is unreasonably vague and ambiguous.

Subject to the foregoing objections, and in accordance with Qwest's agreement to limit the scope of the question to apply to AT&T Communications of the Mountain States, Inc., Claimants state the following: AT&T Communications of the Mountain States, Inc. is the same operating subsidiary that Mountain Bell (predecessor to U S West and Qwest) formed and incorporated on September 21, 1983 and then transferred to the American Telephone & Telegraph Company (subsequently changed to AT&T Corp.) in accordance with the terms of divestiture. Since that time, AT&T Communications of the Mountain State, Inc. has not been spun-off, has not changed its name and has not been transferred from its corporate parent (the American Telephone & Telegraph Company and then AT&T Corp.) as a result of any corporate merger.

**Supplemental Objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 13 [Qwest Data Request No. 6(c)]: In which states does [AT&T Corp.] provide telecommunications services directly to customers?

**Claimants' Supplemental Response**: Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Claimants object that the request is overly broad and unduly burdensome in seeking information concerning telecommunications services provided outside the State of Utah. At the November 17, 2004 hearing on Qwest's Motion to Compel, Qwest withdrew this request.

**Supplemental Objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 19 [Qwest Data Request No. 6(i)]: Does [AT&T Corp.] maintain employees at 55 Corporate DR RM 21C70, Bridgewater, NJ 08807? If so, what functions do those employees fulfill at that location? If not, which AT&T entity maintains employees at that location?

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Claimants object that the request is and vague, ambiguous, overly broad and unduly burdensome in seeking information concerning numerous employees and descriptions of their individual job functions and in states outside of Utah.

Subject to the foregoing objections and in accordance to Qwest's agreement at the November 17, 2004 hearing to limit the scope to identifying a) which AT&T entity maintains employees at 55 Corporate DR RM 21C70, Bridgewater, NJ 08807, and b) what functions they fulfill, AT&T provides the following response: Claimants maintain offices for the Global Real Estate Lease Administration department at 55 Corporate DR RM 21C70, Bridgewater, NJ 08807. The Global Real Estate Lease Administration is a department of AT&T Corp. that handles leases and payments for leases entered into by AT&T Corp. and its subsidiaries.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 23 [Qwest Data Request No. 7(d)]: Provide a list of [AT&T Communications of the Mountain States, Inc.'s] officers and board of directors, including their positions and addresses.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. At the November 17, 2004 hearing on Qwest's Motion to Compel, Qwest withdrew this request.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 26 [Qwest Data Request No. 7(g)]: Does [AT&T Communications of the Mountain States, Inc.] currently maintain any employees in New York, New Jersey, or Georgia? If so, identify how many employees and describe their job functions.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Claimants object that the request is overly broad and unduly burdensome in seeking information concerning thousands of employees and descriptions of their individual job functions in states outside of Utah.

On November 17, 2004, Qwest withdrew this request to the extent it seeks information about AT&T employees in New York. As to the remaining portion of the request, Qwest agreed to limit the scope to request information about AT&T employees in New Jersey and Georgia that deal with conduit issues. Subject to the foregoing objections and in accordance with Qwest's agreement to limit the request, AT&T provides the following information: AT&T Corp. maintains employees in New Jersey and Georgia that deal with conduit issues on behalf AT&T Communications of the Mountain States, Inc. as well as other affiliates and subsidiaries. Although AT&T Communications of the Mountain States, Inc. does not technically maintain any employees at these locations, employees of its corporate parent, AT&T Corp., fulfill functions related to AT&T Communications of the Mountain States, Inc.'s administration of conduit leases at these locations. AT&T Communications of the Mountain States, Inc. does not have its own employees to fulfill these functions. It would entail an overwhelming burden – to the point of essential impossibility –

to state with precision exactly how many AT&T Corp. employees fulfill these functions on AT&T Communications of the Mountain States, Inc.'s behalf at any given time.

**Supplemental objection and answer prepared by Genevieve D. Sapir Esq.**

Interrogatory 27 [Qwest Data Request No. 7(h)]: Has [AT&T Communications of the Mountain States, Inc.] maintained employees in New York, New Jersey, or Georgia in the past? If so, what types of job functions has it maintained for employees in those states?

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Claimants object that the request is overly broad and unduly burdensome in seeking information concerning thousands of employees and descriptions of their individual job functions in states outside of Utah.

Subject to and without waiving the foregoing objections, AT&T Corp. has maintained employees in New Jersey and Georgia that deal with conduit issues on behalf AT&T Communications of the Mountain States, Inc. as well as other affiliates and subsidiaries. Although AT&T Communications of the Mountain States, Inc. does not technically maintain any employees at these locations, employees of its corporate parent, AT&T Corp., fulfill functions related to AT&T Communications of the Mountain States, Inc.'s administration of conduit leases at these locations. AT&T Communications of the Mountain States, Inc. does not have its own employees to fulfill these functions. It would entail an overwhelming burden – to the point of essential impossibility – to state with precision exactly how many AT&T Corp. employees fulfill these functions on AT&T

Communications of the Mountain States, Inc.'s behalf at any given time. Claimants direct Qwest to their response to Interrogatory 26 (Qwest Data Request 7(g)).

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 28 [Qwest Data Request No. 7(i)]: Does [AT&T Communications of the Mountain States, Inc.] maintain employees at 55 Corporate DR RM 21C70, Bridgewater, NJ 08807? If so, what functions do those employees fulfill at that location? If not, which AT&T entity maintains employees at that location?

**Claimants' Supplemental Response**: Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Claimants object that the request is overly broad and unduly burdensome in seeking information concerning numerous employees and descriptions of their individual job functions in states outside of Utah. Subject to the foregoing objections and in accordance to Qwest's agreement to limit the scope to identifying a) which AT&T entity maintains employees at 55 Corporate DR RM 21C70, Bridgewater, NJ 08807, and b) what functions they fulfill, Claimants provide the following response: See Supplemental Response to Interrogatory 19 (Qwest Data Request 6(i)).

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 29 [Qwest Data Request No. 8]: Is the Complainant AT&T Communications of the Mountain States, Inc. the same corporate entity as the company by the same name that is referred to Exhibits 1 and 2 of the Complaint? If not, please explain how the



corporate entity or entities identified in Exhibits 1 and 2 differ from the entity by that same name that is a complainant in this case.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, Claimants state that the Complainant AT&T Communications of the Mountain States, Inc. is the same corporate entity as the company by the same name that is referred to Exhibits 1 and 2 of the Complaint

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 30 [Qwest Data Request No. 9]: The last two documents included in Exhibit 5 of the Complaint refer to AT&T Communications of the Mountain States, Inc. The first is entitled "Agreement," and is dated July 7, 1987; the second is entitled "Franchise Use Agreement" and is dated March 22, 1988. Is the Complainant AT&T Communications of the Mountain States, Inc. the same corporate entity as the company by the same name as referred to that in these two agreements? If not, please explain how the corporate entities identified in these documents in Exhibit 5 differ from the entity by that same name that is a complainant in this case.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, Claimants state that the Complainant AT&T

Communications of the Mountain States, Inc. is the same corporate entity as the company by the same name as referred to in the two agreements referenced in this interrogatory.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 31 [Qwest Data Request No. 10]: Is the entity referred to as “AT&T Communications of the Mountain States, Inc.” in the interconnection agreement attached as Exhibit 6 to the Complaint the same legal entity as the complainant by the same name? If not, please explain how the corporate entities identified in these documents in the interconnection agreement differ from the entity by that same name that is a complainant in this case.

**Claimants’ Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. Claimants also object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, Claimants state that the entity referred to as “AT&T Communications of the Mountain States, Inc.” in the interconnection agreement attached as Exhibit 6 to the Complaint is the same legal entity as the complainant by the same name.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 32 [Qwest Data Request No. 11]: Does AT&T Corp. maintain offices at 55 Corporate DR RM 21C70, Bridgewater, NJ 08807? If so, what functions do its employees at that location perform? If not, identify the AT&T entity that maintains employees at that address and describe the functions they perform?

**Claimants’ Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues

in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, Claimants object that the request is overly broad and unduly burdensome in seeking information concerning numerous employees and descriptions of their individual job functions in states outside of Utah. Subject to the foregoing objections and in accordance to Qwest's agreement to limit the scope to identifying a) which AT&T entity maintains employees at 55 Corporate DR RM 21C70, Bridgewater, NJ 08807, and b) what functions they fulfill, Claimants provide the following response: See Supplemental Response to Interrogatory 19 (Qwest Data Request 6(i)).

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 34 [Qwest Data Request No. 13]: With regard to paragraph 1 of the complaint, does AT&T Corp. directly provide any telecommunications services in the State of Utah or has it ever in the past?

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, and to Judge Goodwill's limitation that Claimants need only respond with respect to public telecommunications services as defined by Utah Code 54-8b-2(14), Claimants state: AT&T Corp. does not itself provide telecommunications services directly to end users in Utah.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 35 [Qwest Data Request No. 13(a)]: If so, what services does it currently provide?

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, and in accordance with Qwest's agreement on November 17, 2004, to limit the scope of this question to the general categories of services Claimants provide, Claimants state as follows: AT&T Corp. does not itself provide telecommunications services directly to end users in Utah.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 36 [Qwest Data Request No. 13(b)]: What services did it formerly provide in Utah that it no longer provides?

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. Claimants also object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, and in accordance with Qwest's agreement on November 17, 2004, to limit the scope of this request to general categories of services, Claimants state the following: Claimants fully incorporates its response to Interrogatory 34 (Qwest Data Request No. 13). Of the three general categories of services—local exchange, inter-LATA long distance and intra-LATA long distance--Claimants have not ceased providing these services.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 37 [Qwest Data Request No. 13(c)]: Is AT&T Corp. certificated to provide services in Utah? If so, provide copies of its certification by the Utah Public Service Commission.

**Claimants' Supplemental Response**: Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Claimants further object on the grounds that information regarding any telecommunications service provider's authority to provide services in Utah is information publicly available from the Public Service Commission. Subject to and without waiving the foregoing objections, AT&T Corp. is not separately or independently certificated to provide services in Utah.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 38 [Qwest Data Request No. 13(d)]: Is AT&T Corp. a CLEC in Utah?

**Claimants' Supplemental Response**: Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Claimants further object on the grounds that information regarding any telecommunications service provider's authority to provide services in Utah is information publicly available from the Public Service Commission.

Subject to and without waiving the foregoing objections, Claimants state that AT&T Corp.'s wholly-owned subsidiary, AT&T Communications of the Mountain States, Inc., is a

competitive local exchange carrier (“CLEC”) certificated by the Utah Public Service Commission. AT&T Corp. is not separately or independently certificated as a CLEC in Utah.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 39 [Qwest Data Request No. 13(e)]: Provide a copy of all interconnection agreements between AT&T Corp. and Qwest in Utah.

**Claimants’ Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Claimants further object that this request seeks information that is already fully within the possession of Qwest and is therefore imposed solely for the purpose of harassment. At the November 17, 2004 hearing on Qwest’s Motion to Compel, Qwest withdrew this request.

**Supplemental objection and answer provided by Genevieve D. Sapir, Esq.**

Interrogatory 40 [Qwest Data Request No. 14]: Does the American Telephone and Telegraph Company directly provide any telecommunications services in the State of Utah or has it ever in the past?

**Claimants’ Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it is overly broad to the extent that it seeks information that is not relevant to substantial issues in the proceeding and vague, ambiguous, and unduly burdensome in seeking information concerning past telecommunications service offerings, without limit to time or scope. Further, Claimants object to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Claimants state that, as set forth in Claimants' responses to Qwest Interrogatory 10 (Qwest Data Request No. 5), the American Telephone and Telegraph Company formally amended its Certificate of Incorporation changing its name to "AT&T Corp." on April 20, 1994. As such, the American Telephone and Telegraph Company no longer exists under that name. Claimants incorporate by reference the response to Qwest Interrogatory No. 34 (Qwest Data Request No. 13).

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 41 [Qwest Data Request No. 14(a)]: If so, what services does it currently provide?

**Claimants' Supplemental Response**: Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Claimants direct Qwest to their responses to Interrogatory 10 (Qwest Data Request No. 5) and Interrogatory 35 (Qwest Data Request No. 13(a)). The American Telephone and Telegraph Company does not currently exist under that name.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 42 [Qwest Data Request No. 14(b)]: What services did it formerly provide in Utah that it no longer provides?

**Claimants' Supplemental Response**: Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues

in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Further, the request is vague, ambiguous, and unduly burdensome in seeking information concerning past telecommunications service offerings, without limit to time or scope. Subject to and without waiving the foregoing objections, Claimants direct Qwest to their responses to Interrogatory 10 (Qwest Data Request No. 5) and Interrogatory 36 (Qwest Data Request No. 13(b)).

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 43 [Qwest Data Request No. 14(c)]: Is the American Telephone and Telegraph Company certificated to provide services in Utah? If so, provide copies of its certification by the Utah Public Service Commission.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Claimants direct Qwest to their responses to Interrogatory 10 (Qwest Data Request No. 5) and Interrogatory 37 (Qwest Data Request No. 13(c)). The American Telephone and Telegraph Company has not existed under that name since April 20, 1994, and as such, it is not a CLEC.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 44 [Qwest Data Request No. 14(d)]: Is the American Telephone and Telegraph Company a CLEC in Utah?

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to



this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Claimants state that the American Telephone and Telegraph Company has not existed under that name since April 20, 1994, *see* Response to Qwest Interrogatory 10 (Qwest Data Request No. 5), and as such, it is not a CLEC in Utah.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 45 [Qwest Data Request No. 14(e)]: Provide a copy of all interconnection agreements between the American Telephone and Telegraph Company and Qwest in Utah.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. At the November 17, 2004 hearing on Qwest's Motion to Compel, Qwest withdrew this request.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 46 [Qwest Data Request No. 15]: With regard to paragraph 1 of the complaint, identify the specific services that AT&T Communications of the Mountain States, Inc. provides in the State of Utah?

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and not reasonably calculated to lead to the discovery of admissible evidence.

Claimants further object on the grounds that the specific services that AT&T Communications of the Mountain States, Inc. provides in the State of Utah are on file with the Public Service Commission and are a matter of public record.

Subject to the foregoing objections and in accordance with Qwest's agreement to limit this request to a "general description" of the services AT&T Communications of the Mountain States, Inc., provides, Claimants state the following: AT&T Communications of the Mountain States, Inc., provides local exchange and intra-LATA and inter-LATA long distance services in the State of Utah. More detailed information on the precise services AT&T Communications of the Mountain States, Inc., provides is publicly available in orders and tariffs on file with the Public Service Commission.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 48 [Qwest Data Request No. 17]: Based on the documentation in Exhibit 6 to the Complaint, there are three major conduits that are occupied by complainants and any other AT&T entities in Utah: (1) Salt Lake City to Salt Lake Junction (87-1); (2) Salt Lake City Main to Brigham City (87-2); and (3) Salt Lake City Main to Provo Main (87-3). With regard to each section of conduit occupied by an AT&T entity in Utah, identify which AT&T entities currently occupies the conduit with (1) their own facilities for their own use or (2) their own facilities for the use of another AT&T entity.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Further, Claimants object on the ground that it seeks proprietary and confidential

business records. Subject to and without waiving the foregoing objections, Claimants state that, to the best of their current knowledge, AT&T Communications of the Mountain States, Inc. occupies the conduit at issue in this proceeding for its own use. Claimants also refer Qwest to their response to response to Interrogatory No. 34 (Qwest Data Request 13).

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 49 [Qwest Data Request No. 18]: In addition to the conduits specifically identified in data request no. 17 [Interrogatory 48, *supra*], are there any other conduits that are occupied by complainants and any other AT&T entities in Utah? If so, identify the conduits, the footage occupied, and identify which AT&T entities occupy them.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Finally, Claimants object that this interrogatory is vague and ambiguous. At the November 17, 2004 hearing on Qwest's Motion to Compel, Qwest withdrew this request.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 50 [Qwest Data Request No. 19(a)]: As to each section of conduit identified in data requests 17 [Interrogatory 48, *supra*] and 18 [Interrogatory 49, *supra*], provide the following historical and current information: Which AT&T entities originally occupied the conduit after execution of the applicable license.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues

in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. With respect to Interrogatory 49 (Qwest Data Request No. 18), at the November 17, 2004 hearing on Qwest's Motion to Compel, Qwest withdrew this request.

Subject to the foregoing objections, Claimants state that AT&T Communications of the Mountain States, Inc. originally occupied the conduit at issue in this proceeding after execution of each applicable license – a fact that Claimants believe was known by Qwest and/or its predecessors-in-interest at the time.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 51 [Qwest Data Request No. 19(b)]: As to each section of conduit identified in data requests 17 and 18, provide the following historical and current information: The date on which another AT&T entity began to occupy some or all of the conduit.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. With respect to Interrogatory 49 (Qwest Data Request No. 18), Qwest withdrew this request.

Subject to and without waiving the foregoing objections, to the best of Claimants' current knowledge, no AT&T-related entity other than AT&T Communications of the Mountain States, Inc. has occupied the conduit at issue in this proceeding since execution of each applicable license - a fact that Claimants believe was known by Qwest and/or its predecessors-in-interest at the time.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 52 [Qwest Data Request No. 19(c)]: As to each section of conduit identified in data requests 17 and 18, provide the following historical and current information: In those cases when another AT&T entity occupied the conduit in addition to The American Telephone & Telegraph Company, did that other entity place new facilities or take over (either by lease, purchase or otherwise) the facilities originally placed in the conduit. Identify all AT&T entities that subsequently occupied any of the Utah conduit.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Claimants further object to this interrogatory on the grounds that it presumes the American Telephone & Telegraph Company originally occupied the conduit at issue in the Complaint.

Subject to the foregoing objections, and in accordance with Qwest's agreement on November 17, 2004, to revise the Interrogatory to read:

As to each section of conduit identified in data requests 17 and 18, provide the following historical and current information: In those cases when another AT&T entity occupied the conduit *other than* The American Telephone & Telegraph Company, did that other entity place new facilities or take over (either by lease, purchase or otherwise) the facilities originally placed in the conduit. Identify all AT&T entities that subsequently occupied any of the Utah conduit.

Claimants state the following: With respect to Interrogatory 49 (Qwest Data Request No. 18), Qwest withdrew this request. Claimants believe that Qwest and/or its predecessors-in-interest knew and have known that at the time of the execution of each applicable license, AT&T Communications of the Mountain States, Inc. owned the facilities that occupied the conduit at issue. In addition, as noted in Claimants' supplemental response to Qwest Interrogatory No. 51

(Qwest Data Requests No. 19(b), no AT&T entity other than AT&T Communications of the Mountain States, Inc. has occupied the conduit at issue since the execution of each applicable conduit license. Whether and when new communications facilities were installed can be discerned from the conduit licenses included in the Complaint

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 53 [Qwest Data Request No. 19(d)]: As to each section of conduit identified in data requests 17 [Interrogatory 48, *supra*] and 18 [Interrogatory 49, *supra*], provide the following historical and current information: Which AT&T entities (including AT&T entities not a complainant in this case) currently occupy the conduit and in what amounts.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, Claimants incorporate its responses to Interrogatories 48, 50 and 52 (Qwest Data Requests No. 17, 19(a) and 19(c)). Claimants state that, to the best of their knowledge, AT&T Communications of the Mountain States, Inc. is the AT&T entity that currently occupies conduit at issue in this proceeding.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 54 [Qwest Data Request No. 19(e)]: As to each section of conduit identified in data requests 17 [Interrogatory 48, *supra*] and 18 [Interrogatory 49, *supra*], provide the following historical and current information: To the extent an AT&T entity other than The American Telephone and Telegraph Company occupies any of those conduits, state the date upon which notice was provided to Qwest or its predecessors notifying Qwest of the intention

that another AT&T entity occupy the conduit. Provide copies of all such notices and any written replies by Qwest or its predecessors. Describe any oral conversations (including date and participants) that complainants assert occurred between them and Qwest with regard to the use of the conduit by any entity other than The American Telephone and Telegraph Company.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Claimants state that AT&T Communications of Mountain States, Inc. has owned and operated the facilities occupying the conduit at issue in this proceeding since the date on which each applicable license was executed – a fact that Claimants believe was known to Qwest or its predecessors-in-interest from the inception of the General License Agreement for Conduit Occupancy. Because, to the best of Claimants' current knowledge, no entity other than AT&T Communications of the Mountain States, Inc. has occupied the conduit, Claimants state that, to the best of their knowledge, no written notice to Qwest or its predecessors exists that formally notifies them that AT&T Communications of the Mountain States, Inc. occupies the conduit at issue in this case, and none was required.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 55 [Qwest Data Request No. 20]: Has AT&T Communications of the Mountain States, Inc. ever ordered conduit from Qwest pursuant to an interconnection agreement

between it and Qwest (or a Qwest predecessor) in Utah? If so, state the date of each order, provide a specific description of the conduit ordered, and provide a written copy of the order.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, Claimants state that AT&T Communications of the Mountain States, Inc. has not ordered conduit from Qwest in Utah pursuant to an interconnection agreement, and it was not required to do so.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 56 [Qwest Data Request No. 21]: With regard to Article 18-Assignment of Rights (attached as Exhibit 4-page 11 to the Complaint), provide copies of all requests for assignment made by The American Telephone and Telegraph Company, AT&T Corp., or any other AT&T affiliated entity to allow AT&T Communications of the Mountain States, Inc. or any other AT&T affiliate to use the conduit pursuant to the General License Agreement.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. Claimants also object that this request assumes a conclusion of law, specifically, that such a request for assignment was required. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Claimants state that based on the facts and circumstances of the parties' relationship, Qwest's predecessor-in-interest was fully



aware that AT&T Communications of the Mountain States, Inc. occupied the conduit at issue in the Complaint at the time of the inception of each applicable license and that Article 18 of the Agreement does not apply. Even if a request for assignment under Article 18 were required, failure to make such a request would have no impact on the fact that Qwest's conduit rates are unlawfully high. Qwest has been fully, indeed excessively, compensated for the entire life of the conduit lease agreement, regardless of whether the wires were owned by a wholly-owned subsidiary of the American Telephone and Telegraph Company (now AT&T Corp.).

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 57 [Qwest Data Request No. 22]: What portion of the conduit occupied by AT&T Corp, AT&T Communications of the Mountain States, or any other AT&T entity is within the city limits of the Salt Lake City?

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. Claimants object that this request is duplicative of Interrogatory 48 [data request no. 17]. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. At the November 17, 2004 hearing on Qwest's Motion to Compel, Qwest withdrew this request.

**Supplemental objection and answer prepared by Genevieve D. Sapir, Esq.**

Interrogatory 60 [Qwest Data Request No. 25]: In the documents attached as Exhibit 5 to the Complaint is a single-page document entitled "Appendix 1 Form A-6" relating to the surrender of 7,599 feet of conduit located in Provo, Utah. With regard to that document, please state the name of the AT&T entity by whom Mr. Albert Uchaker was employed on August 27, 2003, provide Mr. Uchaker's business address on August 27, 2003, describe Mr. Uchaker's

duties on that date, and state whether he is still an employee of an AT&T entity. If Mr. Uchaker is no longer employed by an AT&T entity, please provide his current home address and telephone number.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. In addition, Claimants object to this interrogatory on the grounds that it seeks information that is not relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, the request is overly broad and unduly burdensome. Subject to the foregoing objections and in accordance with Qwest's agreement on November 17, 2004, to limit the scope of this request to identifying Mr. Uchaker's employer, Claimants state that AT&T Corp. was Mr. Uchaker's employer on August 27, 2003.

**Supplemental objection and answer prepared by Genevieve D. Sapir Esq.**

Interrogatory 61 [Qwest Data Request No. 26]: Provide all documents in complainants' possession that support a claim that Qwest has denied AT&T Communications of the Mountain States, Inc. access to conduit under interconnection agreement between the two companies, including any documentation that Qwest has denied orders made by AT&T Communications of the Mountain States, Inc., to Qwest for such conduit pursuant to the interconnection agreements between AT&T Communications of the Mountain States, Inc. and Qwest.

**Claimants' Supplemental Response:** Claimants object to this interrogatory on the grounds that it exceeds the permitted number of interrogatories. Claimants further object to this request on the grounds that it is based on a misstatement of, or incorrect assumption regarding, Claimants' claims. In addition, Claimants object that the request seeks information that is not

relevant to substantial issues in the proceeding and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections and in accordance with Qwest's agreement to limit the scope of this request to the following question: "Do Claimants allege that Qwest denied AT&T Communication of the Mountain States, Inc. access to conduit under the interconnection agreement between the two companies," Claimants state that it does not allege a denial of access under the interconnection agreement identified in the Request for Agency Action.

**Supplemental Objection and answer prepared by Genevieve D. Sapir, Esq.**

DATED this 3rd day of December, 2004.

**AT&T CORP. AND AT&T COMMUNICATIONS OF  
THE MOUNTAIN STATES, INC.**

---

Jerold G. Oldroyd, Esq.  
Angela W. Adams, Esq.  
**BALLARD SPAHR ANDREWS & INGERSOLL, LLP**  
One Utah Center, Suite 600  
201 South Main Street  
Salt Lake City, Utah 84111-2221

Meredith R. Harris, Esq.  
**AT&T CORP.**  
One AT&T Way  
Bedminster, New Jersey 07921

J. Davidson Thomas, Esq.  
T. Scott Thompson, Esq.  
Brian M. Josef, Esq.  
**COLE, RAYWID & BRAVERMAN, LLP**  
1919 Pennsylvania Ave., N.W.  
Second Floor  
Washington, D.C. 20006

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of December, 2004, I caused a true and correct copy of the foregoing **CLAIMANTS' FIRST SUPPLEMENTAL RESPONSE TO QWEST CORPORATION'S FIRST SET OF DATA REQUESTS TO AT&T CORP., AND AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.**, to be hand delivered and sent by electronic mail to:

Gregory B. Monson  
Ted D. Smith  
STOEL RIVES LLP  
201 South Main Street, Suite 1100  
Salt Lake City, Utah 84111  
gbmonson@stoel.com  
tsmith@stoel.com

Patricia E. Schmid  
160 East 300 South, 5<sup>th</sup> Floor  
P.O. Box 140857  
Salt Lake City, Utah 84114  
pschmid@utah.gov

and sent by electronic mail and by mail, postage prepaid thereon, to:

Robert C. Brown, Esq.  
Qwest Services Corp.  
1801 California Street, Suite 4900  
Denver, Colorado 80202  
robert.brown@qwest.com

---