

Alex M. Duarte
QWEST
421 SW Oak Street, Room 810
Portland, OR 97204
(503) 242-5623
(503) 242-8589 (facsimile)
Alex.Duarte@qwest.com
Attorney for Qwest Corporation

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Verizon’s Objection, Protest and Request for Investigation in Response to Qwest’s Recent Filing of its Revised Access Service Tariff Sheets 13, 13.1, and 16

Docket No. 08-2430-01

Qwest’s Motion to Compel Verizon’s Response to Qwest Data Request in its Third Set of Data Requests and REQUEST FOR EXPEDITED CONSIDERATION

Qwest Corporation (“Qwest”), pursuant to Utah Admin. Code R746-100-8.B and Utah R. Civ. P. 37, hereby requests the Commission enter an order compelling MCI Communications Services, Inc. d/b/a Verizon Business Services (“Verizon”) to provide full and complete responses to the one data request in Qwest’s Third Set of Data Requests (“Data Request”). For the reason set forth below, Qwest further seeks **expedited consideration** and requests that the Commission require Verizon to respond to the Motion by June 5, 2009, Qwest to file its reply brief by June 8, 2009, the Commission to rule on the Motion by June 11, 2009, and that Verizon provide the data by June 15, 2009 so that Qwest can incorporate the data in its reply testimony that is due on Thursday, June 18, 2009. Alternatively, Qwest reserves its right to seek an extension of the June 18, 2009 reply testimony date and/or seek leave to file supplemental reply testimony prior to the July 8, 2009 hearing date. Qwest does not seek any extension of the July 8, 2009 hearing date.

CERTIFICATION

Qwest certifies that its counsel has had several communications with counsel for Verizon in an attempt to resolve the issues raised by this Motion, as well as previous data requests for which Verizon has completely refused to provide the requested data.

INTRODUCTION

A. Background of Case and Qwest's Proposed Tariff Changes

On October 30 and November 21, 2008, Qwest filed revisions to its Utah Access Service Tariff to establish a usage floor for terminating Switched Access Feature Group D¹ traffic lacking sufficient information to determine jurisdiction.² Despite the effectiveness of Feature Group D signaling, all local carriers receive some Feature Group D traffic that does not contain the needed information to determine the jurisdiction of a call. The percentage of traffic that lacks such information varies greatly between interexchange carriers (IXCs) ranging from nearly zero to very significant percentages. Such differences cannot be explained by differences in traffic types or limitations of technology and are more likely due to either intentional arbitrage or inadvertent error in the manner in which the IXC delivers traffic.

All local exchange carriers contain provisions in their switched access tariffs to address this unidentified traffic. Under Qwest's prior tariff, if an interexchange carrier delivered unidentified Feature Group D traffic, Qwest allocated the jurisdiction of such calls based on allocations provided by the IXC which the IXC can modify on a quarterly basis. Accordingly, Qwest allocated the jurisdiction of this unidentified traffic based on the IXC's self-reported

¹ Feature Group D is a signaling protocol that has been in place for many years and is used by companies to route, jurisdictionalize and rate calls. The protocol is generally very effective. In fact, in a study that Qwest conducted on IXC-bound traffic that its end-users originated, 100 percent of interexchange traffic contained adequate information to allow a terminating carrier to determine the appropriate jurisdiction of a call. The study showed that of more than 68 million minutes of use ("MOUs"), no MOUs (0 MOUs) lacked originating information.

² Qwest's October 30th filing set a 7% PIU floor. Its amended November 21st filing set a 5% PIU floor and added certain dispute resolution language.

percent interstate usage (PIU). If the carrier reported 80 percent PIU, then Qwest charged 80 percent of the unidentified traffic at the interstate rate and 20 percent at the intrastate rate. Some IXC's do not self report. In that instance, prior tariffs assumed that the unidentified traffic was evenly split as 50 percent interstate/50 percent intrastate.

The current method creates an incentive for arbitrage. Intrastate access rates are generally higher than interstate rates. Thus, an IXC has an incentive to have as much traffic as possible rated at interstate rates.

In certain circumstances, Qwest has identified IXC's that have abnormally high amounts of unidentified Feature Group D traffic. In order to address this problem and to prevent it from occurring in the future, Qwest has followed the lead of the ILEC operations of Verizon, the lone objector here, as well as other carriers like AT&T, by filing modifications to 11 of its tariffs, including here in Utah, to address this issue.³

Accordingly, consistent with other carriers, Qwest is now introducing a "floor" for unidentified Feature Group D terminating traffic. This floor is designed to deal with situations where an IXC inadvertently or intentionally attempts to avoid paying appropriate intrastate access rates by delivering traffic without identifying information. Minutes of traffic up to the floor will be charged per the current tariff (no change), unidentified minutes in excess of the floor will be charged at the intrastate rate. The percentage of a carrier's traffic that is unidentified is calculated by dividing unidentified traffic by total traffic – both identified and unidentified. For example, if the floor is 5 percent, up to and including 5 percent of total traffic which is unidentified will be assigned to the appropriate jurisdiction based on the IXC's self-reported PIU, or divided equally (50/50) between the state and interstate jurisdictions if the IXC

³ Thus far, the tariff has gone into effect in Washington, Minnesota, Arizona, North Dakota and Idaho. It is pending in the remaining states.

has not filed a PIU report (which is no change to the current process). Unidentified traffic in excess of the 5 percent floor will be charged at Qwest's Utah intrastate rate.

Finally, Qwest is not alone in addressing this issue through tariffs of this type. For example, Verizon's ILEC operations impose PIU floors in 18 state tariffs, including four states within Qwest's territory. Likewise, another large carrier, AT&T, has tariffs in nine states which apply a PIU floor. The only appreciable difference between Qwest's tariff and Verizon/AT&T is the PIU floor level – which is appropriate to the extent traffic characteristics vary from state to state and carrier to carrier.⁴

B. Verizon's Protest

On November 26, 2008, Verizon filed a protest and argued in part that it had concerns about how Qwest would “implement” the tariff changes. However, it quickly became clear that Verizon's main concern is with respect to Qwest's 5 percent PIU floor, as Verizon believes this percentage is too low. Verizon also made vague references to “not understanding” Qwest's tariff, as well as purported concerns regarding “dispute resolution” (which Qwest has remedied) and the speculative assertion that the tariff changes would result in increased revenues for Qwest and increased costs to Verizon.

C. Procedural Background of Docket

The Commission held a scheduling conference and set a schedule in the matter. Thereafter, Qwest filed its direct testimony on April 30, 2009 and Verizon filed its response testimony on May 28, 2009.⁵ Qwest's reply testimony is due June 18, 2009. The hearing is scheduled for July 8, 2009.

⁴ All of Verizon's tariffs have an initial 7 percent floor + 2 percent grace. (If the IXC exceeds 9 percent, it is charged intrastate rates beginning at the 7 percent floor.) AT&T's tariffs vary, with 7 percent being its lowest.

⁵ In its testimony, Verizon raised a number of irrelevant issues in an attempt to distract from the issues in this case. Significant to this Motion, however, is its witness Patrick Merrick's testimony that Qwest is unable to

D. Qwest's data requests and Verizon's lack of responses

In the meantime, during the course of this proceeding, Qwest has submitted four sets of data requests to Verizon, on March 5, 2009, April 13, 2009, May 13, 2009 and May 29, 2009. A copy of Verizon's May 26, 2009 responses to the relevant Data Request at issue in this Motion (the Third Set served on May 13, 2009) is attached as Attachment A. Verizon's responses to Qwest's first and second set of data requests, which are not at issue in this Motion, but which are reflective of Verizon's failure to respond to discovery in good faith, are attached as Attachment B.⁶ As the Commission can see from Verizon's responses to the first three sets, Verizon has engaged in a pattern of frivolous objections, games-playing, delay and obstruction.

As stated, Verizon has served responses to the three sets, often weeks late, and has objected to the vast majority of the requests, and failed to provide any information or has provided incomplete information on most of them. Some questions in the later sets were essentially re-requesting information already requested in previous sets based on Qwest's attempt to obtain the required information without having to file a motion to compel and/or to attempt to accommodate Verizon's objections. Thus, some of the questions in the second set requested similar information requested in the first set in light of the objections by Verizon.

determine *internationally-originated* calls that do not follow the 10-digit format used by the North American Numbering Plan ("NANP"), which consists of the NPA (area code) plus seven digits. (See Responsive Testimony of Patrick H. Merrick ("Merrick Testimony"), pp. 15-22.) Indeed, Verizon repeatedly claims that it is a "major provider of international communication services" (Merrick Testimony, pp. 3, 4, 17, 19), and that such international calling will increase over time (even invoking Governor Huntsman's recent naming by the President to be the Ambassador to China) (Merrick Testimony, p. 20). Moreover, Verizon even claims that its analysis of the amount of non-NANP-originated international traffic that Qwest considers to be unidentified *may* be higher than the 5 percent floor that Qwest proposes to use. (Merrick Testimony, pp. 19, 21 (emphasis added).) For the reasons set forth below, this does not appear to be correct, but in any event, Qwest should be able to see the total traffic to see what percentage of Verizon's total traffic terminated to Qwest is "non-NANP-originated international traffic" (i.e., international traffic that does not follow the 10-digit format used by the NANP.

⁶ Qwest also notes that Verizon has conducted extensive discovery against Qwest, and Qwest has responded fully and completely to such discovery.

Nevertheless, Verizon has continued to improperly frustrate Qwest's discovery rights, effectively continuing to delay this proceeding.

E. Data Request at issue in this Motion

In any event, the Data Request at issue here seeks call records for terminating traffic from Verizon to Qwest on one day, April 29, 2009, so that Qwest can determine whether the unidentified and indeterminate traffic that Verizon has claimed is "international" traffic is a significant problem (i.e., in excess of the 5% floor that Qwest has established in the tariff). This is necessary because in its testimony in this docket (and previously to that, in its testimony in Colorado in a similar docket), Verizon has criticized what it purports to be Qwest's inability to identify Verizon's international traffic, and what Verizon has said is a significant amount of its long distance traffic that would be affected by Qwest's proposed changes to its access tariff.

Specifically, Qwest asked the following:

For the state of Utah, please provide all terminating JARS-based [Jurisdictional Analysis & Reporting Solutions] CDRs [Call Detail Records] for all traffic delivered to Qwest via Feature Group D for the entire day of March 25, 2009. Include all fields of data generated by JARS, and provide a detailed written description of each column heading, including but not limited to what each data field contains, any logic used to populate each field, and defining any acronyms used. In addition, please separate the JARS-based CDRs by LATA [Local Access and Transport Area] and by ACNA [Access Customer Name Abbreviation] (MCI and WTL). Provide these JARS-based CDRs in Excel format, splitting into sequential worksheets, limited to no more than 50,000 records per worksheet and include headers in each worksheet. (See Attachment A.)

In its response on May 26, 2009, Verizon responded as follows:

RESPONSE: Verizon Business objects to this request as overbroad, irrelevant and not reasonable calculated to lead to the discovery of admissible evidence. Because this proceeding involves Qwest's proposal to change the manner in which it treats "unidentified" traffic for purposes of rating such calls, the request is overbroad in that it seeks 100 percent of Verizon Business's call detail records, including records for calls for which the jurisdiction is identified or identifiable; such calls, which represent the vast majority of Verizon Business traffic, would not be affected by the tariff changes and, thus, records for such calls are not relevant to the proceeding. Verizon Business also objects to the request because it would require Verizon Business to create documents that

do not exist at the present time, specifically, in Excel format and in the manner specified in the request. Verizon does not and did not on March 25, 2009, maintain the records requested in this manner. (See Attachment A.)

Counsel for Qwest has had several communications with counsel for Verizon regarding Verizon's responses, some orally and some in writing, with very little, if any, success.

The Commission should compel Verizon to provide full and complete responses to the Data Request at issue in this Motion.

ARGUMENT

I. THE INFORMATION SOUGHT IS RELEVANT

Verizon objected to providing the information requested in the Data Request on the ground that the information sought is irrelevant. This objection lacks any merit whatsoever.

A. General Rules on Relevance

Utah R. Civ. P. 26(b) allows discovery of “any matter, not privileged, which is relevant to the subject matter involved in the pending action . . .” and provides that “[i]t is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.” Utah R. Civ. P. 26(b)(1). Rule 26 is broadly construed to effectuate the purposes of discovery. It encompasses “any matter that bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case.” *Oppenheimer Funds, Inc., v. Sanders*, 437 U.S. 340, 350-51 (1978) (interpreting analogous federal rule). Indeed, “the requirement of relevancy should be construed liberally and with common sense, rather than in terms of narrow legalisms. . . . **[I]t is not too strong to say that a request for discovery should be considered relevant if there is any possibility that the information sought may be relevant to the subject matter of the action.**” 8 Charles Alan Wright *et al.*, *Federal Practice and Procedure* § 2008 (2d ed. 1994) (emphasis added).

With these broad parameters of relevance in mind, the issue is whether it is possible that the requested information could lead to the discovery of admissible evidence that would assist the Commission to determine whether Verizon's objections to Qwest's tariff are reasonable.

B. Specific Relevance of Information Requested

The Data Request seeks call records for only one day of Verizon's terminating traffic to Qwest in Utah, on March 25, 2009. Verizon objected to the Data Request on the ground that the data sought was irrelevant.

However, the traffic involved here is precisely the traffic at issue in this docket- toll or long distance traffic for which a certain percentage of the calls are allowed to have "indeterminate" jurisdictional information before the intrastate access rate in Qwest's tariff would apply. Not surprisingly, Verizon fails to give any reason for what appears to be a knee-jerk boilerplate "relevance" objection.

As mentioned, in its testimony, Verizon argues that Qwest is unable to determine *internationally-originated* calls that do not follow the 10-digit format used by the North American Numbering Plan ("NANP"), which consists of the NPA (area code) plus seven digits. (See Responsive Testimony of Patrick H. Merrick, pp. 15-22.)⁷ Indeed, Verizon claims that it is a "major provider of international communication services" (see e.g., Merrick Testimony, pp. 3, 4, 17, 19) and that such international calling will increase over time. Moreover, Verizon even claims that its analysis of the amount of non-NANP-originated international traffic that Qwest considers to be unidentified *may* be higher than the 5 percent floor that Qwest proposes to use. (Merrick Testimony, pp. 19, 21 (emphasis added).) Obviously, if Verizon claims that there is

⁷ As Verizon acknowledges (Merrick Testimony, p. 16), international traffic from Canada, most international traffic from the Caribbean and some international traffic from Mexico follow the 10-digit NANP format. Thus, such international traffic is not at issue because there should be sufficient call detail to determine its proper jurisdiction (so long as the call has the required 10-digit information).

international traffic that Qwest cannot identify, and thus that Verizon may be adversely affected by Qwest's tariff, Qwest is entitled to know how big of a problem, if it is a problem at all, this issue really is. The only way to do so is to see what the total traffic that Verizon sends to Qwest, and what amount or percentage of that traffic is the result of alleged "international-originated" calls that do not follow the 10-digit format used by the NANP. Is such traffic one percent (1%) of the total traffic that Verizon send to Qwest? Is it less than one percent? Is it 5 percent? 10 percent? 20 percent? Obviously, neither Qwest nor the Commission can know the scope of this issue unless Verizon provides "100 percent of [its] call detail records" for one sample day.⁸

Finally, in its testimony (Merrick Testimony, pp. 21-22), Verizon has proposed that an extremely involved process be developed to evaluate whether adjustments should be made in the proposed floor, based on such international, non-NANP traffic. Without the requested data, however, Qwest would not only be unable to determine whether the issue is material enough to engage in such an adjustment process, but also would be unable to explore ways to develop such a process for considering adjustments.

For the reasons set forth below, Qwest should be able to obtain the data regarding Verizon's total traffic sent to Qwest to determine what percentage of Verizon's total traffic terminated to Qwest is "non-NANP-originated international traffic" (i.e., international traffic that does not follow the 10-digit format used by the NANP) that Verizon complains so heartily about. Verizon's relevance objection, for which it would have a very high burden to meet, is completely without merit. The Commission should require that Verizon immediately produce the data that Qwest has requested.

⁸ Indeed, to minimize any alleged "burden" on Verizon, Qwest was willing to limit its data request to only one day of traffic, instead of one week, or one month, or one year.

II. PROVIDING THE REQUESTED DATA IS NEITHER OVERLY BROAD NOR UNDULY BURDENSOME

Verizon also objected to providing the information requested in the Data Request on the ground that the request is overly broad and unduly burdensome.

A. General standard on undue burden

Whether a discovery request imposes an undue burden depends on such factors as relevance, the need of the party for the information, the breadth of the information request, the particularity with which the information request is described, and the burden imposed. 23 Am. Jur. 2d, *Depositions and Discovery* § 155 (2006). Under Rule 26 of the Utah Rules of Civil Procedure, the nature of the burden imposed by a discovery request will be evaluated in light of “the needs of the case, the amount in controversy, limitations on the parties’ resources, and the importance of the issues at stake in the litigation.” Utah R. Civ. P. 26(b)(2)(iii). In particular, in instances where discovery in question will aid in “clarifying the issues on which the contest may prove to be necessary,” discovery should be “liberally permitted.” *State of Utah v. Petty*, 412 P.2d 914, 917 (Utah 1966).

B. Specific application of standard to information sought

Again, the Data Request requests only one day’s worth of terminating traffic from Verizon to Qwest in Utah.⁹ Qwest has requested that data so that it can determine if Verizon’s claim the “international” traffic that Verizon argues is a significant portion of the toll traffic it terminates to Qwest, and that Qwest cannot identify, and thus that would be affected by Qwest’s proposed tariff changes, is a significant part of its total toll traffic sent to Qwest, or even a

⁹ Qwest chose the date (March 25, 2009) because of its AMA (Automatic Message Accounting) study for the same day which, although admittedly incomplete, would allow Qwest to validate some of Verizon’s data.

AMA is a switch-based recording protocol that extracts specific information which accompanies calls entering Qwest’s network. The information that AMA uses is not all inclusive, but follows industry guidelines. AMA does not “jurisdictionalize” traffic, but prepares it for the preprocessing system (PP42) that receives the Call Detail Record (CDRs), puts them in a variety of formats depending on the call type, and acts as a distribution system for different billing systems.

significant portion of the total “indeterminate” or “unidentified” traffic that would be impacted by the proposed tariff changes.¹⁰ Verizon objected to providing this information on the ground that the information was unduly burdensome to produce because Qwest “seeks 100 percent of Verizon Business’s call detail records,” including records for calls that “would not be affected by the tariff changes.” (See Attachment A.) However, as demonstrated above, the information sought is essential to at least determine (1) what portion (in terms of minutes of use or percentage of total calls) of the whole (Verizon’s total long distance traffic terminated to Qwest for one day) reflect non-10-digit international calls that Verizon complains about and (2) what range of data formats exist (e.g., numbers of digits and meaning of certain digits in certain positions in the calling number) in the real world, as needed to develop an adjustment process.

Thus, the Verizon objection that Qwest seeks “100 percent” is completely without merit because Qwest needs to have the total amount of traffic (calls) sent by Verizon to Qwest in a given period (one specific day) so that it can determine what percentage of such total traffic is the “international” traffic that Verizon claims have more (or less) than the standard NANP 10 digits, and what types of processes, if any, would work in an adjustment effort.¹¹ Obviously, neither Qwest nor the Commission (nor Verizon) can know how significant such “non-10 digit” international traffic is without comparing it to the whole. For example, if Verizon’s traffic data shows such “non-10 digit” international traffic is less than one percent of its entire volume, that

¹⁰ Qwest notes, for example, that in its First Set of Data requests, Request No. 5, Qwest asked Verizon to provide data on Feature Group D minutes of use terminating to Qwest in Utah for various categories, and for the total traffic (so that Qwest could determine the percentages of the total for each category). (See Attachment B, First Set, Request No 5.) Verizon provided some data regarding the percentages of indeterminate traffic by various categories, but it has never provided the *total amount* of traffic so that Qwest could conduct its own calculations. Thus, had Verizon responded to Request No. 5, subpart a., which sought “total terminating MOU [minutes of use],” Qwest could then conduct some estimates about what Verizon claims is international traffic, and thus compare such data with the results that Qwest is finding.

¹¹ As stated, to minimize any alleged “burden” on Verizon, Qwest was willing to limit its data request to only one day of traffic.

is important information because Qwest's proposed tariff already allows up to five (5) percent of indeterminate traffic before Qwest would apply Verizon's PIU factor.¹² Further, the ability to create an adjustment process would depend on the extent to which Verizon's real-world traffic data shows the presence, or absence, of certain digits relevant to identifying call jurisdiction.

Moreover, it is very clear that Verizon should have already compiled and analyzed similar data in preparation for its testimony in order to testify about the significance of its "non-10 digit" international traffic, especially when it argued that its analysis of the amount of non-NANP-originated international traffic that Qwest considers to be unidentified may be higher than the 5 percent floor that Qwest proposes to use. (See Merrick Testimony, p. 21.) If it has not done so, then the Commission should strike its testimony. In any event, production of data is necessary to determine how credible Verizon's testimony about international traffic is, and thus the data is essential and cannot be avoided on a claim that the requests for the data are overly broad or unduly burdensome.

Finally, Verizon also objects on the grounds that it does not maintain the requested data in the Excel format. This is not a valid objection. First, Verizon does not show that it would be unduly burdensome to put the data that it does have in an Excel spreadsheet as Qwest has requested. Qwest's experience is that it is not unduly burdensome to do so, as surely a large, sophisticated, international company like Verizon with more than 100,000 employees has the personnel to convert whatever data it has, or to put whatever data it has, into an Excel spreadsheet. Indeed, Qwest knows that Verizon is able to provide such data in the Excel format

¹² This is especially important because Qwest's AMA data research, while incomplete, does indicate that Verizon's international traffic with more than 10-digits in the originating telephone number *is less than one percent* of its entire traffic volume, and thus that such traffic is not a significant portion of its long distance traffic that it terminates to Qwest. Based on Qwest's preliminary results, Qwest is of the opinion that terminating traffic with an originating 8XX-calling party numbers could be a significant amount of Verizon's indeterminate traffic. Obviously, Qwest is seeking Verizon's own data to determine whether the data results are similar.

because it has previously provided Qwest with some small samples of Call Detail Records (“CDRs”) in the Excel format as part of the parties’ discussions after the April 15, 2009 settlement conference.¹³ Moreover, at the very least, even in the unlikely event that such conversion or transferring of data were was not possible, or was truly “unduly burdensome,” Verizon has a duty to cooperate with discovery and provide whatever data it has in any format that it has. Verizon has refused to do so, however, and has completely refused to cooperate with Qwest or to make a good faith attempt to respond meaningfully. The argument about Verizon not “maintaining the records requested in that manner’ is simply an excuse to continue its bad faith delays and refusals in discovery. The Commission should reject such an objection.

III. THE COMMISSION SHOULD GRANT EXPEDITED CONSIDERATION

Finally, Qwest respectfully requests the Commission consider this motion, and rule on it, on an **expedited basis**. This is especially important because the hearing here is a little more than a month away and Qwest’s reply testimony is a little more than two weeks away. Moreover, Qwest has been diligent in its discovery efforts and has attempted to avoid burdening the Commission with any needless motion to compel, which is why it has tried several times to work with Verizon on discovery. However, as the Commission can see from Verizon’s responses and objections to Qwest’s first three sets of data requests, Verizon has completely failed to cooperate in good faith in discovery and has completely shirked its discovery obligations.

Accordingly, Qwest respectfully requests that the Commission require Verizon to file a response to this Motion by the end of the week, on **June 5, 2009**. This should not be an undue burden to Verizon because this Motion deals with only one data request and it should not take Verizon’s counsel very long to explain why Verizon has not produced the data requested. In an

¹³ Qwest is not disclosing any confidential information or breaching any confidentiality of the discussions. Qwest merely points out the undisputed fact that Verizon has the capability to produce this data in the Excel format. Indeed, this is one reason that Qwest requested that Verizon provide the data in the Excel format in the first place.

attempt to expedite the Motion, Qwest requests only one business day to reply to Verizon's response (June 8, 2009). Thereafter, Qwest respectfully requests that the Commission decide the Motion by Thursday, June 11, 2009, and that Verizon be ordered to produce the data no later than **Monday, June 15, 2009**, so that Qwest can incorporate the data in its reply testimony that is due to be filed on Thursday, July 18, 2009.

Finally, in the alternative, if the Commission is unable to rule on the Motion in such an expedited basis, Qwest reserves its right to seek an extension of the June 18, 2009 reply testimony date and/or seek leave to file supplemental reply testimony prior to the July 8, 2009 hearing date. However, as Qwest has mentioned, Qwest **does not** seek any extension of the July 8, 2009 hearing date.

CONCLUSION

For the foregoing reasons, Qwest respectfully submits that the Commission should grant Qwest's Motion and compel Verizon to provide full and complete responses to the Data Request, and that it do so on an **expedited basis** as requested above.

DATED: June 2, 2009

Respectfully submitted,
QWEST CORPORATION

By _____
Alex M. Duarte
421 SW Oak Street, Room 810
Portland, OR 97204
(503) 242-5623; (503) 242-8589 (facsimile)
Alex.Duarte@qwest.com
Attorney for Qwest Corporation