

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of U.S.
WEST COMMUNICATIONS, INC.,
for Pricing Flexibility

DOCKET NO. 99-049-17
ORDER ON MOTION FOR PROTECTIVE ORDER

ISSUED: March 1, 2000

By The Commission:

On February 22, 2000, a hearing was held in this matter pursuant to notice on US WEST Communications, Inc.'s ("US WEST") Motion for Protective Order with respect to Electric Lightwave, Inc. ("ELI") and NEXTLINK Utah, Inc.'s ("NEXTLINK") Data Requests to US WEST. Counsel appeared for US WEST, the Division of Public Utilities ("Division"), ELI, in person, and for NEXTLINK, by telephone.

The Commission heard arguments of counsel, held off-the-record discussions with counsel, and directed counsel to hold off-the-record discussions among themselves to attempt to resolve the issues raised by US WEST's motion and ELI and NEXTLINK's data requests. Although the parties were unable to reach agreement, they did provide certain information to the Commission which has led to a partial resolution of the motion.

Based upon the foregoing and good cause appearing, the Commission enters the following order.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- US WEST's motion is granted in part and denied in part.
- US WEST need not provide responses to Data Request Nos. 1 and 9. ELI and NEXTLINK may seek answers to these data requests in the future if they wish to do so.
- With respect to Data Request Nos. 2 through 7, US WEST shall provide a copy of the statewide aggregate performance monitoring report which it has previously provided to the Division, to ELI, and NEXTLINK. In addition, it shall provide a similar aggregate report on an MSA basis to the Division, ELI, and NEXTLINK. All of the foregoing shall be provided on a confidential basis under the terms of the Protective Order previously entered in this docket. US WEST shall provide an estimate to the Commission and the parties of how long it would take and how much it would cost to provide a similar aggregate report by wire center. This estimate shall be provided prior to or at the telephone hearing scheduled in the following paragraph.
- A telephone hearing will be held on Friday, February 25, 2000 at 11:00 a.m., for further consideration of US WEST's motion and the request of ELI and NEXTLINK that performance monitoring data be provided on a wire center basis based upon the foregoing estimate of US WEST. The Division shall arrange a tele-conference bridge for this hearing and shall provide notice to the parties of the telephone number to be used to dial in to the bridge prior to the hearing.
- US WEST shall provide answers to Request Nos. 8, 10, 11 and 12.

DATED at Salt Lake City, Utah, this 1st day of March, 2000.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary