

Consistent with Utah Code 54-7-1, the Commission believes it is appropriate to provide some direction for the parties' technical conference scheduled October 30, 2002. To the extent that the parties will attempt to reach agreement on factual aspects that may be relevant in these proceedings, the Commission asks the parties to consider whether agreement can be reached on the following:

1. If possible, the portion of the \$16.9 million tax refund attributable for each year, 1988 through 1998.
2. Of the tax refund amount(s) (on a year by year basis, if agreement can be reached on #1 above), what portion could be allocated to the Utah jurisdiction using the same allocation methodology applied to property tax expenses used in the rate making proceeding(s) which set Qwest rates charged during the 1988 through 1998 time period.
3. The level of property tax expenses which were ultimately used in the rate making proceeding(s) that set Qwest's rates charged during the 1988 through 1998 time period.

The Commission also informs the parties it currently believes that it is inappropriate and burdensome to conduct these proceedings as a class action, following the procedures contemplated and required by the Utah Rules of Civil Procedure and case law for class actions undertaken in courts. The Commission believes that its traditional proceedings are in the nature of and substantively the same as class action proceedings in a court. But for individual customer complaints brought before the Commission, typical Commission proceedings affect all of a utility's service groups and customers. The Commission sees little benefit and significant burdens to impose additional requirements, applicable to court class actions, on these proceedings and the procedures to be followed herein. If parties believe that it

is necessary, in these proceedings, to follow the class action procedures and requirements applied to court class actions, in contrast to the procedural approach we have used pursuant to the Utah Administrative Procedures Act and Title 54, parties should submit additional memoranda explaining and substantiating the need.

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