

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

Richard Wolters, Esq.  
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 October 13, 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	)	<b>Docket No. 04-087-73</b>
Corporation,	)	
	)	
Claimants,	)	<b>CLAIMANTS' RESPONSE TO</b>
vs.	)	<b>QWEST CORPORATION'S FIRST</b>
	)	<b>SET OF DATA REQUESTS TO AT&amp;T</b>
QWEST CORPORATION, a Colorado	)	<b>CORP., AND AT&amp;T</b>
Corporation,	)	<b>COMMUNICATIONS OF THE</b>
	)	<b>MOUNTAIN STATES, INC.</b>
Respondent.	)	

---

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 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 Request # 1”) in the above-captioned matter, as follows:

**I. INITIAL PROCEDURAL OBJECTION**

Claimants initially object to Qwest’s Data Request # 1 to the extent that it exceeds the 25 interrogatory limit set forth in Rule 33 of the Utah Rules of Civil Procedure. Qwest has served no less than 62 written interrogatories upon Claimants (including subparts). Rule 33 of the Utah Rules of Civil Procedure permits parties to serve another party written interrogatories “not exceeding 25 in number including all discrete subparts.” Qwest did not seek leave to file additional interrogatories. Moreover, during the September 8, 2004 pre-hearing conference attended by attorneys and representatives of Qwest, the Division of Public Utilities, Judge Goodwill and Utah Public Service Commission staff, the parties agreed to serve no more than 25 written interrogatories.

On or about September 28, 2004, undersigned counsel for Claimants contacted Qwest counsel to informally object to the excessive number and relevance of the interrogatories included in Qwest’s Data Request # 1. In an effort to reach a mutually-acceptable arrangement, Claimants’ counsel proposed that Qwest revise Qwest’s Data Request # 1 to comply with the parties’ pre-hearing conference agreement and Utah Rules of Civil Procedure or, alternatively, indicate 25 interrogatories from Qwest’s Data Request # 1 to which Qwest wanted Claimants’ responses. On or about October 6, 2004, Qwest’s counsel informed undersigned counsel that it refused to alter or reduce the number of interrogatories.

## **II. 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. 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. RESPONSES TO INTERROGATORIES**

Interrogatory 1 [Qwest Data Request No. 1(a)]: The following documents attached to the Complaint make reference to an entity referred to as “The American Telephone and Telegraph Company”: (a) Cover page to General License Agreement dated April 10, 1987 (Exhibit 4, page 1); (b) signature page to General License Agreement dated April 10, 1987 (Exhibit 4 to Complaint, page 13); (c) various documents entitled “Conduit System Occupancy License” or “Application for Conduit System Occupancy Agreement” that are included in Exhibit 5 of the Complaint. With regard to the references to “The American Telephone and Telegraph Company” in these documents:

Are all of the references to “The American Telephone and Telegraph Company” to the same corporate entity? If so, state the date that entity was incorporated, whether it still exists, and if it still exists state its current name.

**Claimants’ Response:** 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. 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. Subject to and without waiving the foregoing objections, the references to “The American Telephone and Telegraph Company” on the above-listed documents are to the same corporate entity. The American Telephone and Telegraph Company was incorporated on March 3, 1885. For information concerning The American Telephone and Telegraph Company’s existence, see Claimants’ Responses to Interrogatories 3 – 6 *infra*.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 2 [Qwest Data Request No. 1(b)]: If the references to The American Telephone & Telegraph Company in the documents attached to exhibits 4 and 5 are to more than one corporate entity, describe each corporate entity referred to in the documents, including the date of incorporation of each corporation, whether each entity still exists and, if so, under what name or names.

**Claimants' Response**: 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 not reasonably calculated to lead to the discovery of admissible evidence. 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. Subject to and without waiving the foregoing objections, Claimants state that the references to “The American Telephone & Telegraph Company” in the documents attached to Exhibits 4 and 5 of Claimants’ Complaint are to the same corporate entity.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 3 [Qwest Data Request No. 2]: Does the corporate entity known as “The American Telephone and Telegraph Company” still exist under that name?

**Claimants' Response**: 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. 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. Subject to and without waiving the foregoing

objections, Claimants state that the corporate entity known as “The American Telephone and Telegraph Company” does not presently exist under that name.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 4 [Qwest Data Request No. 2(a)]: If the corporate entity ceased to exist, state the date upon which it ceased to exist? (Provide documentation of the action by which the entity ceased to exist).

**Claimants’ Response**: 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. In addition, Claimants object that the request for documents is overly broad and unduly burdensome. 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. Subject to and without waiving the foregoing objections, Claimants state that, on April 20, 1994, the “American Telephone and Telegraph Company” formally amended its Certificate of Incorporation with the State of New York, changing its name to “AT&T Corp.”

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 5 [Qwest Data Request No. 2(b)]: Does the corporate entity known as “The American Telephone and Telegraph Company” still exist under another name?

**Claimants’ Response**: 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. 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. Subject to and without waiving the foregoing objections, Claimants state that, on April 20, 1994, the “American Telephone and Telegraph Company” formally amended its Certificate of Incorporation with the State of New York, changing its name to “AT&T Corp.” AT&T Corp. is still in existence.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 6 [Qwest Data Request No. 2(c)]: If the name of the corporate entity was changed, state (1) the date upon which the name change was made effective and (2) the new name of the corporate entity following the name change. (Provide documentation of the name change).

**Claimants’ Response:** 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. 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. In addition, Claimants object that the request for documents is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, *see supra* Claimants’ response to Interrogatory 5. A copy of the amendment to the American Telephone and Telegraph Company’s Certificate of Incorporation is attached hereto as Exhibit 1.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

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' 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. Moreover, 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 8 [Qwest Data Request No. 3]: Given the fact that most of the documents attached to the complaint refer to The American Telephone and Telegraph Company, please explain why that legal entity is not participating in this docket under that name.

**Claimants' Response:** 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. 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. Subject to and without waiving the foregoing objections, on April 20, 1994, the "American Telephone and Telegraph Company" formally



amended its Certificate of Incorporation with the State of New York, changing its name to “AT&T Corp.” Thus, because The American Telephone and Telegraph Company ceased to exist in 1994, that entity is not participating in this docket under that name.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 9 [Qwest Data Request No. 4]: Describe the relationship between “The American Telephone and Telegraph Company” and the complainant “AT&T Corp.” To the extent not described in the response to data request 2, explain in detail the corporate changes by which “The American Telephone and Telegraph Company” became “AT&T Corp.” (if it did). Please include the date or dates of such changes and the state in which such changes were made effective (Provide all documents that memorialize the transformation of “The American Telephone and Telegraph Company” to become “AT&T Corp.”).

**Claimants’ Response:** 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. In addition, Claimants object that this request is overly broad, unduly burdensome, and cumulative. 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. Subject to and without waiving the foregoing objections, Claimants direct Qwest to their Response to Interrogatory 5.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 10 [Qwest Data Request No. 5]: Describe the relationship between “The American Telephone and Telegraph Company” and the complainant “AT&T Communications of the Mountain States, Inc.”

**Claimants’ Response:** 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. 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. Subject to and without waiving the foregoing objections, the relationship between “The American Telephone and Telegraph Company” and “AT&T Communications of the Mountain States, Inc.” is correct as previously described by Qwest Corp. in its Complaint in *Qwest Corporation v. AT&T Corp.*, Civ. Action No. 04-CV-909, ¶ 6 (D. Colo. filed May 5, 2004). However, the services provided by AT&T Communications of the Mountain States, Inc. are not fully, and therefore accurately, described.

In its Complaint in that proceeding, Qwest alleges “Defendants AT&T Communications, Inc., AT&T Communications of the Pacific Northwest, Inc., AT&T Communications of the Midwest, Inc., AT&T Communications of the Mountain States, Inc., and AT&T Communications of the Southwest, Inc., are wholly owned subsidiaries of AT&T Corp. These operating subsidiaries provide long-distance services on behalf of AT&T Corp.” See *Qwest Corporation v. AT&T Corp.*, Complaint, Civ. Action No. 04-CV-909, ¶ 6 (D. Colo. filed May 5, 2004). As described *supra* in Claimants’ Response to Interrogatory 5, on April 20, 1994, the “American Telephone and Telegraph Company” formally amended its Certificate of Incorporation with the State of New York, changing its name to “AT&T Corp.” As detailed in Claimants’ Complaint, AT&T Communications of the Mountain States, Inc. has received

certification from the Public Service Commission of Utah to provide long distance and local exchange telecommunication services in Utah. See AT&T Complaint at ¶ 1 and Exhibits 1 and 2.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 11 [Qwest Data Request No. 6(a)]: With regard to the Complainant “AT&T Corp.”: When was it incorporated and in which state? (Provide documentation)

**Claimants’ Response**: 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 object that this request is unreasonably duplicative. 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. Subject to and without waiving the foregoing objections, Claimants direct Qwest to their Responses to Interrogatories 1, and 3 – 6.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 12 [Qwest Data Request No. 6(b)]: Where is [AT&T Corp.’s] corporate headquarters? To the extent the headquarters location has changed since its incorporation, state the address of each headquarters location and the time period that location served as headquarters.

**Claimants’ 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 unduly burdensome in seeking information concerning changes in headquarters locations and time periods corresponding thereto, without limitation. 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. Subject to and without waiving the foregoing objections, AT&T Corp.'s corporate headquarters are located at One AT&T Way, Bedminster, New Jersey 07921.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

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

**Claimants' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 14 [Qwest Data Request No. 6(d)]: Provide a list of [AT&T Corp.'s] officers and board of directors, including their positions and addresses.

**Claimants' Response**: 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. 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. Subject to and notwithstanding its objections, the bulk of the requested information is publicly available at [www.att.com](http://www.att.com).

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 15 [Qwest Data Request No. 6(e)]: Is [AT&T Corp.] a publicly held company or is it owned by an affiliated company? If neither, describe the manner in which it is owned.

**Claimants' Response:** 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. 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. Subject to and without waiving the foregoing objections, Claimants state that AT&T Corp. is a publicly held company.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 16 [Qwest Data Request No. 6(f)]: If [AT&T Corp.] is owned by an affiliated company, identify the company that owns it currently and identify the companies that have owned it since its formation (including an identification of the time periods during which it was owned by each affiliated company).

**Claimants' Response:** 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. 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. Subject to and without waiving the foregoing objections, as stated in Claimants' Response to Interrogatory 15, AT&T Corp. is a publicly held company and is not owned by an affiliated company.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 17 [Qwest Data Request No. 6(g)]: Does [AT&T Corp.] currently maintain any employees in New York, New Jersey, or Georgia? If so, identify how many employees and describe their job functions.

**Claimants' 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 vague, ambiguous, overly broad and unduly burdensome in seeking information concerning thousands of employees and descriptions of their individual job functions and in states outside of Utah. Subject to and without waiving the foregoing objections, Claimants state that AT&T Corp. currently maintains employees in New York, New Jersey, and Georgia, among numerous other states.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 18 [Qwest Data Request No. 6(h)]: Has [AT&T Corp.] 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' 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 vague, ambiguous, overly broad and unduly burdensome in seeking information concerning thousands of employees and descriptions of their individual job functions and in states outside of Utah. Subject to and without waiving the foregoing objections, Claimants state that AT&T Corp. has maintained employees in New York, New Jersey, and Georgia, and numerous other states in the past.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 20 [Qwest Data Request No. 7(a)]: With regard to the Complainant "AT&T Communications of the Mountain States, Inc.": When was it incorporated and in which state? (Provide documentation)

**Claimants' Response:** 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. 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. Subject to and without waiving the foregoing objections, AT&T Communications of the Mountain States, Inc. was incorporated on September 21, 1983 in the State of Colorado.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 21 [Qwest Data Request No. 7(b)]: Where is [AT&T Communications of the Mountain States, Inc.'s] corporate headquarters? To the extent the headquarters location has changed since its incorporation, state the address of each headquarters location and the time period that location served as headquarters.

**Claimants' Response:** 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 unduly burdensome in seeking information concerning changes in headquarters locations and time periods corresponding thereto, without limitation. Claimants further object that this information 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 the Mountain States, Inc.'s corporate headquarters is located at One AT&T Way, Bedminster, New Jersey 07921.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**



Interrogatory 22 [Qwest Data Request No. 7(c)]: In which states does [AT&T Communications of the Mountain States, Inc.] provide telecommunications services directly to customers?

**Claimants' 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 unduly burdensome in seeking information concerning telecommunications services provided outside the State of Utah. Subject to and without waiving the foregoing objections, AT&T Communications of the Mountain States, Inc. provides telecommunications services directly to customers in Arizona, Colorado, Idaho, Montana, New Mexico, Utah and Wyoming.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' Response**: 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 24 [Qwest Data Request No. 7(e)]: Is [AT&T Communications of the Mountain States, Inc.] a publicly held company or is it owned by an affiliated company? If neither, describe the manner in which it is owned.

**Claimants' Response:** 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 and without waiving the foregoing objections, AT&T Communications of the Mountain States, Inc. is a wholly-owned subsidiary of AT&T Corp.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 25 [Qwest Data Request No. 7(f)]: If [AT&T Communications of the Mountain States, Inc.] is owned by an affiliated company, identify the company that owns it currently and identify the companies that have owned it since its formation (including an identification of the time periods during which it was owned by each affiliated company).

**Claimants' Response:** 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 and without waiving the foregoing objections, AT&T Communications of the Mountain States, Inc. is a wholly-owned subsidiary of AT&T Corp., as explained in Interrogatories 10 and 24, *supra*. AT&T Communications of the Mountain States, Inc. was formed prior to the Bell System divestiture by Qwest's predecessor, U S WEST, which transferred to AT&T Communications of the Mountain States, Inc. assets of U S WEST's local exchange carrier affiliate that predominantly provided interexchange functions. See Plan of Reorganization dated December 16, 1982 in *U. S. v.*

*Western Electric Co.*, Civil Action No. 82-0192 (D.D.C.) at 442. On the divestiture date, January 1, 1984, ownership of AT&T Communications of the Mountain States, Inc. was transferred from US WEST to The American Telephone and Telegraph Co.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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 and in states outside of Utah.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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 and in states outside of Utah.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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 and in states outside of Utah.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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 and in states outside of Utah.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 33 [Qwest Data Request No. 12]: Explain complainants understanding of the reference to “GRE Lease Admin” as used in the documents attached to Exhibit 7 of the Complaint?

**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 not reasonably calculated to lead to the discovery of admissible evidence.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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’ 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

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

**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 not reasonably calculated to lead to the discovery of admissible evidence.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

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

**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 not reasonably calculated to lead to the discovery of admissible evidence.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 38 [Qwest Data Request No. 13(d)]: Is AT&T Corp. a CLEC 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 not reasonably calculated to lead to the discovery of admissible evidence.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

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

**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 not reasonably calculated to lead to the discovery of admissible evidence.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

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

**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 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 44 [Qwest Data Request No. 14(d)]: Is the American Telephone and Telegraph Company a CLEC 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 not reasonably calculated to lead to the discovery of admissible evidence.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 47 [Qwest Data Request No. 16]: With regard to paragraph 5 of the complaint, do any other affiliates of the Complainants—e.g., TCG Utah—occupy the conduit at issue in this case? If so, identify each affiliated company and identify the portions of conduit in Utah that each affiliate uses.

**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 not reasonably calculated to lead to the discovery of admissible evidence.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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. Finally, Claimants object that this interrogatory is vague and ambiguous.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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 not reasonably calculated to lead to the discovery of admissible evidence.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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 not reasonably calculated to lead to the discovery of admissible evidence.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 58 [Qwest Data Request No. 23]: With regard to paragraph 19 of the complaint, provide a specific description of the efforts of complainants or any other AT&T entity to renegotiate conduit rental rates with Qwest in Utah. In that regard, please describe what specifically happened in February 2000? Provide copies of all documents in the possession of complainants relating to the attempted negotiations described in paragraph 19 of the complaint.

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

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 59 [Qwest Data Request No. 24]: In its Prayer for Relief, subparagraph c., the complainants seek recovery back to July 9, 1998, a date that is described as “when Qwest committed to providing AT&T with non-discriminatory rates.” Describe in detail the act that Qwest allegedly committed on July 9, 1998 that allegedly resulted in Qwest’s commitment to provide non-discriminatory rates. Provide all documents in complainants’ possession that support that claim.

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

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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. In addition, the request is overly broad and unduly burdensome.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, 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' 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 not reasonably calculated to lead to the discovery of admissible evidence.

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

Interrogatory 62 [Qwest Data Request No. 27]: With regard to complainant's request for attorneys' fees (Prayer for Relief, subparagraph d), identify (1) all contractual provisions upon which complainants rely for such relief and (2) all statutory provisions upon which complainants rely for such relief.

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

**Objection and answer prepared by Jerold G. Oldroyd, Esq. and Brian M. Josef, Esq.**

DATED this 13<sup>th</sup> day of October, 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

Richard Wolters, Esq.  
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 13<sup>th</sup> day of October, 2004, I caused a true and correct copy of  
**CLAIMANTS' RESPONSE TO QWEST CORPORATION'S FIRST SET OF DATA  
REQUESTS** 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

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

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

and sent by electronic mail and U.S. mail, postage prepaid thereon, to:

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

Peggy Egbert  
Dennis Miller  
STATE OF UTAH  
Department of Commerce  
Division of Public Utilities  
Heber M. Wells Building, Fourth Floor  
160 East 300 South  
Salt Lake City, Utah 84114  
pegbert@utah.gov  
dennismiller@utah.gov