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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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AT&T CORP., a New York Corporation;  
AT&T COMMUNICATIONS OF THE  
MOUNTAIN STATES, INC., a Colorado  
Corporation,

Claimant,

vs.

QWEST CORPORATION, a Colorado  
Corporation,

Respondent.

Docket No. 04-087-73

**MOTION TO AMEND  
RESPONSE OF QWEST CORPORATION  
TO REQUEST FOR AGENCY ACTION OF  
AT&T CORP., and AT&T  
COMMUNICATIONS OF THE  
MOUNTAIN STATES, INC.**

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Qwest Corporation (“Qwest”), pursuant to Section R746-100-3.D of the Rules of Practice and Procedure Governing Formal Hearings hereby moves to Amend its Response to Request for Agency Action of AT&T Corp., and AT&T Communications of the Mountain States, Inc. dated July 19, 2004.

The grounds for this motion are as follows:

1. Since the time Qwest filed its initial Response on July 19, 2004, Qwest has responded to similar complaints in Washington and Idaho.

2. In the course of answering complaints in those two states, Qwest discovered that, in its Utah Response, it had overlooked a reference to the “Assignment of Rights” clause in the General License Agreement between Qwest and the American Telephone and Telegraph Company that is attached to the AT&T Utah Claimants’ Request as Exhibit 4.

3. Furthermore, Qwest has also included in its answers in Washington and Idaho a footnote that addresses Qwest’s assumptions with regard to the relationship between AT&T Corp, one of the claimants in this matter, and the American Telephone and Telegraph Company, the entity with whom Qwest’s predecessor entered the General License Agreement.

4. In order to allow Qwest to more fully address the issues in this docket and more effectively defend its position, it should be allowed to amend its Response to address the foregoing issues explicitly.

5. Attached hereto as Exhibit A is a redlined version of the proposed Amended Response that highlights the changes that Qwest proposes to make in its Amended Response.

6. Under the Utah Rules of Procedure and the Commission’s Rules, amendments should be freely granted when justice requires it. URCP 15(a) (leave to amend “freely given when justice so requires”); *Timm v. Dewsnup*, 851 P.2d 11, 14, 1993 Utah LEXIS 80 (Utah 1993) (procedural rules must be examined “in the light of their . . . fundamental purpose of liberalizing both pleading and procedure to the end that the parties are afforded the privilege of presenting whatever legitimate contentions they have pertaining to their dispute”) quoting *Cheney v. Rucker*, 14 Utah 2d 205, 211, 381 P.2d 86, 91 (1963).

7. Given the early stages of this proceeding, the proposed amendment will not prejudice any party.

WHEREFORE, Qwest hereby moves that the Commission grant this motion to Amend. Recognizing that the Commission liberally grants such motions, Qwest has filed its Amended Response coincident with its filing of this motion.

RESPECTFULLY SUBMITTED: September 7, 2004.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **MOTION TO AMEND RESPONSE OF QWEST CORPORATION TO REQUEST FOR AGENCY ACTION OF AT&T CORP. AND AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.** was served on the following by personal delivery on September 7, 2004:

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and on the following by U.S. Mail, postage prepaid, on September 7, 2004:

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