

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of WWC )  
HOLDING CO., INC., for Designation as )  
an Eligible Telecommunications Carrier )

DOCKET NO. 98-2216-01  
ORDER ON MOTION TO COMPEL

ISSUED: December 16, 1999

By The Commission:

On November 17, 1999, U.S. West Communications, Inc. (AUS WEST@), filed a motion to compel requesting that the Commission order WWC Holding Co., Inc. (AWWC@), to provide complete and adequate answers with respect to 33 questions, including subparts, in its First Set of Discovery dated June 28, 1999. The specific requests addressed by the motion to compel were: Data Request Nos. 4(c), 5, 6, 7, 9, 10, 11, 12, 18, 30, 32(d), 32(d)(2), 32(d)(4), 32(d)(5), 32(g), 32(h), 32(i), 32(j), 32(k), 32(l), 33(d), 33(f), 33(g), 33(i), 33(j), 33(k), 33(l), 35, 46, 52, 53, 55 and 56. The motion was noticed for hearing on November 24, 1999. On November 23, 1999, WWC filed an objection to the motion to compel.

A hearing was held pursuant to notice on November 24, 1999.

Matthew F. McNulty, III, and Philip R. Schenkenberg appeared for WWC. Gregory B. Monson and Steven R. Beck appeared for US WEST; Jerry D. Fenn appeared for the Utah Rural Telecom Association. Michael Ginsberg, Assistant Attorney General, appeared for the Division of Public Utilities. Douglas C. Tingey, Assistant Attorney General, appeared for the Committee of Consumer Services. Messrs. Schenkenberg and Beck participated in the hearing by telephone.

At the outset of the hearing, US WEST withdrew its motion with respect to three of the data requests: Data Request Nos. 32(d)(4), 32(d)(5) and 33(d). Counsel presented argument on the motion.

The Commission, being fully advised and good cause appearing, makes the following order on the motion.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. US WEST=s motion to compel is granted.
2. WWC shall provide complete and adequate answers to the 30 data requests that are the subject of the motion as soon as possible, and not later than the close of business on November 29, 1999, to the extent possible to do so. WWC shall serve its answers on US WEST and other parties entitled to receive a copy by fax or e-mail to the addresses provided by the party in order to allow the party to receive the answers by November 29, 1999.
3. If WWC is reasonably not able to provide complete and adequate responses to any of the 30 data requests by November 29, 1999, US WEST and any other party may seek the information sought by the data request through questioning WWC=s witness during the course of the evidentiary hearing.
4. At the conclusion of the evidentiary hearing, the Commission will inventory the 30 data requests to determine which, if any of them, have not yet been satisfactorily answered. If the Commission concludes at that time that the information requested by any data request that has not been satisfactorily answered should be provided, it will direct WWC to provide a complete and adequate answer to the data request on terms and conditions to be established at that time.
5. If WWC is directed to provide answers to any data requests at the conclusion of the hearing, the Commission will

hold the record open in this docket pending receipt by US WEST and any other party entitled to receive the answers and an opportunity for the party to provide additional evidence or to conduct cross examination of WWC=s witness based upon the answers received. The Commission will establish the terms and conditions upon which the foregoing will occur at the conclusion of the hearing or thereafter when a request to supplement the record or to conduct additional cross examination is received.

DATED at Salt Lake City, Utah, this 16th day of December, 1999.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary