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IDAHO PUBLIC
UTILITIES COMMISSION

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF LEVEL 3
COMMUNICATIONS, LLC'S PETITION
FOR ARBITRATION PURSUANT TO
SECTION 252(b) OF THE COMMUNICA-
TIONS ACT OF 1934, AS AMENDED BY
THE TELECOMMUNICATIONS ACT OF
1996, AND THE APPLICABLE STATE
LAWS FOR THE RATES, TERMS, AND
CONDITIONS OF INTERCONNECTION
WITH QWEST CORPORATION

Docket No.: QWE-T-05-11

RESPONSE TO MOTION TO COMPEL

Qwest Corporation ("Qwest"), by and through its attorneys, hereby responds to the Motion to Compel Responses to First Set of Interrogatories filed by Level 3 Communications, LLC ("Level 3"). For the reasons that follow, Level 3's motion should be denied.

I. BACKGROUND

On June 3, 2005, Level 3 served Qwest with sixty-seven (67) discovery requests (not counting subparts) in this proceeding. The Idaho discovery requests were just one part of a

larger deluge of discovery from Level 3. On June 14, Level 3 had served more than a hundred requests in the Oregon arbitration. On June 15, Level 3 served Qwest with one hundred six (106) discovery requests in Iowa and more than a hundred requests in the Colorado arbitration. And on June 17, 2005, Level 3 served more than a hundred requests in the Arizona arbitration. Altogether, Level 3 served more than four hundred twenty (420) requests in a three day time frame in the states of Arizona, Colorado, Iowa, Oregon and Idaho. Nearly contemporaneously, Level 3 also served Qwest with over one hundred requests in Wyoming bringing the total number of requests in the first round to nearly six hundred, not counting subparts.

In mid-July, Level 3 served a second round of discovery in the states of Colorado (7/15/05), Arizona (7/20/05), Idaho (7/20/05), Oregon (7/25/05) and Iowa (7/25/05). Including these requests, Level 3 has now served Qwest with more than eight hundred discovery requests in the six states in which arbitrations are pending between the parties.

Qwest has objected to much of Level 3's discovery for various reasons. First and foremost, Qwest has objected because Level 3's requests are grossly overbroad and unduly burdensome discovery requests. Level 3 has not tailored its requests to obtain information that would be admissible at hearing. Rather, it has engaged in a gigantic fishing expedition with the hope that just one of the six public utility commissions hearing these arbitrations will require answers to its overbroad requests. In order to minimize the number of disputes, Qwest has attempted in good faith to respond to as much of the discovery served by Level 3 as possible. However, there are simply too many requests that are unreasonable. It is against this backdrop that Level 3's motion to compel should be evaluated.

II. ARGUMENT

In its motion to compel, Level 3 requests that the Idaho Public Utilities Commission ("Commission" or "IPUC") require Qwest to answer interrogatories that are extremely

burdensome to answer. Many of them seek information about the operations of Qwest and its affiliates throughout the United States. Most of the interrogatories seek information with little or no relevance to the matters at issue in this proceeding. For the reasons that follow, the IPUC should deny Level 3's motion to compel. Copies of the disputed Interrogatories and Response are attached for the convenience of the arbitrator.

A. Interrogatory No. 4 – Qwest Internet Access Service

In Interrogatory No. 4, Level 3 seeks highly proprietary information related to the operations of Qwest's affiliates who offer Internet access. Interrogatory No. 4 does not seek any information relevant or even potentially relevant to this proceeding. Level 3 claims, without any analysis, that Interrogatory No. 4 relates to whether "the geographic location of the ISP is relevant to the compensation exchanged by the parties for the transport and termination of ISP traffic." (Motion to Compel, p. 5.) In making this claim, Level 3 draws no connection between the information it seeks and the issue it claims this information relates to.

Qwest's position in this proceeding is that under the North American Numbering Plan, NPA-NXXs are supposed to be assigned to customers that are physically located in the same rate center to which the NPA-NXXs have been assigned. Thus, as a result of this numbering assignment rule, calls are rated as local or toll based on the rate centers in which the calling and called parties are located. In contrast, Level 3 argues that it is free to disregard the numbering rule and to assign numbers to end users (ISPs in particular) that are located in rate centers other than the rate center to which the NPA-NXXs have been assigned. This is the essence of Issue No. 3 related to VNXX.

Interrogatory No. 4 does not seek information in any way relating to the numbering assignment rule or the assignment of NPA-NXXs. The number of Internet Access customers that a Qwest affiliate has bears in no way on the VNXX issue. Nor does the location of end

offices in which Qwest has collocated equipment or the local calling areas in which Qwest maintains a physical presence bear on this issue. Level 3 is on a fishing expedition and may be seeking this information for purposes unrelated to this arbitration. The burden on Qwest to answer this interrogatory would be enormous, given its extreme breadth (nationwide by individual LCA). Thus, Level 3's motion to compel should be denied.

Level 3 also claims that because the parties have executed a protective agreement, Qwest's confidentiality objections are moot. That is not correct. Level 3 is seeking highly sensitive competitive information concerning affiliated companies who are not parties to the agreement and whose information has no bearing on the issues in this case. It stretches credulity to claim that the protective agreement was entered with intent to allow discovery of information of this kind.

Level 3's motion to compel should be denied.

B. Interrogatory Nos. 11 and 5(e) - Qwest's VoIP Service

In Interrogatory Nos. 11 and 5(e), Level 3 again seeks highly confidential information that is not reasonably calculated to lead to the discovery of admissible evidence. In Interrogatory No. 11, Level 3 requests the number of VoIP customers that Qwest has in Idaho. Level 3's sole basis for requesting this information is the nonsensical statement that "[t]he information requested in Request No. 11 is necessary to demonstrate the impact that Qwest's VoIP proposal will have on Level 3." (Motion to Compel, p. 6.) This statement is nonsensical for at least two reasons. First, Qwest Corporation is the party with whom Level 3 is seeking interconnection and Qwest Corporation does not offer VoIP, so the number of VoIP customers of Qwest's affiliate cannot be relevant. Second, it is the number of Level 3 VoIP customers that will determine the "impact" to Level 3 of Qwest's VoIP proposal. Level 3 obviously knows how many customers it has. Third, the issue here is the proper application of intercarrier compensation rules, not the

impact of those rules on one competitor. If access charges are applied to certain VoIP calls by Level 3 or to a VoIP provider that is a customer of Level 3, the quantification of that impact is not relevant, although Qwest would certainly agree that if access charges apply in situation in which Level 3 does not believe they should apply, the cost to Level 3 or its VoIP provider customer will be higher than under Level 3's proposal. The quantification of that difference is not an issue in this docket, nor should it be.

In any event, Level 3 has not demonstrated how the number of Qwest's affiliates' VoIP customers would lead to admissible evidence. Furthermore, Level 3 again overstates the purpose of the parties' protective agreement. Said agreement is not designed to permit Level 3's fishing expedition into the confidential information of affiliates who are not parties to the arbitration and whose information is not relevant to any pending issue.

The information sought by Interrogatory No. 5(e) is even less relevant. Interrogatory No. 5(e) asks for information concerning Qwest's affiliate's wholesale providers and the services it purchases from them, not just in Idaho, but anywhere in the United States. To justify this request, Level 3 launches into a lengthy discussion about Qwest's duties not to discriminate in providing interconnection. However, Level 3 makes no effort to explain how knowing the identity of wholesale providers of VoIP and what Qwest's affiliate(s) purchase from those providers has any relevance to any issue pending in this arbitration. Nor does it explain how having such information would help Level 3 analyze whether Qwest's actions are discriminatory toward Level 3. Moreover, there is no justification for requiring Qwest to provide information pertaining to states outside of Idaho, since the only possible issue for resolution by the IPUC is whether Qwest is discriminating in favor of its affiliate in Idaho.

C. Interrogatory Nos. 12, 13, 14, 15, 16, 17, and 18 – Efficient Use of Trunk Groups

Level 3 has inappropriately lumped Interrogatory Nos. 12, 13, 14, 15, 16, 17, and 18 together and treated them in broad-brush fashion. Undoubtedly, Level 3 has done this to conceal the fact that each of these requests is extraordinarily burdensome and does not seek relevant information. These requests must be evaluated individually. Additionally, Level 3 also again claims that the parties' protective agreement renders Qwest's objections moot. Again, that is a mischaracterization.

Interrogatory No. 12 requests information for every state in which Qwest or one of its affiliates operates concerning five different circumstances, only two of which involve interconnection (subparts c and d). Level 3 has not limited this request to the state of Idaho, to the commingling of traffic on interconnection trunks, or to interconnection with Qwest Corporation. The breadth and burdensomeness of this request is breathtaking. It requests information related to local (including intra-MTA wireless traffic), toll traffic (both inter- and intraLATA) or any combination that is carried on the same trunk group. It requests information for each state in which QC or an affiliate operates in. To top it off, it requests all of this information in five different categories, only two of which (c and d) relate to interconnection trunks. Thus, Interrogatory No. 12 calls for information concerning every state in the country in which Qwest's CLEC affiliates have trunk groups (though, given the level of detail requested, in order to respond, Qwest would be required to obtain trunk group information down to the LCA level). There are literally thousands of LCAs in the United States.

This Interrogatory seeks information concerning trunk groups operated by Qwest's CLEC affiliates who are not even parties to this proceeding. Qwest's CLEC affiliates do not have

interconnection obligations under Section 251(c). The burden imposed by Interrogatory No. 14 clearly outweighs any possible relevance of the information it seeks.

Level 3 correctly notes in its motion that Qwest Corporation has an obligation to provide “nondiscriminatory access to interconnection.” (Motion to Compel, p. 11.) Since interconnection under the Act is handled on a state by state basis, Interrogatory No. 12 must be limited to the state of Idaho. Moreover, the nondiscrimination obligation applies only to interconnection trunks (subparts c and d of Interrogatory No. 12) and to interconnection involving Qwest Corporation, the ILEC. Qwest’s affiliates do not have obligations under Section 251 of the Act and, thus, Interrogatory No. 12 is grossly overbroad to the extent that it requests information concerning the trunking arrangements of Qwest’s affiliates.

Interrogatory No. 13 is an extraordinarily burdensome request and calls for information concerning every local calling area in the country in which Qwest’s CLEC affiliates have trunk groups. There are literally thousands of local calling areas in the United States. Moreover, this Interrogatory seeks information concerning trunk groups operated by Qwest’s CLEC affiliates who are not even parties to this proceeding. Qwest’s CLEC affiliates do not have interconnection obligations under Section 251(c). Finally, Interrogatory No. 13 is not even limited to interconnection trunks. The burden imposed by Interrogatory No. 13 clearly outweighs any possible relevance of the information it seeks. Level 3’s motion to compel a response to this interrogatory should be denied.

Level 3’s motion to compel a response to Interrogatory No. 14 should be denied for the same reasons that its motion to compel a response to Interrogatory No. 13 should be denied. Interrogatory No. 14 seeks information concerning trunk groups in Qwest’s region. However, like Interrogatory No. 13, it calls for information involving thousands of local calling areas and

trunk groups operated by CLEC affiliates. Furthermore, it is not in any way limited to interconnection trunks. As was the case with Interrogatory No. 13, the burden imposed by Interrogatory No. 14 clearly outweighs any possible relevance of the information it seeks.

Interrogatory No. 14 is also overly broad and burdensome in the extreme. It asks Qwest to list each CLEC for which local and toll traffic has been combined on any trunk group in any state. It is not limited to the state of Idaho, to interconnection trunks or to Qwest Corporation's ILEC operations. Moreover, for no apparent reason, Level 3 also wants Qwest to do a historical study of traffic passing across trunk groups to determine *when* traffic was first combined. This request is extremely over reaching in its scope and is clearly not reasonably calculated to lead to the discovery of admissible evidence in this Idaho arbitration.

Level 3 moves to compel a further response from Qwest to Interrogatory No. 15. This interrogatory asked Qwest to speculate whether Qwest would receive "materially more or less intercarrier compensation from Level 3" if Qwest prevails in a position that Level 3 characterizes as requiring "multiple or separate trunking facilities" for various types of traffic. Qwest's objections, which are not recited in its Motion, include the fact that the interrogatory requires Qwest to speculate without providing a complete set of assumptions and that the request calls for Qwest to provide an opinion on a matter on which it has not previously written or published its views in violation of IPUC Rule 225.01.a. In addition, Qwest notes that its opinion on this point is not relevant evidence for any issue in the arbitration and the request is not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 16 requests information concerning specific CLECs in each of the fourteen Qwest in region states. This interrogatory calls for information that is contained in the interconnection agreements for each CLEC in each state. These interconnection agreements are

publicly available to Level 3 and can be reviewed more easily by Level 3 than by Qwest since Level 3 knows specifically what it is looking for. There are over a thousand interconnection agreements on file with the state public utility commissions. Accordingly, it is unreasonable for Level 3 to insist that Qwest assemble the information on Level 3's behalf. Level 3's motion to compel a response to this interrogatory should be denied.

Interrogatory No. 17 is extremely burdensome. It calls for information concerning Qwest's CLEC affiliate in every state. It is not limited to interconnection trunks but even if it were, it would call for a review by Qwest of every interconnection agreement Qwest's CLEC affiliate has entered into anywhere in the United States. Interrogatory No. 17 is clearly an unreasonable request especially since Qwest's CLEC affiliates are not parties to this proceeding and do not have obligations to interconnect under Section 251 of the Act.

Qwest objected to Interrogatory No. 18 on the grounds that it is overbroad. This Interrogatory is not limited to the state of Idaho. Level 3's discussion of this entire group of interrogatories misrepresents Qwest's position and seeks to confuse measures that are used to distinguish the "jurisdiction" of toll traffic (i.e., whether it is intra- or interstate) with the requirements for Local Interconnection Service (LIS) trunks. Level 3 seeks to place a huge burden on Qwest to produce reams of irrelevant data that will be of no value to the adjudication of the issues presented by this arbitration.

D. Interrogatory No. 19 – Efficient Use of Trunk Groups

Level 3 correctly notes that Qwest objected to Interrogatory No. 19 on the basis that the term "transit traffic" is ambiguous. Level 3's explanation that "transit" is "widely understood within the industry to refer to the carriage of traffic that is rated as 'local' (or otherwise considered 'local') between three interconnecting LECs" is not helpful. Not only is this explanation itself ambiguous (what, exactly, is traffic that is not rated as local but is "otherwise

considered local”?), but in Idaho at least, the term is used to refer to toll traffic that is carried by a company that neither originates nor terminates it. Interrogatory No. 19 is also objectionable for the reason that it appears to ask Qwest to do legal research for Level 3.

E. Interrogatory Nos. 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 – Qwest’s FX and FX-Like Services

Interrogatory No. 22 asks for detailed information about the number of FX customers Qwest has in Idaho, the date of introduction of the service and the number of ISPs who subscribe. Although Qwest objects to this request on the grounds that it unnecessarily seeks proprietary and trade secret information, it must also be noted that the request is not reasonably calculated to lead to the discovery of admissible evidence. Qwest’s FX service, as should be abundantly clear from Qwest’s Responses to Interrogatory Nos. 21, and 25, is a retail service offered to end users in which they purchase service in the remote exchange and pay for the increased costs of transporting calls to another local calling area. It bears no relationship to Level 3’s VNXX scheme, under which NXX’s associated with one geographic area are assigned to services located in another for the purpose of avoiding payment of appropriate charges.

Interrogatory Nos. 23 and 24 purport to seek information relating to what Level 3 refers to as “FX-like” services. Qwest has provided a great deal of information to Level 3 with respect to FX service in Idaho. In its answer to Interrogatory No. 21, for example, Qwest provided Level 3 with the tariff pages describing the terms and conditions applicable to FX service; in response to Interrogatory No. 25, Qwest explains the circumstances under which FX calls are rated as toll versus local; and in response to Interrogatory No. 26, Qwest explains the application of access charges to FX customers. Qwest is not able, however to respond with regard to the undefined term “FX-like” services.

A fundamental problem with these requests is that Level 3 does not define what it means by “FX-like.” These requests do not provide the criteria or attributes to use to determine whether particular services are “FX-like.” Apparently, Level 3 doesn’t know what it means either. In its motion to compel, Level 3 makes the statement that “Level 3 has no idea which services Qwest considers to be FX-like.” (Motion to compel, p. 13.) Thus, Qwest appropriately objected to these requests. It is Level 3’s responsibility to provide the criteria to be used for determining whether services are FX-like. Moreover, the descriptions and terms and conditions for the services Qwest offers are set forth in its publicly available tariffs and catalogs. Thus, to the extent that Level 3 has criteria in mind to be used to determine whether a service is FX-like, Level 3 can review Qwest’s tariffs and catalogs to obtain the information it is looking for just as readily as Qwest can.

Level 3 erroneously contends that it is entitled to information relating to the undefined “FX-like” services for all states that Qwest does business in. However, Level 3 offers no explanation as to how services offered in states other than Idaho could have any relevance to this Idaho arbitration. Under the Act, the terms and conditions for interconnection are set on a state by state basis in accordance with the Act and applicable FCC rules and regulations. Thus, until Level 3 demonstrates that service offerings in states other than Idaho are reasonably calculated to lead to admissible evidence concerning Qwest’s interconnection obligations in Idaho, Level 3 should not be permitted to pursue discovery concerning states other than Idaho.

In its motion to compel, Level 3 asserts that Qwest has not responded to Interrogatory Nos. 25, 26, 27, 28, 29, 30 and 31. In fact Qwest has filed responses to each of those interrogatories. Level 3’s motion does not explain how these responses are defective and,

frankly, the motion appears to be taken from another proceeding and not fully modified for the present docket.

F. Interrogatory Nos. 41 and 43 – POIs and other facility connections in Idaho

Interrogatory No. 41 requests Qwest to provide the number of POIs it has with CLECs in Idaho and Interrogatory No. 43 requests the number of CLECs interconnecting with Qwest through (a) Qwest supplied entrance facilities, (b) CLEC supplied facilities and (c) other means. Neither Interrogatory No. 41 nor Interrogatory No. 43 seeks information that bears on the issues in this proceeding. Indeed, Level 3 does not even assert in its motion to compel that these requests are calculated to lead to the discovery of admissible evidence.

Interrogatory Nos. 41 and 43 are very burdensome requests. To answer these requests would require Qwest to review the interconnection arrangements in place for each CLEC that has an interconnection agreement in Idaho and to conduct a special study of the facilities that are actually in place for each CLEC. There is no central repository of this information. Since these requests are burdensome and do not seek information that could lead to admissible evidence, the IPUC should deny Level 3's motion to compel with respect to these requests.

III. CONCLUSION

For the reasons above, Qwest Corporation requests that the Commission deny Level 3's motion to compel discovery.

DATED: September 2, 2005.

QWEST CORPORATION

By: 
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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of September, 2005, I served the foregoing **RESPONSE TO MOTION TO COMPEL** upon all parties of record in this matter as follows:

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Idaho
Case No. QWE-T-05-11
L3C 01-004I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 004I

Does Qwest have an affiliated Internet Service Provider ("ISP") that offers Internet access services in the state? If so, please identify the affiliates, and state the number of end user and wholesale customers in the state for each Qwest ISP affiliate.

- a. Please identify each telephone company end office in the state in which the Qwest affiliate ISP has collocated equipment such as modem banks, DSL equipment, routers, ATM switches or other equipment. Please identify the telephone company that owns/operates each such end office.
- b. Please list each local calling area within the state in which the affiliate maintains a physical presence.

RESPONSE:

Qwest objects to the request that it "state the number of end user and wholesale customers in the state for each Qwest ISP affiliate" on the basis that the information requested constitutes a trade or business secret and is highly confidential and proprietary. Qwest further objects that the information requested is not relevant and that it does not appear the request is reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding its objections, Qwest responds that two of its affiliates offer Internet access services in Idaho: Qwest Communications Corporation and Qwest Enterprise America, Inc.

Respondent: Mary LaFave

Idaho
Case No. QWE-T-05-11
L3C 01-005I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 005I

Does Qwest or any affiliate of Qwest offer Voice over Internet Protocol ("VoIP") to end users in this state? If so,

- a. Please identify the specific entity that offers the service and explain that entity's relationship to Qwest.
- b. Please state how many end use customers and how many wholesale customers in the state the Qwest VoIP provider has.
- c. Please list each local calling area within the state in which the affiliate maintains a physical presence.
- d. Please identify each telephone company end office in the state in which the Qwest affiliate VoIP provider has collocated equipment such as media gateways, DSL equipment, routers, ATM switches of any other related equipment necessary for providing VoIP service. Please identify the telephone company that owns/operates each such end office.
- e. Does Qwest purchase any wholesale VoIP services from any other provider? If so, please name the provider(s) and the state(s) in which such service(s) is/are purchased.

RESPONSE:

- b. Qwest objects to this subpart that it "state how many end use and how many wholesale customers in the state the Qwest ISP VoIP provider has" on the basis that the information requested constitutes a trade or business secret and is highly confidential and proprietary. Qwest further objects that the information requested is not relevant and it does not appear the request is reasonably calculated to lead to the discovery of admissible evidence.
- d. Qwest objects to this subpart to the extent that it seeks information concerning Qwest's affiliates' network configurations in territory not served by Qwest as the incumbent LEC.
- e. Qwest objects to this subpart to the extent that it seeks information concerning Qwest's purchases of services outside the state of Idaho and outside the 14-state territory in which Qwest operates as an incumbent LEC. This request is overly broad and burdensome and seeks information that is irrelevant. Furthermore, the subpart does not appear to be reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Qwest responds:

- a. Qwest Communications Corporation (QCC) offers VoIP in the state of Idaho. QCC is an affiliate of QC, both of which are owned by Qwest Services Corporation.
- b. See previously filed objection.

c. QCC has a physical presence in the Boise, Caldwell, Meridian and Nampa exchanges in the Boise EAS region and in the Pocatello and Idaho Falls exchanges in the Eastern Idaho EAS region.

d. QCC, as a provider of VoIP, operates as an Enhanced Service Provider (ESP); accordingly, it does not collocate any equipment in a Qwest central office or any other central office of a local exchange carrier in Idaho.

e. See previously filed objection.

Respondent: Mary LaFave

Idaho
Case No. QWE-T-05-11
L3C 01-011I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 011I

Please provide the total number of VoIP customers Qwest has in the State as of May 1, 2005. How many VoIP terminals does that number represent?

RESPONSE:

Qwest objects to this request on the basis that the information sought constitutes a trade or business secret and is highly confidential and proprietary to Qwest or its affiliates. Qwest further objects that the information requested is not relevant. Furthermore, it does not appear the request is reasonably calculated to lead to the discovery of admissible evidence.

Idaho
Case No. QWE-T-05-11
L3C 01-012I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 012I

Please identify every state in which Qwest combines local and toll traffic (including either interLATA or intraLATA toll traffic, or both, as the case may be) on the same trunk group at any point in Qwest's transmission of traffic. For each such state, please indicate which of the following situations apply:

- a. Local and toll traffic combined on a direct trunk group between two end offices;
- b. Local and toll traffic combined on a trunk group between a Qwest end office and a Qwest tandem;
- c. Local and toll traffic combined on a trunk group between a Qwest end office and a third party carrier (CLEC, ILEC, IXC) switch;
- d. Local and toll traffic combined on a trunk group between a Qwest tandem and a third party (CLEC, ILEC, IXC) switch; and/or
- e. Local and toll traffic combined on a trunk group between two Qwest tandems.

For purposes of this question, please use Qwest's own definitions of "local" and "toll" traffic, but provide a brief explanation of how Qwest classifies traffic into those categories.

RESPONSE:

Qwest objects to this request to the extent that it seeks information about states other than Idaho and is so over broad as to include states in which Qwest is not the incumbent LEC. Qwest further objects that the request is overbroad, unduly burdensome, seeks information that is not relevant to the subject matter in the pending action, and is not reasonably calculated to lead to the discovery of admissible evidence.

Idaho
Case No. QWE-T-05-11
L3C 01-013I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 013I

In which states, and in which local calling areas in those states, do Qwest's CLEC affiliates combine their own local and toll (IntraLATA and InterLATA) traffic on a single trunk?

RESPONSE:

Qwest objects to this request to the extent that it seeks information about the activities of Qwest affiliates in states other than Idaho and is so over broad as to include states in which Qwest is not the incumbent LEC. Qwest further objects that the request is burdensome, seeks information that is not relevant to the subject matter in the pending action, and is not reasonably calculated to lead to the discovery of admissible evidence.

Idaho
Case No. QWE-T-05-11
L3C 01-014I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 014I

In which states does Qwest combine CLEC local and toll (IntraLATA and InterLATA) traffic on a single trunk?

- a. Please provide a list of all CLECs for whom Qwest combines, or has combined, local and toll (IntraLATA and InterLATA) traffic on a single trunk.
- b. Please provide the month and year when Qwest started to combine traffic in each state where Qwest combines CLEC local and toll (IntraLATA and InterLATA) traffic.

RESPONSE:

Qwest objects to this request to the extent that it seeks information about states other than Idaho and is so over broad as to include states in which Qwest is not the incumbent LEC. Qwest further objects that the request is overbroad, unduly burdensome, seeks information that is not relevant to the subject matter in the pending action, and is not reasonably calculated to lead to the discovery of admissible evidence. Qwest also objects to this request to the extent it requests that Qwest identify individual wholesale customers and to disclose information that said customers may consider proprietary.

Idaho
Case No. QWE-T-05-11
L3C 01-015I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 015I

Does Qwest believe that it will receive materially more or less intercarrier compensation from Level 3 if Qwest prevails in its proposal to require Level 3 to establish multiple or separate trunking facilities for Transit Traffic, InterLATA traffic, and any non-local or non-intraLATA traffic (see Petition, Tier I, Issues 2 and 4)? If your answer is anything other than an unqualified "no," please explain in detail the basis for your answer, including all workpapers underlying any calculations involved in supporting that answer.

RESPONSE:

Qwest objects to this request on the basis that it calls for speculation and is impossible to answer without making assumptions concerning volumes and traffic mix that are not contained in the record. Qwest further objects the request appears to seek opinion or policy not previously written or published in violation IPUC Rule 225.01.a.

Without waiving its objection, Qwest states:

It is the category of the traffic exchanged, not the trunk the traffic is exchanged on, that determines the compensation rate. Putting the traffic on the correct trunk enables accurate tracking and billing but does not change the category of the call. Assuming Level 3 has been accurately identifying and routing traffic there should be no change in compensation if the types of traffic remain the same. Qwest can't predict whether Level 3's traffic will be local, toll or transit, or whether that mix and volume will change.

Respondent: Larry Brotherson

Idaho
Case No. QWE-T-05-11
L3C 01-016I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 016I

For each state in which Qwest operates as an ILEC, please identify each CLEC with which Qwest (a) exchanges local and toll (IntraLATA and InterLATA) traffic on a single trunk group and (b) uses a a Percent Local Use (PLU) or similar method of establishing the apportionment of local vs. toll traffic on the combined trunk group.

RESPONSE:

Qwest objects to this request on the basis that it seeks information about Qwest operations in states other than Idaho. Qwest further objects that the request appears to seek information about specific Qwest wholesale customers that is not relevant and may not be appropriately disclosed in this case. Finally, Qwest objects that the request seeks information that is not relevant to the subject matter in the pending action and is not reasonably calculated to lead to the discovery of admissible evidence.

Idaho
Case No. QWE-T-05-11
L3C 01-017I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 017I

For each state in which a Qwest CLEC affiliate combines local and toll (IntraLATA and InterLATA) traffic on a single trunk group, please state whether Qwest's CLEC affiliate uses a Percent Local Use (PLU) or similar other method of establishing the apportionment of local vs. toll traffic on the combined trunk group.

RESPONSE:

Qwest objects to this request on the basis that it seeks information about Qwest's affiliate's operations in states other than Idaho. Qwest further that the request seeks information that is not relevant to the subject matter in the pending action and is not reasonably calculated to lead to the discovery of admissible evidence.

Idaho
Case No. QWE-T-05-11
L3C 01-018I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 018I

Please describe each system and/or method that Qwest uses to track or estimate the amount of local and toll traffic exchanged with a CLEC. Please specifically state whether each such system and/or method is capable of distinguishing between IntraLATA and/or InterLATA calls on the one hand, and calls that are in-state versus out-of-state on the other.

RESPONSE:

Qwest objects to this request on the basis that it seeks information about Qwest operations in states other than Idaho. Qwest further objects that the request seeks information that is not relevant to the subject matter in the pending action and is not reasonably calculated to lead to the discovery of admissible evidence.

Idaho
Case No. QWE-T-05-11
L3C 01-019I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 019I

Please state whether Qwest is aware of any state commission that has required separate trunk groups for transit traffic. If your answer is anything other than an unqualified "no," please identify each state that Qwest believes has required separate trunk groups for transit traffic and provide a complete citation to such order.

RESPONSE:

Qwest objects to this request on the basis that the term "transit traffic" may be ambiguous.

Idaho
Case No. QWE-T-05-11
L3C 01-022I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 022I

Unless your answer to Question #21 above was an unqualified "no," please identify:

- a. the number of customers in this state who subscribe to or purchase Qwest's FX service;
- b. the number of FX lines that Qwest provides in this state;
- c. how long FX service has been available from Qwest; and,
- d. the number of ISPs to whom Qwest provides such service.

RESPONSE:

Qwest objects to this request in so far as it seeks information about the volumes of Qwest's retail business, on the basis that such information constitutes a trade or business secret and is confidential and proprietary to Qwest. Qwest further objects on the basis that it does not retain information about the business purposes of its retail customers and that such information may be proprietary to Qwest's customers.

Idaho
Case No. QWE-T-05-11
L3C 01-023I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 023I

Please state whether Qwest offers any FX-Like Service, other than service specifically described as Foreign Exchange. If the answer is anything other than an unqualified "no," please state the name of each such FX-Like Service and provide service descriptions (including, but not limited to, tariff pages) for each such FX-like service.

RESPONSE:

Qwest objects to this request to the extent that it seeks information concerning Qwest's product offerings in states other than the state of Idaho.

Idaho
Case No. QWE-T-05-11
L3C 01-024I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 024I

Unless your answer to Question #23 above was an unqualified "no," please identify:

- a. the number of customers in this state who subscribe to or purchase each of the FX-Like Services identified in response to the preceding questions;
- b. the number of lines in this state over which Qwest provides each of the FX-Like Services identified in response to the preceding questions;
- c. how long each FX-Like Service has been available from Qwest; and,
- d. the number of ISPs who purchase each of the FX-Like Services identified in response to the preceding questions.

RESPONSE:

Qwest objects to this request and its subparts in so far as it seeks information about the number of customers and lines it is serving, on the basis that such information constitutes a trade or business secret and is confidential and proprietary to Qwest. Qwest further objects on the basis that it does not retain information about the business purposes of its customers and that such information may be proprietary to Qwest's customers.

Idaho
Case No. QWE-T-05-11
L3C 01-025I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 025I

With respect to Qwest's FX and FX-Like services:

- a. Please explain the circumstances under which calls from a subscriber to Qwest FX or FX-like service are rated as local versus toll, and provide all documentation supporting your answer.

RESPONSE:

Qwest objects to this request and its subparts on the basis that the terms "toll" and "local" are not defined and may be ambiguous in this context. Qwest further objects on the basis that the request is overly broad and therefore not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objection, Qwest states:

a. Foreign Exchange (FX) service is a combination of rate elements from the Local Exchange tariffs and Private Line Transport tariffs and/or catalogs. The subscriber purchases an FX connection in the local calling area in which the subscriber seeks a local number. As to the persons making the call, all calls to and from other subscribers in the same local calling area where the FX subscriber purchased a connection are treated as local. All calls to and from subscribers outside the local calling area where the FX subscriber's connection was purchased are treated as toll calls. The additional transport for carrying calls from the local calling area where the connection was purchased, to the FX customer's location, are ordered as private line services. Documentation for charges are identified in the Exchange and Network Services and the Private Line Transport Services tariffs for northern Idaho. Please note these tariffs will be converted to catalog on or about August 1, 2005.

Respondent: Larry Brotherson

Idaho
Case No. QWE-T-05-11
L3C 01-026I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 026I

Please state whether Qwest or any Qwest affiliate has ever billed or demanded payment of access charges from an incumbent LEC for calls originated by Qwest's end user to an incumbent LEC's FX or FX-Like customer.

RESPONSE:

Qwest objects to this request on the basis that it is not limited to the state of Idaho and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated to lead to the discovery of admissible evidence.

Without waiving this objection Qwest states:

If the call was placed to an incumbent LEC's subscriber who had purchased a physical connection in the same local calling area as the calling party, the call would be treated as a local call. If the call was made from outside the local calling area, access charges would be paid by the toll carrier.

Respondent: Larry Brotherson

Idaho
Case No. QWE-T-05-11
L3C 01-027I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 027I

Please state whether Qwest has ever billed or received reciprocal compensation or other terminating compensation for calls received from an incumbent LEC or any CLECs for termination to Qwest's FX or FX-like customers? Please explain your answer, including but not limited to (a) the dates upon which you first began billing incumbent LECs or CLECs for such compensation; (b) the amount of compensation received from incumbent LECs and CLECs; and (c) describe any changes you may have made to your billing policies with respect to calls terminating to your FX or FX-like customers.

RESPONSE:

Qwest objects to this request on the basis that it is not limited to the state of Idaho and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated to lead to the discovery of admissible evidence.

Without waiving this objection, Qwest states:

The local calling area in which the Qwest FX customer purchases a connection to the local network is the point for determining whether a call is local. ILEC calls to a Qwest FX customer who purchases a connection in the same local calling area that the call originated in are generally treated as bill and keep. CLEC calls originating in the local calling area where the FX customer purchased a local connection are billed local reciprocal compensation.

Respondent: Larry Brotherson

Idaho
Case No. QWE-T-05-11
L3C 01-028I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 028I

Are there any circumstances in which Qwest has paid access charges to the originating carrier for a call originated by another carrier and terminated to a Qwest FX or FX-like customer? If your answer is anything other than an unequivocal "no," please describe all circumstances under which Qwest has made such payments.

RESPONSE:

Qwest objects to this request on the basis that it is not limited to the state of Idaho and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated to lead to the discovery of admissible evidence.

Without waiving this objection, Qwest states:

If the call originated outside the local calling area, the toll carrier pays access charges. When Qwest is the toll carrier, and the call originates in a non-Qwest exchange, Qwest pays originating access.

Respondent: Larry Brotherson

Idaho
Case No. QWE-T-05-11
L3C 01-029I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 029I

Please state whether Qwest knows, or has reason to believe, that any independent LEC with whom Qwest has EAS arrangements provide FX or FX-Like Service that permits customers physically located in another rate center to be assigned a number that is local to the rate center included in Qwest's EAS area.

RESPONSE:

Qwest objects to this request on the basis that it is not limited to the state of Idaho and is otherwise overly broad and unreasonably burdensome. Qwest further objects that the service offerings of independent LECs in Idaho are available from said LECs and are filed as a matter of public record with the IPUC where they are as readily available to Level 3 as to Qwest.

Without waiving this objection, Qwest states:

Qwest is not aware if any Independents in Idaho offer FX or FX-like services to their end-users. If they do, they are likely to be described in their tariffs on file with the Idaho Public Utilities Commission.

Respondent: Larry Brotherson

Idaho
Case No. QWE-T-05-11
L3C 01-030I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 030I

Please provide Qwest's definition of FX service and provide the source for that definition. Is it true that Qwest's FX Service allows the customer to make calls to an exchange outside of the Qwest customer's home exchange without incurring a toll charge? If not, please explain.

RESPONSE:

See Attachment A to Data Request No. 21 for the service description of Foreign Exchange service. Foreign Exchange (FX) service is a combination of rate elements from the local exchange tariffs catalogs and private line transport tariffs and/or catalogs. In each instance, the toll revenues that would otherwise be billed to the calling parties as toll are recovered from the called party as a toll replacement charge. The additional transport costs that Qwest incurs for routing calls beyond the local calling area over the private line network are recovered through tariff and/or catalog services. Documentation for charges are identified in the tariffs or catalogs for each service.

Respondent: Larry Brotherson

Idaho
Case No. QWE-T-05-11
L3C 01-031I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 031I

Does Qwest treat FX service associated with Broadband Data, and FX service associated with voice service, differently? If yes, please explain why there are two such differences.

RESPONSE:

The question is unclear because there are different characteristics for transmitting each type of call. For example, a voice capable loop is different than a broadband capable loop. If Qwest assumes these transmission characteristics are irrelevant to the question, the answer is "no". The services are offered in a similar manner and treated the same.

Respondent: Larry Brotherson

Idaho
Case No. QWE-T-05-11
L3C 01-041I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 041I

How many physical POIs exist in Idaho between Qwest and CLECs?

RESPONSE:

Qwest objects to this request on the basis that it is unreasonably burdensome and that response would require a special study. Qwest further objects that the request does not appear reasonably calculated to lead to the discovery of admissible evidence.

Idaho
Case No. QWE-T-05-11
L3C 01-043I

INTERVENOR: Level 3 Communications, LLC

REQUEST NO: 043I

How many CLECs in Idaho connect to Qwest's network by means of (a) a Qwest-supplied entrance facility running between Qwest's network and a CLEC switch; (b) a CLEC-supplied facility delivered to Qwest's network at or near a Qwest central office building; or (c) some other means?

RESPONSE:

Qwest objects to this request on the basis that it is unreasonably burdensome and that response would require a special study. Qwest further objects that the request does not appear reasonably calculated to lead to the discovery of admissible evidence.