

August 1, 2005

VIA ELECTRONIC MAIL AND US MAIL

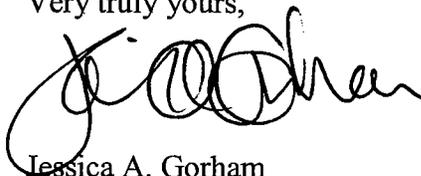
Filing Center
Oregon Public Utility Commission
550 Capitol Street NE #215
PO Box 2148
Salem, OR 97308-2148

Re: ARB 665 - Level 3 Communications, LLC's Motion to Compel

Dear Sir or Madam:

Enclosed for filing in the above-referenced docket is Level 3's Motion to Compel Responses to Level 3's First Set of Data Requests and Memorandum in Support. Please contact me with any questions.

Very truly yours,



Handwritten signature of Jessica A. Gorham in black ink.

Jessica A. Gorham

Enclosures

cc: ARB 665 Service List

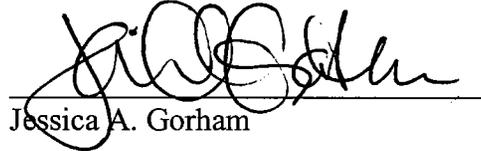
**CERTIFICATE OF SERVICE
ARB 665**

I hereby certify that a true and correct copy of **LEVEL 3 COMMUNICATIONS, LLC'S MOTION TO COMPEL RESPONSES TO LEVEL 3'S FIRST SET OF DATA REQUESTS AND MEMORANDUM IN SUPPORT** was served via U.S. Mail on the following parties on August 01, 2005:

Thomas Dethlefs
Qwest Corporation
1801 California Street Suite 900
Denver CO 80202

Alex M. Duarte
Qwest Corporation
Suite 810
421 SW Oak Street
Portland OR 97204

ATER WYNNE LLP



Jessica A. Gorham

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**
3 **ARB 665**

4 In the Matter of

5 LEVEL 3 COMMUNICATIONS, INC's

6 Petition for Arbitration Pursuant to Section
7 252(b) of the Communications Act of 1934,
8 as amended by the Telecommunications Act
9 of 1996, and the Applicable State Laws for
10 Rates, Terms, and Conditions of
Interconnection with Qwest Corporation

LEVEL 3 COMMUNICATIONS, LLC'S
MOTION TO COMPEL RESPONSES TO
LEVEL 3'S FIRST SET OF DATA
REQUESTS AND MEMORANDUM IN
SUPPORT

**EXPEDITED CONSIDERATION
REQUESTED**

11 **CERTIFICATION PURSUANT TO OAR 860-014-0070(2)**

12 Pursuant to OAR 860-014-0070(2), counsel certify that they have conferred with Qwest
13 Corporation's counsel and have been unable to resolve the matters addressed in this motion.

14 **MOTION AND MEMORANDUM**

15 Level 3 Communications, LLC ("Level 3"), by and through its attorneys and pursuant to
16 OAR 860-014-0070(2), respectfully moves the Public Utility Commission of Oregon
17 ("Commission") for an order compelling Qwest Corporation ("Qwest") to provide proper
18 responses to Level 3's First Set of Data Requests to Qwest ("Level 3's Data Requests") served
19 on June 15, 2005, in the above-captioned proceeding (copy attached as Exhibit A). Specifically,
20 Level 3 moves for an order compelling Qwest to fully respond to Level 3's Data Request Nos. 3,
21 4, 6(b), 6(e), 13, 14, 16, 17, 19-22, 24-31, 33, and 43-45 and Requests for Admission Nos. 10-13,
22 20, 26, 27, 31, 36, 41, 42, 50, 51, and 53-58.

23 As a preliminary matter, Level 3 respectfully requests expedited consideration of this
24 motion. Although there is not enough time for the Commission to rule on this request and for
25 Qwest to provide supplemental responses before opening testimony is due on August 12, 2005,
26 Level 3 requests expedited consideration in order to receive supplemental responses before reply

1 testimony is due on September 6, 2005. Accordingly, Level 3 asks the Commission to require a
2 response from Qwest within five business days from the date of service (August 8, 2005).¹ In
3 addition, Level 3 requests permission to file a reply in support of this motion on August 10,
4 2005,² and asks that the Administrative Law Judge rule on this motion by August 19, 2005. If
5 the Commission grants all or part of Level 3's motion, Level 3 asks that the Commission require
6 Qwest to submit supplemental responses to Level 3's data requests by August 26, 2005.

7 I. PROCEDURAL BACKGROUND

8 After a year of negotiations with Qwest, Level 3 filed a Petition for Arbitration on June 3,
9 2005,³ seeking resolution of, among other things, four basic interconnection rights:

- 10 **Issue 1:** Whether each Party bears its own costs of exchanging traffic at a Single
11 Point of Interconnection per LATA.
- 12 **Issue 2:** Whether Level 3 may exchange all traffic over the interconnection trunks
13 established under the Agreement.
- 14 **Issue 3:** Whether Qwest's election to be subject to the *ISP-Remand Order* for the
15 exchange of ISP-bound traffic requires Qwest to compensate Level 3 for
16 ISP-bound Traffic at the rate of \$0.0007 per minute of use.
- 17 **Issue 4:** Whether Qwest and Level 3 will compensate each other at the rate of
18 \$0.0007 per minute of use for the exchange of IP enabled or Voice over
19 Internet Protocol traffic.

20 On July 7, 2005, Administrative Law Judge Sam Petrillo issued a Telephone Conference
21 Report ("Conference Report") setting forth the procedural schedule in this docket.⁴ Pursuant to
22 the Conference Report, Level 3 and Qwest are required to file opening testimony on August 12,
23

24 ¹ OAR 860-013-0080 permits the Administrative Law Judge to alter the time frames applicable to motions and
25 replies.

26 ² Because Qwest's response to this motion will be the first time Qwest provides argument in support of its
objections, Level 3 anticipates that Qwest will raise new legal and factual arguments that will need to be addressed
and therefore seeks permission to file a reply memorandum.

³ *In the Matter of Level 3 Communications, LLC's Petition for Arbitration Pursuant to Section 252(b) of the
Communications Act of 1934, as amended by the Telecommunications Act of 1996, and the Applicable State Laws
for Rates, Terms, and Conditions of Interconnection with Qwest Corporation*, Petition, OPUC Docket No. ARB 665
(filed June 3, 2005).

⁴ Administrative Law Judge Petrillo issued a corrected conference report on July 14, 2005, which included one
minor correction to the date of the September prehearing conference.

1 2005, and reply testimony on September 6, 2005. The hearing in this proceeding is scheduled
2 for September 20-23, 2005.

3 On June 15, 2005, Level 3 served its First Set of Data Requests on Qwest. Qwest's
4 responses were due on June 29, 2005. OAR 860-014-0070(1). On June 28, 2005, Qwest served
5 on Level 3 general objections, specific objections to all of Level 3's requests for admissions
6 (with no responsive information), and specific objections and partial responses to Level 3's
7 interrogatories and requests for production.⁵ On July 5, 2005, Qwest and Level 3 conducted a
8 five hour meeting to discuss discovery and attempt to work through issues surrounding Qwest's
9 objections and responses to Level 3's Data Requests. Qwest provided supplemental responses
10 on July 8, 2005 (copy attached as Exhibit E) and July 18, 2005 (copy attached as Exhibit F)⁶, but
11 has not yet provided complete responses to Level 3's data Requests, despite the fact that Level 3
12 has provided written and/or oral clarification of every request for admission and interrogatory to
13 which Qwest objected, failed to completely respond, or failed to provide a sufficient response.

14 II. STANDARD OF REVIEW

15 Discovery procedures in dockets before the Commission are governed by OAR 860-014-
16 0070. In addition, the Oregon Rules of Civil Procedure apply to Commission proceedings to the
17 extent not superseded or changed by Commission rules, orders, or Administrative Law Judge
18 rulings. OAR 860-011-0000(3). The Commission rules are to be construed liberally to ensure
19 "just, speedy, and inexpensive determination of the issues presented." OAR 860-011-0000(5).
20 Parties may obtain discovery regarding any matter, not privileged, that appears reasonably
21 calculated to lead to the discovery of admissible evidence relevant to the subject matter involved
22 in the pending action. OAR 860-014-0010. The scope of discoverable information includes, but

23
24 ⁵ A copy of Qwest's general objections is attached as Exhibit B. A copy of Qwest's objections to Level 3's requests
25 for admissions is attached as Exhibit C. A copy of Qwest's objections and responses to Level 3's interrogatories and
26 requests for production is attached as Exhibit D.

⁶ On June 22, 2005, Qwest served 63 data requests on Level 3. Level 3 timely served objections and responses to
all requests on July 7, 2005. To date Qwest has not indicated that it requires any additional information from
Level 3, nor has it requested a meeting to discuss any problems with Level 3's responses.

1 is not limited to, “the existence, description, nature, custody, condition, and location of any
2 books, documents, or other tangible things, and the identity and location of persons having
3 knowledge of any discoverable matter.” ORCP 36(B); *see also* OAR 860-014-0065(6). The
4 information sought need not be admissible at the hearing if it appears reasonably calculated to
5 lead to the discovery of admissible evidence. ORCP 36(B). Accordingly, the scope of discovery
6 is broad.

7 OAR 860-014-0070 and ORCP 36, 45, and 46 require responses to discovery requests
8 and requests for admissions, and set forth procedures for remedying a party’s failure to respond.
9 ORCP 45 provides that a party responding to requests for admission must “specifically deny the
10 matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny
11 the matter.” ORCP 45(B). The responding party may not give lack of information or knowledge
12 as a reason for its failure to admit or deny unless the party states that it has made reasonable
13 inquiry and that the information known or readily obtainable by the party is insufficient to enable
14 the party to admit or deny. *Id.*

15 When resolving discovery disputes, the discovery rules should be liberally construed.
16 *See Oregon Orchards, Inc. v. Insurance Co. of North America*, 239 Or. 192, 198 (1964).
17 Although Oregon courts have offered few interpretations of the scope of ORCP 36, the Oregon
18 Supreme Court has indicated that federal cases interpreting the scope of the federal counterpart
19 to ORCP 36 are instructive. *See Stevens v. Czerniak*, 336 Or. 392, 401-02 (2004). The United
20 States Supreme Court has long recognized “that the deposition-discovery rules are to be
21 accorded a broad and liberal treatment.” *Hickman v. Taylor*, 329 U.S. 495, 507 (1947); *see also*
22 WRIGHT, MILLER & MARCUS, FEDERAL PRACTICE AND PROCEDURE: CIVIL 2D § 2001.

23 Under these liberal discovery principles, those opposing discovery carry a heavy burden
24 in showing why discovery should be denied. *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429
25 (9th Cir. 1975). This requirement has been applied in numerous cases. In *Sherman Park Cmty.*
26 *Ass'n v. Wauwatosia Realty Co.*, the court held that objecting to interrogatories on the ground that

1 they are not likely to lead to the discovery of relevant or admissible evidence, without more, is
2 an insufficient basis for refusal to answer. 486 F. Supp. 838, 845 (D. Wis. 1980). In *IBP, Inc. v.*
3 *Mercantile Bank of Topeka*, the court held that a party who asserts an objection and resists
4 discovery has the burden to show specifically the applicability of any objection it asserts. 179
5 F.R.D. 316, 322 (D. Kan. 1998). In *Pulsecard, Inc. v. Discover Card Services, Inc.*, the court
6 held that an objecting party has the burden of showing that responding to discovery is unduly
7 burdensome. 168 F.R.D. 295, 304 (D. Kan. 1996).

8 Both the Commission's rules and the Oregon Rules of Civil Procedure authorize
9 comprehensive pretrial discovery and are intended to facilitate and simplify the issues and avoid
10 surprises at trial. As demonstrated below, Level 3 seeks information that is either directly
11 relevant to the disputed issues in this docket or could reasonably lead to the discovery of
12 admissible evidence. Qwest's refusal to respond to Level 3's legitimate discovery requests is
13 contrary to this Commission's rules and Oregon law, and has prejudiced Level 3's ability to
14 properly prepare for hearing. Unless this Motion is granted, Qwest's failure to provide sufficient
15 responses will also deprive the Commission of the ability to make an informed decision based on
16 all relevant facts in this proceeding.

17 III. ARGUMENT

18 The issues in this arbitration go to the core of Level 3's ability to offer technologically-
19 innovative and cost-effective services on competitive terms, and to make efficient use of its
20 network without the imposition of legacy obligations and costs. Level 3's Data Requests are
21 intended gather information that will support Level 3's argument that Qwest is attempting to
22 force Level 3 into one-sided interconnection requirements designed to offset Qwest's loss of toll
23 revenues due to wider adoption of broadband and other technologies, including Level 3's
24 Internet protocol. Qwest's objections to these requests are meritless, and its failure to provide
25 adequate responses threatens Level 3's ability to draft testimony and prepare for trial.
26

1 Accordingly, Level 3 respectfully requests that the Commission grant this Motion and order
2 Qwest to respond to these requests immediately.

3 **A. Data Request No. 3 – Qwest Internet Access Service**

4 Level 3's Data Request No. 3 asks the following:

5 Does Qwest offer Internet access services in the state? If
6 so, how many end user customers and how many wholesale
customers in the state does Qwest have?

7 a. Please identify each telephone company end office
8 in the state in which the Qwest has collocated
9 equipment such as modem banks, DSL equipment,
10 routers, ATM switches, or other equipment. Please
identify the telephone company that owns/operates
each such end office.

11 b. Please list each local calling area within the state in
12 which Qwest maintains a physical presence as
13 defined by Qwest in Section 4 – Definitions VNXX
Traffic (Issue No. 3B) of the Parties'
interconnection agreement.

14 Qwest responded with the following objection on June 28, 2005:

15 Qwest objects to the request that it divulge the number of
16 end user and wholesale customers on the basis that the
17 information requested constitutes a trade or business secret
18 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.

19 Qwest supplemented its response on July 8, 2005, with the following:

20 Without waiving its objections, Qwest responds that two of
21 its affiliates offer Internet access services in Oregon:
22 Qwest Communications Corporation and Qwest !nterprise
America, Inc.

23 Qwest's objections are unfounded. First, Qwest's confidentiality objections are moot
24 because the Commission has entered a Protective Order in this docket specifically for the
25 purpose of facilitating the exchange of confidential and competitively-sensitive business
26 information.

1 Second, Qwest’s objection on the grounds that the information sought is irrelevant and
2 not reasonably calculated to lead to the discovery of admissible evidence is, without more,
3 insufficient as a matter of law. *See Sherman Park Cmty. Ass’n*, 486 F. Supp. at 845. More
4 importantly, this objection is factually incorrect. Level 3’s Data Request No. 3 is indeed relevant
5 to Issue 3 in the Petition and to whether the geographic location of the ISP is relevant to the
6 compensation exchanged by the parties for the transport and termination of ISP-bound traffic.
7 Level 3 contends that the jurisdiction of calls should be determined by the NPA-NXX, in
8 accordance with long-standing industry practice. Qwest, on the other hand, is attempting to rate
9 traffic based upon the physical location of the customers, not the NPA-NXX. Request No. 3 is
10 intended to elicit information that will assist Level 3 in rebutting Qwest’s position.

11 Finally, Qwest’s supplemental response is not responsive to the request. Qwest ignored
12 the questions and arbitrarily offered the name of two Qwest affiliates providing Internet access in
13 Oregon. Request No. 3 seeks end office and local calling area information, not the names of the
14 Qwest affiliates that provide Internet access service.

15 Qwest’s failure to provide responsive information for the two identified affiliates is based
16 on its general objections to the instructions in Level 3’s Data Requests. Instruction D expressly
17 states that all references to Qwest shall include Qwest’s affiliates.⁷ Qwest claims that this
18 instruction is overly broad, unduly burdensome, and seeks to include entities that are not parties
19 to the arbitration.⁸ These general objections are insufficient as a matter of law. *See Pulsecard,*
20 *Inc.*, 168 F.R.D. at 304. Qwest has failed to meet its burden of showing that this instruction is
21 overly broad or that responding to Level 3’s Data Requests with information about affiliates
22 would be unduly burdensome. The Rules of Civil Procedure are not designed to protect parties
23 from *any* burdensome request—only requests that are *unduly* burdensome given the issues in the
24 case. With respect to Request No. 3, Qwest would need to provide information for only two

25 ⁷ Exhibit A at 2.

26 ⁸ Exhibit B at 1.

1 companies. Furthermore, Qwest provides no support for the proposition that data requests must
2 be limited to information about parties to the docket only. Section 251(c) of the
3 Telecommunications Act requires incumbent LECs, such as Qwest, to provide nondiscriminatory
4 access to interconnection. The information sought by Level 3 is critical to assessing whether
5 Qwest's proposals in this arbitration discriminate against Level 3 relative to the manner in which
6 Qwest provides interconnection to itself, its affiliates, and other carriers. The Commission
7 should find that Qwest's general objection to providing data about its affiliates is without merit.

8 For these reasons, the Commission should compel Qwest to respond to Request No. 3 and
9 provide the specific information requested for the two affiliates Qwest has identified.

10 **B. Data Request No. 4 – PRI or DID/DOD Service**

11 Level 3's Data Request No. 4 asks:

12 Does Qwest offer PRI or DID/DOD services to ISP customers
13 within the state?

- 14 a. If so, does Qwest pay carriers whose customers
15 originate calls to such Qwest services originating
16 access charges at the CLEC's tariffed rate for each
17 minute of use?
- 18 b. If Qwest contends that there are no such carriers
19 whose customers originate calls to such Qwest
20 services, does Qwest contend that it would pay
21 originating access?

22 Qwest has neither provided any response to Level 3's Data Request No. 4, nor objected
23 to this request. In negotiations regarding this request, Qwest merely indicated that it believes
24 that the request is ambiguous and calls for speculation. Qwest's position is unfounded. First, as
25 a procedural matter, if Qwest had intended to object to the request, it was obligated to do so by
26 June 29, which it failed to do. Moreover, Qwest's unexplained position that the request is
ambiguous is completely without foundation. Request No. 4 asks whether Qwest offers PRI or
DID/DOD services to ISP customers in Oregon. This is a straightforward, unambiguous request,
which requires nothing more than a simple "yes" or "no." If the answer to Request No. 4 is

1 “yes,” Request No. 4(a) asks if Qwest pays originating access to carriers whose customers
2 originate calls to those services at the CLEC’s tariffed rate. If Qwest’s response to Request No.
3 4 is “no,” Request No. 4(b) asks whether it is Qwest’s contention that it would pay originating
4 access for such traffic. Request Nos. 4(a) and 4(b) are similarly free of ambiguity and require no
5 speculation. Accordingly, Qwest’s objections lack merit, and the Commission should compel
6 Qwest to respond to Request No. 4 in its entirety.

7 **C. Data Request Nos. 6(b) and 6(e) – Qwest’s VoIP Service**

8 Level 3’s Data Request No. 6(b) provides:

9
10 Please state the number of retail [VoIP] customers (“retail” in the
11 sense that the customers use the service for his/her personal
12 communications needs) and how many wholesale [VoIP]
13 customers (“wholesale” in the sense that an ESP or carrier
14 purchases this service from Qwest and sells to other customers)
15 Qwest has in the state.

16 Qwest responded to this request as follows:

17
18 Qwest objects to this subpart on the basis that the information
19 requested constitutes a trade or business secret and is highly
20 confidential and proprietary. Qwest further objects that the
21 information requested is not relevant and is not reasonably
22 calculated to lead to the discovery of admissible evidence.

23 Qwest’s objections are without merit. First, as discussed above, the Commission has
24 issued a Protective Order in this proceeding. Accordingly, Qwest’s confidentiality and trade
25 secret arguments are moot. Second, Qwest’s general objections that the request seeks irrelevant
26 information and is not reasonably calculated to lead to the discovery of admissible evidence are,
without more, insufficient as a matter of law. *See Sherman Park Cmty. Ass’n*, 486 F. Supp. at
845. Moreover, Request No. 6(b) is indeed relevant to Disputed Issue 4 – whether Qwest and
Level 3 will compensate each other at the rate of \$0.0007 per minute-of-use for the exchange of
IP enabled or Voice over Internet Protocol (“VOIP”) traffic. Level 3 contends that VoIP traffic
is not subject to access charges. Qwest seeks to impose access charges on certain VoIP traffic.

1 The information requested in Request No. 6(b) is necessary to demonstrate the impact that
2 Qwest's VoIP proposal will have on Level 3. Qwest should be required to respond to Request
3 No. 6(b).

4 Level 3's Data Request No. 6(e) provides:

5 Does Qwest purchase any wholesale VoIP services from any other
6 provider? If so, name the provider, the services purchased, and the
7 states in which such service is purchased.

8 Qwest responded to this request as follows:

9 Qwest objects to this subpart to the extent that it seeks information
10 concerning Qwest's purchases of services outside the state of
11 Oregon and outside the 14-state territory in which Qwest operates
12 as an incumbent LEC. This request is overly broad and
burdensome and seeks information that is irrelevant. Furthermore,
the subpart is not reasonably calculated to lead to the discovery of
admissible evidence.

13 Qwest's objections fail. First, Qwest has provided no authority for the proposition that
14 discovery is limited in scope to the state of Oregon. As discussed above, Section 251(c) of the
15 Telecommunications Act requires ILECS to provide interconnection on a nondiscriminatory
16 basis. The information sought by Level 3 is critical to determining whether Qwest's proposals in
17 this arbitration discriminate against Level 3 relative to the manner in which Qwest interconnects
18 with itself, its affiliates, and other carriers throughout its service territory. In the July 5 meeting
19 to discuss discovery issues, the only explanation that Qwest provided to support limiting its
20 responses to Oregon were that the requests would otherwise be overly broad and unduly
21 burdensome. But Qwest has failed to support its claims that providing information for states
22 outside of Oregon would be unduly burdensome. Furthermore, Qwest did not even provide
23 responses for Oregon. At a minimum, Qwest should be compelled to respond with Oregon-
24 specific data.

1 Second, for the reasons given above, Qwest’s objection that the request is overly broad,
2 unduly burdensome, and not reasonably calculated to lead to the discovery of admissible
3 evidence, without more, is legally insufficient.

4 **D. Requests Nos. 13, 14, 16, 17, 19, 20, 21, and 44 – Efficient Use of Trunk**
5 **Groups**

6 Request Nos. 13, 14, -16, 17, 19, 20, 21, and 44 seek the following information: the use
7 of combined trunk groups by Qwest and Qwest affiliates; the imposition of separate trunking
8 obligations upon other CLECs by Qwest; the use of traffic apportionment factors, such as
9 percent interstate usage (PIU) and percent local usage (PLU), by Qwest or any other LEC that
10 delivers traffic to Qwest; and Qwest’s knowledge regarding any state commissions that have
11 required separate trunk groups. Qwest made a variety of objections, but none are sufficient to
12 justify Qwest’s failure to respond. Specifically, Qwest objected that these requests are generally
13 overly broad, unduly burdensome, seek information that is not relevant, seek information about
14 Qwest’s affiliates and seek information that the affiliate may consider proprietary, and request
15 that Qwest identify individual wholesale customers and disclose information that such customers
16 may consider proprietary. Additionally, Qwest objected that the requests seek information about
17 states other than Oregon and are overly broad because they include states in which Qwest is not
18 the incumbent LEC. (*See* Chart 1 for a complete recitation of these requests and Qwest’s
19 objections and responses).

20 For the reasons given above, Qwest’s general objections that these requests are overly
21 broad, unduly burdensome, and seek information that is not relevant, without more, are legally
22 insufficient. This information is material to the disputed issues in this case and should be
23 discoverable. Issue No. 2 involves whether Level 3 may exchange all traffic over the
24 interconnection trunks established under the Interconnection Agreement. Level 3 seeks to use its
25 existing trunk groups to exchange all traffic with Qwest, as it has done for many years. Qwest
26 seeks to limit Level 3’s ability to use trunks efficiently and to force Level 3 to build an

1 inefficient network that mirrors Qwest’s legacy network. Qwest seeks to do this by forcing
2 Level 3 to establish separate Feature Group D trunks to transmit traffic Qwest contends is “toll”
3 traffic and other traffic that Qwest admits cannot be accurately rated, but nevertheless contends
4 should be assessed access rates. Information related to Qwest’s current practices, the practices of
5 its affiliates, and the obligations imposed on CLECs with whom Qwest exchanges traffic is
6 central to understanding and rebutting Qwest’s position in these proceedings. This information
7 will assist Level 3 in drafting its rebuttal testimony and preparing for hearings, and will be
8 helpful to the Commission in reaching a decision on this matter.

9 As discussed above, the Commission has issued a Protective Order in this proceeding.
10 Accordingly, Qwest’s confidentiality and trade secret arguments are moot. Moreover, Qwest has
11 made no showing that the information is proprietary to its customers as asserted in its objections.
12 Qwest simply speculates that the information “may” be considered proprietary. This is not
13 sufficient to overcome the heavy burden that rules promoting broad discovery place upon the
14 party objecting to discovery.

15 Additionally, as discussed above, Qwest cites no authority to support the proposition that
16 information regarding its affiliates and information about its business activities outside of
17 Oregon are not within the realm of discovery. This information is material to these proceedings.
18 Section 251(c) of the Act requires incumbent LECs, such as Qwest, to provide nondiscriminatory
19 access to interconnection. The information sought by Level 3 is critical to assessing whether
20 Qwest’s proposals in this arbitration discriminate against Level 3 relative to the manner in which
21 Qwest provides interconnection to itself, its affiliates, and other carriers throughout its service
22 territory. For example, to the extent that, in Oregon or elsewhere, Qwest has not required its
23 affiliates or other CLECs to separate traffic onto different trunks and has employed PIUs, PLUs,
24 or some other traffic allocation factor to rate traffic, or has itself asserted its right to commingle
25 traffic on trunk groups, such information is directly relevant to Level 3’s ability to rebut Qwest’s
26

1 imposition of separate trunking requirement on Level 3 and bears directly on whether Qwest's
2 proposal is discriminatory.

3 Furthermore, Qwest did not even provide information for Oregon. Given the fact that
4 Qwest's other objections to these requests are baseless, at a minimum Qwest should be required
5 to respond with Oregon-specific data.

6 For the foregoing reasons, Level 3 respectfully requests that the Commission order Qwest
7 to respond to Request Nos. 13, 14, 16, 17, 19, 20, 21, and 44.

8 **E. Request No. 22 – Efficient Use of Trunk Groups**

9 Level 3's Data Request No. 22 provides:

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

15 Qwest responded to this requests as follows:

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

18 During the meeting on July 5, 2005, Level 3 attempted to clarify this request and
19 eliminate any ambiguity about the term "transit traffic." Qwest, however, has failed to provide a
20 supplemental response to this request. Qwest neither asked for further clarification, nor
21 indicated that the clarification provided by Level 3 was insufficient. Moreover, the term to
22 which Qwest objects, "transit", is widely understood within the industry to refer to the carriage
23 of traffic that is rated as "local" (or otherwise considered "local") between three interconnecting
24 LECs. Even assuming Level 3's definition of transit was somehow different, Qwest could easily
25 explain – as it has done in many other requests – the assumptions under which it answers the
26 question. Accordingly, Level 3 requests that the Commission order Qwest to respond to Request
No. 22.

1 **F. Request Nos. 24, 25, 26, 27, 28, 29, 30, 31, and 33 – Qwest’s FX and FX-Like**
2 **Services**

3 Request Nos. 24, 25, 26, 27, 28, 29, 30, 31, and 33 seek information regarding Qwest
4 services that Qwest considers to be FX or FX-like. Specifically, if Qwest offers FX-like
5 services, these requests seek service identifications and product descriptions, the number of
6 customers and lines in Oregon, the length of time that the service has been offered, the number
7 of ISPs who purchase the service, whether Qwest has billed or received reciprocal compensation
8 or other terminating compensation for calls received from Qwest’s FX or FX-like customers and
9 details regarding such billings, and whether Qwest has paid access charges to the originating
10 carrier for calls originated by another carrier and terminated to a Qwest FX or FX-like customer.
(See Chart 2 for a complete recitation of these requests and Qwest’s objections and responses).

11 Qwest objects to these requests on the grounds that they seek information from beyond
12 Oregon, seek publicly available information that Level 3 could obtain from Qwest’s
13 tariffs/catalogs, seek trade secret or confidential information, are overly broad, are unduly
14 burdensome, and are not reasonably calculated to lead to the discovery of admissible evidence.
15 With regard to Request No. 25 and 27, Qwest also objects that the requests relate to information
16 about the business purposes of its customers that Qwest does not retain, and that such
17 information may be proprietary to its customers. Qwest’s objections have no merit and should
18 be rejected.

19 For the reasons given above, Qwest’s objections that the requests seek information from
20 outside of Oregon fail. In addition, rather than providing Oregon-specific information, Qwest
21 simply states that the Commission discontinued FX service in Oregon in 1983, with certain
22 customers grandfathered. Qwest does not state whether it still serves any of these grandfathered
23 customers, nor does Qwest provide any further information about those services. At a minimum,
24 Qwest should be compelled to provide information about its grandfathered customers in Oregon.
25
26

1 Qwest's claim that this information regarding FX-like services is available to Level 3 in
2 Qwest's tariffs and catalogs is not a valid objection because Level 3 has no idea which services
3 Qwest considers FX-like. Qwest must make this determination and provide information that it
4 considers responsive. In addition, Qwest is much more familiar with the content of its tariffs and
5 catalogs than Level 3, and it would be significantly easier for Qwest to compile the requested
6 information. Qwest must be required to produce information pursuant to these requests about
7 services that it considers to be FX-like.

8 Qwest's objection that the requests seek information that is confidential or protected as a
9 trade secret is nullified by the Protective Order discussed above.

10 For the reasons given above, Qwest's general objection that the requests are overly broad,
11 unduly burdensome, and not reasonably calculated to lead to the discovery of admissible
12 evidence, without more, is not legally sufficient.

13 With respect to Request Nos. 25 and 27, Qwest's objection that its does not retain
14 information about the business purposes of its customers is off point. It is clear from the plain
15 terms of Request Nos. 25 and 27 that they do not request information regarding the business
16 purposes of these Qwest customers.⁹

17 Qwest's objection that such information may be proprietary to its customers is rendered
18 moot by the Protective Order issued in this docket. Furthermore, Qwest has made no affirmative
19 showing that the information is proprietary; rather they simply speculate that it may be. This is
20 not sufficient to overcome the heavy burden placed upon the party objecting to discovery.

21 **G. Request Nos. 43 and 45 – POIs and Other Facility Connections in Oregon.**

22 Request No. 43 seeks the following information:

23 How many physical POIs exist in Oregon between Qwest and
24 CLECs?

25 Request No. 45 seeks the following information:

26 ⁹ Exhibit A at 13-14.

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

6 Qwest provided the same response to both requests:

7 Qwest objects to this request on the grounds that it is unduly
8 burdensome and not reasonably calculated to lead to the discovery
9 of admissible evidence.

10 These objections, without more, are legally insufficient for the same reasons given above.
11 Moreover, the objections are not supported by the facts. The information requested in Request
12 Nos. 43 and 45 is indeed reasonably calculated to lead to the discovery of admissible evidence
13 relevant to Issue 1 in the Petition regarding the points of interconnection per LATA that may be
14 allowed under the Interconnection Agreement. It is also important for Level 3 to understand
15 which points of interconnection Qwest considers to be POIs under Qwest's interpretation of the
16 law and which ones Qwest believes do not qualify. Given the importance of this information to
17 the issues in this case, Qwest should be required to comply.

18 **H. Request For Admissions Nos. 20, 26, 27, 31, 36, 41, 51, 53, 54, 55, 56, 57, and**
19 **58.**

20 In its Responses to Level 3's Requests for Admissions, Qwest fails to admit or deny
21 Request for Admissions Nos. 20, 26, 27, 31, 36, 41, 51, 53, 54, 55, 56, 57, and 58. (See Chart 3
22 for a complete recitation of these requests and Qwest's objections and responses.) To the extent
23 a party cannot admit or deny a request for admission, that party must provide a reasonable basis
24 for why they cannot do so. ORCP 45(B). Qwest has provided no reasonable bases for their
25 failure admit or deny these requests, and the Commission should compel Qwest to respond.

26 Qwest initially objected to all of Level 3's Requests for Admissions on the basis that such
requests are not permissible under the Commission's discovery rules. Qwest, however,
subsequently responded to most of Level 3's requests, and it is not clear whether Qwest intends
to assert this position in response to this Motion. As discussed above, OAR 860-011-0000(3)

1 provides that the Oregon Rules of Civil Procedure apply to Commission proceedings to the
2 extent not superseded or changed. ORCP 45 specifically allows requests for admissions. This
3 rule has not been superseded or changed by any Commission rule, order, or Administrative Law
4 Judge ruling. In fact, the Commission’s discovery guidelines specifically address requests for
5 admissions.¹⁰

6 Request for Admission No. 20 is an example of Qwest’s failure to provide a reasonable
7 basis for its inability to admit or deny a request. This request seeks information regarding
8 Qwest’s VoIP offerings. Qwest contends it cannot admit or deny this request because it is not
9 clear to which Qwest VoIP offering Level 3 is referring. Qwest’s explanation for its inability to
10 admit or deny this request is ludicrous. The request states the specific VoIP service at issue:
11 “Qwest® OneFlex Voice over Internet Protocol.”

12 Another example is Request for Admission No. 36, which seeks an admission that
13 Qwest’s end office and tandem switches do not store any information indicating the address or
14 location of any end user’s premises. Qwest claims it can neither admit nor deny this request, yet
15 provides no reasonable explanation for why it cannot do so. Rather, Qwest states that “Qwest’s
16 end office and tandem switches process calls based on information that in *most, but not all*, cases
17 identifies the general geographic area within which the end users are located.” (Emphasis
18 added). That is not responsive to the question asked. Rather than admitting or denying this
19 request for admission, Qwest ignored the question. Qwest knows whether its end office or
20 tandem switches store any information indicating the address of location of any end user’s
21 premise. Indeed, if telephone networks had ever rated telephone calls based upon the “physical
22 location of the end user,” which is an obligation Qwest seeks to impose on Level 3 in this
23 proceeding, then it follows that the networks would be capable of determining the physical
24 location of the end user. Based upon Level 3’s extensive experience in the industry and in

25
26 ¹⁰ See www.puc.state.or.us (Commission Overview/Guidelines for Complex Contested Cases/Discovery
Guidelines/Discovery Methods/Admissions).

1 litigation, Level 3 has yet to encounter any major ILEC, competitive carrier, mobile wireless
2 provider, or cable provider that has deployed equipment capable of determining the “physical
3 location of the end user” with the sole exception of wireless 911 networks, which are only just
4 being deployed at this time.

5 Moreover, Qwest’s response is internally inconsistent. For example, in its objection to
6 Request for Admission No. 35, Qwest states:

7 The telephone numbers that Qwest uses for call routing purposes
8 are assigned to its end users based on NPA-NXXs *associated with*
9 specific LCAs in the state. Thus, Qwest’s end office and tandem
10 switches process calls based on information that that in most, but
11 not all, cases identifies the *general geographic area* within which
12 the end users are located. Thus, while switches *do not route calls*
13 *based on specific addresses stored within the switches*, the
14 *routing* and connecting function of switches are based on
15 information concerning a *customer’s address and location located*
16 *in other company databases*. Furthermore, installation facts, repair
17 facts, billing information and other related information related to
18 specific customers are contained in company databases that are
19 based on customer address and location information.

20 (Emphasis added.)

21 In other words, Qwest’s switches **route** calls based on information in the LERG. The
22 LERG **associates** NPA-NXX codes with tandem and end office switches that are **in the general**
23 **geographic area** of the loops connected to the end office switches providing dial tone to **end**
24 **users in that area**. Thus, Qwest’s circuit **switches do not route calls based upon specific**
25 **addresses contained within the switches**. Qwest’s switches **route** calls based upon the NPA-
26 NXX codes. Qwest later renders bills based upon **information concerning “customer address**
and location” by associating the NPA-NXX codes to “other company databases.”

27 In response to Request for Admission 53, Qwest stated that they could not respond
28 because it is “unclear what ‘this service’ refers to.” The request, however, does not include the
29 phrase “this service.” The request asks Qwest to admit or deny the following:

30 Qwest physically collocates equipment at its or another carriers’
31 switch or other location permitting collocation within the local
32 calling area associated with each of the NPA-NXX codes that

1 Qwest uses to provide this service. If your answer is anything
2 other than an unqualified admission, please describe in detail your
3 qualification or denial, and provide any information or evidence
4 which supports your qualification or denial.

4 Accordingly, Qwest's objection is completely meritless.

5 For the foregoing reasons, Level 3 respectfully requests that the Commission order Qwest
6 to respond to Requests for Admission Nos. 20, 26, 27, 31, 36, 41, 51, 53, 54, 55, 56, 57, and 58.

7 **I. Request for Admission No. 50 – Qwest's Rate Proposal**

8 Qwest objected to Level 3's Request for Admission No. 50 on the grounds that it is
9 ambiguous and a compound question that is inappropriate for a request for admission. Again,
10 these objections lack merit. Request for Admission No. 50 simply seeks Qwest's admission that
11 its proposals not only reverse the flow of intercarrier compensation, but also raise the amount
12 due to Qwest by nearly an order of magnitude. Level 3 phrased the request in terms that Qwest
13 should readily understand given Qwest's repeated insistence that Qwest tariffs – state or federal
14 – apply to ISP-bound traffic (and VoIP traffic for that matter), regardless of whether the tariffs
15 mention these terms or not. The Commission should compel Qwest to admit or deny this
16 request.

17 **J. Requests for Admission Nos. 10, 11, 12, and 13 – Provisions of Qwest's
18 Federal and State Tariffs**

18 In Requests for Admission Nos. 10, 11, 12, and 13, Level 3 seeks Qwest's admission that
19 certain information is not set forth in Qwest's state or federal tariffs. Qwest first objects to these
20 requests on the grounds that they call for legal conclusions. In fact, they do not. They simply
21 elicit Qwest's admission as to facts: whether certain information is or is not in Qwest's state or
22 federal tariffs.

23 Next, Qwest denies each request, but admits it has not conducted a review of the tariffs in
24 question to ascertain the accuracy of its response. A party responding to requests for admission
25 may not give lack of information or knowledge as a reason for its failure to admit or deny unless
26 the party states that it has made reasonable inquiry and that the information known or readily

1 obtainable by the party is insufficient to enable the party to admit or deny. ORCP 45(B). Qwest
2 has failed to undertake the reasonable investigation of its tariffs necessary to respond to these
3 requests. It then attempts to dodge the import of the requests by arguing that, even if the tariffs
4 do not mention the requested topic, it is not fatal to Qwest's argument. It is inappropriate for
5 Qwest to avoid this request by presenting its own advocacy that has no bearing on the admission
6 sought. The Commission should compel Qwest to respond to these requests.

7 **K. Request for Admission No. 42 – Qwest's Call Routing and Billing Systems¹¹**

8 Level 3's Request for Admission No. 42 provides:

9 Please admit that Qwest's billing systems never sample any data regarding
10 the address or location of any end user's premises for purposes of billing.

11 Qwest responded as follows:

12 Denied for the same reasons as set forth in Qwest's responses to Request
13 Nos. 36A-S1 and 40A-S1.

14 Qwest denies Request for Admission No. 42 by cross-referencing responses to requests
15 for admissions that are not in any way responsive to *this* request for admission. Specifically,
16 Qwest's Response to Request for Admission No. 36 pertains to definitions contained in the
17 Telecommunications Act of 1934, as amended, and therefore has nothing to do with this request.
18 Qwest's reference to its response to Request for Admission No. 40 is equally unresponsive
19 because that response merely references Qwest's response to Request for Admission No. 39,
20 which is also not responsive to Request for Admission No. 42.

21 For these reasons, the Commission should compel Qwest to admit or deny this request
22 without referencing other irrelevant responses.
23
24

25 ¹¹ Qwest objected to Request for Admission No. 41 on the grounds that requests for admission are not permissible
26 under the Commission's discovery rules. Level 3 believes that Qwest's failure to submit a supplemental response to
this request was an oversight and requests that Qwest submit a response consistent with the Commission's ruling
regarding Request for Admission No. 42.

1 and respectfully requests that the Commission issue an order by August 5, 2005, requiring
2 Qwest to immediately provide full and proper responses to Level 3's discovery requests.

3 Respectfully submitted this 1st day of August, 2005.

4 ATER WYNNE, LLP

5
6 By: /s/ Lisa F. Rackner

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CHART 1

**REQUESTS AND RESPONSES TO
DATA REQUEST NUMBERS 13, 14, 16, 17, 19, 20, 21, AND 44**

Data Request Number	Level 3 Data Request	Qwest's Response(s)
13	Please identify every state in which Qwest combines local (including intraMTA CMRS traffic) and toll traffic (including either interLATA or intraLATA toll traffic, interMTA CMRS traffic, or any combination thereof, 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:	Qwest objects to this request to the extent that it seeks information about states other than Oregon 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.
13a	Local and toll traffic combined on a direct trunk group between two end offices;	
13b	Local and toll traffic combined on a trunk group between a Qwest end office and a Qwest tandem;	
13c	Local and toll traffic combined on a trunk group between a Qwest end office and a third party carrier (CLEC, ILEC, IXC, CMRS) switch;	
13d	Local and toll traffic combined on a trunk group between a Qwest tandem and a third party (CLEC, ILEC, IXC, CMRS) switch; and/or	
13e	Local and toll traffic combined on a trunk group between two Qwest tandems. If your response would be different using Qwest's own definitions of "local" and "toll" traffic, provide a brief explanation of	

Data Request Number	Level 3 Data Request	Qwest's Response(s)
	how Qwest classifies traffic into those categories and how that would change your response.	
14	Excluding those states in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), 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?	Qwest objects to this request to the extent that it seeks information about the activities of Qwest affiliates in states other than Oregon 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.
16	Including those states in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), 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?	Qwest objects to this request to the extent that it seeks information about states other than Oregon 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.
17	Of those states in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), in which states does Qwest combine CLEC local and toll (IntraLATA and InterLATA) traffic on a single trunk?	Qwest objects to this request to the extent that it seeks information about states other than Oregon. 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

Data Request Number	Level 3 Data Request	Qwest's Response(s)
		may consider proprietary.
17a	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.	
17b	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.	
19	For each state in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), 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 Percent Local Use (PLU) or similar method of establishing the apportionment of local versus toll traffic on the combined trunk group.	Qwest objects to this request on the basis that it seeks information about Qwest operations in states other than Oregon. 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.
20	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.	Qwest objects to this request on the basis that it seeks information about Qwest's affiliate's operations in states other than Oregon. 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.

Data Request Number	Level 3 Data Request	Qwest's Response(s)
21	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.	Qwest objects to this request on the basis that it seeks information about Qwest operations in states other than Oregon. 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.
44	With how many CLECs in Oregon does Qwest assign traffic to different jurisdictional/rating categories based on PIU/PLU or similar factors?	Qwest objects to this request on the grounds that it is unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

CHART 2

**REQUESTS AND RESPONSES TO
DATA REQUEST NUMBERS 24, 25, 26, 27, 28, 29, 30, 31 AND 33**

Data Request Number	Level 3 Data Request	Qwest's Response(s)
24	Does Qwest offer any kind of foreign exchange ("FX") service in this state? If so, please provide a service description (including, but not limited to, tariff pages) for each such service.	No. The Commission discontinued FX service in Oregon with certain existing customers grandfathered in 1983. (See Order No. 83-839). Respondent: Larry Brotherson
25	Unless your answer to Question #21 above was an unqualified "no," please identify:	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.
25a	The number of customers in this state who subscribe to or purchase Qwest's FX service;	
25b	The number of FX lines that Qwest provides in this state;	
25c	How long FX service has been available from Qwest; and	
25d	The number of ISPs to whom Qwest provides such service.	

Data Request Number	Level 3 Data Request	Qwest's Response(s)
26	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.	Qwest objects to this request to the extent that it seeks information concerning Qwest's product offerings in states other than the state of Oregon.
27	Unless your answer to Question #23 above was an unqualified "no," please identify:	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.
27a	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;	
27b	the number of lines in this state over which Qwest provides each of the FX-like services identified in response to the preceding questions;	
27c	how long each FX-like service has been available from Qwest; and	

Data Request Number	Level 3 Data Request	Qwest's Response(s)
27d	the number of ISPs who purchase each of the FX-like services identified in response to the preceding questions.	
28	With respect to Qwest's FX and FX-like services:	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.
28a	Please explain the circumstances under which calls <i>from</i> a subscriber to a Qwest FX or FX-like service are rated as local versus toll, and provide all documentation supporting your answer.	
28b	Please explain the circumstances under which calls <i>to</i> a subscriber from a Qwest FX or FX-like service are rated as local versus toll, and provide all documentation supporting your answer.	
29	Please state whether Qwest 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.	Qwest objects to this request on the basis that it is not limited to the state of Oregon and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated to lead to the discovery of admissible evidence.
30	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-	Qwest objects to this request on the basis that it is not limited to the state of Oregon and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated to lead to the discovery of admissible evidence.

Data Request Number	Level 3 Data Request	Qwest's Response(s)
	like customers? Please explain your answer, including but not limited to:	
30a	The dates upon which you first began billing incumbent LECs or CLECs for such compensation;	
30b	The amount of compensation received from incumbent LECs and CLECs; and	
30c	Description of any changes you may have made to your billing policies with respect to calls terminating to your FX or FX-like customers.	
31	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.	<p>Qwest objects to this request on the basis that it is not limited to the state of Oregon and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated to lead to the discovery of admissible evidence.</p> <p>Supplemental Response dated 7/8/05</p> <p>Without waiving the foregoing objections, Qwest states: The Commission discontinued FX service in Oregon with certain existing customers grandfathered in 1983. (See Order No. 83-839). Respondent: Larry Brotherson</p>
33	Does Qwest treat FX service associated with Broadband Data and FX service associated with voice service differently? If yes, please explain why there are such	Qwest objects to this request on the basis that it is not limited to the state of Oregon and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated

Data Request Number	Level 3 Data Request	Qwest's Response(s)
	differences.	<p>to lead to the discovery of admissible evidence.</p> <p>SUPPLEMENTAL RESPONSE DATED 7/08/05:</p> <p>Without waiving the foregoing objections, Qwest states: The Commission discontinued FX service in Oregon with certain existing customers grandfathered in 1983. (See Order No. 83-839). Respondent: Larry Brotherson</p>

CHART 3

**REQUESTS AND RESPONSES TO REQUESTS FOR
ADMISSION NUMBERS 20, 26, 27, 31, 36, 41, 51, 53, 54, 55, 57 AND 58**

Request for Admission Number	Level 3 Request for Admission	Qwest's Response(s)
20	Qwest® OneFlex™ Voice over Internet Protocol VoIP offering is less expensive than its Choice Home Plus package, which includes unlimited local calling and a full range of features, which costs approximately \$35 per month, with about \$10 in taxes and fees, with one long-distance option at 5 cents per minute plus a \$4.99 monthly fee. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	<p>Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.</p> <p>SUPPLEMENTAL RESPONSE DATED 07/08 /05:</p> <p>Qwest can neither admit nor deny this request. It is not clear what "Qwest VoIP offering" is being referred to in this request, thus making it impossible to make the requested comparison.</p>
26	Interconnection contract language should be as consistent as possible with applicable federal law and regulations. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	<p>Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.</p> <p>SUPPLEMENTAL RESPONSE DATED 07/08/05:</p> <p>Without waiving the foregoing objections, Qwest provides the following response: Qwest can neither admit nor deny this statement because it is so broad as to be meaningless; without an understanding of the specific context in which the statement may be applied, it is impossible for Qwest to respond with a simple admission or denial. There are, for example, situations in which parties agree to terms and conditions that vary from the requirements of federal law and regulations. Further, given that the parties are entering a contract to define a future business relationship, it is often necessary to provide language that goes beyond the language of the statute and rules.</p>

Request for Admission Number	Level 3 Request for Admission	Qwest's Response(s)
27	<p>Wireline local exchange services offered in Qwest's 14-state area are provided through legal entities which operate within authorized regions subject to regulation by each state in which they operate and by the Federal Communications Commission. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.</p>	<p>Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.</p> <p>SUPPLEMENTAL RESPONSE DATED 07/08/05:</p> <p>Without waiving the foregoing objections, Qwest provides the following response: Qwest can neither admit or deny this request. For example, to the extent that the request implies that Qwest uses multiple subsidiaries to provide traditional wireline services within its 14-state ILEC region, Qwest denies the request. For the most part, traditional wireline services are provided by one entity, Qwest Corporation, within the 14-state region.</p> <p>The level and manner of regulation in the 14-state area varies from state to state and from service to service. For example, in some states, the concept of "authorized regions" no longer exists. On the other hand, to the extent the subject matter of a docket within a given state falls into areas delegated to state commissions by the 1996 Act (as in the case of the current arbitration docket), state commissions play a regulatory role in each of the 14 states.</p>
31	<p>While the deployment of VoIP will result in increased competition for Qwest's core wireline voice services, it also presents growth opportunities for Qwest to develop new products for its customers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and</p>	<p>Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.</p> <p>SUPPLEMENTAL RESPONSE DATED 07/08/05:</p> <p>Without waiving the foregoing objections, Qwest provides the following response: Qwest can neither admit nor deny the request.</p>

Request for Admission Number	Level 3 Request for Admission	Qwest's Response(s)
	provide any information or evidence which supports your qualification or denial.	There are simply too many variables and unknowns in the future to predict that the result described in the request is probable. The request describes one potential outcome.
36	Qwest's end office and tandem switches do not store any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	<p>Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.</p> <p>SUPPLEMENTAL RESPONSE DATED 07/08/05:</p> <p>Without waiving its previous objection, Qwest provides the following response: Qwest can neither admit nor deny this request. The telephone numbers that Qwest uses for call routing purposes are assigned to its end users based on NPA-NXXs associated with specific LCAs in the state. Thus, Qwest's end office and tandem switches process calls based on information that that in most, but not all, cases identifies the general geographic area within which the end users are located. Thus, while switches do not route calls based on specific addresses stored within the switches, the routing and connecting function of switches are based on information concerning a customer's address and location located in other company databases. Furthermore, installation facts, repair facts, billing information and other related information related to specific customers are contained in company databases that are based on customer address and location information.</p>
41	Qwest's call routing systems never sample any data regarding the address or location of any end user's premises for purposes of routing a call. If your answer is anything other than an unqualified admission, please describe in detail your	Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Request for Admission Number	Level 3 Request for Admission	Qwest's Response(s)
	qualification or denial, and provide any information or evidence which supports your qualification or denial.	
51	The FCC's Rules (47 C.F.R.) contain no definition of the term "interexchange carrier". If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	<p>Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.</p> <p>SUPPLEMENTAL RESPONSE DATED 07/08/05:</p> <p>Without waiving the foregoing objections, Qwest provides the following response: Qwest can neither admit nor deny this request. Qwest has not reviewed the entirety of 47 CFR and Level 3 is as capable of doing so as Qwest. Whether or not the term is defined in 47 CFR, the term is commonly referred to in FCC orders, interconnection agreements and court decisions.</p>
53	Qwest physically collocates equipment at its or another carriers' switch or other location permitting collocation within the local calling area associated with each of the NPA-NXX codes that Qwest uses to provide this service. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	<p>Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.</p> <p>SUPPLEMENTAL RESPONSE DATED 07/08/05:</p> <p>Without waiving the foregoing objections, Qwest provides the following response: Qwest can neither admit nor deny this request because it is unclear what "this service" refers to.</p>
54	Revenue for Qwest's local voice services may be affected adversely should providers of VoIP services attract a sizable base of customers who use VoIP to bypass traditional local exchange carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and	<p>Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.</p> <p>SUPPLEMENTAL RESPONSE DATED 07/08/05:</p> <p>Without waiving the foregoing objections, Qwest provides the following response: Qwest can neither admit nor deny this request</p>

Request for Admission Number	Level 3 Request for Admission	Qwest's Response(s)
	provide any information or evidence which supports your qualification or denial.	because there are far too many variables to predict that the statement represents a likely or probable result. It is one of many possible outcomes.
55	To the extent that VoIP networks or VoIP service providers bypass the traditional methods for originating and terminating local calls, these providers could enjoy a competitive advantage versus traditional carriers who must pay regulated carrier access and reciprocal compensation charges. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	<p>Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.</p> <p>SUPPLEMENTAL RESPONSE DATED 07/08/05:</p> <p>Without waiving the foregoing objections, Qwest provides the following response: Qwest can neither admit nor deny this request because there are far too many variables to predict that the statement represents a likely or probable result. It is one of many possible outcomes.</p>
57	On October 18, 2004 the FCC released an Order forbearing from applying certain ISP reciprocal compensation interim rules adopted in its April 27, 2001 ISP-Remand Order that imposed a volume cap on the number of minutes of use of ISP-bound traffic subject to compensation and that required carriers to exchange ISP-bound traffic on a bill-and-keep basis if those carriers were not exchanging traffic pursuant to interconnection agreements prior to adoption of the April 27, 2001 Order. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.	<p>Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.</p> <p>SUPPLEMENTAL RESPONSE DATED 07/08/05:</p> <p>Without waiving the foregoing objections, Qwest provides the following response: Qwest will neither admit nor deny this request. The order referred to is the Core Forbearance Order and it speaks for itself.</p>

Request for Admission Number	Level 3 Request for Admission	Qwest's Response(s)
58	<p>The effect of the FCC's October 18, 2004 Order may be to increase significantly Qwest's payments of reciprocal compensation. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.</p>	<p>Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.</p> <p>SUPPLEMENTAL RESPONSE DATED 07/08/05:</p> <p>Without waiving the foregoing objections, Qwest provides the following response: Qwest can neither admit nor deny this request because there are far too many variables to predict that the statement represents the probable result. The statement in the request certainly represents a possible outcome given the FCC's decision Core Forbearance Order.</p>

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

In the Matter of

LEVEL 3 COMMUNICATIONS, INC'S

Petition for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, and the Applicable State Laws for Rates, Terms, and Conditions of Interconnection with Qwest Corporation

Docket No. ARB 665

LEVEL 3's FIRST SET OF DATA
REQUESTS TO QWEST

Pursuant to OAR 860-14-0070, Level 3 Communications, Inc. ("Level 3") hereby requests that Qwest Corporation, Inc. ("Qwest") respond to the following first set of Data Requests on or before June 13, 2005. These requests are continuing in nature and thus require Qwest to submit supplemental answers or documents should additional responsive information become known or documents supplied in response prove to be incorrect or defective.

I. DEFINITIONS AND INSTRUCTIONS

A. Each request pertains to documents, physical objects, and computer recorded information in your knowledge, possession, custody, or control, or in the knowledge, possession, custody, or control of your agents or representatives. Each request is also a continuing request for information and documents, which come into your control during the time in which this proceeding is pending.

B. With respect to any document responsive hereto which has been destroyed, lost, or is no longer in your possession or subject to your control, you shall submit a statement setting forth a description of the item, its disposition, the date of disposition, and the names of all those with knowledge thereof.

1 C. The words "document", "memoranda", "work papers", "notes", "correspondence",
2 "item", and "record", include any physical object, written, printed, typed, recorded or graphic,
3 however produced or reproduced, whether sent, received or neither, including originals, copies
4 and drafts, and including but not limited to: correspondence, electronic mail, telecopier
5 correspondence, messages, reports and recordings of telephone or other conversations and of
6 interviews and conferences, memoranda, notes, opinions, records, balance sheets, income
7 statements, monthly statements, book entries, account letters, ledgers, journals, books or records
8 of accounts, summaries of accounts, purchase or sales orders, invoices, vouchers, bills, receipts,
9 checks stubs, cancelled checks, drafts, leases, contracts, offers, desk calendars, appointment
10 books, diaries, expense reports, summaries, transcripts, minutes, reports, affidavits, statements,
11 questionnaires, answers to questionnaires, plans, specifications, lab books and notations, data
12 notations, workpapers, confirmations, formula, studies, forecasts, projections, analyses,
13 evaluations, statistical records, tabulations, calculations, charts, graphs, surveys, renderings,
14 diagrams, photographs, recordings, films, video recordings, microfilms, papers, books,
15 periodicals, pamphlets, newspaper articles or clippings, publications, schedules, lists, indexes, all
16 other records or information kept by electronic, photographic, mechanical or other means, and
17 any item similar to the foregoing, however denominated, whether currently in existence or
18 already destroyed.

19 D. As used herein, the words "Qwest" or "Company" refer to Qwest Corporation
20 and any predecessor, successor, or affiliated corporations, its present and former directors,
21 officers, agents, representatives, employees, attorneys, joint venture, strategic partner, and all
22 other present or former persons, corporations, companies, partnerships, organizations or other
23 entities acting or purporting to act on behalf of Qwest or in which Qwest has a superior financial
24 interest. The words "state" or "this state" refer to Oregon.
25
26

1 E. These requests are directed to all documents and information in your possession,
2 custody or control. A document is deemed to be in your possession, custody or control if you
3 have possession of the document, have the right to secure such document or communication
4 from another person having possession thereof, or the document or communication is reasonably
5 available to you (including those documents or communications in the custody or control of your
6 company's present employees, attorneys, agents, or other persons acting on its behalf and its
7 affiliates. In response to requests for production of documents contained in these discovery
8 requests, you shall produce the documents, including all appendices, exhibits, schedules, and
9 attachments that are most relevant to the request.

10 F. If you are unable to produce a document or information based on a claim that the
11 document is not in your possession, custody or control, state the whereabouts of such document
12 or information when it was last in your possession, custody or control, and provide a detailed
13 description of the reason the document is no longer in your possession, custody or control, and
14 the manner in which it was removed from your possession, custody or control.

15 G. Qwest shall produce all responsive documents for inspection and copying
16 unaltered and/or unredacted as they are kept in the usual course of business and organize and
17 label them to correspond to the categories in this request. If the requested documents are kept in
18 an electronic format, you shall produce the requested document in such format. If any part of a
19 document is responsive to any request, the whole document is to be produced. If there has been
20 any alteration, modification or addition to a document (whether in paper form or electronic),
21 including any marginal notes, handwritten notes, underlining, date stamps, received stamps,
22 attachments, distribution lists, drafts, revisions or redlines, each such alteration, modification or
23 addition is to be considered as a separate document and it must be produced.

24 H. With respect to any responsive document to which Qwest asserts a claim of
25 privilege, you shall submit a list identifying each document. Identification shall include the

1 identify by number (including subpart, if any) the interrogatory which caused the "identification
2 for disclosure."

3 K. For each response provided to an interrogatory or request for production, please
4 provide the name, title and work address of any person that assisted in the preparation of the
5 response. Please include a list of each of the interrogatories or data request responses in which
6 the person assisted.

7 L. These discovery requests require the respondent to supplement an initial response
8 with additional responsive information if such information becomes available. Should there be a
9 change in circumstances which would modify or change an answer you have supplied, you
10 should change or modify such answer and submit such changes, modifications, or additional
11 information as a supplement to the original answer. Further, should a subsequent version(s) of a
12 document be created or exist after the date of this discovery request, such version(s) must be
13 produced. Where prior versions or drafts of documents exist, please produce all such documents
14 in your possession, custody or control. In this regard, should additional responsive information
15 become available, advise Level 3 in writing and provide a supplemental response as soon as the
16 material becomes available.

17 Questions or concerns regarding these discovery requests should be directed to:

18 Lisa F. Rackner
19 Ater Wynne, LLP
20 222 SW Columbia, Suite 1800
21 Portland, OR 97201
22 Phone: (503) 226-8693
23 Fax: (503) 226-0079
24 E-mail: lfr@aterwynne.com

25 Erik J. Cecil
26 Regulatory Counsel
Level 3 Communications, LLC
1025 El Dorado Boulevard
Bloomfield, CO 80021-8869
Phone: (720) 888-1319
Fax: (720) 888-5134

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E-mail: erik.cecil@level3.com

Rick E. Thayer
Director, Interconnection Law & Policy
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Phone: (720) 888-2620
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E-mail: rick.thayer@level3.com

1 **II. INTERROGATORIES AND REQUESTS FOR PRODUCTION**

2 1. For each person that Qwest intends to call as a witness in this proceeding, provide the
3 following:

- 4 a. That witness' name, address and business affiliations;
- 5 b. Copies of all documents relied upon by the witness in preparation of their
6 testimony;
- 7 c. Copies of all documents prepared by the witness that reference, refer or relate to
8 the issues in this proceeding;
- 9 d. A statement describing the opinions held by the witness that are relevant to this
10 proceeding; and
- 11 e. If the person has previously appeared as a witness in any regulatory proceeding,
12 under the 1996 Act, provide copies of all testimony that the person has submitted
13 in each such proceeding.

14 2. Please provide the following data:

- 15 a. By LATA, the number of Qwest local calling areas in each LATA in the state;
- 16 b. The number and locations of Qwest's end offices in state;
- 17 c. The number and locations of Qwest's tandem offices in state, as well as the
18 tandem type (access, local, access/local);
- 19 d. The number of access lines (loops) in the state, broken out by type such as analog,
20 DS0, DS1, etc., by business and residence.
- 21 e. The number of local calls and local minutes of use per month and per year for
22 business and residential end user customers in the state. If Qwest does not
23 classify calls or minutes into a category denominated "local," please so state and
24 identify the categories into which Qwest classifies its traffic. If Qwest does
25 classify calls and/or minutes into a category denominated "local," please use that
26

1 definition to respond to this question, and also explain how Qwest determines
2 what traffic to classify as "local."

3 3. Does Qwest offer Internet access services in the state? If so, how many end user
4 customers and how many wholesale customers in the state does Qwest have?

5 a. Please identify each telephone company end office in the state in which Qwest
6 has collocated equipment such as modem banks, DSL equipment, routers, ATM
7 switches, or other equipment. Please identify the telephone company that
8 owns/operates each such end office.

9 b. Please list each local calling area within the state in which Qwest maintains a
10 physical presence as defined by Qwest in Section 4 – Definitions VNXX Traffic
11 (Issue No. 3B) of the Parties' interconnection agreement.

12 4. Does Qwest offer PRI or DID/DOD services to ISP customers within the State?

13 a. If so, does Qwest pay carriers whose customers originate calls to such Qwest
14 services originating access charges at the CLEC's tariffed rate for each minute of
15 use?

16 b. If Qwest contends that there are no such carriers whose customers originate calls
17 to such Qwest services, does Qwest contend that it would pay originating access?

18 5. Where traffic originates on the Internet and terminates to the PSTN, does Qwest contend
19 that it should always receive more compensation than a CLEC who terminates a call from
20 the PSTN to the Internet?

21 6. Does Qwest offer Voice over Internet Protocol ("VoIP") to end users in this state? If so:

22 a. Please identify the specific entity that offers the service and explain that entity's
23 relationship to Qwest;

24 b. Please state the number of retail customers ("retail" in the sense that the
25 customers uses the service for his/her personal communications needs) and how
26

1 many wholesale customers (“wholesale” in the sense that an ESP or carrier
2 purchases this service from Qwest and sells to other customers) Qwest has in the
3 state;

4 c. Please list each local calling area within the state in which Qwest maintains a
5 physical presence as defined by Qwest in Section 4 – Definitions VNXX Traffic
6 Issue (Issue No. 3 B) of the Parties’ interconnection agreement;

7 d. Please identify each telephone company end office in the state in which Qwest
8 has collocated equipment such as media gateways, DSL equipment, routers, ATM
9 switches, or any other related equipment necessary for providing VoIP service.
10 Please identify the telephone company that owns/operates each such end office;
11 and

12 e. Does Qwest purchases any wholesale VoIP services from any other provider? If
13 so, name the provider, the services purchased, and the states in which such service
14 is purchased.

15 7. Please describe any traffic exchange arrangements of any description applicable to
16 enhanced or Internet Enabled services such as Voice over Internet Protocol (“VoIP”) that
17 Qwest has in the state with:

- 18 a. Other ILECs;
- 19 b. CLECs; or
- 20 c. Any other parties.

21 8. Please provide the total number of VoIP traffic minutes the Qwest network originated,
22 terminated or transported in this state:

- 23 a. In 2003
- 24 b. In 2004
- 25 c. In 2005

- 1 9. Of those VoIP traffic minutes provided in response to the question above, please provide
2 the total number of VoIP traffic minutes that Qwest carried to or from their own
3 customers in this State in 2002 and 2003.
- 4 10. What are Qwest's plans for providing VoIP to its customers through Qwest itself, by
5 means of any affiliate, or through a third party? Provide all documents related to Qwest's
6 plans.
- 7 11. What IP voice products does Qwest offer to customers in the state? Please describe and
8 provide all related relevant documentation regarding how Qwest provides any VoIP, IP
9 enabled, Voice embedded IP communications, or enhanced services to its end user or
10 enhanced service provider customers such as using PRIs or some other architecture.
- 11 a. Please describe the architecture by which Qwest provides these services within
12 the state.
- 13 b. Please describe the architecture by which Qwest provides these services within
14 the state, but outside of Qwest's incumbent LEC operating territory.
- 15 12. Please provide the total number of VoIP customers Qwest has in the state as of May 1,
16 2005. How many VoIP terminals does that number represent?
- 17 13. Please identify every state in which Qwest combines local (including intraMTA CMRS
18 traffic) and toll traffic (including either interLATA or intraLATA toll traffic, interMTA
19 CMRS traffic, or any combination thereof, as the case may be) on the same trunk group
20 at any point in Qwest's transmission of traffic. For each such state, please indicate which
21 of the following situations apply:
- 22 a. Local and toll traffic combined on a direct trunk group between two end offices;
23 b. Local and toll traffic combined on a trunk group between a Qwest end office and
24 a Qwest tandem;

- 1 c. Local and toll traffic combined on a trunk group between a Qwest end office and
2 a third party carrier (CLEC, ILEC, IXC, CMRS) switch;
3 d. Local and toll traffic combined on a trunk group between a Qwest tandem and a
4 third party (CLEC, ILEC, IXC, CMRS) switch; and/or
5 e. Local and toll traffic combined on a trunk group between two Qwest tandems.

6 If your response would be different using Qwest's own definitions of "local" and "toll"
7 traffic, provide a brief explanation of how Qwest classifies traffic into those categories
8 and how that would change your response.

9 14. Excluding those states in which Qwest operates as an ILEC (as defined in Section 251(h)
10 of the Act), in which states, and in which local calling areas in those states, do Qwest's
11 CLEC affiliates combine their own local and toll (IntraLATA and InterLATA) traffic on
12 a single trunk?

13 15. Excluding those states in which Qwest operates as an ILEC (as defined in Section 251(h)
14 of the Act), in which states, and in which local calling areas in those states, do Qwest's
15 CLEC affiliates combine their own local and toll (IntraLATA and InterLATA) traffic on
16 a single trunk?

17 16. Including those states in which Qwest operates as an ILEC (as defined in Section 251(h)
18 of the Act), in which states, and in which local calling areas in those states, do Qwest's
19 CLEC affiliates combine their own local and toll (IntraLATA and InterLATA) traffic on
20 a single trunk?

21 17. Of those states in which Qwest operates as an ILEC (as defined in Section 251(h) of the
22 Act), in which states does Qwest combine CLEC local and toll (IntraLATA and
23 InterLATA) traffic on a single trunk?

- 24 a. Please provide a list of all CLECs for whom Qwest combines, or has combined,
25 local and toll (IntraLATA and InterLATA) traffic on a single trunk.

1 b. Please provide the month and year when Qwest started to combine traffic in each
2 state where Qwest combines CLEC local and toll (IntraLATA and InterLATA)
3 traffic.

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

10 19. For each state in which Qwest operates as an ILEC (as defined in Section 251(h) of the
11 Act), please identify each CLEC with which Qwest:

12 a. Exchanges local and toll (IntraLATA and InterLATA) traffic on a single trunk
13 group; and

14 b. Uses a Percent Local Use (PLU) or similar method of establishing the
15 apportionment of local vs. toll traffic on the combined trunk group.

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

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

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

5 23. Does Qwest contend that the costs it incurs in originating a call to a Level 3 customer
6 differ in any respect whatsoever based upon the physical location of the Level 3
7 customer? If Qwest responds to the above question with anything other than an
8 unequivocal "no," please provide a detailed explanation of how the location of Level 3's
9 customer on Level 3's side of the POI could affect Qwest's costs. Include in that
10 explanation all cost studies and any other documentation in your possession that you
11 believe provide support for your position.

12 24. Does Qwest offer any kind of foreign exchange ("FX") service in this state? If so, please
13 provide a service description (including, but not limited to, tariff pages) for each such
14 service.

15 25. Unless your answer to Question #21 above was an unqualified "no," please identify:
16 a. The number of customers in this state who subscribe to or purchase Qwest's FX
17 service;
18 b. The number of FX lines that Qwest provides in this state;
19 c. How long FX service has been available from Qwest; and
20 d. The number of ISPs to whom Qwest provides such service.

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

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

26 PAGE 13 - LEVEL 3'S FIRST SET OF DATA REQUESTS TO QWEST
(ARB 665)

- 1 a. The number of customers in this state who subscribe to or purchase each of the
2 FX-like services identified in response to the preceding questions;
- 3 b. The number of lines in this state over which Qwest provides each of the FX-like
4 services identified in response to the preceding questions;
- 5 c. How long each FX-like services has been available from Qwest; and
- 6 d. The number of ISPs who purchase each of the FX-like services identified in
7 response to the preceding questions.
- 8 28. With respect to Qwest's FX and FX-like services:
- 9 a. Please explain the circumstances under which calls *from* a subscriber to a Qwest
10 FX or FX-like service are rated as local versus toll, and provide all documentation
11 supporting your answer.
- 12 b. Please explain the circumstances under which calls *to* a subscriber from a Qwest
13 FX or FX-like service are rated as local versus toll, and provide all documentation
14 supporting your answer.
- 15 29. Please state whether Qwest has ever billed or demanded payment of access charges from
16 an incumbent LEC for calls originated by Qwest's end user to an incumbent LEC's FX or
17 FX-like customer.
- 18 30. Please state whether Qwest has ever billed or received reciprocal compensation or other
19 terminating compensation for calls received from an incumbent LEC or any CLECs for
20 termination to Qwest's FX or FX-like customers? Please explain your answer, including
21 but not limited to:
- 22 a. The dates upon which you first began billing incumbent LECs or CLECs for such
23 compensation;
- 24 b. The amount of compensation received from incumbent LECs and CLECs; and
- 25
- 26

1 c. Description of any changes you may have made to your billing policies with
2 respect to calls terminating to your FX or FX-like customers.

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

7 32. Please state whether Qwest knows, or has reason to believe, that any independent LECs
8 with whom Qwest has EAS arrangements provide FX or FX-like services that permits
9 customers physically located in another rate center to be assigned a number that is local
10 to the rate center included in Qwest's EAS area.

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

13 34. Please provide Qwest's definition of "interexchange" service when assessing charges to
14 local exchange customers for such a call and provide the source for such definition.

15 35. Is it Qwest's position that access charges should apply to all interexchange services? If
16 not, please explain.

17 36. Please provide Qwest's definition of a "local" call when assessing charges (such as
18 message unit or similar charges) to local exchange customers for such a call, and provide
19 the source for this definition.

20 37. Please provide Qwest's definition of a "toll" call when assessing charges to local
21 exchange customers for such a call, and provide the source for this definition.

22 38. Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or
23 expects to use in delivering traffic from its end users to Level 3. Assume for purposes of
24 this question that Level 3 and Qwest interconnect at a single POI in a LATA, and that
25 Qwest is responsible for delivering its originated traffic to that POI.

1 39. Please state whether the facilities Qwest uses or expects to use in delivering traffic from
2 its end users to Level 3 as stated above differ in any way based on whether the traffic is
3 classified as "local" or "toll." If your answer is anything other than an unqualified "no,"
4 please explain in detail the basis for your answer.

5 40. Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or
6 expects to use in delivering traffic from Level 3 to Qwest's end users. Assume for
7 purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA
8 and that Level 3 is responsible for delivering its originated traffic to that POI.

9 41. Please state whether the facilities Qwest uses or expects to use in delivering traffic from
10 Level 3 to Qwest's end users as stated above differ in any way based on whether the
11 traffic is classified as "local" or "toll." If your answer is anything other than an
12 unqualified "no," please explain in detail the basis for your answer.

13 42. With how many CLECs in Oregon does Qwest exchange traffic (that is, CLECs with
14 their own switches, as opposed to resellers)?

15 43. How many physical POIs exist in Oregon between Qwest and CLECs?

16 44. With how many CLECs in Oregon does Qwest assign traffic to different
17 jurisdictional/rating categories based on PIU/PLU or similar factors?

18 45. How many CLECs in Oregon connect to Qwest's network by means of:

- 19 a. Qwest-supplied entrance facility running between Qwest's network and a CLEC
20 switch;
- 21 b. CLEC-supplied facility delivered to Qwest's network at or near a Qwest central
22 office building; or
- 23 c. Some other means?

24 46. Produce all documents or other evidence, or identify all other intangible or non-
25 producible sources of information which you used, referred to, consulted, or which
26

1 otherwise relate to, refer to, or support any response provided by Qwest to any of these
2 discovery requests, including any requests for admission served by Level 3 on Qwest.

3 47. Assuming ISP-bound traffic is rated as toll traffic as Qwest proposes, please itemize all
4 applicable rates and charges and state the total rate per minute or use for terminating and
5 originating access.

1 **III. REQUEST FOR ADMISSIONS**

2 Please admit or deny the following:

- 3 1. The location of the POI between Qwest and Level 3 in Oregon does not determine
4 whether Qwest has an obligation to pay reciprocal compensation to Level 3 for Level 3's
5 transport of Qwest's traffic. If your answer is anything other than an unqualified
6 admission, please describe in detail your qualification or denial, and provide any
7 information or evidence which supports your qualification or denial.
- 8 2. The location of the Level 3's switch in Oregon does not determine whether Qwest has an
9 obligation to pay reciprocal compensation to Level 3 for Level 3's transport of Qwest's
10 traffic. If your answer is anything other than an unqualified admission, please describe in
11 detail your qualification or denial, and provide any information or evidence which
12 supports your qualification or denial.
- 13 3. Qwest currently has interconnection agreements with one or more CLECs in Oregon
14 under which those CLECs are permitted to carry mixed intraLATA interexchange and
15 interLATA interexchange traffic on the same trunk groups. If your answer is anything
16 other than an unqualified admission, please describe in detail your qualification or denial,
17 and provide any information or evidence which supports your qualification or denial.
- 18 4. Qwest currently has interconnection agreements with one or more CLECs in Oregon
19 under which Qwest provides transit traffic connection for those CLECs to other carriers.
20 If your answer is anything other than an unqualified admission, please describe in detail
21 your qualification or denial, and provide any information or evidence which supports
22 your qualification or denial.
- 23 5. Qwest currently has agreements with one or more other incumbent local exchange
24 carriers in Oregon under which Qwest provides transit traffic connection for those
25 incumbent local exchange carriers to other carriers. If your answer is anything other than
26

1 an unqualified admission, please describe in detail your qualification or denial, and
2 provide any information or evidence which supports your qualification or denial.

3 6. Customers of Qwest's own Oregon intrastate FX service do not pay toll charges on their
4 FX interexchange calls, regardless of the distance of the call. If your answer is anything
5 other than an unqualified admission, please describe in detail your qualification or denial,
6 and provide any information or evidence which supports your qualification or denial.

7 7. Qwest's position is that Voice over Internet Protocol traffic is subject to carrier access
8 charges, regardless of the origination and termination points of the call. If your answer is
9 anything other than an unqualified admission, please describe in detail your qualification
10 or denial, and provide any information or evidence which supports your qualification or
11 denial.

12 8. Qwest's position is that Voice over Internet Protocol traffic is subject to carrier access
13 charges only if the traffic originates in one LATA and terminates in another. If your
14 answer is anything other than an unqualified admission, please describe in detail your
15 qualification or denial, and provide any information or evidence which supports your
16 qualification or denial.

17 9. Qwest does not currently pay carrier access charges to other carriers for any of its own
18 Voice over Internet Protocol services. If your answer is anything other than an
19 unqualified admission, please describe in detail your qualification or denial, and provide
20 any information or evidence which supports your qualification or denial.

21 10. Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier
22 compensation for Voice over Internet Protocol traffic. If your answer is anything other
23 than an unqualified admission, please describe in detail your qualification or denial, and
24 provide any information or evidence which supports your qualification or denial.
25
26

- 1 11. Please admit that Qwest's state tariffs contain no terms applicable to intercarrier
2 compensation for Voice over Internet Protocol traffic. If your answer is anything other
3 than an unqualified admission, please describe in detail your qualification or denial, and
4 provide any information or evidence which supports your qualification or denial.
- 5 12. Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier
6 compensation for information services traffic. If your answer is anything other than an
7 unqualified admission, please describe in detail your qualification or denial, and provide
8 any information or evidence which supports your qualification or denial.
- 9 13. Please admit that Qwest's state tariffs contain no terms applicable to intercarrier
10 compensation for information services traffic. If your answer is anything other than an
11 unqualified admission, please describe in detail your qualification or denial, and provide
12 any information or evidence which supports your qualification or denial.
- 13 14. Please admit that Qwest's network is capable of VoIP transport and other combinations
14 of voice and data in an IP-addressed packet format. If your answer is anything other than
15 an unqualified admission, please describe in detail your qualification or denial, and
16 provide any information or evidence which supports your qualification or denial.
- 17 15. Please admit that VoIP offerings are likely to grow as the technology matures and the
18 regulatory situation is clarified, and such growth in VoIP could contribute to further
19 declines in our sales of traditional local exchange access lines or local exchange services.
20 If your answer is anything other than an unqualified admission, please describe in detail
21 your qualification or denial, and provide any information or evidence which supports
22 your qualification or denial.
- 23 16. Please admit that Qwest offers hosted service, in which VoIP equipment is kept at the
24 provider's data center and customers lease it such that the only equipment customers need
25 on-site is a VoIP-enabled phone and a broadband connection. If your answer is anything

1 other than an unqualified admission, please describe in detail your qualification or denial,
2 and provide any information or evidence which supports your qualification or denial.

- 3 17. Please admit that Qwest currently offers Qwest® OneFlex™ Voice over Internet Protocol
4 services within Oregon which provides customers:

5 [T]he option of choosing up to five additional phone numbers (virtual
6 numbers) that will ring to your phone. Calls placed to a virtual phone
7 number will ring the same phone as calls placed to your primary phone
8 number. A virtual phone number can be beneficial if you have colleagues,
9 friends or family living outside your local calling area. You could request
10 a virtual number within their area and the people who live in that local
11 calling area can call you for a price of a local phone call.

12 If your answer is anything other than an unqualified admission, please describe in detail
13 your qualification or denial, and provide any information or evidence which supports
14 your qualification or denial.

- 15 18. Qwest currently offers Qwest® OneFlex™ Voice over Internet Protocol services within
16 Oregon that provide "Virtual Numbers" which Qwest describes as follows:

17 Virtual Numbers are alias phone numbers that can be associated with your
18 OneFlex™ phone number. Your friends and family can dial your Virtual
19 phone number and avoid incurring long-distance charges. For example, if
20 you live in Denver and your primary # is 303.xxx.xxxx and your family
21 lives in Omaha, your family has to call long-distance. With OneFlex, you
22 can get a virtual phone number assigned to your account with an Omaha
23 area code, so your family doesn't have to pay long-distance charges.

24 You can have up to 5 Virtual Phone Numbers attached to one primary
25 OneFlex phone number.

26 If your answer is anything other than an unqualified admission, please describe in detail
your qualification or denial, and provide any information or evidence which supports
your qualification or denial.

19. Qwest charges approximately \$30 per month for its Internet phone service, plus 5 cents
per minute for long-distance calls with a \$2.99 monthly fee. Please admit that the
offering includes a full range of features, such as caller ID and voice mail. If your
answer is anything other than an unqualified admission, please describe in detail your

1 qualification or denial, and provide any information or evidence which supports your
2 qualification or denial.

3 20. Qwest® OneFlex™ Voice over Internet Protocol offering is less expensive than its Choice
4 Home Plus package, which includes unlimited local calling and a full range of features,
5 which costs approximately \$35 per month, with about \$10 in taxes and fees, with one
6 long-distance option at 5 cents per minute plus a \$4.99 monthly fee. If your answer is
7 anything other than an unqualified admission, please describe in detail your qualification
8 or denial, and provide any information or evidence which supports your qualification or
9 denial.

10 21. Federal law currently does not permit the imposition of carrier access charges on
11 information services. If your answer is anything other than an unqualified admission,
12 please describe in detail your qualification or denial, and provide any information or
13 evidence which supports your qualification or denial.

14 22. Qwest has eliminated access charges on VoIP calls that terminate on its network. If your
15 answer is anything other than an unqualified admission, please describe in detail your
16 qualification or denial, and provide any information or evidence which supports your
17 qualification or denial.

18 23. Qwest is offering a type of local service to VoIP providers so they can serve customers
19 with a product that is free from access charges. If your answer is anything other than an
20 unqualified admission, please describe in detail your qualification or denial, and provide
21 any information or evidence which supports your qualification or denial.

22 24. Qwest provides VoIP providers the ability to purchase local services through primary rate
23 interface ISDN circuits (ISDN-PRI) which give the VoIP providers direct access to the
24 public switched telephone network. If your answer is anything other than an unqualified
25

1 admission, please describe in detail your qualification or denial, and provide any
2 information or evidence which supports your qualification or denial.

3 25. Please admit that Qwest's FX service allows the customer to make calls to an exchange
4 outside of the Qwest customer's home exchange without incurring a toll charge. If your
5 answer is anything other than an unqualified admission, please describe in detail your
6 qualification or denial, and provide any information or evidence which supports your
7 qualification or denial.

8 26. Interconnection contract language should be as consistent as possible with applicable
9 federal law and regulations. If your answer is anything other than an unqualified
10 admission, please describe in detail your qualification or denial, and provide any
11 information or evidence which supports your qualification or denial.

12 27. Wireline local exchange services offered in Qwest's 14-state area are provided through
13 legal entities which operate within authorized regions subject to regulation by each state
14 in which they operate and by the Federal Communications Commission. If your answer
15 is anything other than an unqualified admission, please describe in detail your
16 qualification or denial, and provide any information or evidence which supports your
17 qualification or denial.

18 28. The Qwest regulated subsidiary which provides wireline local exchange services in the
19 State of Colorado is a different subsidiary of Qwest than the Qwest subsidiary which
20 provides wireline local exchange services in the State of Oregon. If your answer is
21 anything other than an unqualified admission, please describe in detail your qualification
22 or denial, and provide any information or evidence which supports your qualification or
23 denial.

24 29. Qwest has transported VoIP traffic over its network in the State of Oregon. If your
25 answer is anything other than an unqualified admission, please describe in detail your
26

1 qualification or denial, and provide any information or evidence which supports your
2 qualification or denial.

3 30. Qwest has carried VoIP traffic to or from their own customers in the State of Oregon. If
4 your answer is anything other than an unqualified admission, please describe in detail
5 your qualification or denial, and provide any information or evidence which supports
6 your qualification or denial.

7 31. While the deployment of VoIP will result in increased competition for Qwest's core
8 wireline voice services, it also presents growth opportunities for Qwest to develop new
9 products for its customers. If your answer is anything other than an unqualified
10 admission, please describe in detail your qualification or denial, and provide any
11 information or evidence which supports your qualification or denial.

12 32. Qwest favors federal and state legislative and regulatory policies which support the
13 development of facilities-based competition. If your answer is anything other than an
14 unqualified admission, please describe in detail your qualification or denial, and provide
15 any information or evidence which supports your qualification or denial.

16 33. The FCC's rule defining the "telecommunications" subject to reciprocal compensation is
17 stated at 47 CFR § 51.701(b). If your answer is anything other than an unqualified
18 admission, please describe in detail your qualification or denial, and provide any
19 information or evidence which supports your qualification or denial.

20 34. FCC Rule 47 CFR § 51.701(b) makes no reference of any kind or in any way to a
21 category of traffic known as "local." If your answer is anything other than an unqualified
22 admission, please describe in detail your qualification or denial, and provide any
23 information or evidence which supports your qualification or denial.

24 35. The Communications Act of 1934, as amended, contains no definition of "local"
25 telecommunications, "local" calling, or "local" exchange areas. If your answer is

1 anything other than an unqualified admission, please describe in detail your qualification
2 or denial, and provide any information or evidence which supports your qualification or
3 denial.

4 36. Qwest's end office and tandem switches do not store any information indicating the
5 address or location of any end user's premises. If your answer is anything other than an
6 unqualified admission, please describe in detail your qualification or denial, and provide
7 any information or evidence which supports your qualification or denial.

8 37. Qwest's State tariff does not contain any information indicating the address or location of
9 any end user's premises. If your answer is anything other than an unqualified admission,
10 please describe in detail your qualification or denial, and provide any information or
11 evidence which supports your qualification or denial.

12 38. Qwest's federal tariff does not contain any information indicating the address or location
13 of any end user's premises. If your answer is anything other than an unqualified
14 admission, please describe in detail your qualification or denial, and provide any
15 information or evidence which supports your qualification or denial.

16 39. Qwest's end office and tandem switches route traffic to other switches and/or to end users
17 on the basis of the dialed telephone number, without any reference to information
18 regarding the address or location of any end user's premises. If your answer is anything
19 other than an unqualified admission, please describe in detail your qualification or denial,
20 and provide any information or evidence which supports your qualification or denial.

21 40. Qwest's end office switches determine whether to route a dialed call to an IXC on the
22 basis of the telephone number dialed, and not on the basis of any information regarding
23 the address or location of any end user's premises. If your answer is anything other than
24 an unqualified admission, please describe in detail your qualification or denial, and
25 provide any information or evidence which supports your qualification or denial.

1 41. Qwest's call routing systems never sample any data regarding the address or location of
2 any end user's premises for purposes of routing a call. If your answer is anything other
3 than an unqualified admission, please describe in detail your qualification or denial, and
4 provide any information or evidence which supports your qualification or denial.

5 42. Qwest's billing systems never sample any data regarding the address or location of any
6 end user's premises for purposes of billing. If your answer is anything other than an
7 unqualified admission, please describe in detail your qualification or denial, and provide
8 any information or evidence which supports your qualification or denial.

9 43. All calls to ISPs for purposes of Internet access are subject to the exclusive jurisdiction of
10 the FCC. If your answer is anything other than an unqualified admission, please describe
11 in detail your qualification or denial, and provide any information or evidence which
12 supports your qualification or denial.

13 44. A call is "exchange access" if offered "for the purpose of the origination or termination of
14 telephone toll services." 47 U.S.C. § 153(16). If your answer is anything other than an
15 unqualified admission, please describe in detail your qualification or denial, and provide
16 any information or evidence which supports your qualification or denial.

17 45. Information Service Providers provide information service rather than
18 telecommunications. If your answer is anything other than an unqualified admission,
19 please describe in detail your qualification or denial, and provide any information or
20 evidence which supports your qualification or denial.

21 46. Information service providers connect to the local network for the purpose of providing
22 information services, not originating or terminating telephone toll services. If your
23 answer is anything other than an unqualified admission, please describe in detail your
24 qualification or denial, and provide any information or evidence which supports your
25 qualification or denial.

1 47. Qwest's State tariff contains no terms permitting the imposition of switched access
2 charges upon information services. If your answer is anything other than an unqualified
3 admission, please describe in detail your qualification or denial, and provide any
4 information or evidence which supports your qualification or denial.

5 48. Qwest's federal tariff contains no terms permitting the imposition of switched access
6 charges upon information services. If your answer is anything other than an unqualified
7 admission, please describe in detail your qualification or denial, and provide any
8 information or evidence which supports your qualification or denial.

9 49. In Oregon, Qwest compensated Level 3 for ISP-bound traffic regardless of whether the
10 NPA-NXX codes associated with the originating and terminating telephone numbers
11 appeared to be "local" or "toll" according to Qwest's tariffs. If your answer is anything
12 other than an unqualified admission, please describe in detail your qualification or denial,
13 and provide any information or evidence which supports your qualification or denial.

14 50. If, as Qwest proposes, ISP-bound traffic is rated as toll traffic, Level 3 would be required
15 to pay Qwest originating access charges at the rate set forth in Qwest's Oregon tariffs,
16 and Qwest would not be required to pay Level 3 the FCC's ISP Remand Order rate of
17 \$.0007 per MOU for terminating a call. If your answer is anything other than an
18 unqualified admission, please describe in detail your qualification or denial, and provide
19 any information or evidence which supports your qualification or denial.

20 51. The FCC's Rules (47 C.F.R.) contain no definition of the term "interexchange carrier". If
21 your answer is anything other than an unqualified admission, please describe in detail
22 your qualification or denial, and provide any information or evidence which supports
23 your qualification or denial.

24 52. Qwest offers a dial up internet services to ISPs on a wholesale basis that provides a dial-
25 up network infrastructure (network-based modems, V.90, V.92, and ISDN protocol

1 support) with dial coverage from more than 2,700 points of presence, covering more than
2 85 percent of the U.S. population with a local call. If your answer is anything other than
3 an unqualified admission, please describe in detail your qualification or denial, and
4 provide any information or evidence which supports your qualification or denial.

5 53. Qwest physically collocates equipment at its or another carriers' switch or other location
6 permitting collocation within the local calling area associated with each of the NPA-NXX
7 codes that Qwest uses to provide its dial up internet services. If your answer is anything
8 other than an unqualified admission, please describe in detail your qualification or denial,
9 and provide any information or evidence which supports your qualification or denial.

10 54. Revenue for Qwest's local voice services may be affected adversely should providers of
11 VoIP services attract a sizable base of customers who use VoIP to bypass traditional local
12 exchange carriers. If your answer is anything other than an unqualified admission, please
13 describe in detail your qualification or denial, and provide any information or evidence
14 which supports your qualification or denial.

15 55. To the extent that VoIP networks or VoIP service providers bypass the traditional
16 methods for originating and terminating local calls, these providers could enjoy a
17 competitive advantage versus traditional carriers who must pay regulated carrier access
18 and reciprocal compensation charges. If your answer is anything other than an
19 unqualified admission, please describe in detail your qualification or denial, and provide
20 any information or evidence which supports your qualification or denial.

21 56. In Oregon, Qwest has successfully petitioned the State for deregulation of its IntraLATA
22 toll telecommunications services. If your answer is anything other than an unqualified
23 admission, please describe in detail your qualification or denial, and provide any
24 information or evidence which supports your qualification or denial.

1 57. On October 18, 2004, the FCC released an Order forbearing from applying certain ISP
2 reciprocal compensation interim rules adopted in its April 27, 2001 ISP-Remand Order
3 that imposed a volume cap on the number of minutes of use of ISP-bound traffic that is
4 subject to compensation and that required carriers to exchange ISP-bound traffic on a
5 bill-and-keep basis if those carriers were not exchanging traffic pursuant to
6 interconnection agreements prior to adoption of the April 27, 2001 Order. If your answer
7 is anything other than an unqualified admission, please describe in detail your
8 qualification or denial, and provide any information or evidence which supports your
9 qualification or denial.

10 58. The effect of the FCC's October 18, 2004 Order may be to increase significantly Qwest's
11 payments of reciprocal compensation. If your answer is anything other than an
12 unqualified admission, please describe in detail your qualification or denial, and provide
13 any information or evidence which supports your qualification or denial.

14 59. Mr. Larry Brotherson, a Qwest employee testified in a prior arbitration hearing between
15 Level 3 and Qwest in the State of Minnesota (*In the Matter of the Petition of Level 3*
16 *Communications, LLC for Arbitration of an Interconnection Agreement with Qwest*
17 *Corporation, Pursuant to 47 U.S.C. § 252(b)*, MPUC Docket No. P-5733, 421/IC-02-
18 1372, Hearing Transcript at 24 – 25) that the law requires that it exchange ISP-bound
19 traffic over local interconnection trunks, as follows below:

20 Q: Are you suggesting that locally dialed calls will go over the
21 toll trunks under this agreement?

22 A: If the local number is in a different local calling area than
23 the ISP but it is a call to a Level 3 customer under single
24 POI LATA, Qwest would deliver that call over LIS
25 facilities to Level 3.

1 Q: And local voice calls to a local number would go over LIS
2 facilities as well, correct?

3 A: Correct.

4 Q: So it is fair to say that Qwest understands that the law
5 requires that Qwest interconnect with Level 3 at the local
6 level for the exchange of ISP-bound traffic in the same
7 fashion as it would for local voice traffic?

8 A: Could you repeat the question?

9 Q: Qwest understands that the law requires it interconnect with
10 Level 3 on the local level to handle ISP-bound traffic?

11 A: That would be a true statement.

12 If your answer is anything other than an unqualified admission, please describe in detail
13 your qualification or denial, and provide any information or evidence which supports
14 your qualification or denial.

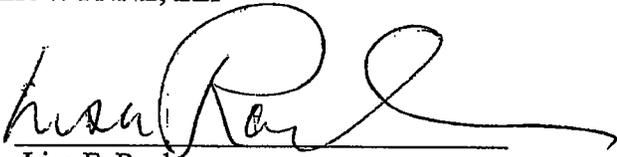
15 60. Qwest does not require its own ISP customers to have a server in the same local calling
16 area as the Qwest end user accessing the internet. If your answer is anything other than
17 an unqualified admission, please describe in detail your qualification or denial, and
18 provide any information or evidence which supports your qualification or denial.

19 61. In a prior arbitration hearing between Level 3 and Qwest in the State of Minnesota (*In the*
20 *Matter of the Petition of Level 3 Communications, LLC for Arbitration of an*
21 *Interconnection Agreement with Qwest Corporation, Pursuant to 47 U.S.C. § 252(b)*),
22 MPUC Docket No. P-5733, 421/IC-02-1372, Hearing Transcript at 68–69), that Qwest
23 admitted that it does not require its own ISP customers to have a server in the same local
24 calling area as the Qwest end user accessing the internet. If your answer is anything
25

1 other than an unqualified admission, please describe in detail your qualification or denial,
2 and provide any information or evidence which supports your qualification or denial.

3 Respectfully submitted this 14th day of June, 2004

4 ATER WYNNE, LLP

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7 By: 

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8
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BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

ARB 665

In the Matter of Level 3 Communications,)	
LLC's Petition for Arbitration Pursuant to)	
Section 252(b) of the Communications Act of)	QWEST CORPORATION'S
1934, as amended by the Telecommunications)	OBJECTIONS TO LEVEL 3's
Act of 1996, and the Applicable State laws for)	DISCOVERY REQUESTS
Rates, Terms, and Conditions of)	
Interconnection with Qwest Corporation)	

Qwest Corporation ("Qwest") submits the following objections to the data requests, interrogatories and requests for admission served by Level 3 Communications, LLC ("Level 3").

GENERAL OBJECTIONS

1. Qwest objects to Level 3 Communications, LLC's ("Level 3's") First Set of Interrogatories, Data Requests and Requests for Admissions (hereinafter collectively referred to as "Level 3's discovery"), on the basis that the discovery is duplicative, burdensome, overly broad, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. The burdensome nature of these requests is further aggravated by Level 3's service of several hundred requests in other states simultaneously. Accordingly, Qwest intends to respond to discovery requests as time and resources permit.

2. Qwest objects to items "A" and "B." in Level 3's "Definitions and Instructions" on the basis that they are unduly burdensome and overbroad. Qwest further objects that these items may require Qwest to produce information concerning documents that are a matter of public record or in the hands of third parties, and which is as readily accessible to Level 3 as to Qwest, and for which Qwest should not be required to provide a detailed explanation in the manner solicited therein.

3. Qwest objects to item "D" in Level 3's "Definitions and Instructions," which attempts to provide definitions, and to all of Level 3's discovery that purports to include these definitions on the basis that they are overly broad, unduly burdensome, and seek to include affiliates, individual persons, and organizations that are not parties to this arbitration. Qwest, therefore, puts Level 3 on notice that for purposes of its Responses to Discovery, the terms "Qwest" and "company", except where specifically identified otherwise, refer to Qwest Corporation, the incumbent LEC with whom Level 3 seeks an interconnection agreement.

4. Qwest objects to all discovery requests, definitions and instructions and, in particular, item "E" in Level 3's "Definitions and Instructions" to the extent that they instruct Qwest to divulge documents the are subject to the attorney/client and/or work product privileges, or that are confidential or proprietary and for which no reasonable accommodations are made to preserve their confidentiality. Qwest also objects to the extent the instruction requires that Qwest produce documents that are available in the public domain or that are in the hands of third parties and therefore readily accessible to Level 3 without resorting to burdensome discovery.

5. Qwest objects to item "F" in Level 3's "Definitions and Instructions" on the basis that it is duplicative of item "B" and is, therefore, subject to the objections contained in paragraph 2 above and for the further reason that item "F" appears to also inappropriately require Qwest to be responsible for the entire universe of documents that are not in its possession, custody and control.

6. Qwest objects to item "G" in Level 3's "Definitions and Instructions" to the extent that it requires Qwest to produce, as separate documents, each copy of a given document that may display a "modification" as described in this item, regardless of its significance. Adherence to this instruction would greatly increase the burden of Level 3's discovery, require the duplication of countless pages, and yield nothing to value. To the extent that the same instruction is contained in item "L," Qwest's objections herein also pertain to that item.

7. Qwest objects to item "H" in Level 3's "Definitions and Instructions" to the extent that it exceeds the requirements for a privilege log under Oregon law.

8. Qwest objects to item "I" in Level 3's "Definitions and Instructions" to the extent that it requires Qwest to identify witnesses for the introduction of discovery responses when Qwest has no knowledge of which responses Level 3 will seek to introduce at hearing.

9. Qwest objects to item "J" in Level 3's "Definitions and Instructions" and the instructions generally on the grounds that they are unduly burdensome. Qwest will respond to discovery requests in reasonable detail to the extent that such requests have not been objected to. Qwest also objects to item "J" to the extent that it seeks information in addition to that Qwest is obliged to produce under applicable Oregon rules. Qwest objects to instruction "L" to the extent that it imposes obligations beyond those required by the applicable Oregon rules.

10. Qwest objects to all of Level 3's discovery to the extent that it is not confined to the state of Oregon and to issues that are before the Oregon Public Utilities Commission in this arbitration proceeding.

11. Qwest is providing its objections to specific data requests, interrogatories and requests to admit under separate cover.

DATED this 28th day of June, 2005

Respectfully submitted,

QWEST CORPORATION



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Attorneys for Qwest Corporation

Oregon
ARB 665
L3CI 01-001A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 001A

The location of the POI between Qwest and Level 3 in Oregon does not determine whether Qwest has an obligation to pay reciprocal compensation to Level 3 for Level 3's transport of Qwest's traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this data request (and any data request styled "requests for admission") in its entirety. OAR 860-014-0070, which Level 3 cites as the basis for the data request, defines data requests as follows: "Data requests are written interrogatories or requests for production of documents." OAR 860-014-0070(1). The term "data request" does not include requests for admission. Therefore, the request for admission is an unauthorized form of discovery under the rules of the Oregon Public Utility Commission and Qwest therefore objects to responding to said request for admission. Subject to and without waiving these objections, Qwest further objects to this request because requests for admission are requests for admission of facts, and the vast majority of the "requests for admission" do not seek admissions "of fact," but rather, call for legal conclusions, confirmation of Level 3's advocacy, speculation or opinions. In addition, some requests are overly broad and unduly burdensome, thus seeking Qwest to perform special studies in order to answer them. As such, Level 3's requests for admission are not within the letter or spirit of the Commission's discovery rules.

Oregon
ARB 665
L3CI 01-002A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 002A

The location of the Level 3's switch in Oregon does not determine whether Qwest has an obligation to pay reciprocal compensation to Level 3 for Level 3's transport of Qwest's traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-003A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 003A

Qwest currently has interconnection agreements with one or more CLECs in Oregon under which those CLECs are permitted to carry mixed intraLATA interexchange and interLATA interexchange traffic on the same trunk groups. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-004A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 004A

Qwest currently has interconnection agreements with one or more CLECs in Oregon under which Qwest provides transit traffic connection for those CLECs to other carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-005A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 005A

Qwest currently has agreements with one or more other incumbent local exchange carriers in Oregon under which Qwest provides transit traffic connection for those incumbent local exchange carriers to other carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-006A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 006A

Customers of Qwest's own Oregon intrastate FX service do not pay toll charges on their FX interexchange calls, regardless of the distance of the call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-007A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 007A

Qwest's position is that Voice over Internet Protocol traffic is subject to carrier access charges, regardless of the origination and termination points of the call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-008A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 008A

Qwest's position is that Voice over Internet Protocol traffic is subject to carrier access charges only if the traffic originates in one LATA and terminates in another. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-009A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 009A

Qwest does not currently pay carrier access charges to other carriers for any of its own Voice over Internet Protocol services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-010A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 010A

Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for Voice over Internet Protocol traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-011A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 011A

Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for Voice over Internet Protocol traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-012A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 012A

Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-013A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 013A

Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-014A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 014A

Please admit that Qwest's network is capable of VOIP transport and other combinations of voice and data in an IP-addressed packet format. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-015A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 015A

Please admit that VoIP offerings are likely to grow as the technology matures and the regulatory situation is clarified, and such growth in VoIP could contribute to further declines in our sales of traditional local exchange access lines or local exchange services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-016A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 016A

Please admit that Qwest offers hosted service, in which VoIP equipment is kept at the provider's data center and customers lease it such that the only equipment customers need on-site is a VoIP-enabled phone and a broadband connection. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-017A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 017A

Please admit that Qwest currently offers Qwest® OneFlex™ Voice over Internet Protocol services within Oregon which provides customers:

[T]he option of choosing up to five additional phone numbers (virtual numbers) that will ring to your phone. Calls placed to a virtual phone number will ring the same phone as calls placed to your primary phone number. A virtual phone number can be beneficial if you have colleagues, friends or family living outside your local calling area. You could request a virtual number within their area and the people who live in that local calling area can call you for a price of a local phone call.

If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-018A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 018A

Qwest currently offers Qwest® OneFlex™ Voice over Internet Protocol services within Oregon that provide "Virtual Numbers" which Qwest describes as follows:

Virtual Numbers are alias phone numbers that can be associated with your OneFlex™ phone number. Your friends and family can dial your Virtual phone number and avoid incurring long-distance charges. For example, if you live in Denver and your primary # is 303.xxx.xxxx and your family lives in Omaha, your family has to call long-distance. With OneFlex, you can get a virtual phone number assigned to your account with an Omaha area code, so your family doesn't have to pay long-distance charges.

You can have up to 5 Virtual Phone Numbers attached to one primary OneFlex phone number.

If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-019A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 019A

Qwest charges approximately \$30 per month for its Internet phone service, plus 5 cents per minute for long-distance calls with a \$2.99 monthly fee. Please admit that the offering includes a full range of features, such as caller ID and voice mail. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-020A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 020A

Qwest® OneFlex™ Voice over Internet Protocol offering is less expensive than its Choice Home Plus package, which includes unlimited local calling and a full range of features, which costs approximately \$35 per month, with about \$10 in taxes and fees, with one long-distance option at 5 cents per minute plus a \$4.99 monthly fee. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-021A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 021A

Federal law currently does not permit the imposition of carrier access charges on information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-022A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 022A

Qwest has eliminated access charges on VoIP calls that terminate on its network. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-023A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 023A

Qwest is offering a type of local service to VoIP providers so they can serve customers with a product that is free from access charges. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-024A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 024A

Qwest provides VoIP providers the ability to purchase local services through primary rate interface ISDN circuits (ISDN-PRI) which give the VoIP providers direct access to the public switched telephone network. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-025A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 025A

Please admit 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 your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-026A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 026A

Interconnection contract language should be as consistent as possible with applicable federal law and regulations. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-027A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 027A

Wireline local exchange services offered in Qwest's 14-state area are provided through legal entities which operate within authorized regions subject to regulation by each state in which they operate and by the Federal Communications Commission. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-028A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 028A

The Qwest regulated subsidiary which provides wireline local exchange services in the State of Colorado is a different subsidiary of Qwest than the Qwest subsidiary which provides wireline local exchange services in the State of Oregon. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-029A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 029A

Qwest has transported VoIP traffic over its network in the State of Oregon. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-030A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 030A

Qwest has carried VoIP traffic to or from their own customers in the State of Oregon. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-031A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 031A

While the deployment of VoIP will result in increased competition for Qwest's core wireline voice services, it also presents growth opportunities for Qwest to develop new products for its customers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-032A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 032A

Qwest favors federal and state legislative and regulatory policies which support the development of facilities-based competition. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-033A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 033A

The FCC's rule defining the "telecommunications" subject to reciprocal compensation is stated at 47 CFR § 51.701(b). If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-034A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 034A

FCC Rule 47 CFR § 51.701(b) makes no reference of any kind or in any way to a category of traffic known as "local." If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-035A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 035A

The Communications Act of 1934, as amended, contains no definition of "local" telecommunications, "local" calling, or "local" exchange areas. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-036A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 036A

Qwest's end office and tandem switches do not store any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-037A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 037A

Qwest's State tariff does not contain any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-038A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 038A

Qwest's federal tariff does not contain any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-039A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 039A

Qwest's end office and tandem switches route traffic to other switches and/or to end users on the basis of the dialed telephone number, without any reference to information regarding the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-040A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 040A

Qwest's end office switches determine whether to route a dialed call to an IXC on the basis of the telephone number dialed, and not on the basis of any information regarding the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-041A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 041A

Qwest's call routing systems never sample any data regarding the address or location of any end user's premises for purposes of routing a call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-042A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 042A

Qwest's billing systems never sample any data regarding the address or location of any end user's premises for purposes of billing. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-043A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 043A

All calls to ISPs for purposes of Internet access are subject to the exclusive jurisdiction of the FCC. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-044A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 044A

A call is "exchange access" if offered "for the purpose of the origination or termination of telephone toll services." 47 U.S.C. § 153(16). If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-045A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 045A

Information Service Providers provide information service rather than telecommunications. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-046A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 046A

Information service providers connect to the local network for the purpose of providing information services, not originating or terminating telephone toll services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-047A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 047A

Qwest's State tariff contains no terms permitting the imposition of switched access charges upon information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-048A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 048A

Qwest's federal tariff contains no terms permitting the imposition of switched access charges upon information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-049A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 049A

In Oregon, Qwest compensated Level 3 for ISP-bound traffic regardless of whether the NPA-NXX codes associated with the originating and terminating telephone numbers appeared to be "local" or "toll" according to Qwest's tariffs. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-050A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 050A

If, as Qwest proposes, ISP-bound traffic is rated as toll traffic, Level 3 would be required to pay Qwest originating access charges at the rate set forth in Qwest's Oregon tariffs, and Qwest would not be required to pay Level 3 the FCC's ISP Remand Order rate of \$.0007 per MOU for terminating a call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-051A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 051A

The FCC's Rules (47 C.F.R.) contain no definition of the term "interexchange carrier". If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-052A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 052A

Qwest offers a dial up internet services to ISPs on a wholesale basis that provides a dial-up network infrastructure (network-based modems, V.90, V.92, and ISDN protocol support) with dial coverage from more than 2,700 points of presence, covering more than 85 percent of the U.S. population with a local call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-053A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 053A

Qwest physically collocates equipment at its or another carriers' switch or other location permitting collocation within the local calling area associated with each of the NPA-NXX codes that Qwest uses to provide its dial up internet services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-054A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 054A

Revenue for Qwest's local voice services may be affected adversely should providers of VoIP services attract a sizable base of customers who use VoIP to bypass traditional local exchange carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-055A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 055A

To the extent that VoIP networks or VoIP service providers bypass the traditional methods for originating and terminating local calls, these providers could enjoy a competitive advantage versus traditional carriers who must pay regulated carrier access and reciprocal compensation charges. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-056A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 056A

In Oregon, Qwest has successfully petitioned the State for deregulation of its IntraLATA toll telecommunications services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-057A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 057A

On October 18, 2004, the FCC released an Order forbearing from applying certain ISP reciprocal compensation interim rules adopted in its April 27, 2001 ISP-Remand Order that imposed a volume cap on the number of minutes of use of ISP-bound traffic that is subject to compensation and that required carriers to exchange ISP-bound traffic on a bill-and-keep basis if those carriers were not exchanging traffic pursuant to interconnection agreements prior to adoption of the April 27, 2001 Order. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-058A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 058A

The effect of the FCC's October 18, 2004 Order may be to increase significantly Qwest's payments of reciprocal compensation. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-059A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 059A

Mr. Larry Brotherson, a Qwest employee testified in a prior arbitration hearing between Level 3 and Qwest in the State of Minnesota (*In the Matter of the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection Agreement with Qwest Corporation, Pursuant to 47 U.S.C. § 252(b)*), MPUC Docket No. P-5733, 421/IC-02-1372, Hearing Transcript at 24 - 25) that the law requires that it exchange ISP-bound traffic over local interconnection trunks, as follows below:

Q: Are you suggesting that locally dialed calls will go over the toll trunks under this agreement?

A: If the local number is in a different local calling area than the ISP but it is a call to a Level 3 customer under single POI LATA, Qwest would deliver that call over LIS facilities to Level 3.

Q: And local voice calls to a local number would go over LIS facilities as well, correct?

A: Correct.

Q: So it is fair to say that Qwest understands that the law requires that Qwest interconnect with Level 3 at the local level for the exchange of ISP-bound traffic in the same fashion as it would for local voice traffic?

A: Could you repeat the question?

Q: Qwest understands that the law requires it interconnect with Level 3 on the local level to handle ISP-bound traffic?

A: That would be a true statement.

If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-060A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 060A

Qwest does not require its own ISP customers to have a server in the same local calling area as the Qwest end user accessing the internet. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-061A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 061A

In a prior arbitration hearing between Level 3 and Qwest in the State of Minnesota (*In the Matter of the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection Agreement with Qwest Corporation, Pursuant to 47 U.S.C. § 252(b)*), MPUC Docket No. P-5733, 421/IC-02-1372, Hearing Transcript at 68-69), that Qwest admitted that it does not require its own ISP customers to have a server in the same local calling area as the Qwest end user accessing the internet. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial. Respectfully submitted this 14th day of June, 2004

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-001A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 001A

The location of the POI between Qwest and Level 3 in Oregon does not determine whether Qwest has an obligation to pay reciprocal compensation to Level 3 for Level 3's transport of Qwest's traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this data request (and any data request styled "requests for admission") in its entirety. OAR 860-014-0070, which Level 3 cites as the basis for the data request, defines data requests as follows: "Data requests are written interrogatories or requests for production of documents." OAR 860-014-0070(1). The term "data request" does not include requests for admission. Therefore, the request for admission is an unauthorized form of discovery under the rules of the Oregon Public Utility Commission and Qwest therefore objects to responding to said request for admission. Subject to and without waiving these objections, Qwest further objects to this request because requests for admission are requests for admission of facts, and the vast majority of the "requests for admission" do not seek admissions "of fact," but rather, call for legal conclusions, confirmation of Level 3's advocacy, speculation or opinions. In addition, some requests are overly broad and unduly burdensome, thus seeking Qwest to perform special studies in order to answer them. As such, Level 3's requests for admission are not within the letter or spirit of the Commission's discovery rules.

Oregon
ARB 665
L3CI 01-002A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 002A

The location of the Level 3's switch in Oregon does not determine whether Qwest has an obligation to pay reciprocal compensation to Level 3 for Level 3's transport of Qwest's traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-003A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 003A

Qwest currently has interconnection agreements with one or more CLECs in Oregon under which those CLECs are permitted to carry mixed intraLATA interexchange and interLATA interexchange traffic on the same trunk groups. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-004A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 004A

Qwest currently has interconnection agreements with one or more CLECs in Oregon under which Qwest provides transit traffic connection for those CLECs to other carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-005A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 005A

Qwest currently has agreements with one or more other incumbent local exchange carriers in Oregon under which Qwest provides transit traffic connection for those incumbent local exchange carriers to other carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-006A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 006A

Customers of Qwest's own Oregon intrastate FX service do not pay toll charges on their FX interexchange calls, regardless of the distance of the call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-007A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 007A

Qwest's position is that Voice over Internet Protocol traffic is subject to carrier access charges, regardless of the origination and termination points of the call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-008A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 008A

Qwest's position is that Voice over Internet Protocol traffic is subject to carrier access charges only if the traffic originates in one LATA and terminates in another. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-009A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 009A

Qwest does not currently pay carrier access charges to other carriers for any of its own Voice over Internet Protocol services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-010A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 010A

Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for Voice over Internet Protocol traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-011A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 011A

Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for Voice over Internet Protocol traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-012A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 012A

Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-013A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 013A

Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-014A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 014A

Please admit that Qwest's network is capable of VOIP transport and other combinations of voice and data in an IP-addressed packet format. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-015A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 015A

Please admit that VoIP offerings are likely to grow as the technology matures and the regulatory situation is clarified, and such growth in VoIP could contribute to further declines in our sales of traditional local exchange access lines or local exchange services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-016A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 016A

Please admit that Qwest offers hosted service, in which VoIP equipment is kept at the provider's data center and customers lease it such that the only equipment customers need on-site is a VoIP-enabled phone and a broadband connection. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-017A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 017A

Please admit that Qwest currently offers Qwest® OneFlex™ Voice over Internet Protocol services within Oregon which provides customers:

[T]he option of choosing up to five additional phone numbers (virtual numbers) that will ring to your phone. Calls placed to a virtual phone number will ring the same phone as calls placed to your primary phone number. A virtual phone number can be beneficial if you have colleagues, friends or family living outside your local calling area. You could request a virtual number within their area and the people who live in that local calling area can call you for a price of a local phone call.

If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-018A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 018A

Qwest currently offers Qwest® OneFlex™ Voice over Internet Protocol services within Oregon that provide "Virtual Numbers" which Qwest describes as follows:

Virtual Numbers are alias phone numbers that can be associated with your OneFlex™ phone number. Your friends and family can dial your Virtual phone number and avoid incurring long-distance charges. For example, if you live in Denver and your primary # is 303.xxx.xxxx and your family lives in Omaha, your family has to call long-distance. With OneFlex, you can get a virtual phone number assigned to your account with an Omaha area code, so your family doesn't have to pay long-distance charges.

You can have up to 5 Virtual Phone Numbers attached to one primary OneFlex phone number.

If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-019A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 019A

Qwest charges approximately \$30 per month for its Internet phone service, plus 5 cents per minute for long-distance calls with a \$2.99 monthly fee. Please admit that the offering includes a full range of features, such as caller ID and voice mail. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-020A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 020A

Qwest® OneFlex™ Voice over Internet Protocol offering is less expensive than its Choice Home Plus package, which includes unlimited local calling and a full range of features, which costs approximately \$35 per month, with about \$10 in taxes and fees, with one long-distance option at 5 cents per minute plus a \$4.99 monthly fee. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-021A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 021A

Federal law currently does not permit the imposition of carrier access charges on information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-022A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 022A

Qwest has eliminated access charges on VoIP calls that terminate on its network. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-023A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 023A

Qwest is offering a type of local service to VoIP providers so they can serve customers with a product that is free from access charges. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-024A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 024A

Qwest provides VoIP providers the ability to purchase local services through primary rate interface ISDN circuits (ISDN-PRI) which give the VoIP providers direct access to the public switched telephone network. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-025A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 025A

Please admit 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 your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-026A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 026A

Interconnection contract language should be as consistent as possible with applicable federal law and regulations. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-027A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 027A

Wireline local exchange services offered in Qwest's 14-state area are provided through legal entities which operate within authorized regions subject to regulation by each state in which they operate and by the Federal Communications Commission. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-028A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 028A

The Qwest regulated subsidiary which provides wireline local exchange services in the State of Colorado is a different subsidiary of Qwest than the Qwest subsidiary which provides wireline local exchange services in the State of Oregon. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-029A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 029A

Qwest has transported VoIP traffic over its network in the State of Oregon. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-030A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 030A

Qwest has carried VoIP traffic to or from their own customers in the State of Oregon. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-031A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 031A

While the deployment of VoIP will result in increased competition for Qwest's core wireline voice services, it also presents growth opportunities for Qwest to develop new products for its customers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-032A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 032A

Qwest favors federal and state legislative and regulatory policies which support the development of facilities-based competition. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-033A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 033A

The FCC's rule defining the "telecommunications" subject to reciprocal compensation is stated at 47 CFR § 51.701(b). If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-034A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 034A

FCC Rule 47 CFR § 51.701(b) makes no reference of any kind or in any way to a category of traffic known as "local." If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-035A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 035A

The Communications Act of 1934, as amended, contains no definition of "local" telecommunications, "local" calling, or "local" exchange areas. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-036A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 036A

Qwest's end office and tandem switches do not store any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-037A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 037A

Qwest's State tariff does not contain any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-038A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 038A

Qwest's federal tariff does not contain any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-039A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 039A

Qwest's end office and tandem switches route traffic to other switches and/or to end users on the basis of the dialed telephone number, without any reference to information regarding the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-040A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 040A

Qwest's end office switches determine whether to route a dialed call to an IXC on the basis of the telephone number dialed, and not on the basis of any information regarding the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-041A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 041A

Qwest's call routing systems never sample any data regarding the address or location of any end user's premises for purposes of routing a call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-042A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 042A

Qwest's billing systems never sample any data regarding the address or location of any end user's premises for purposes of billing. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-043A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 043A

All calls to ISPs for purposes of Internet access are subject to the exclusive jurisdiction of the FCC. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-044A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 044A

A call is "exchange access" if offered "for the purpose of the origination or termination of telephone toll services." 47 U.S.C. § 153(16). If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-045A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 045A

Information Service Providers provide information service rather than telecommunications. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-046A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 046A

Information service providers connect to the local network for the purpose of providing information services, not originating or terminating telephone toll services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-047A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 047A

Qwest's State tariff contains no terms permitting the imposition of switched access charges upon information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-048A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 048A

Qwest's federal tariff contains no terms permitting the imposition of switched access charges upon information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-049A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 049A

In Oregon, Qwest compensated Level 3 for ISP-bound traffic regardless of whether the NPA-NXX codes associated with the originating and terminating telephone numbers appeared to be "local" or "toll" according to Qwest's tariffs. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-050A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 050A

If, as Qwest proposes, ISP-bound traffic is rated as toll traffic, Level 3 would be required to pay Qwest originating access charges at the rate set forth in Qwest's Oregon tariffs, and Qwest would not be required to pay Level 3 the FCC's ISP Remand Order rate of \$.0007 per MOU for terminating a call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-051A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 051A

The FCC's Rules (47 C.F.R.) contain no definition of the term "interexchange carrier". If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-052A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 052A

Qwest offers a dial up internet services to ISPs on a wholesale basis that provides a dial-up network infrastructure (network-based modems, V.90, V.92, and ISDN protocol support) with dial coverage from more than 2,700 points of presence, covering more than 85 percent of the U.S. population with a local call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-053A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 053A

Qwest physically collocates equipment at its or another carriers' switch or other location permitting collocation within the local calling area associated with each of the NPA-NXX codes that Qwest uses to provide its dial up internet services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-054A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 054A

Revenue for Qwest's local voice services may be affected adversely should providers of VoIP services attract a sizable base of customers who use VoIP to bypass traditional local exchange carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-055A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 055A

To the extent that VoIP networks or VoIP service providers bypass the traditional methods for originating and terminating local calls, these providers could enjoy a competitive advantage versus traditional carriers who must pay regulated carrier access and reciprocal compensation charges. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-056A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 056A

In Oregon, Qwest has successfully petitioned the State for deregulation of its IntraLATA toll telecommunications services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-057A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 057A

On October 18, 2004, the FCC released an Order forbearing from applying certain ISP reciprocal compensation interim rules adopted in its April 27, 2001 ISP-Remand Order that imposed a volume cap on the number of minutes of use of ISP-bound traffic that is subject to compensation and that required carriers to exchange ISP-bound traffic on a bill-and-keep basis if those carriers were not exchanging traffic pursuant to interconnection agreements prior to adoption of the April 27, 2001 Order. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-058A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 058A

The effect of the FCC's October 18, 2004 Order may be to increase significantly Qwest's payments of reciprocal compensation. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-059A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 059A

Mr. Larry Brotherson, a Qwest employee testified in a prior arbitration hearing between Level 3 and Qwest in the State of Minnesota (*In the Matter of the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection Agreement with Qwest Corporation, Pursuant to 47 U.S.C. § 252(b)*), MPUC Docket No. P-5733, 421/IC-02-1372, Hearing Transcript at 24 - 25) that the law requires that it exchange ISP-bound traffic over local interconnection trunks, as follows below:

Q: Are you suggesting that locally dialed calls will go over the toll trunks under this agreement?

A: If the local number is in a different local calling area than the ISP but it is a call to a Level 3 customer under single POI LATA, Qwest would deliver that call over LIS facilities to Level 3.

Q: And local voice calls to a local number would go over LIS facilities as well, correct?

A: Correct.

Q: So it is fair to say that Qwest understands that the law requires that Qwest interconnect with Level 3 at the local level for the exchange of ISP-bound traffic in the same fashion as it would for local voice traffic?

A: Could you repeat the question?

Q: Qwest understands that the law requires it interconnect with Level 3 on the local level to handle ISP-bound traffic?

A: That would be a true statement.

If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-060A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 060A

Qwest does not require its own ISP customers to have a server in the same local calling area as the Qwest end user accessing the internet. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-061A

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 061A

In a prior arbitration hearing between Level 3 and Qwest in the State of Minnesota (*In the Matter of the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection Agreement with Qwest Corporation, Pursuant to 47 U.S.C. § 252(b)*), MPUC Docket No. P-5733, 421/IC-02-1372, Hearing Transcript at 68-69), that Qwest admitted that it does not require its own ISP customers to have a server in the same local calling area as the Qwest end user accessing the internet. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial. Respectfully submitted this 14th day of June, 2004

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

Oregon
ARB 665
L3CI 01-001I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 001I

For each person that Qwest intends to call as a witness in this proceeding, provide the following:

- a. That witness' name, address and business affiliations;
- b. Copies of all documents relied upon by the witness in preparation of their testimony;
- c. Copies of all documents prepared by the witness that reference, refer or relate to the issues in this proceeding;
- d. A statement describing the opinions held by the witness that are relevant to this proceeding; and
- e. If the person has previously appeared as a witness in any regulatory proceeding, under the 1996 Act, provide copies of all testimony that the person has submitted in each such proceeding.

RESPONSE:

- b. Qwest objects to this subpart on the basis that it is overly broad and it necessarily calls for speculation since Qwest has not yet prepared its testimony. Qwest further objects that it is duplicative of other, more narrowly drafted requests.
- c. Qwest objects to this subpart to the extent that it seeks documents that are subject to the work product or attorney/client privilege. Qwest further objects that it is overly broad and burdensome, and that it seeks information that is not relevant. Qwest finally objects that the subpart does not appear reasonably calculated to lead to the discovery of admissible evidence.
- d. Qwest objects to this subpart on the grounds that it calls for speculation since it is not known how the issues will be framed and what opinions held by Qwest's witnesses may be relevant.
- e. Qwest objects to this subpart on the basis that it is overly broad and burdensome. Qwest further objects that it seeks information that is not relevant, and that the subpart does not appear reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Qwest notes that to the extent its witnesses have previously filed testimony in other regulatory proceedings, that information is a matter of public record and may be obtained from the regulatory agencies in which such testimony was filed.

Oregon
ARB 665
L3CI 01-002I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 002I

Please provide the following data:

- a. By LATA, the number of Qwest local calling areas in each LATA in the state;
- b. The number and locations of Qwest's end offices in state;
- c. The number and locations of Qwest's tandem offices in state, as well as the tandem type (access, local, access/local);
- d. The number of access lines (loops) in the state, broken out by type such as analog, DSO, DS 1, etc., by business and residence.
- e. The number of local calls and local minutes of use per month and per year for business and residential end user customers in the state. If Qwest does not classify calls or minutes into a category denominated "local," please so state and identify the categories into which Qwest classifies its traffic. If Qwest does classify calls and/or minutes into a category denominated "local," please use that definition to respond to this question, and also explain how Qwest determines what traffic to classify as "local."

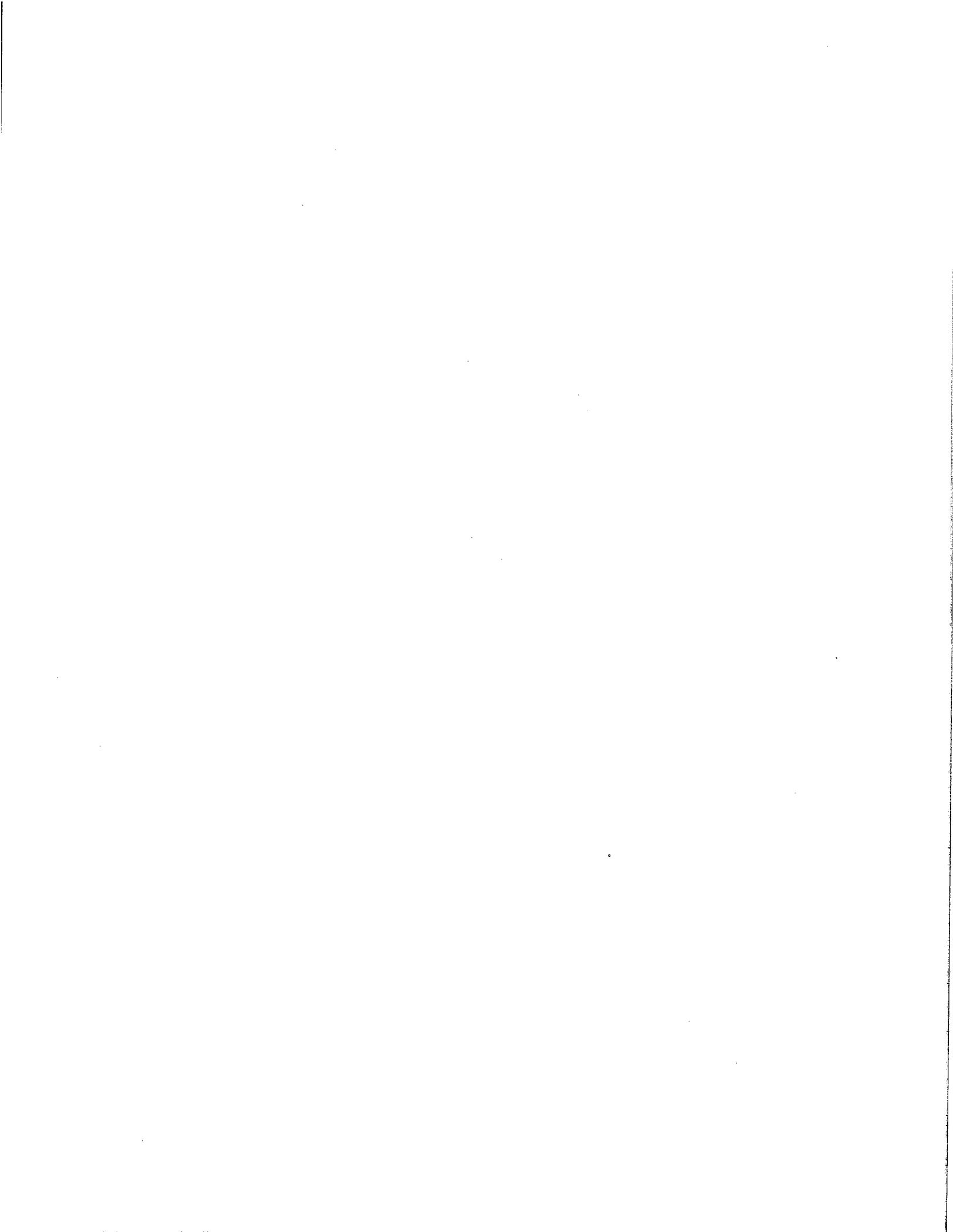
RESPONSE:

- a. Public information regarding individual Qwest exchange's local calling area can be found in Qwest's Exchange and Network Services Tariffs/Price Lists/Price Schedules/Catalogs. The information can be found electronically by clicking on Tariffs at www.Qwest.com. Extended Area Service varies by state.
- b. The number and locations of Qwest's end offices in state can be obtained by going to Qwest's ICONN Website at http://www.qwest.com/cgi-bin/iconn/iconn_tandem.pl?function=2 .
- c. These switches can be obtained by going to Qwest's ICONN Website at http://www.qwest.com/cgi-bin/iconn/iconn_tandem.pl?function=2 .
- d. Please reference attachment: OR_LEVEL3_AttachmentA
- e. Qwest objects to this subpart on the basis that it does not maintain the information requested and that to attempt to compile the requested information, if that were possible, would require Qwest to undertake special studies that would be overly burdensome and unreasonably expensive.

Notwithstanding its objections, Qwest provides the following response:

- e. Qwest does not collect this data for local calls.

Respondent: Ryan Gallagher, Qwest Manager



Oregon
ARB 665
L3CI 01-003I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 003I

Does Qwest offer Internet access services in the state? If so, how many end user customers and how many wholesale customers in the state does Qwest have?

- a. Please identify each telephone company end office in the state in which Qwest 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 Qwest maintains a physical presence as defined by Qwest in Section 4 - Definitions VNXX Traffic (Issue No. 3B) of the Parties' interconnection agreement.

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.

Oregon
ARB 665
L3CI 01-005I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 005I

Where traffic originates on the Internet and terminates to the PSTN, does Qwest contend that it should always receive more compensation than a CLEC who terminates a call from the PSTN to the Internet?

RESPONSE:

Qwest objects to this request on the grounds that it is vague and ambiguous.

Oregon
ARB 665
L3CI 01-006I

INTERVENOR: Level 3 Communications, Inc.

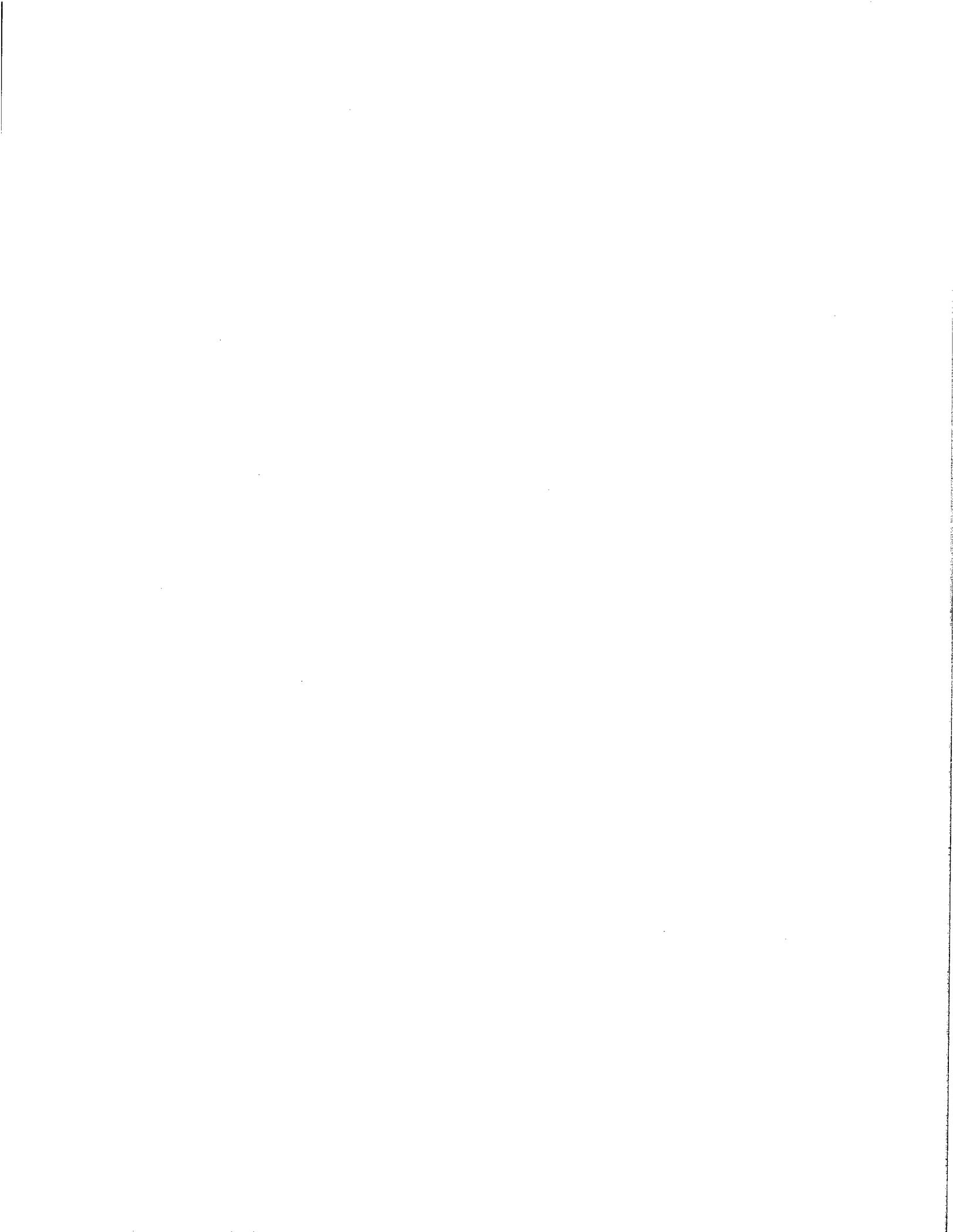
REQUEST NO: 006I

Does 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 the number of retail customers ("retail" in the sense that the customers uses the service for his/her personal communications needs) and how many wholesale customers ("wholesale" in the sense that an ESP or carrier purchases this service from Qwest and sells to other customers) Qwest has in the state;
- c. Please list each local calling area within the state in which Qwest maintains a physical presence as defined by Qwest in Section 4 - Definitions VNXX Traffic Issue (Issue No. 3 B) of the Parties' interconnection agreement;
- d. Please identify each telephone company end office in the state in which Qwest has collocated equipment such as media gateways, DSL equipment, routers, ATM switches, or any other related equipment necessary for providing VoIP service. Please identify the telephone company that owns/operates each such end office; and
- e. Does Qwest purchases any wholesale VoIP services from any other provider? If so, name the provider, the services purchased, and the states in which such service is purchased.

RESPONSE:

- a. Qwest is preparing a response to this subpart that will be served as soon as it is completed.
- b. Qwest objects to this subpart 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 is not reasonably calculated to lead to the discovery of admissible evidence.
- c. Qwest is preparing a response to this subpart that will be served as soon as it is completed.
- 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 Oregon 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 is not reasonably calculated to lead to the discovery of admissible evidence.



Oregon
ARB 665
L3CI 01-007I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 007I

Please describe any traffic exchange arrangements of any description applicable to enhanced or Internet Enabled services such as Voice over Internet Protocol ("VoIP") that Qwest has in the state with:

- a. Other ILECs;
- b. CLECs; or
- c. Any other parties.

RESPONSE:

Qwest objects to this request on the grounds that this arbitration is between Qwest Corporation, the incumbent LEC, and Level 3. The arrangements a Qwest affiliate may have with other LECs, particularly those in other states, are not relevant. Qwest further objects that the request does not appear reasonably calculated to lead to the discovery of admissible evidence. Qwest also objects that to the extent Qwest has interconnection agreements with other LECs, those public records are on file with the Oregon Public Utilities Commission and may be obtained readily by Level 3 from that source.

Oregon
ARB 665
L3CI 01-008I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 008I

Please provide the total number of VoIP traffic minutes the Qwest network originated, terminated or transported in this state:

- a. In 2003
- b. In 2004
- c. In 2005

RESPONSE:

Qwest objects to this request on the basis that it is overly broad and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.

Oregon
ARB 665
L3CI 01-009I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 009I

Of those VoIP traffic minutes provided in response to the question above, please provide the total number of VoIP traffic minutes that Qwest carried to or from their own customers in this State in 2002 and 2003.

RESPONSE:

Qwest objects to this request on the basis that the information concerning the volumes of use of Qwest's customers and those of Qwest's affiliates constitute trade or business secrets and are highly confidential and proprietary. Qwest further objects that the request does not appear reasonably calculated to lead to the discovery of admissible evidence.

Oregon
ARB 665
L3CI 01-010I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 010I

What are Qwest's plans for providing VoIP to its customers through Qwest itself, by means of any affiliate, or through a third party? Provide all documents related to Qwest's plans.

RESPONSE:

Qwest objects to this request on the basis that it seeks highly confidential and proprietary information concerning business plans of Qwest affiliates. Qwest also objects that the request calls for speculation and is not reasonably calculated to lead to the discovery of admissible evidence.

Oregon
ARB 665
L3CI 01-011I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 011I

What IP voice products does Qwest offer to customers in the state? Please describe and provide all related relevant documentation regarding how Qwest provides any VoIP, IP enabled, Voice embedded IP communications, or enhanced services to its end user or enhanced service provider customers such as using PRIs or some other architecture.

- a. Please describe the architecture by which Qwest provides these services within the state.
- b. Please describe the architecture by which Qwest provides these services within the state, but outside of Qwest's incumbent LEC operating territory.

RESPONSE:

- a. Qwest objects to this request to the extent that the information concerning products and services provided by Qwest to the public is readily available from public sources and, therefore, may be readily obtained by Level 3 without resort to the discovery process.
- b. Qwest objects to this subpart on the basis that the arrangements Qwest may have with other carriers in geographical areas outside the area in which it acts as the incumbent LEC are not relevant. Qwest further objects that the subpart does not appear to be reasonably calculated to lead to the discovery of admissible evidence.

Oregon
ARB 665
L3CI 01-012I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 012I

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.

Oregon
ARB 665
L3CI 01-013I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 013I

Please identify every state in which Qwest combines local (including intraMTA CMRS traffic) and toll traffic (including either interLATA or intraLATA toll traffic, interMTA CMRS traffic, or any combination thereof, 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, CMRS) switch;
- d. Local and toll traffic combined on a trunk group between a Qwest tandem and a third party (CLEC, ILEC, IXC, CMRS) switch; and/or
- e. Local and toll traffic combined on a trunk group between two Qwest tandems. If your response would be different using Qwest's own definitions of "local" and "toll" traffic, provide a brief explanation of how Qwest classifies traffic into those categories and how that would change your response.

RESPONSE:

Qwest objects to this request to the extent that it seeks information about states other than Oregon 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.

Oregon
ARB 665
L3CI 01-014I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 014I

Excluding those states in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), 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 Oregon 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.

Oregon
ARB 665
L3CI 01-016I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 016I

Including those states in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), 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 states other than Oregon 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.

Oregon
ARB 665
L3CI 01-017I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 017I

Of those states in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), 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 Oregon. 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.

Oregon
ARB 665
L3CI 01-018I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 018I

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.

Oregon
ARB 665
L3CI 01-019I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 019I

For each state in which Qwest operates as an ILEC (as defined in Section 251(h) of the Act), 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 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 Oregon. 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.

Oregon
ARB 665
L3CI 01-020I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 020I

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 versus 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 Oregon. 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.

Oregon
ARB 665
L3CI 01-021I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 021I

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 Oregon. 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.

Oregon
ARB 665
L3CI 01-022I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 022I

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.

Oregon
ARB 665
L3CI 01-025I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 025I

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.

Oregon
ARB 665
L3CI 01-026I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 026I

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 Oregon.

Oregon
ARB 665
L3CI 01-027I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 027I

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 services 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.

Oregon
ARB 665
L3CI 01-028I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 028I

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

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

Oregon
ARB 665
L3CI 01-029I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 029I

Please state whether Qwest 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 Oregon and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated to lead to the discovery of admissible evidence.

Oregon
ARB 665
L3CI 01-030I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 030I

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. Description of 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 Oregon and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated to lead to the discovery of admissible evidence.

Oregon
ARB 665
L3CI 01-031I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 031I

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 Oregon and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated to lead to the discovery of admissible evidence.

Oregon
ARB 665
L3CI 01-032I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 032I

Please state whether Qwest knows, or has reason to believe, that any independent LECs with whom Qwest has EAS arrangements provide FX or FX-like services 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 Oregon and is otherwise overly broad and unreasonably burdensome. Qwest further objects that the service offerings of independent LECs in Oregon are available from said LECs and are as readily available to Level 3 as to Qwest.

Oregon
ARB 665
L3CI 01-038I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 038I

Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or expects to use in delivering traffic from its end users to Level 3. Assume for purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA, and that Qwest is responsible for delivering its originated traffic to that POI.

RESPONSE:

Qwest objects to this request on the basis that the phrase "uses or expects to use" calls for Qwest to speculate about possible future conditions. Qwest further objects that this request is ambiguous such that Qwest cannot determine what specific information Level 3 is seeking. This request may also be overbroad and unduly burdensome depending on what detailed information Level 3 is seeking.

Oregon
ARB 665
L3CI 01-043I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 043I

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

RESPONSE:

Qwest objects to this request on the grounds that it is unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Oregon
ARB 665
L3CI 01-044I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 044I

With how many CLECs in Oregon does Qwest assign traffic to different jurisdictional/rating categories based on PIU/PLU or similar factors?

RESPONSE:

Qwest objects to this request on the grounds that it is unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Oregon
ARB 665
L3CI 01-045I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 045I

How many CLECs in Oregon connect to Qwest's network by means of:

- a. Qwest-supplied entrance facility running between Qwest's network and a CLEC switch;
- b. 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 grounds that it is unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Oregon
ARB 665
L3CI 01-046I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 046I

Produce all documents or other evidence, or identify all other intangible or non-producible sources of information which you used, referred to, consulted, or which otherwise relate to, refer to, or support any response provided by Qwest to any of these discovery requests, including any requests for admission served by Level 3 on Qwest.

RESPONSE:

Qwest objects to this request on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Oregon
ARB 665
L3CI 01-047I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 047I

Assuming ISP-bound traffic is rated as toll traffic as Qwest proposes, please itemize all applicable rates and charges and state the total rate per minute or use for terminating and originating access.

RESPONSE:

Qwest objects to this request on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Oregon
ARB 665
L3CI 01-001A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 001A-S1

The location of the POI between Qwest and Level 3 in Oregon does not determine whether Qwest has an obligation to pay reciprocal compensation to Level 3 for Level 3's transport of Qwest's traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Qwest objects to this data request (and any data request styled "requests for admission") in its entirety. OAR 860-014-0070, which Level 3 cites as the basis for the data request, defines data requests as follows: "Data requests are written interrogatories or requests for production of documents." OAR 860-014-0070(1). The term "data request" does not include requests for admission. Therefore, the request for admission is an unauthorized form of discovery under the rules of the Oregon Public Utility Commission and Qwest therefore objects to responding to said request for admission. Subject to and without waiving these objections, Qwest further objects to this request because requests for admission are requests for admission of facts, and the vast majority of the "requests for admission" do not seek admissions "of fact," but rather, call for legal conclusions, confirmation of Level 3's advocacy, speculation or opinions. In addition, some requests are overly broad and unduly burdensome, thus seeking Qwest to perform special studies in order to answer them. As such, Level 3's requests for admission are not within the letter or spirit of the Commission's discovery rules.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Admit. Under Qwest's proposed language, the physical location of the called and calling parties determine the nature of compensation.

Oregon
ARB 665
L3CI 01-001IS1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 001IS1

For each person that Qwest intends to call as a witness in this proceeding, provide the following:

- a. That witness' name, address and business affiliations;
- b. Copies of all documents relied upon by the witness in preparation of their testimony;
- c. Copies of all documents prepared by the witness that reference, refer or relate to the issues in this proceeding;
- d. A statement describing the opinions held by the witness that are relevant to this proceeding; and
- e. If the person has previously appeared as a witness in any regulatory proceeding, under the 1996 Act, provide copies of all testimony that the person has submitted in each such proceeding.

RESPONSE:

- b. Qwest objects to this subpart on the basis that it is overly broad and it necessarily calls for speculation since Qwest has not yet prepared its testimony. Qwest further objects that it is duplicative of other, more narrowly drafted requests.
- c. Qwest objects to this subpart to the extent that it seeks documents that are subject to the work product or attorney/client privilege. Qwest further objects that it is overly broad and burdensome, and that it seeks information that is not relevant. Qwest finally objects that the subpart does not appear reasonably calculated to lead to the discovery of admissible evidence.
- d. Qwest objects to this subpart on the grounds that it calls for speculation since it is not known how the issues will be framed and what opinions held by Qwest's witnesses may be relevant.
- e. Qwest objects to this subpart on the basis that it is overly broad and burdensome. Qwest further objects that it seeks information that is not relevant, and that the subpart does not appear reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, Qwest notes that to the extent its witnesses have previously filed testimony in other regulatory proceedings, that information is a matter of public record and may be obtained from the regulatory agencies in which such testimony was filed.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiver of the previously filed objections, Qwest responds to part a. as follows:

- a. Larry Brotherson, 1801 California St., Denver, CO 80202
William Easton, 1600 7th Avenue, Seattle, WA 98191

Phil Linse, 700 W. Mineral Avenue, Littleton, CO 80120

Oregon
ARB 665
L3CI 01-002A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 002A-S1

The location of the Level 3's switch in Oregon does not determine whether Qwest has an obligation to pay reciprocal compensation to Level 3 for Level 3's transport of Qwest's traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objection, Qwest provides the following response:

Admit. Under Qwest's proposed language, the physical location of the called and calling parties determine the nature of compensation.

Oregon
ARB 665
L3CI 01-003A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 003A-S1

Qwest currently has interconnection agreements with one or more CLECs in Oregon under which those CLECs are permitted to carry mixed intraLATA interexchange and interLATA interexchange traffic on the same trunk groups. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving its foregoing objection, Qwest provides the following response:

Admit. Qwest currently has interconnection agreements with one or more CLECs in Oregon under which those CLECs are permitted to carry mixed intraLATA interexchange, and interLATA interexchange traffic. That traffic, however, is transported on the same Feature Group D trunk groups, and not on Local Interconnection Service (LIS) trunks.

Oregon
ARB 665
L3CI 01-003IS1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 003IS1

Does Qwest offer Internet access services in the state? If so, how many end user customers and how many wholesale customers in the state does Qwest have?

- a. Please identify each telephone company end office in the state in which Qwest 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 Qwest maintains a physical presence as defined by Qwest in Section 4 - Definitions VNX Traffic (Issue No. 3B) of the Parties' interconnection agreement.

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.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving its objections, Qwest responds that two of its affiliates offer Internet access services in Oregon: Qwest Communications Corporation and Qwest Enterprise America, Inc.

Respondent: Mary LaFave

Oregon
ARB 665
L3CI 01-004A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 004A-S1

Qwest currently has interconnection agreements with one or more CLECs in Oregon under which Qwest provides transit traffic connection for those CLECs to other carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving its foregoing objection, Qwest provides the following response:

Admit. The use of the phrase "transit traffic" in interconnection agreements normally refers only to local transit traffic (i.e., where the called and calling parties are located within the same local calling area ("LCA")). Transiting toll or interexchange traffic is normally covered by interconnection agreements by provisions related to Jointly Provided Switched Access obligations.

Oregon
ARB 665
L3CI 01-005A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 005A-S1

Qwest currently has agreements with one or more other incumbent local exchange carriers in Oregon under which Qwest provides transit traffic connection for those incumbent local exchange carriers to other carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving its foregoing objection, Qwest provides the following response:

Admit. See response to Request No. 4A.

Oregon
ARB 665
L3CI 01-006A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 006A-S1

Customers of Qwest's own Oregon intrastate FX service do not pay toll charges on their FX interexchange calls, regardless of the distance of the call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving its foregoing objection, Qwest provides the following response:

Denied. The Oregon PUC eliminated FX service in Oregon in 1983 (except for grandfathered customers).

Oregon
ARB 665
L3CI 01-007A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 007A-S1

Qwest's position is that Voice over Internet Protocol traffic is subject to carrier access charges, regardless of the origination and termination points of the call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving its foregoing objection, Qwest provides the following response:

Denied. It is not Qwest's position that carrier access charges apply to all VoIP traffic. Local VoIP traffic (based on the physical location of the VoIP provider POP and the physical location of the called party) is not subject to carrier access charges under Qwest's proposed language.

Oregon
ARB 665
L3CI 01-008A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 008A-S1

Qwest's position is that Voice over Internet Protocol traffic is subject to carrier access charges only if the traffic originates in one LATA and terminates in another. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving its foregoing objection, Qwest provides the following response:

Denied. See response to Request No. 7A-S1. IntraLATA VoIP traffic is not necessarily local traffic. Indeed, a typical LATA usually has many different LCAs within it.

Oregon
ARB 665
L3CI 01-009A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 009A-S1

Qwest does not currently pay carrier access charges to other carriers for any of its own Voice over Internet Protocol services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving its foregoing objection, Qwest provides the following response:

Denied. Qwest Corporation, the party to this proceeding, does not provide Voice over Internet Protocol ("VoIP") service on either a retail or wholesale basis. Qwest's affiliate, Qwest Communications Corporation ("QCC"), offers both wholesale and retail VoIP services. QCC's retail business and consumer VoIP services utilize Primary Rate ISDN ("PRI") services to terminate traffic to the Public Switched Telephone Network (PSTN) in accordance with the ESP exemption. QCC currently terminates the traffic from its wholesale VoIP offering using Feature Group D access services.

Oregon
ARB 665
L3CI 01-009IS1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 009IS1

Of those VoIP traffic minutes provided in response to the question above, please provide the total number of VoIP traffic minutes that Qwest carried to or from their own customers in this State in 2002 and 2003.

RESPONSE:

Qwest objects to this request on the basis that the information concerning the volumes of use of Qwest's customers and those of Qwest's affiliates constitute trade or business secrets and are highly confidential and proprietary. Qwest further objects that the request does not appear reasonably calculated to lead to the discovery of admissible evidence.

SUPPLEMENTAL RESPONSE DATED 7/08/05:

Without waiving the foregoing objection, Qwest provides the following response:

QCC did not begin to offer its retail VoIP product offerings until 2004. In addition, QCC does not track its VoIP traffic by individual states.

Respondent: Mary LaFave

Oregon
ARB 665
L3CI 01-010A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 010A-S1

Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for Voice over Internet Protocol traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. Qwest has not attempted to review the voluminous set of tariffs on file at the FCC. However, even if Qwest's federal tariffs make no specific mention of VoIP traffic, that does not mean that various federal tariffs are not applicable to VoIP traffic, depending on the nature of the traffic, its origination and termination points, and other factors. To the extent that VoIP traffic meets the definitions of traffic subject to federal tariffs, then those tariffs would apply to the traffic. To the extent the ESP exemption applies to some access charges, then the exemption would apply. However, the ESP exemption does not purport to preclude the application of federal tariffs for traffic not subject to the exemption.

Oregon
ARB 665
L3CI 01-011A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 011A-S1

Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for Voice over Internet Protocol traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. Qwest has not attempted to review the voluminous set of state tariffs on file with the Oregon Commission. However, even if Qwest's state tariffs make no specific mention of VoIP traffic, that does not mean that various state tariffs are not applicable to VoIP traffic, depending on the nature of the traffic, its origination and termination points, and other factors.

Oregon
ARB 665
L3CI 01-011IS1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 011IS1

What IP voice products does Qwest offer to customers in the state? Please describe and provide all related relevant documentation regarding how Qwest provides any VoIP, IP enabled, Voice embedded IP communications, or enhanced services to its end user or enhanced service provider customers such as using PRIs or some other architecture.

- a. Please describe the architecture by which Qwest provides these services within the state.
- b. Please describe the architecture by which Qwest provides these services within the state, but outside of Qwest's incumbent LEC operating territory.

RESPONSE:

- a. Qwest objects to this request to the extent that the information concerning products and services provided by Qwest to the public is readily available from public sources and, therefore, may be readily obtained by Level 3 without resort to the discovery process.
- b. Qwest objects to this subpart on the basis that the arrangements Qwest may have with other carriers in geographical areas outside the area in which it acts as the incumbent LEC are not relevant. Qwest further objects that the subpart does not appear to be reasonably calculated to lead to the discovery of admissible evidence.

SUPPLEMENTAL RESPONSE DATED 7/08/05:

Without waiving the foregoing objections, Qwest states:

Qwest Corporation does not offer any VoIP products or services; QCC offers a variety of VoIP products to consumer and business customers. In addition, QCC also offers a wholesale VoIP termination product. A description of these product offerings can be found at www.qwest.com.

VoIP that originates in IP over a broadband connection, using unique CPE is an information service and QCC, as a VoIP offeror is an enhanced service provider (ESP). Under current federal law and regulations, ESPs are deemed end users and not telecommunications carriers.

- a. Purchasers of QCC's retail VoIP offering must purchase a broadband connection, e.g., cable modem, DSL or dedicated Internet Access (DIA), as well as CPE (such as an adapter or SIP customer premises equipment). When a customer originates a VoIP call, it goes over the broadband connection to the Internet/QCC's IP backbone where it is routed either to another VoIP end user or to an end user on the PSTN. In the latter case, the call is routed to the POP closest to the local calling area associated with the called party's number. At the POP, the call is converted from IP to TDM and routed over a primary rate ISDN circuit (PRI) purchased from a LEC for termination to the PSTN. If the called party is outside the local calling area in which the POP and PRI are located, then the call is handed to the IXC "picked" to the PRI

for call completion.

Traffic associated with QCC's wholesale VoIP termination product is terminated to the PSTN via Feature Group D trunks and access charges are paid on this traffic.

b. See description in "a." above.

Respondent: Mary LaFave

Oregon
ARB 665
L3CI 01-012A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 012A-S1

Please admit that Qwest's federal tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. See explanation associated with Qwest's response to Request No. 10A. The same response applies to information services as well.

Oregon
ARB 665
L3CI 01-013A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 013A-S1

Please admit that Qwest's state tariffs contain no terms applicable to intercarrier compensation for information services traffic. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. See explanation associated with Qwest's response to Request No. 11A-S1. The same response applies to information services as well.

Oregon
ARB 665
L3CI 01-014A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 014A-S1

Please admit that Qwest's network is capable of VOIP transport and other combinations of voice and data in an IP-addressed packet format. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. While it is true that portions of Qwest's network are capable of transporting voice and data in an IP-addressed packet format, not every portion is capable of doing so. For example, information in IP-addressed packet format cannot be processed by a circuit switch and must be converted into TDM format.

Oregon
ARB 665
L3CI 01-015A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 015A-S1

Please admit that VoIP offerings are likely to grow as the technology matures and the regulatory situation is clarified, and such growth in VoIP could contribute to further declines in our sales of traditional local exchange access lines or local exchange services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. Given the speculative nature of this question it is impossible to admit it. Many variables, known and unknown (including regulatory rulings), could impact VoIP both positively and negatively in the marketplace.

Oregon
ARB 665
L3CI 01-016A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 016A-S1

Please admit that Qwest offers hosted service, in which VoIP equipment is kept at the provider's data center and customers lease it such that the only equipment customers need on-site is a VoIP-enabled phone and a broadband connection. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest admits this request as to QCC but denies it as to Qwest Corporation.

Oregon
ARB 665
L3CI 01-017A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 017A-S1

Please admit that Qwest currently offers Qwest® OneFlex™ Voice over Internet Protocol services within Oregon which provides customers:

[T]he option of choosing up to five additional phone numbers (virtual numbers) that will ring to your phone. Calls placed to a virtual phone number will ring the same phone as calls placed to your primary phone number. A virtual phone number can be beneficial if you have colleagues, friends or family living outside your local calling area. You could request a virtual number within their area and the people who live in that local calling area can call you for a price of a local phone call.

If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest admits this request as to QCC but denies it as to Qwest Corporation.

Oregon
ARB 665
L3CI 01-018A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 018A-S1

Qwest currently offers Qwest® OneFlex™ Voice over Internet Protocol services within Oregon that provide "Virtual Numbers" which Qwest describes as follows:

Virtual Numbers are alias phone numbers that can be associated with your OneFlex™ phone number. Your friends and family can dial your Virtual phone number and avoid incurring long-distance charges. For example, if you live in Denver and your primary # is 303.xxx.xxxx and your family lives in Omaha, your family has to call long-distance. With OneFlex, you can get a virtual phone number assigned to your account with an Omaha area code, so your family doesn't have to pay long-distance charges.

You can have up to 5 Virtual Phone Numbers attached to one primary OneFlex phone number.

If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest admits this request as to QCC but denies it as to Qwest Corporation.

Oregon
ARB 665
L3CI 01-018IS1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 018IS1

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.

SUPPLEMENTAL RESPONSE DATED 7/08/05:

Without waiving the foregoing objections, 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

Oregon
ARB 665
L3CI 01-019A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 019A-S1

Qwest charges approximately \$30 per month for its Internet phone service, plus 5 cents per minute for long-distance calls with a \$2.99 monthly fee. Please admit that the offering includes a full range of features, such as caller ID and voice mail. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied as to Qwest Corporation. Admitted with regard to QCC. The offering described in the request is one of the consumer offerings of QCC.

Oregon
ARB 665
L3CI 01-020A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 020A-S1

Qwest® OneFlex™ Voice over Internet Protocol offering is less expensive than its Choice Home Plus package, which includes unlimited local calling and a full range of features, which costs approximately \$35 per month, with about \$10 in taxes and fees, with one long-distance option at 5 cents per minute plus a \$4.99 monthly fee. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08 /05:

Qwest can neither admit nor deny this request. It is not clear what "Qwest VoIP offering" is being referred to in this request, thus making it impossible to make the requested comparison.

Oregon
ARB 665
L3CI 01-021A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 021A-S1

Federal law currently does not permit the imposition of carrier access charges on information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. The FCC's ESP exemption provides the ESP can purchase its connection to the local exchange as an end user. To the extent an information service is being provided, the ESP exemption may apply with regard to some access charges. However, this does not mean that all calls to and from an information service provider fall under the ESP exemption.

Oregon
ARB 665
L3CI 01-022A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 022A-S1

Qwest has eliminated access charges on VoIP calls that terminate on its network. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. See response to Request No. 21A-S1.

Oregon
ARB 665
L3CI 01-023A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 023A-S1

Qwest is offering a type of local service to VoIP providers so they can serve customers with a product that is free from access charges. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. The request is ambiguous because it is unclear who the term "they" applies to in the request. Nevertheless, truly local service, by its nature, is free from access charges.

Oregon
ARB 665
L3CI 01-023I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 023I

Does Qwest contend that the costs it incurs in originating a call to a Level 3 customer differ in any respect whatsoever based upon the physical location of the Level 3 customer? If Qwest responds to the above question with anything other than an unequivocal "no," please provide a detailed explanation of how the location of Level 3's customer on Level 3's side of the POI could affect Qwest's costs. Include in that explanation all cost studies and any other documentation in your possession that you believe provide support for your position.

RESPONSE:

No. The costs Qwest incurs do not vary based upon the physical location of the Level 3 customer. Qwest's overall costs incurred to complete a call, however, vary depending on the originating voice caller's location and the location of the Level 3 POI.

Respondent: Larry Brotherson

Oregon
ARB 665
L3CI 01-024A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 024A-S1

Qwest provides VoIP providers the ability to purchase local services through primary rate interface ISDN circuits (ISDN-PRI) which give the VoIP providers direct access to the public switched telephone network. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Admitted subject to the following explanation. The FCC's ESP exemption provides that ESPs are treated as end users, may purchase a connection to the local exchange out of the local exchange tariffs, and are not required to connect through a Feature Group connection. Under this ruling, most local exchange products are available for purchase by VoIP providers providing true Enhanced Service. However, if the service provided by the ESP is not a true enhanced service, the ESP exemption does not apply. Further, even assuming the traffic qualifies for the ESP exemption for access to the local exchange, the exemption does not apply for interexchange traffic.

Oregon
ARB 665
L3CI 01-024I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 024I

Does Qwest offer any kind of foreign exchange ("FX") service in this state? If so, please provide a service description (including, but not limited to, tariff pages) for each such service.

RESPONSE:

No. The Commission discontinued FX service in Oregon with certain existing customers grandfathered in 1983. (See Order No. 83-839).

Respondent: Larry Brotherson

Oregon
ARB 665
L3CI 01-025A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 025A-S1

Please admit 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 your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

The Oregon PUC eliminated FX service in Oregon in 1983 (except for grandfathered customers).

Oregon
ARB 665
L3CI 01-026A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 026A-S1

Interconnection contract language should be as consistent as possible with applicable federal law and regulations. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this statement because it is so broad as to be meaningless; without an understanding of the specific context in which the statement may be applied, it is impossible for Qwest to respond with a simple admission or denial. There are, for example, situations in which parties agree to terms and conditions that vary from the requirements of federal law and regulations. Further, given that the parties are entering a contract to define a future business relationship, it is often necessary to provide language that goes beyond the language of the statute and rules.

Oregon
ARB 665
L3CI 01-027A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 027A-S1

Wireline local exchange services offered in Qwest's 14-state area are provided through legal entities which operate within authorized regions subject to regulation by each state in which they operate and by the Federal Communications Commission. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit or deny this request.

For example, to the extent that the request implies that Qwest uses multiple subsidiaries to provide traditional wireline services within its 14-state ILEC region, Qwest denies the request. For the most part, traditional wireline services are provided by one entity, Qwest Corporation, within the 14-state region.

The level and manner of regulation in the 14-state area varies from state to state and from service to service. For example, in some states, the concept of "authorized regions" no longer exists. On the other hand, to the extent the subject matter of a docket within a given state falls into areas delegated to state commissions by the 1996 Act (as in the case of the current arbitration docket), state commissions play a regulatory role in each of the 14 states.

Oregon
ARB 665
L3CI 01-028A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 028A-S1

The Qwest regulated subsidiary which provides wireline local exchange services in the State of Colorado is a different subsidiary of Qwest than the Qwest subsidiary which provides wireline local exchange services in the State of Oregon. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objection, Qwest provides the following response:

Denied.

Qwest Corporation is the same entity that provides wireline local exchanges services in both Colorado and Oregon.

Oregon
ARB 665
L3CI 01-028IS1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 028IS1

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

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

SUPPLEMENTAL RESPONSE DATED 7/08/05:

Without waiving the foregoing objections, Qwest states:

The Commission discontinued FX service in Oregon with certain existing customers grandfathered in 1983. (See Order No. 83-839).

Respondent: Larry Brotherson

Oregon
ARB 665
L3CI 01-029A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 029A-S1

Qwest has transported VoIP traffic over its network in the State of Oregon. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objection, Qwest provides the following response:

Admitted.

Given the fact that VoIP is provided by a variety of providers (including Qwest's affiliate), Qwest Corporation has certainly transported traffic that meets the proper definition of VoIP (though, given the fact that the traffic may have been handed off to Qwest by a VoIP provider's carrier in TDM, Qwest would be unlikely to know that the traffic was a VoIP call since all TDM traffic appears the same to Qwest's network).

Oregon
ARB 665
L3CI 01-029IS1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 029IS1

Please state whether Qwest 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 Oregon and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated to lead to the discovery of admissible evidence.

SUPPLEMENTAL RESPONSE DATED 7/08/05:

Without waiving the foregoing objections, Qwest states:

The Commission discontinued FX service in Oregon with certain existing customers grandfathered in 1983. (See Order No. 83-839).

Respondent: Larry Brotherson

Oregon
ARB 665
L3CI 01-030A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 030A-S1

Qwest has carried VoIP traffic to or from their own customers in the State of Oregon. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objection, Qwest provides the following response:

Qwest Corporation does not provide VoIP services. Therefore, as to Qwest Corporation, the request is denied. To the extent that QCC has VoIP customers in Oregon, the request is admitted.

Oregon
ARB 665
L3CI 01-030IS1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 030IS1

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. Description of 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 Oregon and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated to lead to the discovery of admissible evidence.

SUPPLEMENTAL RESPONSE DATED 7/08/05:

Without waiving the foregoing objections, Qwest states:

The Commission discontinued FX service in Oregon with certain existing customers grandfathered in 1983. (See Order No. 83-839).

Respondent: Larry Brotherson

Oregon
ARB 665
L3CI 01-031A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 031A-S1

While the deployment of VoIP will result in increased competition for Qwest's core wireline voice services, it also presents growth opportunities for Qwest to develop new products for its customers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny the request. There are simply too many variables and unknowns in the future to predict that the result described in the request is probable. The request describes one potential outcome.

Oregon
ARB 665
L3CI 01-031IS1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 031IS1

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 Oregon and is otherwise overly broad, unreasonably burdensome, and does not appear reasonably calculated to lead to the discovery of admissible evidence.

SUPPLEMENTAL RESPONSE DATED 7/08/05:

Without waiving the foregoing objections, Qwest states:

The Commission discontinued FX service in Oregon with certain existing customers grandfathered in 1983. (See Order No. 83-839).

Respondent: Larry Brotherson

Oregon
ARB 665
L3CI 01-032A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 032A-S1

Qwest favors federal and state legislative and regulatory policies which support the development of facilities-based competition. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit or deny this statement because it is so broad as to be meaningless; without an understanding of the specific context in which the statement may be applied, it is impossible for Qwest to respond with a simple admission or denial.

That said, Qwest has gone on record in a variety of contexts agreeing with the FCC's conclusion that facilities-based competition is preferable to other forms of competition. However, any legislative or regulatory proposal that supports the development of facilities-based competition would need to be analyzed by Qwest in the context of the overall proposal (including all individual elements of such a proposal). For example, if a regulatory or legislative body proposed facilities-based competition based on confiscation of Qwest's capital investment, Qwest would oppose such a proposal. Likewise, to the extent state or local governments propose to build infrastructure with tax dollars to compete with infrastructure of private companies, Qwest, as a matter of principle, opposes such initiatives.

Oregon
ARB 665
L3CI 01-032IS1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 032IS1

Please state whether Qwest knows, or has reason to believe, that any independent LECs with whom Qwest has EAS arrangements provide FX or FX-like services 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 Oregon and is otherwise overly broad and unreasonably burdensome. Qwest further objects that the service offerings of independent LECs in Oregon are available from said LECs and are as readily available to Level 3 as to Qwest.

SUPPLEMENTAL RESPONSE DATED 7/08/05:

Without waiving the foregoing objections, Qwest states:

Without waiving this objection, Qwest states:

Qwest is not aware if any Independents in Oregon 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 Oregon Public Utility Commission.

Respondent: Larry Brotherson

Oregon
ARB 665
L3CI 01-033A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 033A-S1

The FCC's rule defining the "telecommunications" subject to reciprocal compensation is stated at 47 CFR § 51.701(b). If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied.

The question implies that 47 C.F.R. § 51.701(b) defines "telecommunications," when in fact it provides a definition for "telecommunications traffic." The term "telecommunications" is defined in section 153(43) of the Act while "telecommunications service" is defined in section 153(46). These statutes, along with other statutory provisions, FCC rules, FCC orders, and court decisions are all relevant to the definition of "telecommunications" for reciprocal compensation purposes.

Oregon
ARB 665
L3CI 01-033I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 033I

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

RESPONSE:

The Commission discontinued FX service in Oregon with certain existing customers grandfathered in 1983. (See Order No. 83-839).

Respondent: Larry Brotherson

Oregon
ARB 665
L3CI 01-034A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 034A-S1

FCC Rule 47 CFR § 51.701(b) makes no reference of any kind or in any way to a category of traffic known as "local." If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied.

The question implies that 47 C.F.R. § 51.701(b) makes no reference to the difference between local and non-local traffic. In fact, section 51.701(b)(1) excludes three types of traffic from "telecommunications traffic." However, "telephone exchange service" (see section 153(47)) is not one of those categories. The definition in the Act of "local exchange carrier" includes the provision of "telephone exchange service." (See section 153(26). Thus, that subsection retains the distinction between local and non-local traffic. Section 51.701(b)(2) retains the distinction between intra-MTA and inter-MTA traffic for reciprocal compensation purposes. Thus, while the term "local" is not used, intra-MTA calling is the wireless version of "local" service.

Oregon
ARB 665
L3CI 01-034I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 034I

Please provide Qwest's definition of "interexchange" service when assessing charges to local exchange customers for such a call and provide the source for such definition.

RESPONSE:

Generally, inter-exchange means between two exchanges. The boundaries of the exchanges are established by the Oregon Commission and calls from one Commission defined exchange to another Commission defined exchange are inter-exchange as per ORS 759.005 (2)(h).

Respondent: Larry Brotherson

Oregon
ARB 665
L3CI 01-035A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 035A-S1

The Communications Act of 1934, as amended, contains no definition of "local" telecommunications, "local" calling, or "local" exchange areas. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied.

Qwest has not performed a word search of the entire Telecommunications Act of 1934; Level 3 is as capable of doing so as Qwest is. Nonetheless, to the extent the import of the request is to suggest that the concepts of "'local' telecommunications, 'local' traffic, or 'local; exchange areas'" are alien to federal telecommunications law, Qwest denies the same, as expressed in Qwest's responses to Requests 78 and 79. The concepts of "local traffic" and "local exchange" service or areas are well established in federal and state law.

Oregon
ARB 665
L3CI 01-035I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 035I

Is it Qwest's position that access charges should apply to all interexchange services? If not, please explain.

RESPONSE:

Access charges apply to interexchange services when the exchanges are not located within the same local calling area as defined by the Commission. Access charges do not apply between multiple exchanges when the exchanges are located within the same local calling area as defined by the Commission.

Respondent: Larry Brotherson

Oregon
ARB 665
L3CI 01-036A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 036A-S1

Qwest's end office and tandem switches do not store any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving its previous objection, Qwest provides the following response:

Qwest can neither admit nor deny this request.

The telephone numbers that Qwest uses for call routing purposes are assigned to its end users based on NPA-NXXs associated with specific LCAs in the state. Thus, Qwest's end office and tandem switches process calls based on information that in most, but not all, cases identifies the general geographic area within which the end users are located. Thus, while switches do not route calls based on specific addresses stored within the switches, the routing and connecting function of switches are based on information concerning a customer's address and location located in other company databases. Furthermore, installation facts, repair facts, billing information and other related information related to specific customers are contained in company databases that are based on customer address and location information.

Oregon
ARB 665
L3CI 01-036I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 036I

Please provide Qwest's definition of a "local" call when assessing charges (such as message unit or similar charges) to local exchange customers for such a call, and provide the source for this definition.

RESPONSE:

A local call is a call which physically originates and terminates within the same local calling area as defined by the Oregon Commission. It is the geographical area within which calls are permitted as part of the local exchange plus EAS increment rate paid by the subscriber.

Respondent: Larry Brotherson

Oregon
ARB 665
L3CI 01-037A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 037A-S1

Qwest's State tariff does not contain any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Admitted, as explained hereafter.

It is true that Qwest's tariffs in Oregon do not record the address of specific end user premises nor has Qwest ever suggested they do. On the other hand, each local exchange carrier in Oregon must have on file with the Commission, or concur in, individual exchange maps drawn to Commission rule specifications that contain sufficient detail such that customer locations can be determined as to which exchange is the serving exchange for customers. The tariffs then identify all of the exchanges within a LCA. Those LCAs represent areas within which the Commission has determined there is a strong enough community of interest to designate the calling within the LCA as local and to require Qwest to provide local exchange service on a flat-rated basis. Thus, Qwest's state tariffs and maps, as approved by the Commission, do define geographic areas relevant to Qwest end users in Oregon.

Oregon
ARB 665
L3CI 01-037I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 037I

Please provide Qwest's definition of a "toll" call when assessing charges to local exchange customers for such a call, and provide the source for this definition.

RESPONSE:

A toll call is a call which goes outside the Commission defined geographical boundary of the local calling area for which a subscriber is entitled to place local calls.

Respondent: Larry Brotherson

Oregon
ARB 665
L3CI 01-038A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 038A-S1

Qwest's federal tariff does not contain any information indicating the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Admitted, See response to Request No. 37A.

It is true that Qwest's federal tariffs do not record the address of specific end user premises nor has Qwest ever suggested they do. However, although LCAs are approved by state commissions, the application of many federal tariffs depend directly on the physical location of the called and calling parties. Thus, geographic LCAs defined by the PUC are directly relevant to the application of some federal tariffs.

Oregon
ARB 665
L3CI 01-038IS1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 038IS1

Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or expects to use in delivering traffic from its end users to Level 3. Assume for purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA, and that Qwest is responsible for delivering its originated traffic to that POI.

RESPONSE:

Qwest objects to this request on the basis that the phrase "uses or expects to use" calls for Qwest to speculate about possible future conditions. Qwest further objects that this request is ambiguous such that Qwest cannot determine what specific information Level 3 is seeking. This request may also be overbroad and unduly burdensome depending on what detailed information Level 3 is seeking.

SUPPLEMENTAL RESPONSE DATED 7/08/05:

Without waiving the foregoing objections, Qwest states:

Qwest currently may utilize circuit switch facilities, fiber optic transport, and multiplexing equipment, as well as copper facilities in the exchange of traffic with Level 3 for the delivery of Qwest end-user traffic to Level 3.

Respondent: Daniel Collins, Staff Advocate

Oregon
ARB 665
L3CI 01-039A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 039A-S1

Qwest's end office and tandem switches route traffic to other switches and/or to end users on the basis of the dialed telephone number, without any reference to information regarding the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied.

The telephone numbers that Qwest uses for call routing purposes are assigned to its end users based on NPA-NXXs associated with specific LCAs in the state. Thus, Qwest's end office and tandem switches route traffic that in most, but not all, cases identifies the geographic location by local calling area within which the end user is located.

Oregon
ARB 665
L3CI 01-040A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 040A-S1

Qwest's end office switches determine whether to route a dialed call to an IXC on the basis of the telephone number dialed, and not on the basis of any information regarding the address or location of any end user's premises. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objection, Qwest provides the following response:

Denied.

See Qwest's Response to Request No. 39A-S1. As noted in the response to Request No. 39A-S1, the telephone number dialed in most, but not all cases, provides information related to the geographic location of the end user being called and of the calling party.

Oregon
ARB 665
L3CI 01-040I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 040I

Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or expects to use in delivering traffic from Level 3 to Qwest's end users. Assume for purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA and that Level 3 is responsible for delivering its originated traffic to that POI.

RESPONSE:

Qwest currently may utilize circuit switch facilities, fiber optic transport, and multiplexing equipment, as well as copper facilities in the exchange of traffic with Level 3 for the delivery of Level 3 toll traffic and Level 3 local traffic to Qwest.

Respondent: Daniel Collins, Staff Advocate

Oregon
ARB 665
L3CI 01-042A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 042A-S1

Qwest's billing systems never sample any data regarding the address or location of any end user's premises for purposes of billing. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving its previous objection, Qwest provides the following response:

Denied for the same reasons as set forth in Qwest's responses to Request Nos. 36A-S1 and 40A-S1.

Oregon
ARB 665
L3CI 01-042I

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 042I

With how many CLECs in Oregon does Qwest exchange traffic (that is, CLECs with their own switches, as opposed to resellers)?

RESPONSE:

As of May 31, 2005, 27 CLECs with LIS trunks in service for Oregon.

Respondent: Cindy Hentschel

Oregon
ARB 665
L3CI 01-043A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 043A-S1

All calls to ISPs for purposes of Internet access are subject to the exclusive jurisdiction of the FCC. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied.

State commissions have the jurisdiction under the Act to resolve open issues in arbitrations like this case, including issues related to ISPs and ISP-bound traffic, through the approval of language in interconnection agreements.

Oregon
ARB 665
L3CI 01-044A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 044A-S1

A call is "exchange access" if offered "for the purpose of the origination or termination of telephone toll services." 47 U.S.C. § 153(16). If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. "Exchange access" refers to one category of service that might be involved in connection with a portion of an individual call. It is not a classification of calls.

Oregon
ARB 665
L3CI 01-045A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 045A-S1

Information Service Providers provide information service rather than telecommunications. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. The request suggests that telecommunications and information service are mutually exclusive categories. In fact, however, section 153(20) of the Act defines "information service" as the means of offering a variety of functionalities, including "making available information via telecommunications." This portion of the definition thus makes it clear that the categories are not mutually exclusive as the request suggests.

Oregon
ARB 665
L3CI 01-046A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 046A-S1

Information service providers connect to the local network for the purpose of providing information services, not originating or terminating telephone toll services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. See Qwest's response to Request No. 45A-S1. Likewise, in this case, it is impossible to admit this request given the fact that a given ISP may purchase a connection to the "local network" for the purpose of providing both information services and for originating or terminating toll services. It is not an either/or proposition.

Oregon
ARB 665
L3CI 01-047A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 047A-S1

Qwest's State tariff contains no terms permitting the imposition of switched access charges upon information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving its previous objection, Qwest provides the following response:

Denied. See Qwest response to Request No. 11A-S1. As in the case of VoIP services, Qwest has not attempted to review the voluminous set of state tariffs on file with the PUC. However, even if Qwest's state tariffs make no specific mention of information services, that does not mean that various state tariffs are not applicable to it, depending on the nature of the traffic, its origination and termination points, and other factors.

Oregon
ARB 665
L3CI 01-048A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 048A-S1

Qwest's federal tariff contains no terms permitting the imposition of switched access charges upon information services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. See Qwest response to Request Nos. 10A-S1 and 12A-S1. Indeed, this request is virtually identical to Request No. 12A-S1, with the exception that this request uses the term "switched access charges" while Request No. 12A-S1 uses the broader terms "intercarrier compensation." As in the case of VoIP services, Qwest has not attempted to review the voluminous set of federal tariffs on file at with the FCC. However, even if Qwest's federal tariffs make no specific mention of information services, that does not mean that various federal tariffs are not applicable to it, depending on the nature of the traffic, its origination and termination points, and other factors. To the extent that information services traffic meets the definitions of traffic subject to federal tariffs, then those tariffs would apply to the traffic. In some instances, the ESP exemption would apply, but the ESP exemption does not purport to preclude the application of federal tariffs for traffic not subject to the exemption.

Oregon
ARB 665
L3CI 01-049A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 049A-S1

In Oregon, Qwest compensated Level 3 for ISP-bound traffic regardless of whether the NPA-NXX codes associated with the originating and terminating telephone numbers appeared to be "local" or "toll" according to Qwest's tariffs. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. Qwest has not knowingly compensated Level 3 for ISP traffic that does not originate and terminate in the same LCA. Because of Level 3's ability to obtain local telephone numbers associated with certain LCAs that are assigned to ISPs with no physical presence in that LCA, Qwest may have compensated Level 3 for ISP-bound traffic that, under existing interconnection agreements, did not properly qualify for compensation. Whether Qwest did so or not does make the practice legal under those interconnection agreements and certainly is no justification to authorize the practice in interconnection agreement that is the subject of this docket. The issue for the PUC in this case relates to the practice that will be followed in the future under the new agreement.

Oregon
ARB 665
L3CI 01-050A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 050A-S1

If, as Qwest proposes, ISP-bound traffic is rated as toll traffic, Level 3 would be required to pay Qwest originating access charges at the rate set forth in Qwest's Oregon tariffs, and Qwest would not be required to pay Level 3 the FCC's ISP Remand Order rate of \$.0007 per MOU for terminating a call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Qwest objects to this request on the grounds that it is ambiguous and is a compound question and as such is an inappropriate request to admit.

Oregon
ARB 665
L3CI 01-051A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 051A-S1

The FCC's Rules (47 C.F.R.) contain no definition of the term "interexchange carrier". If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this request. Qwest has not reviewed the entirety of 47 CFR and Level 3 is as capable of doing so as Qwest. Whether or not the term is defined in 47 CFR, the term is commonly referred to in FCC orders, interconnection agreements and court decisions.

Oregon
ARB 665
L3CI 01-052A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 052A-S1

Qwest offers a dial up internet services to ISPs on a wholesale basis that provides a dial-up network infrastructure (network-based modems, V.90, V.92, and ISDN protocol support) with dial coverage from more than 2,700 points of presence, covering more than 85 percent of the U.S. population with a local call. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest admits this request as to QCC but denies it as to Qwest Corporation.

Oregon
ARB 665
L3CI 01-053A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 053A-S1

Qwest physically collocates equipment at its or another carriers' switch or other location permitting collocation within the local calling area associated with each of the NPA-NXX codes that Qwest uses to provide its dial up internet services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this request because it is unclear what "this service" refers to.

Oregon
ARB 665
L3CI 01-054A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 054A-S1

Revenue for Qwest's local voice services may be affected adversely should providers of VoIP services attract a sizable base of customers who use VoIP to bypass traditional local exchange carriers. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this request because there are far too many variables to predict that the statement represents a likely or probable result. It is one of many possible outcomes.

Oregon
ARB 665
L3CI 01-055A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 055A-S1

To the extent that VoIP networks or VoIP service providers bypass the traditional methods for originating and terminating local calls, these providers could enjoy a competitive advantage versus traditional carriers who must pay regulated carrier access and reciprocal compensation charges. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this request because there are far too many variables to predict that the statement represents a likely or probable result. It is one of many possible outcomes.

Oregon
ARB 665
L3CI 01-056A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 056A-S1

In Oregon, Qwest has successfully petitioned the State for deregulation of its IntraLATA toll telecommunications services. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Admitted, subject to certain conditions as set forth in OPUC Order No. 03-609 in docket UX 28, which speaks for itself.

Oregon
ARB 665
L3CI 01-057A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 057A-S1

On October 18, 2004, the FCC released an Order forbearing from applying certain ISP reciprocal compensation interim rules adopted in its April 27, 2001 ISP-Remand Order that imposed a volume cap on the number of minutes of use of ISP-bound traffic that is subject to compensation and that required carriers to exchange ISP-bound traffic on a bill-and-keep basis if those carriers were not exchanging traffic pursuant to interconnection agreements prior to adoption of the April 27, 2001 Order. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Qwest will neither admit nor deny this request. The order referred to is the Core Forbearance Order and it speaks for itself.

Oregon
ARB 665
L3CI 01-058A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 058A-S1

The effect of the FCC's October 18, 2004 Order may be to increase significantly Qwest's payments of reciprocal compensation. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Qwest can neither admit nor deny this request because there are far too many variables to predict that the statement represents the probable result. The statement in the request certainly represents a possible outcome given the FCC's decision Core Forbearance Order.

Oregon
ARB 665
L3CI 01-059A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 059A-S1

Mr. Larry Brotherson, a Qwest employee testified in a prior arbitration hearing between Level 3 and Qwest in the State of Minnesota (*In the Matter of the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection Agreement with Qwest Corporation, Pursuant to 47 U.S.C. § 252(b)*), MPUC Docket No. P-5733, 421/IC-02-1372, Hearing Transcript at 24 - 25) that the law requires that it exchange ISP-bound traffic over local interconnection trunks, as follows below:

Q: Are you suggesting that locally dialed calls will go over the toll trunks under this agreement?

A: If the local number is in a different local calling area than the ISP but it is a call to a Level 3 customer under single POI LATA, Qwest would deliver that call over LIS facilities to Level 3.

Q: And local voice calls to a local number would go over LIS facilities as well, correct?

A: Correct.

Q: So it is fair to say that Qwest understands that the law requires that Qwest interconnect with Level 3 at the local level for the exchange of ISP-bound traffic in the same fashion as it would for local voice traffic?

A: Could you repeat the question?

Q: Qwest understands that the law requires it interconnect with Level 3 on the local level to handle ISP-bound traffic?

A: That would be a true statement.

If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

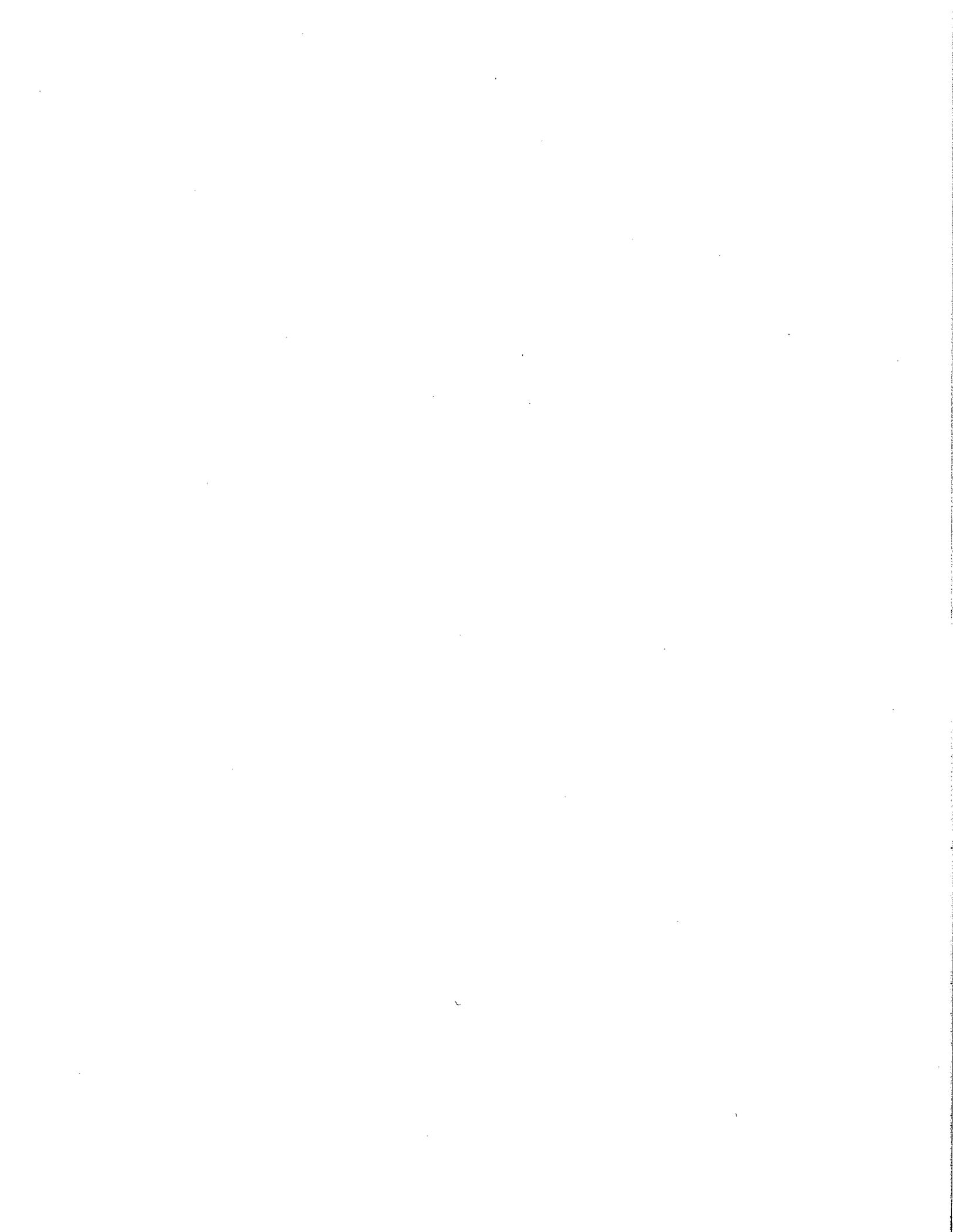
RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Denied. The statement in the transcript speaks for itself and must be read in conjunction with the preceding and following questions and answers. However, the foregoing quotation does not stand for the legal conclusion asserted in the request and is taken out of context.



Oregon
ARB 665
L3CI 01-060A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 060A-S1

Qwest does not require its own ISP customers to have a server in the same local calling area as the Qwest end user accessing the internet. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial.

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Admitted. Subject to the following explanation, Qwest does not require Level 3 to mandate that its ISP customers have a server in the same LCA either. However, if the ISP does not maintain equipment (i.e., modems) in the LCA of the calling party, the calling party would be required to pay toll charges or the ISP would need to purchase service from Qwest or some other carrier to transport the traffic from the LCA to the ISP modems.

Oregon
ARB 665
L3CI 01-061A-S1

INTERVENOR: Level 3 Communications, Inc.

REQUEST NO: 061A-S1

In a prior arbitration hearing between Level 3 and Qwest in the State of Minnesota (*In the Matter of the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection Agreement with Qwest Corporation, Pursuant to 47 U.S.C. § 252(b)*), MPUC Docket No. P-5733, 421/IC-02-1372, Hearing Transcript at 68-69), that Qwest admitted that it does not require its own ISP customers to have a server in the same local calling area as the Qwest end user accessing the internet. If your answer is anything other than an unqualified admission, please describe in detail your qualification or denial, and provide any information or evidence which supports your qualification or denial. Respectfully submitted this 14th day of June, 2004

RESPONSE:

Please see Qwest's response to Data Request/Request for Admission No. 1, which Qwest incorporates fully herein.

SUPPLEMENTAL RESPONSE DATED 07/08/05:

Without waiving the foregoing objections, Qwest provides the following response:

Qwest has not reviewed the transcript referred to, but see the Response to Request No. 60A-S1.

QWEST CORPORATION

DOCKET: ARB 665
INTERVENOR: Level 3 Communications, Inc.
REQUEST NO: L3CI 01-038IS2

REQUEST:

Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or expects to use in delivering traffic from its end users to Level 3. Assume for purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA, and that Qwest is responsible for delivering its originated traffic to that POI.

RESPONSE:

Qwest objects to this request on the basis that the phrase "uses or expects to use" calls for Qwest to speculate about possible future conditions. Qwest further objects that this request is ambiguous such that Qwest cannot determine what specific information Level 3 is seeking. This request may also be overbroad and unduly burdensome depending on what detailed information Level 3 is seeking.

SUPPLEMENTAL RESPONSE DATED 7/08/05:

Without waiving the foregoing objections, Qwest states:

Qwest currently may utilize circuit switch facilities, fiber optic transport, and multiplexing equipment, as well as copper facilities in the exchange of traffic with Level 3 for the delivery of Qwest end-user traffic to Level 3.

Respondent: Daniel Collins, Staff Advocate

SUPPLEMENTAL RESPONSE dated 7/18/05:

Without waiving its objections, Qwest states:

As Qwest's network evolves in the future and new technologies become available, the response to this question could change. However, for purposes of this response, Qwest assumes that the request is seeking information about the facilities in Qwest's network as it currently exists. With that assumption (and without identifying each specific component in Qwest's network), the following types of facilities are likely to be used to deliver traffic to Level 3: Currently, Qwest may use circuit switch facilities, fiber optic transport, multiplexing equipment, and copper facilities in delivering traffic to Level 3 from Qwest end users.

Respondent: Legal

QWEST CORPORATION

DOCKET: ARB 665
INTERVENOR: Level 3 Communications, Inc.
REQUEST NO: L3CI 01-039I

REQUEST:

Please state whether the facilities Qwest uses or expects to use in delivering traffic from its end users to Level 3 as stated above differ in any way based on whether the traffic is classified as "local" or "toll." If your answer is anything other than an unqualified "no," please explain in detail the basis for your answer.

RESPONSE:

Based on the assumptions in the response to Request No. 38S2, the same general types of facilities described in response to Request No. 38S2 would be used to deliver traffic to Level 3, whether the traffic is ultimately local or toll (i.e., interexchange). Qwest, of course, has never asserted that different "types" of facilities may be used to deliver "local" traffic and "toll" traffic to a Level 3 POI, or to the POI of another CLEC, IXC, or CMRS carrier. However, it should be noted that different switch ports may be used and the routing to the Level 3 POI may be over different transport facilities depending on how the facility connections are configured. An interexchange call may also involve routing the traffic through different switches to deliver the call to the Level 3 POI than a local call.

Both state and federal regulatory authorities have a long history of treating traffic in different ways depending on whether it is local or toll (i.e., local calls tend to be priced on a flat-rated basis, while toll calls have been usage sensitive) and likewise of placing different kinds of traffic under different intercarrier compensation regimes. Among these differences are local calling areas and EAS areas established by state commissions and the identification of various varieties of traffic in the federal Act, FCC rules, and FCC orders. These differences continue to be reflected in interconnection agreements approved by state commissions that are entirely consistent with the federal Act.

Respondent: Legal

QWEST CORPORATION

DOCKET: ARB 665
INTERVENOR: Level 3 Communications, Inc.
REQUEST NO: L3CI 01-040IS1

REQUEST:

Please describe the facilities (switches, optical fiber, multiplexer, etc.) that Qwest uses or expects to use in delivering traffic from Level 3 to Qwest's end users. Assume for purposes of this question that Level 3 and Qwest interconnect at a single POI in a LATA and that Level 3 is responsible for delivering its originated traffic to that POI.

RESPONSE:

Qwest currently may utilize circuit switch facilities, fiber optic transport, and multiplexing equipment, as well as copper facilities in the exchange of traffic with Level 3 for the delivery of Level 3 toll traffic and Level 3 local traffic to Qwest.

Respondent: Daniel Collins, Staff Advocate

SUPPLEMENTAL RESPONSE dated 7/18/05:

See response to L3C 01-038IS2. Currently, Qwest may use circuit switch facilities, fiber optic transport, multiplexing equipment, and copper facilities in delivering traffic from Level 3 to Qwest end users.

Respondent: Legal

QWEST CORPORATION

DOCKET: ARB 665
INTERVENOR: Level 3 Communications, Inc.
REQUEST NO: L3CI 01-041IS1

REQUEST:

Please state whether the facilities Qwest uses or expects to use in delivering traffic from Level 3 to Qwest's end users as stated above differ in any way based on whether the traffic is classified as "local" or "toll." If your answer is anything other than an unqualified "no," please explain in detail the basis for your answer.

RESPONSE:

Qwest may use different switch ports and different transport facilities for the exchange of Level 3 toll traffic and Level 3 local traffic with Qwest.

Respondent: Daniel Collins, Staff Advocate.

SUPPLEMENTAL RESPONSE DATED 7/18/05:

See response to Request No. 40IS1. It should be noted that different switch ports may be used and the routing to Qwest end users from the Level 3 POI may be over different transport facilities depending on how the facility connections are configured. An interexchange call may also involve routing the traffic through different switches to deliver the call to the Qwest end user than a local call.