

Decision No. R03-0021-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 02I-572T

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IN THE MATTER OF THE INVESTIGATION INTO UNFILED AGREEMENTS EXECUTED  
BY QWEST CORPORATION.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
WILLIAM J. FRITZEL  
GRANTING MOTION TO  
REVISE CERTIFICATE OF  
SERVICE, MOTION FOR  
PROTECTIVE ORDER, MOTION  
FOR ADMISSION *PRO HAC VICE*,  
AND MOTION FOR CLARIFICATION  
OF DISCOVERY SERVICE OBLIGATION**

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Mailed Date: January 9, 2003

Appearances:

Krista L. Tushar, Esq., Denver, Colorado, and Steven D. Minnis,  
Esq., Kansas City, Missouri (Telephone Appearance) for Sprint  
Communications, LP;

G. Harris Adams, Assistant Attorney General for the Colorado  
Office of Consumer Counsel;

Anne Botterud and Michael J. Santisi, Assistant Attorneys General  
for the Staff of the Commission;

Thomas F. Dixon, Esq., Denver, Colorado, for WorldCom, Inc.,  
and Affiliates;

Rogelio E. Pena, Esq., Boulder, Colorado, for Level 3  
Communications, LLC and Allegiance Telecom of Colorado;

Andrew R. Newall, Esq., Boulder, Colorado, for  
XO Communications and Time Warner Telecom;

Richard D. Spilde, Jr., Esq., for Eschelon Telecom;

Heather Hawker, Esq., for McLeodUSA; and

Kris A. Ciccolo, Esq., Denver, Colorado, for Qwest Corporation.

**I. STATEMENT**

1. On January 3, 2003, the Second Status Conference in this docket was held. At the Status Conference, the following motions were addressed and oral rulings were issued. This interim order reduces to writing the oral rulings at the Status Conference.

2. On December 17, 2002, Qwest Corporation (Qwest) filed a Motion to Revise Certificate of Service. Qwest requests that the oral order issued at the Initial Status Conference held on November 26, 2002 be confirmed requiring that the certificate of mailing list would be limited to one attorney per company, members of Staff of the Public Utilities Commission (Staff) currently on the certificate of service would remain and an attorney and one representative would be on the service list for the Colorado Office of Consumer Counsel (OCC). In addition, Qwest requested that it be granted permission as well as other parties in this docket to use a certificate of service developed by Qwest, which was attached to the motion. In addition, Qwest requested permission to remove Scindo Networks from the certificate of service since all of the filings mailed to the address furnished by Scindo Networks have been returned as undeliverable. Qwest believes that Scindo Networks no longer does business within the State of Colorado. Staff and OCC filed responses to Qwest's motion. The motion of Qwest to revise certificate of service was orally granted. It was ordered that the mailing list would be limited to one attorney per company and one company representative designated by the company, with exceptions made for Staff and OCC. The request of Qwest to remove Scindo Networks from the service list was orally granted. Qwest was granted permission to use its proposed certificate of service attached to its motion provided that all attorneys of record for the parties were on the list.

3. On December 17, 2002, Qwest filed a Motion for Protective Order. Qwest requests that discovery materials requested by Staff and OCC relating to numerous documents of proceedings at the Arizona and Minnesota commissions involving a similar investigation by the commissions in those states, be made available for inspection and review at Qwest's Denver offices rather than copying and serving the materials on the parties. Qwest states that it would be burdensome and expensive to provide copies of the materials requested by OCC and Staff.

4. Staff and OCC filed an Objection to the Motion for Protective Order. It was ordered that the discovery materials requested by Staff and OCC relating to proceedings at the Arizona and Minnesota commissions shall be made available by Qwest at its Denver offices for review.

5. On December 18, 2002, Qwest filed a Motion for Admission *Pro Hac Vice*. Qwest requests the admission of Peter S. Spivak, Esq. to practice before the Commission in this docket. The motion was orally granted.

6. On December 19, 2002, Qwest filed a Motion for Clarification of Discovery Service Obligation. Qwest by its motion seeks a ruling as to whether or not it needs to serve discovery on the advisory staff of the Commission as well as on the trial staff. It was orally ruled that the parties did not have an obligation to serve discovery materials on the Commission's advisory staff.

7. Finally, Staff suggested that it may be necessary to modify procedural dates previously entered in this docket. It was orally ruled that a change in the procedural dates be requested by motion.

**II. ORDER****A. It Is Ordered That:**

1. The motion of Qwest Corporation to revise certificate of service is granted. The certificate of mailing will be limited to one attorney of record per company and a company representative to be designated by the company. All members of Staff of the Public Utilities Commission currently on the certificate shall remain on the certificate. The attorney of record for the Office of Consumer Counsel and one representative of the Office of Consumer Counsel will receive service of all filings.

2. The request of Qwest Corporation to remove Scindo Networks from the certificate of service is granted.

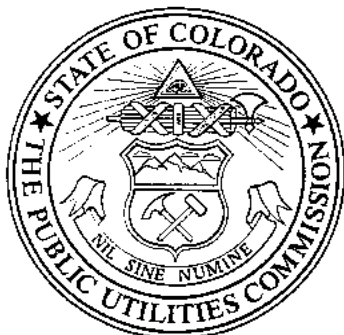
3. The motion of Qwest Corporation for Protective Order relating to discovery of documents concerning investigatory proceedings at the Arizona and Minnesota commissions is granted. All discovery materials relating to the proceedings from the Arizona and Minnesota commissions shall be made available at the offices of Qwest Corporation in Denver, Colorado.

4. The motion of Qwest Corporation for the admission of Peter S. Spivak, Esq., to practice before the Commission in the instant docket is granted.

5. The motion of Qwest Corporation for clarification of discovery service obligation is granted. Discovery materials shall not be served on advisory staff of the Commission.

6. This Order is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "Bruce N. Smith".

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Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

WILLIAM J. FRITZEL

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Administrative Law Judge

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