

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

**In the Matter of a Commission Initiated
Investigation into U S WEST
Communications, Inc.'s Costs Related
to Provision of Line Sharing Service.**

SIXTH PREHEARING ORDER

MOTION TO COMPEL

1. For reasons stated in the following Memorandum, the Motion of U S WEST to Compel Sprint to provide a copy of its cost study for costs associated with line sharing is GRANTED.

PARTIES

2. Based upon their notices of withdrawal, AT&T Communications of the Midwest, Inc., and Onvoy, Inc., are removed as parties. Their shares of proceeding costs will be determined by the PUC.

3. The parties at this point are U S WEST Communications, Inc., the Minnesota Department of Commerce, the Residential and Small Business Utilities Division of the Office of the Attorney General, Covad Communications, Inc., North Point Communications, Inc., Rhythms Links, Inc., Sprint Communications Company, L.P., New Edge Network, Inc. JATO Operations Corp., and McCloudUSA Telecommunications Services, Inc.

4. The service list has been revised to reflect the removal of AT&T and Onvoy.

Dated May 22, 2000

STEVE M. MIHALCHICK
Administrative Law Judge

MEMORANDUM

On April 5, 2000, U S WEST filed a Motion to Compel Response to Information Requests to Sprint Communications Company, L.P. The motion seeks enforcement of an information request for all documents that relate to the costs Sprint expects U S WEST will incur in its region, including cost studies and other cost calculations. In particular, U S WEST is seeking a Sprint cost study regarding costs of the high

frequency portion of local loops in Minnesota. On April 24, 2000, Sprint filed a response to the motion. In general, Sprint argues that it should not be required to provide its cost study because U S WEST numbers have never been used in the study and because Sprint is participating in this matter on a very limited basis.

Sprint has done, and continues to do, cost analysis of the costs of line sharing. It's analysis starts with an assumption that the incremental cost of the high frequency portion of the loop is zero and attempts to evaluate the costs of the other equipment and facilities associated with providing line sharing, including cross connects and jumpers, using various Sprint cost figures and assumptions. Sprint had intended to participate fully in this proceeding in Minnesota and to complete its cost study with Minnesota specific costs and assumptions, but due to other demands on the cost support group, decided to withdraw from active participation.^[1] Sprint has never completed its cost study for Minnesota or any other of the fourteen U S WEST states.

Under the rules of the Office of Administrative Hearings, a party bringing a Motion to Compel must show the discovery is needed for the proper presentation of its case, is not for delay, and the issues or amounts in controversy warrant the discovery.^[2] In ruling on motions, an Administrative Law Judge may apply the Rules of Civil Procedure for the District Courts when appropriate to promote a fair and expeditious proceeding.^[3] In general, administrative proceedings are less involved and have more restricted levels of discovery than court proceedings.

Sprint argues that its cost study is irrelevant because it is incomplete. The Administrative Law Judge disagrees. The cost study Sprint has is relevant even if does not have Minnesota data. The cost for cross connects, jumpers, and other equipment necessary to provide linesharing can't be much different for Sprint than for U S WEST. The costing techniques used by Sprint are as relevant as the data to which they are applied. The study may provide or lead to other relevant evidence that may be used by U S WEST or the other parties in this case.

Sprint also argues that it is unfair to make Sprint do U S WEST's work in preparing for the hearing, especially given its limited participation in this case because of its limited resources. But this is not such a case. U S WEST has done its own studies and is not seeking to rely on Sprint's expertise. Sprint has already done some analysis that may be helpful in this proceeding. It will not overburden Sprint to provide the cost study. It only needs to provide the cost analysis it has done, it is not required to perform any further studies or use any particular data.

S.M.M.

^[1] By letter dated March 27, 2000, Sprint informed the Administrative Law Judge that it was withdrawing the previously filed Direct Testimony of Scott Stringer, would not be offering further testimony, and would remain a party in the case with limited participation. Mr. Stringer's testimony expressed Sprint's view that there was no incremental cost for the high frequency portion of the loop, but provided no cost figures.

[\[2\]](#) Minn. R. 1400.6700.

[\[3\]](#) Minn. R. 1400.6600.