

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Petition of AT&T
Communications of the Midwest, Inc., for
Arbitration of an Interconnection Agreement with
Qwest Corporation Pursuant to 47 U.S.C. §
252(b).

**THIRD
PREHEARING ORDER**

This matter came before Administrative Law Judges Steve M. Mihalchick and Kathleen D. Sheehy by telephone conference on July 2, 2003, to consider Qwest's Motion to Compel and AT&T's Motion to Submit Late Discovery.

Jason Topp, Mary Rose Hughes, and Kelly Cameron appeared for Qwest.

Steven Weigler appeared for AT&T.

Priti Patel appeared for the Department.

Jeanne Cochran appeared for RUD-OAG.

Joy Gullikson appeared for Onvoy.

QWEST'S MOTION TO COMPEL

Information Request No. 12.

1. Qwest served IR 12 on AT&T on June 17, 2003, asking whether AT&T provides bills in CABS format and to describe any differences between AT&T's CABS format and the industry guidelines. In a Supplemental Answer on June 27, 2003, AT&T provided its October 10, 2002, AT&T Carrier Billing Management CABS BOS Differences List. Two later versions are available that involve future changes AT&T expects to make. Qwest moves to compel AT&T to provide the later versions and for the right to supplement its testimony based upon the information provided.

2. Qwest's motion regarding IR 12 is denied. AT&T provided the requested information.

Information Request No. 20.

3. Qwest served IR 20 on AT&T on June 18, 2003, asking AT&T to produce all documents, "that support, refute, quantify, or relate to AT&T's claim that the ability of

wireless carriers to exchange traffic at reciprocal compensation rates across entire MTAs has caused customers to migrate from wireline carriers to wireless carriers.” AT&T responded on June 23 and referred to comments it filed with the FCC and in Florida. AT&T attached a copy of the Florida Order and referred to its testimony to be filed June 27. AT&T states that it is aware of no other documents. Qwest moves to compel AT&T to supplement its response and for the right to supplement its testimony based upon the information provided.

4. Qwest’s motion regarding IR 20 is granted in part. Qwest is granted ten additional minutes for oral rebuttal by one witness to address the migration issue. AT&T should have provided the documents referred to in its response, or at least specific references so that Qwest could have easily located them.

Information Request Nos. 28-33.

5. AT&T has agreed to Qwest’s language on Disputed Issue No. 10 (Use of Carrier Proprietary Information), rendering Qwest’s motions on these IRs moot.

AT&T’S MOTION TO SUBMIT LATE DISCOVERY

6. AT&T unintentionally failed to serve its IRs 28 to 46 upon Qwest by 3:00 p.m. CDT on June 27, 2003, as required. Upon realizing its mistake, it served them about 7:30 that evening, along with a Motion to Submit Late Discovery.

7. Qwest replied that it would use its best efforts to respond, but that, given the holiday, it should be allowed until July 10, 2003, to do so. The ALJs adopted and ordered that resolution of the issue during the July 2, 2003, telephone conference.

Dated: July 7, 2003

s/Steve M. Mihalchick
STEVE M. MIHALCHICK
KATHLEEN D. SHEEHY
Administrative Law Judges