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BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UM 1140

In the Matter of

BEAVER CREEK COOPERATIVE
TELEPHONE COMPANY

Petition to Consolidate the Beaver Creek Rate
Center with the Clackamas Rate Center.

MOTION TO COMPEL AND TO SHORTEN
TIME FOR RESPONSE AND REPLY

Beaver Creek Cooperative Telephone Company (“BCT”) hereby files this Motion to Compel (“Motion”) seeking to compel Qwest Corporation (“Qwest”) to respond to the data requests promulgated by BCT to Qwest in this proceeding.

CERTIFICATION

BCT certifies that the parties conferred through an exchange of voicemails and e-mails concerning the production of the information requested in the data requests and have been unable to resolve the dispute.

MOTION TO COMPEL AND
TO SHORTEN TIME FOR
RESPONSE AND REPLY - 1

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1 BASIS FOR MOTION

2 Pursuant to OAR 860-014-0070(2), when a party refuses to answer, the party promulgating
3 the data requests may submit the matter to the Commission to determine whether or not a proper
4 objection has been lodged and whether the party refusing to answer may be compelled to answer or
5 face sanctions for refusal to answer.

6 In this matter, BCT promulgated a grand total of three data requests. Qwest objected to each
7 as “irrelevant.” Qwest further objects that the requests are overly broad and would require a special
8 study. None of these objections is well-founded.

9 The data requests and Qwest’s response thereto are attached as Exhibit 1 to this Motion.
10 The requests are seeking to explore the extent to which Qwest is providing service in the
11 Beavercreek rate center using numbering resources associated with the Oregon City rate center and
12 the extent to which Qwest undertook to provide such services. This information is highly relevant
13 to explore whether or not the Beavercreek rate center and the Oregon City rate center should be
14 consolidated. It further exposes the motives for Qwest’s opposition to BCT’s request for
15 consolidation of the rate centers.

16 Data Requests 1 and 2 are aimed directly at the issue of Qwest’s use of Oregon City
17 numbering resources in the Beavercreek rate center. Qwest has raised as an issue in this proceeding
18 the way in which BCT has assigned numbers. This means that the way in which Qwest assigns
19 numbers and whether or not that assignment leads towards a basis for consolidation of the two rate
20 centers is equally relevant.

21 The third data request relates to activities Qwest undertook once the Commission’s Order in
22 UA 55 was issued. In other words, what did Qwest do after it knew that it would have to make a
23 choice about the service it offers in the Beavercreek rate center in the near future? The level of
24 activity undertaken by Qwest in the Beavercreek rate center may or may not shed ultimate light on

1 the issues in this proceeding. However, without Qwest's responses to three modest, reasonable
2 requests, the Commission will never know.

3 The requests are not overbroad in that the three requests are directed at a limited geographic
4 area and a finite number of customers served by Qwest in the Beavercreek rate center. It requires
5 no more than Qwest to consult its billing records and provide the information already contained
6 within those billing records. This is a straightforward and factual inquiry that Qwest should have no
7 problem responding to.

8 Qwest takes the unusual position that these three requests would somehow cause Qwest to
9 undertake a special study and, therefore, is objectionable. Such an objection to a simple factual
10 inquiry which is limited in nature is highly suspect. If Qwest is allowed to object to that consulting
11 its billing records to pull certain billing information constitutes a "special study," then Qwest would
12 never have to respond to any data request seeking factual information concerning Qwest's service
13 configurations. Qwest is not being asked to produce data that it does not have in its records.
14 Producing data that already exists within Qwest's records is not the performance of a special study.
15 It is a simple retrieval of existing information.

16 17 TIMING OF MOTION

18 The hearing in this matter is scheduled for January 27 and 28, 2005. In order that this
19 Motion may be adequately considered by the Commission and responses to the data requests
20 provided in a meaningful time, BCT respectfully requests that the Commission require that any
21 response to this Motion be filed by Qwest by Friday, January 14, 2005. Any reply filed by BCT
22 would be due January 18, 2005. Such shortening of time is authorized by OAR 860-013-
23 0050(3)(d).

24
25 MOTION TO COMPEL AND
26 TO SHORTEN TIME FOR
RESPONSE AND REPLY - 3

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1 RELIEF REQUESTED

2 Based upon the foregoing, BCT requests that the Commission issue an order compelling
3 Qwest to respond to BCT's data requests, in full, on or before January 21, 2005. Failure to comply
4 with the requests should result in dismissal of Qwest's objection to the consolidation of the
5 Beaver Creek and Oregon City rate centers. BCT's data requests are not far reaching. They are three
6 simple requests that Qwest identify the extent to which it is using Oregon City numbering resources
7 to serve in the Beaver Creek rate center.

8
9 Respectfully submitted this 11th day of January, 2005.

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12 By: _____
13 RICHARD A. FINNIGAN, OSB No. 96535
14 Attorney for Beaver Creek Cooperative
15 Telephone Company

EXHIBIT 1

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5 **BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON**

6 UM 1140

7 In the Matter of

8 BEAVER CREEK COOPERATIVE
9 TELEPHONE COMPANY

BEAVER CREEK COOPERATIVE
TELEPHONE COMPANY'S FIRST SET OF
DATA REQUESTS TO QWEST
CORPORATION

10 Petition to Consolidate the Beaver Creek Rate
11 Center with the Clackamas Rate Center.

12
13 Pursuant to OAR 860-014-0070, Beaver Creek Cooperative Telephone Company (Beaver
14 Creek) hereby submits its first set of data requests to Qwest Corporation (Qwest). Please provide
15 full and complete answers by January 5, 2005.

16 DATA REQUESTS

17 1. Please identify each customer account served by Qwest within the Beaver Creek
18 exchange; that is, the area transferred under UA 55. List each account by last name, address and
19 telephone number. In addition, list the date that service was initiated for each such customer
20 account.
21

22 2. For each customer account identified in response to Data Request No. 1, identify the
23 number of "second" lines that have been added since August 6, 1997; providing the telephone
24

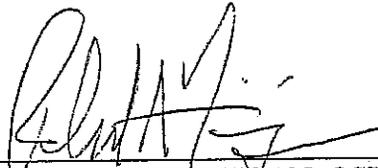
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26 BEAVER CREEK COOPERATIVE
TELEPHONE COMPANY'S FIRST SET OF
DATA REQUESTS TO QWEST
CORPORATION - 1

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1 number for each such second line by customer account. As used in this Data Request, the term
2 "second" means all lines beyond the primary line for the customer account.

3 3. Separately identify the number of new accounts, listing the account name, address
4 and telephone number, that have been added by Qwest within the Beaver Creek exchange since April
5 27, 2004, and provide the date that service was initiated.
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8 DATED this 20th day of December, 2004.
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12 RICHARD A. FINNIGAN, OSB No. 96535
13 Attorney for Beaver Creek Cooperative Telephone Company
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26 BEAVER CREEK COOPERATIVE
TELEPHONE COMPANY'S FIRST SET OF
DATA REQUESTS TO QWEST
CORPORATION - 2

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Oregon
UM1140
Beaver Creek 01-001

INTERVENOR: Beaver Creek Cooperative Telephone Company

REQUEST NO: 001

Please identify each customer account served by Qwest within the Beavercreek exchange; that is, the area transferred under UA 55. List each account by last name, address and telephone number. In addition, list the date that service was initiated for each such customer account.

RESPONSE:

Qwest objects to this data request on the grounds that it is irrelevant and does not bear upon, or reasonably could lead to matters that bear upon, any issue in this proceeding. Customer account information of Qwest customers within the Beavercreek exchange (the area transferred under UA 55) is not relevant to the rate center consolidation issues in this docket, and Qwest has the legal right to continue serving such customers, as it currently serves them, until April 27, 2007, pursuant to Order Nos. 04-225 and 04-368. Qwest further objects to this data request on the grounds that it is overly broad and unduly burdensome and would require a special study involving a manual search of more than 100 accounts/addresses.

Oregon
UM1140
Beaver Creek 01-002

INTERVENOR: Beaver Creek Cooperative Telephone Company

REQUEST NO: 002

For each customer account identified in response to Data Request No. 1, identify the number of "second" lines that have been added since August 6, 1997; providing the telephone number for each such second line by customer account. As used in this Data Request, the term "second" means all lines beyond the primary line for the customer account.

RESPONSE:

Please see response to data request No. 1, which Qwest incorporates fully herein. In addition, Qwest notes that pursuant to Order Nos. 04-225 and 04-368, Qwest has been permitted, and continues to be permitted until April 27, 2007, to provide "second lines" to all existing Qwest customers in the UA 55 area.

Oregon
UM1140
Beaver Creek 01-003

INTERVENOR: Beaver Creek Cooperative Telephone Company

REQUEST NO: 003

Separately identify the number of new accounts, listing the account name, address and telephone number, that have been added by Qwest within the Beaver Creek exchange since April 27, 2000, and provide the date service was initiated.

RESPONSE:

Please see response to data request No. 1, which Qwest incorporates fully herein. In addition, Qwest notes that pursuant to Order No. 04-368, Qwest was granted an extension of time until July 1, 2004 to comply with Order No. 04-225 (dated April 27, 2004). With respect to any new accounts added by Qwest after July 1, 2004, there have been none. As Beaver Creek is aware, there was one situation, on Reeder Lane, in which a potential customer ordered service on July 1, 2004, with a July 8, 2004 completion date. Because both dates fell either on or after the July 1, 2004 extension date, Qwest sent the potential customer a letter notifying him that Qwest could not provide his telephone service.

CERTIFICATE OF SERVICE
UM 1140

I hereby certify that I have sent the attached Motion to Compel and to Shorten Time for Response and Reply by e-mail and U.S. mail to the following:

ALEX DUARTE
QWEST CORPORATION
421 SW OAK STREET, ROOM 810
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JENNIFER NIEGEL
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STAYTON OR 97383-0248
jennifer@staytonlaw.com

I further certify that I have sent the original and five copies of the attached Motion to Compel and to Shorten Time for Response and Reply by e-mail, facsimile and Federal Express to the following:

FRANCES NICHOLS-ANGLIN
OREGON PUBLIC UTILITY COMMISSION
550 CAPITOL ST NE, STE 215
SALEM, OR 97301
frances.nichols@state.or.us
fax: (503) 378-6163

Dated this 11th day of January, 2005.

Richard A. Finnigan, OSB No. 96535
Attorney for Beaver Creek
Cooperative Telephone Company