



United States of America
Federal Communications Commission

445 12th Street, S.W.
Washington, D.C. 20554

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FILED/ACCEPTED

APR 10 2008

Federal Communications Commission
Office of the Secretary

Subpoena

Matter of Kurtis J. Kintzel, et al., EB-06-IH-5037, EB Docket No. 07-197

To: Qwest Communication Corporation
Barbara Brohl, Corporate Counsel
1801 California Street, Suite 5200
Denver, CO 80202
barbara.brohl@qwest.com

Cc: Melissa Newman
melissa.newman@qwest.com

This Federal Communications Commission Subpoena is issued to your company under the authority of 47 U.S.C. §§ 151, 403, and 409. Your failure to comply with this Subpoena may lead, *inter alia*, to a contempt citation by a U.S. District Court judge and may subject you to a misdemeanor charge, which, on conviction, may subject you to a fine or imprisonment or both.

You are ordered to produce:

The documents listed in Attachment A hereto

You must produce all requested documents and information within 20 days of the service of this Subpoena on you or the next business day if the 20th day falls on a weekend or is a federal holiday.

You are ordered to appear as a witness and testify as noted:

Date:

Time:

Place:

No. of Copies rec'd 0+1
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and bring with you on that day:

Ordered on April 9, 2008 by Richard L. Sippel

Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission

ATTACHMENT A

Definitions and Instructions

- a. As used herein, the term "BOI" means Business Options, Inc., any affiliate, d/b/a, predecessor-on-interest, parent company, any wholly or partially owned subsidiary, successor-in-interest or other affiliated companies or businesses, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the periods covered by this subpoena, unless otherwise noted.
- b. As used herein, the term "Buzz" means Buzz Telecom Corporation, any affiliate, d/b/a, predecessor-on-interest, parent company, any wholly or partially owned subsidiary, successor-in-interest or other affiliated companies or businesses, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the periods covered by this subpoena, unless otherwise noted.
- c. As used herein, the term "Qwest" means Qwest Communications Corporation, any affiliate, d/b/a, predecessor-on-interest, parent company, any wholly or partially owned subsidiary, successor-in-interest or other affiliated companies or businesses, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the periods covered by this subpoena, unless otherwise noted.
- d. The term "document" means the complete original (or in lieu thereof, exact copies of the original) and any draft or other non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any written, typed, printed, transcribed, taped, recorded, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced disseminated, or made, including, but not limited to, any advertisement, book, pamphlet, periodical, contract, correspondence, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minute, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody or control of Qwest.
- e. The term "all" also means "any" and the term "any" also means "all."

- f. If a document responsive to any request existed but is no longer available, or if Qwest is unable for any reason to produce a document responsive to a request, Qwest must identify each such document by author, recipient, date, title and specific subject matter, and explain fully why the document is no longer available or why Qwest is otherwise unable to produce it.
- g. If Qwest withholds any document under claim of privilege or other protection from disclosure, it shall submit, together with any claim of privilege, a schedule of documents withheld that states, individually as to each such document, the numbered request (below) to which each document responds and the type, title, specific subject matter, and date of the item; the names, address, positions and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the document is privileged or otherwise protected from disclosure.
- h. If Qwest believes that any document responsive to these requests should be treated in a confidential manner, it shall submit, along with the document, a statement in accordance with section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of section 0.459, including the standards of specificity mandated by section 0.459(b).
- i. Each requested document not subject to a claim of privilege or protection from disclosure shall be submitted in its entirety, even if only a portion of that document is responsive to any request. This means that the document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other documents referred to in the document or attachments. All manuals, instructions, and any other written materials necessary to understand any document responsive to these requests must also be submitted.
- j. If any document is not dated, state, if known, the date on which it was prepared. If any document does not identify its author(s) or recipient(s), state, if known, the name of the author(s) or recipient(s).

Documents to be Produced

1. All documents provided to the Public Service Commission of West Virginia in connection with its investigation of Buzz.
2. All documents provided to the Minnesota Public Utilities Commission in connection with its investigation of Buzz.
3. All documents provided to any state government regulatory body responsible for the regulation of the provision of telecommunications services in connection with any investigation of Buzz or BOI.



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Subpoena Proof of Service

Served:

Date: 4/9/08 (e-mail) and 4/10/08 (certified mail)

Time: 3:44 p.m. (e-mail)

Place: 1801 California Street, Suite 5200
Denver, CO 80202

Manner of Service:

Hand-delivery

Facsimile

Mail

Other Method (Describe)

Served via e-mail per agreement to

barbara.brohl@gwest.com, and via certified mail return receipt requested

Unserved

Reasons for failure to make service:

I am a: U.S. Marshal

U.S. Deputy Marshal

Printed Name

Signature

I am a: Federal Communications Commission Employee

person 18 years of age or older who is not a party to and has no interest in this case

and present this Subpoena Proof of Service under the penalty of perjury.

Michele Levy Berlove

Michele Levy Berlove

Printed Name

Signature