

6066

_____ Passed _____	THIS A Passed a	 0000002061	_____
_____ Failed _____	Not Offer		RECEIVED

ORIGINAL

2004 APR 20 P 4: 39

GLEASON PROPOSED AMENDMENT # 6

**AZ CORP COMMISSION
DOCUMENT CONTROL**

TIME/DATE PREPARED: 3:45 p.m. / April 20, 2004

COMPANY: Qwest Corporation

DOCKET NO. T-00000A-97-0238, RT-00000F-02-0271 and T-01051B-02-0871

SPECIAL OPEN MEETING DATE: April 21, 2004

Arizona Corporation Commission

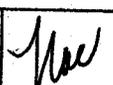
Reference March 10, 2004 Recommended Opinion and Order

DOCKETED

DELETE Page 40.

APR 20 2004

Page 41, DELETE lines 1-5 and INSERT:

DOCKETED BY	
-------------	---

"Contributions are an appropriate remedy in these dockets. We appreciate Staff's creative approach to devising a way to meet concerns that telecommunication investment in parts of the state are lacking. Furthermore, the Commission has the authority to order such contributions. In fact, there is Commission precedent for such action. In Decision No. 62011, the Commission held that if Tucson Electric Power did not construct a line to Nogales by December 31, 2003, the utility was subject to "a penalty of \$30,000/month for each full month of delay...This penalty...will be for the benefit of Citizens' Arizona electric customers." Since Commission-ordered contributions are not deposited into the State General Fund or any fund managed by a governmental entity, the Commission is not unconstitutionally usurping the Legislature's appropriation authority.

Qwest shall make no less than \$6,000,000 in contributions as directed by the Commission. Contributions may be directed to Section 501(c)(3) organizations or State-funded programs involved in areas of education and/or economic development; educational programs designed to promote greater understanding of telecommunications issues by Arizona consumers or for infrastructure investment, including investments in unserved and underserved areas of the State of Arizona including improved 911 services.

Within ninety days of this Order, Qwest shall file a proposal outlining projects to be funded by this contribution. RUCO and the other parties to these dockets may also submit proposals. The Commission shall decide which projects shall be funded with the contributions made pursuant to this Order. The Commission shall not allow Qwest to earn a return on any project paid for by these contributions. Furthermore, Qwest shall not enjoy

any tax benefit from any charitable contribution project paid for by these contributions.”

Line 16, DELETE “\$11,000,000” and INSERT “\$5,000,000”.

Page 43, line 22, DELETE “\$11,236,000” and INSERT “\$5,236,000”.

Page 54, line 13, DELETE “\$11,000,000” and INSERT “\$5,000,000”.

After line 15, INSERT:

“IT IS FURTHER ORDERED that Qwest shall make a contribution of no less than \$6,000,000. Within ninety days, Qwest shall, and other parties to this docket may, file a list of proposed projects to be funded by the contributions. Qwest shall not receive any tax benefit or earn a return from these projects.”