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2004 APR 21 P 2: 06

**CONFORMING AMENDMENT to the March 10, 2004
 Recommended Opinion and Order**

AZ CORP COMMISSION
 DOCUMENT CONTROL

TIME/DATE PREPARED April 21, 2004

COMPANY: Qwest Corporation AGENDA ITEM NO. _____

DOCKET NO. _____ ET AL OPEN MEETING DATE: April 21, 2004

T-00000A-97-0238
 RT-00000F-02-0271
 T-01051B-02-0871

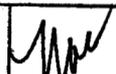
Arizona Corporation Commission
DOCKETED

APR 21 2004

Page 39, lines 20 -24

Delete paragraph.

Insert

DOCKETED BY	
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“At the April 21, 2004 Open Meeting, Qwest withdrew its request for a hearing in the Section 271 Sub-docket. The underlying facts relevant to the Section 271 Sub-docket are essentially the same as those in the Section 252(e) docket. The record in the Section 271 Sub-docket supports a finding that by including non-participation clauses in its agreements with certain CLECs, Qwest interfered in the Section 271 regulatory process. The FCC’s Section 271 rules of process rely on the state commissions’ development of a comprehensive record. Throughout the Section 271 process this Commission has attempted, through the workshop process and procedures established to resolved disputed issues, to create an open, collaborative process in order to develop as complete a record as possible. Commission Rules of Procedure, R14-3-104 provides for parties to enter appearances at hearings, introduce evidence, examine and cross-examine witnesses and generally participate it he proceeding. Preventing contracting parties from participating in Commission investigations or from bringing their relevant concerns about Qwest’s conduct to the attention of the Commission, harms the regulatory process by diminishing the effectiveness of the Commission. The fact that the CLECs involved in the agreement s with Qwest entered them willingly does not alter the fining that such non-participation provision violated federal and state processes, are detrimental to the regulatory process, and should not be permitted.”

Page 39, line 26

Delete “in the Section 252 and OSC dockets where we have a complete record”

Page 40, line 14

Delete "the Section 252 and OSC"

Insert "these"

Page 41, lines 6-9

Delete paragraph.

Page 41, line 12

Insert after "section 252 docket" " , \$7.4 million in the Section 271 Sub-docket,"

Page 41, line 18

Delete "and" after "section 252(e)"

Insert after "Arizona law" "and its interference with the Section 271 regulatory process."

Page 41, line 17

Insert after "Qwest's conduct" "of prohibiting CLECs from participating in the Section 271 proceedings and "

Page 41, line 19

Delete "in the Section 252(e) docket" after Staff recommended"

Insert "for each of these dockets"

Page 41, line 27 (footnote 11)

Insert "In the Section 271 Sub-docket, Staff determined that under A.R.S. §40-424 the Commission could impose a penalty between \$148,300 and \$7,415,000. Staff recommended the maximum amount of penalties in the section 271 Sub-docket."

Page 42, line 12

Insert "and Section 271 Sub-docket," after "OSC"

Delete "docket" after "OSC"

Page 51, line 15

Insert Findings of Fact Nos. 41, 42 and 43

“41. A.A.C. R14-3-104 provides that at a hearing a party shall be entitled to enter an appearance, to introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the proceeding.”

“42. A.R.S. § 40-249 gives any public service corporation the same privilege to complain as afforded any other party.”

“43. In its Procedural Orders governing the conduct of its Section 271 investigation of Qwest, the Commission established procedures that created an open and fair process, by instituting a collaborative workshop process and establishing procedures for the resolution of disputed items.”

Page 51, line 26

Insert new Findings of Fact

“By entering into interconnection agreements that prohibited these CLECs from participating in Qwest’s Section 271 proceeding in Arizona, Qwest undermined the Commission’s authority to hear complaints, prevented the Commission from learning about service-related issues these CLECs had with Qwest and interfered with the Commission establishing a complete record in the Section 271 investigation.”

Page 53, line 28

Insert Conclusions of Law

“ By entering into interconnection agreements that contained provisions that prevented CLECs from participating in the Commission’s Section 271 investigation and/or the Qwest/US WEST merger, Qwest interfered in the regulatory process and violated A.R.S. § 40-249 and Commission Rule R14-2-104 and Commission Procedural Orders in the Section 271 proceeding that established procedures for open and thorough proceedings.”