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8 IN THE MATTER OF THE PETITION OF) Docket T-01051B-03-0255
 9 AT&T COMMUNICATIONS OF THE)
 10 MOUNTAIN STATES, INC. FOR)
 11 ARBITRATION OF INTERCONNECTION)
 12 RATES, TERMS, AND CONDITIONS)
 13 WITH QWEST CORPORATION f/k/a)
 U S WEST COMMUNICATIONS, INC.)
 PURSUANT TO 47 U.S.C. 252(b) OF THE)
 TELECOMMUNICATIONS ACT OF 1996)

14 **STAFF'S RESPONSE TO QWEST CORPORATION'S REQUEST**
 15 **FOR PARTIAL WAIVER FROM ITS EXCHANGE AND**
 16 **NETWORK SERVICES PRICE CAP TARIFF**

17 On April 22, 2003, Qwest Corporation ("Qwest") filed a request for a partial waiver from its
 18 Exchange and Network Services Price Cap tariff. Qwest believes that this partial waiver request is
 19 necessary in order for it to respond to an AT&T request to conduct a UNE-P test by installing 35
 20 residential lines into a business address. The purpose of the test is to allow AT&T to assess Qwest's
 21 provisioning of UNE-P lines.

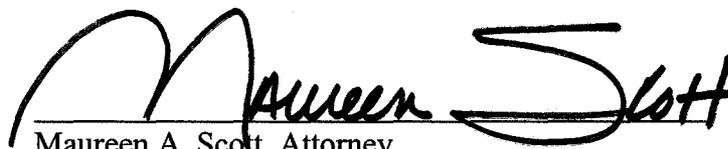
22 Section 5.2.A.3(c) of Qwest's Exchange and Network Services Price Cap tariff provides a
 23 description which must be met in order to classify service as residential service. This description
 24 states that residential service must be provided to a location that is used for domestic purposes and
 25 the directory listing of the location must be residential. Qwest believes that these criteria are not met
 26 for the UNE-P test which AT&T is requesting. For purposes of the test, AT&T wants to order UNE-
 27 P lines on a residential basis but have them provided to a business location. Therefore, Qwest
 28 requests a partial waiver from its tariff.

1 On April 29, 2003, AT&T filed a response to Qwest's partial waiver request. AT&T states
2 that it requested Qwest to install 30 residential lines into its Arizona service center by late April 2003.
3 This UNE-P test would provide AT&T the information necessary in order to make an informed
4 decision regarding whether it can begin to provide local service to residential customers in Arizona.
5 The testing will permit AT&T to verify its ability to place and Qwest's ability to process CLEC
6 UNE-P orders to serve residential customers in Arizona. This is a preliminary step by AT&T in the
7 process of making a final decision whether to provide residential service using UNE-P. AT&T does
8 not believe that Qwest is required to file a partial waiver from its tariff, since AT&T is only seeking
9 the lines to test AT&T's and Qwest's abilities to provision residential lines using UNE-P.

10 On April 30, 2003, Qwest filed a Reply to AT&T's Response. Qwest requests that the
11 Hearing Division enter a Procedural Order indicating either that a waiver is unnecessary or that a
12 waiver is granted for purposes of conducting the UNE-P test. Qwest further stated that both parties
13 agree that the UNE-P test needs to go forward and that Qwest needs to be permitted to provide
14 residential lines to AT&T at a business location in order for the test to go forward.

15 Since no business customers will actually be served on a residential basis, Staff believes that
16 there is no requirement for Qwest to obtain a partial waiver from its tariff to conduct the UNE-P test.
17 Staff recommends that a Procedural Order be issued which finds that a waiver is not necessary and
18 allowing the parties to initiate the UNE-P test without further delay.

19 RESPECTFULLY SUBMITTED this 1st day of May, 2003.

20 

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27 The original and 13 copies of the
28 foregoing were filed this 2nd day of
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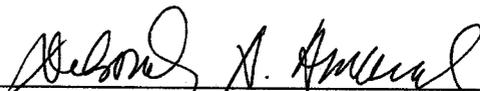
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