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SEP 9 12 10 PM '99 BEFORE THE ARIZONA CORPORATION COMMISSION  
SEP 9 12 09 PM '99

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CARL J. KUNASEK  
Chairman  
JIM IRVIN  
Commissioner  
WILLIAM A. MUNDELL  
Commissioner

Arizona Corporation Commission

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SEP 09 1999

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IN THE MATTER OF U S WEST )  
COMMUNICATIONS, INC.'S )  
COMPLIANCE WITH § 271 OF THE )  
TELECOMMUNICATIONS ACT OF )  
1996 )

Docket No. T-00000B-97-0238

**U S WEST'S REPLY TO SPRINT,  
AT&T AND MCI'S COMMENTS  
REGARDING THE PROCEDURE  
FOR THE REMAINDER OF THE CASE**

U S WEST respectfully submits this reply to the statements of AT&T and MCI regarding the proper procedure to follow in the remainder of this case.

Whether or not non-OSS issues are bifurcated, a procedure must be set in this case leading to a December hearing, as ordered by the Commission. U S WEST proposed a procedural schedule that bifurcated non-OSS issues, because it anticipated that the parties to this case would claim that a December hearing would be inappropriate while OSS testing has not been completed. U S WEST would gladly accept a procedural order that led to a hearing on all, or on non-OSS, issues by December.

A December hearing on either all issues or just non-OSS issues would be entirely appropriate. Other states such as New York and Texas have resolved all issues contingent on the results of OSS testing. The Arizona Corporation Commission could do the same. Alternatively, the Commission could decide all non-OSS issues in December and conduct a later hearing on non-OSS issues.

Whatever procedural order is entered in this case, the Commission cannot wait until after testing is completed to hold its first hearing. To do so could result in a year delay in the

1 proceeding, particularly if the schedule provides for testimony following the conclusion of  
2 testing. Because of the inevitable delay, other states have not waited until OSS testing was  
3 completed to hold a hearing. In fact, U S WEST is unaware of any commission in tje Imoted  
4 States that has waited until testing was concluded to hold hearings.

5 While OSS testing is being planned and executed, there is no reason to delay  
6 consideration of the remaining 271 issues, including the competitive checklist, Track A issues  
7 and issues relating to Section 272. A considerable amount of work has already been expended in  
8 developing the record on these issues. U S WEST, at the insistence of the Intervenors and by  
9 order of the Hearing Division, has submitted a complete application on these issues, including  
10 detailed affidavits. U S WEST has responded to many hundreds of data requests on these issues,  
11 and the Intervenors should have their testimony close to completion.

12 It would be a shame to let all of this work go to waste. The most reasonable and efficient  
13 method of proceeding would be to adopt a schedule that would proceed to a hearing in  
14 December.

15 AT&T and MCI claim that their testimony should be due five or six weeks following the  
16 date when U S WEST files amendments to its SGAT. They are overreaching in their attempt  
17 delay these proceedings. The changes U S WEST made in its Nebraska SGAT are minor, and  
18 are in response to criticisms by AT&T and MCI as well as suggestions by the FCC Staff. There  
19 is no reason why the Intervenors need five or six weeks to incorporate such minor changes into  
20 their testimony. U S WEST has committed to filing its amendments at least two weeks before  
21 Intervenor testimony is due, which should be adequate time for Intervenors to incorporate the  
22 changes into their testimony.

23 Furthermore, Sprint, AT&T and MCI's suggestion that a bifurcated hearing should  
24 address only seven checklist items would not be efficient and should not be accepted. While  
25 compliance with OSS requirements is necessary to pass several checklist items, the OSS issues  
26 can be evaluated by themselves, and all other aspects of those checklist items can be considered

1 separately. For example, for checklist item 4 (loops) and checklist item 14 (resale), the  
2 Commission can determine whether U S WEST's performance measures and provisioning  
3 intervals are acceptable. The Commission can then either tell U S WEST what further work it  
4 needs to do or conditionally approve U S WEST on those checklist items pending the result of  
5 the OSS testing.

6 MCI's suggestion would be contrary to the procedure followed in almost every state in  
7 the Union, where commissions have held hearings on all issues contingent on the result of OSS  
8 testing. Sprint, AT&T and MCI's suggestion would also be contrary to the procedure followed  
9 by the FCC, which, in its most recent 271 order, evaluated non-OSS issues in separate sections,  
10 and indicated that it approved BellSouth on all issues of checklist items 6 and 14, except for OSS  
11 issues.

12 For all of the foregoing reasons, the Hearing Division should issue an order that sets a  
13 schedule to lead to a December hearing.

14 DATED this 9th day of September, 1999.

15 Respectfully submitted,  
16 U S WEST COMMUNICATIONS, INC.

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**ORIGINAL and 10 copies of the foregoing filed  
this 9<sup>th</sup> day of September, 1999, with:**

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**COPY of the foregoing hand-delivered  
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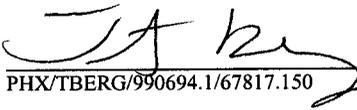
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