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BEFORE THE ARIZONA CORPORATION COMMISSION

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2004 JUN 28 P 1:32

AZ CORP COMMISSION  
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IN THE MATTER OF:

DOCKET NO. T-01051B-03-0092

MOUNTAIN TELECOMMUNICATIONS, INC.

Arizona Corporation Commission

DOCKETED

Complainant

JUN 28 2004

vs.

QWEST CORPORATION,

DOCKETED BY *CAK*

Respondent.

PROCEDURAL ORDER

BY THE COMMISSION:

On February 13, 2004, Mountain Telecommunications, Inc. ("MTI") filed with the Arizona Corporation Commission ("Commission") a Complaint against Qwest Corporation ("Qwest"). In its Complaint, MTI alleged that Qwest's charges for transport facilities pursuant to Decision No. 64922 (June 12, 2002) were unreasonable because the charges applied to MTI included entrance facilities not required by MTI, and because Qwest had attempted in January 2003 to bill MTI retroactive to June 2002. MTI also filed a Motion for Preliminary Injunction seeking to prevent Qwest from charging the combined transport and entrance facility prices until the Commission determined final rules governing the pricing of transport facilities<sup>1</sup>.

In Decision No. 66385 (October 6, 2003), the Commission issued a Phase II and IIA Supplemental Opinion and Order Regarding Transport and Analog Port Rate Issues [Docket No. T-00000A-00-0194]. In that Decision, the Commission agreed with MTI that the new transport rates imposed by Qwest were based on a mistaken assumption that all competitive local exchange carriers ("CLECs") required bundled transport and entrance facilities. The Commission determined that,

<sup>1</sup> MTI had filed a similar Motion for Injunction on January 17, 2003 in Qwest's "Wholesale Cost Docket" (Docket No. T-00000A-00-0194) and in a "Show Cause Docket" initiated by the Commission's Utilities Division Staff (Docket No. T-01051B-02-0871).

1 because certain CLECs such as MTI do not require entrance facilities, Qwest must charge the  
2 transport and entrance facilities in effect prior to the Phase II Order (Decision No. 64922) and that  
3 such rates would remain in effect on an interim basis from June 12, 2002 until the Commission  
4 establishes permanent transport rates in Phase III of Docket No. T-00000A-00-0194. In effect,  
5 Decision No. 64922 rendered moot MTI's Complaint in the above-captioned docket.

6 IT IS THEREFORE ORDERED that, because it appears that the issues raised in MTI's  
7 Complaint in the above-captioned docket have been addressed and resolved in Qwest's Wholesale  
8 Cost Docket, Mountain Telecommunications, Inc. should file, by no later than July 15, 2004, a  
9 Motion to Dismiss its Complaint or an explanation as to why this matter should not be  
10 administratively closed.

11 Dated this 28<sup>th</sup> day of June, 2004

12  
13 

14 DWIGHT D. NODES  
15 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

16 The foregoing was mailed/delivered  
17 this 28 day of June, 2004 to:

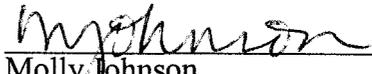
18 Mitchell F. Brecher  
19 GREENBERG TRAUIG, LLP  
20 800 Connecticut Ave., NW  
21 Washington, D.C. 20006  
22 Attorneys for Mountain Telecommunications,  
23 Inc.

Christopher Kempley, Chief Counsel  
LEGAL DIVISION  
1200 W. Washington Street  
Phoenix, Arizona 85007

21 Lynda R. Vescio  
22 GREENBERG TRAUIG, LLP  
23 2375 E. Camelback Rd., Suite 700  
24 Phoenix, Arizona 85016

Ernest G. Johnson, Director  
UTILITIES DIVISION  
1200 W. Washington Street  
Phoenix, Arizona 85007

24 Timothy Berg  
25 FENNEMORE CRAIG  
26 3003 N. Central Avenue, Suite 2600  
27 Phoenix, Arizona 85012  
28 Attorneys for Qwest Corporation

By:   
Molly Johnson  
Secretary to Dwight D. Nodes