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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

CARL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER

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CORP COMMISSION
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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-00000A-97-0238

PROCEDURAL ORDER

BY THE COMMISSION:

Our Procedural Order of August 27, 1999, directed the Commission's Utilities Division Staff ("Staff") and intervenors to file a response to the joint request of U S WEST Communications, Inc. ("U S WEST") and Staff that this proceeding be bifurcated for hearing. On September 7, 1999, responses were filed by the following parties: AT&T Communications of the Mountain States, Inc., Teleport Communications Group, Inc. and TCG-Phoenix (collectively "AT&T"); MCI WorldCom, Inc. ("MCIW"); Cox Arizona Telcom, Inc. ("Cox"); e-spire™ Communications, Inc. ("e-spire™"); Sprint Communications Company, L.P. ("Sprint"); Electric Lightwave, Inc. ("ELI"); NEXTLINK Arizona, Inc. ("NEXTLINK"); Rhythms Links, Inc. ("Rhythms"); and the Residential Utility Consumer Office ("RUCO"). Staff and U S WEST filed responses on September 9, 1999. A procedural conference was held on September 22, 1999, at which the following parties appeared or participated telephonically: U S WEST, Staff, AT&T; MCIW; Cox; e-spire™; Sprint; ELI; NEXTLINK; Rhythms; OnePoint Communications-Colorado, L.L.C.; and RUCO.

Initially, U S WEST and Staff jointly proposed that all checklist items, public interest, Track A and Section 272 issues be presented before the Commission in one proceeding, and that OSS issues proceed through a workshop process and hearing on a separate track. During the proceeding, Staff requested that public interest and Section 272 issues be combined with the OSS hearing. U S WEST proposed that the non-OSS items, and the non-OSS portion of those checklist items that have OSS implications, should proceed to hearing. U S WEST requested that the Commission approve U S WEST's application regarding checklist items contingent upon the resolution of OSS issues.

U S WEST proposed that Staff and intervenors file testimony on non-OSS issues by mid to

1 late October, 1999; U S WEST file rebuttal testimony by mid to late November, 1999; and the
2 hearing commence on December 7, 1999. U S WEST did not propose the filing of surrebuttal
3 testimony. U S WEST also proposed that if the non-OSS items are not bifurcated, the matter should
4 still proceed according to the same schedule. U S WEST offered to file an updated SGAT two weeks
5 prior to the deadline for filing intervenor testimony. U S WEST proposed that it respond to the
6 September 15, 1999 FCC Ruling regarding unbundled network elements in its rebuttal testimony,
7 acknowledging that its prefiled testimony and OSS did not currently respond to the FCC's addition of
8 an unbundled sub-loop as a network element.

9 Staff indicated its concern that there may be certain checklist items that are too intertwined
10 with OSS issues to be separated. Staff requested that U S WEST provide a supplemental filing in
11 response to the sub-loop unbundling requirement of the FCC Order, and that changes to the SGAT be
12 filed as soon as possible. Staff proposed at least a one-month delay in the filing of Staff and
13 intervenor testimony, with a similar delay in U S WEST's rebuttal testimony and the hearing date.
14 Staff also indicated that the report on OSS testing should be filed in late March to mid-April.

15 Intervenors uniformly requested that the matter not be bifurcated, citing a lack of resources,
16 doubling of efforts, and the inability to separate non-OSS from OSS-related aspects of a checklist
17 item. Generally, intervenors requested that if the matter is bifurcated, checklist items 3, 7, 8, 9, 10,
18 12 and 13 be included in the non-OSS hearing, with the remaining checklist items, public interest and
19 Section 272 included in the OSS hearing. Intervenors expressed concerns regarding the ability to
20 separate out every non-OSS aspect of an item with OSS implications, and whether the failure to
21 address an issue at the appropriate hearing would result in a waiver of the item. Certain intervenors
22 recommended that U S WEST strike or otherwise indicate the portions of its testimony which relate
23 to OSS issues, as opposed to non-OSS issues.

24 Intervenors requested that they not be required to address U S WEST's Section 319
25 compliance, including the new FCC Ruling, prior to U S WEST addressing it. Intervenors also
26 requested that U S WEST amend its SGAT as part of supplementation of its direct testimony.

27 We will bifurcate certain checklist items in order to advance our Section 271 review of U S
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1 WEST. It was undisputed that the FCC Ruling affects U S WEST's unbundling requirements, and
2 that the Ruling will not be available for another week or two. U S WEST should supplement its
3 direct testimony regarding the FCC Ruling and update its SGAT filing, as well as update any other
4 testimony as appropriate, prior to intervenors and Staff filing their responsive testimony.

5 Under normal circumstances, we would set a hearing in early January, with pre-filed
6 testimony scheduled accordingly. However, U S WEST currently has a rate case scheduled to begin
7 on January 10, 2000. Therefore, the non-OSS hearing will be set for February.

8 IT IS THEREFORE ORDERED that a hearing on checklist items 3, 7, 8, 9, 10, 12 and 13
9 shall commence on February 17, 2000 at 10:00 a.m., or as soon thereafter as is practical, at the
10 Commission's offices in Phoenix.

11 IT IS FURTHER ORDERED that a pre-hearing conference shall be held on February 10,
12 2000 at 1:30 p.m. at the Commission's Phoenix offices, for the purpose of scheduling witnesses and
13 the conduct of the hearing.

14 IT IS FURTHER ORDERED that U S WEST shall file a revised SGAT, update its testimony
15 as a result of the FCC's September 15, 1999 Ruling, denominate with specificity the portions of its
16 prefiled testimony and SGAT that relate to the above checklist items, and update its prefiled
17 testimony regarding the above checklist items in general, on or before noon on October 29, 1999.

18 IT IS FURTHER ORDERED that the Staff Report and/or any testimony and associated
19 exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before
20 noon on December 10, 1999.

21 IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at
22 hearing on behalf of intervenors shall be reduced to writing and filed on or before noon on December
23 10, 1999.

24 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be
25 presented at hearing by U S WEST shall be reduced to writing and filed on or before noon on January
26 21, 2000.

27 IT IS FURTHER ORDERED that any objections to any testimony or exhibits that have been
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1 prefiled as of January 21, 2000, shall be made before or at the February 10, 2000 pre-hearing
2 conference.

3 IT IS FURTHER ORDERED that the hearing on the public interest, Section 272 and the
4 OSS-related checklist items shall be scheduled at a later date.

5 DATED this 1st day of October, 1999.

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8 
9 JERRY L. RUDIBAUGH
10 CHIEF HEARING OFFICER

11 Copies of the foregoing mailed/delivered
12 this 1st day of October, 1999, to:

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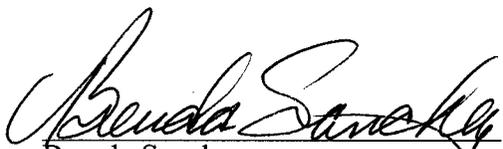
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