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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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

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AZ 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:

By Procedural Order dated October 1, 1999, upon request by U S WEST Communications, Inc. ("U S WEST"), the Arizona Corporation Commission ("Commission") bifurcated processing the above matter, and set a hearing and procedural schedule for addressing whether checklist items 3, 7, 8, 9, 10, 12 and 13 ("the seven checklist items") have been met by U S WEST. On November 29, 1999, the Commission's Utilities Division Staff ("Staff"), AT&T Communications of the Mountain States, Inc. and TCG Phoenix (collectively "AT&T"), MCI Telecommunications Corporation and MCI WorldCom, Inc. on behalf of its regulated subsidiaries (collectively "MCIW"), Sprint Communications Company, L.P. ("Sprint"), Cox Communications ("Cox"), NEXTLINK Communications, Inc. ("Nextlink"), e-spire™ Communications, Inc. ("e-spire™"), Electric Lightwave, Inc. ("ELI"), Rhythms Links, Inc. ("Rhythms"), and the Residential Utility Consumer Office ("RUCO") (collectively "Joint Movants") filed a Joint Motion for an alternative Procedural Order in this matter. On December 2, 1999, U S WEST filed a Response to the Joint Motion. On December 6, 1999, AT&T, Nextlink, MCIW, ELI, e-spire™, Rhythms and Sprint ("Movants") filed a Reply.

Joint Movants requested a collaborative workshop process to evaluate the seven checklist items. Joint Movants proposed that the parties present comments and exhibits in workshops, under the management of Staff and its consultant. According to Joint Movants, workshops would conclude by March 1, 2000. Joint Movants recommended that Staff periodically submit reports on checklist items that the parties agree are not in dispute with the Commission for consideration at Open Meeting. Joint Movants recommended that the parties file briefs regarding disputed findings of fact

1 and conclusions of law contained in the Staff Report. Joint Movants advocated that reports on
2 checklist items that the parties agree remain in dispute be filed with the Hearing Division, which
3 would issue Recommended Orders for Commission consideration. Joint Movants proposed that the
4 parties evaluate the collaborative process at the conclusion of the process on the initial checklist
5 items.

6 U S WEST requested that all aspects of Section 271 (Track A, the 14-point checklist, Section
7 272 and public interest) be considered in workshops to begin immediately. U S WEST proposed that
8 Staff submit reports on all items, even contested items, to the Commission for consideration at Open
9 Meeting. According to U S WEST's proposal, the parties could file exceptions to Staff's reports, but
10 there would be no review by the Hearing Division. U S WEST asserted that workshops would
11 conclude in advance of, or contemporaneously with, the completion of OSS testing. Further, U S
12 WEST opined that hearings were not necessary since the Commission will only be making a
13 recommendation to the Federal Communications Commission.

14 Movants objected to the exclusion of the Hearing Division from involvement in disputed
15 issues. Movants were unwilling to commit to the use of a collaborative process for items other than
16 the seven checklist items prior to completion of OSS testing.

17 We agree with Joint Movants on the structure of the collaborative process, with modifications
18 as indicated below. We do not accept U S WEST's proposed modifications. OSS issues are
19 complex, and independent testing for Section 271 compliance is time-consuming. At U S WEST's
20 request, checklist items were bifurcated so that review of non-OSS items would not be delayed
21 pending completion of OSS review. It would be premature to recombine checklist items and
22 complete a collaborative process prior to the conclusion of OSS testing.

23 We will approve the collaborative process described in the Joint Motion, with the
24 understanding that any party may submit any dispute to the Hearing Division. In addition, the
25 Hearing Division reserves the right to hold an evidentiary hearing, oral argument, or require briefs
26 regarding any contested issue.

27 IT IS THEREFORE ORDERED that the hearing on the seven checklist items, presently set
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1 for February 17, 2000, and the pre-hearing conference set for February 10, 2000, shall be, and are
2 hereby, continued until further Order of the Commission.

3 IT IS FURTHER ORDERED that all other procedural dates set forth in our October 1, 1999
4 Procedural Order are hereby vacated.

5 IT IS FURTHER ORDERED that workshops on the seven checklist items shall be instituted
6 as soon as reasonably possible, with completion of workshops by March 1, 2000. Staff and its
7 consultant shall manage the workshops.

8 IT IS FURTHER ORDERED that all parties shall have the opportunity to file and to present
9 initial and responsive written and oral comments, documents or exhibits at the workshops. All parties
10 shall have full opportunity to examine U S WEST regarding each checklist item. All comments,
11 exhibits and presentations shall be submitted under oath, and all workshops shall be transcribed.

12 IT IS FURTHER ORDERED that within twenty days after each checklist item is addressed,
13 Staff shall file draft proposed findings of fact and conclusions of law for review by the parties.
14 Within ten days after Staff files its draft, the parties shall file any proposed additional or revised
15 findings of fact and conclusions of law. Within ten days after the due date for the parties' submittal,
16 Staff shall file its recommended report.

17 IT IS FURTHER ORDERED that for undisputed checklist items, Staff shall submit its report
18 to the Commission for consideration at Open Meeting. Parties shall file any briefs regarding the
19 report within ten days of submittal, and any reply briefs within five days of the due date for initial
20 briefs.

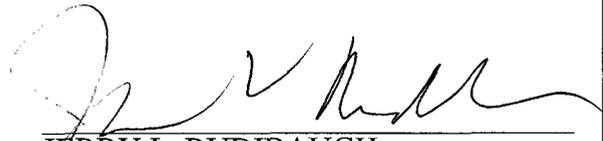
21 IT IS FURTHER ORDERED that for disputed checklist items, Staff shall submit its report to
22 the Hearing Division, with a procedural recommendation for resolving the dispute. The Hearing
23 Division may, upon its own motion or upon motion of any party, set the matter for evidentiary
24 hearing or oral argument, or set a briefing schedule regarding the disputed item. The Hearing
25 Division shall submit a Proposed Order to the Commission with all reasonable speed. Parties shall be
26 entitled to file exceptions to the Proposed Order.

27 IT IS FURTHER ORDERED that at the conclusion of the collaborative process on the seven
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1 checklist items, the parties shall consider the use of the collaborative process to resolve the remaining
2 checklist items.

3 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
4 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

5 DATED this 8th day of December, 1999.

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8 
9 JERRY L. RUDIBAUGH
10 CHIEF HEARING OFFICER

9 Copies of the foregoing mailed/delivered
10 this 8th day of December, 1999, to:

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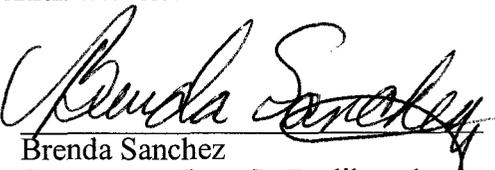
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