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BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER
Chairman
JIM IRVIN
Commissioner
WILLIAM A. MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
MIKE GLEASON
Commissioner

Arizona Corporation Commission

DOCKETED

MAY 02 2003

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AZ CORP COMMISSION
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UTILITIES DIVISION STAFF,

Complainant

vs.

LIVEWIRE NET OF ARIZONA, LLC; THE
PHONE COMPANY MANAGEMENT GROUP,
LLC; THE PHONE COMPANY OF ARIZONA
JOINT VENTURE dba THE PHONE COMPANY
OF ARIZONA; ON SYSTEMS TECHNOLOGY,
LLC, and its principles, TIM WETHERALD,
FRANK TRICAMO AND DAVID STAFFORD;
THE PHONE COMPANY OF ARIZONA, LLP
and its members,

Respondent

Docket No. T-03889A-02-0796
T-04125A-02-0796

**QWEST'S RESPONSE IN
SUPPORT OF STAFF'S REQUEST
TO DENY LIVEWIRE NET'S
MOTION TO TERMINATE
PROCEEDING AND FURTHER
REQUEST FOR CLARIFICATION
OF PROCEDURAL ORDER WITH
REQUEST FOR EXPEDITED
RULING**

On April 15, 2003, a pre-hearing was held to solicit public comments regarding the above- captioned docket. During this hearing, the Administrative Law Judge invited other parties to file responses regarding the April 2, 2003 LiveWirenet of Arizona, LLC and its related entities (collectively "LiveWirenet") motion to terminate these proceedings in light of its application to

1 terminate its Certificate of Convenience and Necessity ("CC&N") in Arizona. Staff responded
2 to this motion on April 7, 2003, recommending that the motion be denied since the "revocation
3 of a tariff is irrelevant...in rectifying LiveWirenet's past behavior." Qwest Corporation
4 ("Qwest") supports Staff's position on the matter and agrees that LiveWirenet's motion to
5 terminate should be denied.
6

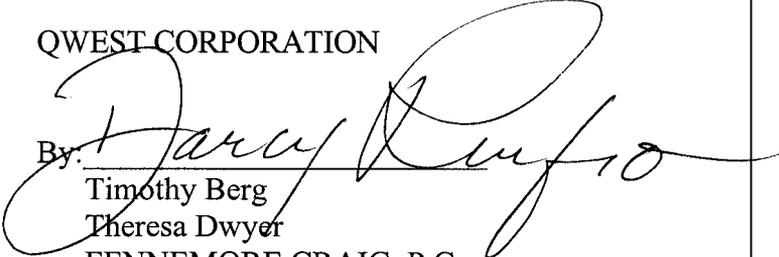
7 Additionally, on April 10, 2003, a procedural conference was held to discuss the above
8 matter as well as Qwest's March 23, 2003 Motion for Clarification regarding its duties to provide
9 service as a default provider to those customers previously serviced by LiveWirenet. However,
10 subsequent to or in conjunction with its request to terminate its CC&N, LiveWirenet transferred
11 customers to another telecommunications provider, DMJ. At the April 10 hearing, Qwest
12 testified that it believes the parties should adhere to the procedural orders of February 25th and
13 March 3rd directing, among other things, Qwest as the default provider for these customers. Staff
14 concurred and expressed concern in its April 7 Response regarding the transfer of customers to
15 DMJ since such a transfer had not been approved and since DMJ did not appear to have a tariff
16 in effect allowing it to provide interexchange service in Arizona. In fact, with the exception of
17 DMJ, all parties at the April 10 proceeding concurred that Qwest should serve as the default
18 provider for all LiveWirenet customers.
19

20 Qwest has advised that in accordance with the procedural orders issued in this docket, it
21 had terminated service to LiveWirenet and began transferring customers who have either: (1)
22 signed a letter of authorization indicating that the customer has chosen Qwest as its new
23 provider, or (2) failed to express any choice of carrier. Nonetheless, certain customers were
24 transferred to DMJ in direct conflict with the February 25th and March 3rd procedural orders, and
25 Qwest received LSRs from DMJ asking that these customers be transferred to DMJ.
26

1 Based on the foregoing, Qwest again request that the Hearing Division enter an order
2 clarifying DMJ's role in this proceeding, particularly with respect to those customers already
3 transferred by LiveWirenet to DMJ and DMJ's LSR to Qwest.

4 DATED this 2nd day of May, 2003.

5 QWEST CORPORATION

6
7 By: 

8 Timothy Berg

9 Theresa Dwyer

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13 *Attorneys for Qwest Corporation*

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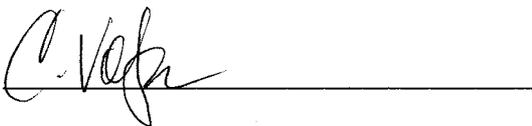
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