

COVER SHEET



0000008514

INTERVENTION ARIZONA CORPORATION COMMISSION DOCKET CONTROL CENTER

CASE/COMPANY NAME:

DOCKET NO. T-000008-9740238

In the Matter of U S WEST Communications, Inc.

Compliance with § 271 of the Telecommunications

Act of 1996

D/B/A or RESPONDENT

NEXTLINK Arizona, Inc.

RECEIVED AZ CORP COM 0238 FEB 18 4 42 PM '99

DOCUMENT CONTROL

Arizona Corporation Commission

NATURE OF ACTION OR DESCRIPTION OF DOCUMENT DOCKETED

Please mark the item that describes the nature of the case/filing:

01 UTILITIES - NEW APPLICATIONS

FEB 18 1999

- NEW CC&N
RATES
INTERIM RATES
CANCELLATION OF CC&N
DELETION OF CC&N (TERRITORY)
EXTENSION OF CC&N (TERRITORY)
TARIFF - NEW (NEXT OPEN MEETING)
REQUEST FOR ARBITRATION
FULLY OR PARTIALLY ARBITRATED
INTERCONNECTION AGREEMENT
VOLUNTARY INTERCONNECTION AGREEMENT

- MAIN EXTENSION
CONTRACT/AGREEMENTS
COMPLAINT (Formal)
RULE VARIANCE/WAIVER REQUEST
SITING COMMITTEE CASE
SMALL WATER COMPANY -SURCHARGE
SALE OF ASSETS & TRANSFER OF OWNERSHIP
SALE OF ASSETS & CANCELLATION OF CC&N
FUEL ADJUSTER/PGA
MERGER
FINANCING
MISCELLANEOUS

DOCKETED BY [Signature]

02 UTILITIES - REVISIONS/AMENDMENTS TO PENDING OR APPROVED MATTERS

APPLICATION COMPANY DOCKET NO.

TARIFF PROMOTIONAL DECISION NO. DOCKET NO. COMPLIANCE DECISION NO. DOCKET NO.

X SECURITIES or MISCELLANEOUS FILINGS

- 04 AFFIDAVIT
12 EXCEPTIONS
18 REQUEST FOR INTERVENTION
48 REQUEST FOR HEARING
24 OPPOSITION
50 COMPLIANCE ITEM FOR APPROVAL
32 TESTIMONY
47 COMMENTS

- 29 STIPULATION
38 NOTICE OF INTENT
43 PETITION
46 NOTICE OF LIMITED APPEARANCE
39 OTHER

February 18, 1999 Date

Joan S. Burke Print Name of Applicant/Company/Contact person/Respondent/Atty. 602-640-9356 Phone

PLEASE SEE NOTICE ON REVERSE SIDE

**DOCKETED**

ORIGINAL

FEB 18 1999

RECEIVED  
ARIZONA CORPORATION COMMISSION

BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED BY	Cfw
-------------	-----

FEB 18 4 48 PM '99

JIM IRVIN  
 COMMISSIONER-CHAIRMAN  
 TONY WEST  
 COMMISSIONER  
 CARL J. KUNASEK  
 COMMISSIONER

DOCUMENT CONTROL

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

**RUCO'S MOTION IN RESPONSE TO U S WEST'S NOTICE OF INTENT  
 TO FILE WITH THE FCC AND MOTION FOR IMMEDIATE  
 IMPLEMENTATION OF PROCEDURAL ORDER**

The Residential Utility Consumer Office ("RUCO") requests that U S WEST be ordered to file with the Arizona Corporation Commission ("Commission") all the information that it intends to file with the Federal Communications Commission ("FCC"), consistent with the Commission's procedural orders. RUCO also requests that the Commission deny U S WEST's Motion for Immediate Implementation of Procedural Order which significantly alters the Procedural Order set forth by the Commission. RUCO also requests that prefiled testimony be staggered and that a hearing be held for the purpose of determining U S WEST's compliance with Section 271 of the Telecommunications Act of 1996 ("Act") only after U S WEST makes a complete filing with sufficient time for RUCO to make an analysis before its testimony is due.

**INTRODUCTION**

Section 271 of the Telecommunications Act sets forth a fourteen point competitive checklist which specifies the access and interconnection US West must provide to other

1 telecommunications carriers in order to provide in-region interLATA services. The Act requires  
2 the FCC to consult with state commissions to determine if US West has complied with the  
3 checklist items as well as if it is in the public interest for US West to provide such service.  
4 Therefore, the Commission adopted procedural orders which would enable it to fully evaluate  
5 US West's application before it filed with the FCC. The June 16, 1998 procedural schedule  
6 reiterates Decision No. 60218 that US West "will file with the Commission at least 90 days prior  
7 to making its FCC filing, the full and complete application which US West intends to file with  
8 the FCC."  
9

10 However, US West has not complied with that order. Its filing provides no information  
11 on its compliance with Section 271. US West has violated the Commission's orders by failing  
12 to file with the Commission the full application that it intends to make with the FCC. In fact, US  
13 West intends to make its complete filing March 31, 1999. This leaves little time for RUCO to  
14 present comments regarding the adequacy of the application and little time for the Commission  
15 to fully evaluate if US West has complied with the Act.  
16

17 Therefore, RUCO asks that this Commission deny US West's motion to change the  
18 procedural schedule.  
19

## 20 **ARGUMENT**

### 21 **U S WEST's Proposed Procedural Schedule.**

22 U S WEST's proposed procedural schedule is seriously flawed and jeopardizes RUCO's  
23 ability to adequately present its case. U S WEST proposes that the parties issue all initial  
24 discovery no later than Wednesday of this week (February 17, 1999), and before U S WEST  
25 files its testimony.

26 U S WEST has failed to provide testimony demonstrating that it has met the Section  
27 271 requirements. This will require quite literally thousands of broad data requests to analyze  
28

1 the filing, and the discovery schedule proposed by U S WEST further inhibits RUCO's ability to  
2 even prepare data requests sufficiently.

3 U S WEST's proposed procedural schedule is also flawed because it proposes the  
4 simultaneous filing of testimony by all parties. This proposal is most inefficient. Since U S  
5 WEST's filing is seriously deficient and does not provide how it complies with the checklist  
6 items, RUCO has nothing to respond to. U S WEST should be required to make a complete  
7 filing demonstrating its compliance with each of the checklist items. Then only after sufficient  
8 time has been given for an analysis of the filing, RUCO and other intervenors should be  
9 required to file its prefiled direct testimony, but only after U S West makes a complete filing.  
10 Then, U S WEST should be required to file rebuttal testimony, followed by the intervenors'  
11 surrebuttal testimony, and so on before a scheduled hearing.

12 **The Commission Should Confirm that a Hearing Will Be Held On U S WEST's**  
13 **Application.**

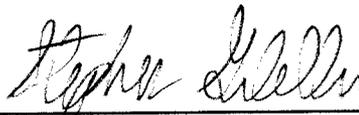
14 The Commission's requirement that U S WEST file its complete FCC case at the  
15 beginning of the proceeding will allow RUCO the opportunity to adequately determine if  
16 U S WEST has complied with Section 271 of the Act. The Commission's June 16, 1998  
17 Procedural Order stated that formal hearings will be held. RUCO requests confirmation that  
18 the issue of U S WEST compliance with Section 271 will be the subject of a formal hearing  
19 rather than workshop proceedings. RUCO believes that a formal hearing will allow it a greater  
20 opportunity to evaluate the application because it is more efficient and allows examination of  
21 witnesses under oath.

22  
23 **CONCLUSION**

24 Therefore, RUCO requests that this Commission reject U S WEST's Motion for  
25 Immediate Implementation of Procedural Order and requests that the Commission confirm that  
26 a hearing will be held to determine if U S WEST has complied with Section 271 of the  
27 Telecommunications Act only after U S WEST has filed a full and complete application before  
28

1 this Commission, including testimony, and that said application be complete and give sufficient  
2 time before any intervenor testimony be due.

3           RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of February, 1999.

4  
5 

6 \_\_\_\_\_  
7 Stephen Gibelli  
8 Counsel, RUCO

9  
10 AN ORIGINAL AND TEN COPIES  
11 of the foregoing filed this 18<sup>th</sup> day  
12 of February, 1999 with:

13 Docket Control  
14 Arizona Corporation Commission  
15 1200 West Washington  
16 Phoenix, Arizona 85007

17 COPIES of the foregoing mailed/  
18 hand delivered/ this 18<sup>th</sup> day of  
19 February 1999 to:

20 Jerry Rudibaugh, Chief Hearing Officer  
21 Hearing Division  
22 Arizona Corporation Commission  
23 1200 West Washington  
24 Phoenix, Arizona 85007

25 Christopher Kempley  
26 Legal Division  
27 Arizona Corporation Commission  
28 1200 West Washington  
Phoenix, Arizona 85007

Ray Williamson, Acting Director  
Utilities Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

- 1 Vince C. DeGarlais
- 2 Andrew D. Crain
- 3 Charles W. Steese
- 4 U S West Communications, Inc.
- 5 1801 California Street, #5100
- 6 Denver, Colorado 80202
  
- 7 Maureen Arnold
- 8 U S West Communications, Inc.
- 9 3033 North 3<sup>rd</sup> St., Room 1010
- 10 Phoenix, Arizona 85012
  
- 11 Michael M. Grant, Esq.
- 12 Gallagher and Kennedy
- 13 2600 North Central Avenue
- 14 Phoenix, Arizona 85004-3020
  
- 15 Timothy Berg
- 16 Fennemore Craig, P.C.
- 17 3003 North Central Avenue, #2600
- 18 Phoenix, Arizona 85012
  
- 19 Robert Munoz
- 20 WorldCom, Inc.
- 21 225 Bush Street, Suite 1900
- 22 San Francisco, California 94014
  
- 23 Karen Johnson
- 24 Penny Bewick
- 25 Electric Lightwave, Inc.
- 26 4400 NE 77<sup>th</sup> Avenue
- 27 Vancouver, Washington 98662
  
- 28 Thomas L. Mumaw, Esq.
- 29 Snell & Wilmer L.L.P.
- 30 One Arizona Center
- 31 Phoenix, Arizona 85004-0001
  
- 32 Mark Dioguardi, Esq.
- 33 Tiffany and Bosco, P.A.
- 34 500 Dial Tower
- 35 1850 North Central Avenue
- 36 Phoenix, Arizona 85004
- 37
- 38

1 Donald A. Low  
2 Sprint Communications Company L.P.  
3 8140 Ward Parkway 5E  
4 Kansas City, Missouri 64114

4 Lex J. Smith  
5 Michael W. Patten  
6 Brown & Bain, P.A.  
7 P.O. Box 400  
8 Phoenix, Arizona 85001-0400

7 Charles Kallenbach  
8 American Communications Services, Inc.  
9 131 National Business Parkway  
10 Annapolis Junction, Maryland 20701

10 Joyce Hundley  
11 United States Department of Justice  
12 Antitrust Division  
13 1401 H Street NW, Suite 8000  
14 Washington, DC 20530

14 Thomas H. Campbell  
15 Lewis and Roca  
16 40 N. Central Avenue  
17 Phoenix, Arizona 85004

17 Barry Pineles  
18 GST Telecom, Inc.  
19 4001 Main Street  
20 Vancouver, Washington 98663

20 Rex Knowles  
21 Nextlink  
22 111 E. Broadway, Suite 1000  
23 Salt Lake City, Utah 84111

23 Douglas G. Bonner  
24 Alexandre B. Bouton  
25 Swidler & Berlin, Chartered  
26 3000 K Street, NW, Suite 300  
27 Washington, DC 20007

26  
27  
28

1 Joseph Faber  
2 Teleport Communications Group, Inc.  
3 1350 Treat Blvd, Suite 500  
4 Walnut Creek, California 94596

5 Bill Haas  
6 Richard Lipman  
7 McLeod USA  
8 6400 C Street SW  
9 Cedar Rapids, Iowa 54206-3177

10 Carrington Phillip  
11 Fox Communications, Inc.  
12 1400 Lake Hearn Drive, NE  
13 Atlanta, Georgia 30319

14 Richard Smith  
15 Cox Communications  
16 2200 Powell Street, Suite 795  
17 Emeryville, California 94608

18 Kath Thomas  
19 Brooks Fiber Communications  
20 1600 South Amphlett Blvd, #330  
21 San Mateo, California 94402

22 Thomas F. Dixon  
23 MCI Telecommunications  
24 707 17<sup>th</sup> Street #3900  
25 Denver, Colorado 80202

26 Mary B. Tribby  
27 AT&T Communications  
28 1875 Lawrence St., Room 1575  
Denver, Colorado 80202

By Cheryl Fraulob  
Cheryl Fraulob