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BEFORE THE ARIZONA CORPORATION COMMISSION

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JAMES M. IRVIN
Chairman
RENZ D. JENNINGS
Commissioner
CARL J. KUNASEK
Commissioner

DOCKETED BY *Jmk*

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

U S WEST'S RESPONSE TO AT&T'S
MOTION FOR SUPPLEMENTAL
PROCEDURAL ORDER

U S WEST Communications, Inc. ("USWC") responds to and
opposes the motion for supplemental procedural order filed by AT&T
Communications of the Mountain States, Inc. ("AT&T") in this
matter on May 1, 1998. In contrast to its earlier comments filed
in this docket, which urged a single proceeding once USWC had
certified full compliance with the checklist, AT&T now proposes
that the Commission permit discovery and conduct an evidentiary
hearing in each instance where USWC submits a partial filing in
accordance with Commission Decision No. 60218. The adoption of
AT&T's proposal will result in an unnecessary duplication of
efforts by the Commission, Staff, USWC and all interested parties
through multiple rounds of discovery and multiple hearings.
AT&T's proposal does not make sense in light of the requirements
of the Telecommunications Act of 1996 (the "Act") and the Federal
Communications Commission ("FCC"), and is inconsistent with the
intent of Decision No. 60218.

. . .

1 On May 8, 1997, Commission Staff issued a written memorandum
2 and proposed order in this docket. Staff indicated its belief
3 that, given the short time frames mandated by the Act and the FCC,
4 it was necessary to begin preparations for USWC's eventual
5 application and to create a public record designed to analyze
6 USWC's compliance with Section 271. Staff's proposed order
7 provided that "[T]o expedite the review of this information and
8 accelerate the introduction of full telecommunication competition
9 in Arizona, U S WEST must file information related to a checklist
10 item as soon as it believes that it has satisfied the requirements
11 of the specific item." Staff proposed a particular time line for
12 the filing of notices of interest and comments responding to any
13 prospective filing by USWC. In addition, the Staff identified
14 specific information which the Commission would need to conduct an
15 analysis of and make a recommendation relative to Section 271
16 compliance. Interested parties, however, could file general
17 information and comments at any time and were not limited to
18 responding to USWC. Finally, Staff's proposed order included
19 language encouraging USWC to file all information relative to
20 Section 271 compliance no later than forty-five days before its
21 FCC filing.

22 On receipt of Staff's proposed order, AT&T filed comments
23 noting that although it supported the proposed item-by-item review
24 of asserted compliance, a comprehensive evaluation of USWC's
25 compliance with the entire checklist was necessary and more
26 effective for purposes of determining conformity with the Act:

1
2 Such an item-by-item review of USWC's checklist
3 compliance places a considerable burden on staff and
4 interested parties. This seriatim review could be
5 drawn out for months, or even years, as USWC evaluates
6 whether it has satisfied each individual checklist item
7 . . . Piecemeal verification, on an item-by-item basis,
8 will not fulfill the Commission's Section 271
9 responsibilities. For these reasons, AT&T requests
10 that the Commission revise paragraph 6 of the Proposed
11 Order (and related sub-parts) to require U S WEST to
12 file verification of compliance with Section 271 only
13 after it believes it has satisfied all of the fourteen-
14 point checklist requirements.

15
16 Comments of AT&T Regarding Staff's Proposed Issues and Procedure
17 at 2-3. Consequently, AT&T requested that the Commission replace
18 the non-binding forty-five day period preceding USWC's application
19 to the FCC with a mandatory ninety day advance notice filing.

20
21 On May 27, 1997, the Commission adopted a modified version of
22 the Staff's proposed order—Decision No. 60218. The Decision
23 simply encourages USWC to file information with the Commission
24 related to compliance with an individual checklist item as soon as
25 USWC believes it has satisfied a particular requirement. As
26 requested by AT&T, the Decision requires USWC to file specific
information ninety days prior to filing its application with the
FCC for the authority to provide in-region interLATA services.

Clearly, the Decision intended such partial filings to be
informational only and not mandatory. The Commission "encouraged"
such partial filings so that it could begin to prepare for its
Section 271 analysis given the FCC's short time frame for state
commission comment. USWC has commenced such partial filings in
response to the Commission's request.

1 The Commission should not permit discovery and conduct an
2 evidentiary hearing relative to every USWC partial filing, as
3 proposed by AT&T. As previously noted by AT&T, the Commission
4 should review Section 271 compliance in a comprehensive, not a
5 piecemeal, manner. The Commission will be better able to define
6 the scope of any hearing or discovery necessary only after it has
7 complete information at such time that USWC believes it has
8 complied with Section 271 and is ready to pursue FCC approval.
9 A&T's approach will only result in overly broad and burdensome
10 litigation and will tax the resources of the Commission and all
11 interested parties.

12 Alternatively, if the Commission permits discovery and
13 multiple hearings for individual checklist items, as proposed by
14 AT&T, the Commission should also render final decisions promptly
15 with respect to the checklist items which are the subject of such
16 hearings. It should not defer its decision with respect to an
17 individual checklist item until the very end, when USWC has
18 completed its filings with respect to all checklist items.
19 Otherwise, interested parties will be given a second bite of the
20 apple and USWC will, no doubt, be forced to relitigate each item
21 at the conclusion of this docket.

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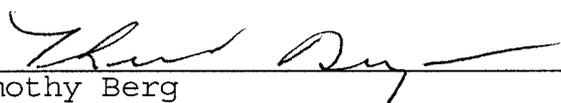
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RESPECTFULLY SUBMITTED this 18th day of May, 1998.

U S WEST COMMUNICATIONS, INC.
Thomas Dethlefs

and

FENNEMORE CRAIG

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ORIGINAL and ten copies of
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COPY of the foregoing hand
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