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July 18, 2000

T-00000A-97-023

Mr. Richard S. Wolters
Senior Attorney
AT&T Communications of the
Mountain States, Inc.
1875 Lawrence Street, 14th Floor
Denver, Colorado 80202

Dear Mr. Wolters:

I have reviewed your comments dated July 10, 2000, which were filed in response to the Arizona Corporation Commission's ("Arizona Commission") request for comment on Qwest's proposed Performance Assurance Plan for Arizona. In your comments, you state that you will not be participating in this phase of the Arizona Section 271 proceeding because of resource constraints. You further state that your resources will instead be devoted to any Qwest Regional Oversight Committee ("ROC") proceeding which may ultimately be commenced on this issue and which would run concurrently with the ROC OSS test. Your comments also state that AT&T does not desire to address performance assurance in multiple jurisdictions in the Qwest region. Finally, your comments state that AT&T reserves the right to present its evidence on any Qwest proposed Arizona Performance Assurance Plan and any plan ultimately adopted by the Arizona Commission, in the first instance, to the Federal Communications Commission ("FCC").

As you know, the Arizona Commission has elected to conduct its own workshops on performance assurance. The Commission made the decision in part so that its workshops could run concurrently with the Arizona OSS test. The decision was also made, however, based upon the importance of this phase of the proceeding to Arizona, since the Commission may also be considering the issue of performance assurance for Section 251 purposes. There is also a concern that smaller CLECs obtain the benefits of Section 271 as quickly as possible. I would note that most States addressing Section 271 performance assurance plans have done so on an individual basis and AT&T has actively participated in all of these proceedings nationwide. The Commission Staff believes that AT&T could devote the resources necessary to present its evidence in the Arizona workshops, if it so desired, as others involved in the ROC and multi-state processes are doing. Many of these companies are much smaller than AT&T, yet they are devoting the resources necessary for both the Arizona and ROC proceedings, and are participants in

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other tests throughout the country. Experience with the Arizona OSS test and checklist proceedings indicates that the ROC and other Qwest region proceedings have been shortened as a result.

The Arizona Commission has been extremely flexible in accommodating any conflicts or problems encountered by parties to ensure full and meaningful participation by all, and will continue to take parties' needs into account in the future. The Commission Staff has also indicated that it would take any ROC performance assurance standards into consideration if available and as appropriate. As the Commission's legal counsel on this matter, it is my position and will be before the FCC, that AT&T was given a full and fair opportunity to present its evidence on Qwest's Performance Assurance Plan before the Arizona Commission during its review and evaluation of this portion of Qwest's Section 271 application. If AT&T voluntarily chooses not to participate in the proceedings before the ACC, it is my position that AT&T waives its right to present evidence on the plan that could and should have been presented to the ACC, and it should be precluded from submitting such evidence and arguments to the FCC in the first instance.

A process which allowed AT&T to withhold evidence or comment available to it during the State Section 271 proceedings, and raise that evidence for the first time before the FCC long after the issues had been addressed at the State level, would completely undermine the integrity of State Section 271 proceedings. More importantly, it would be extremely unfair to the other Arizona workshop participants and parties, who will be devoting considerable time and efforts to the Arizona proceeding, if AT&T could merely go to the FCC and ask that everything that had been agreed to in the Arizona workshops be set aside because AT&T, who voluntarily chose not to participate in the first instance, did not agree with it.

In summary, I hope AT&T will reconsider its decision not to participate in the Arizona workshops on Qwest's Performance Assurance Plan. AT&T has been a valued participant with much expertise in the areas being examined, and therefore, your continued participation in all phases of the Commission's evaluation of Qwest's Section 271 application is very important to the ACC Staff. We will, as we have always done in the past, try to accommodate any scheduling conflicts which you may have. Should you ultimately not participate, however, the Commission will actively oppose any evidence or arguments presented by AT&T to the FCC which could and should have been presented to this Commission during the conduct of these proceedings in Arizona. Finally, I intend to advise the FCC and Department of Justice ("DOJ") of AT&T's decision to withdraw from these workshops, by copy of this letter, if you continue to take this position.

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Please do not hesitate to contact me if you have any questions concerning this letter, or would like to discuss this matter further.

Sincerely,

A handwritten signature in black ink that reads "Maureen A. Scott". The signature is written in a cursive style with a large, stylized "S" at the end.

Maureen A. Scott
Attorney, Legal Division

cc: All Parties of Record