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BEFORE THE ARIZONA CORPORATION COMMISSION

Commissioners

Arizona Corporation Commission
DOCKETED

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MARC SPITZER, CHAIRMAN
WILLIAM A. MUNDELL
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OCT 14 2003

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AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE INVESTIGATION
INTO QWEST'S CABLE WIRE AND SERVICE
TERMINATION POLICIES AND TARIFFS AND
THE POLICIES AND TARIFFS OF OTHER
TELECOMMUNICATIONS CARRIERS WITH
RESPECT TO ACCESS TO MTE/MDU TENANTS.

DOCKET NO. T-00000A-02-0280

PROCEDURAL ORDER

BY THE COMMISSION:

On September 5, 2003, Arizona Corporation Commission ("Commission") Staff filed its Status Report in the above-captioned matter. The Staff Report summarized the Federal Communications Commission's ("FCC") position concerning subloops for Multitenant Premises Access and Network Interface Devices ("NIDs") in its *Triennial Review Order* ("TRO"), released on August 21, 2003. Staff recommended that the parties be given 30 days to comment on the TRO findings regarding access to MTE/MDU tenants. Specifically, Staff requested comments on whether the TRO addressed CO's concerns that lead to opening the current docket and whether it is necessary to proceed with this docket in light of the FCC's findings. Because Cox Arizona Telecom, Inc. ("Cox") initially raised the issue of access to multitenant premises and NIDs, Staff also recommended that if at any point Cox determines that its concerns have been addressed and notifies the Commission of its decision, the docket should be closed.

Pursuant to Procedural Order dated September 26, 2003, a Procedural Conference convened on October 9, 2003 to discuss further proceedings in this matter.

Cox notified the Commission and parties that the FCC's TRO addressed some, but not all, of its concerns regarding these issues. Cox agreed that because it was the party that initially raised the issues, it should file comments to the TRO, and that other parties should have an opportunity to file responsive comments. Cox requested 30 days to make a determination if it desires to pursue the matter further and to file comments. Cox then envisioned other parties filing responsive comments in either 14 or 30 days. All parties present agreed to Cox's proposed procedures and timetable.

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The agreed process and schedule is reasonable and will not prejudice any party.

IT IS THEREFORE ORDERED that Cox Telecommunications, Inc. shall no later than November 12, 2003 file comments that address the following:

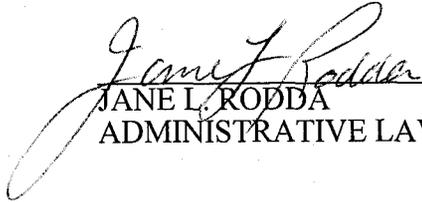
1. Discuss the manner in which the FCC's TRO resolves Cox's concerns about Qwest's CWSTP tariff and Cox's requests: (a) that the Commission require Qwest to modify its Cable, Wire, and Service Termination Policy tariff on a going-forward-basis only to eliminate its potential anti-competitive effects; (b) "that the existing Qwest tariffs will act to perpetuate problems with Competitive Local Exchange Carrier ("CLEC") access to subloops"; (c) that three of the options offered in the CWSTP tariff interfere with CLEC access to MTE/MDU tenants and increase the cost of access; and (d) the MPOE should be located and configured in such a manner as to allow ready and east access to the MPOE.
2. Does Cox's position conflict with any portion of the FCC's ruling.
3. Whether it is necessary to continue with this docket in light of the FCC's TRO.
4. If the Commission should continue to pursue the matter, what issues need to be addressed and how should they be resolved.

IT IS FURTHER ORDERED that all other interested parties shall file no later than December 12, 2003, responsive comments. Regardless of Cox's responses, the parties should respond to questions nos. 3 and 4 above.

IT IS FURTHER ORDERED that Staff shall summarize the comments and make recommendations concerning further proceedings by January 12, 2004.

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

DATED this 10th day of October, 2003.



JANE L. ROBDA
ADMINISTRATIVE LAW JUDGE

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By: *Juanita Gomez*
Juanita Gomez
Secretary to Jane Rodda