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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

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2 **MARC SPITZER**  
Chairman  
3 **JIM IRVIN**  
Commissioner  
4 **WILLIAM A. MUNDELL**  
Commissioner  
5 **JEFF HATCH-MILLER**  
Commissioner  
6 **MIKE GLEASON**  
Commissioner  
7

Arizona Corporation Commission

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AZ CORP COMMISSION  
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8 **IN THE MATTER OF THE INVESTIGATION**  
9 **INTO QWEST'S CABLE WIRE AND SERVICE**  
10 **TERMINATION POLICIES AND TARIFFS**  
11 **AND THE POLICIES AND TARIFFS OF**  
12 **OTHER TELECOMMUNICATIONS**  
13 **CARRIERS WITH RESPECT TO ACCESS TO**  
14 **MTE/MDU TNEANTS**

Docket No. T-00000A-02-0280

**STAFF'S MOTION FOR EXTENSION OF TIME**

14 On October 9, 2001, Cox Telecom Arizona, L.L.C. ("Cox") submitted *Exceptions to the*  
15 *Recommended Order* concerning "Emerging Service" in Docket No. T-00000A-97-0238. Included in  
16 the Emerging Services issues are issues related to sub-loop access. In its *Exceptions*, Cox argued that  
17 the Commission should require Qwest Corporation ("Qwest") to modify its tariff so that all new  
18 Qwest entrance facilities and major configurations of entrance facilities will have the demarcation  
19 point located at the Minimum Point of Entry ("MPOE"). The MPOE is the closest practicable point  
20 where Qwest's network terminates. The demarcation point is the point of interconnection between  
21 Qwest's regulated telecommunications facilities and terminal equipment, protective apparatus or  
22 wiring at a premise.

23 During its November 16, 2001 Special Open Meeting to consider Emerging Services, the  
24 Commission directed Staff to open a proceeding to examine the MPOE, demarcation point issue. On  
25 April 12, 2002, Staff requested this generic docket be opened. A Procedural Order was issued on  
26 May 29, 2002 requiring interested parties to file Initial Comments addressing the issues on or before  
27 July 24, 2002 with Reply Comments to be filed on or before August 21, 2002. Finally, the Order  
28 required Staff to file a Report with the Commission on or before August 21, 2002. By Procedural

1 Order dated July 29, 2002, Cox's Motion to Continue Filing Dates was granted and the ALJ ordered  
2 Initial Comments to be filed on or before August 30, 2002, Reply Comments on or before September  
3 27, 2002, and Staff's Report on or before October 25, 2002. By Procedural Order dated September  
4 23, 2002, AT&T Communications of the Mountain States, Inc. and TCG Phoenix were granted an  
5 extension of the remaining procedural schedule. It was ordered that Reply Comments were to be  
6 filed by October 30, 2002, and the Staff Report to be filed by November 29, 2002. By Procedural  
7 Order dated December 4, 2002, Staff was granted an extension of time to file its Staff Report until  
8 January 31, 2003.

9 The Federal Communications Commission ("FCC") is considering some of these same issues  
10 as a part of its Triennial Review of Unbundled Network Elements. Cox has asked the FCC to address  
11 issues related to inside wire sub-loop access. Cox has indicated to Staff that if the FCC does not rule  
12 in their favor on the issues presented to the FCC, it may reconsider its position in this docket. Staff  
13 therefore requests the required filing date of its Recommendations and Staff Report on this matter be  
14 extended until such time as the FCC has released its Review and the Parties have had an opportunity  
15 to analyze it. Cox has indicated to Staff that it does not oppose an extension.

16 The FCC is currently required its Triennial Review by February 20, 2003. There is some  
17 doubt however about whether or not the FCC will meet the deadline. It appears likely that the  
18 deadline will be extended. Staff does not therefore recommend a date certain for its filing but prefers  
19 the Administrative Law Judge ("ALJ") set a date for upon filing of the FCC Review. Staff will notify  
20 the ALJ of the date the Review is filed. In the alternative, Staff recommends a required Staff Report  
21 filing date of April 21, 2003.

22 RESPECTFULLY SUBMITTED this 30th day of January, 2003.

23 ARIZONA CORPORATION COMMISSION

24  
25 By:   
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1 Original and 13 copies of the foregoing filed  
2 this 30<sup>th</sup> day of January, 2003, with:

3 Docket Control  
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8 Copy of the foregoing mailed this 30<sup>th</sup> day  
9 of January, 2003, to:

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