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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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AZ CORP COMMISSION  
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DOCKET NO. T-00000A-02-0280

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.

PROCEDURAL ORDER

**BY THE COMMISSION:**

On October 9, 2001, Cox Arizona Telecom, LLC ("Cox") filed Exceptions to the Recommended Order on "Emerging Services" in the Arizona Corporation Commission's ("Commission") proceeding on Qwest Corporation's ("Qwest") Section 271 application. In its exceptions, Cox stated the following:

- a. Cox asked 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. Cox indicated that one of its key concerns "is that the existing Qwest tariffs will act to perpetuate problems with CLEC access to subloops."
- c. Cox indicated that Qwest's Cable, Wire and Service Termination Policy provides four options for the configuration of new facilities at MDUs and MDU campus properties such as apartment complexes. Cox believes that three of the options interfere with CLEC access to MTE/MDU tenants and increase the cost of access.
- d. Cox urged the Commission to require Qwest to modify its tariff so that all new Qwest entrance facilities to MTEs and campus properties will have the Minimum Point of Entry and the demarcation point located at the same place near the property line.
- e. Cox's exceptions noted that although the Recommended Order concluded that Cox's request was not unreasonable, it did not adopt the proposal.

At its November 16, 2001 Open Meeting to consider the Emerging Services Recommended Order, the Commission discussed what the policy should be relative to the location of the demarcation between Qwest's network and the facilities controlled by the premise owner. The Commission determined that it should address the issue in the context of a proceeding that would

1 apply to all telecommunication companies and not just Qwest. The Commission instructed Staff to  
2 open a proceeding to address this issue.

3 On April 12, 2002, Staff requested that a generic docket be opened, and filed a Request for  
4 Procedural Order in order to obtain information from interested parties on the following issues:  
5

- 6 1. Do you believe that the Commission should establish a statewide policy for providers  
7 that requires that the Minimum Point of Entry and the demarcation point be located at  
the same place near the property line? Please explain.
- 8 2. Do you believe that Qwest's tariff should be modified so that all new Qwest entrance  
9 facilities to MTEs and campus properties ("MDUs") will have the Minimum Point of  
Entry and the demarcation point located at the same place near the property line?  
10 Why or why not?
- 11 3. Do you believe that the Cox proposed policy should apply, on a going forward basis or  
12 with a significant reconfiguration only if the Commission adopts it? How would you  
define a significant reconfiguration?
- 13 4. Do you believe that the Cox proposed policy would lead to further development of  
14 competition in Arizona, if the Commission adopts it? Please explain.
- 15 5. What property rights issues are raised by requiring the demarcation for new MTEs be  
16 at the MPOE at the edge of the property? How do you believe that these issues should  
be resolved?
- 17 6. What property rights issues are raised by requiring the demarcation for reconfigured  
18 MTEs be at the MPOE at the edge of the property? How do you believe that these  
issues should be resolved?
- 19 7. Identify all issues that you believe the Commission would need to address if it were to  
20 adopt the Cox proposed MTE/MDU policy?
- 21 8. Do you believe that Qwest's current Cable, Wire and Service Termination Policy tariff  
22 is anti-competitive? Why or why not?
- 23 9. Do you believe that Qwest's current Cable, Wire and Service Termination Policy tariff  
24 impose any barriers to CLECs in reaching the tenants of MTEs/MDUs? Why or why  
not?
- 25 10. Please discuss current FCC requirements pertaining to demarcation points at  
26 MDU/MTE dwellings.
- 27 11. Do you believe that Qwest's current policies and tariffs, and the policies and tariffs of  
28 other telecommunications carriers operating in Arizona, are consistent with FCC  
requirements? Do you believe Cox's proposal is consistent with FCC requirements?

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12. Do you believe that the Commission should establish a policy for existing locations? If so, what policy would you recommend that the Commission adopt?

13. Please provide copies or citations for other regulatory authorities' decisions that address any of the issues raised by the Cox proposal. The decisions should include but not be limited to those decisions that address LEC obligations regarding the location and/or relocation of demarcation points, property rights and cost recovery that you believe would benefit the Commission in its deliberations on this issue.

14. Please provide your recommendation on the process and/or procedures that the Commission should use to reach a decision on the Cox proposal. Please include a recommended schedule including recommended dates.

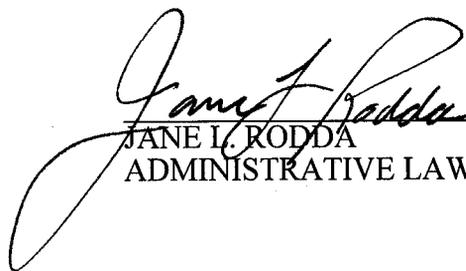
Accordingly, a generic investigation should be undertaken to aid and assist the Commission in evaluating Cox's proposal. In that pursuit, interested parties should submit written comments to the fourteen questions set forth above.

IT IS THEREFORE ORDERED that interested parties shall file Initial Comments addressing Staff's fourteen questions on or before July 24, 2002.

IT IS FURTHER ORDERED that interested parties shall file Reply Comments on or before August 21, 2002.

IT IS FURTHER ORDERED that Staff shall file a Report with the Commission, containing its recommendation for further Commission action, on or before September 18, 2002.

DATED this 29th day of May, 2002.

  
JANE L. RODDA  
ADMINISTRATIVE LAW JUDGE

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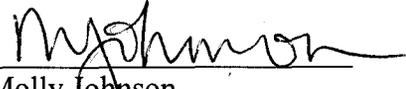
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