

ORIGINAL



0000010769

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

25FD

COMMISSIONERS

RECEIVED

DOCKETED

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

2004 JUL 26 A 11:15

JUL 26 2004

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY	<i>CR</i>
-------------	-----------

UTILITIES DIVISION STAFF,
Complainant,

DOCKET NO. T-~~03406~~⁰³²⁶⁷A-03-0887

v.
MCLEODUSA TELECOMMUNICATIONS
SERVICES, INC.

PROCEDURAL ORDER

Respondent.

BY THE COMMISSION:

On December 8, 2003, the Arizona Corporation Commission ("Commission") Utilities Division Staff ("Staff") filed a Complaint against McLeodUSA Telecommunications Services, Inc. ("McLeodUSA"). The Staff Complaint alleges that McLeodUSA violated 47 U.S.C. § 252(e) of the Telecommunications Act of 1996 (the "Act") and A.A.C. R14-2-1506(A) and (C) by failing to file certain documents with the Commission that Staff alleges are interconnection agreements between McLeod and Qwest Corporation ("Qwest").

On December 18, 2003, Staff and McLeodUSA filed a Stipulation to extend the time for Eschelon to answer the Complaint.

On May 20, 2004, McLeodUSA filed an Answer. McLeod denies that Section 252(e) imposes any obligations on McLeod to file is interconnection agreements with ILECs, and denies that all of the agreements identified by Staff are interconnection agreements subject to the 1996 Act.

By Procedural Order dated July 2, 2004, the Commission convened a Procedural Conference for the purpose of discussing the procedures and timeframe that should govern this proceeding. The parties indicated that they intended to pursue settlement discussions and did not request that the matter be set for hearing at this time. They also acknowledged that in the event settlement discussions were not fruitful, McLeodUSA intended to raise legal issues concerning whether there is

1 an obligation for CLECs to file interconnection agreements and whether the specific agreements at
2 issue are interconnection agreements under the 1996 Act. These issues could be dispositive of Staff's
3 complaint.

4 IT IS THEREFORE ORDERED that the parties shall file a Joint Status Report on the status
5 of settlement discussions, and shall recommend a procedural schedule for further action in this matter
6 by August 13, 2004.

7 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
8 Communications) continues to apply to this proceeding.

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

11 DATED this 23rd day of July, 2004.

12
13
14 
15 JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

16 Copies of the foregoing mailed/delivered
17 This 23rd day of July, 2004 to:

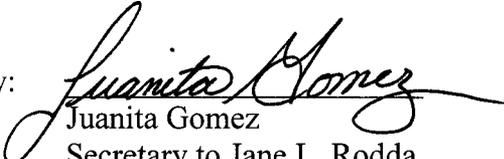
18 Michael W. Patten
19 ROSHKA HEYMAN & DEWULF, PLC
20 One Arizona Center
400 East an Buren Street, Suite 800
Phoenix, Arizona 85004
Attorneys for McLeodUSA

21 Christopher Kempley, Chief Counsel
22 Gary Horton
23 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

24 Ernest Johnson, Director
25 Utilities Division
26 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
27 Phoenix, Arizona 85007
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1104

By: 
Juanita Gomez
Secretary to Jane L. Rodda