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**ARIZONA CORPORATION COMMISSION**

30MC

August 5, 2004

Timothy Berg, Esq.  
FENNEMORE CRAIG  
3003 N. Central Ave., Suite 2600  
Phoenix, AZ 85012-2913

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AZ CORP COMMISSION  
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Re: Qwest Corporation's Notice of Filing Interconnection Agreements in Compliance with Decision No. 66949; Docket Nos. RT-00000F-02-0271, T-00000A-97-0238, and T-01051B-02-0871.

Dear Mr. Berg:

Pursuant to Decision No. 66949, Qwest was ordered to file with the Commission for its approval the 28 interconnection agreements ('agreements') identified in Exhibit B of the Decision. On May 28, 2004, Qwest filed the agreements as was ordered by the Commission. Staff has completed its review of the agreements and notes that several of the agreements discriminate against other carriers and/or are not in the public interest.

Specifically, Staff has concerns with the provisions on Regulatory Nonparticipation Clauses, Confidentiality, Binding Private Arbitration and Other State Governing Law and finds that these provisions as contained in the agreements are not in the public interest, and should be rejected. Staff noted that many of these provisions are almost identical to those rejected by the Commission in Decision No. 65475.

47 U.S.C. Section 252(e)(2) provides that a State Commission may only reject a negotiated agreement, or portion thereof, if:

- the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

Attached to this letter is a list of the 28 agreements along with the modifications Qwest should make to each agreement. Please refile the agreements with the Commission within 10 days, with the Regulatory Nonparticipation Clauses, Confidentiality, Binding Private Arbitration and Other State Governing Law provisions, excised as set forth in the Attachment to this Letter.

If you have any questions, please contact me at 602-542-0840 or Maureen Scott at 602-542-6022.

Sincerely,

Blessing N. Chukwu  
Executive Consultant III

Arizona Corporation Commission  
**DOCKETED**

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DOCKETED BY

BNC:daa  
cc: Docket Control  
Enclosures

Agreements filed pursuant to Decision No. 66949

No.	Company	Date of Agreement	Changes that needs to be made to the agreement
1.	Eschelon (formerly ATI)	2/28/00	<ul style="list-style-type: none"> <li>• Delete all references requiring withdrawal from regulatory proceeding.</li> <li>• Delete paragraph 1. (Confidentiality)</li> <li>• Delete last sentence of paragraph 17. (Confidentiality)</li> </ul>
2.	Eschelon	7/21/00	<ul style="list-style-type: none"> <li>• Delete paragraph 9. (Confidentiality)</li> <li>• Delete paragraph 10. (Precludes ACC resolution of disputes)</li> </ul>
3.	Eschelon	11/15/00	<ul style="list-style-type: none"> <li>• Delete paragraph 1.7. (Confidentiality)</li> <li>• Delete paragraph 1.9. (Precludes ACC resolution of disputes)</li> <li>• Delete paragraph 1.10. (Governing Law not Arizona)</li> </ul>
4.	Eschelon	11/15/00	<ul style="list-style-type: none"> <li>• Delete paragraph 9. (Confidentiality)</li> <li>• Delete paragraph 10. (Confidentiality)</li> <li>• Delete paragraph 12. (Governing Law not Arizona)</li> <li>• Delete paragraph 15. (Precludes ACC resolution of disputes)</li> </ul>
5.	Eschelon	11/15/00	<ul style="list-style-type: none"> <li>• Paragraph 3, delete the 2<sup>nd</sup> and 3<sup>rd</sup> sentences. (Requires nonparticipation in regulatory process)</li> <li>• Paragraph 5, delete 2<sup>nd</sup> sentence. (Creates exclusive venue for bringing judicial action not including Arizona)</li> </ul>
6.	Eschelon	11/15/00	None
7.	Eschelon	11/15/00	None
8.	Eschelon	11/15/00	<ul style="list-style-type: none"> <li>• Delete paragraph 6. (Confidentiality)</li> <li>• Delete paragraph 7. (Confidentiality)</li> <li>• Delete paragraph 9. (Governing Law not Arizona)</li> <li>• Delete paragraph 12. (Precludes ACC resolution of disputes)</li> </ul>
9.	Eschelon	11/15/00	None
10.	Eschelon	7/31/01	None
11.	Eschelon	4/25/00	<ul style="list-style-type: none"> <li>• Delete all references and language conditioning agreement on withdrawal from regulatory proceedings.</li> </ul>

12.	McLeod	9/29/00	<ul style="list-style-type: none"> <li>• Delete paragraph 6. (Confidentiality)</li> <li>• Delete paragraph 7. (Confidentiality)</li> <li>• Delete paragraph 9. (Governing Law not Arizona)</li> <li>• Delete paragraph 12. (Precludes ACC resolution of disputes)</li> </ul>
13.	McLeod	10/26/00	<ul style="list-style-type: none"> <li>• Delete paragraph 6. (Confidentiality)</li> <li>• Delete paragraph 7. (Confidentiality)</li> <li>• Delete paragraph 9. (Governing Law not Arizona)</li> <li>• Delete paragraph 12. (Precludes ACC resolution of disputes)</li> </ul>
14.	McLeod	10/26/00	<ul style="list-style-type: none"> <li>• Memorialize Oral Agreement.</li> </ul>
15.	McLeod	10/26/00	<ul style="list-style-type: none"> <li>• Delete paragraph 1.7. (Confidentiality)</li> </ul>
16.	McLeod	10/26/00	<ul style="list-style-type: none"> <li>• Delete paragraph 1.7. (Confidentiality)</li> </ul>
17.	Electric Lightwave	6/16/00	<ul style="list-style-type: none"> <li>• Delete paragraph D. (Confidentiality)</li> <li>• Delete paragraph E. (Governing Law not Arizona)</li> <li>• Delete paragraph H. (Precludes ACC resolution of disputes)</li> <li>• Delete paragraph M. (Confidentiality)</li> </ul>
18.	Electric Lightwave	12/30/99	<ul style="list-style-type: none"> <li>• Delete paragraphs 3.14 thru 3.14.3. (Confidentiality)</li> <li>• Delete paragraph 3.15. (Governing Law not Arizona)</li> <li>• Delete paragraph 3.17. (Precludes ACC resolution of disputes)</li> </ul>
19.	Electric Lightwave	6/21/00	None
20.	Electric Lightwave	7/19/01	<ul style="list-style-type: none"> <li>• Paragraph 8, delete 3<sup>rd</sup> sentence. (Confidentiality)</li> <li>• Delete paragraph 9. (Precludes ACC resolution of disputes)</li> </ul>
21.	Allegiance	3/23/00	<ul style="list-style-type: none"> <li>• Paragraph 12, delete last sentence. (Governing Law not Arizona)</li> </ul>
22.	Allegiance	6/29/00	<ul style="list-style-type: none"> <li>• Delete paragraph 13. (Precludes ACC resolution of disputes)</li> </ul>
23.	Global Crossing	9/18/00	<ul style="list-style-type: none"> <li>• Delete paragraph 12. (Confidentiality)</li> <li>• Delete paragraph 13. (Governing Law not Arizona)</li> <li>• Delete paragraph 15. (Precludes ACC resolution of disputes)</li> </ul>

24.	GST	1/7/00	<ul style="list-style-type: none"><li>• Delete in paragraph 3.13 thru 3.13.3. (Confidentiality)</li><li>• Delete paragraph 3.14. (Governing Law not Arizona)</li><li>• Delete paragraph 3.16. (Precludes ACC resolution of disputes)</li></ul>
25.	Paging Network	4/23/01	<ul style="list-style-type: none"><li>• Delete paragraph 9. (Precludes ACC resolution of disputes)</li><li>• Delete paragraph 11. (Confidentiality)</li><li>• Delete paragraph 12. (Governing Law not Arizona)</li></ul>
26.	SBC & NAS	6/1/01	<ul style="list-style-type: none"><li>• Delete paragraph 12. (Governing Law not Arizona)</li><li>• Delete paragraph 14. (Confidentiality)</li><li>• Delete paragraph 16. (Confidentiality)</li><li>• Delete paragraph 17. (Precludes ACC resolution of disputes)</li></ul>
27.	Worldcom	12/17/00	<ul style="list-style-type: none"><li>• Delete paragraph 5A &amp; B. (Confidentiality)</li></ul>
28.	XO (formerly Nextlink)	5/12/00	<ul style="list-style-type: none"><li>• Delete paragraph 9. (Confidentiality)</li><li>• Delete paragraph 12. (Governing Law not Arizona)</li><li>• Delete paragraph 15. (Precludes ACC resolution of disputes)</li></ul>