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1 BEFORE THE ARIZONA CORPORATION COMMISSION

2 CARL J. KUNASEK
CHAIRMAN
3 JIM IRVIN *ve*
COMMISSIONER
4 WILLIAM A. MUNDELL
COMMISSIONER

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AZ CORP COMMISSION
DOCUMENT CONTROL

6 IN THE MATTER OF THE APPLICATION OF U S
WEST COMMUNICATIONS, INC., A
7 COLORADO CORPORATION, FOR A HEARING
TO DETERMINE THE EARNINGS OF THE
8 COMPANY, THE FAIR VALUE OF THE
COMPANY FOR RATEMAKING PURPOSES, TO
9 FIX A JUST AND REASONABLE RATE OF
RETURN THEREON AND TO APPROVE RATE
10 SCHEDULES DESIGNED TO DEVELOP SUCH
RETURN.

DOCKET NO. T-01051B-99-0105

11 IN THE MATTER OF U S WEST
12 COMMUNICATIONS, INC. TARIFF FILING FOR
APPROVAL OF A \$.25 SURCHARGE FOR A
13 CALL TO A U S WEST 800 SERVICE LINE
FROM A PAY TELEPHONE.

DOCKET NO. T-01051B-00-0369

PROCEDURAL ORDER

14 **BY THE COMMISSION:**

15 On December 4, 2000, at the conclusion of the hearing on the proposed Settlement Agreement
16 between Qwest Corporation ("Qwest") and the Arizona Corporation Commission ("Commission")
17 Staff ("Staff"), the Administrative Law Judge set a deadline for filing closing briefs of December 18,
18 2000.

19 On December 5, 2000, Qwest filed a Motion for Procedural Order and Request for an
20 Expedited Ruling ("Motion"). In its Motion, Qwest argued that closing briefs should be filed on
21 December 12, 2000, and that the Administrative Law Judge should issue a Proposed Order by
22 December 18, 2000, so that the Commission could consider the matter on December 29, 2000. It is
23 Qwest's belief that after nearly two years since it filed its rate case, such expedited schedule for a
24 Proposed Order is necessary to prevent further delay that would be inevitable if the matter is
25 considered after a new Commissioner is seated after the first of the year.

26 On December 6, 2000, the Administrative Law Judge issued a Procedural Order requiring
27 parties to file Responses to the Motion by 10 a.m. on December 8, 2000. On December 7, 2000, the
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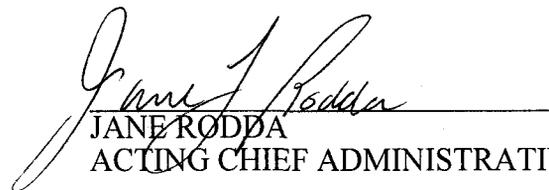
1 Residential Utility Consumer Office ("RUCO") and Staff filed Responses to Qwest's Motion. On
2 December 8, 2000, AT&T of the Mountain States, Inc. ("AT&T") and Cox Arizona Telcom, L.L.C
3 ("Cox") filed a Joint Response to the Motion and WorldCom, Inc. ("WorldCom") filed its Response.

4 Staff believed that a shortened briefing schedule would be reasonable, however did not
5 express an opinion as to the length of time necessary for the Administrative Law Judge to prepare a
6 Proposed Order. RUCO argued that Qwest's proposed schedule effectively limits meaningful public
7 comments which the Commission had indicated it would elicit after the issuance of a Proposed Order.
8 RUCO also noted that the proposed Settlement Agreement is contested and that the Administrative
9 Law Judge, and ultimately the Commission, must analyze the reasonableness of the settlement in
10 light of the entire record of the case, including voluminous testimony and exhibits. WorldCom
11 concurred with RUCO's position. AT&T and Cox argued that Qwest's request gives the parties
12 inadequate time to brief the issues, deprives the Administrative Law Judge a full opportunity to make
13 a well reasoned decision and forces the Commission to consider exceptions in less than 24 hours.

14 After careful consideration, Qwest's proposal to require the Administrative Law Judge, who
15 had not been involved in the earlier proceedings of this case, to evaluate and analyze the Settlement
16 Agreement in the context of the all evidence received in this case and issue a Proposed Order by
17 December 19, 2000, is not reasonable and is not in the public interest.

18 IT IS THEREFORE ORDERED that Qwest's Motion is denied.

19 DATED this 8th day of December, 2000.

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22 
23 JANE RODDA
ACTING CHIEF ADMINISTRATIVE LAW JUDGE

24 Copies of the foregoing mailed/faxed/delivered
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