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BEFORE THE ARIZONA CORPORATION COMMISSION
Arizona Corporation Commission

2 WILLIAM A. MUNDELL
Chairman
3 JIM IRVIN
Commissioner
4 MARC SPITZER
Commissioner
5

DOCKETED

MAR 30 2001

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6 IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION F/K/A U S WEST)
7 COMMUNICATIONS, INC., FOR APPROVAL)
OF THE FIFTH AMENDMENT TO THE)
8 WIRELINE INTERCONNECTION)
AGREEMENT WITH DSLNET)
9 COMMUNICATIONS, L.L.C.)

DOCKET NOS. T-01051B-01-0138
T-03727A-01-0138

DECISION NO. 63488

ORDER

10 Open Meeting
March 27 and 28, 2001
11 Phoenix, Arizona

12 BY THE COMMISSION:

13 FINDINGS OF FACT

14 1. On February 16, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST
15 Communications, Inc., filed an application for approval of the Fifth Amendment to the
16 Interconnection Agreement between Qwest and DSLnet Communications, L.L.C. ("DSLnet").
17 The original Interconnection Agreement was approved by the Commission on October 8, 1999, in
18 Decision No. 61981.

19 2. The Telecommunications Act of 1996 ("1996 Act"), directed incumbent local
20 exchange carriers to make their networks available for interconnection and resale by new entrants
21 to the local exchange market. The 1996 Act provides for interconnection and resale agreements to
22 be concluded by voluntary negotiation.

23 3. This Fifth Amendment to the Interconnection Agreement between Qwest and
24 DSLnet was voluntarily negotiated, without resort to arbitration.

25 4. Under the terms of this Fifth Amendment, the Line Sharing Interim Agreement is
26 replaced with new terms, conditions and rates as set forth in this Fifth Amendment.

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1 5. According to the 1996 Act, the Commission must approve voluntarily negotiated
2 interconnection and resale agreements, if their provisions are non-discriminatory and in the public
3 interest.

4 6. Staff has reviewed the Fifth Amendment and finds it to be non-discriminatory and
5 in the public interest. Qwest is offering the same terms and conditions of the Agreement to all
6 other interested parties. The Agreement is in the public interest because it will act to further
7 competition in the local exchange market in Arizona.

8 7. Since there are no grounds for rejection of the Fifth Amendment pursuant to Section
9 252(e)(2)(A), of the 1996 Act, Staff has recommended that the Commission approve the Fifth
10 Amendment to the Interconnection Agreement between Qwest and DSLnet.

11 CONCLUSIONS OF LAW

12 1. Qwest is an Arizona public service corporation within the meaning of Article XV,
13 Section 2, of the Arizona Constitution.

14 2. The Commission has jurisdiction over DSLnet and over the subject matter of the
15 Application.

16 3. The Commission, having reviewed the Application and Staff's Memorandum has
17 determined that the Fifth Amendment to the Interconnection Agreement negotiated between
18 Qwest and DSLnet meets the requirements of Section 252(e)(2)(A), of the 1996 Act, which
19 governs the approval of voluntarily-negotiated agreements and is in the public interest.

20 4. The Commission maintains jurisdiction over the subject matter of the Agreement
21 and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission
22 by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules
23 promulgated thereunder.

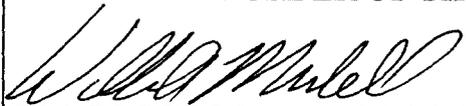
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ORDER

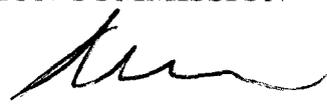
IT IS THEREFORE ORDERED that the Commission hereby approves the Fifth Amendment to the Interconnection Agreement between Qwest and DSLnet filed on February 16, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION



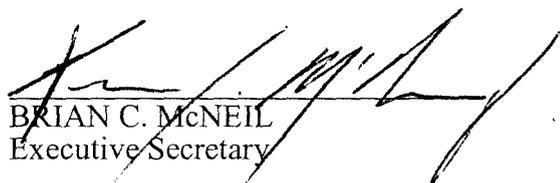
CHAIRMAN



COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 3rd day of March, 2001.


BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DRS:EAA:jbc/TIW

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