



0000012279

1/a OPEN MEETING ITEM ORIGINAL 4-22

MEMORANDUM

Arizona Corporation Commission

DOCKETED

MAR 13 2001

TO: THE COMMISSION

FROM: Utilities Division

DATE: March 12, 2001

DOCKETED BY 

RE: IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION F/K/A/ U S WEST COMMUNICATIONS, INC., FOR APPROVAL OF THE THIRD AMENDMENT TO THE INTERCONNECTION AGREEMENT WITH TESS COMMUNICATIONS, INC. (DOCKET NOS. T-01051B-01-0132 AND T-03754A-01-0132)

On February 15, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST Communications, Inc., filed an application for approval of the Third Amendment to the Interconnection Agreement between Qwest and TESS Communications, Inc. ("TESS"). The original Interconnection Agreement was approved by the Commission on October 8, 1999, in Decision No. 61983.

The Telecommunications Act of 1996 ("1996 Act") directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation. This Third Amendment to the Interconnection Agreement between Qwest and TESS was voluntarily negotiated, without resort to arbitration.

Under the terms of this Third Amendment, terms, conditions and rates are added for Unbundled Dark Fiber.

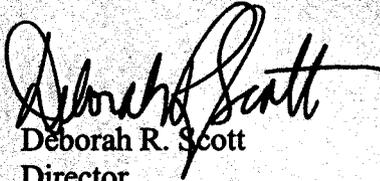
According to the 1996 Act, the Commission must approve voluntarily negotiated interconnection and resale agreements, if their provisions are non-discriminatory and in the public interest. Staff has reviewed the Third Amendment and finds it to be non-discriminatory and in the public interest. Qwest is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

THE COMMISSION

March 12, 2001

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



Deborah R. Scott

Director

Utilities Division

DRS:EAA:lm\MAS

ORIGINATOR: Erinn Andreasen

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL

Chairman

3 JIM IRVIN

Commissioner

4 MARC SPITZER

Commissioner

5

6 IN THE MATTER OF THE APPLICATION)
7 OF QWEST CORPORATION F/K/A U S WEST)
8 COMMUNICATIONS, INC., FOR APPROVAL)
9 OF THE THIRD AMENDMENT TO THE)
10 INTERCONNECTION AGREEMENT WITH)
11 TESS COMMUNICATIONS, INC.)

DOCKET NOS. T-01051B-01-0132
T-03754A-01-0132

DECISION NO. _____

ORDER

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

12 BY THE COMMISSION:

13 FINDINGS OF FACT

14 1. On February 15, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST
15 Communications, Inc., filed an application for approval of the Third Amendment to the
16 Interconnection Agreement between Qwest and TESS Communications, Inc. ("TESS"). The
17 original Interconnection Agreement was approved by the Commission on October 8, 1999, in
18 Decision No. 61983.

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 Third Amendment to the Interconnection Agreement between Qwest and
24 TESS was voluntarily negotiated, without resort to arbitration.

25 4. Under the terms of this Third Amendment, terms, conditions and rates are added for
26 Unbundled Dark Fiber.

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ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the Third Amendment to the Interconnection Agreement between Qwest and TESS filed on February 15, 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 ____ day of _____, 2001.

BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DRS:EAA:lhmm

1 SERVICE LIST FOR: Qwest Corporation and TESS Communications, Inc.
2 DOCKET NOS. T-01051B-01-0132 and T-03754A-01-0132

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