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OPEN MEETING ITEM

ORIGINAL

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MEMORANDUM
Arizona Corporation Commission

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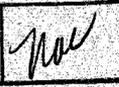
TO: THE COMMISSION

MAR 14 2001

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FROM: Utilities Division

DATE: March 13, 2001

DOCKETED BY 

AZ CORP COMMISSION
DOCUMENT CONTROL

RE: IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION F/K/A/ U S WEST COMMUNICATIONS, INC., FOR APPROVAL OF THE SECOND AMENDMENT TO THE LOCAL WIRELINE INTERCONNECTION AND SERVICE RESALE AGREEMENT WITH @LINK NETWORKS, INC. (DOCKET NOS. T-01051B-01-0131 AND T-03773A-01-0131)

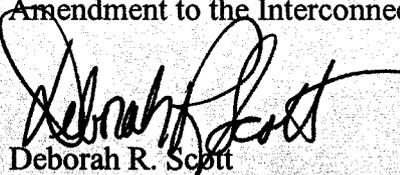
On February 15, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST Communications, Inc., filed an application for approval of the Second Amendment to the Interconnection Agreement between Qwest and @link Networks, Inc. ("@link"). The original Interconnection Agreement was approved by the Commission on October 10, 2000, in Decision No. 62939.

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 Second Amendment to the Interconnection Agreement between Qwest and @link was voluntarily negotiated, without resort to arbitration.

Under the terms of this Second Amendment, the Line Sharing Interim Agreement is replaced with new terms, conditions and rates.

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 Second 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.

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


Deborah R. Scott
Director
Utilities Division

DRS:EAA:jbc/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) DOCKET NOS. T-01051B-01-0131 &
OF QWEST CORPORATION F/K/A U S WEST) T-03773A-01-0131
7 COMMUNICATIONS, INC., FOR APPROVAL)
OF THE SECOND AMENDMENT TO THE) DECISION NO. _____
8 LOCAL WIRELINE INTERCONNECTION)
AND SERVICE RESALE AGREEMENT WITH)
9 @LINK NETWORKS, INC.) ORDER

10 Open Meeting
March 27 and 28, 2001
11 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 Second Amendment to the
16 Interconnection Agreement between Qwest and @link Networks, Inc. ("@link"). The original
17 Interconnection Agreement was approved by the Commission on October 10, 2000, in Decision
18 No. 62939.

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 Second Amendment to the Interconnection Agreement between Qwest and
24 @link was voluntarily negotiated, without resort to arbitration.

25 4. Under the terms of this Second Amendment, the Line Sharing Interim Agreement is
26 replaced with new terms, conditions and rates.

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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 Second 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 Second Amendment pursuant to
9 Section 252(e)(2)(A), of the 1996 Act, Staff has recommended that the Commission approve the
10 Second Amendment to the Interconnection Agreement between Qwest and @link.

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 @link 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 Second Amendment to the Interconnection Agreement negotiated between
18 Qwest and @link meets the requirements of Section 252(e)(2)(A), of the 1996 Act, which governs
19 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 and
21 Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by
22 the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules
23 promulgated thereunder.

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ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the Second Amendment to the Interconnection Agreement between Qwest and @link 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:jbc/MAS

1 SERVICE LIST FOR: Qwest Corporation and @link Networks, Inc.
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