

ORIGINAL



0000012925

25

RECEIVED
BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

2004 NOV -2 A 11: 49

DOCKETED

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

NOV - 2 2004

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
BCE NEXXIA CORPORATION FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE FACILITIES-BASED
INTEREXCHANGE SERVICES AND PETITION
FOR COMPETITIVE CLASSIFICATION OF
PROPOSED SERVICES WITH THE STATE OF
ARIZONA.

DOCKET NO. T-04200A-03-0550

PROCEDURAL ORDER

BY THE COMMISSION:

On July 12, 2004, the Arizona Corporation Commission ("Commission") issued Decision No. 67113 granting BCE Nexxia Corporation ("BCE") a Certificate of Convenience and Necessity ("CC&N") to provide competitive facilities-based interexchange telecommunications services in Arizona subject to certain conditions including, but not limited to, the procurement of an Interconnection Agreement, within 365 days of the effective date of the Order in this matter or 30 days prior to the provision of service, unless BCE provides services solely through the use of its own facilities.¹

On October 20, 2004, BCE filed a Motion for Modification of Order Condition ("Motion") requesting deletion of the condition that BCE procure an Interconnection Agreement unless it provides services solely through the use of its own facilities based upon the fact that BCE intends to enter in to "service agreements", not interconnection agreements, with other carriers in Arizona in order to provide customers access to the BCE network.

The Commission's Utilities Division Staff ("Staff") has not, however, filed a statement of its

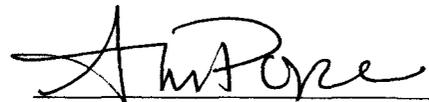
¹ See Decision No. 67113 at ¶ 16, subsection (a).

1 position with regard to BCE's Motion.

2 It is, therefore, appropriate to require Staff to submit its position with regard to BCE's
3 Motion, which not only indicates whether it objects to the granting of the Motion but also explains
4 the difference between an interconnection agreement and a "service agreement", as described in
5 BCE's Motion, and the extent to which such a service agreement may be subject to the Federal
6 Telecommunications Act's filing requirements.

7
8 IT IS THEREFORE ORDERED that Staff shall file a response to BCE's Motion, which
9 addresses the issues raised above on or before November 15, 2004.

10 DATED this 2nd day of November, 2004.

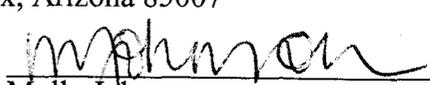
11
12 
13 AMANDA POPE
14 ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
16 this 2 day of November, 2004 to:

17 Michael W. Patten
18 ROSHKA HEYMAN & DEWULF, PLC
19 One Arizona Center
20 400 East Van Buren Street, Suite 800
21 Phoenix, Arizona 85004

22 Christopher Kempley, Chief Counsel
23 Legal Division
24 ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
26 Phoenix, Arizona 85007

27 Ernest Johnson, Director
28 Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

29 By: 
30 Molly Johnson
31 Secretary to Amanda Pope