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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2004 DEC -7 A 10: 00

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DEC 07 2004

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

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY	
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IN THE MATTER OF THE PETITION OF DIECA COMMUNICATIONS, INC. dba COVAD COMMUNICATIONS COMPANY FOR ARBITRATION OF AN INTERCONNECTION AGREEMENT WITH QWEST CORPORATION.

DOCKET NO. T-03632A-04-0425
T-01051B-04-0425

PROCEDURAL ORDER

BY THE COMMISSION:

On June 8, 2004, DIECA Communications, Inc., dba Covad Communications Company ("Covad") filed with the Arizona Corporation Commission ("Commission") a Petition for Arbitration ("Petition") of a proposed interconnection agreement with Qwest Corporation ("Qwest") pursuant to A.A.C. R14-2-1505 and Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996.

On July 6, 2004, Qwest filed a Response to Petition for Arbitration. On July 21, 2004, Qwest filed a Motion to Dismiss Portions of Covad's Petition for Arbitration. Qwest's Motion requests a Commission Order dismissing Issue 2 in Part G of Covad's Petition, to the extent Covad seeks Commission authority to: require Qwest to provide unbundled network elements ("UNEs") pursuant to Section 271 of the Act; set UNE rates that Qwest provides under Section 271; or require Qwest to provide UNEs under state law in a manner that conflicts with the access ordered by the Federal Communications Commission ("FCC") in its Triennial Review Order.¹

On October 6, 2004, a Procedural Order was issued scheduling dates for hearing and filing testimony. In addition, an oral argument on Qwest's Motion to Dismiss was scheduled for December 15, 2004.

On November 30, 2004, the parties exchanged several e-mails with the Arbitrator wherein a

¹ Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers ("Triennial Review Order"), 18 FCC Rcd. 16978 (2003), *aff'd in part and rev'd and vacated in part*, United States Telecom Association v. FCC, 359 F.3d 554 (D.C. Cir. 2004) ("*USTA II*").

1 request was made to reschedule the December 15, 2004 oral argument due to the expectation that the
2 FCC will soon issue revised rules in accordance with the *USTA II* decision. By letter filed December
3 7, 2004, counsel for Qwest confirmed the agreement of the parties that the oral argument should be
4 rescheduled and requested that a status conference be held in early January 2005 to discuss setting a
5 new date for the argument.

6 IT IS THEREFORE ORDERED that the oral argument scheduled for December 15, 2004
7 shall be cancelled.

8 IT IS FURTHER ORDERED that a Procedural Conference shall be scheduled for **January 6,**
9 **2005, at 1:30 p.m.,** at the offices of the Commission, 1200 West Washington, Phoenix, Arizona.
10 Interested parties may participate telephonically by calling **(602) 542-9009** at the designated time.

11 IT IS FURTHER ORDERED that the Arbitrator may rescind, alter, amend or waive any
12 portion of this Procedural Order by subsequent Procedural Order or by ruling at the arbitration
13 hearing.

14 DATED this 7th day of December, 2004

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16 
17 DWIGHT D. NODES
18 ARBITRATOR

18 The foregoing was mailed/delivered
19 this 1th day of December, 2004 to:

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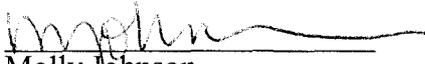
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16 Secretary to Dwight D. Nodes
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