

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

2550

COMMISSIONERS

2004 NOV 22 P 4: 57

Arizona Corporation Commission  
DOCKET#

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

AZ CORP COMMISSION  
DOCUMENT CONTROL

NOV 22 2004

DOCKETED BY *AK*

UTILITIES DIVISION STAFF,

DOCKET NO. T-03267A-03-0887

Complainant,

v.

MCLEODUSA TELECOMMUNICATIONS  
SERVICES, INC.

PROCEDURAL ORDER

Respondent.

**BY THE COMMISSION:**

On December 8, 2003, the Arizona Corporation Commission ("Commission") Utilities Division Staff ("Staff") filed a Complaint against McLeodUSA Telecommunications Services, Inc. ("McLeodUSA"). The Staff Complaint alleges that McLeodUSA violated 47 U.S.C. § 252(e) of the Telecommunications Act of 1996 (the "Act") and A.A.C. R14-2-1506(A) and (C) by failing to file certain documents with the Commission that Staff alleges are interconnection agreements between McLeod and Qwest Corporation ("Qwest").

On December 18, 2003, Staff and McLeodUSA filed a Stipulation to extend the time for Eschelon to answer the Complaint.

On May 20, 2004, McLeodUSA filed an Answer.

By Procedural Order dated July 23, 2004, on August 13, 2004, McLeodUSA filed a Status Report which indicated that the parties were engaged in fruitful settlement discussions. Since that date, the parties have neither submitted a settlement agreement nor indicated that negotiations were an at impasse. Consequently, it is appropriate to schedule a status conference.

IT IS THEREFORE ORDERED that a telephonic Procedural Conference for the purpose of updating the status of settlement negotiations shall commence **January 5, 2005 at 10:00 a.m.** at the Commission's Tucson offices, 400 West Congress, Tucson, Arizona. The phone number for the

1 procedural teleconference is (602) 542-9004.<sup>1</sup>

2 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
3 Communications) continues to apply to this proceeding.

4 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
5 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

6 DATED this 19<sup>th</sup> day of November, 2004.

7  
8   
9 JANE L. RODDA  
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered  
11 This 19<sup>th</sup> day of November, 2004 to:

12 Michael W. Patten  
13 ROSHKA HEYMAN & DEWULF, PLC  
14 One Arizona Center  
400 East an Buren Street, Suite 800  
Phoenix, Arizona 85004  
Attorneys for McLeodUSA

15 Bill Courter  
16 MCLEODUSA  
17 P.O. Box 3177  
Cedar Rapids, Iowa 52406-3177

18 Thomas Campbell  
19 Michael T. Hallam  
20 Lewis and Roca, LLP  
40 North Central Avenue  
Phoenix, AZ 85004  
Attorneys for Eschelon

21 Dennis D. Ahlers  
22 Senior Attorney  
23 Eschelon Telecom of Arizona, Inc.  
730 second Avenue South, Suite 90  
Minneapolis, MN 55402-2456

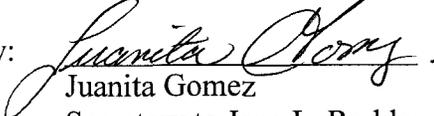
24  
25  
26  
27 <sup>1</sup> This matter is being set at the same time as a status conference in the matter of the Commission Staff vs. Eschelon,  
28 Docket No. T-03406A-03-0888. The matters are not consolidated, but contain similar issues. The status conferences for  
the two matters will be held back to back.

1 Christopher Kempsey, Chief Counsel  
Gary Horton  
Legal Division  
2 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
3 Phoenix, Arizona 85007

4 Ernest Johnson, Director  
Utilities Division  
5 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
6 Phoenix, Arizona 85007

7 ARIZONA REPORTING SERVICE, INC.  
2627 N. Third Street, Suite Three  
8 Phoenix, Arizona 85004-1104

9

10 By:   
11 Juanita Gomez  
12 Secretary to Jane L. Rodda

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28