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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

DEC 21 2004

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IN THE MATTER OF QWEST CORPORATION'S
PERFORMANCE ASSURANCE PLAN.

DOCKET NO. T-01051B-03-0859

PROCEDURAL ORDER

BY THE COMMISSION:

On June 5, 2002, in Decision No. 64888, as part of the Section 271 approval process, the Arizona Corporation Commission ("Commission") approved Qwest's Corporation's ("Qwest") Performance Assurance Plan ("QPAP"). Section 16.0 of the QPAP provides for a six-month review of the Plan.

By Procedural Order dated June 18, 2004, the Commission granted the Utilities Division Staff's ("Staff") request to establish a process for garnering the comments of interested parties on the scope of the six-month review proceeding and other related issues. The parties were able to negotiate resolutions to most of their disputes concerning the QPAP review and modification, and have submitted revisions for Commission approval. They were unable, however, to agree how Performance Indicator Definition ("PID") modifications would be made outside the six-month review process. Qwest and the CLECs had been addressing changes in a forum known as the Long Term PID Administration ("LTPA") process. Qwest determined to withdraw from that process, and has proposed an alternative process that addresses issues on a carrier-by-carrier basis. Staff and the CLECs question whether Qwest has the right to unilaterally withdraw from the LTPA process.

By Procedural Order dated November 15, 2004, the Hearing Division ordered the parties to file a recommended process and schedule for the resolution of the LTPA process dispute.

On December 10, 2004, Qwest, Covad Communications Company ("Covad"), MCI metro Access Transmission Services LLC ("MCI"), Eschelon Telecom Inc. ("Eschelon") and Staff jointly

1 submitted the following proposed schedule:

2	Qwest files Direct Testimony	January 21, 2005
3	Staff and Intervenors file Responsive Testimony	March 3, 2005
4	Qwest Rebuttal	March 25, 2005
5	Pre-hearing conference	April 4, 2005
6	Hearing	April 14, 2005
7	Simultaneous Post Hearing Briefs	April 28, 2005

8 The parties' proposed schedule is reasonable and should be adopted with slight modification
9 to account for the existing hearing calendar.

10 IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall
11 commence on **April 19, 2005, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's
12 offices, **1200 West Washington, Phoenix, Arizona 85007.**

13 IT IS FURTHER ORDERED that a telephonic pre-hearing conference shall be held on **April**
14 **7, 2005, at 1:30 p.m.**, for the purpose of scheduling witnesses and the conduct of the hearing. The
15 call-in number for the pre-hearing conference is **602 542-9006.**

16 IT IS FURTHER ORDERED that any direct testimony and associated exhibits to be presented
17 at hearing on behalf of Qwest shall be reduced to writing and filed on or before **January 21, 2005.**

18 IT IS FURTHER ORDERED that any responsive testimony and associated exhibits to be
19 presented at hearing on behalf of Staff and intervenors shall be reduced to writing and filed on or
20 before **March 4, 2005.**

21 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be
22 presented at hearing by Qwest shall be reduced to writing and filed on or before **March 25, 2005.**

23 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
24 regulations of the Commission, except that any objection to discovery requests shall be made within
25 7 business days of receipt and responses to discovery requests shall be made within 10 business days
26 of receipt.

1 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
2 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
3 Division to request a date for a procedural conference to resolve the discovery dispute; that upon such
4 a request, a procedural conference will be convened as soon as practical; and that the party making
5 such a request shall forthwith contact all other parties to advise them of the procedural conference
6 date and shall at the conference provide a statement confirming that the other parties were contacted.¹

7 IT IS FURTHER ORDERED that any motions which are filed in this matter and which are
8 not ruled upon by the Commission within 10 business days of the filing date of the motion shall be
9 deemed denied.

10 IT IS FURTHER ORDERED that any responses to motions shall be filed within five business
11 days of the filing date of the motion.

12 IT IS FURTHER ORDERED that any replies shall be filed within five business days of the
13 filing date of the response.

14 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
15 Communications) applies to this proceeding as it is set for hearing.

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

18 DATED this 16th day of December, 2004.

19
20 
21 JANE L. RODDA
22 ADMINISTRATIVE LAW JUDGE

23 Copy of the foregoing mailed/delivered
24 this 16th day of December, 2004, to:

25 QWEST CORPORATION
1801 CALIFORNIA STREET, #5100
26 DENVER CO 80202

NORMAN G. CURTRIGHT
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28 ¹ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

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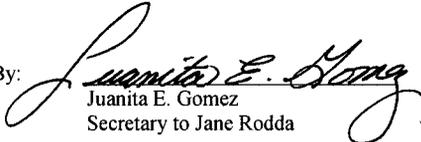
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