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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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Arizona Corporation Commission

DOCKETED

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
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AZ CORP COMMISSION
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APR 12 2005

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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. In Decision No. 76575 (February 15, 2005), the Commission approved modifications to the QPAP that the parties had agreed to under the first six month review

By Procedural Order dated December 16, 2004, the Commission set a hearing on the issue of whether the Commission should mandate the utilization of Long Term PID Administration process that has been used in the past as a forum for making modifications to Performance Indicator Definitions ("PIDs") outside of the six month review process.

In a Procedural Conference held on April 7, 2005, the participating parties who had filed testimony pursuant to the December 16, 2004 Procedural Order, agreed that a hearing was not necessary at this time, but rather, they would agree to stipulate to the admission of their pre-filed testimony, and have the Commission resolve the issue after the submission of briefs. Commission Utilities Division Staff ("Staff") did not file written testimony, but had planned to participate in the cross examination of witnesses and to present its position in a closing brief. Staff agreed that a hearing was not required, but expressed a desire to have the opportunity to submit additional exhibits that Qwest had provided to Staff in the course of the proceeding. The parties agreed that they would attempt to reach agreement to the admission of any additional exhibits and file those documents in

1 the docket under separate cover.

2 The Administrative Law Judge concurs that given the nature of the dispute, a hearing is not
3 necessary. Thus, efficiency warrants that the hearing currently set for April 19, 2005, be vacated.
4 The Commission reserves the right, however, to convene a procedural conference for the purpose of
5 oral argument on the issues raised in the brief, if in the opinion of the Commissioners or the
6 Administrative Law Judge, such conference would be beneficial to the resolution of the matter.

7 IT IS THEREFORE ORDERED that the hearing set for April 19, 2005 is vacated.

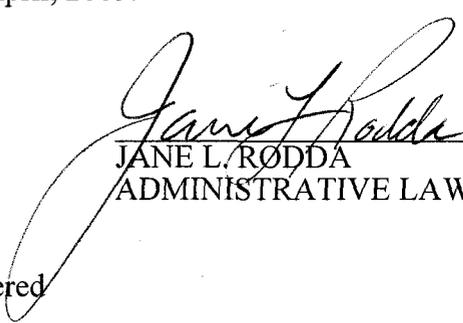
8 IT IS FURTHER ORDERED that the parties shall simultaneously file Opening Briefs on
9 **April 28, 2005**, and Reply Briefs on **May 13, 2005**.

10 IT IS FURTHER ORDERED that upon the stipulation of the parties, the pre-filed testimony
11 of Dean Buhler on behalf of Qwest and Elizabeth Balvin on behalf of DIECA Communications
12 Company dba Covad Communications ("Covad") shall be admitted.

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

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

17 DATED this 8th day of April, 2005.

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20 
21 JANE L. RODDA
22 ADMINISTRATIVE LAW JUDGE

23 Copy of the foregoing mailed/delivered
24 this 8th day of April, 2005, to:

25 NORMAN G. CURTRIGHT
26 QWEST SERVICES CORPORATION
27 4041 NORTH CENTRAL AVENUE
28 SUITE 1100
PHOENIX, ARIZONA 85012

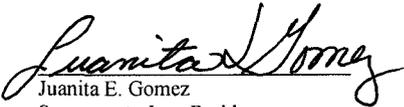
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27 Juanita E. Gomez
28 Secretary to Jane Rodda