

ORIGINAL



0000020577

BEFORE THE ARIZONA CORPORATION COMM

RECEIVED

2003 NOV -31 P 3: 54

MARC SPITZER  
CHAIRMAN  
WILLIAM A. MUNDELL  
COMMISSIONER  
JEFF HATCH-MILLER  
COMMISSIONER  
MIKE GLEASON  
COMMISSIONER  
KRISTIN K. MAYES  
COMMISSIONER

Arizona Corporation Commission

DOCKETED

NOV 03 2003

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY *Mac*

IN THE MATTER OF THE  
INVESTIGATION OF  
TELECOMMUNICATIONS ACCESS

)  
) DOCKET NO. T-00000D-00-0672  
)  
)

**BRIEF OF SPRINT COMMUNICATIONS COMPANY L.P. REGARDING  
PROCEDURAL ISSUES**

Pursuant to the order of the Administrative Law Judge at the prehearing conference of October 14, 2003 requesting briefs on certain procedural issues, Sprint Communications Company L.P. ("Sprint") files this brief.

Issue 1. Bifurcating the Access Investigation:

With the understanding that achieving access reform will benefit Arizona consumers by allowing for greater competition among providers of long distance services, and with the anticipated granting of Qwest's petition for interLATA relief under Section 271 of the Telecommunications Act of 1996, Sprint urges the Commission to proceed to reform Arizona intrastate access charges in the most expeditious manner. Sprint notes the necessity of access reform in Arizona in relation to and because of

Qwest's built-in advantages as the incumbent local carrier, and thus the main access provider for Arizona's largest population centers as well much of the rest of the state. Accordingly, the impact of achieving access reform within Qwest's territory will benefit the greatest number of Arizona customers in the shortest amount of time. Unless the Commission anticipates that including all LECs in a single phase will not delay the access reform that would be achieved by bifurcating the process into a Qwest phase and a non-Qwest phase, Sprint encourages the Commission to bifurcate this proceeding.

Issue 2: Schedule for the Access Investigation:

As with most other parties to this matter, Sprint is participating in many resource-intensive proceedings that restrict its ability to allocate personnel to matters such as this docket. Current matters that Sprint is engaged in include the state proceedings required by the Federal Communications Commission's Triennial Review Order. The bulk of these proceedings will culminate during the late winter and spring of 2004. As a result, Sprint urges the Commission to adopt a schedule for this matter that will allow it to finish hearings (should any be necessary) by the end of the year or late January 2004. Delaying it any further will severely compromise Sprint's ability to participate due to the schedules in many of the states' Triennial Review Proceedings as well as other regulatory dockets.

Issue 3: Fair value and the application of *Scates*:

Sprint reads *Scates v. Arizona Corporation Commission*, 118 Ariz 531; 578 P.2d 612 (1978) as requiring a rate case only in situations where revenue would increase or decrease. However, in this docket, Sprint believes access reform can be accomplished in

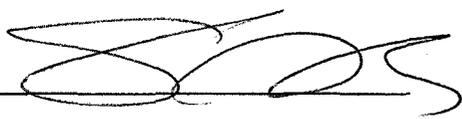
this docket with revenue neutral rate rebalancing. Rate rebalancing will avoid a rate increase in the sense contemplated by *Scates*.

A rate rebalancing approach to access reform will allow the Commission to comply with the Arizona Constitution and fulfill the mandate of the 1996 Telecom Act by making explicit those subsidies which are now only implicit (such as those found in intrastate access charges). Moving these charges properly from the end-users' long distance bill to their local rates allows for the costs to be placed on the cost-causer. Although the end user of local exchange carriers may perceive an increase to their local rates as a result of rebalancing, the end result to the local companies will not be to change their rates of return or authorized price cap limits, thus avoiding the *Scates* issue.

Dated this 3rd day of November, 2003.

Respectfully submitted,

SPRINT COMMUNICATIONS  
COMPANY L.P.

By: 

Steven J. Duffy  
Isaacson & Duffy P.C.  
3101 N. Central Ave., Suite 740  
Phoenix, AZ 85012-2638

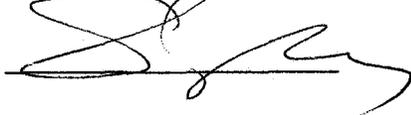
Eric S. Heath – Attorney  
Sprint Law and External Affairs Dept.  
100 Spear Street, Suite 930  
San Francisco, CA 94105-3114

Original and 13 copies  
filed October 17, 2003 with:

Docket Control  
ARIZONA CORPORATION COMMISSION  
1200 W Washington St  
Phoenix AZ 85007

Copy mailed November 3, 2003 to:

See Service List

A handwritten signature in black ink, appearing to be a stylized name, is written over a horizontal line.

Service List

(Docket No. T-0000A-03-0369)

Dwight Nodes  
Asst Chief Administrative Law Judge  
Arizona Corporation Commission  
1200 W Washington St  
Phoenix AZ 85007

Christopher Kempley  
Legal Division  
Arizona Corporation Commission  
1200 W Washington St  
Phoenix AZ 85007

Ernest G. Johnson  
Utilities Division  
Arizona Corporation Commission  
1200 W Washington St  
Phoenix AZ 85007

Maureen A. Scott  
Legal Division  
Arizona Corporation Commission  
1200 W Washington St  
Phoenix AZ 85007

Joan S. Burke  
Osborn Maledon PA  
2929 N Central Ave, Ste 2100  
Phoenix AZ 85012-2794

Timothy Berg  
Fennemore Craig  
3003 N Central Ave, Ste 2600  
Phoenix AZ 85012

Mitchell Brecher  
Greenberg Traurig LLP  
800 Connecticut Ave NW, Ste 500  
Washington DC 20006

Thomas F. Dixon  
Senior Attorney  
WorldCom, Inc.  
707 17<sup>th</sup> St, Ste 2900  
Denver CO 80202

Thomas H. Campbell  
Michael T. Hallam  
Lewis and Roca  
40 N Central Ave  
Phoenix AZ 85004

Jeffery W. Crockett  
Snell & Wilmer  
One Arizona Center  
Phoenix AZ 85004-2202

Scott Wakefield  
Residential Utility Consumer Office  
1110 W Washington St, Ste 220  
Phoenix AZ 85007

Brian Thomas  
VP Regulatory West  
Time Warner Telecom, Inc.  
Seattle WA 98109

Charles Best  
Associate General Counsel  
Electric Lightwave LLC  
4400 NE 77<sup>th</sup> Ave  
Vancouver WA 98662

Michael W. Patten  
Roshka Heyman Dewulf, PLC  
One Arizona Center  
400 East Van Buren St  
Phoenix AZ 85004

J. Jeffery Oxley  
Executive VP and General Counsel  
Eschelon Telecom, Inc.  
730 Second Avenue South  
Minneapolis MN 55402

Curt Huttzell  
Electric Lightwave  
4 Triad Center Suite 200  
Salt Lake City UT 84180

Mark A. Stachiw  
Jeffery J. Bunder  
Allegiance Telecom, Inc.  
1919 M Street NW Ste 420  
Washington DC 20036

Mary B. Tribby  
Richard S. Wolters  
AT&T and TCG  
1875 Lawrence St., Suite 1503  
Denver CO 80202