



BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

- JEFF HATCH-MILLER, Chairman
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2005 JUN -9 P 2:27

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF QWEST COMMUNICATIONS CORPORATION D/B/A QWEST LONG DISTANCE FOR EXTENSION OF ITS EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY TO INCLUDE AUTHORITY TO PROVIDE RESOLD AND FACILITIES-BASED LOCAL EXCHANGE AND RESOLD LONG DISTANCE SERVICES IN ADDITION TO ITS CURRENT AUTHORITY TO PROVIDE FACILITIES-BASED LONG DISTANCE SERVICES, AND PETITION FOR COMPETITIVE CLASSIFICATION OF PROPOSED SERVICES WITHIN THE STATE OF ARIZONA.

DOCKET NO. T-02811B-04-0313

Arizona Corporation Commission

DOCKETED

JUN - 9 2005

DOCKETED BY	<i>CAF</i>
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PROCEDURAL ORDER

BY THE COMMISSION:

On April 23, 2004, Qwest Communications Corporation d/b/a Qwest Long Distance¹ ("QCC") filed an Application and Petition with the Arizona Corporation Commission ("Commission") requesting that its existing Certificate of Convenience and Necessity ("CC&N") be extended to include the authority to provide resold long distance service, resold local exchange service and facilities-based local exchange service in addition to the facilities based long distance authority previously granted.²

On December 17, 2004, QCC filed a Supplement to Application and Petition.

On February 1, 2005, a Procedural Order was issued setting the hearing in this matter to commence on March 23, 2005, and setting associated procedural deadlines. The Procedural Order directed the Commission's Utilities Division Staff ("Staff") to address in its Staff Report the issue of

¹ The application states that the applicant does business under the d/b/a Qwest Long Distance for its interexchange business.

² See Decision No. 66612 (December 10, 2003).

1 whether the reaffirmation of the limited waiver of the Commission's Affiliated Interests Rules
2 granted in Decision No. 64654 (March 27, 2002) should be revisited, in light of the fact that QCC is
3 requesting authority to provide services in competition with services provided by its affiliate Qwest
4 Corporation.

5 On February 23, 2005, the Staff filed a Staff Report on the application. This Initial Staff
6 Report recommended that QCC be allowed to provide the requested services outside of Qwest
7 Corporation's current service area. The Initial Staff Report also stated that based on Staff's
8 recommendation that QCC not be granted authority to provide service inside Qwest Corporation's
9 service territory, Staff did not believe that the limited waiver of the Commission's Affiliated Interests
10 Rules granted in Decision No. 64654 (March 25, 2002) needed to be revisited.

11 On February 24, 2005, QCC filed certification of public notice of the hearing on its
12 application.

13 On March 16, 2005, QCC filed its Response to the Staff Report.

14 Continuances of the hearing were jointly requested by QCC and Staff on March 22, April 1,
15 and April 29, and were granted by Procedural Orders.

16 On May 13, 2005 Staff filed a supplement to its February 23, 2005 Staff Report on the
17 application. This Supplemental Staff Report stated that Staff was presenting an alternative
18 recommendation which would allow QCC to provide resold and facilities-based local service to large
19 business customers ("Enterprise Customers") within Qwest Corporation's service territory. The
20 Supplemental Staff Report also included several conditions which did not appear in the Initial Staff
21 Report.

22 On May 16, 2005, QCC filed a Second Supplement to Application and Petition.

23 The hearing on QCC's application commenced on May 17, 2005.³ During the hearing on that
24 date, Staff's witness stated that in light of Staff's new recommendation in the Supplemental Staff
25 Report, Staff would recommend that the limited waiver of the Commission's Affiliated Interests
26 Rules granted in Decision No. 64654 be revisited. However, Staff did not have a more specific

27 ³ On March 23, 2005, at 10:00 a.m., the publicly noticed time and date of the hearing on the application, the hearing was
28 convened as scheduled for the purpose of receiving public comment. No members of the public appeared to provide
public comment on the application on that date.

1 recommendation at that time.

2 QCC indicated at the hearing that it wished to have an opportunity to respond to Staff's
3 additional recommendations. QCC and Staff stated that they would confer regarding the procedural
4 schedule in this matter on a going-forward basis, and would then request a procedural conference.

5 On May 27, 2005, QCC filed a Post-Hearing Submission that included 7 exhibits addressing
6 issues raised during the hearing.

7 As of this date, the parties have not requested a procedural conference. A procedural
8 conference should therefore be scheduled for the purpose of discussing the continuing conduct of this
9 matter, including the date by which Staff can file its specific written recommendations regarding the
10 limited waiver of the Commission's Affiliated Interests Rules granted in Decision No. 64654, as well
11 as any other Staff recommendations, and a date for QCC's written response hereto.

12 The continuance of the hearing necessitates the suspension of the timeclock for a final
13 Commission Decision in this matter.

14 IT IS THEREFORE ORDERED that a **Procedural Conference** shall be held in this matter on
15 **June 16, 2005**, commencing at **3:00 p.m.**, at the Commission's offices, 1200 W. Washington,
16 Phoenix, Arizona, for the purpose of discussing a procedural schedule for the continuing conduct of
17 this matter, including the date by which Staff can file its specific written recommendations regarding
18 the limited waiver of the Commission's Affiliated Interests Rules granted in Decision No. 64654, as
19 well as any other Staff recommendations, and a date for Qwest Communications Corporation d/b/a
20 Qwest Long Distance's written response thereto.

21 IT IS FURTHER ORDERED that the timeclock in this matter is suspended effective May 18,
22 2005, and shall remain suspended pending the continuance of the hearing on this matter.

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

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

3 DATED this 9th day of June, 2005.

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6 
7 TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

8 The foregoing was mailed/delivered
9 this 9 day of June, 2005 to:

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25 By: 
26 Molly Johnson
Secretary to Teena Wolfe