



BEFORE THE ARIZONA CORPORATION COMMISSION

25

Commissioners

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

2005 JUN 21 P 12: 25

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

JUN 21 2005

DOCKETED BY [Signature]

IN THE MATTER OF THE PETITION OF LEVEL 3 COMMUNICATIONS LLC FOR ARBITRATION OF AN INTERCONNECTION AGREEMENT WITH QWEST CORPORATION PURSUANT TO SECTION 252(b) OF THE TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. T-03654A-05-0350

DOCKET NO. T-01051B-05-0350

PROCEDURAL ORDER

BY THE COMMISSION:

On May 13, 2005, Level 3 Communications, LLC ("Level 3") filed with the Arizona Corporation Commission ("Commission") a Petition for Arbitration of certain terms conditions and prices for interconnection and related arrangements with the Qwest Corporation ("Qwest") ("Petition") pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996 ("Act").

On June 7, 2005, Qwest filed a Response to the Petition.

Section 252 of the Act provides that during the period from the 135th to the 160th day after the date on which an incumbent local exchange carrier receives a request for negotiation,¹ the carrier or any party to the negotiations may petition a state commission to arbitrate any open issues. Further, Section 252 provides that the state commission shall conclude the resolution on any unresolved issues no later than nine months after the date on which the local exchange carrier received the request.² The parties have agreed to extend the deadline for the Commission to issue a final order in this arbitration until November 11, 2005. On July 22, 1996, in Decision No. 59762, the Commission adopted A.A.C. R14-2-1501 through A.A.C. R14-2-1507 ("Arbitration and Mediation Rules" or "Rules"). The Hearing Division was granted the authority to conduct arbitrations pursuant to R14-2-1505. Rule 1505 provides that the arbitration proceedings would be conducted pursuant to

¹ According to the Petition, such request occurred on December 4, 2004.

² According to the Petition, the nine months would conclude on July 28, 2003.

1 procedures established by the Hearing Division Arbitrator(s).

2 Pursuant to A.A.C. R14-2-1505, the Hearing Division now issues this Procedural Order to
3 govern the preparation and conduct of this proceeding.

4 IT IS THEREFORE ORDERED that the **arbitration** in the above-captioned matter shall
5 commence on **September 8, 2005, at 10:00 a.m.**, or as soon thereafter as is practical, at the
6 Commission's offices, **1200 West Washington Street, Phoenix, Arizona.**

7 IT IS FURTHER ORDERED that the **deadline pursuant to Section 252 of the Act to**
8 **provide a final Order** in this matter is extended by agreement of the parties until **November 11,**
9 **2005.**

10 IT IS FURTHER ORDERED that for each issue in dispute, each party shall file direct
11 testimony in support of its positions.

12 IT IS FURTHER ORDERED that **direct testimony** and associated exhibits to be presented at
13 the proceeding on behalf of Level 3 or Qwest shall be reduced to writing and filed, with copies
14 provided to the Arbitrator and the opposing party, on or before **July 15, 2005.**

15 IT IS FURTHER ORDERED that **rebuttal testimony** and associated exhibits to be presented
16 at the proceeding on behalf of Level or Qwest shall be reduced to writing and filed, with copies
17 provided to the Arbitrator and the opposing party, on or before **August 15, 2005.**

18 IT IS FURTHER ORDERED that a **telephonic pre-arbitration conference** shall be held on
19 **September 1, 2005 at 1:30 p.m.**, at the Commission's offices, 400 West Congress, Tucson, Arizona
20 for the purposes of discussing the scheduling of witnesses and the conduct of the arbitration.³

21 IT IS FURTHER ORDERED that Level 3 and Qwest shall file with the Arbitrator(s) the
22 following on or before **September 1, 2005:**

- 23
- 24 A) A joint pre-arbitration statement in a matrix format which sets forth all the
 - 25 B) For those issues in which there is disagreement, Level 3 and Qwest should set
 - 26 forth their respective positions including any applicable law and the manner in
 - 27 which Level 3 and Qwest recommend their disagreement be resolved by the

28 ³ Prior to September 1, 2005, the parties should contact the Hearing Division to obtain the phone number for the pre-hearing conference.

1 C) Arbitrator(s); and
2 A Proposed interconnection agreement that sets forth those areas of agreement,
and for those areas of disagreement sets forth both Level 3's and Qwest's
3 proposals.

4 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
5 regulations of the Commission, except that: any objection to discovery requests shall be made within
6 seven days⁴ of receipt; responses to discovery requests shall be made within ten days of receipt; and
7 the response time may be extended by mutual agreement of the parties involved if the request
8 requires an extensive compilation effort. No discovery requests shall be served after August 22,
2005.

9 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
10 discovery, any party seeking discovery may telephonically contact the Arbitrator(s) to request a date
11 for a procedural conference to resolve the discovery dispute; that upon such a request, a procedural
12 conference will be convened as soon as practicable; and that the party making such a request shall
13 forthwith contact all other parties to advise them of the date and shall at the conference provide a
14 statement confirming that the parties were contacted.⁵ Responses to Motions to Compel shall be
15 made within five days.

16 IT IS FURTHER ORDERED that the original of any non-proprietary filings in this
17 proceeding shall be made with Docket Control, with two copies of the filing to the Arbitrator.

18 IT IS FURTHER ORDERED that the original and two copies of any proprietary filings shall
19 be made with the Arbitrator with a non-proprietary summary filed with Docket Control.

20 IT IS FURTHER ORDERED that documents which contain mostly non-proprietary material
21 shall be filed with Docket Control, with the proprietary portions redacted from the document, and
22 accompanied by a notice of filing proprietary document with respect to the omitted proprietary
23 portions.

24 IT IS FURTHER ORDERED that the proprietary documents, and proprietary portions of
25 documents, shall be stamped on each page with either "proprietary" or "confidential" warnings, and
26 shall be provided on non-white paper, to clearly indicate the proprietary nature of the documents.

27 ⁴ "days" refers to business days.

28 ⁵ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking resolution of the controversy.

1 IT IS FURTHER ORDERED that a court reporter will prepare a transcription of the
2 arbitration and Level 3 and Qwest will share the costs of the court reporter and transcripts.

3 IT IS FURTHER ORDERED that the Arbitrator(s) may rescind, alter, amend, or waive any
4 portion of this Procedural Order either by subsequent Procedural Order or by ruling at arbitration.

5 DATED this 16th day of June, 2005.


JANE L. RODDA
ARBITRATOR

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9 Copies of the foregoing mailed
this 16th day of June, 2005 to:

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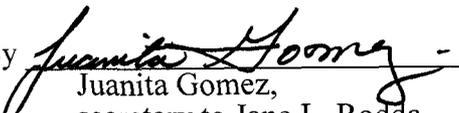
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By 
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