



0000023335

ORIGINAL

EXCEPTION

BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

WILLIAM A. MUNDELL
Chairman
JAMES M. IRVIN
Commissioner
MARC SPITZER
Commissioner

Arizona Corporation Commission

DOCKETED

NOV 08 2001

DOCKETED BY [signature]

2001 NOV -8 A 10: 57

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S
COMPLIANCE WITH § 271 OF THE
TELECOMMUNICATIONS ACT OF 1996

Docket No. T-00000A-97-0238

AT&T'S EXCEPTIONS TO THE
RECOMMENDED ORDER ON
CHECKLIST ITEM NO. 5 --
UNBUNDLED TRANSPORT

AT&T Communications of the Mountain States, Inc. and TCG Phoenix,
(collectively, "AT&T") hereby file their exceptions to the Administrative Law Judge's
("ALJ") recommended order on checklist item no. 5 -- unbundled transport.

AT&T generally supports the recommendations contained in the ALJ's
recommended order. AT&T's exceptions are intended to clarify AT&T's position.

In paragraphs 48-53 of the recommended order, the issue of the imposition of the
local use restriction on EUDIT, or transport between Qwest's wire center and competitive
local exchange carrier's ("CLEC") wire center, is discussed. This discussion does not
accurately reflect AT&T's final position.

In its brief, AT&T noted that Qwest's SGAT language in section 9.6.2.4 as
initially proposed imposed an unlawful use restriction on the use of unbundled dedicated
interoffice transport.¹ However, AT&T also pointed out that Qwest had proposed

¹ AT&T's Brief on Impasse Issues Regarding Checklist Items 2, 5 and 6 at 36-38.

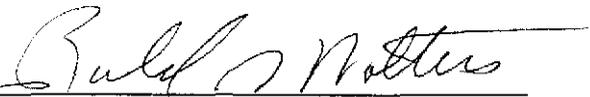
language in other jurisdictions that was acceptable to AT&T as an interim solution.² The language proposed in other jurisdictions is the same as the language contained in paragraph 49 of the recommended order.

Accordingly, the arguments of AT&T reflected in paragraph 50 of the recommended order are not relevant to the language in paragraph 49 but reflect AT&T's arguments regarding the language in section 9.6.2.4 as originally proposed by Qwest. Simply stated, the recommended order should reflect that AT&T does not object to the language in paragraph 49 and that this language resolved the issue for AT&T.³

NOW THEREFORE, AT&T requests that the recommended order be modified consistent with AT&T's exceptions hearing.

Respectfully submitted this 7th day of November, 2001.

**AT&T COMMUNICATIONS
OF THE MOUNTAIN STATES, INC.
AND TCG PHOENIX**

By: 

Mary B. Tribby
Richard S. Wolters
AT&T Law Department
1875 Lawrence Street, Suite 1575
Denver, CO 80202
(303) 298-6741

² *Id.* at 38, n. 180.

³ *Id.*

CERTIFICATE OF SERVICE

I certify that the original and 10 copies of AT&T Communications of the Mountain State, Inc.'s Exceptions to the Recommended Order on Checklist Item No. 5 -- Unbundled Transport in Docket No. T-00000A-97-0238 were sent by overnight delivery on November 7, 2001 to:

Arizona Corporation Commission
Docket Control – Utilities Division
1200 West Washington Street
Phoenix, AZ 85007

and a true and correct copy was sent by overnight delivery on November 7, 2001 to:

Maureen Scott
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Mark A. DiNunzio
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Deborah Scott
Director - Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Christopher Kempley
Arizona Corporation Commission
Legal Division
1200 West Washington Street
Phoenix, AZ 85007

Jane Rodda
Administrative Law Judge
Arizona Corporation Commission
400 West Congress
Tucson, AZ 85701-1347

and a true and correct copy was sent by U. S. Mail on November 7, 2001 to:

Thomas F. Dixon
WorldCom, Inc.
707 – 17th Street, #3900
Denver, CO 80202

Terry Tan
WorldCom, Inc.
201 Spear Street, 9th Floor
San Francisco, CA 94015

K. Megan Doberneck
Covad Communications Company
7901 Lowry Blvd.
Denver, CO 80230

Bradley Carroll
Cox Arizona Telcom, L.L.C.
20401 North 29th Avenue
Phoenix, AZ 85027-3148

Michael M. Grant
Gallagher and Kennedy
2575 East Camelback Road
Phoenix, AZ 85016-9225

Gena Doyscher
Global Crossing Local Services, Inc.
1221 Nicollet Mall, Suite 300
Minneapolis MN 55403

Traci Kirkpatrick
Davis Wright Tremaine LLP
1300 S.W. Fifth Avenue
Portland, OR 97201

Michael W. Patten
Roshka Heyman & DeWulf, PLC
400 North Fifth Street, Suite 1000
Phoenix, AZ 85004-3906

Joyce Hundley
United States Dept. of Justice
Antitrust Division
1401 H Street NW, Suite 8000
Washington, DC 20530

Daniel Pozefsky
Residential Utility Consumer Office
2828 North Central Ave., #1200
Phoenix, AZ 85004

Mark N. Rogers
Excell Agent Services, L.L.C.
2175 W. 14th Street
Tempe, AZ 85281

Mark P. Trinchero
Davis Wright Tremaine
1300 SW Fifth Ave., Suite 2300
Portland OR 97201-5682

Penny Bewick
New Edge Networks
3000 Columbia House Blvd., Suite 106
Vancouver, WA 98661

Lisa Crowley
Covad Communications Company
7901 Lowry Boulevard
Denver, Colorado 80230

Karen L. Clauson
Eschelon Telecom, Inc.
730 2nd Avenue South, Suite 1200
Minneapolis, MN 55402

Joan S. Burke
Osborn Maledon, P.A.
2929 N. Central Avenue, 21st Floor
Phoenix, AZ 85067-6379

Eric S. Heath
Sprint Communications Company L.P.
100 Spear Street, Suite 930
San Francisco, CA 94105

Charles Kallenbach
American Communications Services, Inc.
131 National Business Parkway
Annapolis Junction, MD 20701

Jeffrey W. Crockett
Snell & Wilmer, LLP
One Arizona Center
Phoenix, AZ 85004-0001

Todd C. Wiley
Gallagher & Kennedy, P.A.
2575 East Camelback Road
Phoenix, AZ 85016-9225

Michael B. Hazzard
Kelley, Drye & Warren, LLP
1200 19th Street, NW, Fifth Floor
Washington, DC 20036

Daniel Waggoner
Davis Wright Tremaine
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688

Timothy Berg
Fennemore Craig, P.C.
3003 North Central Ave., #2600
Phoenix, AZ 85012

Raymond S. Heyman
Randall H. Warner
Roshka Heyman & DeWulf
Two Arizona Center
400 N. Fifth Street, Suite 1000
Phoenix, AZ 85004

Diane Bacon, Legislative Director
Communications Workers of America
Arizona State Council
District 7 AFL-CIO, CLC
5818 N. 7th Street, Suite 206
Phoenix, AZ 85014-5811

Andrea P. Harris
Senior Manager, Regulatory
Allegiance Telecom, Inc.
2101 Webster, Suite 1580
Oakland, CA 94612

Andrew Crain
Qwest Corporation
1801 California Street, Suite 4900
Denver, CO 80202

Janet Livengood
Regional Vice President
Z-Tel Communications, Inc.
601 S. Harbour Island Blvd., Suite 220
Tampa, FL 33602

Charles W. Steese
Qwest Corporation
1801 California Street, Suite 4900
Denver, CO 80202

Bill Haas
Richard Lipman
McLeodUSA Telecommunications
Services, Inc.
6400 C Street SW
Cedar Rapids, IA 54206-3177

Brian Thomas
Vice President – Regulatory
Time Warner Telecom, Inc.
520 S.W. 6th Avenue, Suite 300
Portland, OR 97204

