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ARIZONA CORPORATION COMMISSION
DEPARTMENT CONTROL

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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

QWEST'S MOTION TO
MODIFY DECISION NO. 64215

I. INTRODUCTION

Qwest Corporation ("Qwest") respectfully submits this motion to modify the Arizona Corporation Commission's ("ACC") Decision No. 64215 dated November 20, 2001 to conform one issue to that decided by the ACC in Open Meeting on November 16, 2001. Qwest seeks deletion of the ordering paragraph (para. 6)¹ that states 'Qwest shall file a report detailing what steps it has taken to rectify problems associated with making DSL available via an unbundled loop.' This concept was specifically rejected by the ACC in the November 16, 2001 Open Meeting.

II. ARGUMENT

On August 1, 2001 Staff issued its final report and, at Qwest's request, limited the requirement to offer stand-alone DSL service in situations where the CLEC provides voice service over the UNE-Platform (UNE-P). Staff Final Report at ¶ 171.

On September 28, 2001 the Administrative Law Judge ("ALJ") issued her recommendation in the form of an order resolving the disputed issues relating to Emerging

¹ Decision No. 64215 dated November 20, 2001, pg. 29, lines 1-3.

Services. In the recommended order, the ALJ imposed an additional recommended requirement upon Qwest to provide stand-alone DSL service even where CLECs provide voice service over an unbundled loop. Report at ¶ 35.

Qwest filed exceptions to the ALJ's recommendation on October 9, 2001, respectfully requesting that the ACC reverse the Hearing Division on this issue and find that neither the law nor the facts support the conclusion that Qwest be required to offer DSL when a CLEC offers voice service to the same end-user over a stand-alone unbundled loop.

At the Special Open Meeting held on November 16, 2001 this matter was discussed at length between the Commission, Commission Staff, the ALJ, and the parties.² Qwest respectfully requested that lines 24 through 26 in the ALJ's recommended order be deleted,³ and, after substantial discussion, the full Commission agreed with Qwest's position.⁴ Although the language in the text of the decision was changed, the parallel ordering paragraph – Paragraph 6 – was inadvertently retained. Qwest respectfully requests that this provision be deleted to conform to the ACC's decision.

III. CONCLUSION

This issue was decided during the Special Open Meeting. The language was removed from the substantive portion of the decision; however, the ordering paragraph concerning this issue was not removed. Qwest respectfully requests that the Hearing Officer modify Decision No. 64215 dated November 20, 2001 to remove the ordering clause requiring Qwest to file a report detailing what steps Qwest has taken to rectify the problems associated with making DSL available via an unbundled loop, as decided at the November 16, 2001 Special Open Meeting.

² *In the Matter of U S West Communications, Inc.'s Compliance with Section 271 of the Telecommunications Act of 1996*, Docket No. T-00000A-97-0238, Special Open Meeting November 16, 2001 Transcript, pgs. 5-34.

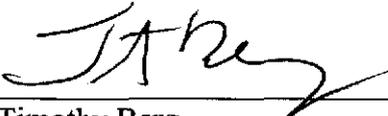
³ *Id* at 26.

⁴ *Id* at 34.

DATED: December 17, 2001

Respectfully submitted,

QWEST CORPORATION

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