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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE PETITION OF DIECA COMMUNICATIONS, INC., dba COVAD COMMUNICATIONS COMPANY FOR ARBITRATION OF AN INTERCONNECTION AGREEMENT WITH QWEST CORPORATION.

DOCKET NO. T-03632A-04-0425  
DOCKET NO. T-01051B-04-0425

PROCEDURAL ORDER

**BY THE COMMISSION:**

On June 8, 2004, DIECA Communications, Inc., dba Covad Communications Company ("Covad") filed with the Arizona Corporation Commission ("Commission") a Petition for Arbitration of a proposed interconnection agreement with Qwest Corporation ("Qwest") pursuant to A.A.C. R14-2-1505 and Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996.

Hearings were conducted in this proceeding on February 7 and 18, 2005, and briefs were filed in March, 2005. The matter is currently pending the issuance of a Recommended Order by the Arbitrator.

On August 5, 2005, the Federal Communications Commission ("FCC") adopted a Report and Order (FCC 05-150) that, among other things, would eliminate facilities sharing requirements on facilities-based wireline broadband Internet access service providers. The full text of the FCC's Decision has not yet been issued.

IT IS THEREFORE ORDERED that Covad, Qwest and the Commission's Utilities Division Staff shall file, by August 26, 2005, statements regarding the impact, if any, of the FCC's Decision on this proceeding.

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1 IT IS FURTHER ORDERED that the Arbitrator may rescind, alter, amend or waive any  
2 portion of this Procedural Order by subsequent Procedural Order.

3 Dated this 12<sup>th</sup> day of August, 2005

4  
5 

6 DWIGHT D. NODES  
7 ARBITRATOR

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9 this 12 day of August, 2005 to:

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Secretary to Dwight D. Nodes