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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2005 AUG 26 A 11:30

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF QWEST CORPORATION'S  
FILING OF RENEWED PRICE REGULATION  
PLAN.

DOCKET NO. T-01051B-03-0454

IN THE MATTER OF THE INVESTIGATION OF  
THE COST OF TELECOMMUNICATIONS  
ACCESS.

DOCKET NO. T-00000D-00-0672

PROCEDURAL ORDER

**BY THE COMMISSION:**

On August 16, 2005, a Procedural Conference convened in the above-captioned matters for the purpose of updating the Arizona Corporation Commission ("Commission") on the status of settlement negotiations and to establish a hearing date on an anticipated Settlement Agreement. Anticipating that a Settlement Agreement could be filed by August 19, 2005, the parties proposed a schedule for filing testimony in favor of or opposition to the Settlement Agreement and for a hearing date the first week in November 2005.

At the August 16, 2005 Procedural Conference, all of the parties agreed on the following schedule:

|   |                   |
|---|-------------------|
| Filing Settlement Agreement                     | August 19, 2005   |
| Testimony in Favor of Settlement Agreement      | September 6, 2005 |
| Testimony in Opposition to Settlement Agreement | October 14, 2005  |
| Rebuttal testimony                              | October 28, 2005  |
| Pre-hearing Conference                          | October 31, 2005  |
| Hearing   | November 1, 2005  |

On August 24, 2005, the Commission's Utility Division Staff ("Staff") filed a signed Settlement Agreement between Staff, Qwest Corporation, the Department of Defense and all other

1 Federal Executive Agencies, the regulated subsidiaries of MCI, Inc., Time Warner Telecom of  
2 Arizona, LLC, the Arizona Utility Investors Association, XO Communications Services, Inc. and  
3 Cox Arizona Telecom, LLC. Although the Settlement Agreement was not filed on August 19, 2005  
4 as originally anticipated, Staff did not file a recommendation to revise the previously proposed  
5 procedural schedule.

6 It appears that as long as parties supporting the Settlement Agreement are able to file their  
7 direct testimony by September 6, 2005 as originally proposed, the agreed procedural schedule  
8 presented on August 16, 2005, remains reasonable. Absent a request for additional time, we will  
9 adopt the jointly proposed schedule set forth above.

10 In addition, at the August 16, 2005 Procedural Conference the Residential Utility Consumer  
11 Office ("RUCO") requested that in light of the compressed schedule, that responses to discovery  
12 requests be due within 7 days and objections be due within 5 days of receipt. Staff and Qwest  
13 advocated that responses to discovery requests be due in ten days with objections made within 7 days  
14 of receipt. Given the aggressiveness of the proposed schedule and the delay in filing the proposed  
15 Settlement Agreement, we find that RUCO's request is reasonable.

16 Accordingly, pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural  
17 Order to govern the preparation and conduct of this proceeding.

18 IT IS THEREFORE ORDERED that the **hearing** on the proposed Settlement Agreement filed  
19 in the above-captioned matter shall commence on **November 1, 2005, at 10:00 a.m.**, or as soon  
20 thereafter as is practical, at the Commission's offices, 1200 West Washington, Phoenix, Arizona  
21 85007.

22 IT IS FURTHER ORDERED that a **pre-hearing conference** shall be held on **October 31,**  
23 **2005, at 11:00 a.m.**, at the Commission's Phoenix offices, for the purpose of scheduling witnesses  
24 and the conduct of the hearing.

25 IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at  
26 hearing on behalf of parties supporting the Settlement Agreement shall be reduced to writing and filed  
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28

1 on or before **September 6, 2005.**<sup>1</sup>

2 IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at  
3 hearing on behalf of parties in opposition to the Settlement Agreement shall be reduced to writing  
4 and filed on or before **October 14, 2005.**

5 IT IS FURTHER ORDERED that any non-signatory parties who do not file testimony shall file  
6 a statement of position on the Proposed Settlement Agreement on or before **October 14, 2005.**

7 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be  
8 presented at the hearing shall be reduced to writing and filed on or before **October 28, 2005.**

9 IT IS FURTHER ORDERED that **all filings shall be made by 4:00 p.m. on the date the**  
10 **filing is due.**

11 IT IS FURTHER ORDERED that any surrebuttal and rejoinder testimony and associated  
12 exhibits to be presented by any party shall be presented orally at the hearing.

13 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have  
14 been prefiled as of October 28, 2005, shall be made before or at the **October 31, 2005** pre-hearing  
15 conference.

16 IT IS FURTHER ORDERED that all testimony filed shall include a table of contents which  
17 lists the issues discussed.

18 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to  
19 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is  
20 scheduled to testify.

21 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the  
22 pre-filed testimony of each of their witnesses and shall file each summary by October 31, 2005.

23 IT IS FURTHER ORDERED that copies of summaries should be served upon the Presiding  
24 Officer, the Commissioners, and the Commissioners' aides as well as the parties of record.

25 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and  
26 regulations of the Commission, except that any objection to discovery requests shall be made within

27 \_\_\_\_\_  
28 <sup>1</sup> The Commission expects that each party that is a signatory to the Proposed Settlement Agreement will have a witness available to testify on its behalf.

1 5 calendar days of receipt and responses to discovery requests shall be made within 7 calendar days  
 2 of receipt; the response time may be extended by mutual agreement of the parties involved if the  
 3 request requires extensive compilation efforts.

4 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel  
 5 discovery, any party seeking discovery may telephonically contact the Commission's Hearing  
 6 Division to request a date for a procedural conference to resolve the discovery dispute; that upon such  
 7 a request, a procedural conference will be convened as soon as practical; and that the party making  
 8 such a request shall forthwith contact all other parties to advise them of the procedural conference  
 9 date and shall at the conference provide a statement confirming that the other parties were contacted.<sup>2</sup>

10 IT IS FURTHER ORDERED that Qwest shall provide public notice of the hearing in this  
 11 matter, in the following form and style with the heading in no less than 24 point bold type and the  
 12 body in no less than 10 point regular type:

13 **PUBLIC NOTICE OF HEARING ON**  
 14 **PROPOSED SETTLEMENT AGREEMENT ON**  
 15 **QWEST CORPORATION'S APPLICATION FOR**  
 16 **RENEWED PRICE REGULATION PLAN,**  
 17 **DEREGULATION OF SERVICES,**  
 18 **REQUEST FOR ARIZONA UNIVERSAL SERVICE FUNDING**  
 19 **AND ON THE INVESTIGATION OF**  
 20 **TELECOMMUNICATIONS ACCESS CHARGES**  
 21 **DOCKET NO. T-01051B-03-0454, ET AL.**

22 On May 21, 2004, Qwest Corporation ("Qwest" or "Company") filed an application  
 23 with the Arizona Corporation Commission ("Commission") for a renewed price  
 24 regulation plan, deregulation of services, and request for Arizona universal service  
 25 funding. This matter has been consolidated with the investigation of  
 26 telecommunications access charges. On August 24, 2005, Qwest, Commission  
 27 Utilities Division Staff and a number of intervening parties filed a proposed Settlement  
 28 Agreement which, if approved, would resolve all of the issues raised in these matters.  
 [INSERT LANGUAGE DESCRIBING IMPACT ON RATES/REVENUES  
 HERE] Copies of the proposed Settlement Agreement are available at Qwest's office  
 at [INSERT ADDRESS HERE] and at the Commission's Docket Control at 1200  
 West Washington, Phoenix, Arizona and at its Tucson office, 400 West Congress,  
 Suite 218, for public inspection during regular business hours.

The Commission will hold a hearing on the proposed Settlement Agreement beginning  
 November 1, 2005, at 10:00 a.m., at the Commission's offices, 1200 West  
 Washington, Phoenix, Arizona. Public comments will be taken on the first day of the  
 hearing. Written public comments may be submitted via email (visit

<sup>2</sup> The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 <http://www.cc.state.az.us/utility/cons/index.htm> for instructions), or by mailing a letter  
2 referencing Docket Number T-01051B-03-0454 to: Arizona Corporation Commission,  
Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007.

3 The law provides for an open public hearing. The Commission does not discriminate  
4 on the basis of disability in admission to its public meetings. Persons with a disability  
5 may request a reasonable accommodation such as a sign language interpreter, as well  
6 as request this document in an alternative format, by contacting Linda Hogan, ADA  
Coordinator, voice phone number (602)542-3931, email [LHogan@cc.state.az.us](mailto:LHogan@cc.state.az.us).  
7 Requests should be made as early as possible to allow time to arrange the  
accommodation. The Commission does not discriminate on the basis of disability in  
admission to its public meetings.

8 IT IS FURTHER ORDERED that Qwest shall cause the above notice to be published at least  
9 once in a newspaper of general circulation in every county in Arizona in which it does business, such  
10 publication to be completed by September 30, 2005.

11 IT IS FURTHER ORDERED that Qwest shall file certifications of publication as soon as  
12 practical after publication has been completed.

13 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same,  
14 notwithstanding the failure of an individual customer to read or receive the notice.

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

17 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
18 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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

21 DATED this 26 day of August, 2005.

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23   
24 JANE L. RODDA  
ADMINISTRATIVE LAW JUDGE

25 ...  
26 ...  
27 ...  
28 ...

1 Copy of the foregoing mailed/delivered  
this 26 day of August, 2005, to:

2 TIMOTHY BERG  
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4 FENNEMORE CRAIG, P.C.  
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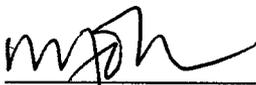
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By:   
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Secretary to Jane Rodda