

ORIGINAL

OPEN MEETING ITEM



0000025038

MEMORANDUM

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TO: THE COMMISSION

FROM: Utilities Division

AZ CORP COMMISSION
DOCUMENT CONTROL

DATE: April 16, 2001

RE: IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION F/K/A/ U S WEST COMMUNICATIONS, INC., FOR APPROVAL OF THE FOURTH AMENDMENT TO THE INTERCONNECTION AGREEMENT WITH IONEX COMMUNICATIONS NORTH, INC. (DOCKET NOS. T-01051B-01-0172 AND T-03864A-01-0172)

On February 27, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST Communications, Inc., filed an application for approval of the Fourth Amendment to the Interconnection Agreement between Qwest and Ionex Communications North, Inc. ("Ionex"). The original Interconnection Agreement was approved by the Commission on August 24, 2000, in Decision No. 62841.

The Telecommunications Act of 1996 ("1996 Act"), directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation. This Fourth Amendment to the Interconnection Agreement between Qwest and Ionex was voluntarily negotiated, without resort to arbitration.

Under the terms of this Fourth Amendment, terms and conditions are added for Physical Collocation, Collocation Augments, Unbundled Loop Qualification Database access, Unbundled Loop Order Provisioning, Customer Care Standards and Interim Shared Loop Price.

According to the 1996 Act, the Commission must approve voluntarily negotiated interconnection and resale agreements, if their provisions are non-discriminatory and in the public interest. Staff has reviewed the Fourth Amendment and finds it to be non-discriminatory and in the public interest. Qwest is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

Arizona Corporation Commission

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THE COMMISSION

April 16, 2001

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Since there are no grounds for rejection of the Fourth Amendment pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the Fourth Amendment to the Interconnection Agreement between Qwest and Ionex.



Deborah R. Scott

Director

Utilities Division

DRS:EAA:jbc/MAS

ORIGINATOR: Erinn Andreasen

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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
Chairman
JIM IRVIN
Commissioner
MARC SPITZER
Commissioner

IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION F/K/A U S WEST)
COMMUNICATIONS, INC., FOR APPROVAL)
OF THE FOURTH AMENDMENT TO THE)
INTERCONNECTION AGREEMENT WITH)
IONEX COMMUNICATIONS NORTH, INC.)

DOCKET NOS. T-01051B-01-0172
T-03864A-01-0172
DECISION NO. _____
ORDER

Open Meeting
May 1 and 2, 2001
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On February 27, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST Communications, Inc., filed an application for approval of the Fourth Amendment to the Interconnection Agreement between Qwest and Ionex Communications North, Inc. ("Ionex"). The original Interconnection Agreement was approved by the Commission on August 24, 2000, in Decision No. 62841.

2. The Telecommunications Act of 1996 ("1996 Act"), directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation.

3. This Fourth Amendment to the Interconnection Agreement between Qwest and Ionex was voluntarily negotiated, without resort to arbitration.

4. Under the terms of this Fourth Amendment, terms and conditions are added for Physical Collocation, Collocation Augments, Unbundled Loop Qualification Database access, Unbundled Loop Order Provisioning, Customer Care Standards and Interim Shared Loop Price.

...

1 5. According to the 1996 Act, the Commission must approve voluntarily negotiated
2 interconnection and resale agreements, if their provisions are non-discriminatory and in the public
3 interest.

4 6. Staff has reviewed the Fourth Amendment and finds it to be non-discriminatory and
5 in the public interest. Qwest is offering the same terms and conditions of the Agreement to all
6 other interested parties. The Agreement is in the public interest because it will act to further
7 competition in the local exchange market in Arizona.

8 7. Since there are no grounds for rejection of the Fourth Amendment pursuant to
9 Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the
10 Fourth Amendment to the Interconnection Agreement between Qwest and Ionex.

11 CONCLUSIONS OF LAW

12 1. Qwest is an Arizona public service corporation within the meaning of Article XV,
13 Section 2, of the Arizona Constitution.

14 2. The Commission has jurisdiction over Ionex and over the subject matter of the
15 Application.

16 3. The Commission, having reviewed the Application and Staff's Memorandum has
17 determined that the Fourth Amendment to the Interconnection Agreement negotiated between
18 Qwest and Ionex meets the requirements of Section 252(e)(2)(A) of the 1996 Act, which governs
19 the approval of voluntarily-negotiated agreements and is in the public interest.

20 4. The Commission maintains jurisdiction over the subject matter of the Agreement
21 and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission
22 by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules
23 promulgated thereunder.

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ORDER

IT IS THEREFORE ORDERED that the Commission hereby approves the Fourth Amendment to the Interconnection Agreement between Qwest and Ionex filed on February 27, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2001.

BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DRS:EAA:jbc/MAS

1 SERVICE LIST FOR: QWEST CORPORATION AND IONEX COMMUNICATIONS NORTH,
2 INC.

3 DOCKET NOS. T-01051B-01-00172 AND T-03864A-01-0172

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