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BEFORE THE ARIZONA CORPORATION COMMISSION

1
2 WILLIAM A. MUNDELL
Chairman
3 JIM IRVIN
Commissioner
4 MARC SPITZER
Commissioner

Arizona Corporation Commission

DOCKETED

MAY 04 2001

DOCKETED BY 

6 IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION F/K/A U S WEST)
7 COMMUNICATIONS, INC., FOR APPROVAL)
OF A LOCAL NUMBER PORTABILITY)
8 MANAGED CUTS AMENDMENT TO THE)
INTERCONNECTION AGREEMENT WITH)
9 BROOKS FIBER COMMUNICATIONS OF)
TUCSON, INC.)

DOCKET NOS. T-01051B-01-0178
T-03009A-01-0178

DECISION NO. 63643

ORDER

11 Open Meeting
May 1 and 2, 2001
12 Phoenix, Arizona

13 BY THE COMMISSION:

14 FINDINGS OF FACT

15 1. On February 27, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST
16 Communications, Inc., filed an application for approval of a Local Number Portability and
17 Managed Cuts Amendment to the Interconnection Agreement between Qwest and Brooks Fiber
18 Communications of Tucson, Inc. ("Brooks"). The original Interconnection Agreement was
19 approved by the Commission on February 6, 1997, in Decision No. 60050.

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

24 3. This Amendment to the Interconnection Agreement between Qwest and Brooks was
25 voluntarily negotiated, without resort to arbitration.

26 4. Under the terms of this Amendment, Qwest will provide Number Portability and
27 coordinated Managed Cuts, which allow a service to be switched between carriers simultaneously
28 with little disruption.

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

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

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 Brooks 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 Amendment to the Interconnection Agreement negotiated between Qwest and
18 Brooks meets the requirements of Section 252(e)(2)(A), of the 1996 Act, which governs the
19 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.

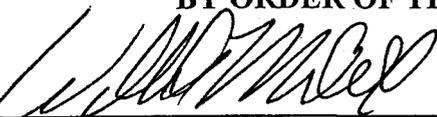
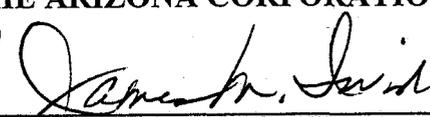
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ORDER

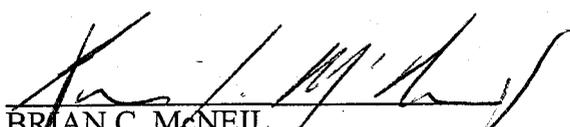
IT IS THEREFORE ORDERED that the Commission hereby approves the Amendment to the Interconnection Agreement between Qwest and Brooks filed on February 27, 2001.

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 4th day of May, 2001.


 BRIAN C. McNEIL
 Executive Secretary

DISSENT: _____

DRS:EAA:jbc/MAS

1 SERVICE LIST FOR: QWEST CORPORATION AND BROOKS FIBER COMMUNICATIONS
2 OF TUCSON, INC.

3 DOCKET NOS. T-01051B-01-00178 AND T-03009A-01-0178

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