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MEMORANDUM

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AZ CORP COMMISSION
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TO: THE COMMISSION

FROM: Utilities Division

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 SECOND
AMENDMENT TO THE LOCAL WIRELINE NETWORK INTERCONNECTION
AND SERVICE RESALE AGREEMENT WITH PAC-WEST TELECOMM, INC.
(DOCKET NOS. T-01051B-01-0246 AND T-03693A-01-0246)

On March 21, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST Communications, Inc., filed an application for approval of the Second Amendment to the Interconnection Agreement between Qwest and Pac-West Telecom, Inc. ("Pac-West"). The original Interconnection Agreement was approved by the Commission on December 14, 1999, in Decision No. 62137.

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 Second Amendment to the Interconnection Agreement between Qwest and Pac-West was voluntarily negotiated, without resort to arbitration.

Under the terms of this Second Amendment, terms and conditions are added to replace the Interim Line Sharing Agreement in its entirety, with new terms, conditions and rates for Line Sharing.

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 Second 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 Second Amendment pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the Second Amendment to the Interconnection Agreement between Qwest and Pac-West.

A handwritten signature in black ink, appearing to read "Deborah R. Scott". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

Deborah R. Scott

Director

Utilities Division

DRS:EAA:lhmm/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 SECOND AMENDMENT TO THE)
LOCAL WIRELINE NETWORK)
INTERCONNECTION AND SERVICE RESALE)
AGREEMENT WITH PAC-WEST TELECOMM,)
INC.)

DOCKET NOS. T-01051B-01-0246
T-03693A-01-0246

DECISION NO. _____

ORDER

Open Meeting
May 1 and 2, 2001
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On March 21, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST Communications, Inc., filed an application for approval of the Second Amendment to the Interconnection Agreement between Qwest and Pac-West Telecom, Inc. ("Pac-West"). The original Interconnection Agreement was approved by the Commission on December 14, 1999, in Decision No. 62137.

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 Second Amendment to the Interconnection Agreement between Qwest and Pac-West was voluntarily negotiated, without resort to arbitration.

4. Under the terms of this Second Amendment, terms and conditions are added to replace the Interim Line Sharing Agreement in its entirety, with new terms, conditions and rates for Line Sharing.

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 Second 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 Second Amendment pursuant to
9 Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the
10 Second Amendment to the Interconnection Agreement between Qwest and Pac-West.

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 Pac-West 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 Second Amendment to the Interconnection Agreement negotiated between
18 Qwest and Pac-West meets the requirements of Section 252(e)(2)(A) of the 1996 Act which
19 governs 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

THEREFORE, IT IS ORDERED that the Commission hereby approves the Second Amendment to the Interconnection Agreement between Qwest and Pac-West filed March 21, 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:lhm

1 SERVICE LIST FOR: Qwest Corporation and Pac-West Telecomm, Inc.
2 DOCKET NOS. T-01051B-01-0246 and T-03693A-01-0246

3 Ms. Theresa Dwyer
4 Fennemore Craig
5 3003 North Central Avenue, Suite 2600
6 Phoenix, Arizona 85012

7 Mr. John F. Sumpter
8 Pac-West Telecomm, Inc.
9 4210 Coronado Avenue
10 Stockton, California 95204-2340

11 Mr. Timothy Berg
12 Fennemore Craig
13 3003 North Central Avenue, Suite 2600
14 Phoenix, Arizona 85012

15 Mr. Christopher C. Kempley
16 Chief Counsel
17 Arizona Corporation Commission
18 1200 West Washington
19 Phoenix, Arizona 85007

20 Ms. Deborah Scott
21 Director, Utilities Division
22 Arizona Corporation Commission
23 1200 West Washington
24 Phoenix, Arizona 85007

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