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AZ CORP COMMISSION
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MEMORANDUM

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 A 911 WAIVER AMENDMENT TO THE LOCAL INTERCONNECTION AGREEMENT WITH SPRINT COMMUNICATIONS COMPANY, L.P. (DOCKET NOS. T-01051B-01-0245 AND T-02432A-01-0245)

On March 21, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST Communications, Inc., filed an application for approval of the 911 Waiver Amendment to the Interconnection Agreement between Qwest and Sprint Communications Company, L.P. ("Sprint"). The original Interconnection Agreement was approved by the Commission on November 16, 200, in Decision No. 63135.

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 Amendment to the Interconnection Agreement between Qwest and Sprint was voluntarily negotiated, without resort to arbitration.

The Amendment is made in order to clarify that Sprint new Dial IP equipment does not require 911 or E911 facilities because the line is a dedicated facility and will carry only one-way internet-bound data traffic from customers. Sprint affirms that it will not allow its Dial IP customers to originate voice calls using the Dial IP service that terminate to Qwest which include 911 calls.

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 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 Amendment pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the 911 Waiver Amendment to the Interconnection Agreement between Qwest and Sprint.



Deborah R. Scott

Director

Utilities Division

DRS:EAA:lhmm\MAS

ORIGINATOR: Erinn Andreasen

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
Chairman
3 JIM IRVIN
Commissioner
4 MARC SPITZER
Commissioner
5

6 IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION F/K/A U S WEST)
7 COMMUNICATIONS, INC., FOR APPROVAL)
OF A 911 WAIVER AMENDMENT TO THE)
8 LOCAL INTERCONNECTION AGREEMENT)
WITH SPRINT COMMUNICATIONS)
9 COMPANY, L.P.)
_____)

DOCKET NOS. T-01051B-01-0245
T-02432B-01-0245

DECISION NO. _____

ORDER

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

13 BY THE COMMISSION:

14 FINDINGS OF FACT

15 1. On March 21, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST
16 Communications, Inc., filed an application for approval of the 911 Waiver Amendment to the
17 Interconnection Agreement between Qwest and Sprint Communications Company, L.P. ("Sprint").
18 The original Interconnection Agreement was approved by the Commission on November 16, 200,
19 in Decision No. 63135.

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 Sprint was
25 voluntarily negotiated, without resort to arbitration.

26 4. The Amendment is made in order to clarify that Sprint new Dial IP equipment does
27 not require 911 or E911 facilities because the line is a dedicated facility and will carry only one-
28 way internet-bound data traffic from customers. Sprint affirms that it will not allow its Dial IP

1 customers to originate voice calls using the Dial IP service that terminate to Qwest which include
2 911 calls.

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

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

10 7. Since there are no grounds for rejection of the Amendment pursuant to Section
11 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the 911
12 Waiver Amendment to the Interconnection Agreement between Qwest and Sprint.

13 CONCLUSIONS OF LAW

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

16 2. The Commission has jurisdiction over Sprint and over the subject matter of the
17 Application.

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

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

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ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the 911 Waiver Amendment to the Interconnection Agreement between Qwest and Sprint 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:lhmm\MAS

1 SERVICE LIST FOR: Qwest Corporation and Sprint Communications Company, L.P.
2 DOCKET NOS. T-01051B-01-0245 and T-02432B-01-0245

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

7 Mr. Ken Ross
8 Director-Local Market Development
9 Sprint Communications Company, L.P.
10 7301 College Blvd.
11 Overland Park, Kansas 66210

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

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

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

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