

OPEN MEETING ITEM



0000025057

MEMORANDUM

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TO: THE COMMISSION

2001 APR 17 P 2 33

FROM: Utilities Division

AZ CORP COMMISSION
DOCUMENT CONTROL

DATE: April 17, 2001

RE: IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION F/K/A/ U S WEST COMMUNICATIONS, INC., FOR APPROVAL OF THE SIXTH AMENDMENT TO THE WIRELINE INTERCONNECTION AGREEMENT WITH ESCHELON TELECOM OF ARIZONA, INC. F/K/A ADVANCED TELECOMMUNICATIONS (DOCKET NOS. T-01051B-01-0220 AND T-03406A-01-0220)

On March 9, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST Communications, Inc., filed an application for approval of the Sixth Amendment to the Interconnection Agreement between Qwest and Eschelon Telecom of Arizona, Inc. f/k/a Advanced Telecommunications, Inc. ("Eschelon"). The original Interconnection Agreement was approved by the Commission on August 28, 2000, in Decision No. 62489.

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

Under the terms of this Sixth Amendment, terms, conditions and rates are added to include new intervals for Collocation and Collocation Augments.

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 Sixth 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 17, 2001

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



Deborah R. Scott
Director
Utilities Division

DRS:EAA:lh\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) DOCKET NOS. T-01051B-01-0220
OF QWEST CORPORATION F/K/A U S WEST) T-03406A-01-0220
7 COMMUNICATIONS, INC., FOR APPROVAL)
OF THE SIXTH AMENDMENT TO THE) DECISION NO. _____
8 WIRELINE INTERCONNECTION)
AGREEMENT WITH ESCHELON TELECOM)
9 OF ARIZONA, INC. F/K/A ADVANCED)
TELECOMMUNICATIONS, INC.) ORDER

10
11 Open Meeting
May 1 and 2, 2001
12 Phoenix, Arizona

13 BY THE COMMISSION:

14 FINDINGS OF FACT

15 1. On March 9, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST
16 Communications, Inc., filed an application for approval of the Sixth Amendment to the
17 Interconnection Agreement between Qwest and Eschelon Telecom of Arizona, Inc. f/k/a Advanced
18 Telecommunications, Inc. ("Eschelon"). The original Interconnection Agreement was approved by
19 the Commission on August 28, 2000, in Decision No. 62489.

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

26 4. Under the terms of this Sixth Amendment, terms, conditions and rates are added to
27 include new intervals for Collocation and Collocation Augments.
28

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 Sixth Amendment and finds it to be non-discriminatory and in
5 the 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 Sixth Amendment pursuant to
9 Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the
10 Sixth Amendment to the Interconnection Agreement between Qwest and Eschelon.

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 Eschelon 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 Sixth Amendment to the Interconnection Agreement negotiated between
18 Qwest and Eschelon 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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25 ...
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ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the Sixth Amendment to the Interconnection Agreement between Qwest and Eschelon filed March 9, 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\MAS

SERVICE LIST FOR: Qwest Corporation and Eschelon Telecom, Inc.

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