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MEMORANDUM



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TO: THE COMMISSION

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AZ CORP COMMISSION
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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 FIRST
AMENDMENT TO THE SERVICE RESALE LOCAL WIRELINE
INTERCONNECTION AGREEMENT WITH COMPUTER BUSINESS SCIENCES,
INC. (DOCKET NOS. T-01051B-01-0253 AND T-03730A-01-0253)

On March 22, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST Communications, Inc., filed an application for approval of the First Amendment to the Interconnection Agreement between Qwest and Computer Business Sciences, Inc. ("CBSI"). The original Interconnection Agreement was approved by the Commission on August 27, 1999, in Decision No. 61912.

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

Under the terms of this First 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 First 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 First Amendment pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the First Amendment to the Interconnection Agreement between Qwest and CBSI.



Deborah R. Scott

Director

Utilities Division

DRS:EAA:ihm\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 THE FIRST AMENDMENT TO THE)
8 SERVICE RESALE LOCAL WIRELINE)
INTERCONNECTION AGREEMENT WITH)
9 COMPUTER BUSINESS SCIENCES, INC.)

DOCKET NOS. T-01051B-01-0253
T-03730A-01-0253

DECISION NO. _____

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 22, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST
16 Communications, Inc., filed an application for approval of the First Amendment to the
17 Interconnection Agreement between Qwest and Computer Business Sciences, Inc. ("CBSI"). The
18 original Interconnection Agreement was approved by the Commission on August 27, 1999, in
19 Decision No. 61912.

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

26 4. Under the terms of this First Amendment, terms and conditions are added to replace
27 the Interim Line Sharing Agreement in its entirety, with new terms, conditions and rates for Line
28 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 First 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 First Amendment pursuant to Section
9 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the First
10 Amendment to the Interconnection Agreement between Qwest and CBSI.

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 CBSI 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 First Amendment to the Interconnection Agreement negotiated between
18 Qwest and CBSI 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.

24 ...
25 ...
26 ...
27 ...
28 ...

ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the First Amendment to the Interconnection Agreement between Qwest and CBSI filed March 22, 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 Computer Business Sciences, Inc.

1 DOCKET NOS. T-01051B-01-0253 and T-03730A-01-0253

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

5 Mr. Bruce Hall
6 Computer Business Sciences, Inc.
80-02 Kew Gardens Road, Suite 5000
7 Kew Gardens, New York 11415

8 Mr. Timothy Berg
9 Fennemore Craig
3003 North Central Avenue, Suite 2600
10 Phoenix, Arizona 85012

11 Mr. Christopher C. Kempley
Chief Counsel
12 Arizona Corporation Commission
1200 West Washington
13 Phoenix, Arizona 85007

14 Ms. Deborah Scott
15 Director, Utilities Division
Arizona Corporation Commission
16 1200 West Washington
17 Phoenix, Arizona 85007

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