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BEFORE THE ARIZONA CORPORATION COMMISSION

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CARL J. KUNASEK
Chairman
JIM IRVIN
Commissioner
WILLIAM A. MUNDELL
Commissioner

Arizona Corporation Commission

DOCKETED

OCT 10 2000

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IN THE MATTER OF THE APPLICATION)
OF U S WEST COMMUNICATIONS, INC.,)
FOR APPROVAL OF THE FIRST)
AMENDMENT TO THE WIRELINE)
INTERCONNECTION AGREEMENT WITH)
PATHNET, INC.)

DOCKET NO. ~~T-01051B-00-0522~~

DECISION NO. 62942

ORDER

Open Meeting
October 4 and 5, 2000
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On July 19, 2000, U S WEST Communications, Inc. ("USWC") filed an application for approval of the First Amendment to the Interconnection Agreement between USWC and Pathnet, Inc. ("Pathnet"). The original Interconnection Agreement was approved by the Commission on April 3, 2000, in Decision No. 62421.

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

4. Under the terms of this First Amendment, USWC and Pathnet will amend the agreement by replacing part E, Unbundled Network Elements ("UNEs"), in its entirety with new rates, terms and conditions for UNEs.

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

1 and in the public interest. Staff has reviewed the First Amendment and finds it to be non-
2 discriminatory and in the public interest. USWC is offering the same terms and conditions of the
3 Agreement to all other interested parties. The Agreement is in the public interest because it will act
4 to further competition in the local exchange market in Arizona.

5 6. Since there are no grounds for rejection of the First Amendment pursuant to Section
6 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the First
7 Amendment to the Interconnection agreement between USWC and Pathnet.

8 CONCLUSIONS OF LAW

9 1. USWC is an Arizona public service corporation within the meaning of Article XV,
10 Section 2, of the Arizona Constitution.

11 2. The Commission has jurisdiction over Pathnet and over the subject matter of the
12 Application.

13 3. The Commission, having reviewed the Application and Staff's Memorandum has
14 determined that the First Amendment to the Interconnection Agreement negotiated between USWC
15 and Pathnet meets the requirements of Section 252(e)(2)(A) of the 1996 Act which governs the
16 approval of voluntarily-negotiated agreements and is in the public interest.

17 4. The Commission maintains jurisdiction over the subject matter of the Agreement and
18 Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by the
19 Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules promulgated
20 thereunder.

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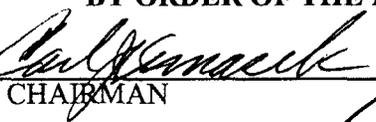
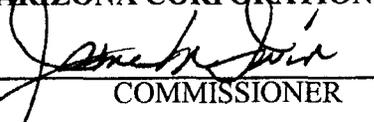
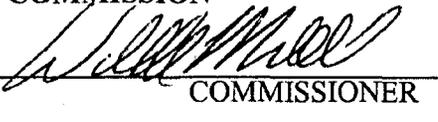
ORDER

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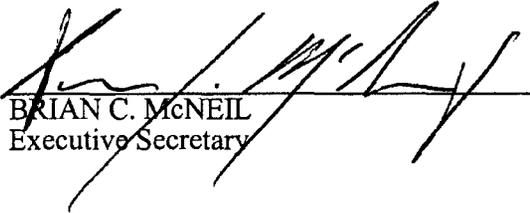
THEREFORE, IT IS ORDERED that the Commission hereby approves the First Amendment to the Interconnection Agreement between USWC and Pathnet filed on July 19, 2000.

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 10th day of October, 2000.



BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DRS:EAA:jbc/DMW