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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

AUG 24 2000

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2 CARL J. KUNASEK
Chairman
3 JIM IRVIN
Commissioner
4 WILLIAM A. MUNDELL
Commissioner
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6 IN THE MATTER OF THE APPLICATION)
OF COX ARIZONA TELCOM, L.L.C. FOR)
7 LIMITED WAIVER OF 2-PIC EQUAL)
ACCESS REQUIREMENTS)
8

DOCKET NO. T-03471A-00-0042

DECISION NO. 62862

ORDER

9 Open Meeting
August 22 and 23, 2000
10 Phoenix, Arizona

11 BY THE COMMISSION:

12 FINDINGS OF FACT

13 1. On January 19, 2000, Cox Arizona Telecom, L.L.C., ("Cox") filed an application
14 requesting a limited waiver of 2-PIC equal access requirements for certain Cox customers residing in
15 multi-dwelling units previously served by Telephone Plus. 2-PIC equal access allows customers to
16 select both an interLATA toll carrier and an intraLATA toll carrier. In its application, Cox requests
17 that the Commission waive compliance with A.A.C. R14-2-1111 until December 31, 2000, for
18 Phoenix-area former Telephone Plus customers and until December 31, 2001, for Tucson-area former
19 Telephone Plus customers.

20 2. The approximately 7,000 affected customers became Cox customers by virtue of the
21 recent transfer of telecommunications assets from Telephone Plus to Cox. This transfer was approved
22 by the Commission on October 01, 1999, in Decision No. 61970. The decision allowed Cox a period
23 of 18 months to convert customers from Telephone Plus' network to Cox's more advanced
24 infrastructure.

25 3. Cox has discovered that Telephone Plus did not provide its customers with the ability
26 to select toll carriers other than Telephone Plus. The former Telephone Plus private branch exchange
27 switches are obsolete and do not have the ability to provide 2-PIC equal access. In addition, Cox
28 asserts that the switch manufacturer, Harris, is going out of business and that there is no economically

1 feasible "quick fix" to the technological limitations of the existing network.

2 4. On July 13, 2000, Cox requested that its application be withdrawn from the July 18-19
3 Open Meeting Agenda. Subsequently, on July 26, 2000, Cox filed an amendment to its application,
4 which requested a waiver of 2-PIC equal access for Phoenix-area former Telephone Plus customers
5 until March 31, 2001. Cox has determined that it will require the full 18 months initially granted by
6 the Commission in Decision 61970 to complete the transition of the Phoenix-area properties due to
7 budget, manpower, and facility resource issues not foreseen in January 2000.

8 5. A.A.C. R14-2-1111(C) provides for the granting of a waiver where intraLATA equal
9 access cannot be reasonably or economically be provided. The requested waiver for the Phoenix-area
10 is within the 18-month conversion time frame the Commission granted in Decision No. 61970
11 however the waiver for the Tucson-area is not.

12 6. Staff has reviewed Cox's application and believes that the requested date for the
13 Tucson-area should be denied and the company should be required to comply with Decision No.
14 61970.

15 7. Staff has recommended that Cox's request for waivers from the 2-PIC equal access
16 requirement be granted and that Cox be ordered to provide 2-PIC equal access to Phoenix-area former
17 Telephone Plus customers no later than March 31, 2001, and to Tucson-area former Telephone Plus
18 customers no later than March 31, 2001. (These dates are within the 18-month time frame provided
19 for in Decision No. 61970.)

20 CONCLUSIONS OF LAW

21 1. Cox Arizona Telcom, L.L.C. is an Arizona public service corporation within the meaning
22 of Article XV, Section 2, of the Arizona Constitution.

23 2. The Commission has jurisdiction over Cox and over the subject matter in this
24 Application.

25 3. Staff's recommendations, which are set forth herein are reasonable and should be
26 adopted.

27 4. The application of Cox should be granted as set forth in findings of Fact No. 7.

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ORDER

THEREFORE, IT IS ORDERED that the Cox Application for Limited Waiver of 2-PIC Equal Access Requirements pursuant to A.A.C. R14-2-1111.C be and hereby is granted.

IT IS FURTHER ORDERED that Cox shall provide 2-PIC equal access to Phoenix-area former Telephone Plus customers no later than March 31, 2001, and to Tucson-area former Telephone Plus customers no later than March 31, 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 24th day of August, 2000.



BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DRS.RLB:jbc\MAS