



0000033016

Arizona C.

DOCKETED

BEFORE THE ARIZONA CORPORATION COMMISSION

APR 21 1999

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JIM IRVIN
Commissioner - Chairman
TONY WEST
Commissioner
CARL J. KUNASEK
Commissioner

DOCKETED BY *MM*

IN THE MATTER OF THE APPLICATION)
OF U S WEST COMMUNICATIONS, INC.)
FOR APPROVAL OF THE)
RESALE AGREEMENT WITH PRE-PAID)
PHONE, LTD.)

DOCKET NOS. T-01051B-99-0131
T-03700A-99-0131

DECISION NO. 1646

ORDER

Open Meeting
April 19 and 20, 1999
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On March 4, 1999, U S WEST Communications, Inc. (U S WEST) filed an application for approval of an agreement for service resale between U S WEST and Pre-Paid Phone, LTD. (Pre-Paid).

2. The term of the agreement runs from the date of Commission approval until March 1, 2001. Thereafter, the agreement will remain in effect until either party provides ninety days notice of termination.

3. The agreement governs the terms and conditions under which U S WEST will resell its services to Pre-Paid.

4. 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 provided for interconnection and resale agreements to be concluded by voluntary agreement. This resale agreement between Pre-Paid and U S WEST was voluntarily negotiated, without resort to arbitration.

...
...
...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. Under terms of the agreement, U S WEST will make certain local exchange service available to Pre-Paid at prices contained within the agreement and under the terms and conditions of the agreement. Generally, U S WEST residential services will be made available to Pre-Paid for resale at a 12 percent discount. Business services will be available at an 18 percent discount.

6. According to the 1996 Act and State Rule, the Commission must approve voluntarily negotiated interconnection and resale agreements, if their provisions are non-discriminatory and in the public interest. U S WEST has asserted that the provisions of the U S WEST/Pre-Paid agreement are non-discriminatory and in the public interest. Staff has reviewed the agreement and finds it to be non-discriminatory and in the public interest.

7. Therefore, since there are no grounds for rejection of the agreement pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff recommends that the Commission approve the resale agreement between U S WEST and Pre-Paid.

CONCLUSIONS OF LAW

1. U S WEST is an Arizona public service corporation within the meaning of Article 2, Section 2, of the Arizona Constitution.

2. The Commission has jurisdiction over Pre-Paid and U S WEST and over the subject matter of the application.

3. The Commission, having reviewed the application and Staff's memorandum has determined that the resale agreement negotiated between U S WEST and Pre-Paid meets the requirements of the 1996 Act including section 252(e)(2)(A) of the 1996 Act which governs approval of voluntarily negotiated agreements and is in the public interest.

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

...

...

...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

THEREFORE, IT IS ORDERED that the resale agreement as filed by the parties on March 4, 1999 be and hereby is approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

COMMISSIONER - CHAIRMAN

[Signature]

COMMISSIONER

[Signature]

COMMISSIONER

IN WITNESS WHEREOF, I, STUART R. BRACKNEY, Acting 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 21 day of April, 1999.

[Signature]

STUART R. BRACKNEY
Acting Executive Secretary

DISSENT _____

RTW: MJR:sjs\MAS