



0000034639

BEFORE THE ARIZONA TELECOMMUNICATIONS COMMISSION

DOCKETED

JAN 05 1999

1
2 JIM IRVIN
Commissioner - Chairman
3 RENZ D. JENNINGS
Commissioner
4 CARL J. KUNASEK
Commissioner

DOCKETED BY 

5
6 IN THE MATTER OF THE APPLICATION) DOCKET NO. T-01051B-98-0549
7 OF U S WEST COMMUNICATIONS, INC.)
8 FOR APPROVAL OF THE AGREEMENT)
9 FOR SERVICE RESALE WITH B G) DECISION NO. 61310
10 ENTERPRISES, INC.)
11) ORDER

12 Open Meeting
13 December 10 and 11, 1998
14 Phoenix, Arizona

15 BY THE COMMISSION:

16 FINDINGS OF FACT

- 17 1. On July 8, 1998, U S WEST Communications, Inc. (U S WEST) filed an Application
18 for approval of an Agreement for Service Resale between U S WEST and B G Enterprises, Inc. (BGE).
- 19 2. The term of the Agreement runs from the date of Commission approval until October
20 1, 2000. The parties agreed to commence re-negotiation 135 days prior to the date of contract
21 expiration.
- 22 3. The Agreement governs the terms and conditions under which U S WEST will resell
23 its services to BGE.
- 24 4. The Telecommunications Act of 1996 (The 1996 Act) directed incumbent local exchange
25 carriers to make their networks available for interconnection and resale by new entrants to the local
26 exchange market. The 1996 Act provided for interconnection and resale agreements to be concluded
27 by voluntary agreement.
- 28 5. This resale Agreement between BGE and U S WEST was voluntarily negotiated and
without resort to arbitration.
6. Under terms of the Agreement, U S WEST will make certain local exchange services
available to BGE at prices contained within the Agreement and under the terms and conditions of the

1 Agreement. Generally, U S WEST residential services will be made available to BGE for resale at
2 12 percent discount. Business services will be available at an 18 percent discount.

3 7. According to the 1996 Act and State Rule, the Commission must approve voluntarily-
4 negotiated interconnection and resale agreements, if their provisions are non-discriminatory, and in
5 the public interest.

6 8. U S WEST has asserted that the provisions of the U S WEST and BGE Agreement are
7 non-discriminatory and in the public interest.

8 9. Staff has reviewed the Agreement and finds it to be non-discriminatory and in the
9 public interest. The agreement does not discriminate against a telecommunications carrier not a party
10 to the Agreement. U S WEST states that it offers the same terms and conditions to other carriers. The
11 Agreement is in the public interest because it may act to promote competition in the local exchange
12 market in Arizona.

13 10. Therefore, since there are no grounds for rejection of the Agreement pursuant to Section
14 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the Resale
15 Agreement between U S WEST and BGE.

16 CONCLUSIONS OF LAW

17 1. U S WEST and BGE are Arizona public service corporations within the meaning of
18 Article XV, Section 2, of the Arizona Constitution.

19 2. The Commission has jurisdiction over U S WEST and BGE and over the subject matter
20 of the application.

21 3. The Commission, having reviewed the Application and Staff's Memorandum has
22 determined that the Resale Agreement negotiated between U S WEST and BGE meets the
23 requirements of Section 252 (e)(2)(A) the 1996 Act for approval of voluntarily-negotiated agreements.

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

28 ...

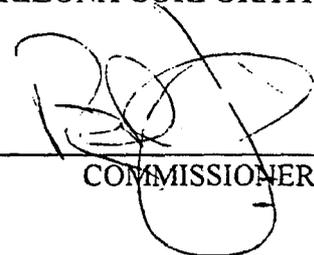
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

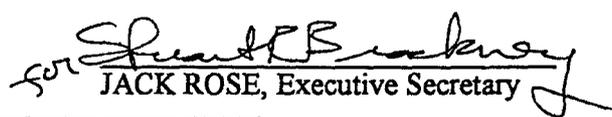
THEREFORE, IT IS ORDERED that the Interconnection Agreement as filed by U S WEST and B G Enterprises on July 8, 1998, be and hereby is approved.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

		
COMMISSIONER - CHAIRMAN	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, JACK ROSE, 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 5th day of January 1998⁵²¹⁸


JACK ROSE, Executive Secretary

DISSENT _____

RTW: MJR:ljs/MAS