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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

JAN 29 1999

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

DOCKETED BY

IN THE MATTER OF THE APPLICATION ) DOCKET NO. T-01051B-98-0711  
OF U S WEST COMMUNICATIONS, INC. )  
FOR APPROVAL OF THE PHASE TWO )  
RESALE AGREEMENT WITH REGAL ) DECISION NO. 61372  
TELEPHONE COMPANY, INC )  
ORDER

Open Meeting  
January 27 and 28, 1999  
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On December 14, 1998, U S WEST Communications, Inc. (U S WEST) filed an Application for approval of an Agreement for Service Resale between U S WEST and Regal Telephone Company, Inc. a division of Regal Diversified (Regal).
2. The term of the Agreement runs from the date of Commission approval until January 20, 2001. The parties agreed to commence re-negotiation 160 days prior to the date of contract expiration.
3. The Agreement governs the terms and conditions under which U S WEST will resell its services to Regal.
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 Regal and U S WEST was voluntarily negotiated, without resort to arbitration.
5. Under terms of the Agreement, U S WEST will make certain local exchange services available to Regal at prices contained within the Agreement and under the terms and conditions of ...

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

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

8 7. Therefore, since there are no grounds for rejection of the Agreement pursuant to  
9 Section 252(e)(2)(A) of the 1996 Act, Staff recommends that the Commission approve the resale  
10 Agreement between U S WEST and Regal.

11 CONCLUSIONS OF LAW

12 1. USWC and Regal are Arizona public service corporations within the meaning of  
13 Article XV, Section 2, of the Arizona Constitution.

14 2. The Commission has jurisdiction over Regal and U S WEST and over the subje  
15 matter of the application.

16 3. The Commission, having reviewed the Application and Staff's Memorandum has  
17 determined that the resale Agreement negotiated between USWC and Regal meets the requirements  
18 of the 1996 Act including section 252(e)(2)(A) of the 1996 Act which governs approval of  
19 voluntarily negotiated agreements. And is in the public interest.

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

24 ...  
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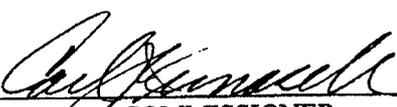
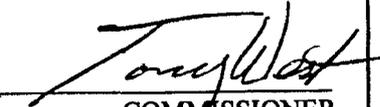
ORDER

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THEREFORE, IT IS ORDERED that the Commission hereby approves the Interconnection Agreement as filed by the parties on December 14, 1998

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, 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 29<sup>th</sup> day of January, 1999.

  
STUART R. BRACKNEY  
Acting Executive Secretary

DISSENT \_\_\_\_\_

RTW: MJR:yxm/MAS