



BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

AUG 30 2001

1
2 WILLIAM A. MUNDELL
Chairman
3 JIM IRVIN
Commissioner
4 MARC SPITZER
Commissioner
5

DOCKETED BY sd

6 IN THE MATTER OF THE APPLICATION)
7 OF QWEST CORPORATION F/K/A U S WEST)
COMMUNICATIONS, INC., FOR APPROVAL)
8 OF A LOCAL INTERCONNECTION)
AGREEMENT WITH EL PASO NETWORKS,)
9 L.L.C.)

DOCKET NOS. T-01051B-01-0565
T-03987A-01-0565

DECISION NO. 63976

ORDER

10 Open Meeting
11 August 28 & 29, 2001
Phoenix, Arizona

12 BY THE COMMISSION:

13 FINDINGS OF FACT

14 1. On July 18, 2001, Qwest Corporation ("Qwest") f/k/a U S WEST Communications,
15 Inc., filed an Application for approval of an Interconnection Agreement between Qwest and El
16 Paso Networks, L.L.C. ("El Paso"). The term of the Agreement shall be effective upon
17 Commission approval and remain in effect until June 30, 2003. Upon expiration, the agreement
18 shall remain in force and effect until terminated by either party on one hundred sixty (160) days
19 written notice. The Agreement governs the terms and conditions under which Qwest will offer
20 interconnection services to El Paso.

21 2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local
22 exchange carriers to make their networks available for interconnection and resale by new entrants
23 to the local exchange market. The 1996 Act provides for interconnection and resale agreements
24 to be concluded by voluntary negotiation.

25 3. This Agreement between Qwest and El Paso was voluntarily negotiated, without
26 resort to arbitration.

27 4. Under the terms of the Agreement, Qwest will provide specified local exchange
28 services for Interconnection, Resale, Collocation and Unbundled Network Elements to El Paso.

1 Generally, Qwest services will be made available to El Paso for resale at a twelve (12) percent
2 discount for residential customers and an eighteen (18) percent discount for business customers.

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

6 6. Staff has reviewed the Agreement and finds it to be non-discriminatory and in the
7 public interest. Qwest is offering the same terms and conditions of the Agreement to all other
8 interested parties. The Agreement is in the public interest because it will act to further
9 competition in the local exchange market in Arizona.

10 7. Since there are no grounds for rejection of the Agreement pursuant to Section
11 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the
12 Interconnection Agreement between Qwest and El Paso.

13 CONCLUSIONS OF LAW

14 1. Qwest is an Arizona public service corporation within the meaning of Article XV,
15 Section 2, of the Arizona Constitution.

16 2. The Commission has jurisdiction over El Paso and over the subject matter of the
17 Application.

18 3. The Commission, having reviewed the Application and Staff's Memorandum has
19 determined that the Resale Agreement negotiated between Qwest and El Paso meets the
20 requirements of Section 252(e)(2)(A) of the 1996 Act which governs the approval of voluntarily-
21 negotiated agreements and is in the public interest.

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

26 ...

27 ...

28 ...

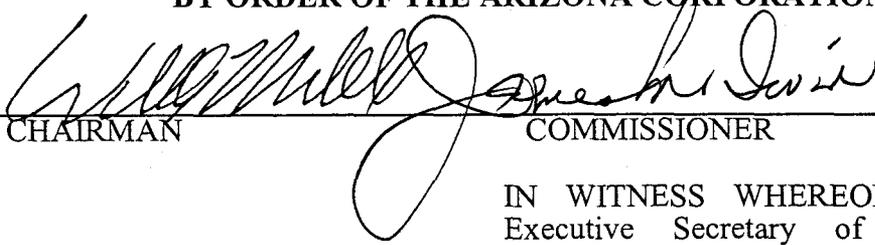
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

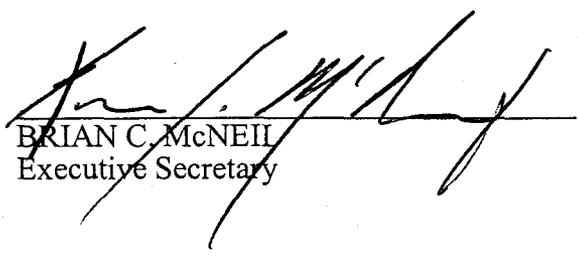
IT IS THEREFORE ORDERED that the Commission hereby approves the Interconnection Agreement between Qwest and El Paso filed on July 18, 2001.

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 30th day of August, 2001.



BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

SMO:EAA:bsl/MAS

1 SERVICE LIST FOR: Qwest Corporation and El Paso Networks, L.L.C.

2 DOCKET NOS. T-01051B-01-0565 and T-03987A-01-0565

3 Ms. Karen Hanson-Flowers
4 Vice President Contract Administration
5 El Paso Networks, L.L.C.
6 1001 Louisiana Street, 25th Floor
Houston, Texas 77002

7 Ms. Theresa Dwyer
8 Fennemore Craig
9 3003 North Central Avenue, Suite 2600
Phoenix, Arizona 85012

10 Mr. Timothy Berg
11 Fennemore Craig
12 3003 North Central Avenue, Suite 2600
Phoenix, Arizona 85012

13 Mr. Christopher C. Kempley
14 Chief Counsel
15 Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

16 Mr. Steven M. Olea
17 Acting Director, Utilities Division
18 Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

19

20

21

22

23

24

25

26

27

28