

**ORIGINAL**  
**OPEN MEETING AGENDA ITEM**



**BEFORE THE ARIZONA CORPORATION COMMISSION**

**RECEIVED**

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**JEFF HATCH-MILLER**  
Chairman  
**MARC SPITZER**  
Commissioner  
**WILLIAM MUNDELL**  
Commissioner  
**MIKE GLEASON**  
Commissioner  
**KRISTIN MAYES**  
Commissioner

2006 JAN -5 P 4: 27  
AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
QWEST COMMUNICATIONS CORPORATION  
D/B/A QWEST LONG DISTANCE FOR  
EXTENSION OF ITS EXISTING CERTIFICATE  
OF CONVENIENCE AND NECESSITY TO  
INCLUDE AUTHORITY TO PROVIDE RESOLD  
AND FACILITIES-BASED LOCAL EXCHANGE  
AND RESOLD LONG DISANCE SERVICES,  
AND PETITION FOR COMPETITIVE  
CLASSIFICATION OF PROPOSED SERVCIES,  
AND PETITON FOR COMPETITIVE  
CLASSIFICATION OF PROPOSED SERVICES  
WITHIN THE STATE OF ARIZONA.

DOCKET NO. T-02811B-04-0313

**QWEST COMMUNICATION  
CORPORATION'S MOTION TO  
CLOSE THE EVIDENTIARY  
RECORD**

*-and-*

**REQUEST FOR RECOMMENDED  
OPINION AND ORDER**

The applicant in this proceeding Qwest Communications Corporation ("QCC") asks that the Administrative Law Judge rule on the objections of QCC and Qwest Corporation ("QC") to the joinder of QC to this proceeding without necessity of further briefing or argument by the parties. QCC further respectfully requests that the Administrative Law Judge close the evidentiary record and proceed to issue a recommended opinion and order in this proceeding.

The Procedural Order dated December 14, 2005 ("Procedural Order") joined the incumbent local exchange carrier, QC, to this competitive CC&N proceeding for the reason that QC "may be adversely impacted by revenue losses" if the applicant QCC is granted the authority requested to provide competitive local exchange services. Procedural Order, Page 3, Lines 2-3.

1 The Procedural Order asked QC to state whether it preferred to submit its position through the  
2 filing of briefs based on the existing evidentiary record, or whether the record should be  
3 reopened to obtain additional factual information regarding the effect on QC of the granting of  
4 QCC's application. *Id.*, Lines 10-14.

5 On December 19, 2005, QC filed its Response to the Procedural Order. In its Response,  
6 QC objected to the joinder. QC stated that it does not claim an interest relating to the subject of  
7 the proceeding and therefore joinder of QC under Arizona Rules of Civil Procedure Rule 19(a) is  
8 inappropriate. QC further stated that it "does not believe any further proceedings with respect to  
9 the Procedural Order are necessary." QC's Response, Page 5.

10 Also on December 19, 2005, QCC filed its Objection to the Procedural Order, arguing  
11 against the joinder of QC to the proceeding.

12 On December 30, 2005, the Utilities Division Staff ("Staff") filed its Comments to QC's  
13 Response. The Staff did not indicate any need or preference concerning further evidentiary  
14 hearings, briefing, or arguments in this docket.

15 QCC believes that the evidentiary record is complete in this proceeding, and does not  
16 believe that any additional illumination of the issues, procedural or substantive, may be gained  
17 by further hearings or argument. No party has voiced a view to the contrary. Therefore, QCC  
18 requests that:

- 19
- 20 • The Administrative Law Judge rule on the objections of QC and QCC to the provisions  
21 of the Procedural Order joining QC.
  - 22 • The Administrative Law Judge close the evidentiary record, and proceed to issue her  
23 recommended opinion and order in this matter, and place it before the Commission for  
24 decision as soon as reasonably practicable.

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RESPECTFULLY SUBMITTED, this 5<sup>th</sup> day of January, 2006.

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*Attorneys for Qwest Communications Corporation*

1 ORIGINAL + 13 copies filed this  
2 5<sup>th</sup> day of January, 2006:

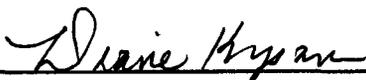
3 Docket Control  
4 ARIZONA CORPORATION COMMISSION  
5 1200 West Washington  
6 Phoenix, Arizona

7 COPY of the foregoing delivered by hand  
8 this 5<sup>th</sup> day of January, 2006 to:

9 Teena Wolfe, Administrative Law Judge  
10 Hearing Division  
11 ARIZONA CORPORATION COMMISSION  
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13 Phoenix, AZ 85007

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16 ARIZONA CORPORATION COMMISSION  
17 1200 W. Washington St.  
18 Phoenix, AZ 85007

19 Ernest Johnson ([ernest.johnson@cc.state.az.us](mailto:ernest.johnson@cc.state.az.us))  
20 Director, Utilities Division  
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