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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

DEC 28 2001

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

6 IN THE MATTER OF THE APPLICATION )  
7 OF QWEST CORPORATION FOR APPROVAL )  
8 OF THE NON-RECURRING CHARGES FOR )  
9 UNBUNDLED NETWORK ELEMENT )  
10 PLATFORMS AMENDMENT TO THE )  
11 WIRELINE INTERCONNECTION )  
12 AGREEMENT WITH ESCHELON TELECOM )  
13 OF ARIZONA, INC. F/K/A ADVANCED )  
14 TELECOMMUNICATIONS, INC. )

DOCKET NOS. T-01951B-01-0813  
T-03406A-01-0813

DECISION NO. 64297

ORDER

12 Open Meeting  
13 December 18 and 19, 2001  
Phoenix, Arizona

14 BY THE COMMISSION:

15 FINDINGS OF FACT

16 1. On October 15, 2001, Qwest Corporation ("Qwest") filed an Application for  
17 approval of an Amendment to the Interconnection Agreement between Qwest and Eschelon  
18 Telecom of Arizona, Inc. f/k/a Advanced Telecommunications, Inc. ("Eschelon"). The original  
19 Interconnection Agreement was approved by the Commission on April 28, 2000, in Decision No.  
20 62489.

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  
23 entrants to the local exchange market. The 1996 Act provides for interconnection and resale  
24 agreements to be concluded by voluntary negotiation.

25 3. This Amendment to the Interconnection Agreement between Qwest and Eschelon  
26 was voluntarily negotiated, without resort to arbitration

27 4. Under the terms of this Amendment, terms and conditions for non-recurring charges  
28 for Unbundled Network Element Platforms ("UNE-F") are established.

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

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

8 7. Since there are no grounds for rejection of the Amendment pursuant to Section  
9 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the  
10 Amendment to the Interconnection Agreement between Qwest and Eschelon.

11 CONCLUSIONS OF LAW

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

14 2. The Commission has jurisdiction over Eschelon and over the subject matter of the  
15 Application.

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

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

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ORDER

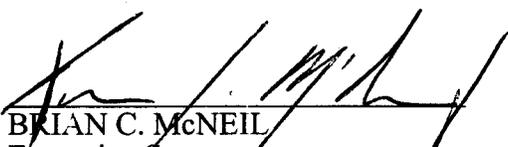
IT IS THEREFORE ORDERED that the Commission hereby approves the Non-Recurring Charges for UNE-P Amendment to the Interconnection Agreement between Qwest and Eschelon filed on October 15, 2001.

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 28<sup>th</sup> day of December, 2001.

  
 BRIAN C. McNEIL  
 Executive Secretary

DISSENT: \_\_\_\_\_

EGJ:EAA:rdp/JMA

1 SERVICE LIST FOR: Qwest Corporation and Eschelon Telecom of Arizona, Inc. f/k/a Advanced  
Telecommunications, Inc.

2 DOCKET NOS. T-01051B-01-0813 and T-03406A-01-0813

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