

ORIGINAL

OPEN MEETING

MEMORANDUM



0000040438
RECEIVED

TO: THE COMMISSION

2001 NOV 28 A 11: 58

FROM: Utilities Division

AZ CORP COMMISSION
DOCUMENT CONTROL

DATE: November 28, 2001

RE: IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION FOR APPROVAL OF THE AGREEMENT FOR INTERCONNECTION, UNBUNDLED NETWORK ELEMENTS, ANCILLARY SERVICES AND RESALE OF TELECOMMUNICATIONS SERVICES WITH RURALWEST-WESTERN RURAL BROADBAND, INC. (DOCKET NOS. T-01051B-01-0797 AND T-04023A-01-0797)

On October 9, 2001, Qwest Corporation ("Qwest") filed an Application for approval of an Interconnection Agreement between Qwest and RuralWest-Western Rural Broadband, Inc. ("RuralWest"). The term of the Agreement shall be effective upon Commission approval and shall remain in effect for a term of two (2) years. The Agreement shall terminate on November 20, 2003. Upon expiration, the Agreement shall remain in force and effect until terminated by either party on one hundred sixty (160) days written notice. The Agreement governs the terms and conditions under which Qwest will offer interconnection services to RuralWest.

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 provides for interconnection and resale agreements to be concluded by voluntary negotiation. This Agreement between Qwest and RuralWest was voluntarily negotiated, without resort to arbitration.

Under the terms of the Agreement, Qwest will provide specified local exchange services for Interconnection, Resale, Ancillary and Unbundled Network Elements to RuralWest. Generally, Qwest services will be made available to RuralWest for resale at a twelve (12) percent discount for residential customers and an eighteen (18) percent discount for business customers.

According to the 1996 Act and State Rule, the Commission must approve voluntarily negotiated interconnection and resale agreements if their provisions are non-discriminatory and in the public interest. Staff has reviewed the Agreement and finds it to be non-discriminatory and in the public interest. Qwest is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

Arizona Corporation Commission
DOCKETED

NOV 28 2001

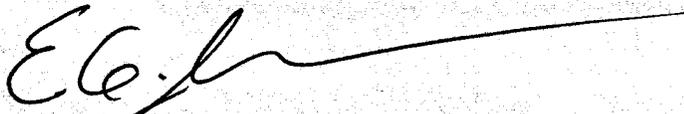
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THE COMMISSION

November 28, 2001

Page 2

Since there are no grounds for rejection of the Agreement pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff recommends that the Commission approve the Interconnection Agreement between Qwest and RuralWest.



Ernest G. Johnson

Director

Utilities Division

EGJ:EAA:rdp/JMA

ORIGINATOR: Erinn Andreasen

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

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

6 IN THE MATTER OF THE APPLICATION OF) DOCKET NOS. T-01051B-01-0797
QWEST CORPORATION FOR APPROVAL OF) T-04023A-01-0797
7 THE AGREEMENT FOR INTERCONNECTION,))
UNBUNDLED NETWORK ELEMENTS,))
8 ANCILLARY SERVICES AND RESALE OF) DECISION NO. _____
TELECOMMUNICATIONS SERVICES WITH))
9 RURALWEST- WESTERN RURAL))
BROADBAND, INC.) ORDER
10

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

13 BY THE COMMISSION:

14 FINDINGS OF FACT

15 1. On October 9, 2001, Qwest Corporation ("Qwest") filed an Application for
16 approval of an Interconnection Agreement between Qwest and RuralWest-Western Rural
17 Broadband, Inc. ("RuralWest"). The term of the Agreement shall be effective upon Commission
18 approval and shall remain in effect for a term of two (2) years. The Agreement shall terminate on
19 November 20, 2003. Upon expiration, the Agreement shall remain in force and effect until
20 terminated by either party on one hundred sixty (160) days written notice. The Agreement
21 governs the terms and conditions under which Qwest will offer interconnection services to
22 RuralWest.

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

27 3. This Agreement between Qwest and RuralWest was voluntarily negotiated, without
28 resort to arbitration.

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ORDER

IT IS THEREFORE ORDERED that the Commission hereby approves the Interconnection Agreement between Qwest and RuralWest filed on October 9, 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 ____ day of _____, 2001.

BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

EGJ:EAA:rdp/JMA

1 SERVICE LIST FOR: Qwest Corporation and RuralWest-Western Rural Broadband, Inc.

2 DOCKET NOS. T-01051B-01-0797 and T-04023A-01-0797

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