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Arizona Corporation Commission

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August 11, 2000

VIA HAND DELIVERY

Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

RE: Docket No. T-02428A-99-0476

To the Commission:

Enclosed please find an original and ten copies of AT&T Communications of the Mountain States, Inc.'s ("AT&T") Reply to U S WEST's Response to AT&T's Motion to Stay the Proceeding and Vacate the Hearing Date ("Motion"). To the extent any party provides any further reply or response to this Motion, AT&T reserves the right to provide additional reply or response.

Please feel free to contact me if you have any questions.

Sincerely,

for Letty S.D. Friesen

Enclosures

BEFORE THE ARIZONA CORPORATION COMMISSION

CARL J. KUNASEK
Chairman
JAMES M. IRVIN
Commissioner
WILLIAM A. MUNDELL
Commissioner

IN THE MATTER OF THE COMPLAINT OF)
AT&T COMMUNICATIONS OF THE)
MOUNTAIN STATES, INC. AGAINST)
U S WEST COMMUNICATIONS, INC.)
REGARDING ACCESS SERVICE)

DOCKET NO. T-02428A-99-0476
T-01051B-99-0476

**AT&T'S REPLY TO U S WEST'S
RESPONSE TO AT&T'S
MOTION TO STAY
THE PROCEEDING AND
VACATE THE HEARING
DATE**

AT&T Communications of the Mountain States, Inc. ("AT&T") hereby submits its Reply to U S WEST's Response to AT&T's Motion to Stay this proceeding and vacate the hearing dates. In reply, AT&T states as follows:

In its Response, Qwest Corporation, formerly U S WEST Communications, Inc., ("Qwest") admits that it "filed a motion to stay this proceeding pending a decision by the [FCC] on Qwest's Petition for Declaratory Ruling." Response at 1. To date, the FCC has not ruled on Qwest's Petition. Qwest's Petition basically asked the FCC to declare that the states had no jurisdiction to hear this proceeding and to "preempt" any states' consideration of this matter.

While AT&T does not agree with Qwest's jurisdictional analysis, it remains to be seen whether the FCC will take jurisdiction of this matter given the option, and assuming it takes jurisdiction, it remains unknown whether the FCC would define the scope of its jurisdiction in such a manner so as to leave portions of this proceeding to the states. Therefore, it is highly inappropriate to merely dismiss this matter before the FCC has considered the jurisdictional issues.

Furthermore, because AT&T has asked to remove this proceeding as a part of its FCC filing, it is inappropriate to dismiss the matter as Qwest suggests. Qwest has argued all along that this matter belongs in front of the FCC and not the Arizona Commission. Now the FCC will have an opportunity to determine whether and to what extent it will consider the matter; it is, therefore, inappropriate and inefficient to dismiss this proceeding before the FCC has made its determination. Moreover, the Arizona Commission may wish to express its opinion in the FCC proceeding, and for that reason alone it should not merely dismiss this matter, but rather hold in abeyance the docket until the removal matter is decided.

WHEREFORE AT&T respectfully requests that the Commission immediately stay this proceeding and vacate the hearing dates.

Respectfully submitted,

AT&T COMMUNICATIONS OF THE
MOUNTAIN STATES, INC.

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CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of AT&T's Reply to U S WEST's Response to AT&T's Motion to Stay the Proceeding and Vacate the Hearing Dates in Docket Nos. T-02428-99-0476 and T-01051B-99-0476, were hand delivered this 11th day of August, 2000 to:

Arizona Corporation Commission
Docket Control
1200 West Washington Street
Phoenix, AZ 85007

and that a true and correct copy was hand delivered this 11th day of August, 2000 to the following:

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and a true and correct copy was sent via facsimile and United States Mail, postage prepaid, this 11th day of August, 2000, to:

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and a true and correct copy was sent via United States Mail, postage prepaid, this 11th day of August, 2000, to:

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Carla Dickinson (TH)