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**BEFORE THE ARIZONA CORPORATION COMMISSION**

RECEIVED

**COMMISSIONERS**

JEFF HATCH-MILLER – Chairman  
WILLIAM A. MUNDELL  
MARC SPITZER  
MIKE GLEASON  
KRISTIN K. MAYES

2006 MAY 19 A 8:44  
AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE COMPLAINT OF )  
ESCHELON TELECOM OF ARIZONA, INC. )  
AGAINST QWEST CORPORATION )  
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DOCKET NO. T-03406A-06-0257  
DOCKET NO. T-01051B-06-0257

**REQUEST FOR EXPEDITED HEARING AND FOR INTERIM RESOLUTION**

Eschelon Telecom of Arizona, Inc. (Eschelon) requests that the hearing in this docket be expedited. In support of this request, Eschelon states as follows:

Although the parties disagree about the particulars, both agree that the rehabilitation center example in Eschelon's complaint occurred and left an Arizona customer without 911 to the center's individual rooms for an extended period of time. The occurrence of this incident shows that such a customer-affecting situation could arise again in Arizona, leaving another customer without service or 911 capability, while this proceeding is pending. Therefore, Eschelon submits this request for an expedited hearing and/or interim resolution.

Signing Qwest's interconnection amendment is not a resolution, interim or otherwise, because doing so would require Eschelon to surrender its rights in this docket before they are determined by this Commission. Qwest similarly would not want to surrender its position in this docket. Delay in this docket only works to perpetuate the problem for both parties and expose Arizona customers to risk in the meantime. Therefore, Eschelon requests an expedited hearing.

At the same time, Eschelon understands that an expedited hearing may be difficult to schedule given other pending matters before the Commission. Eschelon proposes an interim

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1 solution if the hearing is not expedited or, even if it is expedited, but there still may be some  
2 passage of time before final resolution. The Commission could issue an order requiring Qwest to  
3 expedite orders pursuant to the practice and procedure described by Eschelon in its Complaint  
4 (including expedites at no additional charge when the emergency conditions are met). The  
5 Commission could order Qwest to keep an account tracking the costs of the expedites under the  
6 process that Qwest believes should apply here. If Qwest prevails at hearing, Eschelon would  
7 compensate Qwest for the past expedited orders (i.e., pay the amounts tracked by Qwest or as  
8 otherwise ordered by the Commission). Alternatively, the Commission could order Qwest to grant  
9 expedites and bill Eschelon for expedites under the process that Qwest describes as its "pre-  
10 approved" expedite process and/or "expedites requiring approval process." Eschelon would pay  
11 Qwest for the expedites subject to potential refund of all or part of those amounts, depending on  
12 the outcome of this docket. This interim approach ensures that Eschelon's Arizona customers will  
13 receive expedited orders and repairs without prejudicing the issues set forth in the complaint for  
14 either party.

15 Eschelon anticipates this request will be discussed at the upcoming procedural conference  
16 in this docket.

17 RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of May, 2006.

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ESCHELON TELECOM OF ARIZONA, INC.

By 

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1 Original and 15 copies of the foregoing  
2 filed this 19<sup>th</sup> day of May 2006 with:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

7 Copy of the foregoing hand-delivered/mailed  
8 this 19<sup>th</sup> day of May 2006 to:

9 Amy Bjelland  
10 Administrative Law Judge  
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12 Arizona Corporation Commission  
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