

ORIGINAL

DOCKET NO. T-0:



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2006 JUN -6 P 4: 27

AZ CORP COMMISSION
DOCUMENT CONTROL

Plaintiff

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDEL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

IN THE MATTER OF QWEST CORPORATION'S)
APPLICATION FOR ARBITRATION)
PROCEDURE AND APPROVAL OF)
INTERCONNECTION AGREEMENTS WITH)
AZCOM PAGING, INC., HANDY PAGE,)
GLEN CANYON COMMUNICATIONS INC.,)
AND TELE-PAGE, INC., AND PURSUANT TO)
SECTION 252(B) OF THE COMMUNICATIONS)
ACT OF 1932, AS AMENDED BY THE)
TELECOMMUNICATIONS ACT OF 1996, AND)
THE APPLICABLE STATE LAWS.)

DOCKET NO. T-01051B-06-0175
DOCKET NO. T-02556A-06-0175
DOCKET NO. T-03693A-06-0175

MEMORANDUM OF CURRENT STATUS OF
NEGOTIATIONS WITH QWEST CORPORATION
FOR INTERCONNECTION AGREEMENT.

This Memorandum is submitted to provide the status of current negotiations with Qwest Corporation ("Qwest") regarding an Interconnection Agreement ("IC") with Interstate Wireless, Inc, d/b/a Handy Page ("HP").

Our telecommunications consul, Michael L. Higgs, Esq. (Higgs Law Group, LLC) has exchanged several letters and held many conversations with Qwest

1 regarding the negotiations between HP and Qwest regarding an IC going forward
2 and past billing issues related to interconnection facilities.

3
4 At this time the parties appear to have reached a consensus on the majority
5 of items related to the Interconnection Agreement. The parties are still
6 engaged in negotiations with regard to the rates and services of the Wide
7 Area Calling ("WAC"), and the actual billing printout that HP receives for
8 interconnection related services.

9
10 Qwest's current position is that the WAC service is a "tariffed" service,
11 and per the TSR decision¹ is not required for Interconnection. However, this
12 tariff is only available to CMRS carriers, and now under "local number
13 portability", is only available to Paging carriers. This "tariff" determines
14 the "compensation obligation" of what a CMRS Paging carrier will pay or
15 receive for Wide Area Calling.

16
17 The T-mobile decision² issued by the FCC, the result of which precipitated
18 this docket, states in section 14 that: "Although we deny the CMRS providers'
19 requested ruling under the current rules, we now take action in this
20 proceeding to amend our rules going forward in order to make clear our
21 preference for contractual arrangements for non-access CMRS traffic. As
22 discussed above, precedent suggests that the Commission intended for
23 compensation arrangements to be negotiated agreements and we find that
24 negotiated agreements between carriers are more consistent with the pro-
25 competitive process and policies reflected in the 1996 Act. Accordingly, we
26 amend section 20.11 of the Commission's rules to prohibit LEC's from imposing

27
28 ¹ TSR vs US West (Qwest), FCC 00-194, dated June 21, 2000.

² T-Mobile USA, et. al., FCC 05-42, dated February 24, 2005.

1 compensation obligations for non-access traffic pursuant to tariff.
2 Therefore, such existing wireless termination tariffs shall no longer apply
3 upon the effective date of these amendments to our rules. We take this
4 action pursuant to our plenary authority under sections 201 and 332 of the
5 Act, the latter of which states that "[u]pon reasonable request of any person
6 providing commercial mobile service, the Commission shall order a common
7 carrier to establish physical connections with such service...".
8

9 We take this FCC decision to imply that Wide Area Calling also needs to
10 be part of a "negotiated" agreement, and we ask the Arizona Corporation
11 Commission to examine this service and decide the appropriate rate and
12 compensation for said service.
13

14 We would also request that our consul be added to the distribution list
15 for this proceeding:

16 Michael L. Higgs, Jr.
17 Higgs Law Group, LLC.
18 1028 Brice Road
19 Rockville, Md. 20852-1201
20

21 Dated this 6th day of June, 2006
22

23 

24 WAYNE MARKIS
25
26
27
28

1 Copies of the foregoing mailed/delivered
2 this 6th day of June, 2006 to:

3 Norman Curtright
4 Qwest Corporation
5 4041 N. Central Avenue, Ste. 1100
6 Phoenix, Az. 85012

7 John C. Stallings
8 125 Grove Avenue
9 Prescott, Az. 86031
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12 Certified Mail, Return Receipt
13 Requested

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26 VIA FIRST CLASS MAIL AND
27 Certified Mail, Return Receipt
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26
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By: 

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