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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

2006 JUN -8 A 8:58

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

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE FORMAL
COMPLAINT AND REQUEST FOR
DECLARATORY JUDGMENT OF PAC-WEST
TELECOMM, INC. AGAINST QWEST
CORPORATION.

DOCKET NO. T-03693A-05-0875
DOCKET NO. T-01051B-05-0875

PROCEDURAL ORDER

BY THE COMMISSION:

On December 6, 2005, Pac-West Telecomm, Inc. ("Pac-West") filed with the Arizona Corporation Commission ("Commission") a complaint against Qwest Corporation ("Qwest"). In that complaint, Pac-West requested an expedited procedural order or procedural conference.

On December 14, 2005, a procedural conference was held pursuant to Procedural Order issued on December 12, 2005. At the procedural conference, Qwest's counsel stipulated on behalf of Qwest that it will not disconnect Pac-West's service while the matter is before the Commission. The parties further agreed that another procedural conference should be held after the parties submitted a joint statement of stipulated facts.

On December 14, 2005, by Procedural Order, the parties were ordered to file a Joint Stipulation of Facts by January 25, 2006. A procedural conference was also scheduled for January 30, 2006.

On January 25, 2006, the parties filed a Joint Motion to Extend Time to File Joint Stipulation of Facts until further notice.

On January 26, 2006, by Procedural Order, the parties were granted an extension of time to file the Joint Stipulation of Facts.

On January 30, 2006, a procedural conference was held as scheduled. The parties agreed to continue developing a Joint Stipulation of Facts and agreed to also develop a Joint Statement of Issues.

On March 1, 2006, a procedural conference was held pursuant to Procedural Order issued on

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1 January 30, 2006. Pac-West stated that it believes the matter is ready to move forward with a
2 briefing schedule and that the matter should be decided without a hearing, solely on the basis of legal
3 arguments. Qwest stated that it wished to file an amended Answer in the matter. Qwest also
4 requested additional time for discovery relating to which circuits carry Virtual NXX traffic and which
5 carry Internet Service Provider bound traffic. Qwest stated that after discovery is complete, it may
6 request an evidentiary hearing rather than proceeding solely on the basis of legal arguments made by
7 the parties.

8 On March 1, 2006, a procedural order was issued with discovery deadlines and setting a
9 procedural conference for April 20, 2006, at 10:00 a.m.

10 On March 20, 2006, Qwest filed its Amended Answer to Complaint.

11 On April 11, 2006, Pac-West filed its Motion for Leave to File First Amended Complaint for
12 Declaratory Judgment and Qwest filed its Motion to Compel Response to Data Requests.

13 On April 20, 2006, the parties filed a Joint Stipulation to postpone the procedural conference
14 scheduled for April 20, 2006, until April 27, 2006, and Pac-West filed its Response to Qwest
15 Corporation's Motion to Compel Response to Data Requests.

16 On April 27, 2006, a procedural conference took place pursuant to Procedural Order issued on
17 April 21, 2006. At the procedural conference, numerous issues were raised, including issues related
18 to VNXX; what amount of money does Pac-West believe is in controversy in this docket; and the
19 need for additional discovery.

20 On April 28, 2006, by Procedural Order, Qwest's Motion to Compel was denied, additional
21 time for discovery was granted and a procedural conference was scheduled for June 7, 2006.

22 On June 7, 2006, the procedural conference was held as scheduled. The parties indicated that
23 they would be willing to provide a proposed procedural schedule for testimony and a hearing date or
24 dates in this docket. Qwest indicated that it remained unhappy with the outcome of the discovery
25 process, and indicated that it may file another motion to compel in the event that Qwest remains
26 unsatisfied with Pac-West's answers to its discovery requests. The subject of payment of the
27 undisputed portion of billing was discussed, and Qwest indicated that it might go forward with a
28 notice and disconnection of service due to Pac-West's failure to make payments. Pac-West indicated

1 that it has been making 40 percent payments of bills due for service with regard to this matter.

2 IT IS THEREFORE ORDERED that Pac-West and Qwest shall make a joint filing¹ with a
3 proposed procedural schedule and hearing date in this matter no later than June 16, 2006.

4 IT IS FURTHER ORDERED that, consistent with the discussion on the record at the
5 December 14, 2005, procedural conference, Qwest shall not disconnect service to Pac-West pending
6 resolution of this matter.

7 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
8 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

9 Dated this 8 day of June, 2006

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11 
12 AMY BJELLAND
13 ADMINISTRATIVE LAW JUDGE

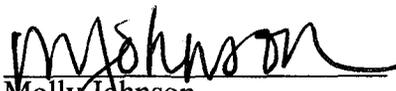
14 Copies of the foregoing mailed/delivered
this 8 day of June, 2006 to:

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21
22
23 By: 
24 Molly Johnson
Secretary to Amy Bjelland

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27
28 ¹ If the parties are unable to come to an agreement regarding the proposed procedural schedule and hearing date, separate notices may be filed.