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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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2006 MAY -9 P 1: 26

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF QWEST CORPORATION'S APPLICATION FOR ARBITRATION PROCEDURE AND APPROVAL OF INTERCONNECTION AGREEMENTS WITH AZCOM PAGING, INC., HANDY PAGE, ANSWERPHONE INC., GLEN CANYON COMMUNICATIONS INC., NEXTEL WEST CORP., 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

PROCEDURAL ORDER

BY THE COMMISSION:

On March 17, 2006, Qwest Corporation ("Qwest") filed with the Arizona Corporation Commission ("Commission") an application and approval of interconnection agreements with AzCom Paging, Inc., Smith Bagley Inc., Handy Page, AnswerPhone Inc., Star Page Inc., Glen Canyon Communications Inc., Nextel West Corp., Western Wireless Corporation, Tele-Page, Inc., Westsky Wireless, L.L.C. and Pac West Telecomm Inc. (collectively "Carriers").

Pursuant to the Act, the Commission must act on the request within 120 days, in this case, by July 11, 2006.

On March 29, 2006, a procedural conference was held as scheduled. The only parties that appeared at the procedural conference were Qwest and Handy Page. According to the parties in attendance, Western Wireless Corporation, Smith Bagley, Inc., and Handy Page at that time were in contact with Qwest in order to negotiate or to determine whether an interconnection agreement is possible based on the services provided by the companies in Arizona.

After the procedural conference on March 29, 2006, a second procedural order was issued ordering the non-petitioning parties to file a response in this docket no later than April 11, 2006.

1 On April 11, 2006, Wayne Markis of Handy Page filed a Memorandum of Current Status of
2 Negotiations with Qwest, indicating that negotiations are not proceeding as Handy Page would like.
3 Qwest filed an Amendment to its Application for Arbitration Procedure and approval of
4 Interconnection Agreement, Deleting Pac West Telecomm, Inc., Western Wireless Corporation,
5 Smith Bagley Inc., and Star Page Inc. Qwest stated that Pac West Telecomm Inc. and Western
6 Wireless Corporation represented that they have no Wireless Type 1 service, and no paging service,
7 requiring interconnection with Qwest in the State of Arizona. Qwest stated that Smith Bagley Inc.
8 and Star Page Inc. have signed, or are in the process of signing and returning, interconnection
9 agreements to Qwest, which Qwest will file with the Commission for approval under Section 252 of
10 the Telecom Act.

11 On April 19, 2006, by procedural order, a procedural conference was scheduled for May 4,
12 2006. The procedural order also amended the caption as requested by Qwest.

13 On May 3, 2006, Qwest filed its Second Amendment to Its Application requesting that
14 WestSky Wireless, LLC, be amended out of the caption as they have entered into an agreement as the
15 result of negotiations.

16 At the Procedural Conference on May 4, 2006, Qwest and Handy Page indicated that they are
17 close to an agreement and requested that the timeclock with respect to Handy Page alone be extended
18 through September 15, 2006, in order to enable further negotiations. The Arbitrator may initiate a
19 new separate docket in the future for Handy Page if deemed necessary.

20 To date, AZcom Paging, Inc., Answerphone, Inc., Glen Canyon Communications, Inc., Nextel
21 West Corp., and Tele-Page, Inc. have failed to respond to Qwest's attempts to negotiate. Pursuant to
22 47 USC § 251(c)(1), the parties in this matter have a duty to negotiate in good faith with one another
23 the particular terms and conditions of agreements to fulfill the duties prescribed in 47 USC § 251(b).
24 Lacking these parties' input, it is nonetheless incumbent upon the Commission to rule on Qwest's
25 proposed agreement.

26 It is noted that the first four procedural orders sent to the statutory agent for Glen Canyon
27 Communications, the last of which was sent both certified and regular mail, have been returned to the
28 Commission as "Attempted-not known; unable to forward." Therefore, this procedural order will

1 additionally be addressed to the domestic address for Glen Canyon Communications, as well as its
2 President and Secretary as reflected in the Commission's Corporations Division Public Access
3 System.

4 At the procedural conference, Qwest made two proposals for proceeding with this matter.
5 One proposal involves the Commission ruling to adopt the agreement proposed by Qwest based on
6 the filings made in this docket to date. The second proposal was that the matter proceed with regard
7 to the non-petitioning parties that have failed thus far to negotiate with Qwest and that the record be
8 supplemented with pre-filed statements of position and testimony prior to hearing.

9 The matter should proceed with regard to the non-petitioning parties that have failed to
10 participate and the record should be supplemented with pre-filed statements of position and testimony
11 prior to hearing. The Commission's Utilities Division Staff should participate in order to ensure that
12 a full and fair record is made.

13 IT IS THEREFORE ORDERED that the caption of the proceeding shall be amended to
14 remove WestSky Wireless, LLC.

15 IT IS FURTHER ORDERED that Qwest Corporation, AZcom Paging, Inc., Answerphone,
16 Inc., Glen Canyon Communications, Inc., Nextel West Corp., Tele-Page, Inc. and the Arizona
17 Corporation Commission's Utilities Division shall file position statements and/or testimony no later
18 than May 25, 2006.

19 IT IS FURTHER ORDERED that the parties named in the above ordering paragraph shall file
20 responses and/or responsive testimony no later than June 7, 2006.

21 IT IS FURTHER ORDERED that a **procedural conference** to discuss the status of
22 negotiations between Qwest Corporation and all non-petitioning parties, and potential hearing dates if
23 necessary, shall be scheduled for **June 15, 2006, at 10:00 a.m.**, at the offices of the Commission,
24 1200 West Washington Street, Phoenix, Arizona.

25 IT IS FURTHER ORDERED that a **hearing** in this matter shall be scheduled for **June 21,**
26 **2006, at 10:00 a.m.**, at the offices of the Commission, 1200 West Washington Street, Phoenix,
27 Arizona.

28 IT IS FURTHER ORDERED that failure to appear in this matter may result in the imposition

1 of an arbitrated and binding agreement on the carriers.

2 IT IS FURTHER ORDERED that the applicable timeclock under the Commission's rules and
3 the Act is extended with regard to Handy Page through September 15, 2006, and with regard to the
4 remaining non-petitioning parties, it is extended through July 26, 2006¹.

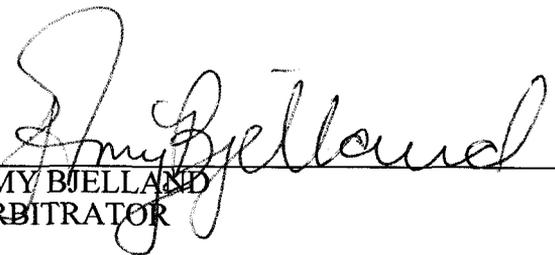
5 IT IS FURTHER ORDERED that the costs to transcribe the proceedings shall be borne
6 equally by Qwest and the Carriers.

7 IT IS FURTHER ORDERED that all parties must comply with Rule 33(c) and (d) of the
8 Rules of the Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

9 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
10 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
11 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to
12 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter
13 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by
14 the Administrative Law Judge or the Commission.

15 IT IS FURTHER ORDERED that the Arbitrator may rescind, alter, amend, or waive any
16 portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

17 Dated this 9 day of May, 2006

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AMY BJELLAND
ARBITRATOR

22 Copies of the foregoing mailed/delivered
this 9 day of May, 2006 to:

23 Norman Curtright
24 Qwest Corporation
4041 N. Central Avenue, Ste. 1100
25 Phoenix, AZ 85012

Answerphone, Inc.
1009 W. 16th Street
Yuma, AZ 85364
26 **Via First Class Mail**
27 **and Certified Mail,**
28 **Return Receipt Requested**

¹ Any objection to the proposed extension of time shall be filed no later than May 16, 2006.

1 Gerard R. O'Meara
2 GUST ROSENFELD
3 One S. Church Avenue, #800
4 Tucson, AZ 85701
5 Attorneys for Azcom Paging
6 **Via First Class Mail**
7 **and Certified Mail,**
8 **Return Receipt Requested**

9 Jerry L. Smith
10 323 N. San Francisco, #100
11 Flagstaff, AZ 86001
12 Glen Canyon Communications, Inc.
13 **Via First Class Mail**
14 **and Certified Mail,**
15 **Return Receipt Requested**

16 Glen Canyon Communications, Inc.
17 826 Vista Ave.
18 PO Box 356
19 Page AZ 86040
20 **Via First Class Mail**
21 **and Certified Mail,**
22 **Return Receipt Requested**

23 Sandra K. Outlaw, President
24 Glen Canyon Communications, Inc.
25 1380 Redwing
26 Antioch IL 60002
27 **Via First Class Mail**
28 **and Certified Mail,**
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By: 
Molly Johnson
Secretary to Amy Bjelland