



BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2006 MAY 23 P 2:46
AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF:
ESCHELON TELECOM OF ARIZONA, INC.

Complainant,

vs

QWEST CORPORATION,

Respondent.

DOCKET NO. T-03406A-06-0257
DOCKET NO. T-01051B-06-0257

PROCEDURAL ORDER

BY THE COMMISSION:

On April 14, 2006, Eschelon Telecom of Arizona, Inc. ("Eschelon") filed with the Arizona Corporation Commission ("Commission") a complaint against Qwest Corporation ("Qwest") stating that Qwest has refused to provide both repairs for disconnects in error and the capability to expedite orders for unbundled loops under the repair and expedite language of the Qwest-Eschelon Interconnection Agreement ("ICA").

On April 27, 2006, Qwest and Eschelon filed an Agreement of Parties for Extension of Time to Answer the Complaint in this matter, giving Qwest until May 12, 2006 to file its Answer.

On May 12, 2006, Qwest filed its Answer to Eschelon's Complaint.

On May 16, 2006, by Procedural Order, a procedural conference was scheduled for May 24, 2006.

On May 19, 2006, at the request of the parties, the procedural conference originally set for May 24, 2006, was rescheduled for May 23, 2006.

On May 22, 2006, pursuant to Rule 33(c) and (d) of the Rules of the Supreme Court, Norman G. Curtwright, on behalf of Qwest Corporation, filed a Motion and Consent of Local Counsel for admission of Melissa Kay Thompson *pro hac vice* in the above-captioned matter. The Consent listed

1 Norman G. Curtwright as the designated member of the State Bar with whom communication can be
2 made and upon whom papers shall be served. In the discretion of the Commission, Melissa Kay
3 Thompson should be permitted to appear and participate in the above-captioned matter.

4 At the procedural conference on May 23, 2006, counsel for the parties appeared and discussed
5 their desire to implement an interim resolution regarding repairs and the capability to expedite orders
6 for unbundled loops through the resolution of this proceeding. Each party agrees that an accounting
7 and a "true-up" to settle outstanding financial matters would be made based upon any decision issued
8 in this matter. The parties were not in agreement regarding the particulars of the interim resolution,
9 and should therefore attempt to come to a joint resolution or, lacking agreement, file their separate
10 proposals for the consideration of the Administrative Law Judge. The parties further have divergent
11 thoughts regarding a schedule for discovery, testimony and hearing in this matter. The parties should
12 file their proposals for consideration of the Administrative Law Judge.

13 IT IS THEREFORE ORDERED that the parties shall file a joint statement of proposal for
14 interim resolution regarding repairs and the capability to expedite orders for unbundled loops in this
15 matter no later than June 2, 2006. If the parties fail to reach agreement regarding an interim
16 resolution, they may file separate proposals.

17 IT IS FURTHER ORDERED that the parties shall file their proposals for a schedule of
18 discovery, including filing of testimony, and proposed hearing dates in this matter no later than June
19 2, 2006.

20 IT IS FURTHER ORDERED that Melissa Kay Thompson shall be admitted *pro hac vice* in
21 the above-captioned matter. Her address for service of papers and other communication shall be:

22 Melissa Kay Thompson
23 Qwest Services Corporation
24 1801 California St., 10th Floor
25 Denver CO 80202

26 IT IS FURTHER ORDERED that the address for service of papers and other communication
27 for the Arizona-licensed attorney designated as Norman G. Curtwright shall be:

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Norman G. Curtright
Qwest Corporation
20 E. Thomas Road, 16th Floor
Phoenix, AZ 85012

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

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

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

Dated this 23 day of May, 2006



AMY BJELLAND
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 23 day of May, 2006 to:

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ROSHKA, DeWULF & PATTEN
400 East Van Buren Street, Ste. 800
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Attorneys for Eschelon Telecom of Arizona, Inc.
**Via Facsimile to 602-256-6800
and First Class Mail**

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Eschelon
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Minneapolis MN 55402

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1 Norman G. Curtright
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2 Phoenix, AZ 85012
3 **Via Facsimile to 602-235-3107**
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4 Melissa Kay Thompson
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9 Phoenix, AZ 85007

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13
14 By: 
Molly Johnson
15 Secretary to Amy Bjelland

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