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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2006 JUL 14 P 1:55

AZ CORP COMMISSION
DOCUMENT CONTROL

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

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

Complainant,

Arizona Corporation Commission
DOCKETED

vs

JUL 14 2006

QWEST CORPORATION,

DOCKETED BY

Respondent.

nr

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.

At the procedural conference on May 23, 2006, counsel for the parties appeared and discussed their desire to implement an interim resolution regarding repairs and the capability to expedite orders for unbundled loops through the resolution of this proceeding. Each party agreed that an accounting

1 and a "true-up" to settle outstanding financial matters would be made based upon any decision issued
2 in this matter. The parties were not in agreement regarding the particulars of the interim resolution,
3 and were therefore ordered to file proposed schedules and interim resolutions for the consideration of
4 the Administrative Law Judge by procedural order issued on May 23, 2006.

5 On June 2, 2006, both Eschelon and Qwest filed their proposed schedules and interim
6 resolutions. By procedural order issued on June 6, 2006, Eschelon's interim proposal was adopted
7 and procedural deadlines and a hearing date were established.

8 On June 26, 2006, Eschelon filed a Motion for Leave to Obtain Responses to Requests for
9 Admissions and Accompanying Data Request. Eschelon stated that Qwest notified Eschelon by letter
10 dated June 15, 2006, that Eschelon had exceeded the number of Requests for Production ("RFPs")
11 and Data Requests ("DRs"), and asked Eschelon to identify 25 requests to which it would like
12 responses. Eschelon stated that it identified DR 1-17 and the first 25 RFAs as those to which it
13 would like responses. Eschelon stated that by e-mail on June 20, 2006, Qwest sent Objections to
14 Eschelon's Second Set of Data Requests and Requests for Admission to Qwest, objecting to the
15 number of requests. Eschelon argued that the issues presented in this docket warrant the service of
16 additional requests; that additional requests are a practical and less burdensome method of narrowing
17 the issues to be resolved at hearing; and that good cause exists to warrant the service of additional
18 requests.

19 On July 7, 2006, Qwest filed a response to Eschelon's Motion for Leave to Obtain Responses
20 to Requests for Admissions and Accompanying Data Request. Qwest argued that much of
21 Eschelon's discovery requests range far from the issues at hand, the number of requests total more
22 than three times the presumptive limits, and that Eschelon has not shown good cause to grant its
23 motion.

24 Accordingly, a procedural conference to discuss discovery issues should be scheduled.

25 IT IS THEREFORE ORDERED that a **procedural conference** shall be scheduled for **July**
26 **27, 2006 at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix,
27 Arizona.

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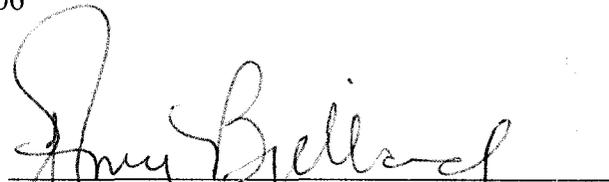
1 IT IS FURTHER ORDERED that all parties must comply with Rule 33 (c) and (d) of the
2 Rules of the Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

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

9 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
10 Communications) applies to this proceeding and shall remain in effect until the Commission's
11 Decision in this matter is final and non-appeable.

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

14 Dated this 14 day of July, 2006

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17 
18 AMY BJELLAND
ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed/delivered
this 14 day of July, 2006 to:

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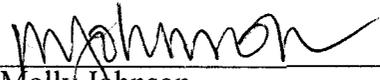
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