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BEFORE THE ARIZONA CORPORATION COMMISSION

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2 COMMISSIONERS

Arizona Corporation Commission

2006 JUL 13 P 1:22

DOCKETED

3 JEFF HATCH-MILLER, Chairman  
4 WILLIAM A. MUNDELL  
5 MARC SPITZER  
6 MIKE GLEASON  
7 KRISTIN K. MAYES

AZ CORP COMMISSION  
DOCUMENT CONTROL

JUL 13 2006

DOCKETED BY [Signature]

8 IN THE MATTER OF QWEST CORPORATION'S  
9 APPLICATION FOR ARBITRATION  
10 PROCEDURE AND APPROVAL OF  
11 INTERCONNECTION AGREEMENTS WITH  
12 HANDY PAGE AND PURSUANT TO SECTION  
13 252(B) OF THE COMMUNICATIONS ACT OF  
14 1934, AS AMENDED BY THE  
15 TELECOMMUNICATIONS ACT OF 1996, AND  
16 THE APPLICABLE STATE LAWS.

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

PROCEDURAL ORDER

11 **BY THE COMMISSION:**

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

17 Pursuant to the Act, the Commission must act on the request within 120 days, in this case, by  
18 July 11, 2006<sup>1</sup>.

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

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

27  
28 <sup>1</sup> On May 9, 2006, by procedural order, the timeclock for this matter with regard to HandyPage was extended to September 15, 2006. The timeclock with regard to the remaining parties was extended to July 26, 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 were 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 were 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. A May 9, 2006 procedural order amended the caption as requested by Qwest  
16 and set forth various filing deadlines and a hearing date in this matter.

17 On May 9, 2006, Qwest filed its Third Amendment to its Application for Arbitration  
18 Procedure and Approval of Interconnection Agreement, Deleting Nextel West Corp. and  
19 Answerphone, Inc. A procedural order was issued this same day ordering all parties and the  
20 Commission's Utilities Division ("Staff") to file position statements by May 25, 2006.

21 On May 12, 2006, Qwest filed a Motion to Amend the Procedural Schedule due to a  
22 scheduling conflict with one of its witnesses. On May 24, 2006, by Procedural Order, Qwest's  
23 request was granted and the hearing was rescheduled for June 19, 2006.

24 On May 25, 2006, Staff filed a request for modification of the May 9, 2006 Procedural Order  
25 requesting additional time to review documents in the matter since Staff had not participated in this  
26 proceeding to this point. Staff stated that Qwest had no objection to this request.

27 On June 1, 2006, by Procedural Order, Staff's request was granted.

28 On June 6, 2006, Staff filed its position statement.

1 On June 6, 2006, Handy Page filed a memorandum regarding the current status of  
2 negotiations with Qwest.

3 On June 13, 2006, Qwest filed a response to Handy Page's memorandum.

4 On June 15, 2006, the procedural conference was held as scheduled. Handy Page and Qwest  
5 appeared and discussed the issue of Wide Area Calling, which remains one of the issues to be  
6 resolved in their ongoing negotiations. For purposes of the ongoing arbitration between Qwest and  
7 Handy Page, the parties agreed that they would docket a statement of legal and factual issues by June  
8 30, 2006. The remaining parties, AZCom Paging, Glen Canyon Communications and Tele-Page did  
9 not appear at the procedural conference.

10 This proceeding was bifurcated to separately address the arbitration between Qwest and  
11 Handy Page and Qwest and the remaining non-petitioning parties. In a previous procedural order, the  
12 possibility of initiating a new, separate docket for Handy Page, if deemed necessary, was addressed.

13 On June 19, 2006, a hearing convened before a duly appointed Administrative Law Judge of  
14 the Commission sitting as Arbitrator for the purpose of taking evidence and arbitrating the issues  
15 between Qwest and AZCom Paging, Inc., Glen Canyon Communications, Inc., and Tele-Page, Inc.  
16 Qwest and Staff appeared and were represented by counsel. Qwest moved to dismiss AZCom Paging  
17 from this proceeding on the basis that AZCom Paging no longer connects with Qwest and may no  
18 longer be in business. Qwest's motion was granted. At the conclusion of the hearing, the matter was  
19 taken under advisement pending submission of a Recommended Opinion and Order.

20 By Procedural Order issued on June 19, 2006, a procedural conference was scheduled for July  
21 10, 2006.

22 On July 7, 2006, Qwest filed its Motion to Dismiss Glen Canyon Communications and  
23 Telepage, Inc., from the caption because Qwest had entered into Interconnection Agreements.

24 On July 10, 2006, the procedural conference was held as scheduled. Qwest and Handy Page  
25 continue to disagree about whether Wide Area Calling should be subject to Interconnection  
26 Agreement. The parties agreed to brief the issue.

27 IT IS THEREFORE ORDERED that Glen Canyon Communications and Telepage, Inc., shall  
28 be, and hereby are, dismissed from this proceeding.

1 IT IS FURTHER ORDERED that **Opening Briefs shall be filed on or before August 4,**  
2 **2006.**

3 IT IS FURTHER ORDERED that **Reply Briefs shall be filed on or before August 11, 2006.**

4 IT IS FURTHER ORDERED that the costs to transcribe the proceedings, if any, shall be  
5 borne equally by Qwest and Handy Page from July 10, 2006, forward.

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

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

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

16 Dated this 13 day of July, 2006

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AMY BJELLAND  
ARBITRATOR

21 Copies of the foregoing mailed/delivered  
this 13 day of July, 2006 to:

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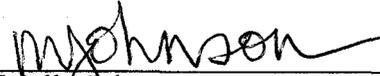
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