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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2006 NOV 29 A 11: 39

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

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE PETITION OF DIECA
COMMUNICATIONS, INC., dba COVAD
COMMUNICATIONS COMPANY FOR
ARBITRATION OF AN INTERCONNECTION
AGREEMENT WITH QWEST CORPORATION.

DOCKET NO. T-03632A-04-0425
DOCKET NO. T-01051B-04-0425

PROCEDURAL ORDER

BY THE COMMISSION:

On June 8, 2004, DIECA Communications, Inc., dba Covad Communications Company (“Covad”) filed with the Arizona Corporation Commission (“Commission”) a Petition for Arbitration of a proposed interconnection agreement with Qwest Corporation (“Qwest”) pursuant to A.A.C. R14-2-1505 and Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (“the Act”).

In Decision No. 68440 (February 2, 2006), the Commission issued its Opinion and Order in the Arbitration. Among other things, the Decision directed that a “further phase of this proceeding shall be instituted within 30 days to determine just and reasonable rates consistent with state and federal law” (*Id.* at 23).

On March 3, 2006, the Arbitrator conducted a telephonic procedural conference with counsel for Covad, Qwest, and Staff. As a result of the conference call, Qwest filed a Joint Motion for Extension of Time to Commence Further Phase to Determine Just and Reasonable Rates. The Joint Motion stated that Qwest and Covad were discussing rates that may be acceptable to both parties, and therefore requested an extension of the time period, until March 20, 2006, for initiating the further phase of this proceeding.

By Procedural Order issued March 3, 2006, the requested extension was granted until March 20, 2006.

On March 20, 2006, Qwest, Covad, and Staff filed a Second Joint Motion for Extension of Time to Commence Further Phase to Determine Just and Reasonable Rates. The parties state that

1 they are continuing to engage in good faith negotiations in an attempt to resolve the further phase
2 issues and request a further extension, until April 10, 2006, to complete those negotiations.

3 During a teleconference on November 8, 2006, Qwest and Covad indicated that they have
4 reached an agreement in principle regarding the "Phase 2" rates and, therefore, no additional hearings
5 are necessary. However, Staff believes a hearing regarding the Phase 2 issues should be conducted.

6 On November 20, 2006, the parties filed a Joint Motion for Continuance of Procedural
7 Conference. The parties request that the telephonic procedural conference that was scheduled for
8 November 20, 2006 should be rescheduled for December 6, 2006, at 10:00 a.m.

9 IT IS THEREFORE ORDERED that a **telephonic Procedural Conference shall be**
10 **scheduled for December 6, 2006.** Staff shall schedule a telephonic bridge line for the
11 teleconference, which shall be transcribed.

12 IT IS FURTHER ORDERED that the Arbitrator may rescind, alter, amend or waive any
13 portion of this Procedural Order by subsequent Procedural Order.

14 Dated this 29th day of November, 2006.

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17 DWIGHT D. NODES
18 ARBITRATOR

19 Copies of the foregoing mailed/delivered
this 27th day of November, 2006 to:

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