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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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MAY 18 2007

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

DOCKETED BY
NR

IN THE MATTER OF THE COMPLAINT OF
ESCHELON TELECOM OF ARIZONA, INC.
AGAINST QWEST CORPORATION.

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 existing Qwest-Eschelon Interconnection Agreement ("ICA")(the "Complaint")(Docket Nos. T-03406A-06-0257 and T-01051B-06-0257. Pursuant to Procedural Order dated August 16, 2006, a procedural schedule for filing testimony was established, and the matter was set for hearing.

On February 23, 2007, Eschelon and Qwest filed a conditional settlement agreement in the Complaint docket. The proposed settlement agreement was contingent upon comments to be filed by the Commission Utilities Division Staff ("Staff"), and allows either Qwest or Eschelon (or both) to opt out of the conditional settlement agreement upon receipt of Staff's comments and proceed forward with a hearing.

On March 9, 2007, Staff filed its comments on the conditional settlement agreement and made certain recommendations that, if adopted, would affect the obligations of the parties.¹

On March 16, 2007, Eschelon filed a Notice of Opt-out of the Settlement Agreement and requested a Procedural Conference. Qwest also filed a Notice of Withdrawal from Settlement

¹ Staff was required to file testimony in the Complaint proceeding pursuant to Procedural Order dated June 6, 2007.

1 Agreement on March 16, 2007.

2 A Procedural Conference convened on April 10, 2007, to determine a timeframe for a hearing
3 in this matter. The parties agreed to submit a mutually agreeable hearing schedule for the
4 consideration of the Hearing Division.²

5 On April 24, 2007, Eschelon and Qwest filed a Joint Motion to Set hearing date, seeking a
6 hearing be set for August 28-30, 2007.

7 IT IS THEREFORE ORDERED that the **hearing** in this matter shall commence on **August**
8 **28, 2007, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's Phoenix offices,
9 1200 West Washington, Phoenix, Arizona.

10 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
11 Communications) continues to apply to these proceedings and shall remain in effect until the
12 Commission's Decision in this matter is final and non-appealable.

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

15 Dated this 16th day of May, 2007

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JANE RODDA
ADMINISTRATIVE LAW JUDGE

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20 Copies of the foregoing mailed/delivered
this 16th day of May, 2007 to:

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28 ² The parties have already filed written testimony and the matter is ripe for hearing.

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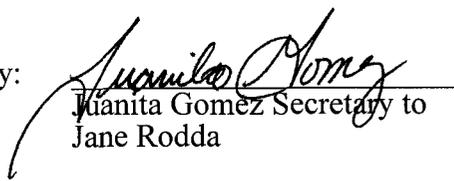
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By:


Juanita Gomez Secretary to
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