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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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

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IN THE MATTER OF THE THE APPLICATION OF DIECA COMMUNICATIONS DBA COVAD COMMUNICATIONS COMPANY, ESCHELON TELECOM OF ARIZONA, INC., MCLEODUSA TELECOMMUNICATIONS SERVICES, INC., MOUNTAIN TELECOMMUNICATIONS, INC., XO COMMUNICATIONS SERVICES, INC. AND QWEST CORPORATION REQUEST FOR COMMISSION PROCESS TO ADDRESS KEY UNE ISSUES ARISING FROM TRIENNIAL REVIEW REMAND ORDER, INCLUDING APPROVAL OF QWEST WIRE CENTER LISTS

DOCKET NO. T-03632A-06-0091
T-03267A-06-0091
T-04302A-06-0091
T-03406A-06-0091
T-03432A-06-0091
T-01051B-06-0091

PROCEDURAL ORDER

BY THE COMMISSION:

On February 15, 2006, DIECA Communications, Inc., doing business as Covad Communications Company and Mountain Telecommunications, Inc., Eschelon Telecom of Arizona, Inc., McLeodUSA Telecommunications Services, Inc., and XO Communications Services, Inc. (collectively "Joint CLECs") filed a request with the Arizona Corporation Commission ("Commission") to address key unbundled network element ("UNE") issues arising from the Federal Communications Commission's ("FCC") Triennial Review Remand Order ("TRRO"), including approval of Qwest Wire Center Lists.

By Procedural Order issued June 2, 2006, a hearing was scheduled for October 19, 20, and 23, 2006, a procedural schedule was established for filing testimony, and a Protective Order was issued to protect confidential information from disclosure.

By Procedural Order issued August 11, 2006, the hearing was rescheduled for October 26 and 27, 2006; a Motion to Compel filed by the Joint CLECs was granted; and all parties on the service list were directed to file, by August 31, 2006, an affirmative statement indicating their interest in remaining on the extensive service list in this proceeding.

1 The parties requested that the hearing be suspended for up to 90 days to allow additional time to
2 evaluate the testimony that has been filed in this proceeding, to identify issues, and to explore the
3 possibility of a resolution of the issues.

4 By Procedural Order issued October 23, 2006, the Motion was granted. Several procedural
5 conferences have been conducted to discuss updates regarding the status of settlement negotiations
6 between the Joint CLECs and Qwest. At the conclusion of the last procedural teleconference,
7 conducted on January 18, 2007, the parties were directed to file a status report by February 9, 2007
8 regarding the settlement discussions.

9 On February 9, 2007, the Joint CLECs, Qwest, and Staff filed a Joint Status Report and
10 Request for Procedural Conference. According to the Status Report, discussions between the Joint
11 CLECs and Qwest are still in progress. However, the parties requested that a procedural conference
12 be scheduled to determine how to proceed in this matter.

13 By Procedural Order issued February 15, 2007, a telephonic procedural conference was
14 scheduled for February 26, 2007.

15 On March 8, 2007, the parties filed a Joint Status Report and Proposed Procedural Schedule,
16 requesting that a hearing be scheduled for May 23, 2007. However, no hearing was scheduled at that
17 time.

18 On May 1, 2007, the parties filed a Joint Motion to Set Hearing Date requesting that a hearing
19 be scheduled for June 1, 2007.

20 By Procedural Order issued May 7, 2007, a hearing was scheduled for June 1, 2007 and a
21 telephonic procedural conference was scheduled for May 30, 2007.

22 During the May 30, 2007 telephonic conference, Qwest and the Joint CLECs indicated that
23 settlement negotiations were ongoing and a stipulation regarding the pending issues may be
24 imminent.

25 On May 31, 2007, a telephonic procedural conference was conducted with counsel for Qwest,
26 the Joint CLECs and Staff. During the conference, Qwest and the Joint CLECs indicated that a
27 settlement had been achieved for all the states in which Qwest operates. As a result, they requested
28 that the June 1, 2007 hearing be continued indefinitely pending filing of the settlement agreement.

1 Staff did not oppose the requested continuance of the hearing.

2 IT IS THEREFORE ORDERED that the hearing scheduled for June 1, 2007, shall be
3 vacated and continued indefinitely.

4 IT IS FURTHER ORDERED that Qwest and the Joint CLECs shall file their settlement
5 agreement by no later than June 14, 2007.

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

9 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
10 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
11 hearing.

12 Dated this 31st day of May, 2007

13
14 

15 DWIGHT D. NODES
16 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

17
18 Copies of the foregoing mailed/delivered
19 this 31st day of May, 2007 to:

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By: 
Debra Broyles
Secretary to Dwight D. Nodes