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Arizona Corporation Commission

BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

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DOCKETED BY

IN THE MATTER OF QWEST CORPORATION'S
PETITION FOR ARBITRATION AND
APPROVAL OF AMENDMENT TO
INTERCONNECTION AGREEMENT WITH
ARIZONA DIALTONE, INC. PURSUANT TO
SECTION 252(b) OF THE COMMUNICATIONS
ACT OF 1934, AS AMENDED BY THE
TELECOMMUNICATIONS ACT OF 1996 AND
APPLICABLE STATE LAWS.

DOCKET NO. T-01051B-07-0693

DOCKET NO. T-03608A-07-0693

PROCEDURAL ORDER

BY THE COMMISSION:

On December 17, 2007, Qwest Corporation ("Qwest") filed with the Arizona Corporation Commission ("Commission") a Petition for Arbitration under 47 U.S.C. § 252(b) and Arizona Administrative Code ("A.A.C.") R14-2-1505 ("Petition"). In its Petition, Qwest requested that the Commission resolve issues related to the Interconnection Agreement ("ICA") between Qwest and Arizona Dialtone, Inc. ("Arizona Dialtone"). According to Qwest, the issues derive from Arizona Dialtone's refusal to enter into an amendment to the current ICA ("ICA Amendment") that would implement changes related to unbundled access to mass market local circuit switching. Qwest asserts that the changes proposed in the ICA Amendment are mandated by federal law, specifically the Federal Communications Commission's Triennial Review Remand Order¹ ("TRRO") and 47 C.F.R. § 51.319(d). Qwest asserts that the TRRO and regulations enacted thereunder provide that incumbent local exchange carriers ("ILECs") such as Qwest are no longer obligated to provide competitive local exchange carriers ("CLECs") such as Arizona Dialtone with unbundled access to mass market local circuit switching, including as a component of UNE-P, and further provided for a one-year transition period commencing March 11, 2005, during which CLECs could continue to have access to local

¹ In the Matter of Unbundled Access to Network Elements, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Order on Remand, 20 F.C.C.R. 2533 (2005).

1 switching to serve their embedded base of end-user customers, at a rate one dollar above the rate at
2 which the CLEC obtained the combination of network elements. According to Qwest, the federal
3 regulations prohibit requesting carriers from obtaining new local switching as an unbundled network
4 element. Qwest asserts that Arizona Dialtone has refused to transition its UNE-P services as required
5 by the TRRO and federal regulations and has refused to enter into the ICA Amendment to implement
6 TRRO-mandated changes. Qwest asks that the Commission arbitrate each disputed issue included in
7 its Petition, resolve each issue in Qwest's favor, find that its proposed ICA Amendment is consistent
8 with the applicable law, issue an order adopting its ICA Amendment, and grant such other relief as is
9 fair and justified. No additional filings have been made in this matter.

10 Also on December 17, 2007, Qwest filed a Complaint against Arizona Dialtone, requesting
11 that the Commission (1) declare that the ICA requires Arizona Dialtone to compensate Qwest at the
12 transitional rate for UNE-P PAL and POTS for embedded services for the one-year transition period
13 that began March 11, 2005, and at the rate for alternative services for new orders thereafter; (2)
14 compel Arizona Dialtone to pay such charges to Qwest; (3) compel Arizona Dialtone to pay late
15 payment charges on the amounts ordered to be paid; (4) compel Arizona Dialtone to execute the ICA
16 Amendment and to comply with its obligations thereunder; and (5) award such other relief, including
17 but not limited to appropriate fines or penalties, as the Commission deems just and reasonable.
18 Arizona Dialtone has not yet filed a response in the Complaint matter (Docket Nos. T-03608A-07-
19 0694 et al.).

20 The Commission needs to determine whether this matter and the Complaint matter should
21 proceed separately or in a consolidated docket, as the matters appear to be based upon the same set of
22 facts. In addition, the Commission needs to schedule a hearing in this matter to comply with the
23 abbreviated timeline established by federal law and in A.A.C. R14-2-1505, unless a waiver of that
24 timeline is obtained.

25 IT IS THEREFORE ORDERED that a **procedural conference** to discuss this matter and the
26 Complaint matter shall commence on **January 14, 2008, at 10:00 a.m.**, or as soon thereafter as is
27 practicable, at the Commission's offices, 1200 West Washington, Phoenix, Arizona 85007.

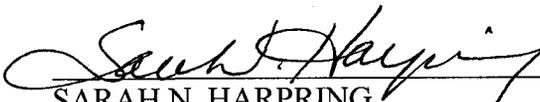
28 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules

1 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
2 *pro hac vice*.

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

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

8 DATED this 2nd day of January, 2008.

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11 
12 SARAH N. HARPRING
13 ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered
15 this 2nd day of January, 2008, to:

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By: 
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Secretary to Sarah N. Harpring