

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

2007 AUG -8 P 2: 20

AUG 08 2007

COMMISSIONERS

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

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF 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'S 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. ("Eschelon"), 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 On October 20, 2006, the Joint CLECs and Qwest filed a Motion to Suspend the Hearing
2 Schedule. The parties requested that the hearing be suspended for up to 90 days to allow additional
3 time to evaluate the testimony that has been filed in this proceeding, to identify issues, and to explore
4 the possibility of a resolution of the issues.

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

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

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

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

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

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

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

26 On May 31, 2007, a telephonic procedural conference was conducted with counsel for Qwest,
27 the Joint CLECs and Staff. During the conference, Qwest and the Joint CLECs indicated that a
28 settlement had been achieved for all the states in which Qwest operates. As a result, they requested

1 that the June 1, 2007 hearing be continued indefinitely pending filing of the settlement agreement.
2 Staff did not oppose the requested continuance of the hearing.

3 By Procedural Order issued May 31, 2007, the hearing in this matter was vacated and
4 continued indefinitely and Qwest and the Joint CLECs were directed to file their settlement
5 agreement by June 14, 2007.

6 On June 14, 2007, the Joint CLECs filed a copy of the then current, but unexecuted,
7 settlement agreement.

8 Also on June 14, 2007, Qwest filed a Report on Status of Settlement Agreement.

9 On June 22, 2007, the Joint CLECs and Qwest filed a Joint Motion for Approval of
10 Settlement Agreement and Narrative Supporting Agreement.

11 On June 22, 2007, Qwest separately filed in the docket an Application for Approval of 2007
12 Additions to Non-Impaired Wire Center List and Motion for Expedited Issuance of Protective Order.

13 On June 27, 2007, the Joint CLECs and Qwest filed a Notice of Joint Filing and Amended
14 Request for Order Approving Settlement Agreement.

15 On June 29, 2007, Qwest filed a Submission of Publicly Available Data in Support of Its
16 Application for Approval of 2007 Additions to Non-Impaired Wire Center Designations.

17 On June 29, 2007, Qwest filed a Request for Procedural Conference to address whether its
18 2007 Additions Application was properly docketed in the above-captioned docket, absent an order of
19 consolidation, and the issuance of a protective order regarding confidential data Qwest will submit in
20 support of the 2007 Additions Application.

21 On July 10, 2007, Qwest filed a Notice of Filing of Completed Arbitrated and Negotiated
22 Type 1 and Type 2 Paging Connection Service Agreement Between Qwest and Interstate Wireless,
23 Inc. DBA Handy Page, and Single Point of Presence Amendment, and Request for Approval.

24 By Procedural Order issued July 11, 2007, a procedural conference was scheduled for July 19,
25 2007, to discuss pending procedural issues.

26 On July 19, 2007, a procedural conference was held, as scheduled. During the procedural
27 conference, the parties agreed that: a hearing would be held; Staff would file a Staff Report or
28 testimony by August 24, 2007; Qwest and the Joint CLECs would file responsive testimony by

1 September 7, 2007; and the parties would later submit a proposed protective order to be used in this
2 docket as well as a proposed hearing date.

3 On July 20, 2007, National Brands, Inc., dba Sharenet Communications Company
4 ("Sharenet") filed an Application for Leave to Intervene. To date, no party has filed an objection to
5 Sharenet's request for intervention.

6 On July 30, 2007, Eschelon filed Comments regarding Qwest's June 22, 2007 Petition for
7 Commission Approval of 2007 Additions to Non-Impaired Wire Center List.

8 On August 2, 2007, Qwest filed a Request for Order Setting Hearing Date. Qwest states that
9 it has conferred with the Joint CLECs and Staff, and all parties have agreed to a hearing date of
10 October 3, 2007.

11 IT IS THEREFORE ORDERED that a **hearing shall be scheduled for October 3, 2007, at**
12 **10:00 a.m.**, at the offices of the Commission, 1200 West Washington, Phoenix, Arizona 85007.

13 IT IS FURTHER ORDERED that National Brands, Inc., dba Sharenet Communications
14 Company shall be granted intervention in this proceeding.

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

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

21 Dated this 8th day of August, 2007.

22 
23 _____
24 DWIGHT D. NODES
25 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

26 ...
27 ...
28 ...

1 Copies of the foregoing mailed/delivered
2 this 02nd day of August, 2007 to:

3 Greg Diamond
4 COVAD COMMUNICATIONS COMPANY
5 7901 East Lowry Boulevard
6 Denver, CO 80230

7 William Haas
8 MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.
9 6400 C Street SW
10 P.O. Box 3177
11 Cedar Rapids, IA 52406-3177

12 Mike Hazel
13 MOUNTAIN TELECOMMUNICATIONS
14 1430 West Broadway Street, Suite 206
15 Tempe, AZ 85282

16 Rex Knowles
17 XO COMMUNICATIONS SERVICES
18 111 East Broadway Street, Suite 1000
19 Salt Lake City, UT 84111

20 Norman G. Curtright
21 QWEST CORPORATION
22 20 East Thomas Road, 16th Floor
23 Phoenix, AZ 85012

24 Michael W. Patten
25 ROSHKA, DEWULF & PATTEN
26 400 East Van Buren Street, Suite 800
27 Phoenix, AZ 85004

28 Douglas Denney, Senior Attorney
ESCHELON TELECOM, INC.
730 Second Avenue S., Suite 900
Minneapolis, MN 55402-2489

Tom Bade
ARIZONA DIALTONE, INC.
7170 West Oakland Street
Chandler, AZ 85226

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Gary Joseph, Vice President
NATIONAL BRANDS, INC.
dba SHARENET COMMUNICATIONS
4633 West Polk Street
Phoenix, AZ 85043

Brad VanLeur, President
ORBITCOM
1701 North Louise Avenue
Sioux Falls, SD 57107

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

By: 
Debra Broyles
Secretary to Dwight D. Nodes