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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

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Arizona Corporation Commission

DOCKETED

NOV - 3 2009

DOCKETED BY [Signature]

PAC-WEST TELECOMM, INC.,
Complainant,
vs.
QWEST CORPORATION,
Respondent.

DOCKET NO. T-01051B-05-0495
DOCKET NO. T-03693A-05-0495

PROCEDURAL ORDER

BY THE COMMISSION:

By Procedural Order dated September 17, 2009, a Motion for Summary Judgment filed by Pac-West Telecomm, Inc. ("Pac-West") on February 13, 2009, in this docket was denied. Subsequently, on October 7, 2009, a Procedural Conference was convened to determine a process for resolving the dispute.

Pac-West, Qwest Corporation and the Arizona Corporation Commission ("Commission") Utilities Division ("Staff") appeared through counsel.

At the October 7, 2009 Procedural Conference, the parties agreed that the proceedings in this docket should be suspended pending the decision of the United States Ninth Circuit Court of Appeals in the Level 3 appeal of the same U.S. District Court decision that resulted in this matter being remanded to the Commission. Oral argument in the Level 3 appeal was scheduled for November 3, 2009. A ruling by the Ninth Circuit on the related Level 3 appeal will affect the outcome of this proceeding, and suspending the docket will economize resources and promote judicial efficiency.

1 This matter originally came before the Commission as a Complaint filed by Pac-West against Qwest to enforce the terms of their Interconnection Agreement, concerning the payment of reciprocal compensation for VNXX ISP-bound traffic. Qwest appealed Decision No. 68820, and on March 6, 2008, the U.S. District Court found that the Commission erred in not interpreting the FCC's ISP Remand Order.

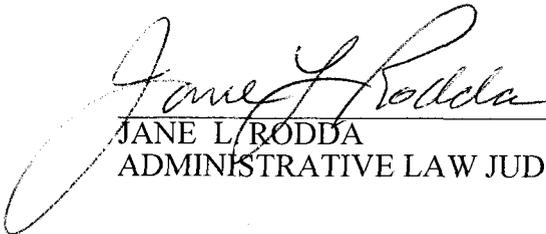
1 Any party may file a request for Procedural Order or Procedural Conference to reactivate the docket.

2 IT IS THEREFORE ORDERED that the proceedings in this docket are suspended pending
3 further Order.

4 IT IS FURTHER ORDERED that any party to this proceeding may file a request for
5 Procedural Order and/or Procedural Conference to establish procedures for the ultimate resolution of
6 this matter.

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

9 Dated this 30th day of October, 2009

10
11 
12 JANE L. RODDA
13 ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered
15 this 30th day of October, 2009 to:

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