



BEFORE THE ARI:

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Arizona Corporation Commission

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Commissioner

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Commissioner

FEB 20 2002

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IN THE MATTER OF U S WEST
 COMMUNICATIONS, INC.'S
 COMPLIANCE WITH § 271 OF THE
 TELECOMMUNICATIONS ACT OF 1996

Docket No. T-00000A-97-0238

AT&T'S RESPONSE TO STAFF'S
REPORT ON LINE SPLITTING AND
NETWORK INTERFACE DEVICES

AT&T Communications of the Mountain States, Inc. and TCG Phoenix
 (collectively "AT&T") hereby respond to the Staff's Findings of Fact and
 Conclusions of Law on Qwest's Compliance with Line Splitting and Network
 Interface Devices (NID) Requirements dated February 12, 2002 ("Staff Report").

Generally, AT&T has no comments on the Staff Report. However, AT&T
 believes Staff should seek evidence on Qwest Corporation's ("Qwest") recent
 business decisions regarding the deployment of DSL service.

The Staff Report addresses the issue of whether Qwest must offer its retail
 DSL service on a stand-alone basis when a competitive local exchange carrier
 ("CLEC") provides the voice service over UNE-P.¹ Qwest agreed to "enable a
 CLEC to provide *Qwest* DSL to an end-user customer via resale at 100% of the

¹ Staff Report, Disputed Issue No. 3 (LS-6), ¶ 112-127.

retail rate when service is provided by a CLEC to an end-user over UNE-P".²

Qwest agrees to this arrangement for both existing and new customers of Qwest DSL service.³

Qwest recently entered into an agreement with the internet service provider MSN, to promote Qwest's high speed DSL internet service. Qwest is transferring all Qwest.net accounts to MSN, or another internet service provider if the customer objects. The MSN arrangement with MSN creates considerable uncertainty. It raises the question whether Qwest considers Qwest or MSN to be the retail provider of the DSL service. Is Qwest offering DSL services to its customers in Arizona? Has that changed as a result of its business arrangement with MSN? If so, how? What is the nature of the arrangement between Qwest and MSN? Will the MSN service be bundled with other Qwest services? Will Qwest argue it no longer has an obligation to provide retail DSL to UNE-P customers? Will Qwest resell Megabit, or its successor, service? Is Qwest providing billing services for MSN? These are only a few questions that need to be answered.

AT&T believes Staff should seek information from Qwest regarding its business arrangement with MSN. Qwest has made a number of promises to the Staff and CLECs regarding the provision of line splitting and DSL. Are those promises now hollow or do they continue to have some substance?

AT&T respectfully requests that Staff obtain information regarding Qwest's arrangement with MSN so that the Staff and other parties to this proceeding can assess the impact it has on Qwest's obligations under the Act and Staff's

² *Id.*, ¶ 124 (emphasis added).

³ *Id.*

⁴ Saint Paul PIONEER PRESS, page 3C (Feb. 16, 2002).

recommended revisions to the Statement of Generally Available Terms and
Conditions.

Respectfully submitted this 19th day of February, 2002.

**AT&T COMMUNICATIONS
OF THE MOUNTAIN STATES, INC.
AND TCG PHOENIX**

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CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of **AT&T's Response to Staff's Report on Line Splitting and Network Interface Devices**, Docket No. T-00000A-97-0238 were sent by overnight delivery on February 19, 2002 to:

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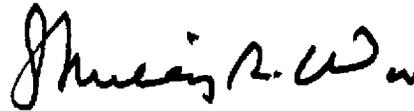
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