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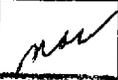
Arizona Corporation Commission

DOCKETED

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ARIZONA CORPORATION COMMISSION
PHOENIX, ARIZONA

DOCKETED BY 

**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 REPLY TO QWEST'S
RESPONSE TO AT&T'S OFFER OF
SUPPLEMENTAL AUTHORITY
REGARDING CHECKLIST ITEM 2
AND PUBLIC INTEREST**

AT&T Communications of the Mountain States, Inc. and TCG Phoenix

(collectively, "AT&T") hereby file their reply to Qwest's Response to AT&T's Offer of Supplemental Authority Regarding Checklist Item 2 and Public Interest.

Qwest takes issues with AT&T's Offer Of Supplemental Authority Regarding Checklist Item 2 and Public Interest. Most of Qwest's arguments address the filing as it relates to checklist item 2, not whether Qwest's conduct is the proper subject of the public interest analysis. Although the test took place in Minnesota, the conduct on Qwest's part is related to Qwest's dealings with competitive local exchange carriers ("CLECs") generally. The supplemental authority reflects inappropriate conduct by Qwest management in the performance of its obligations under an interconnection agreement and the federal Act, *i.e.*, conduct which is inappropriate in general.

The Federal Communications Commission ("FCC") identified in its *Ameritech Michigan Order* some of the items that are germane to the public interest analysis. Two of the items mentioned are "whether the lack of competitive entry is due to the BOC's

failure to cooperate in opening its networks to competitors”¹ and evidence of anticompetitive conduct by the BOC.² The supplemental authority is relevant to these issues.

Qwest notes that the supplemental authority is a recommended decision of the Administrative Law Judge (“ALJ”) in a Minnesota Commission proceeding. AT&T does not disagree. However, this is irrelevant. AT&T wishes to point out that Qwest recently filed a Colorado interim Order by the Colorado Hearing Commissioner as supplemental authority on its compliance with section 272. This order has the same effect as the ALJ’s recommendation in Minnesota. Until the full Commission in Colorado adopts the Hearing Commissioner’s order, it is not an order of the Colorado Commission. In essence, the Hearing Commissioner is acting in lieu of an ALJ.

Qwest cannot have it both ways. It cannot criticize AT&T for filing an ALJ’s recommended order that needs subsequent approval by the full Commission and then file a Colorado order as supplemental authority that also needs full Commission approval.

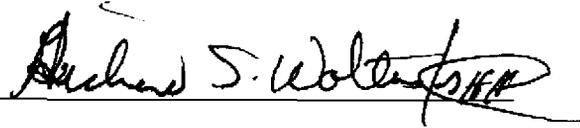
AT&T’s filing provides supplemental authority that impacts on the Commission’s public interest analysis. The Commission should consider it and the Qwest conduct reflected in the supplemental authority when conducting its public interest analysis.

¹ *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Michigan*, CC Docket No. 97-137, Memorandum Opinion and Order, FCC 97-298 (rel. Aug. 19, 1999), ¶ 391.

² *Id.*, ¶397.

Respectfully submitted this 21st day of March 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 Reply to Qwest's Response to AT&T's Offer of Supplemental Authority Regarding Checklist Item 2 and Public Interest**, Docket No. T-00000A-97-0238, were sent by overnight delivery on March 21, 2002 to:

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