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June 17, 2002

All Parties to the Docket

*In Re: Qwest's Application under Section 271*

I have carefully reviewed the materials filed in Docket No. RT-00000F-02-0271, including Qwest's Comments Regarding Filing Obligations dated May 10, 2002, AT&T's Comments on Section 252(e) filed May 24, 2002 and the Commission Staff's Memorandum dated June 7, 2002. I am compelled to raise a question regarding the seven interconnection agreements purporting to prohibit parties from participating in proceedings before this Commission.

Much has been written on the role of regulators and the scope of regulatory proceedings, specifically telecommunications cases. Bob Rowe, *Substance plus Process - Telecom Regulation Reforms*, U. COLO. L. REV. (2000); William H. Melody, *Policy Objectives and Models of Regulation*, TELECOM REFORM: PRINCIPLES, POLICIES AND REGULATORY PRACTICES, 13-27(1997); Alfred E. Kahn, LETTING GO: DEREGULATING THE PROCESS OF DEREGULATION (1998). A prohibition on a party participating in governmental deliberations raises grave concerns.

I believe the process of regulation (or deregulation) is equally if not more important than the disposition of a particular contested matter. The question presented is whether Qwest's interconnection agreements precluding parties from participating in the Section 271 docket taint the integrity of the proceedings before this Commission. A subsidiary question is whether, at a minimum, the Section 271 process should be stayed pending an evidentiary hearing on the effects, if any, of the seven interconnection agreements on this Commission's record.

I look forward to the parties' responses to my concerns.

Very Truly Yours,

Marc Spitzer  
Commissioner

Arizona Corporation Commission  
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