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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission
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IN THE MATTER OF QWEST CORPORATION'S PETITION FOR ARBITRATION AND APPROVAL OF INTERCONNECTION AGREEMENT WITH NORTH COUNTY COMMUNICATIONS CORPORATION OF ARIZONA PURSUANT TO SECTION 252(B) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED BY THE TELECOMMUNICATIONS ACT OF 1996 AND APPLICABLE STATE LAWS

DOCKET NO. T-01051B-09-0383
T-03335A-09-0383

JOINT MOTION FOR SUSPENSION OF PROCEDURAL DATES; REQUEST FOR PROCEDURAL CONFERENCE; AND STIPULATION REGARDING RESPONSES

Joint Motion for Suspension of Procedural Dates and Request for Procedural Conference

Qwest Corporation ("Qwest") and North County Communications Corporation of Arizona ("North County") jointly move the Arizona Corporation Commission ("Commission") for an order suspending the current procedural dates and request that a procedural conference be convened in this arbitration. It is apparent from North County's recently filed Position Statement and Issues Matrix that the threshold issue of Commission jurisdiction to proceed with this Arbitration must be addressed before further proceedings. It is further apparent that North County and Qwest do not hold the same views on the issues to be arbitrated, should the

1 arbitration proceed. Absent a mutual understanding of the factual issues in dispute, it would
2 promote resources and efficiencies to vacate the current schedule for the filing of testimony. At
3 present, direct testimony is due on March 12, and reply testimony is due April 2. A procedural
4 conference to address the question of jurisdiction should be convened, and the remaining dates of
5 the current procedural schedule should be held in abeyance pending determination of the
6 jurisdiction question.

7 On February 10, 2010, the parties made separate filings designated by each of them as a
8 position statement and issues matrix. The North County filing requests that the Commission
9 dismiss Qwest's Petition for Arbitration on the grounds that the Commission lacks jurisdiction to
10 arbitrate and approve Qwest's proposed Agreement pursuant to Section 252(b)(1) of the
11 *Communications Act of 1934, as amended.*

12 North County's filing states that if the Commission finds it has jurisdiction, North
13 County's issues for arbitration consist of "any and all discrepancies" between the existing
14 interconnection agreement and Qwest's proposed new agreement. North County Position
15 Statement, p. 13, lines 2-10.

16 The Qwest position statement and issues matrix filed on February 19, 2010, stated one
17 issue in dispute, regarding how the Relative Use Factor is determined for purposes of allocating
18 the costs of jointly used entrance facilities and direct trunk transport facilities. Qwest noted that
19 it had no information indicating that North County intended to bring forward other issues, but
20 specifically requested, "*Should North County bring other issues forward in its Issues Matrix,*
21 *Qwest respectfully requests the opportunity to respond.*" Qwest Position Statement, p. 3, lines 4-
22 6.

23 North County's motion to dismiss for lack of jurisdiction must necessarily be decided
24 prior to further determination of the lists of issues that are in dispute. Furthermore, the scope of
25 the issues to be arbitrated, should the Commission find that it has jurisdiction to proceed, is in
26 dispute. The parties therefore join in requesting a procedural conference for the purpose of

1 establishing a schedule for addressing the question of jurisdiction and for identifying the scope of
2 the issues to be arbitrated.

3
4 **Stipulation Regarding Responses**

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6 Qwest and North County stipulate that at this time neither shall file responses to the
7 position statements and issues matrices filed on February 19, 2010, and shall not be held to time
8 limits that may apply for such responses pursuant to the Commission's rules or the Arizona
9 Rules of Civil Procedure, pending further stipulation between them, or an order by the
10 Arbitrator. By so stipulating, neither party waives the right to submit a response, neither party
11 admits the allegations made by the other party in those filings, and neither party waives any
12 argument, claim, or theory it may wish to assert in response to those filings.

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15 RESPECTFULLY SUBMITTED, this 4th day of March, 2010.

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18 QWEST CORPORATION

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NORTH COUNTY COMMUNICATIONS CORPORATION

By: *Joseph G. Dicks*
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1 **Original and 13 copies of the foregoing**
2 **were filed this 4th day of March, 2010 with:**

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4 Arizona Corporation Commission
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7 **COPY of the foregoing emailed**
8 **this 4th day of March, 2010 to:**

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