



0000109425

BEFORE THE ARIZONA CORPORATION COMMISSION

ORIGINAL RECEIVED

Arizona Corporation Commission

DOCKETED

DEC 09 2002

2002 DEC -9 P 4:40

AZ CORP COMMISSION DOCUMENT CONTROL

WILLIAM A. MUNDELL
COMMISSIONER
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

DOCKETED BY CAR

IN THE MATTER OF QWEST
CORPORATIONS COMPLIANCE WITH
SECTION 252(e) OF THE
TELECOMMUNICATIONS ACT OF 1996

DOCKET NO. RT-00000F-02-0271

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

**QWEST CORPORATION'S RESPONSE TO STAFF'S MOTION FOR AN
EXTENSION OF TIME**

On November 27th, 2002 the Arizona Corporation Commission Staff (the "Staff") filed a Motion to extend the time for filing of its Direct Testimony and Exhibits in the above-referenced proceeding. By Procedural Order dated November 7, 2002, Administrative Law Judge Rodda ordered that Staff file its Direct Testimony and Exhibits on or before January 3, 2003. Unless the Commission determines that the enforcement portion of this proceeding may proceed separately from the 271 phase, Qwest Corporation ("Qwest") opposes Staff's Motion.

Qwest respectfully requests that Staff's Motion for an Extension of Time to comply with the Commission Procedural Order of November 7, 2002 be denied, unless the Commission determines after oral argument that it will allow the 252(e) proceed to proceed separately from Qwest's 271 application.

1. Background

The testimony filing for which Staff seeks an extension is scheduled to be filed in the proceeding the Commission has established for evaluating the nature and extent of any Qwest violations of Section 252(e) of the Federal Act. This proceeding will also determine what, if any, enforcement penalties should be imposed by the Commission as a result. As Qwest has emphasized repeatedly, prompt resolution of all pending proceedings deemed necessary for the Commission to conclude the 271 process is essential, not only for Qwest, but for Arizona consumers to enjoy the substantial benefits of increased competition in Arizona's intrastate long-distance market. In its November 7th Order, the Commission determined that the 252(e) enforcement proceeding must be resolved prior to any Commission resolution of Qwest's 271 application.¹ Given this linkage, any delay caused by Staff's extension request will lead to substantial, and unnecessary, additional delay in the Commission's final evaluation of Qwest's 271 application.

2. Staff Provides No Basis For Its Untimely Motion

Staff provides no rationale whatsoever in its Motion for an extension, merely stating that "Staff requires additional time to prepare" its testimony in this proceeding. Staff's Motion was filed almost three weeks after the November 7th Order, and prior to Qwest's filing of its initial testimony on December 2nd. Staff's requested extension would delay the filing of Responsive testimony for Staff (and presumably other interveners) until January 17th, the date originally set in the procedural Order for Qwest to file its Rebuttal testimony. Were the Commission to move back proportionately all other

¹ Qwest's Motion for Reconsideration of this Commission decision is scheduled for oral argument on December 13, 2002. The Commission will also consider Staff's Motion for an Extension and RUCO's Motion to Compel and Motion for an Extension.

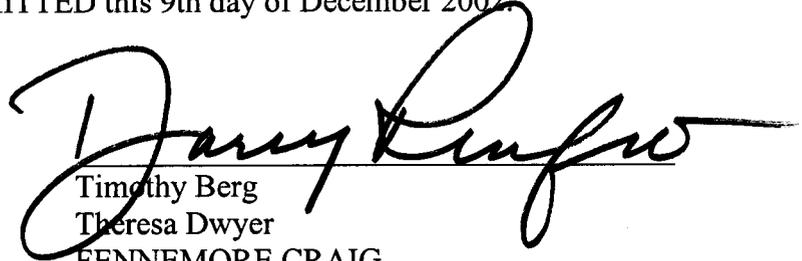
relevant procedural dates, Qwest's Rebuttal testimony would be filed on January 31, 2003, with the Procedural Conference slipping to February 6th, 2003. Hearings in this proceeding would not commence until February 12th, 2003 at the earliest.

The Commission commenced its inquiry into Qwest's compliance activities related to Section 252(e) of the Act on March 8, 2002. Staff's unsupported extension request would probably push back resolution of this Commission proceeding until Mid-May 2003. Unless the Commission reconsiders its decision to defer resolution of Qwest's 271 application until after the 252(e) proceeding is closed, this Commission would not vote on Qwest's 271 application until June 2003, almost 3 ½ years after the application was filed and fifteen months after the Commission began its investigation into Qwest 252(e) agreements. This schedule assumes further delays are not sought for any reason by other parties, and that RUCO's recent Motion seeking an extension of time in this proceeding beyond that requested by Staff is not granted. Quite simply, judicial economy dictates that at some point reasonable boundaries be placed on the ability of parties to unnecessarily delay Commission resolution of this proceeding. Rejection of the instant motion would be an appropriate step toward such a result.

For all of the forgoing reasons, Qwest respectfully requests that Staff's Motion for an Extension of Time to comply with the Commission Procedural Order of November 7, 2002 be denied, unless the Commission determines after oral argument that it will allow

the 252(e) proceed to proceed separately from Qwest's 271 application.

RESPECTFULLY SUBMITTED this 9th day of December 2002.



Timothy Berg
Theresa Dwyer
FENNEMORE CRAIG
3003 North Central Avenue
Suite 2600
Phoenix, AZ 85012-2913

Mark Brown
QWEST CORPORATION
3033 North 3rd Street, 10th Floor
Phoenix, AZ 85012

ATTORNEYS FOR QWEST CORPORATION

ORIGINAL +15 copies filed this 9th day of
December, 2002:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ

COPY delivered this 9th day of December, 2002:

Lyn Farmer, Chief Administrative Law Judge
Jane Rodda, Administrative Law Judge
ARIZONA CORPORATION COMMISSION
Legal Division
1200 West Washington
Phoenix, Arizona 85007

Chris Kempley, Chief Counsel
Maureen Scott, Counsel
ARIZONA CORPORATION COMMISSION
Legal Division
1200 West Washington
Phoenix, Arizona 85007

Ernest G. Johnson
Director, Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 85007

Caroline Butler
Legal Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington
Phoenix, AZ 85007

COPY mailed this _____ day of December, 2002:

Eric S. Heath
SPRINT COMMUNICATIONS CO.
100 Spear Street, Suite 930
San Francisco, CA 94105

Thomas Campbell
LEWIS & ROCA
40 N. Central Avenue
Phoenix, AZ 85004

Joan S. Burke
OSBORN MALEDON, P.A.
2929 N. Central Ave., 21st Floor
PO Box 36379
Phoenix, AZ 85067-6379

Thomas F. Dixon
WORLD COM, INC.
707 N. 17th Street #3900
Denver, CO 80202

Scott S. Wakefield
RUCO
1110 West Washington #220
Phoenix, AZ 85007

Michael M. Grant
Todd C. Wiley
GALLAGHER & KENNEDY
2575 E. Camelback Road
Phoenix, AZ 85016-9225

Raymond Heyman
Michael Patten
ROSHKA, HEYMAN & DEWULF
400 E. Van Buren, Ste. 900
Phoenix, AZ 85004-3906

Regulatory Affairs
COX COMMUNICATIONS
20402 North 29th Avenue
Phoenix, AZ 85027-3148

Daniel Waggoner
Greg Kopta
Mary Steele
DAVIS, WRIGHT & TREMAINE
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101

Traci Grundon
Mark P. Trincherro
DAVIS, WRIGHT & TREMAINE
1300 S.W. Fifth Avenue
Portland, OR 97201

Richard S. Wolters
AT&T LAW DEPARTMENT
1875 Lawrence Street, #1575
Denver, CO 80202

Teresa Ono
Gregory Hoffman
AT&T
795 Folsom Street, Room 2159
San Francisco, CA 94107-1243

David Kaufman
E.SPIRE COMMUNICATIONS, INC.
343 W. Manhattan Street
Santa Fe, NM 87501

Diane Bacon, Legislative Director
COMMUNICATIONS WORKERS OF AMERICA
5818 N. 7th St., Ste. 206
Phoenix, AZ 85014-5811

Philip A. Doherty
545 S. Prospect Street, Ste. 22
Burlington, VT 05401

W. Hagood Bellinger
5312 Trowbridge Drive
Dunwoody, GA 30338

Joyce Hundley
U.S. DEPARTMENT OF JUSTICE
Antitrust Division
1401 H Street N.W. #8000
Washington, DC 20530

Andrew O. Isar
TELECOMMUNICATIONS RESELLERS ASSOC.
4312 92nd Avenue, NW
Gig Harbor, WA 98335

Jeffrey W. Crockett
Thomas L. Mumaw
SNELL & WILMER
One Arizona Center
Phoenix, AZ 85004-0001

Charles Kallenbach
AMERICAN COMMUNICATIONS SVCS, INC.
131 National Business Parkway
Annapolis Junction, MD 20701

Gena Doyscher
GLOBAL CROSSING SERVICES, INC.
1221 Nicollet Mall
Minneapolis, MN 55403-2420

Andrea Harris, Senior Manager
ALLEGIANCE TELECOM INC OF ARIZONA
2101 Webster, Ste. 1580
Oakland, CA 94612

Lyndall Nipps
ALLEGIANCE TELECOM, INC
845 Camino Sure
Palm Springs, CA 92262

Gary L. Lane, Esq.
6902 East 1st Street, Suite 201
Scottsdale, AZ 85251

Kevin Chapman
SBC TELECOM, INC.
300 Convent Street, Room 13-Q-40
San Antonio, TX 78205

Steven Strickland
Jon Loehman
SBC TELECOM, INC.
5800 Northwest Parkway, Room 1T40
San Antonio, TX 78249

M. Andrew Andrade
TESS COMMUNICATIONS, INC.
5261 S. Quebec Street, Ste. 150
Greenwood Village, CO 80111

Richard Sampson
Z-TEL COMMUNICATIONS, INC.
601 S. Harbour Island, Ste. 220
Tampa, FL 33602

Megan Doberneck
COVAD COMMUNICATIONS COMPANY
7901 Lowry Boulevard
Denver, CO 80230

Richard P. Kolb
Vice President of Regulatory Affairs
ONE POINT COMMUNICATIONS
Two Conway Park
150 Field Drive, Ste. 300
Lake Forest, IL 60045

Steven J. Duffy
RIDGE & ISAACSON, P.C.
3101 North Central Ave., Ste. 1090
Phoenix, AZ 85012

Teresa Tan
WORLD.COM, INC.
201 Spear Street, 9th Floor
San Francisco, CA 94105

Dennis D. Ahlers
ESCHELON TELECOM
730 Second Avenue South, Ste. 1200
Minneapolis, MN 55402

Rodney Joyce
SHOOK, HARDY & BACON, LLP
Hamilton Square
600 14th Street, NW, Ste. 800
Washington, DC 20005-2004

Dennis Doyle
ARCH COMMUNICATIONS GROUP
1800 West Park Drive, Suite 250
Westborough, MA 01581-3912

David Conn
Law Group
MCLEODUSA INCORPORATED
6400 C. Street SW
PO Box 3177
Cedar Rapids, IA 52406-3177

Diane Peters
GLOBAL CROSSING
180 South Clinton Avenue
Rochester, NY 14646

Gerry Morrison
MAP MOBILE COMMUNICATIONS, INC.
840 Greenbrier Circle
Chesapeake, VA 23320

Frederick Joyce
ALSTON & BIRD, LLP
601 Pennsylvania Avenue NW
Washington, DC 20004-2601

METROCALL, INC.
6677 Richmond Highway
Alexandria, VA 22306

John E. Munger
MUNGER CHADWICK
National Bank Plaza
333 North Wilmot, #300
Tucson, AZ 85711

Brian Thomas
TIME WARNER TELECOM, INC.
520 SW 6th Avenue, Suite 300
Portland, OR 97204

Deborah Harwood
INTEGRA TELECOM OF ARIZONA, INC.
19545 NW Von Newmann Drive, Suite 200
Beaverton, OR 97006

Paul Masters
ERNEST COMMUNICATIONS INC.
6475 Jimmy Carter Blvd., Ste. 300
Norcross, GA 30071

Bob McCoy
WILLIAM LOCAL NETWORK, INC.
4100 One Williams Center
Tulsa, OK 74172

Mark Dioguardi
TIFFANY AND BOSCO, P.A.
1850 North Central, Suite 500
Phoenix, AZ 85004

Nigel Bates
ELECTRIC LIGHTWAVE, INC.
4400 NE 77th Avenue
Vancouver, WA 98862

Richard M. Rindler
Morton J. Posner
SWIDER & BERLIN
3000 K. Street NW, Ste. 300
Washington, DC 20007

Douglas Hsiao
Jim Scheltema
BLUMENFELD & COHEN
1625 Massachusetts Ave. NW, Ste. 300
Washington, DC 20036

Mark N. Rogers
EXCELL AGENT SERVICES, LLC
PO Box 52092
Phoenix, AZ 85072-2092

Rex Knowles
XO
111 E. Broadway, Suite 100
Salt Lake City, Utah 84111

Penny Bewick
New Edge Networks, Inc.
PO Box 5159
Vancouver, WA 98668



1367641.1/67817.295