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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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AZ CORP COMMISSION
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2 WILLIAM A. MUNDELL
CHAIRMAN
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COMMISSIONER
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COMMISSIONER

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

Docket No. T-00000A-97-0238

9 **RUCO'S COMMENTS ON STAFF'S PROPOSED REPORT**

10 On May 1, 2002, the Arizona Corporation Commission Staff ("Staff") issued a Proposed
11 Report on Qwest's Compliance with Public Interest and Tract A ("Report"). Staff
12 recommended that parties desiring to file comments on the report do so on or before May 16,
13 2002. The Residential Utility Consumer Office ("RUCO") hereby provides its comments
14 regarding Staff's Report.

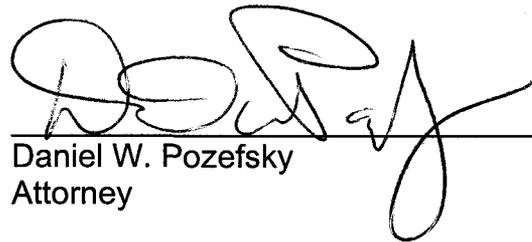
15 RUCO has been following and monitoring Qwest's section 271 proceeding in Arizona.
16 RUCO wholeheartedly supports the intended goal of establishing an open, competitive local
17 market in Arizona. RUCO believes that competition on the local level, as well as in the long-
18 distance market is in the public interest. RUCO supports Staff's recommendation regarding
19 public interest (Report at ¶ 388) subject to clarification on two issues.

20 First, there appears to be an internal conflict between Staff's recommendation regarding
21 Qwest's Winback Tariff in ¶ 283 and ¶284 and Staff's recommendation in ¶ 388. In ¶ 283 and
22 ¶ 284, Staff recommends that Qwest delay its Winback efforts to new customers for a period of
23 six months from the date Qwest receives 271 approval from the FCC. In ¶ 388, Staff
24 recommends the Winback Tariff be withdrawn until "actual competition reaches a level deemed

1 appropriate by the Commission or to modify the Tariff as set forth herein." It is unclear from
2 these paragraphs precisely what Staff is recommending concerning Qwest's Winback Tariff.

3 Second, Staff's final recommendation is not predicated on the results of the 252 docket
4 recently opened and pending before this Commission (Docket No. RT-00000F-02-0271). In
5 that docket, Staff asked for an expedited procedural schedule presumably so that the results
6 would be available to the Commission in their 271 deliberations. It is unclear from the Report
7 whether Staff's recommendation is conditioned on the results of the 252 docket. Regardless,
8 RUCO's final recommendation regarding public interest is conditioned on a finding by this
9 Commission that Qwest did not engage in anti-competitive behavior in the 252 docket.

10 RESPECTFULLY SUBMITTED this 16th day of May, 2002.

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14 Daniel W. Pozefsky
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20 AN ORIGINAL AND TEN COPIES
21 of the foregoing filed this 16th day
22 of May 2002 with:

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