

ORIGINAL



0000122084

BEFORE THE ARIZONA CORPORATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

RECEIVED

2011 JAN 19 P 12:53

ARIZONA CORPORATION
DOCKET CONTROL

IN THE MATTER OF THE JOINT
APPLICATION OF QWEST CORPORATION,
QWEST COMMUNICATIONS COMPANY,
LLC, QWEST LD CORP. dba QWEST LONG
DISTANCE, EMBARQ PAYPHONE
SERVICES, INC. AND CENTURYTEL
SOLUTIONS, LLC FOR APPROVAL OF THE
PROPOSED MERGER OF THEIR PARENT
CORPORATIONS QWEST
COMMUNICATIONS INTERNATIONAL INC.
AND CENTURYTEL, INC.

DOCKET NO. T-01051B-10-0194
T-02811B-10-0194
T-04190A-10-0194
T-20443A-10-0194
T-03555A-10-0194
T-03902A-10-0194

STAFF'S NOTICE OF ERRATA

Staff of the Arizona Corporation Commission ("Staff") hereby files a Notice of Errata in the above docket. Staff has made a correction to page 12 of its Post-Hearing Brief filed yesterday. More specifically, the third sentence under item 2 on page 12 should read as follows: "First, the 18 months is consistent with other settlement agreements between the Joint Applicants and other parties where such terms have been included." Attached is a corrected page 12 which should replace page 12 in Staff's Brief filed yesterday.

We apologize for any inconvenience.

RESPECTFULLY SUBMITTED this 19th day of January 2011.

Arizona Corporation Commission

DOCKETED

JAN 19 2011

DOCKETED BY [Signature]

Maureen A. Scott, Senior Staff Counsel
Robin R. Mitchell, Staff Attorney
Bridget Humphrey, Staff Attorney
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

1 Original and thirteen (13) copies
of the foregoing filed this
2 19th day of January 2011 with:
3 Docket Control
Arizona Corporation Commission
4 1200 West Washington Street
Phoenix, Arizona 85007
5
6 Copies of the foregoing emailed/mailed
this 19th day of January 2011 to:
7 Jeffrey W. Crockett
Brownstein Hyatt Farber Schreck
8 40 North Central Avenue, 14th Floor
Phoenix, Arizona 85004
9 Attorney for CenturyLink
10 Kevin K. Zarling
Senior Counsel, CenturyLink
11 400 West 15th Street, Suite 315
Austin, Texas 78701
12 Attorney for CenturyLink
13 Linda C. Stinar, Director Regulatory Affairs
CenturyLink
14 6700 Via Austi Parkway
Las Vegas, Nevada 89119
15
16 Norman G. Curtright
David Ziegler
17 Qwest Corporation
20 East Thomas Road, 16th Floor
18 Phoenix, Arizona 85012
Attorneys for Qwest
19
20 Michael W. Patten
Timothy J. Sabo
Roshka, DeWulf & Patten, PLC
21 One Arizona Center
400 East Van Buren, Suite 800
22 Phoenix, Arizona 85004
Attorneys for Cox Arizona Telcom, LLC,
23 Level 3 Communications, LLC, Paetec
Business Services, Integra Telecom and
24 Covad Communications Company
25 Karen L. Clauson
Vice President, Law & Policy
26 Integra Telecom
6160 Golden Hills Drive
27 Golden Valley, Minnesota 55416-1020
28

Gregory Merz
Gray Plant Mooty
500 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402

Gregory L. Rogers
Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, Colorado 80021

Scott J. Rubin, Esq.
333 Oak Lane
Bloomsburg, Pennsylvania 17815

Rogelio Pena
Pena & Associates, LLC
4845 Pearl East Circle, Suite 101
Boulder, Colorado 80301

Daniel W. Pozefsky, Chief Counsel
Residential Utility Consumer Office
1110 West Washington, Suite 220
Phoenix, Arizona 85007

Stephen S. Melnikoff
General Attorney
Regulatory Law Office (JALS-RL)
U.S. Army Litigation Center
901 North Stuart Street, Suite 700
Arlington, Virginia 22203-1837

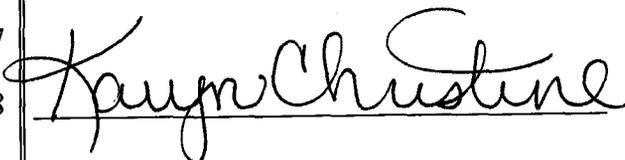
Michel Singer Nelson
360networks (USA) inc.
370 Interlocken Blvd., Ste. 600
Broomfield, Colorado 80021

Penny Stanley
360networks (USA) inc.
370 Interlocken Blvd., Suite 600
Broomfield, Colorado 80021

William A. Haas
Vice President of Public Policy & Regulatory
Paetec Holding Corp.
One Martha's Way
Hiawatha, Iowa 52233

James C. Falvey
Senior Regulatory Counsel
Pac-West Telecomm, Inc.
420 Chinquapin Round Road, Suite 2-I
Annapolis, Maryland 21401

- 1 Harry Gildea
Snavelly King Majoros, et al.
2 1111 14th Street, N.W., Suite 300
Washington, D.C. 20005
- 3
4 Mark A. DiNunzio
Cox Arizona Telecom, LLC
1550 West Deer Valley Road
5 MV DV3-16, Building C
Phoenix, Arizona 85027
- 6
7 Katherine K. Mudge, Director
State Affairs & ILEC Relations
Covad Communications Company
8 7000 North Mopac Expressway
Second Floor
9 Austin, Texas 78731
- 10 Joan S. Burke, Esq.
Law Office of Joan S. Burke
11 1650 North First Avenue
Phoenix, Arizona 85003
- 12
13 John Ilgen
Westel, Inc.
Vice President of Sales & Marketing
14 9606 North Mopac Expressway
Suite 700
15 Austin, Texas 78759
- 16 Lyndall Nipps
tw telecom
17 9665 Granite Ridge Drive, Suite 500
San Diego, California 92123
- 18
19 Daniel D. Haws
OSJA
Attention: ATZS-JAD
20 USA Intelligence Center & Fort Huachuca
Fort Huachuca, Arizona 85613
- 21
22 Craig A. Marks
Craig A. Marks, PLC
10645 North Tatum Boulevard, Suite 200-676
23 Phoenix, Arizona 85028
- 24 Rex Knowles, Executive Director
External Affairs
25 XO Communications Services, Inc.
7050 Union Park Avenue, Suite 400
26 Midvale, Utah 84047

27
28 

1 A. You know, my personal opinion is I don't think that we would adopt
2 the CenturyLink. We are going to look for what creates internal
3 efficiencies for us as well as our customers.

4 But that's a decision that those folks will go through and look at a
5 number of factors before they make that decision. But obviously that is
6 a critical factor in making the final determination on OSS.

7 Q. And another critical factor would also be 271 requirements; is that not
8 correct as well?

9 A. Certainly we will ensure that we conform and meet any of the 271
10 obligations.¹³

11 Staff believes that language of the Settlement Agreement is sufficient and should be
12 approved.

13 **2. Contrary to twt's assertions, the time periods contained in the Settlement
14 Agreement are not discriminatory or in violation of the Qwest
15 Forbearance Order.**

16 twt's primary concern is that the time periods contained in the Settlement Agreement with
17 respect to wholesale and commercial agreements should be extended from 18 months to 3 years.¹⁴
18 Staff believes that the Settlement Agreement's terms are reasonable as is. First, the 18 months is
19 consistent with other settlement agreements between the Joint Applicants and other parties where
20 such terms have been included. Second, Staff original list of conditions did not even have a
21 condition pertaining to wholesale and commercial agreements. Nonetheless, CenturyLink agreed to
22 the addition of this provision into the Settlement Agreement. Third, some of the services included in
23 wholesale and commercial contracts are interstate in nature and not subject to the Commission's
24 jurisdiction. With respect to interstate services, the Company can voluntarily make concessions with
25 respect to these services. Beyond that it may become problematic to order the Company to make
26 additional concessions with respect to interstate services. Finally, Mr. Gates' testimony that these
27 provisions in the Settlement Agreement are discriminatory or in violation of the Qwest Forbearance
28 Order¹⁵ are simply without merit. There is nothing in the Qwest Forbearance Order that would

¹³ Tr. at 345-48.

¹⁴ Tr. at p. 74.

¹⁵ *In the Matter of Petition of Qwest Corporation for forbearance Pursuant to 47 U.S.C. § 160 (c) in the Phoenix, Arizona Metropolitan Statistical Area*, WC Docket No. 09-135, Memorandum Opinion and Order (Rel. June 22, 2010).