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BEFORE THE ARIZONA CORPORATION COMMISSION
Arizona Corporation Commission

DOCKETED

AUG 08 1996

RENZ D. JENNINGS
CHAIRMAN
MARCIA WEEKS
COMMISSIONER
CARL J. KUNASEK
COMMISSIONER

DOCKETED BY

DOCKET NO. U-3016-96-402

IN THE MATTER OF THE PETITION OF TCG)
PHOENIX FOR ARBITRATION OF)
INTERCONNECTION RATES, TERMS, AND)
CONDITIONS PURSUANT TO 47)
U.S.C. § 252(b) OF THE)
TELECOMMUNICATIONS ACT OF 1996.)

PROCEDURAL ORDER

BY THE COMMISSION:

On July 17, 1996, TCG Phoenix ("TCG") filed with the Arizona Corporation Commission ("Commission") a Petition for Arbitration to Establish an Interconnection Agreement ("Petition") pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996 ("Act"). U S West Communications, Inc. ("U S West") has 25 days to file a Response to the Petition.

On February 8, 1996, President Clinton signed the Act into law which established new responsibilities for the Federal Communications Commission ("FCC") as well as for the various state commissions.¹ Section 252 of the Act provides that during the period from the 135th to the 160th day after the date on which an incumbent local exchange carrier receives a request for negotiation², the carrier or any party to the negotiations may petition a state commission to arbitrate any open issues. Further, Section 252 provided that the state commissions shall conclude the resolution of any unresolved issues not later than nine months after the date on which the local exchange carrier received the request.³ On July 22, 1996, the Commission in Decision No. 59762 adopted A.A.C. R14-2-1501 through A.A.C. R14-2-1507 ("Arbitration and Mediation Rules" or "Rules"). The Hearing Division was granted the authority to conduct arbitrations pursuant to Rule 1505 of the Rules. Further, Rule 1505 provided that arbitration

¹ As part of the Act, the FCC was ordered to issue regulations no later than August 8, 1996 interpreting many of the broad and general terms of the Act. Those regulations were issued on August 1, 1996.

² Pursuant to the Petition, such request occurred on February 8, 1996.

³ The nine months would conclude on November 8, 1996.

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1 proceedings would be conducted pursuant to procedures established by the Hearing
2 Division/Arbitrator(s).

3 Pursuant to A.A.C. R14-2-1505, the Hearing Division now issues this Procedural Order to govern
4 the preparation and conduct of this proceeding.

5 IT IS THEREFORE ORDERED that the arbitration in the above-captioned matter shall convene
6 on September 18, 1996 at 1:00 p.m., at the Commission's offices, 1200 West Washington Street,
7 Phoenix, Arizona 85007.

8 IT IS FURTHER ORDERED that a pre-arbitration conference shall be held on September 3, 1996
9 at 9:30 a.m. at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona for the
10 purposes of discussing the scheduling of witnesses and the conduct of the arbitration.

11 IT IS FURTHER ORDERED that TCG and U S West shall file with the Arbitrator(s) the
12 following on or before August 30, 1996:

13 A) A joint pre-arbitration statement which sets forth all the issues on
14 which TCG and U S West agree and all the issues on which they disagree;

15 B) For those issues in which there is disagreement, TCG and U S
16 West should set forth their respective positions including any applicable
17 law and the manner in which TCG and U S West recommend their
18 disagreement be resolved by the Arbitrator(s);

19 C) A proposed interconnection agreement that sets forth those areas
20 of agreements, and for those areas of disagreement sets forth both TCG
21 and U S West's proposals;

22 D) A list of witnesses for both TCG and U S West and a summary of
23 their testimony; and

24 E) A copy of exhibits that TCG and U S West intend to use at the
25 arbitration.

26 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
27 regulations of the Commission, except that: any objection to discovery requests shall be made within
28 seven days⁴ of receipt; responses to discovery requests shall be made within ten days of receipt; and the
response time may be extended by mutual agreement of the parties involved if the request requires an
extensive compilation effort.

⁴ "days" refers to calendar days.

1 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
2 discovery, any party seeking discovery may telephonically contact the Commission's Hearing Division
3 to request a date for a procedural conference to resolve the discovery dispute; that upon such a request,
4 a procedural conference will be convened as soon as practicable; and that the party making such a request
5 shall forthwith contact all other parties to advise them of the date and shall at the conference provide a
6 statement confirming that the other parties were contacted.⁵

7 IT IS FURTHER ORDERED that there will be no transcription/recording of the pre-arbitration
8 conference/arbitration without a written mutual agreement of the parties.

9 IT IS FURTHER ORDERED that if the parties request a transcription/recording, the costs will
10 be borne equally by the parties.

11 IT IS FURTHER ORDERED that the Arbitrator(s) may rescind, alter, amend, or waive any
12 portion of this Procedural Order either by subsequent Procedural Order or by ruling at arbitration.

13 DATED this 21st day of August, 1996.

14
15 
16 JERRY L. RUDIBAUGH
CHIEF HEARING OFFICER

17 Copies of the foregoing mailed/delivered
18 this 21st day of August, 1996 to:

19 Bruce Meyerson
20 STEPTOE & JOHNSON LLP
40 North Central Avenue, 24th Floor
Phoenix, Arizona 85004-4453
Attorney for TCG Phoenix

21 Deborah S. Waldbaum, Esq.
22 Western Region Office
23 201 North Civic Drive, Suite 210
Walnut Creek, California 94596

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28 ⁵ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking resolution of the controversy.

CRDCC - JUDG - 4-14

1 Gary Lane
2 U S WEST COMMUNICATIONS, INC.
3 5090 North 40th Street, Room 425
4 Phoenix, Arizona 85018

5 By: 
6 Debbi Person
7 Secretary to Jerry L. Rudibaugh
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