

ORIGINAL

NEW APPLICATION



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BEFORE THE ARIZONA CORPORATION COMMISSION

GARY PIERCE
Chairman

2012 NOV 30 P 3:36

BOB STUMP
Commissioner

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

SANDRA D. KENNEDY
Commissioner

NOV 30 2012

PAUL NEWMAN
Commissioner

DOCKETED BY	nr
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BRENDA BURNS
Commissioner

**IN THE MATTER OF THE JOINT
APPLICATION OF QWEST CORPORATION
D/B/A CENTURYLINK QC, QWEST
COMMUNICATIONS COMPANY, LLC D/B/A
CENTURYLINK QCC, QWEST LD CORP.
D/B/A CENTURYLINK LD, AND EMBARQ
COMMUNICATIONS, INC. D/B/A
CENTURYLINK COMMUNICATIONS, FOR
A WAIVER FROM COMMISSION RULE
A.A.C. R14-2-1115.C.3**

T-01051B-12-0481
T-02811B-12-0481
T-04190A-12-0481
T-20443A-12-0481

JOINT APPLICATION

Qwest Corporation d/b/a CenturyLink QC, Qwest Communications Company, LLC d/b/a CenturyLink QCC, Qwest LD Corp. d/b/a CenturyLink LD, and Embarq Communications, Inc. d/b/a CenturyLink Communications, (individually referred to herein as an "Applicant," and referred to herein collectively as the "Joint Applicants" or the "CenturyLink Companies") pursuant to A.A.C. R14-2-1115.I, request a waiver from the requirement of Commission Rule A.A.C. R14-2-1115.C.3 (the "Contract Filing Rule" or the "Rule"), subject to the condition that each Applicant will be required to provide Individual Case Basis ("ICB") contracts to the Commission Staff at any time upon request. In support of their Application, the CenturyLink Companies state as follows:

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1. A.A.C. R14-2-1115.C.3 is an administrative requirement that states:

Contracts of telecommunications companies governed by this [Competitive Telecommunications Services] Article shall be filed with the Commission not later than five business days after execution. If the contract includes both competitive and noncompetitive services, it must be filed a least five business days prior to the effective date of the contract and must separately state the tariffed rate for the noncompetitive services and the price for the competitive services.

This waiver request asks for relief only from Subsection C.3, the Contract Filing Rule. The CenturyLink Companies do not seek relief from the duty to file tariffs for competitive services.

2. The CenturyLink Companies provide or hold certificates of convenience and necessity to provide local exchange and interexchange telecommunications services both facilities-based and resold. All of the services provided by the CenturyLink Companies are classified as competitive or competitive subject to conditions under A.A.C. R14-2-1108.¹

Accordingly, the CenturyLink Companies are subject to the administrative requirement of the Rule to file contracts it enters for providing competitive services.

3. Cox Arizona Telcom, L.L.C. ("Cox") filed an Application for an exemption from the Contract Filing Rule (the "Cox Application").² The Commission Staff summarized the Cox Application as follows:

- (i) Confusion exists regarding the requirement to file Individual Case Basis agreements ("ICBs"),
- (ii) Numerous Basic Services Arrangements, Commercial Service Agreements, ICBs

¹ Opinion and Order, Decision No. 73354, *In the Matter of the Application of Qwest Corporation d/b/a CenturyLink-QC to Classify and Regulate Retail Local Exchange Telecommunications Services as Competitive, and to Classify and Deregulate Certain Services As Non-Essential*, Arizona Corporation Commission Docket No. T-01051B-11-0378, August 21, 2012.

² *In the Matter of the Application of Cox Arizona Telcom, LLC for an Exemption from Commission Rule A.A.C. R14-2-1115.C.3*, Arizona Corporation Commission Docket No. T-03471A-11-0256.

1 and other contracts may have to be filed pursuant to the Rule, depending on the
Commission's interpretation of "contract,"

- 2 (iii) The administrative time and cost of filing and serving confidential
3 contracts by Staff and Cox are burdensome,
- 4 (iv) To date, no carrier has raised a dispute regarding ICBs,
- 5 (v) The Rule has created little direct public benefit in regards to ICBs, and
- 6 (vi) The Commission has the authority to ask for any contract if issues are
7 brought to the Commission's attention regardless of whether any contracts
have been filed pursuant to the Rule.

8 4. As competitive telecommunications services providers, the CenturyLink
9 Companies provide telecommunications services and enter into contracts very much like Cox
10 does, and experience the same problems and issues regarding compliance with the Contract
11 Filing Rule that Cox expressed in its application for an exemption from the Rule. The
12 CenturyLink Companies adopt and incorporate herein the reasons stated in paragraph 3 above in
13 support of their request for a waiver from the Rule.

14 5. The Commission Staff analysis of Cox's application concluded:

15 Staff recognizes that the telecommunications industry has evolved
16 significantly since these rules were adopted. The need no longer exists today, in
17 Staff's opinion, to require carriers to file these contracts within 5 days of their
execution.

18 Therefore, while Staff does not recommend that Cox be exempted from
19 the rules requirement altogether, Staff does believe that a waiver of filing
requirement is appropriate, subject to the condition that Cox be required to
20 provide its ICB contracts to Staff, at any time, upon request.

21 The Commission adopted the Staff's recommendation, granting Cox a waiver of the Commercial
22 Filing Rule (Decision No. 73579).³

23 _____
24 ³ Opinion and Order, Decision No. 73579, November 21, 2012.

1 6. By this Application, the CenturyLink Companies specifically agree that the
2 waiver, if granted, will be subject to the condition that each Applicant be required to provide its
3 ICB contacts to Staff at any time upon request, with the understanding that ICB contracts
4 provided to the Staff shall not be open to public inspection or made public except on order of the
5 Commission, or by the Commission or a Commissioner in the course of a hearing or proceeding.
6 The non-public nature of such submissions is provided for in A.A.C. R14-2-1115.C.4, and it is
7 reasonable and appropriate to assure that such treatment is accorded to ICBs provided to the
8 Staff pursuant to the waiver.

9 7. The same reasons that form the basis for the waiver granted by the Commission in
10 its Decision No. 73579 apply to this request on behalf of the CenturyLink Companies. No facts
11 or circumstances distinguish this Application from Cox's Application in a way that should result
12 in a different outcome. As noted, this waiver request is conditioned and mirrors the waiver
13 granted to Cox.

14 For the reasons stated above, the granting of a waiver of Rule 14-2-1115.C.3 is
15 appropriate and in the public interest. Therefore, the CenturyLink Companies request that the
16 Commission grant this Application for a waiver under Rule 1115.1 from Rule 1115.C.3, with the
17 condition stated above.

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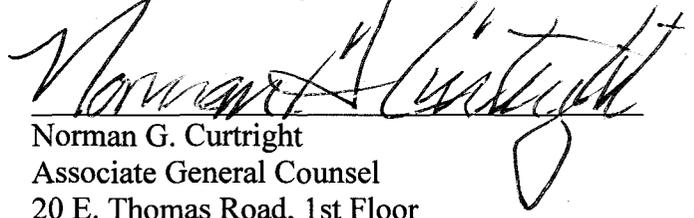
RESPECTFULLY SUBMITTED, this 30th day of November, 2012.

QWEST CORPORATION d/b/a
CENTURYLINK QC

QWEST COMMUNICATIONS COMPANY, LLC
D/B/A CENTURYLINK QCC

QWEST LD CORP. D/B/A CENTURYLINK LD

EMBARQ COMMUNICATIONS, INC D/B/A
CENTURYLINK COMMUNICATIONS



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ORIGINAL and thirteen (13) copies filed
this 30th day of November, 2012, with:

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Copy of the foregoing hand delivered
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