

ORIGINAL

NEW APPLICATION



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BEFORE THE ARIZONA CORPORATION COMMISSION

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Bob Stump,
Chairman
Gary Pierce,
Commissioner
Brenda Burns,
Commissioner
Susan Bitter Smith,
Commissioner
Bob Burns,
Commissioner

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ARIZONA CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

NOV 19 2013

DOCKETED BY	<i>JK</i>
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IN THE MATTER OF THE JOINT)
APPLICATION OF MCI COMMUNICATIONS)
SERVICES, INC. D/B/A VERIZON BUSINESS)
SERVICES AND MCI metro ACCESS)
TRANSMISSION SERVICES, LLC D/B/A)
VERIZON ACCESS TRANSMISSION)
SERVICES FOR A WAIVER FROM)
COMMISSION RULE A.A.C. R14-2-1115.C.3)

DOCKET NOS. T-03394A-13-0398
T-03574A-13-0398

JOINT APPLICATION FOR WAIVER

Through this filing, MCI Communications Services, Inc. d/b/a Verizon Business Services and MCI metro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services, pursuant to A.A.C. R14-2-1115.I, request a waiver from the contract filing requirement of Commission Rule A.A.C. R14-2-1115.C.3 (the "Rule"), subject to the condition that each Applicant be required to provide Individual Case Basis ("ICB") contracts to the Commission Staff upon request.

Applicants hold certificates of convenience and necessity to provide competitive local exchange and interexchange services within the State of Arizona. As a result, as competitive providers, Applicants are subject to the administrative requirement of the Rule to file contracts it enters for providing competitive services.

In Applications filed by Cox Arizona Telcom, L.L.C. and CenturyLink for a waiver from the Rule, the issues with the Rule were summarized as follows:

**LEWIS ROCA
ROTHGERBER**

- 1 (i) Confusion exists regarding the requirement to file Individual Case Basis
2 agreements ("ICBs"),
3 (ii) Numerous Basic Services Arrangements, Commercial Service
4 Agreements, ICBs and other contracts may have to be filed pursuant to the
5 Rule, depending on the Commission's interpretation of "contract,"
6 (iii) The administrative time and cost of filing and serving confidential
7 contracts by Staff and [the companies] are burdensome,
8 (iv) To date, no carrier has raised a dispute regarding ICBs,
9 (v) The Rule has created little direct public benefit in regards to ICBs, and
10 (vi) The Commission has the authority to ask for any contract if issues are
11 brought to the Commission's attention regardless of whether any contracts
12 have been filed pursuant to the Rule.¹

11 As competitive providers, Applicants experience the same issues regarding compliance with the
12 Rule that Cox and CenturyLink explained (and the Commission cited) in their applications for
13 a waiver from the Rule and as described above.

14 In its analysis of CenturyLink's application, the Commission concluded:

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

19 Therefore, while Staff does not recommend that the CenturyLink
20 Companies be exempt from the filing requirement of A.A.C. R14-2-
21 1115.C.3 altogether, Staff does believe that a conditional waiver of
22 the ICBs filing requirement is appropriate. The waiver should be
23 subject to the condition that the CenturyLink Companies be required
24 to provide ICB contracts to Staff, at any time, upon request.²

21 In both the Cox matter and the CenturyLink matter, the Commission adopted the Staff's
22 recommendation, granting both Cox and CenturyLink a waiver of the Rule. The same reasons that
23 form the basis for the waivers granted by the Commission in its Decision No. 73579 and 73648
24 apply to this request on behalf of the Applicants.

25
26 ¹ See Decision No. 73579 at 3; Decision No. 73648 at 3.

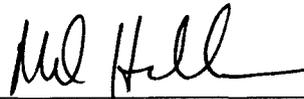
² See Decision No. 73648 at 4.

1 Through this Application, the Applicants agree that the waiver, if granted, will be subject
2 to the condition that each Applicant be required to provide its ICB contacts to Staff at any time
3 upon request, provided that ICB contracts provided to the Staff shall not be open to public
4 inspection or made public except on order of the Commission, or by the Commission or a
5 Commissioner in the course of a hearing or proceeding, as required by A.A.C. R14-2-1115.C.4.

6 For the reasons stated above, the granting of a waiver of Rule 14-2-1115.C.3 is
7 appropriate and in the public interest. Therefore, Applicants respectfully request that the Commission
8 grant this Application for a waiver pursuant to A.A.C. R14-2-1115.I., with the condition stated above.

9 RESPECTFULLY SUBMITTED this 19th day of November, 2013.

10
11 Lewis Roca Rothgerber LLP

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13 

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22 Attorneys for the Applicants

23 Original and thirteen (13) copies
24 of the foregoing filed this 19th day
25 of November, 2013, with:

26 The Arizona Corporation Commission
Docket Control
1200 W. Washington Street
Phoenix, Arizona 85007

Copy of the foregoing
hand-delivered this 19th day
of November, 2013, to:

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Jayne Williams