

OPEN MEETING



0000165901

ORIGINAL

MEMORANDUM

RECEIVED

Arizona Corporation Commission

TO: THE COMMISSION

DOCKETED

2015 AUG 25 A 8:39

FROM: Utilities Division

AUG 25 2015

AZ CORP COMMISSION
DOCKET CONTROL

DATE: August 25, 2015

DOCKETED BY 

RE: IN THE MATTER OF THE APPLICATION OF DIECA COMMUNICATIONS DBA COVAD COMMUNICATIONS COMPANY, ESCHELON TELECOM OF ARIZONA, INC., MCLEODUSA TELECOMMUNICATIONS SERVICES, INC., MOUNTAIN TELECOMMUNICATIONS, INC., XO COMMUNICATIONS SERVICES, INC. AND QWEST CORPORATION REQUEST FOR COMMISSION PROCESS TO ADDRESS KEY UNE ISSUES ARISING FROM TRIENNIAL REVIEW REMAND ORDER, INCLUDING APPROVAL OF QWEST WIRE CENTER LISTS (DOCKET NOS. T-03632A-06-0091, T-03406A-06-0091, T-03267A-06-0091, T-03432A-06-0091, T-04302A-06-0091 AND T-01051B-06-0091)

On June 24, 2015, Qwest Corporation dba CenturyLink QC ("CenturyLink") filed a request that the Arizona Corporation Commission ("Commission") approve CenturyLink's 2015 addition to its non-impaired wire center list in accordance with the Federal Communications Commission's ("FCC") *Triennial Review Remand Order* ("TRRO").¹ In the TRRO, the FCC determined that Competitive Local Exchange Carriers ("CLECs") were no longer impaired without unbundled network switching. The FCC also established certain criteria for determining whether CLECs were impaired without access to other Unbundled Network Elements ("UNEs"). When wire centers are designated as non-impaired for certain services, CLECs are no longer able to access those UNEs at Total Element Long Run Incremental Cost ("TELRIC") prices, and the CLECs must transition to facilities of their own, to alternative services from another provider, or from Incumbent Local Exchange Carriers ("ILECs") at tariff prices.

According to the process established by the Commission in Decision No. 72178 for future wire center classification filings, CenturyLink is to confer with Staff to develop the mailing list of affected Arizona carriers, as well as a form of notice that CenturyLink can serve on all affected Arizona carriers at, or before, the time that it files a wire center additions request. The notice, to be approved by Staff, is to provide the carriers with information about the proposed designations, provide information about how to obtain the information supporting CenturyLink's proposed designations, to provide at least 30 days for interested carriers to review the information and to file any objections to CenturyLink's proposed designations.

¹ Order on Remand, *In the Matter of Review of Unbundled Access to Network Elements, Review of Section 251 [Unbundling Obligations of Incumbent Local Exchange Carriers]*, CC Docket No. 01-338, WC Docket No. 04-3 13 (FCC rel. 7 February 4, 2005) (hereafter "Triennial Review Remand Order" or "TRRO").

THE COMMISSION

August 25, 2015

Page 2

CenturyLink is to file certification of mailing the notice as soon as practical. If the matter is uncontested, Staff may prepare an Order for the Commission's consideration, or forward the matter to the Hearing Division for the preparation of an Order. Staff is to file a Staff Report and recommendations if it forwards the matter to the Hearing Division. If any carrier, intervenor or Staff objects to CenturyLink's proposed designations, the Hearing Division is to establish procedures for resolving the dispute. In addition, any party may request a Procedural Conference before an Administrative Law Judge to discuss the process or substantive issues raised by the Application at any time.

Pursuant to this established process, CenturyLink conferred with Staff to develop a mailing list of affected Arizona Carriers, Staff approved CenturyLink's proposed form of notice. The notice contains the required information and provided at least 30 days for interested carriers to review the information and to file any objections to CenturyLink's proposed designations.

Eschelon Telecom of Arizona, Inc., Mountain Telecommunications, Inc., and Electric Lightwave, LLC, all doing business as Integra Telecom (collectively referred to as "Integra") provided comments on CenturyLink's Application on July 24, 2015. In its comments Integra stated it received from CenturyLink on June 30, 2015, the highly confidential information CenturyLink had filed in support of its application. Integra further stated that it had begun a data verification process but as of the date of its comments, it had been unable to complete its examination. Therefore, Integra objected to CenturyLink's wire center reclassification request and requested two additional weeks to complete its verification of the confidential data. On August 14, 2015, Integra filed additional comments indicating it had completed its verification process, was withdrawing its objection to the reclassification request and did not oppose reclassifying Phoenix Cactus ("PHNXAZCA") wire center from a Tier 2 wire center to a Tier 1 wire center.

This matter is uncontested. Therefore, Staff recommends approval of CenturyLink's 2015 addition of the PHNXAZCA Wire Center to its non-impaired wire center list, effective upon the Commission's order.



Thomas M. Broderick
Director
Utilities Division

TMB:MAC:red\MAS

ORIGINATOR: Matt Connolly

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

BEFORE THE ARIZONA CORPORATION COMMISSION

SUSAN BITTER SMITH
Chairman
BOB STUMP
Commissioner
BOB BURNS
Commissioner
DOUG LITTLE
Commissioner
TOM FORESE
Commissioner

IN THE MATTER OF THE APPLICATION
OF DIECA COMMUNICATIONS DBA
COVAD COMMUNICATIONS COMPANY,
ESCHELON TELECOM OF ARIZONA,
INC., MCLEODUSA
TELECOMMUNICATIONS SERVICES,
INC., MOUNTAIN
TELECOMMUNICATIONS, INC., XO
COMMUNICATIONS SERVICES, INC.
AND QWEST CORPORATION REQUEST
FOR COMMISSION PROCESS TO
ADDRESS KEY UNE ISSUES ARISING
FROM TRIENNIAL REVIEW REMAND
ORDER, INCLUDING APPROVAL OF
QWEST WIRE CENTER LISTS.

DOCKET NO. T-03632A-06-0091
T-03406A-06-0091
T-03267A-06-0091
T-03432A-06-0091
T-04302A-06-0091
T-01051B-06-0091

DECISION NO. _____

ORDER

Open Meeting
September 8 and 9, 2015
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On June 24, 2015, Qwest Corporation dba CenturyLink QC ("CenturyLink") filed a request that the Arizona Corporation Commission ("Commission") approve CenturyLink's 2015 addition to its non-impaired wire center list in accordance with the FCC's *Triennial Review Remand Order* ("TRRO").¹ In the TRRO, the FCC determined that Competitive Local Exchange Carriers ("CLECs")

¹ Order on Remand, *In the Matter of Review of Unbundled Access to Network Elements, Review of Section 251 [Unbundling Obligations of Incumbent Local Exchange Carriers]*, CC Docket No. 01-338, WC Docket No. 04-3 13 (FCC rel. 7ebruary 4,2005) (hereafter "Triennial Review Remand Order" or "TRRO").

1 were no longer impaired without unbundled network switching. The FCC also established certain
2 criteria for determining whether CLECs were impaired without access to other UNEs. When wire
3 centers are designated as non-impaired for certain services, CLECs are no longer able to access those
4 Unbundled Network Elements (“UNEs”) at Total Element Long Run Incremental Cost (“TELRIC”)
5 prices, and the CLECs must transition to facilities of their own, to alternative services from another
6 provider, or from ILECs at tariff prices.

7 2. According to the process established by the Commission in Decision No. 72178 for
8 future wire center classification filings, CenturyLink is to confer with Staff to develop the mailing list
9 of affected Arizona carriers, as well as a form of notice that CenturyLink can serve on all affected
10 Arizona carriers at, or before, the time that it files a wire center additions request. The notice, to be
11 approved by Staff, is to provide the carriers with information about the proposed designations, is to
12 provide information about how to obtain the information supporting CenturyLink’s proposed
13 designations, to provide at least 30 days for interested carriers to review the information and to file
14 any objections to CenturyLink’s proposed designations.

15 3. CenturyLink is to file certification of mailing the notice as soon as practical. If the
16 matter is uncontested, Staff may prepare an Order for the Commission’s consideration, or forward the
17 matter to the Hearing Division for the preparation of an Order. Staff is to file a Staff Report and
18 recommendations if it forwards the matter to the Hearing Division. If any carrier, intervenor or Staff
19 objects to CenturyLink’s proposed designations, the Hearing Division is to establish procedures for
20 resolving the dispute. In addition, any party may request a Procedural Conference before an
21 Administrative Law Judge to discuss the process or substantive issues raised by the Application at any
22 time.

23 4. Pursuant to this established process, CenturyLink conferred with Staff to develop a
24 mailing list of affected Arizona Carriers, Staff approved CenturyLink’s proposed form of notice. The
25 notice contains the required information and provided at least 30 days for interested carriers to review
26 the information and to file any objections to CenturyLink’s proposed designations.

27 5. Eschelon Telecom of Arizona, Inc., Mountain Telecommunications, Inc., and Electric
28 Lightwave, LLC, all doing business as Integra Telecom (collectively referred to as “Integra”) provided

1 comments to CenturyLink's Application on July 24, 2015. In its comments Integra stated it received
2 from CenturyLink on June 30, 2015, the highly confidential information CenturyLink had filed in
3 support of its application. Integra further stated that it had begun a data verification process but as of
4 the date of its comments, it had been unable to complete its examination. Therefore, Integra objected
5 to CenturyLink's wire center reclassification request and requested two additional weeks to complete
6 its verification of the confidential data. On August 14, 2015, Integra filed additional comments
7 indicating it had completed its verification process, was withdrawing its objection to the
8 reclassification request and did not oppose reclassifying Phoenix Cactus (PHNXAZCA) wire center
9 from a Tier 2 wire center to a Tier 1 wire center.

10 6. This matter is uncontested. Therefore, Staff has recommended approval of
11 CenturyLink's 2015 addition to its non-impaired wire center list.

12 CONCLUSIONS OF LAW

13 1. CenturyLink is an Arizona public service corporation within the meaning of Article
14 XV, Section 2 of the Arizona Constitution.

15 2. The Commission has jurisdiction over CenturyLink and over the subject matter of this
16 application.

17 3. The Commission having reviewed the Application and Staff's Memorandum dated
18 August 25, 2015, concludes that approval of CenturyLink's 2015 addition to its non-impaired wire
19 center list is reasonable, fair and equitable and therefore in the public interest.

20 ...
21 ...
22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

ORDER

IT IS THEREFORE ORDERED that the following wire center shall be added to the list of non-impaired wire centers:

Wire Center	CLLI	Tier	Non-Impairment for
Phoenix Cactus	PHNXAZCA	Tier 1	DS1, DS3, Transport & DF

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2015.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

TMB:MAC:red\MAS

1 SERVICE LIST FOR: DIECA COMMUNICATIONS DBA COVAD COMMUNICATIONS
COMPANY, ET AL.

2 DOCKET NOS. T-03632A-06-0091 et al.

3
4 Mr. Norman G. Curtright
Associate General Counsel
20 East Thomas Road, 1st Floor
5 Phoenix, Arizona 85012

Ms Rochelle Jones
tw telecom of arizona llc
10475 Park Meadows Drive
Littleton, Colorado 80124

6 Ms. Cindy Hardy
7 AT&T Communications of the Mountain
States, Inc.
8 One AT&T Way, Rm 2B115E
9 Bedminster, New Jersey 07921

Mr. Rex Knowles
XO Communications, Inc.
7050 Union Park Avenue, Suite 400
Midvale, Utah 84047

10 Ms Kim Isaacs
Integra Telecom
11 6160 Golden Hills Drive
Golden Valley, Minnesota 55416

Mr. Douglas Denney
Integra Telecom
1201 NE Lloyd Boulevard, Suite 500
Portland, Oregon 97232

12 Ms. William Haas
13 One Martha's Way
14 Hiawatha, Iowa 52233

MCImetro Access Transmission
Services, LLC
201 Spear Street, 9th Floor
San Francisco, California 94105

15 Mr. Mark Dinunzio
Cox Arizona Telcom, L.L.C.
16 1500 West Deer Valley Road
Phoenix, Arizona 85027

Mr. Michael W. Patten
SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren Street
Phoenix, Arizona 85004-2202

17 Ms. Stephanie D. Marsh
18 McLeod USA Telecommunications Services,
19 LLC
4001 Rodney Parham Road
20 Little Rock, Arkansas 72212

WiTel Communications, LLC
712 North Main Street
Coudersport, Pennsylvania 16915

21 Ms. Katherine Mudge
MegaPath Corporation
22 1835-B Kramer Lane., Suite 100
23 Austin, Texas 78758

Mr. Tim Gentry
Zayo Group, LLC
400 Centennial Parkway
Louisville, Colorado 80027

24 Mr. Brad VanLeur
Orbitcom, Inc.
25 1701 North Louise Avenue
26 Sioux Falls, South Dakota 57107

Mr. Greg Diamond
Covad Communications Company
7901 East Lowry Boulevard
Denver, Colorado 80230

- 1 Mr. Michel Singer-Nelson
360networks (USA), Inc.
- 2 867 Coal Creek Circle, Suite 160
- 3 Louisville, Colorado 80027

- 4 Mr. Mike Hazel
Mountain Telecommunications
- 5 1430 West Broadway, Suite 206
- 6 Tempe, Arizona 85282

- 7 Mr. Gary Joseph
4633 West Polk Street
- 8 Phoenix, Arizona 85043

- 9 Mr. Thomas Bade
6115 South Kyrene Road, Suite103
- 10 Tempe, Arizona 85283

- 11 Mr. Thomas M. Broderick
Director, Utilities Division
- 12 Arizona Corporation Commission
- 13 1200 West Washington Street
- 14 Phoenix, Arizona 85007

- 15 Ms. Janice M. Alward
Chief Counsel, Legal Division
- 16 Arizona Corporation Commission
- 17 1200 West Washington Street
- 18 Phoenix, Arizona 85007

- 19 Mr. Dwight Nodes
Chief Administrative Law Judge, Hearing
- 20 Division
- 21 Arizona Corporation Commission
- 22 1200 West Washington Street
- 23 Phoenix, Arizona 85007

- 24
- 25
- 26
- 27
- 28