BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS
MARC SPITZER, CHAIRMAN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

IN THE MATTER OF THE INVESTIGATION OF
THE COST OF TELECOMMUNICATIONS
ACCESS

Docket No. T-00000D-00-0672

COX ARIZONA TELCOM’S
COMMENTS ON PROCEDURAL ISSUES

Cox Arizona Telcom, LLC ("Cox") submits the following comments in response to the request of Judge Nodes at the October 14, 2003 procedural conference in this docket. Although several issues were raised at the procedural conference, Cox is confining its comments to the bifurcation issue. In sum, Cox believes that the proceedings should be bifurcated so that Qwest’s access charges are addressed in the first phase of the proceeding and access charges of other ILECs are considered in the second phase. CLEC access charges should not be addressed in the first two phases; rather, they could be considered at a later date, either in a third phase of this docket or in a separate docket.

First, in light of the Commission’s directive in the 271 Proceeding to prompt
ly address Qwest’s access charges, only Qwest’s charges should be considered in the first phase of this docket. Attempting to address the access charges of other ILECs or CLECs in this phase would unnecessarily complicate the docket and slow the resolution of appropriate Qwest’s charges. Although there may be some generic overarching policy issues that arise in the first phase, Cox submits that those issues can be considered without having to address the specific charges for numerous ILECs and CLECs with potentially significantly different circumstances. Moreover, as has already been acknowledged, determining proper access charges for independent telecommunication companies raises many issues that are not relevant to Qwest or most CLECs. Conducting a Qwest-only phase first will result in a less complicated proceeding with a more timely resolution.
Second, Cox submits that CLEC access charges should not be addressed in the second phase of this docket regarding other ILEC charges. To begin with, as Staff noted at the procedural conference, this docket was not intended to address CLEC access charges. Depending on the ultimate resolution of the necessary procedures to actually modify access charges (e.g., fair value findings), there may be substantial notice and due process issues if CLEC access charges are going to be considered and (potentially) altered. At this point, it certainly is not clear that all potentially-affected CLECs are parties to this docket. Moreover, addressing CLEC access charges along with other ILEC charges will be unnecessarily complicated and confusing given that there are substantially different issues and circumstances between those two groups. Again, combining such potentially disparate proceedings may result in complicated and drawn-out proceedings. Further, even among CLECs there are substantially different circumstances – depending on their business models, type of service and a variety of other factors – that would counsel against lumping CLECs in with the ILECs. A CLEC-only proceeding would be complicated enough without having to include issues related to rural service areas with a single provider. To the extent that Staff believes CLEC access charges need to be addressed, Cox urges the Commission to consider those charges in a third phase of this docket or in a separate docket filed after the conclusion of this docket.


COX ARIZONA TELCOM, LLC

By

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