BEFORE THE ARIZONA CORPORATION COMMISSION

CARL J. KUNASEK
CHAIRMAN

JIM IRVIN
COMMISSIONER

WILLIAM A. MUNDELL
COMMISSIONER

IN THE MATTER OF INVESTIGATION
INTO U S WEST COMMUNICATION,
INC.'S COMPLIANCE WITH CERTAIN
WHOLESALE PRICING REQUIREMENTS
FOR UNBUNDLED NETWORK ELEMENTS
AND RESALE DISCOUNTS.

DOCKET NO: T-00000A-00-0194

MOTION OF COMMISSION STAFF FOR CLARIFICATION OF
PROCEDURAL ORDER AND FOR EXTENSION OF THE DEADLINE FOR
FILING TESTIMONY

On August 21, 2000, the Commission adopted a Procedural Order which established
the schedule for Phase II of this proceeding. The Commission ordered that Phase II shall be a
consolidated arbitration “regarding rates for unbundled network elements and interconnection,
including the high frequency portion of the loop and the unbundling of network elements in the UNE
Remand Order, inter-carrier reciprocal compensation structure, wholesale discount rates, and
permanent geographically deaveraged UNE and other wholesale rates.” Order at p. 6. The
Commission further ordered that Phase II shall address the “cost and non-cost provisions contained
in Qwest’s revised SGAT for compliance with the 1996 Act, recurring and non-recurring charges
for purchasing combined network elements, charges for obtaining separate network elements and
for combining them, and line sharing and its associated issues.” Id.

While Staff believes that the Commission intended to include a review of the present
unbundled network element rates for compliance with the reinstated FCC pricing rules, this is
unclear. Therefore, Staff requests clarification of the Procedural Order as to whether or not the
Commission intended this to be an issue in Phase II of this case.

At the time the Commission adopted the UNE rates, the FCC pricing rules had been vacated by the
Eighth Circuit Court of Appeals. See Iowa Utilities Board v. FCC, 120 F.3d 753 (8th Cir. 1997). The pricing rules were
subsequently reinstated by United States Supreme Court. See AT&T Corp. v. Iowa Utilities Board, 119 S. Ct. 721
(1999). While Section 51.505(b)(1) was subsequently vacated by the Eighth Circuit on other grounds, the Eighth Circuit
has granted a stay of the ruling until a Supreme Court decision on the pending writs of certiorari. See Iowa Utilities
Board v. FCC, 219 F.3d 744 (8th Cir. July 18, 2000); Iowa Utilities Board v. FCC, No. 96-3321, et al., Order at 1 (8th
Cir. Sept. 22, 2000).
Finally, as part of its Order, the Commission directed parties other than Qwest to file direct testimony by 4:00 p.m. on or before December 11, 2000. While clarification of the above issue may result in the need for additional testimony by Qwest, and hence the need to modify the current procedural schedule; notwithstanding Staff requests an extension of the deadline for filing direct testimony. As part of its request, Staff requests the ability to file testimony after the date established for other intervenors in this proceeding so that Staff may consider, in its testimony, the various proposals put forward by all parties in this case.

WHEREFORE, the Commission Staff respectfully requests clarification of the August 21, 2000 Procedural Order as discussed above and an extension of the date for filing direct testimony.

RESPECTFULLY SUBMITTED this 21st day of November, 2000.

Maureen A. Scott, Attorney
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
Telephone: 602/542-6022
Facsimile: 602/542-4870
e-mail: maureenscott@cc.state.az.us
The ORIGINAL and ten (10) copies of the foregoing were filed this 21st day of November, 2000 with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

COPIES of the foregoing were mailed this 21st day of November, 2000 to:

Richard S. Wolters
AT&T Communications of the Mountain States, Inc.
1875 Lawrence Street, Room 1575
Denver, CO 80202-1847

Jeffrey W. Crockett
Jeffrey B. Guldner
Snell & Wilmer L. L. P.
One Arizona Center
Phoenix, AZ 85004-2202

Mary E. Steele
Davis-Wright-Tremaine
2600 Century Square
1505 – 4th Avenue
Seattle, WA 98101-1688

Steve Sager
McLeodUSA
215 S. State Street, 10th Floor
Salt Lake City, Utah 84111

Joan Burke
Osborn Macedon, P.A.
2929 N. Central Avenue, 21st Floor
Phoenix AZ 85067-6379

Rex Knowles
Nextlink Communications
111 East Broadway, Suite 1000
Salt Lake City, Utah 84111

Gregory Kopta
Davis Wright Tremaine
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688

Michael Grant
Todd C. Wiley
GALLAGHER & KENNEDY
2575 E. Camelback Road
Phoenix, AZ 85016-9225

Drake Tempest
Qwest Communications
555 Seventeenth Street
Denver, CO 80202

Thomas H. Campbell
LEWIS & ROCA
40 N. Central Avenue
Phoenix, AZ 85007

Tom Dethlefs
QWEST COMMUNICATIONS, INC.
1801 California Street, Suite 5100
Denver, CO 80202

Thomas F. Dixon, Jr.
MCI WORLDCOM
707 17th Street
Denver, CO 80202

Timothy Berg
Fennemore Craig, P.C.
3003 North Central Avenue, Suite 2600
Phoenix, AZ 85012

Darren S. Weingard
Stephen H. Kukta
SPRINT COMMUNICATIONS CO.
1850 Gateway Drive, 7th Floor
San Mateo, CA 94404-2467

Michael W. Patten
BROWN & BAIN
P.O. Box 400
Phoenix, AZ 85001-0400

Scott S. Wakefield
RUCO
2828 N. Central Avenue, Suite 1200
Phoenix, AZ 85004
Timothy Peters  
ELECTRIC LIGHTWAVE, INC.  
4400 NE 77th Avenue  
Vancouver, WA 98668

Kath Thomas  
Advanced Telecom Group, Inc.  
100 Stoney Point Road, Suite 130  
Santa Rosa, CA 95401

Douglas Hsiao  
RHYTHMS LINKS, INC.  
6933 S. Revere Pkwy.  
Englewood, CO 80112

Ms. Penny Bewick  
NEW EDGE NETWORKS  
P.O. Box 5159  
3000 Columbia House Blvd.  
Vancouver, WA 98668

Elizabeth Howland, National Director  
Regulatory and Interconnection  
ALLEGIANC TELECOM OF ARIZONA, INC.  
1950 Stemmons Freeway, Suite 3026  
Dallas, TX 75207-3118

Clay Deanhardt, Esq.  
COVAD COMMUNICATIONS  
4250 Burton Street  
Santa Clara, CA 95054

Robert S. Tanner  
DAVIS, WRIGHT TREMAINE L.L.P.  
17203 N. 42nd Street  
Phoenix, AZ 85032  
Attorneys for Nextlink, Inc., & ATG, Inc.

Marti Allbright, Esq.  
Mpower Communications Corp.  
5711 South Benton Circle  
Littleton, Colorado 80123

Dennis D. Ahlers, Sr. Attorney  
Eschelon Telecom, Inc.  
730 Second Ave. South, Ste 1200  
Minneapolis, MN 55402

Janet Livengood, Reg. VP  
Z-Tel  
Tampa, FL 33602

Michael B. Hazzard  
Kelley Drye & Warren LLP  
1200 – 19th St., NW 5th Fl.  
WA DC 20036

Ray Heyman  
Roshka-Heyman & DeWulf  
400 N. Fifth St., Suite 1000  
Phoenix, AZ 85004  
Attorneys for Alltel Communications

Monica A. Martinez  
Assistant to Maureen A. Scott