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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MARC SPITZER, Chairman
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KRISTIN K. MAYES

Arizona Corporation Commission
DOCKETED
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AZ CORP COMMISSION
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IN THE MATTER OF ILEC UNBUNDLING OBLIGATIONS AS A RESULT OF THE FEDERAL TRIENNIAL REVIEW ORDER.

DOCKET NO. T-00000A-03-0369

PROCEDURAL ORDER

BY THE COMMISSION:

On February 12, 2004, Qwest Corporation ("Qwest") filed a letter in the docket requesting a procedural conference be scheduled to discuss "whether this docket and all discovery should be temporarily suspended for approximately two months (until April 12, 2004). This interval would allow time for the Commission to take into consideration any decision issued during that time by the D. C. Circuit Court in the appeal of the TRO. . . . Qwest further commits that if the Commission were to suspend the docket, it would not claim a 'failure to act' under paragraph 527 of the TRO" ("Qwest Motion to Suspend" or "Motion").

A procedural conference was held to discuss Qwest's Motion on February 17, 2004. Parties appearing and participating included Qwest; AT&T Communications of the Mountain States, Inc. and TCG Phoenix ("AT&T"); WorldCom, Inc. ("WorldCom"); DIECA Communications, Inc., dba Covad Communications Company ("Covad"); McCleod, Global Crossing, and Eschelon; Cox and Z-Tel; the Federal Department of Defense; the Residential Utility Consumer Office ("RUCO"); and the Commission's Utilities Division Staff ("Staff").

AT&T, WorldCom, Covad, Global Crossing, McCleod, Eschelon, Cox, Z-Tel, and the Department of Defense were neutral on the requested suspension, neither objecting nor supporting. AT&T raised several issues, including requesting that the timeframes or intervals between the filing deadlines remain the same once the matter is proceeding again; that flexibility be given on hearing dates, as similar proceedings are being conducted in various states; and that no party take the position later that the completion deadline was not met due to the suspension. Other parties agreed

with the issues raised by ATT and suggested that a future procedural conference be held to discuss scheduling.

RUCO stated it had no objection to the suspension but indicated that the requested 60 days may interfere with other Commission proceedings, thereby potentially causing a conflict with availability of its attorneys.

Staff supported Qwest's Motion to Suspend the procedural schedule, indicating that substantial resources are being expended and that a delay may prevent inefficient use of those resources.

In support of its request, Qwest indicated that similar requests for extensions had been presented to other state commissions. According to the parties, some state commissions have granted stays/suspensions/extensions, while others have not.

During the procedural conference, the parties indicated that testimony was due immediately on the issue of batch hot cut and requested a ruling on its filing. The parties were instructed that testimony would not need to be filed that day, and that a procedural order would be issued promptly on the entire Qwest Motion.

We agree with the proposition that the Commission's and the parties' resources should be expended efficiently and wisely. Given the general agreement that it appears a decision may soon be forthcoming from the Circuit Court of Appeals for the District of Columbia, a short extension of the procedural schedule in this matter is appropriate at this time. Accordingly, we will grant a 30 day extension, and will use the current first day of hearing, March 8, 2004, for another procedural conference to discuss the status of the appeal(s), any further extensions, and the procedural schedule for this matter.

IT IS THEREFORE ORDERED the procedural schedule in this matter is hereby suspended for 30 days.

IT IS FURTHER ORDERED that a procedural conference will be held on **Monday, March 8, 2004 at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Arizona 85007.[1]

[1] The telephone number for parties appearing telephonically is: 602-542-9015.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

IT IS FURTHER ORDERED that the ex parte rule remains in effect.

DATED this 18th day of February, 2004.

DWIGHT D. NODES
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

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