

Decision No. C04-0272

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-111T

IN THE MATTER OF THE REVIEW OF CERTAIN WHOLESALE RATES OF QWEST CORPORATION.

**ORDER OPENING DOCKET AND ESTABLISHING
PROCEDURAL REQUIREMENTS**

Mailed Date: March 17, 2004
Adopted Date: February 25, 2004

I. BY THE COMMISSION

A. Statement

1. On November 30, 1999, U S WEST Communications, Inc., now Qwest Corporation (Qwest), filed its proposed Statement of Generally Available Terms and Conditions (SGAT) pursuant to 47 U.S.C § 252(f). By Decision No. C99-1329, mailed on December 7, 1999, we ordered Qwest to send notice of the filing of the SGAT to all Competitive Local Exchange Carriers (CLECs) in the state. A number of entities intervened as parties to that case. Qwest's SGAT proposed terms and conditions for interconnection, unbundled network elements (UNEs), and resale to be offered by Qwest to CLECs under the Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56. Those proposed terms and conditions concern price and non-price elements.

2. On January 11, 2001, Qwest filed its Motion to Resolve SGAT Issues in its § 271 Proceeding. That motion suggested that non-price terms and conditions in the SGAT be considered and established in Qwest's § 271 proceeding, Docket No. 97I-198T, and that prices (or rates) be considered in Docket No. 99A-577T. By Decision No. C00-968 and Decision

No. C00-420 (in Docket No. 97I-198T), we granted Qwest's motion. Thus, Docket No. 99A-577T concerned only costing and pricing issues related to Qwest's SGAT.

3. The Commission designated Commissioner Raymond L. Gifford to serve as the Hearing Commissioner in Docket No. 99A-577T. Pursuant to that designation, Commissioner Gifford conducted the hearings in this case. Ultimately, the Commission *en banc* issued the initial decision and the decisions on reconsideration.

4. The Commission adopted a phased hearing approach to Docket No. 99A-577T. *See* Decision No. R00-1487-I. Decision Nos. C01-1302, C02-0409, and C02-0636 represented the conclusion of the Phase I portion of those proceedings. The Commission endeavored to decide as many of the pricing elements within the Phase I portion of the case as possible. However, in some instances, the record remained insufficient or the circumstances were such that pricing determinations could not be made at that time.

5. The Commission's prior decisions in this case explicitly noted that certain rates would be interim only; those decisions deferred certain rate and rate-related issues to a Phase II proceeding. For example, the Commission deferred to Phase II the issue of the deaveraging of analog loops and the Commission's goal of meshing the Federal Universal Service Fund and the Colorado High Cost Support Mechanism with the deaveraged loop UNE price. Similarly, interim rates were set for local switching, tandem switching rates, shared transport, and collocation termination rates for DS0, DS1, and DS3 circuits. Our decisions in this docket also stated that rates for services that were approved in Qwest's SGAT and for which no price was established in Decision No. C01-1302 or subsequent reconsideration decisions were to be considered interim and investigated in Phase II. The Commission stated it would set a status

conference to establish the procedural schedule for Phase II at an appropriate time. That status conference would also serve as an opportunity for the parties to catalog elements for which rates need to be set in Phase II.

6. For reasons of procedural efficiency, the Commission now opens this new miscellaneous docket to conduct the Phase II proceeding referenced in Docket No. 99A-577T. In this docket, the Commission will establish new wholesale telephone rates as envisioned in Docket No. 99A-577T.

7. Parties to Docket No. 99A-577T were notified by separate order in that docket that the Commission is opening this docket for the purpose of conducting the Phase II proceeding as contemplated and that any entity wishing to participate as a party in this docket must comply with the procedural requirements discussed here.

8. This docket will be conducted as an on-the-record adjudicative proceeding. Since this docket is a continuation of Docket No. 99A-577T, Qwest is now made a party to this proceeding and will have the burden of proof, including the burden going forward.

9. In this decision, we set dates for: 1) requests for intervention; 2) initial comments listing the elements for which permanent rates are to be set; 3) responses to other parties' initial comments; and 4) a prehearing conference.

II. ORDER

A. The Commission Orders That:

1. This docket is opened for the purposes discussed above.

2. Qwest Corporation is made a party to this proceeding and will have the burden of proof, including the burden of going forward.

3. Interested persons may file requests for intervention within 30 days of the effective date of this Order.

4. Initial comments listing the elements for which rates should be set shall be filed within 45 days of the effective date of this Order.

5. Responses to initial comments shall be filed within 60 days of the effective date of this Order.

6. The Commission shall conduct a prehearing conference to establish a procedural schedule including dates for prefiling of testimony and hearings in this matter as follows:

DATE: May 25, 2004
TIME: 9:00 a.m.
PLACE: Colorado Public Utilities Commission
Hearing Room A
1580 Logan St., OL 2
Denver, Colorado

7. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 25, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners