

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of a Proceeding to )  
address Actions Necessary to )  
Respond to the Federal )  
Communications Commission )  
Triennial Review Order Released )  
August 21, 2003 )

DOCKET NO. 03-999-04  
JOINT PROPOSAL FOR THE  
PROCESS AND FRAMEWORK TO BE  
USED TO ADDRESS THE BATCH  
HOT CUT REQUIREMENTS OF THE  
FCC'S TRIENNIAL REVIEW ORDER

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ISSUED: November 13, 2003

By The Commission:

On October 31, 2003, Qwest Corporation (Qwest), AT&T of the Mountain States, Inc. (AT&T), and WorldCom, Inc., on behalf of its regulated subsidiaries ("MCI") jointly proposed a multi-state process and framework for addressing the batch hot cut requirements of the FCC's Triennial Review Order.

The Commission agrees with the Parties that having a single, uniform batch hot cut procedure for all states within the Qwest region would be an efficient and effective operating environment for both Qwest and CLECs. Further, the Commission agrees that it is appropriate for the industry participants (Qwest and the CLECs), the Division of Public Utilities' Staff, and other interested parties, to the extent possible, to attempt to reach agreement on a batch hot cut procedure prior to submitting that procedure to the Commission for review and approval.

The joint motion suggested a procedural schedule for the Commission's approval and described key characteristics of the proposed multi-state process. Primarily those key characteristics are that:

- Parties will discuss the issues concerning Qwest's proposed batch hot cut procedure.
- Agreements reached by the participants will be documented and will be binding upon the parties who have entered into the agreements.
- Impasse issues remaining at the conclusion of the forum process will also be documented and will be resolved by the Commission in the state specific nine-month Docket.

Due to pressing time constraints imposed by the FCC's Order, which created the need for this Docket and the proposed multi-state process, the Commission is acting quickly to preserve the ability of the Utah Division of Public Utilities Staff to fully participate in the proposed meetings. Therefore, in this order the Commission expresses its tentative agreement with the proposed multi-state process designed to result in a uniform batch hot cut procedure for all Qwest states.

On November 12, 2003 Qwest submitted its proposal for a hot batch cut procedure. The October 31, 2003, filing anticipates that Qwest's proposed batch hot cut procedure, and the CLECs' response to it, will form the starting point for discussions among the parties. According to the October 31, 2003, filing, a face-to-face meeting will take place in Denver, Colorado, starting December 1, 2003, and continuing through December 3, 2003. A conference bridge will be available. According to the proposal, additional meetings may be held in Seattle, Washington, and Phoenix, Arizona (if necessary) during the period between December 4, 2003, and January 15, 2004. All discussions are to be transcribed by a licensed court reporter and will be made a part of the record in this Docket.

The joint proposal indicates that all agreements will be documented as well. The Commission requires that such

documentation include the initial positions taken by the parties, the final resolution, and the rationale for the resolution. This documentation will also be filed as part of the record in this Docket. This level of detail is needed so that the Commission will have an adequate basis to approve or reject the proposed terms.

Other State Commissions have indicated concern about the lack of detail in the joint proposal as originally filed, and we also share that concern. It is apparent, however, that the filing had to be made quickly in order to preserve the option of a Qwest-region-wide process. Therefore, the Commission reserves the right to withdraw from the multi-state process at any time if it judges that the meetings are not producing useful agreements, or that the focus of the meetings fails to address the core issues of developing an economically viable and efficient batch hot cut process. All agreements will be reviewed by the Commission to determine if the proposed terms are acceptable and in the public interest.

The Commission notes that other states have already altered some of the proposed dates contained in the initial joint proposal. The Commission issues this Order based on the understanding that the altered dates, presented in the most up-to-date Orders of other Qwest states on this matter, will be followed. If a Utah specific Procedural Order is required for this process, the parties involved may petition the Commission for such an Order.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The joint motion filed on behalf of Qwest, AT&T, and MCI on October 31, 2003, asking the Commission to endorse a multi-state batch hot cut process, is approved.
2. Qwest is directed to make the required filings of transcripts and documentation of any agreements reached in the manner discussed in this order.
3. The initial meeting of the multi-state forum will be held in Denver, Colorado on December 1-3, 2003, or such other dates as the parties may agree upon, with a conference bridge available.
4. All proposals and materials to be discussed at the forum will be provided to participants, electronically, at least two business days in advance of any face-to-face meetings or conference calls.
5. Pursuant to Utah Code 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah this 13<sup>th</sup> day of November, 2003.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary

G#35968