

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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| |) | <u>DOCKET NO. 01-049-85</u> |
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| In the Matter of the Determination of the |) | <u>NOTICE OF TECHNICAL CONFERENCE</u> |
| Cost of the Unbundled Loop of QWEST |) | |
| CORPORATION |) | <u>ORDER REGARDING AT&T'S MOTION</u> |
| |) | <u>TO REQUIRE QWEST TO IMPLEMENT</u> |
| |) | <u>COMMISSION ORDERED SWITCHING</u> |
| |) | <u>RATES</u> |
| |) | |
| |) | |

ISSUED: November 17, 2003

By The Commission:

You are hereby given notice that a technical conference shall be held in this matter on Wednesday, December 3, 2003, at 10:00 a.m. in Room 427, Heber M. Wells Office Building, 160 East 300 South, Salt Lake City, Utah. The purpose of the technical conference is to allow the parties to provide information for the Commission's consideration regarding the best method for de-averaging Qwest's Unbundled Network Element loop rates. Particularly, the Commission is interested in receiving information regarding the advantages and disadvantages of using methodologies based on geography, community of interest, cost, size of the central office, the current zone designations, or other proposed approaches for grouping central office areas into zones.

Any person wishing to participate in the technical conference by telephone should notify Julie Orchard, Commission Secretary, at (801) 530-6713 at least one hour in advance of the technical conference.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations, including auxiliary communications aids and services, during any conference or hearing in this docket should notify Julie Orchard, Commission Secretary, 160 East 300 South, Room 400, Box 45585, Salt Lake City, Utah 84145-0585, Telephone: (801) 530-6713, at least three working days in advance of the conference or hearing.

MOTION TO IMPLEMENT COMMISSION ORDERED SWITCHING RATES

PROCEDURAL HISTORY

On October 23, 2003, AT&T Communications of the Mountain States, Inc. (AT&T), filed a motion asking for an Order requiring Qwest to implement the unbundled local switching rates that the Commission ordered in this proceeding, effective July 25, 2003. The Division of Public Utilities (Division) filed a response generally supporting AT&T's motion on October 30, 2003. Qwest filed a response objecting to the motion on November 3, 2003. Qwest also suggested in its response that rates should be implemented on prospective basis after the Commission settled the de-averaging issues currently under reconsideration. In the alternative Qwest suggested that it be allowed to implement both the new switching rates and the final de-averaged rates in one compliance filing, with the rates retroactive to the date of the Commission's Final Order in this Docket. AT&T filed a reply to Qwest's response on November 6, 2003, objecting to both the prospective rate implementation and the retroactive single filing, stating that it would shift costs from Qwest to CLECs. On November 7, 2003, Qwest filed a reply to AT&T's second filing pointing out that AT&T would incur the extra costs of reconciling their books whether the Commission granted AT&T's original request to make the rate change retroactive, or approved Qwest's suggested one-time implementation with retroactive rates.

DISCUSSION

The Commission finds that neither AT&T nor Qwest have provided sufficient information regarding the actual level of costs imposed or shifted under any of the suggested approaches for the Commission to judge the financial impact of a given course of action. As a general policy the Commission issues Orders expecting that the rates ordered will be implemented as of when the Order becomes effective. The exceptions to that general approach have occurred when rebates or one-time credits were involved. In those cases the Commission has been involved in the timing and implementation decisions because they effect the value of the rebate or credit to the customer.

In this case we do not have sufficient information to assess the costs imposed by any of the suggested courses of action. Therefore, we find that a reasonable course of action is to require implementation of our Order as of the day the Order became final.

ORDER

1. Qwest shall make a compliance filing for switching rates, with prices retroactive to the effective date of our Final July 25, 2003 Order.

2. 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 17th day of November, 2003.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard _____,
Commission Secretary

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