

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 99A-577T

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

ORDER GIVING NOTICE OF PHASE II DOCKET

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. We now inform the parties that, for reasons of procedural efficiency, the Commission will open a new miscellaneous docket to address Phase II issues (instead of continuing these proceedings in Docket No. 99A-577T). That miscellaneous docket will be opened by separate order.

II. ORDER

A. The Commission Orders That:

1. Parties to Docket No. 99A-577T are notified that the Commission has opened Docket No. 04M-111T to conduct the Phase II proceeding contemplated by prior orders in this docket.

2. Entities wishing to participate as a party in Docket No. 04M-0111T shall comply with the procedural requirements established by Decision No. C04-0272.

3. 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