

Decision No. R02-425-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 97I-198T

IN THE MATTER OF THE INVESTIGATION INTO U S WEST COMMUNICATIONS, INC.'S COMPLIANCE WITH § 271(C) OF THE TELECOMMUNICATIONS ACT OF 1996.

**ORDER SETTING STATUS CONFERENCE AND
VACATING COMMISSION DECISION MEETING**

Mailed Date: April 15, 2002

I. STATEMENT, FINDINGS, AND CONCLUSIONS

A. On April 8, 2002, Qwest Corporation ("Qwest") filed a Motion to Schedule Dates for Full Commission Proceedings on OSS, Public Interest, 272 and Track A and Motion to Shorten Response Time. Qwest proposes the final Commission *en banc* workshops be scheduled for the week of May 6, 2002.

B. Decision No. R02-404-I granted the Motion to Shorten Response Time. Participants' responses were due by April 12, 2002.

C. WorldCom, Inc. ("WorldCom"), AT&T Communications of the Mountain States, Inc., and TCG Colorado (jointly "AT&T"), and Covad Communications Company ("Covad") all filed responses to Qwest's motion on April 12, 2002. To put it mildly, the parties do not agree with Qwest's proposed dates for the final Commission *en banc* workshop.

D. The Commission previously scheduled a Commission *en banc* decision meeting for April 17, 2002 to discuss and decide Qwest's compliance with the Federal Communications Commission's ("FCC") criteria for a Change Management Plan ("CMP"). WorldCom, AT&T, and Covad (Joint CLECs) and Qwest all filed briefs on CMP April 8, 2002.

E. After reviewing the CMP briefs, it is clear that there is not sufficient evidence in the record for the Commission to determine whether Qwest's CMP meets § 271 requirements. Rather, if the Commission were to decide on the current record, it would have - at best - to remain silent on CMP meeting FCC criteria, or - at worst - to urge the FCC to deny the Qwest application because of CMP deficiencies. To avoid this prospect, at the status conference, I would like to explore the available alternatives for getting CMP § 271 compliant.

F. In order to discuss both the schedule for the final Commission workshop as well as a determination on how to proceed with CMP, the currently scheduled Commission decision meeting on CMP for April 17, 2002, will become a status conference. Participants should be prepared to discuss CMP, as well as the final *en banc* workshop schedule.

G. Qwest is directed to have counsel present with the authority to commit to rescheduling or moving to vacate any conflicting proceedings in other states. If Qwest wants to hold

to the workshops' dates during the week of May 6, 2002, it is directed to attempt to accommodate other participants' counsel, to the fullest extent possible, by moving to vacate, postpone, or otherwise dispose of conflicting proceedings.

II. ORDER

A. It is Ordered That:

1. The Commission Decision Meeting regarding Qwest Corporation's Change Management Plan scheduled for April 17, 2002 at 1:00 p.m. is vacated.

2. In its place, a status conference to discuss scheduling the final Commission *en banc* workshop and the process for the resolution of Change Management will be held:

DATE: April 17, 2002

TIME: 1:00 p.m.

PLACE: Commission Hearing Room A
1580 Logan Street, OL2
Denver, Colorado

3. This Order is effective on its Mailed Date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Hearing Commissioner

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