

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER



BRIAN C. McNEIL
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

June 27, 2002

All Parties to the Docket

Re: **Qwest's Application under Section 271**
Docket No. RT-00000F-02-0271 [Section 252]
Docket No. T-00000A-97-0238 [Section 271]

To All Parties:

Commissioner Spitzer's letters dated June 17, 2002 and June 26, 2002 reaffirm my belief that the matters before us are of the utmost importance and prudence requires, at the very least, a close examination of the allegations of coercion. It is clear to me that continuing with our Section 271 review must be suspended until the Commission can determine to what extent the agreements in question may have compromised the entire Section 271 review.

What makes this situation unique is the subversive nature of these actions and their potential to taint the public, deliberative Section 271 review process. Who knows what the outcome of the proceedings would have been if ALL parties of interest had fully participated? If we determine that these allegations, even if true, did not significantly alter the outcome of these proceedings, then we should move forward and complete the Section 271 review process, based on a fully developed record. However, if it is found, after reviewing the evidence, that a different outcome may have resulted from full participation, then the Commission will need to consider re-opening the record on many of the issues previously decided in these dockets. If we are ultimately unable to clear up the cloud that these allegations created, the possibility of restarting this process will also have to be considered.

I estimate that the Commission over the last 3 years has expended hundreds of thousands of dollars in resources to process this application and I find it extremely frustrating that the hard work of all of the individuals may have been wasted because of Qwest's possible attempts to skew the process. Before we continue with this process and further commit valuable Commission resources, the question posed by Commissioner Spitzer must be answered fully and to the satisfaction of the Commission.

I, therefore, must join Commissioner Spitzer in taking the position that any further movement by the Commission on Qwest's Section 271 application must be suspended until the issues related to the compromised agreements are resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Irvin", written over a large, stylized flourish.

Jim Irvin
Commissioner

CC: William A. Mundell, Chairman
Marc Spitzer, Commissioner