

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL
WORKING FILE

FROM: JOE CUSICK

DATE: MAY 23, 2003

SUBJECT: ESTABLISHMENT OF A TRIENNIAL REVIEW DOCKET

On February 20, 2003, the FCC adopted rules in CC Docket No. 01-338, commonly know as the Triennial Review, concerning local exchange carriers' obligations to make elements of their networks available on an unbundled basis to new entrants. The FCC order has not yet been issued but is expected by the end of May or early June at the latest.

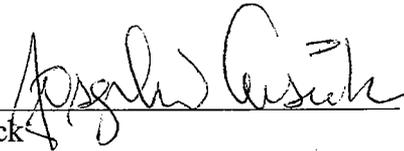
In its decision, the FCC made a rebuttable presumption that switching for business customers served by high-capacity loops such as DS-1 will no longer be unbundled based on the FCC's finding of no impairment. Under this framework, states will have 90 days to rebut the national finding.

For mass market customers, the FCC sets out specific criteria that states shall apply to determine, on a granular basis, whether economic and operational impairment exists in a particular market. States have 9 months to complete proceedings on this issue.

Given these time frames, 90 days for the Commission to issue an order on the impairment of switching for high-capacity loops and 9 months for impairment of UNEs for the mass market, Staff believes that it is best to open up a docket on the Triennial Review and issue a Notice of Right to Intervene to all telecommunications providers in the state.

COMMISSION DECISION

Does the Commission wish to open a case on the Triennial Review and issue a Notice of Right to Intervene?



Joe Cusick

udmemos/triennial review