

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER SMITH  
COMMISSIONER HANSEN  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL STAFF**

**FROM: WELDON STUTZMAN**

**DATE: DECEMBER 24, 2003**

**RE: CASE NO. GNR-T-03-23  
QWEST'S MOTION TO POSTPONE CASE AND CLOSE DOCKET**

The Commission opened this case in response to the Federal Communications Commission's triennial review order. The FCC found "on a national basis, that competing carriers are impaired without access to unbundled local circuit switching for mass market customers," but also recognized that "a more granular analysis may reveal that a particular market is not subject to impairment in the absence of unbundled local circuit switching." FCC Triennial Review Order ¶¶ 459, 460. The FCC allowed state commissions nine months to complete a more granular analysis to determine whether incumbent local exchange carriers would be required to continue to provide local circuit switching as an unbundled network element to enable competitors to serve residential and small business customers. Verizon Northwest, Inc. and Qwest Corporation are the ILECs affected by the FCC's order regarding access to unbundled local circuit switching.

Verizon notified the Commission by letter dated November 14, 2003, that "it will not challenge at this time the FCC's presumption of impairment of unbundled mass market switching, dedicated transport, or unbundled enterprise market loops." On December 11, 2003, Qwest filed a Motion to Postpone Mass Market Switching case and close docket. Qwest's Motion states that by filing the Motion, "Qwest has decided not to seek relief at this time from its current obligation to provide unbundled switching for mass market customers in Idaho." Qwest asked the Commission to issue an Order to "close this docket or, alternatively, that the Commission defer indefinitely any action herein."

By letter dated December 16, 2003, the Staff notified all parties of record and interested parties of Qwest's Motion, and that the Commission's Rules of Procedure provide an opportunity to respond to a Motion no later than 14 days after it is filed. No one filed an objection to Qwest's Motion or otherwise responded to Qwest's Motion to Dismiss the Case.

Because both Verizon and Qwest have stated they will not challenge the FCC's finding of impairment regarding access to unbundled local circuit switching for mass-market customers, the Staff supports Staff's Motion. Staff recommends the Commission approve Qwest's Motion and issue an order to close this case. Should any other issues arise from the FCC's Triennial Review Order, Staff or other interested parties can request the Commission open a new docket regarding those issues.

**Commission Decision**

Should the Commission issue an Order approving Qwest's Motion to close the case?



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Weldon Stutzman

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