

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.,)	
)	CASE NO. QWE-T-06-17
COMPLAINANT,)	
)	
vs.)	NOTICE OF
)	ORAL ARGUMENT
QWEST CORPORATION,)	
)	ORDER NO. 30195
RESPONDENT.)	

On August 21, 2006, AT&T Communications of the Mountain States, Inc. filed a complaint against Qwest Corporation, alleging that Qwest entered into "secret" interconnection agreements with Eschelon Telecom and McLeodUSA Telecommunications Services, Inc. The Complaint alleges a claim of breach of contract, stating that Qwest violated unspecified terms of an interconnection agreement between AT&T and Qwest (the "Interconnection Agreement") by not disclosing these "secret" agreements. Complaint at 7-8.

The Commission issued a summons to Qwest to respond to the Complaint on September 6, 2006. The Commission also granted the Motions for Limited Admission filed by AT&T's out-of-state counsel. Order No. 30125. Qwest timely filed its response to the Complaint as a Motion to Dismiss on September 27, 2006. AT&T timely filed its Response to Qwest's Motion to Dismiss on October 26, 2006. On October 27, 2006, Qwest filed two Motions for Admission Pro Hac Vice for its out-of-state counsel.

On November 7, 2006, Qwest filed a Motion for Oral Argument with respect to the issues presented in the Motion to Dismiss. On November 22, 2006, AT&T filed its response joining in Qwest's request.

THE MOTIONS FOR ADMISSION PRO HAC VICE

Pursuant to Procedural Rule 43, out-of-state counsel for Qwest filed Motions for Limited Admission with the Commission for the purpose of appearing in this matter. Those filing were:

Douglas R.M. Nazarian
Hogan & Hartson
111 South Calvert Street
Baltimore, MD 21202

Peter S. Spivack
Hogan & Hartson
555 Thirteenth Street, NW
Washington, DC 20004

Each Motion avered that a copy of it and the requisite fee were submitted to the Idaho State Bar. IDAPA 31.01.01.43.05(c); Bar Rule 222(j). We find that the Motions meet the requirements of Rule 43 and grant the Motions.

DISCUSSION

A. The Complaint

Before taking up the Motions, we must first address deficiencies in the Complaint. Exhibit 1, purported to be the Interconnection Agreement, is not fully executed and is missing 10 pages. In other words, it is not the Interconnection Agreement approved by this Commission. In addition, there is no reference in the Complaint as to when and in what Order it was approved by the Commission. We find that it is necessary for the Commission to have a complete copy of the agreement that was filed and approved by the Commission. AT&T shall have seven (7) days from the service date of this Order to file the complete, fully executed Interconnection Agreement that was approved by the Commission and identify the Order that approved the Agreement.

B. The Motions for Oral Argument

Qwest's Motion for Oral Argument was based on its belief that oral argument would allow the parties to clarify the issues and provide information about Qwest's Motion to Dismiss and the subsequent filings. AT&T agreed with Qwest, and joined in the Motion for Oral Argument.

We find that oral argument may be helpful in clarifying the issues that have been raised by the parties in the Motion to Dismiss and responses thereto. In addition to receiving the parties' arguments regarding those issues, we also direct the parties to address other issues that have not yet been raised but appear intertwined in the subject of jurisdiction and the processing of this Complaint. More specifically, the parties shall address the issues that appear below in their briefs and their oral arguments.

1. Is AT&T's claim in this matter governed by the federal Telecommunications Act of 1996 or Idaho state law?

2. What is the effect and meaning of the Governing Law provision (Section 21.1) of the Interconnection Agreement with respect to the Complaint?
3. Evidence filed by the parties seems to indicate that AT&T and Qwest had a "dispute" regarding the Interconnection Agreement during its term regarding the "secret agreements." What actions have been taken by either party to resolve this dispute under Section 27 of the Interconnection Agreement? What effect and meaning does Section 27.1 have with respect to the present dispute? What effect and meaning does Section 27.2 of the Interconnection Agreement have with respect to the present dispute?
4. What is the effect, if any, of *Idaho Code* § 61-642 on AT&T's claim in this matter?
5. How does *Idaho Code* § 62-605(b) confer either jurisdiction or venue on this Commission to hear this matter?

NOTICE OF ORAL ARGUMENT

YOU ARE HEREBY NOTIFIED that the Commission shall hear oral argument in this matter on **JANUARY 24, 2007 AT 10:00 A.M. IN THE COMMISSION HEARING ROOM, 472 WEST WASHINGTON STREET, BOISE, IDAHO.**

YOU ARE FURTHER NOTIFIED that the **DEADLINE FOR QWEST TO SUBMIT ITS BRIEF IN THIS MATTER IS DECEMBER 22, 2007.** The **DEADLINE FOR AT&T TO SUBMIT ITS BRIEF IN THIS MATTER IS JANUARY 10, 2007.** All briefs must comply with Rule 62 of the Commission's Rules of Procedure. IDAPA 31.01.01.62.

YOU ARE FURTHER NOTIFIED that if the parties desire to submit exhibits, each party is assigned the following exhibit numbers:

AT&T Communications: Exhibit Nos. 1-100

Qwest Corporation: Exhibit Nos. 201-300

All exhibits must comply with the requirements of Rule 231 of the Commission's Rules of Procedure. IDAPA 31.01.01.01.231.

YOU ARE FURTHER NOTIFIED that the oral argument in this matter will be held in facilities meeting the accessibility requirements of the Americans with Disability Act (ADA). Persons needing the help of a sign language interpreter or other assistance in order to participate in or to understand testimony and argument at a public hearing may ask the Commission to provide a sign language interpreter or other assistance at the oral argument. The request for

assistance must be received at least five (5) working days before the oral argument by contacting the Commission Secretary at:

IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074
(208) 334-0339 (Telephone)
(208) 334-3762 (Fax)
E-Mail: secretary@puc.idaho.gov

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 62 of the Idaho Code and specifically *Idaho Code* § 62-615(1). The Commission may enter any Order consistent with its authority under Title 61.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, 31.01.01.000 et seq.

ORDER

IT IS HEREBY ORDERED that the Motions for Admission Pro Hac Vice filed by Messrs. Douglas R. M. Nazarian and Peter S. Spivack are hereby granted.

IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. Qwest is represented by the following for purposes of service:

Mary S. Hobson
999 Main, Suite 1103
Boise, ID 83702
E-Mail: mary.hobson@qwest.com

Douglas R.M. Nazarian
Hogan & Hartson
111 South Calvert St.
Baltimore, MD 21202
E-Mail: drmnazarian@hhlaw.com

IT IS FURTHER ORDERED that service among the parties shall be accomplished by electronic mail pursuant to Rule 63 of the Commission's Rules of Procedure, IDAPA 31.01.01.063. Any document being filed with the Commission shall be e-mailed to each attorney of record for each party.

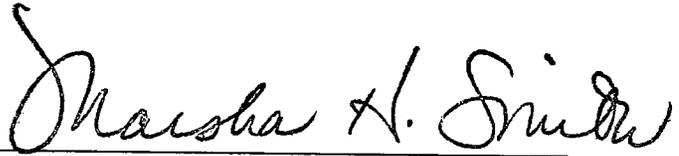
IT IS FURTHER ORDERED that AT&T shall file a complete, fully executed copy of the Interconnection Agreement and identify the Order that approved such Agreement within seven (7) days after the service of this Order.

IT IS FURTHER ORDERED that the parties shall submit briefs on the dates set forth above and an oral argument shall be heard on January 24, 2007 at 10:00 a.m. in the Commission Hearing Room.

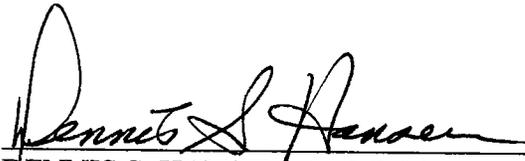
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 30th day of November 2006.



PAUL KJELLANDER, PRESIDENT

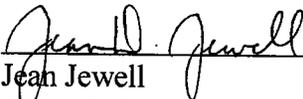


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean Jewell
Commission Secretary