DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

JOE CUSICK

RITA SCOTT

WAYNE HART

DAVID SCOTT

WORKING FILE

FROM:WELDON STUTZMAN

DATE:JUNE 26, 1998

RE:CASE NO. USW-T-97-14

APPROVAL OF STIPULATION TO PROCESS U S WEST’S SECTION 271 FILING.

AT&T initiated this Docket last June by a Petition requesting that the Commission determine a procedure for U S WEST to file a Section 271 proceeding prior to its filing of an application with the Federal Communications Commission.  It is pursuant to Section 271 (47 USC 271) that a Bell operating company (BOC) can request authorization from the FCC to enter the interLATA, long distance telecommunications market.  Following the filing of a response by U S WEST and comments by MCI Telecommunications (MCI), the Commission tabled AT&T’s request.  On April 3, 1998, AT&T revived its request by filing a Petition for Review regarding the tabling of its previous petition to establish Section 271 procedures.  Noting that the Commission “does not have pre-filing requirements established for U S WEST’s 271 filing,” AT&T asserted that “the Commission should establish both the 90 day pre-filing period and the procedures to be followed for evaluating the Application at the state level.”  AT&T requested that the Commission “establish substantive filing requirements to insure that U S WEST provides to the Commission and interested parties the information necessary for reviewing the Application.”

Following the most recent filing by AT&T, the Commission Staff initiated discussions with U S WEST regarding the procedures for a Section 271 filing.  The Commission Staff and U S WEST subsequently entered into a Stipulation establishing a procedural schedule for processing a Section 271 filing.  After other interested parties objected and intervened, a workshop was convened to resolve objections to the Stipulation.  As the result of the workshop, a new Stipulation was developed and has been signed by all but one of the workshop participants.  Electric Lightwave has not yet signed the Stipulation, but has not stated an unwillingness to sign the Stipulation.

The Stipulation provides a schedule for processing U S WEST’s anticipated Section 271 case.  U S WEST will provide a five day notice of its intent to file the 271 case, and all intervenors in this case would automatically become parties in the 271 case.  Time periods for filing discovery and evidence are provided, and the hearing would commence between 69 and 74 days after U S WEST’s application filing.  The Stipulation asks the Commission to issue its findings on or before the 110th day after the application filing date.  A copy of the Stipulation is attached to this memorandum.

Staff recommends that the Stipulation entered into by the parties be approved for processing U S WEST’s future Section 271 filing.

Commission Decision:

Should the Stipulation for processing U S WEST’s Section 271 filing be approved?

                                                              Weldon Stutzman

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