

Decision No. C03-1250

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03I-485T

REGARDING ADOPTION OF A BATCH HOT CUT PROCESS PURSUANT TO 47 C.F.R.
§ 51.319(d)(2)(ii)

**ORDER OPENING DOCKET
AND PROCEDURAL DIRECTIVES**

Mailed Date: November 5, 2003

Adopted Date: November 5, 2003

I. BY THE COMMISSION

A. Statement

1. On August 21, 2003, the Federal Communications Commission (FCC) issued its *Report and Order and Order on Remand and Further Notice of Proposed Rulemaking*, FCC 03-36, Triennial Review Order (Triennial Review Order).¹ That order modified the unbundling obligations of incumbent local exchange carriers (ILEC) such as Qwest Corporation pursuant to 47 U.S.C. § 251. Notably, Rule 47 C.F.R. 51.319(d)(2)(ii) requires that a state commission establish a "batch cut process", or issue detailed findings explaining why such a process is unnecessary. (The rule defines a batch cut process as a process by which the ILEC simultaneously migrates two or more loops from one carrier's local circuit switch to another carrier's local circuit switch.)

2. In Decision No. C03-1225 (Mailed Date of Oct. 31, 2003) we opened Docket

¹ *Review of the Section 251 Unbundling obligation of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provision of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunication Capability*, CC Docket Nos. 01-338, 96-98, 98-147, Report and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (rel. Aug. 21, 2003).

No. 03I-478T for the purpose of implementing a number of directives in the Triennial Review Order. That decision, in part, directed Qwest Corporation, an incumbent local exchange carrier subject to unbundling obligations under the Triennial Review Order, to inform the Commission of the procedures by which Qwest proposes that a batch cut process be developed. On October 31, 2003, Qwest, AT&T of the Mountain States, Inc., and WorldCom, Inc. on behalf of its regulated subsidiary MCI filed their Joint Motion for Adoption of Batch Hot Cut Forum. That motion suggested certain procedures for the Commission to consider a batch hot cut process. We granted the Joint Motion in Decision No. C03-1251.

3. We now open this docket to consider adoption of a batch hot cut process in accordance with FCC Rule 51.319(d)(2)(ii). Qwest, AT&T, and MCI are made parties to this case. Other interested persons may file requests for intervention within 30 days of the effective date of this order.

4. We now establish the following procedural requirements for this case: (1) On November 6, 2003 Qwest shall send notice (*i.e.* a copy of this decision) to each telecommunications carrier with whom Qwest has a currently effective interconnection agreement pursuant to 47 C.F.R. § 252;² (2) On November 12, 2003, Qwest shall file its proposed batch hot cut process; that proposal shall contain a detailed description of the process, including, but not limited to, capacity, Pre-ordering, Ordering and Provisioning, and the proposed rates for the batch hot cut activities and proposed intervals; (3) On November 19, 2003, interested parties shall file comments to Qwest's proposed batch hot cut process, including alternative proposals; (4) The parties shall conduct informal meetings and conferences as they

² The Commission compiled a list of these carriers in Docket No. 03I-478T. Qwest may obtain a copy of that list from Commission Staff.

deem appropriate to attempt to reach a stipulation regarding the appropriate batch hot cut process to be adopted by the Commission; (5) On January 20, 2004 [corrected date], the parties shall file any stipulation agreed to as a result of their informal negotiations, and direct testimony and exhibits on any unresolved issues; (6) On February 15, 2004, the parties shall file rebuttal testimony and exhibits.

5. We assign this matter to an Administrative Law Judge for further proceedings. Hearings shall be scheduled and conducted by the Administrative Law Judge.³

II. ORDER

A. The Commission Orders That:

1. This docket is opened for the purposes discussed above.
2. Qwest Corporation, AT&T of the Mountain States, Inc., and WorldCom, Inc. on behalf of its regulated subsidiaries (MCI) are now designated parties to this docket.
3. Interested persons may file requests for intervention within 30 days of the effective date of this order.
4. The procedures discussed above are adopted for this proceeding, and each of the parties shall comply with those procedures.
5. This matter is assigned to an Administrative Law Judge for further proceedings consistent with this decision.
6. This Order is effective immediately upon its Mailed Date.

³ If necessary to comply with FCC directives in the Triennial Review Order, we may enter an initial decision in this matter under § 40-6-109(6), C.R.S. We will timely notify the ALJ and the parties if such action is necessary.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 5, 2003.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners