

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE ARBITRATION OF: QWEST CORPORATION, Petitioning Party, V. AT&T COMMUNICATIONS OF THE MIDWEST, INC., AND TCG OMAHA, Responding Parties.	DOCKET NO. ARB-04-1
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**ORDER DOCKETING PETITION FOR ARBITRATION, AND SCHEDULING
PREHEARING CONFERENCE**

(Issued February 24, 2004)

On February 9, 2004, Qwest Corporation (Qwest) filed with the Utilities Board (Board) a petition for arbitration of an interconnection agreement, pursuant to Section 252(b) of the Telecommunications Act of 1996, 47 U.S.C. § 151 *et seq.* (the Act), and 199 IAC 38.7(3). Qwest requests arbitration of the terms, conditions, and prices for interconnection and related arrangements with AT&T Communications of the Midwest, Inc., and TCG Omaha (collectively, AT&T). In addition to its request for arbitration, Qwest requests a hearing on the issues. This petition for arbitration will be identified as Docket No. ARB-04-1.

According to the petition, Qwest formally requested negotiations with AT&T on September 17, 2003, to produce a new interconnection agreement to replace the

agreement between AT&T and Qwest that was approved by the Board on May 15, 1998, in Docket No. AIA-96-1 (ARB-96-1) and the agreement between TCG Omaha and Qwest that the Board approved on September 30, 1998, in Docket No. NIA-98-23. Pursuant to 47 U.S.C. § 252(b)(1), either the incumbent local exchange carrier (ILEC) or the requesting carrier may petition a state commission to arbitrate any open issues by filing a request during the time period of 135 to 160 days after the date on which the request for negotiations was received.

In the petition, Qwest states that numerous negotiating sessions have taken place and numerous issues have been resolved, leaving only a relatively small number of issues to be arbitrated. Qwest indicates its expectation that the parties will conduct further negotiations while this arbitration is pending.

Once a petition for arbitration has been filed, 199 IAC 38.7(3) sets forth specific timeframes to ensure that the decision of the Board is issued within the nine-month deadline allowed in the Telecommunications Act of 1996. Pursuant to the Board's rules, a prehearing conference by telephone will be convened on March 4, 2004, at 10 a.m. Parties are directed to dial (866) 708-4636 to participate in the prehearing conference. The purpose of the prehearing conference is to plan an arbitration hearing date, clarify the issues to be resolved, identify additional information needed to reach a decision on the issues, schedule production of documents and other information, discuss any other procedural matters, and consider any other matters that will expedite the arbitration process. An agenda for this conference will be provided by e-mail by the Board's staff to the attorney of record for each party.

According to the requirements of 199 IAC 38.7(3)"c," the nonpetitioning party to the negotiations may respond to the petition no later than March 5, 2004. Additionally, the Board is required to commence a hearing no later than 60 days following the receipt of the petition for arbitration. The Board has tentatively determined that a hearing date of April 7, 2004, is the best available date, but the final determination will be made after the prehearing conference.

IT IS THEREFORE ORDERED:

1. The petition filed by Qwest Corporation for arbitration with AT&T Communications of the Midwest, Inc., and TCG Omaha, on February 9, 2004, is docketed as Docket No. ARB-04-1.
2. A prehearing conference by telephone is scheduled for March 4, 2004, at 10 a.m.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 24th day of February, 2004.