

October 12, 2005

VIA ELECTRONIC MAIL AND U.S. MAIL

Hon. Allan Arlow
Oregon Public Utility Commission
550 Capitol Street NE, Suite 215
PO Box 2148
Salem, OR 97308-2148

Re: UX 29: Joint Movants' Motion to Strike

Dear Judge Arlow:

We are in receipt of today's letter to you from Alex Duarte on behalf of Qwest Corporation regarding the Joint Movants' Motion to Strike. In response, there are two brief points that we would like to clarify.

First, Qwest's counsel is correct that the Motion to Strike is about more than just data requests. As the Motion clearly states, the parties to this docket are substantially prejudiced by Qwest's rebuttal testimony for two primary reasons: 1) the inability to propound and receive responses to data requests due to Qwest's failure to serve the parties with its confidential and highly confidential testimony on October 7, 2005; and 2) the inability to adequately prepare for hearing given Qwest's failure to limit the scope of its rebuttal testimony to evidence submitted by Staff and intervenors in their direct testimony. Accordingly, we have requested that the Commission either strike the rebuttal testimony or delay the hearing. Although Qwest dismisses the Motion as a "delay tactic," parties are entitled to request a delay when necessary. OAR 860-014-0010.

Second, Qwest's counsel refers to a "one-day gap" in receiving Qwest's confidential and highly confidential rebuttal testimony. However, in our view, the delay was four days (October 11 rather than October 7). This is significant not only for its impact on the parties' ability to conduct discovery, but also for its impact on the parties' ability to prepare for hearing.

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In order to address Qwest counsel's concern that Qwest be given adequate time to respond to the Joint Movants' Motion to Strike, the Joint Movants propose that oral argument on the motion be held during the prehearing conference on Friday, October 14, at 10:00 a.m.

Very truly yours,

/s/ Sarah K. Wallace

Sarah K. Wallace

cc: UX 29 Service List

CERTIFICATE OF SERVICE
UX 29

I hereby certify that a true and correct copy of **LETTER TO JUDGE ARLOW RE: JOINT MOVANTS' MOTION TO STRIKE** was served via U.S. Mail on the following parties on October 12, 2005:

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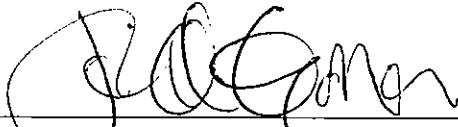
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