

**Qwest**

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**Alex M. Duarte**  
Corporate Counsel

June 7, 2006

Honorable Allan Arlow  
Administrative Law Judge  
Public Utility Commission of Oregon  
P. O. Box 2148  
Salem, OR 97308-2148

Re: ARB 671- Qwest's Motion to Strike Universal's June 6, 2006 "Reply"

Dear Judge Arlow:

Yesterday we received a copy of Universal's purported "reply" to Qwest's May 22, 2006 response to Universal's May 5, 2006 request for reconsideration. However, as the Commission and Universal both well know, a third round of filings is not provided for in OAR 860-014-0095, which is the applicable administrative rule for a motion or request for reconsideration. See Order No. 05-206 (May 3, 2005) in docket ARB 589, at p. 2; Order No. 04-598 (October 18, 2004) in docket UM 1083, at p. 2. (OAR 860-013-0050, which Universal cites, is not the applicable rule for a motion for reconsideration.) Indeed, Universal is well aware of the Commission's policy and rule regarding motion for reconsideration filings because Order No. 05-206 was in docket ARB 589, which was the previous interconnection arbitration proceeding between Qwest and Universal.

Specifically, in docket ARB 589, Universal attempted to file a "reply" on March 31, 2005 to Qwest's response to Universal's motion for reconsideration. However, the Commission's Administrative Hearings Division advised Universal in an email on April 5, 2005 as follows:

Upon further review, your electronic filing number 335, of 3-31-05 [Universal's "reply" to Qwest's response], has been declined by the ALJ. The rules do not provide for a third round of filing, please see Order No. 04-598 for more information. (See Attachment 1.)

Thereafter, Order No. 05-206 specifically ruled:

On March 31, 2005, Universal filed a reply to the application [for reconsideration]. *A third round of filings is not provided for in OAR 860-014-0095*, and the reply was not considered. See Order No. 04-598 at 2. Order No. 05-206, p. 2 (emphasis added).

Accordingly, there is clearly no basis for Universal's purported "reply." As such, Qwest respectfully submits that the Commission should strike that filing and that it should not consider the reply in its consideration of Universal's motion for reconsideration.

Thank you for your attention to this matter. If you have any questions about this submission, please feel free to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alex M. Duarte". The signature is stylized and cursive.

Alex M. Duarte

cc John Dodge, Esq.  
Ted Smith, Esq.

**Duarte, Alex**

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**From:** TAYLOR Annette [Annette.M.Taylor@state.or.us]  
**Sent:** Tuesday, April 05, 2005 3:14 PM  
**To:** 'rich@co-legal.com'; Duarte, Alex  
**Cc:** BOOTH Dave; HARI Celeste  
**Subject:** FW: Docket No. ARB 589

FYI.

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**From:** TAYLOR Annette  
**Sent:** Tuesday, April 05, 2005 2:54 PM  
**To:** 'csimmons@crblaw.com'  
**Cc:** 'jdodge@crblaw.com'  
**Subject:** OPUC Electronic Filing # 335

Upon further review, your electronic filing number 335, of 3-31-05, has been declined by the ALJ. The rules do not provide for a third round of filing, please see Order No. 04-598 for more information. Thank you.

Filing Information: Docket: ARB 589, QWEST CORPORATION

Type of Filing: AR - ADMINISTRATIVE RULE  
Description: UNIVERSAL TELECOM'S REPLY TO QWEST'S RESPONSE TO UNIVERSAL'S APPLICATION FOR RECONSIDERATION AND CLARIFICATION

*Annette M. Taylor*  
*Legal Secretary*  
*Administrative Hearings Division*  
*Public Utility Commission of Oregon*  
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*503-378-6163 Fax*  
*annette.m.taylor@state.or.us*

**CERTIFICATE OF SERVICE**

**ARB 671**

I hereby certify that on the 7<sup>th</sup> day of June, 2006, I served the foregoing QWEST CORPORATION'S LETTER TO THE HONORABLE ALLAN ARLOW in the above entitled docket on the following persons via U.S. Mail, by mailing a correct copy to them in a sealed envelope, with postage prepaid, addressed to them at their regular office address shown below, and deposited in the U.S. post office at Portland, Oregon.

John C. Dodge  
Cole Raywid & Braverman LLP  
1919 Pennsylvania Ave. NW  
2nd Floor  
Washington, DC 20006-3458

Jeffry Martin  
Universal Telecom Inc  
1600 SW Western Blvd.  
Suite 290  
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Ted D. Smith  
Stoel Rives LLP  
201 S. Main; Suite 1100  
Salt Lake City, UT 84111

DATED this 7<sup>th</sup> day of June, 2006.

**QWEST CORPORATION**



By: \_\_\_\_\_

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