

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**
3 **DR 26/UC 600**

4 THE NORTHWEST PUBLIC
5 COMMUNICATIONS COUNCIL,
6 Complainant,

7 v.

8 QWEST CORPORATION,
9 Defendant.

QWEST CORPORATION'S RESPONSE TO
NPCC'S MOTION TO LIFT ORDER
HOLDING CASE IN ABEYANCE

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11 Qwest Corporation ("Qwest") respectfully submits this response to the motion of The
12 Northwest Public Communications Council ("NPCC") to lift the Commission's order holding this
13 case in abeyance (the "Motion").

14 Qwest does not oppose NPCC's Motion. It has always appeared to Qwest extremely
15 unlikely that the FCC would grant any of the payphone associations' pending petitions and
16 overturn well reasoned state commission and court decisions. NPCC appears now to agree with
17 that position. Qwest is not opposed to this Commission's resuming its proceedings at this time.

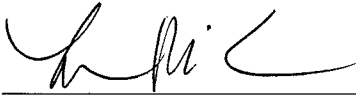
18 Qwest does, however, strongly object to several statements and arguments in NPCC's
19 Motion. In particular, NPCC's characterization of Qwest's positions in this case and the impact
20 of the Ninth Circuit and Tenth Circuit decisions in two cases is both factually incorrect and
21 extremely misleading. Motion at 8-9. Qwest will not respond to those arguments at this time,
22 but will address all of these issues according to the schedule the Commission sets for further
23 proceedings.

24 In addition, Qwest does not agree with NPCC's statement that it needs to amend its
25 complaint, but again that is not something NPCC asks the Commission to decide now. If NPCC
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1 desires to amend its complaint, it may file a motion for leave to do so under the applicable
2 procedural rules and Qwest will respond then.

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4 DATED: January 28, 2009

Respectfully submitted,

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6 By: 
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CERTIFICATE OF SERVICE

I hereby certify that I have this 28th day of January, 2009, served the foregoing QWEST CORPORATION'S RESPONSE TO NPCC'S MOTION TO LIFT ORDER HOLDING CASE IN ABEYANCE upon all parties of record in this proceeding by causing a copy to be sent by electronic mail and U.S. mail to the following addresses:

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