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2
3 BEFORE THE PUBLIC UTILITY COMMISSION
4 OF OREGON
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7 TO: Oregon Public Utility Commission

8 The Northwest Public Communications Council,
9 Complainants,

10 v.

11 Qwest Corporation,

12 Respondent.

DOCKET NO. DR 26/UC 600

OPPOSED MOTION FOR ENLARGEMENT OF
TIME TO FILE SUMMARY JUDGEMENT BRIEF

AND TO: All Parties

13 The Complainants, The Northwest Public Communications Council, by counsel, Frank G. Patrick hereby
14 moves the Commission for an Order enlarging the time to file its Motion for Summary Judgment Brief currently
15 scheduled to be filed on July 8, 2010.

16 Today the Complainant will have filed a Petition for Review of the PUC Order No. 10-027 and an
17 expedited motion to Stay at the Court of Appeals. The issue is one of giving the Court of Appeals and the PUC time
18 to respond to the Motion.

19 Since the briefing schedule was established two matters have occurred. First the Defendant's motion to
20 dismiss the Complainants Complaint has been partially heard and continued until July 22 at 9 AM.

21 Second, the Complainant has filed with the United States District Court a Complaint against the
22 Commission to review, in effect, has appealed the PUC Order No. 09-155 which denied its right to pursue its claims
23 for CustomNet refunds, as time barred. It has been assigned to the same Judge as the Complaint against Qwest.
24 Between the two actions it is anticipated that there will be a determination of jurisdiction. That one matter alone may
25 be dispositive of the the PUC's jurisdiction to further proceed.
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1 The US District Court also has before it the interpretation of the Waiver Order in the Complainants Motion
2 for Summary Judgment that will be heard after the July 22, 2010 hearing date which is essential to be resolved even
3 if the PUC has jurisdiction.

4 The Oregon Court of Appeals has been advised that the PUC has set a briefing schedule and that it has been
5 informed of the Motion. While I have not heard back from either Mr. Graham or Mr. Jones, it would seem that the
6 PUC has an interest in an orderly process rather than one which is hurried at the Court of Appeals.

7 Complainants have been directed by the US District Court Judge Brown to prepare for the July 22, 2010
8 hearing by cooperating with each other on matters that she has requested due by July 8, 2010. While Mr. Reichman
9 is under no pressure in this pending case the burden of doing it all is somewhat more taxing to this office given the
10 time demands. I believe that the Commission will be served by waiting at least until the Court of Appeals reviews
11 the Petition and the Expedited Motion and respectfully request at least a two week extension and a stay until the
12 Court of Appeals acts on the Motion to Stay. The PUC has the authority to so rule now.

13 Upon conferring with Lawrence Reichman, counsel for Qwest Corporation, he has indicated that Qwest
14 would oppose this request.

15 This motion is supported by the Declaration of Frank G. Patrick attached.

16 DATED this July 2, 2010

17 /s/

18 FRANK G. PATRICK, OSB 76022
19 Attorney for Plaintiff

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22 CERTIFICATE OF SERVICE

23 I, the undersigned below, hereby certify that I served the foregoing OPPOSED MOTION FOR ENLARGEMENT
24 OF TIME TO FILE BRIEF and DECLARATION OF FRANK G. PATRICK, For The Northwest Public
25 Communications Council on:
26

1 Lawrence Reichman
2 Perkins Coie
3 1120 N.W. Couch Street, 10th Floor
4 Portland, Oregon 97209-4128
5 reicl@perkinscoie.com

6 Jason W. Jones
7 Department of Justice
8 1162 Court Street NE
9 Salem, Oregon 97301
10 Jason.w.jones@state.or.us

11 QWEST
12 Adam L. Sherr
13 1600 7th Ave. Room 1506
14 Seattle, WA 98191

15 Adam.Sherr@qwest.com

16 by the following indicated method or methods:

17 X by mailing a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope,
18 addressed to the attorney as shown above, the last-known office address of the attorney, and deposited with the
19 United States Postal Service at Seattle, Washington, and by electronic mail on the date set forth below.

20 And Certify that I did electronically file same with the PUC Filing Center, with a hard copy to PUC, Filing Center,
21 550 Capitol Street NE, Ste 215, PO Box 2148, Salem, OR 97308-2148.

22 DATED this JULY 2, 2010

23 /s/
24 Frank G. Patrick, OSB 76022