

**Qwest**

421 SW Oak Street  
Room 810  
Portland, OR 97204  
Telephone: 503-242-5623  
Facsimile: 503-242-8589  
Email: Alex.Duarte@qwest.com



**Alex M. Duarte**  
Corporate Counsel

**EXPEDITED CONSIDERATION REQUESTED**

September 19, 2005

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

Re: UX 29- Qwest's Request for Brief 7-day Extension of Date to File Rebuttal Testimony

Dear Judge Arlow:

Qwest respectfully requests that Your Honor slightly modify the procedural schedule in this docket to extend the due date for Qwest's rebuttal testimony, currently scheduled for Friday, September 30, 2005, to **Friday, October 7, 2005**. There would be no change to the hearing date, currently scheduled for October 18-20, 2005, as a result of the granting of this request.

As I mentioned, the hearing in this matter is currently scheduled for October 18-20, 2005, and Qwest's reply testimony to five witnesses' testimony is due in less than two weeks, on Friday, September 30, 2005. Unfortunately, for various reasons, Qwest needs an additional week in order to adequately prepare its reply testimony. These reasons include that (1) Qwest is still working with Staff to obtain certain (non-1FB) *aggregated* pricing information from Staff along the lines of Exhibit Staff/112, (2) we still do not know how Your Honor will rule about the *disaggregated* facilities-based access line data issue, and any ruling in Qwest's favor would allow Qwest an opportunity to obtain certain limited data from Staff that it would want to discuss in its testimony,<sup>1</sup> (3) Qwest will have had only three weeks to respond to five pieces of testimony, totaling more than 170 pages, from seven different parties (while all other parties had five weeks to respond to one witness' testimony), and (4) the turnaround time for certain data requests that Qwest issued last week to various testifying parties (after they had filed their testimony) does not allow Qwest to adequately incorporate the responses in its reply testimony.

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<sup>1</sup> Qwest notes that on September 9, 2005, Your Honor gave CLECs until Wednesday, September 14, 2005, in which to provide additional statements regarding why they believed that disclosure of disaggregated facilities-based access line data subject to the motion for a protective order would harm them. No CLEC filed a response. Qwest will file a brief responsive statement to such non-filing of statements this afternoon indicating why Qwest believes that the CLECs have failed to meet any burden of proof that they would be harmed by any disclosure of this limited data which Qwest seeks pursuant to the modified protective order.

An October 7th filing date would still be 11 days before the October 18, 2005 hearing date. Qwest notes that Commission proceedings often have the hearing dates in less time after the filing of reply testimony than in this case. Indeed, the parties had originally planned for a hearing date earlier than October 18th, but Qwest agreed to push back the hearing date to accommodate religious observances during that time. Thus, Qwest does not believe that any party would be harmed or prejudiced by such an extension.

Finally, early in the afternoon on Friday, September 16, 2005, I sent an email to all parties on the service list asking whether any party had an objection to Qwest's request for an additional five business days in which to file its reply testimony. I asked that any party with an objection advise us by noon today so that Qwest could promptly file a request with Your Honor for a one-week extension of the rebuttal testimony filing date.

As of noon today, I have heard from a number of parties who have expressed a concern about not having time to conduct discovery (presumably about matters raised in the rebuttal testimony), and thus requesting that any change to the rebuttal testimony dates be reflected in a change of the hearing dates. Qwest, however, has advised the parties that to alleviate that concern, Qwest would agree to a five business-day turnaround to respond to data requests (five business days fewer than the applicable 10 business day response time under OAR 860-014-0070). This would mean that the parties would still end up receiving data request responses on the same date as if the current September 30th rebuttal testimony deadline had not been changed, while keeping the current October 18-20 hearing dates. Thus, there would continue to be no harm or prejudice to any party to have this one-week extension of the rebuttal testimony date.<sup>2</sup>

Finally, given that the current September 30, 2005 rebuttal testimony deadline is fast approaching, Qwest kindly requests that Your Honor give **expedited consideration** to this request.

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

Very truly yours,



Alex M. Duarte

cc Service List (via email)

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<sup>2</sup> Several parties have also suggested they would be willing to agree to a week's extension of the rebuttal testimony date if the hearing dates were also extended a week. Experience, however, shows that when multi-day hearing dates are changed or modified, there are invariably parties who protest about specific proposed dates because of their own particular unavailability, especially when the proposed change or modification occurs close to the originally-scheduled dates. Thus, rather than risk having parties complain about not being available the week of October 24th, or October 31st, or later, and especially with the Thanksgiving and December holidays approaching thereafter, Qwest believes that there is no harm or prejudice to any party by keeping the current hearing dates of October 18-20, and extending the rebuttal testimony from September 30 to October 7, with an agreed five business day turnaround on responses to data requests that pertain to rebuttal testimony.

## CERTIFICATE OF SERVICE

UX-29

I hereby certify that on the 19<sup>th</sup> day of August, 2005, I served the foregoing **QWEST CORPORATION'S LETTER TO THE HONORABLE ALLAN ARLOW** in the above entitled docket on the following persons via e-mail transmission to the addresses listed below.

Gregory J. Kopta  
Davis Wright Tremaine LLP  
2600 Century Square  
1501 Fourth Avenue  
Seattle, WA 98101-1688  
[gregkopta@dwt.com](mailto:gregkopta@dwt.com)

\*Stephanie S. Andrus  
Department of Justice  
1162 Court St., NE  
Salem, OR 97301-4096  
[stephanie.andrus@state.or.us](mailto:stephanie.andrus@state.or.us)

\*Alex M Duarte  
Qwest Corporation  
421 SW Oak St., Ste. 810  
Portland Or 97204  
[alex.duarte@qwest.com](mailto:alex.duarte@qwest.com)

Dennis Gabriel  
Oregon Telecom Inc  
PO Box 4333  
Salem, OR 97302-8333  
[dgabriel@oregontelecom.com](mailto:dgabriel@oregontelecom.com)

\*Karen J Johnson  
Integra Telecom Of Oregon Inc  
1201 NE Lloyd Blvd.  
Suite 500  
Portland, OR 97232  
[karen.johnson@integratelecom.com](mailto:karen.johnson@integratelecom.com)

Rex Knowles  
XO Communications, Inc.  
111 E Broadway, Ste. 1000  
Salt Lake City, UT 84111  
[rex.knowles@xo.com](mailto:rex.knowles@xo.com)

\*Lisa F Rackner  
Ater Wynne LLP  
222 SW Columbia St.  
Suite 1800  
Portland, OR 97201-6618  
e-mail: [lfr@aterwynne.com](mailto:lfr@aterwynne.com)

\*Lawrence Reichman  
Perkins Coie LLP  
1120 NW Couch St.  
10th Floor  
Portland, OR 97209-4128  
[lreichman@perkinscoie.com](mailto:lreichman@perkinscoie.com)

Brad Schaffer  
Rio Communications Inc  
2360 NE Stephens  
Roseburg, OR 97470  
[brad@rio.com](mailto:brad@rio.com)

\*Greg Diamond  
Covad Communications Co  
7901 Lowry Blvd.  
Denver, CO 80230  
[gdiamond@covad.com](mailto:gdiamond@covad.com)

\*Richard Cabe  
TRACER  
[Richard@salidamillwork.com](mailto:Richard@salidamillwork.com)

\*Douglas K. Denny  
Eschelon Telecom of Oregon, Inc.  
730 Second Avenue S.  
Suite 900  
Minneapolis, MN 55402-2489  
[dkdenney@eschelon.com](mailto:dkdenney@eschelon.com)

DATED this 19<sup>th</sup> day of August, 2005.

**QWEST CORPORATION**



By: \_\_\_\_\_  
ALEX M. DUARTE, OSB No. 02045  
421 SW Oak Street, Suite 810  
Portland, OR 97204  
Telephone: 503-242-5623  
Facsimile: 503-242-8589  
e-mail: alex.duarte@qwest.com  
Attorney for Qwest Corporation