ISSUED: July 13, 2010

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

DR 26/UC 600

THE NORTHWEST PUBLIC COMMUNICATIONS COUNCIL, on behalf of PSPs A to Z, and NPCC MEMBERS: Central Telephone, Inc.; *et al.*, Complainants, v. QWEST CORPORATION, Defendant.	PREHEARING CONFERENCE REPORT

DISPOSITION: PROCEDURAL SCHEDULE ESTABLISHED

On July 7, 2010, the Public Utility Commission of Oregon (Commission) held a telephone prehearing conference in this docket. Frank G. Patrick appeared on behalf of the Complainants, the Northwest Public Communications Council, *et al.* (collectively NPCC); and Lawrence Reichman appeared for Defendant, Qwest Corporation (Qwest).

The purpose of the conference was to discuss NPCC's motion for enlargement of time to file is summary judgment brief, which was filed July 2, 2010. NPCC asked that the Commission extend the deadline for filing a motion for summary judgment until after the Oregon Court of Appeals ruled on NPCC's request for a stay of these proceedings. Qwest opposed NPCC's motion in a response filed July 7, 2010.

During the conference, I granted NPCC's motion for an extension in part. I declined to extend the deadline until the Court of Appeals rules on NPCC's motion for a stay, but did grant NPCC's request for a few additional days in which to file a motion for summary judgment. The deadline was extended from July 8, 2010, to 12:00 a.m. on July 13, 2010. I instructed Mr. Patrick that he must file NPCC's motion for summary judgment by "the the end of the day on Monday * * *, which means an electronic copy to Qwest and to this Commission by midnight." NPCC's counsel replied, "Midnight. O.K."

NPCC attempted to file a motion for summary judgment on July 13, 2010. NPCC divided its motion and supporting documents into three e-mails: (1) the memorandum in support of NPCC's motion for summary judgment, sent at 12:00 a.m. on July 13; (2) an

exhibit list, sent at 12:03 a.m.; and (3) the motion for summary judgment and declarations in support, sent at 12:13 a.m. Because the entire filing was not received by the filing deadline, NPCC's motion for summary judgment was not accepted.

The parties agreed to two alternate schedules during the telephone conference—one if NPCC filed a motion for summary judgment and one if it did not. Because NPCC's filing was not accepted, the second alternate schedule is adopted. NPCC's response to Qwest's motion for summary judgment is due by 5:00 p.m. on July 29, 2010. Qwest may submit a reply to NPCC's response by 5:00 p.m. on August 19, 2010.

Dated this 13th day of July, 2010, at Salem, Oregon.

Sarah K. Wallace
Administrative Law Judge