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July 8, 2010

VIA E-MAIL

Administrative Law Judge Sarah Wallace
Public Utility Commission of Oregon
550 Capitol Street N.E., Suite 215
Salem, Oregon 97301-2551

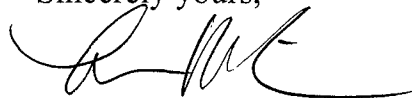
Re: DR 26 / UC 600; *Northwest Public Communications Council, et al. v. Qwest Corporation*

Dear Judge Wallace:

During our status conference yesterday, you asked the parties to keep you apprised of developments in related actions. I am enclosing a copy of an order issued yesterday by the Oregon Court of Appeals, denying NPCC's motion to stay agency proceedings.

Thank you for your attention to this matter.

Sincerely yours,



Lawrence Reichman

LHR:dma
Enclosure
cc (w/encl.): Frank Patrick
Jason Jones
Adam Sherr

IN THE COURT OF APPEALS OF THE STATE OF OREGON

NORTHWEST PUBLIC COMMUNICATIONS COUNCIL,
Petitioner,

v.

PUBLIC UTILITY COMMISSION OF OREGON, RAY BAUM, SUSAN ACKERMAN,
JOHN SAVAGE, and QWEST CORPORATION,
Respondents.

Public Utility Commission of Oregon
DR26UC600

A145973

ORDER DENYING MOTION TO STAY AGENCY PROCEEDINGS

Petitioner Northwest Public Communications Council ("Council") has petitioned for judicial review of an order of the Public Utility Commission ("the PUC") granting in part and denying in part a motion to strike Council's first amended complaint and denying Council's motion to file a second amended complaint. Council moves pursuant to ORS 756.610 to stay agency proceedings pending disposition of the judicial review; Council requests an immediate ruling on its motion.

ORS 756.610(2) provides in part that "[a] stay may be granted only after notice to the commission and opportunity for hearing." At best, Council has shown that it filed a motion to stay with the PUC contemporaneously with the motion filed in this court; certainly Council has not shown that the PUC has had an opportunity to hear the motion.

ORS 767.610(2) also provides that the court may grant a stay "for cause shown". The court harbors serious doubt that the order for which Council seeks judicial review is a final order subject to judicial review under ORS 183.482. Also, the only immediate harm of which Council complains if a stay is not granted is that "continued briefing of [the Council's] claims [is] due on July 8, 2010." The court observes that the PUC issued the order in question on February 1, 2010, and that Council waited 30 days after it contends that reconsideration of that order was deemed denied to file its petition for judicial review. Thus, it appears that any urgency is of Council's own making. Moreover, the court is not persuaded that a need to submit "continued briefing" is any harm at all; it certainly does not amount to sufficient "cause" within the meaning of ORS 757.610(2) to grant a stay.

ORDER DENYING MOTION TO STAY AGENCY PROCEEDINGS

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563

The motion for a stay of agency proceedings is denied.

JUL 7 2010

DATE


James W. Nass, Appellate Commissioner

c: Franklin G Patrick
David B Thompson
Lawrence H Reichman

DB/A145973ORDY100707

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Supreme Court Building, 1163 State Street, Salem, OR 97301-2563