

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

|                                       |   |                      |
|---------------------------------------|---|----------------------|
| In the Matter of the Petition of      | ) | DOCKET UT-061625     |
|                                       | ) |                      |
| QWEST CORPORATION,                    | ) | ORDER 07             |
|                                       | ) |                      |
| For an Alternative Form of Regulation | ) | DENYING REQUESTS FOR |
| Pursuant to RCW 80.36.135             | ) | SHORTENED COMMENT    |
|                                       | ) | PERIOD AND EXPEDITED |
| .....                                 | ) | DECISION             |

**MEMORANDUM**

- 1 **NATURE OF PROCEEDING:** This proceeding involves Qwest Corporation’s (Qwest) request for an alternative form of regulation pursuant to RCW 80.36.135.
  
- 2 **PROCEDURAL BACKGROUND:** The Washington Utilities and Transportation Commission (Commission) issued Order 06 in this proceeding requiring, among other things, Qwest to file a carrier-to-carrier service quality plan in accordance with RCW 80.36.135(3). The Order permitted all other parties to file comments to the plan within 14 days of its filing. On July 31, 2007, Qwest filed its carrier-to-carrier service quality plan.
  
- 3 **REQUEST FOR SHORTENED COMMENT PERIOD AND EXPEDITED DECISION:** Qwest filed a cover letter with its carrier-to-carrier service quality plan indicating that it was submitting the filing in compliance with Order 06 and requesting that the Commission shorten the comment period on the plan from 14 days to seven days. Qwest also requested that the Commission approve the plan on an expedited basis no later than August 17, 2007. Qwest asserted that it had raised the issue of a shortened comment period with the settling parties and received no objection.
  
- 4 On August 6, 2007, the Commission Staff (Staff) filed a response stating that initially it believed that it would be able to file comments within the shortened comment period. Upon further review, Staff asserted that it would need the full 14-day period for filing comments.

- 5 **COMMISSION DECISION:** The requests for a shortened comment period and expedited decision are denied. Any request for Commission action in an adjudicative proceeding is a “motion.”<sup>1</sup> According to WAC 480-07-375(2), written motions must be filed separately from any pleading or other communication with the Commission. As noted in the regulation, the Commission “will not consider motions that are merely stated. . . within the text of correspondence.” In this case, the requests were stated in the cover letter that accompanied Qwest’s compliance filing.
- 6 More importantly, the requests do not contain sufficient information for the Commission to issue a reasoned ruling. At a minimum, the standard for considering requests to shorten time periods should be comparable to the standard for extending such time periods.<sup>2</sup> That is, a party should state good cause for shortening the time period and demonstrate that the shortened time period will not prejudice any party or the Commission. In this case, Qwest does not state good cause, or any cause, for granting the request for either a shortened comment period or an expedited decision. In addition, the request for shortened time only takes into consideration the parties who reached a settlement in this proceeding. There is no mention of input from the other party to this proceeding, Public Counsel. Moreover, one of the settling parties, Staff, now opposes the request to shorten the time period for filing comments.
- 7 The request for an expedited decision on the carrier-to-carrier service quality plan must also be denied. The Commission must take into consideration the comments any party files regarding the plan. Expedited consideration would require the Commission to issue an order within three days of receiving the comments. That does not give the Commission sufficient time to review and consider the comments, adjudicate the merits of the issues, and enter an order. Accordingly, the request is denied.

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<sup>1</sup> WAC 480-07-375(1).

<sup>2</sup>WAC 480-07-385(2).

**ORDER**

8 THE COMMISSION ORDERS that the requests to shorten the time period established by Order 06 for parties to comment on Qwest Corporation's carrier-to-carrier service quality plan and for an expedited decision by August 17, 2007, are denied.

DATED at Olympia, Washington, and effective August 6, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge