

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

In the Matter of the Joint Application of	)	DOCKET UT-100820
)	
QWEST COMMUNICATIONS	)	ORDER 11
INTERNATIONAL INC. AND)	
CENTURYTEL, INC.	)	ORDER GRANTING JOINT
	)	MOTION TO AMEND
For Approval of Indirect Transfer of	)	PROCEDURAL SCHEDULE,
Control of Qwest Corporation, Qwest	)	SUBJECT TO CONDITION
Communications Company LLC, and	)	(Supplemental Responsive Testimony
Qwest LD Corp.	)	due November 1, 2010, and Joint
	)	Applicants’ Rebuttal and Public
	)	Counsel, Staff, and Intervenor Cross-
	)	Answering Testimony due November
	)	15, 2010)
.....)	

1 **PROCEEDING.** On May 13, 2010, Qwest Communications International Inc. (QCII) and CenturyTel, Inc. (CenturyLink) filed a joint application with the Washington Utilities and Transportation Commission (Commission) for expedited approval of the indirect transfer of control of QCII’s operating subsidiaries, Qwest Corporation, Qwest LD Corp., and Qwest Communications Company LLC (collectively Qwest) to CenturyLink (collectively with QCII, Joint Applicants). By Order 02, Prehearing Conference Order, entered June 10, 2010, the Commission established a procedural schedule in this matter.

2 **MOTION TO AMEND SCHEDULE.** On October 26, 2010, the Joint Competitive Local Exchange Carriers (Joint CLECs)¹ and the Joint Applicants filed a joint motion to amend the procedural schedule to permit the CLEC Intervenor an opportunity to file, on November 1, 2010, supplemental responsive testimony relating to the Hart-Scott-Rodino Act documents (HSR documents) produced by the Joint Applicants on

¹ The Joint CLECs are Integra Telecom of Washington, Inc.; Electric Lightwave, Inc.; Advanced TelCom, Inc.; United Communications, Inc. d/b/a Unicom (collectively, Integra); tw telecom of Washington, LLC; XO Communications Services, Inc.; Pac-West Telecomm, Inc.; McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services; Covad Communications Company; and Charter Fiberlink WA-CCVII, LLC.

approximately October 12, 2010. The joint motion further requested that the Joint Applicants be permitted to file rebuttal testimony relating to the HSR documents on November 15, 2010. In support of the motion, the joint movants note the HSR documents were provided after the deadline of September 27, 2010, for filing responsive testimony. Accordingly, no party was able to address these documents in their prefiled responsive testimony. The joint movants assert that no other modifications to the procedural schedule are necessary.

3 On October 26, 2010, the Public Counsel Section of the Washington Office of Attorney General (Public Counsel) stated its nonopposition to the motion provided it was given the opportunity to file, on November 15, 2010, crossing-answering testimony related to the supplemental responsive testimony. On the same date, the Commission's regulatory staff (Commission Staff or Staff)² concurred with Public Counsel. Also on October 26, 2010, the Department of Defense and all other Federal Executive Agencies, and Level 3 and Cbeyond, filed their nonopposition to the motion.

4 **DISCUSSION AND DECISION.** According to WAC 480-07-385, the Commission will grant a request for continuance if the requesting party demonstrates good cause and the continuance will not prejudice any party or the Commission. We grant the joint motion subject to condition.

5 The joint movants stated good cause for the continuance. The HSR documents that are the proposed subject of the supplemental responsive testimony were not provided in discovery until after the deadline for pre-filing responsive testimony. Absent granting a continuance to file responsive testimony on this topic, the Joint CLECs would be denied an opportunity to address the HSR documents in prefiled testimony. Likewise, the Joint Applicants should be granted an extension of time to address the supplemental responsive testimony in rebuttal. The other parties to this proceeding

² In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See RCW 34.05.455.*

will not be prejudiced if granting the joint motion is conditioned on affording all parties the opportunity to file cross-answering testimony on November 15, 2010. The parties do not request modification of the remainder of the procedural schedule, so granting the motion does not prejudice the Commission. Accordingly, the joint motion to amend schedule is granted subject to the condition that Public Counsel, Commission Staff, and Intervenors also file cross-answering testimony on November 15, 2010. The remainder of the procedural schedule is not modified.

ORDER

THE COMMISSION ORDERS THAT:

- 6 (1) The Joint Motion of the Joint CLECs and Joint Applicants is granted, subject to the condition that Public Counsel, Commission Staff, and Intervenors are provided the opportunity to file cross-answering testimony to the supplemental responsive testimony.
- 7 (2) On November 1, 2010, Supplemental Responsive Testimony and Exhibits addressing the Hart-Scott-Rodino Act are due.
- 8 (3) On November 15, 2010, the Joint Applicants' Rebuttal Testimony and Exhibits; Staff, Public Counsel and Intervenor Cross-Answering Testimony and Exhibits are due.

Dated at Olympia, Washington, and effective October 27, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.