

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

IN THE MATTER OF THE CONTINUED
COSTING AND PRICING OF UNBUNDLED
NETWORK ELEMENTS AND TRANSPORT
AND TERMINATION

Docket No. UT-003013 (Part D)

COVAD COMMUNICATIONS
COMPANY'S UNOPPOSED MOTION
FOR LEAVE TO FILE RESPONSIVE
TESTIMONY ON BASIC
INSTALLATION WITH COOPERATIVE
TESTING ON THE DATE SET FOR
SUPPLEMENTAL RESPONSE
TESTIMONY

Covad Communications Company ("Covad") respectfully requests leave to file its responsive testimony on basic installation with cooperative testing on the date set, pursuant to the Twenty-Eighth Supplemental Order, for filing supplemental response testimony. As grounds in support of this Motion, Covad states as follows:

1. On November 7, 2001, Qwest filed its Direct Testimony on the elements to be priced in Part D of the above-captioned proceeding. Relevant to this Motion, Robert Kennedy's testimony purportedly discussed the basic installation with cooperative testing option.

2. Brief review of Mr. Kennedy's testimony on this element revealed that it was completely garbled; it appeared to discuss elements other than basic installation with cooperative testing, was wholly unclear as to the tasks comprising this element, and failed to clearly or adequately describe how this element differed from other installation options offered by Qwest.

3. After serving Data Requests on Qwest to clarify its position on basic installation with cooperative testing, as well as discussing directly with Qwest Covad's specific questions and concerns regarding Mr. Kennedy's testimony on this issue, Qwest agreed to provide errata Kennedy testimony to clarify the basic installation with cooperative testing element. The errata Kennedy testimony was provided to the parties on December 11, 2001.

4. Far from being what typically constitutes errata testimony, Mr. Kennedy's errata testimony on basic installation with cooperative testing was, in fact, entirely *new* testimony. Attached hereto as Exhibit 1 is the portion of Mr. Kennedy's errata testimony relating to basic installation with cooperative testing.

5. In light of the delay in receiving a clear, complete and accurate statement of Qwest's direct case on basic installation with cooperative testing until December 11, 2001 – almost six weeks after the date for the filing of Qwest's direct case and only ten days before the due date for responsive testimony – Covad's right and ability to prepare a complete and accurate response has been severely compromised. Accordingly, Covad requires an extension of time, until and including January 11, 2002 (the date set for filing supplemental response testimony) to file its responsive testimony on basic installation with cooperative testing.

6. Covad has discussed this Motion with Qwest. Qwest authorized Covad to represent that Qwest does not object to this Motion and the attendant extension of time. An extension of the deadline will not prejudice any party to this proceeding. To the contrary, a failure to grant an extension of time will severely prejudice Covad. Further, an extension of time will not impact or delay these proceedings.

WHEREFORE, for the good cause set forth above, Covad respectfully requests that it be given until and including January 11, 2002 to file its responsive testimony on basic installation with cooperative testing.

Dated this 17th day of December, 2001.

Respectfully submitted,

COVAD COMMUNICATIONS COMPANY

By:

K. Megan Doberneck
Senior Counsel
Covad Communications Company
7901 Lowry Boulevard
Denver, CO 82030
720-208-3636
720-208-3256 (facsimile)
e-mail: mdoberne@covad.com

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing on the following:
(Please see attached service list)

By the following indicated method or methods:

- by **faxing** full, true, and correct copies thereof to the attorneys at the fax numbers shown above, which are the last-known fax numbers for the attorneys' offices, on the date set forth below. The receiving fax machines were operating at the time of service and the transmissions were properly completed, according to the attached confirmation reports.
- by **mailing** full, true, and correct copies thereof in sealed, first-class postage-prepaid envelopes, addressed to the attorneys as shown above, the last-known office addresses of the attorneys, and deposited with the United States Postal Service at Seattle, Washington, on the date set forth below.
- by sending full, true and correct copies thereof via **overnight courier** in sealed, prepaid envelopes, addressed to the attorneys as shown above, the last-known office addresses of the attorneys, on the date set forth below.
- by causing full, true and correct copies thereof to be **hand-delivered** to the attorneys at the attorneys' last-known office addresses listed above on the date set forth below.
- By **e-mailing** to the e-mail addresses as noted on attached service list

DATED this 17th day of December, 2001.

SERVICE LIST
DOCKET NO. UT-003013

Lisa Anderl
Qwest
1600 7th Avenue, Rm. 3206
Seattle, WA 98101
PH: (206) 345-1574
FX: (206) 343-4040
e-mail: landerl@qwest.com

Jennifer L. McClellan
Hunton & Williams
951 East Byrd Street
Richmond, A 23219
FAX: (804)788-8218
E-mail: jmcclellan@hunton.com

Simon Fitch
Assistant Attorney General
900 Fourth Avenue, Suite 2000
Seattle, WA 98164
FAX: (206) 389-2058
E-mail: robertc1@atg.wa.gov

Arthur A. Butler
Ater Wynne
5450 Two Union Square
601 Union Street
Seattle, WA 98101-2327
PH: (206) 623-4711
FX: (206) 467-8406
e-mail: aab@aterwynne.com

K. Megan Doberneck
Covad Communications Company
7901 Lowry Boulevard
Denver, CO 80230
PH: (720) 208-3636
FX: (720) 208-3256
e-mail: mdoberne@covad.com

Gregory J. Trautman
Assistant Attorney General
1400 S. Evergreen Park Dr. SW
Post Office Box 40128
Olympia, WA 98504-0128
FAX: (360) 586-5522

Michel Singer Nelson
WorldCom, Inc.
707 17th Street, Suite 4200
Denver, CO 80202
PH: (303) 390-6106
FX: (303) 390-6333
e-mail: michel.singer_nelson@wcom.com

Gregory J. Kopta
Davis Wright Tremain
2600 Century Square, 1501 Fourth Avenue
Seattle, WA 98101-1688
PH: (206) 622-3150
FX: (206) 628-7699
e-mail: gregKopta@dwt.com

Paul B. Hudson
Swidler, Berlin, Shereff & Friedman
3000 K. Street NW, Suite 300
Washington, D.C. 20007-7645

Brooks Harlow, Esq.
Miller Nash Wiener Hager & Carlsen
601 Union Street, Suite 4400
Seattle, WA 98101-2352
FAX: (206) 622-7485
E-mail: harlow@millernash.com

Nancy Judy
AVP External Affairs
Sprint Corporation
902 Wasco Street
Hood River, OR 97031-3103
FAX: (541) 387-9753
E-mail: nancyj@sprintnw.com

Richard Finnigan
Attorney at Law
2405 Evergreen Park Dr., SW, #B-1
Olympia, WA 98502
FX: (360) 753-6862
e-mail: rickfinn@yelmtel.com
