

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

In the Matter of the Petition for)	DOCKET UT-093035
Arbitration of an Interconnection)	
Agreement Between)	
)	
NORTH COUNTY)	
COMMUNICATIONS CORPORATION)	QWEST'S ANSWER TO NORTH
OF WASHINGTON)	COUNTY CORPORATION'S
)	REQUEST TO STAY OR
and)	SUSPEND PROCEDURAL
)	SCHEDULE
QWEST CORPORATION)	
Pursuant to 47 U.S.C. Section 252(b).)	
.....)	


- 1 Qwest Corporation (“Qwest”) files this answer to NCC’s request to stay or suspend the procedural schedule. Qwest opposes that request on the basis that it is untimely, and further that it is not warranted.
- 2 On April 26, 2010, pursuant to the schedule previously established in this matter, ALJ Torem issued an order denying NCC’s motion to dismiss Qwest’s petition for arbitration. Under the schedule established in Order 05, NCC was to file its answer to Qwest’s petition on May 3, 2010. Both NCC and Qwest had previously consented to the procedural deadlines set forth in Order 05, including the requirement that NCC file an answer within five (5) business days of the order addressing the motion to dismiss, and the requirement that both parties file direct testimony on May 19, 2010.
- 3 Instead of filing an answer on May 3, NCC filed a “petition for administrative review” of the ALJ’s order. NCC noted that it had determined to not file an answer in the interests of conserving judicial resources. The ALJ the entered Order 07, reminding NCC of its obligation to file an answer. NCC filed an answer on May 6, 2010, and on that same day filed a request to stay or suspend the procedural schedule pending resolution of NCC’s May 3

request for review.

- 4 This answer is timely pursuant to WAC 480-07-385, which allows three business days in which to respond to a request for a continuance (NCC's request to stay or suspend the schedule). WAC 480-07-810(3) allows 10 days for filing an answer to a petition for interlocutory review, which Qwest will file on or before May 13, 2010.
- 5 Qwest opposes the request to stay or suspend the procedural schedule. That schedule was set forth in Order 05, and neither party objected to it. In fact, both parties affirmatively consented to the schedule. The reasons that NCC now advances for a continuance are based on circumstances that NCC knew might exist at the time the schedule was set. But NCC agreed to the schedule at that time, when it could easily have asked the Commission to build time into the schedule to allow for the type of review it now seeks. Because NCC did not, and because the burden of going forward with the proceeding will be small compared to the burden of additional delay, Qwest opposes the request for a continuance. The burden of going forward is small because Qwest is already in the process of preparing its testimony, in accordance with the agreed schedule, and Qwest believes that the issues are fairly narrow. Qwest is harmed by NCC's continuing attempts to delay the substantive proceeding.
- 6 In conclusion, Qwest respectfully asks the Commission to deny the request to stay or suspend the procedural schedule.

DATED this 11th day of May, 2010.

QWEST



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