

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

In the Matter of the Petition of	)	DOCKET NO. UT-033044
	)	
QWEST CORPORATION	)	ORDER NO. 12
	)	
To Initiate a Mass-Market	)	ORDER GRANTING QWEST'S
Switching and Dedicated Transport	)	MOTION FOR LEAVE TO EXCEED
Case Pursuant to the Triennial	)	20-PAGE LIMIT FOR REBUTTAL
Review Order	)	TESTIMONY
	)	
.....	)	

1 **SYNOPSIS.** *In this Order, the Commission grants Qwest's motion for leave to exceed the 20-page limit for rebuttal testimony for two witnesses, Peter Copeland and Rachel Torrence, finding Qwest's request to be reasonable.*

2 **NATURE OF THE PROCEEDING.** This proceeding addresses a petition filed by Qwest Corporation (Qwest) seeking review of the findings of the Federal Communications Commission (FCC) in its Triennial Review Order<sup>1</sup> concerning impairment to competitors without unbundled access to mass-market switching and dedicated transport.

3 **PROCEDURAL HISTORY.** On October 10, 2003, Qwest filed a petition with the Washington Utilities and Transportation Commission (Commission) in Docket No. UT-033044 to initiate a review of the FCC's findings in the Triennial Review Order concerning mass-market switching and dedicated transport.<sup>2</sup>

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<sup>1</sup> *In the matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket Nos. 01-338, 96098, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (Rel. August 21, 2003) [Hereinafter "Triennial Review Order"].

<sup>2</sup> A summary of earlier procedural history in this docket is set forth in Order Nos. 05 and 06 in this proceeding and will not be repeated in this Order.

4 On Thursday, February 19, 2004, Qwest submitted to the Commission electronically a Motion For Leave to Exceed 20-Page Limit for Rebuttal Testimony, requesting permission to file overlength testimony for two witnesses, Peter Copeland and Rachel Torrence.

5 **QWEST'S MOTION.** Qwest asserts that Mr. Copeland will rebut the testimony of AT&T witnesses Drs. Lehr and Selwyn and Mr. Baranowski totaling 80 and 27 pages of testimony, respectively. Qwest asserts that these witnesses raise numerous specific issues related to the CPRO and BCAT cost models that require detailed responses.

6 Qwest also asserts that Ms. Torrence is Qwest's only witness on transport issues, and that she plans to file testimony rebutting testimony by the Joint CLECs' witnesses Messrs. Bennett and Fassett, and AT&T witnesses Messrs. Giovannucci and Stacy, totaling 103 pages of testimony and addressing numerous points.

7 **Discussion and Decision.** Qwest's motion to file overlength testimony for Peter Copeland and Rachel Torrence is granted. Given that rebuttal testimony must be filed with the Commission by Friday, February 20, 2004, Qwest's request must be resolved expeditiously, without an opportunity for comment from other parties. Qwest's motion establishes good cause for exceeding the 20-page limit for rebuttal testimony established in paragraph 19 of Order No. 06 in this proceeding. In addition, the number of pages of rebuttal testimony that Mr. Copeland and Ms. Torrence plan to file is not unreasonable.

8 **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(3).**

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DATED at Olympia, Washington, and effective this 19th day of February, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Administrative Law Judge