

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

In the Matter of the Second Six-Month)
Review of Qwest Corporation's) DOCKET NO. UT-043007
Performance Assurance Plan)
) QWEST CORPORATION'S
) MOTION FOR CHANGE OF
) SCHEDULE, EVIDENTIARY
) HEARING AND DISCOVERY
)
.....)

COMES NOW Qwest Corporation ("Qwest") and moves for issuance of an order modifying the schedule set in Order No. 1, providing for an evidentiary hearing and invoking the Commission's discovery rule. This motion is based on the following showing.

The final LTPA meeting on disputed issues under the existing agreement with the facilitator was held March 25, 2004. This meeting resulted in a determination that impasse existed on a number of issues. Mr. Kern, the LTPA facilitator, had previously established his own dispute resolution schedule which calls for his submission of issue statements on two specific issues, namely BI-3 and PO-20, by March 30, 2004, comments on the impasse statements by March 31, 2004, a response by parties to those statements by April 2, 2004, a recommendation by the facilitator on those two issues by April 12, 2004 with a vote by a quorum of the Commission Staff on the recommendations for those two issues by April 20,

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Law Offices of
Douglas N. Owens
1325 Fourth Avenue
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Seattle, WA 98101
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2004. In addition, during the March 25, 2004 meeting, the facilitator established a second dispute resolution schedule on all other disputed issues for his submission of issue statements by April 1, 2004, comments on the impasse statements by April 5, 2004, a response by parties to those statements by April 9, 2004, his recommendations on those issues by April 19, 2004 and with a vote by a quorum of the Commission Staff on the recommendations for those issues by April 27, 2004. There are at least seven very significant impasse issues at this time in the LTPA, including in addition to PIDs BI-3 and PO-20, the issues of when to change product reporting categories and how to report them, PID standards applied to line splitting and loop splitting, reporting and standards for xDSL_i and the applicability of existing PIDs to products that are not described in those PIDs.

Order No. 1 was based on the parties' beliefs that the LTPA process would conclude in late March or early April 2004, as stated in paragraph 5. Given the manner in which the LTPA process has unfolded, Qwest submits that it is reasonable that the requirement in Order No. 1 in this proceeding for the parties to submit an agreed issues list be modified to push the due date back by a minimum of two weeks. This period should allow for the submissions of the LTPA facilitator's impasse statements and parties' responses to those statements under the two schedules the facilitator has established to be completed before parties proceed in this case to draft an issues list.

Further, the nature of the issues that will be considered in this six month review as impasse issues, was not something that could have been known with certainty at the time the initial prehearing conference was held in this matter. The type of issues involved based on the information available from the concluding LTPA session indicates that an evidentiary hearing

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should be held in this case. Qwest therefore requests such an evidentiary hearing pursuant to paragraph 9 of Order No. 1, and it withdraws its waiver of RCW 34.05.461(1)(c) and requests that an initial order be issued.

In order that the evidentiary hearing generate a comprehensive record, Qwest moves pursuant to paragraph 4 of Order No. 1 and WAC 480-07-425 that discovery be permitted. Qwest recognizes that granting its motion will likely involve changes in the timing of the submission of testimony and will call for the scheduling of a hearing which is not now part of the schedule established in Order No. 1. Qwest therefore requests the convening of a prehearing conference pursuant to WAC 480-07-430 at which these issues may be considered.

Respectfully submitted this 31st day of March, 2004

QWEST CORPORATION

LAW OFFICES OF DOUGLAS N. OWENS

Douglas N. Owens (WSBA 641)
Counsel for Qwest Corporation

Lisa A. Anderl (WSBA 13236)
Qwest Corporation
Associate General Counsel
1600 Seventh Ave., Room 3206
Seattle, WA 98191
(206) 345 1574

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