

[Service Date January 24, 2007]

January 24, 2007

**NOTICE DENYING MOTION FOR SCHEDULE EXTENSION AND
GRANTING MODIFICATION OF DISCOVERY RESPONSE TIME
(Discovery Response Time Shortened to Five Business Days Commencing
February 23, 2007)**

RE: *In the Matter of the Petition of QWEST CORPORATION to be Regulated
Under an Alternative Form of Regulation Pursuant to RCW 80.36.135.
Docket UT-061625*

TO ALL PARTIES OF RECORD:

On January 23, 2007, the Washington Utilities and Transportation Commission (Commission) received a motion from Public Counsel for a schedule extension and modification of discovery response time. Public Counsel requested that the deadlines for responsive and rebuttal testimony be extended one week to February 5, 2007, and February 23, 2007, respectively. Public Counsel also requested that the discovery response time be shortened to five business days beginning February 23, 2007. Public Counsel represented that Qwest Corporation and Commission Staff agreed to the change. Counsel for Integra Telecom, Time Warner Telecom, Covad Communications Co., and XO Communications did not oppose the request nor did counsel for WeBTEC. No other party responded so Public Counsel presented this as an agreed request.

The Commission denies the request for extension of time. According to WAC 480-07-385(2), the Commission will grant a continuance if the requesting party demonstrates good cause for the continuance and the continuance will not prejudice any party or the Commission. Given the press of other regulatory business, granting the request for continuance will prejudice the Commission. The Commission has inadequate time in its schedule to accommodate the requested extension, particularly the extension of time to submit rebuttal testimony, attend to other regulatory matters, and adequately prepare for hearing in this proceeding. Public Counsel is reminded that motions for continuance should contain the rationale for the request. This

enables the Commission to make the good cause finding required by the regulation and aids the Commission in balancing the needs of the movant, the other parties, and the Commission in ruling on the request.

The Commission grants the request to shorten the discovery response time to five business days commencing February 23, 2007. The modification in discovery response time is agreed upon by the parties and the Commission is not prejudiced by this modification.

NOTICE IS HEREBY GIVEN That the motion for schedule extension is denied and the deadline for responding to discovery requests is shortened to five business days commencing February 23, 2007.

Sincerely,

PATRICIA CLARK
Administrative Law Judge