**BEFORE THE WASHINGTON STATE**

**UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of the Petition for  Arbitration of an Interconnection  Agreement Between  NORTH COUNTY  COMMUNICATIONS  CORPORATION OF WASHINGTON,  with  QWEST CORPORATION  Pursuant to 47 U.S.C. Section 252(b). | Docket UT-093035  **NORTH COUNTY COMMUNICATIONS CORPORATION’S RESPONSE TO QWEST’S ANSWER TO REQUEST To Stay or Suspend Procedural Schedule Pending RESOLUTION OF PETITION FOR ADMINISTRATIVE REVIEW OF ORDER DENYING MOTION TO DISMISS** |

*1* North County Communications Corporation (“North County”) respectfully submits the following Response to Qwest’s Answer to Request to Stay or Suspend Procedural Schedule Pending Petition for Administrative Review of the Order Denying Motion to Dismiss.

*2* As indicated in North County’s Request to Stay, and as is simply true, it makes no sense to proceed with the arbitration in this matter until the Commission decides North County’s Petition for Administrative Review. If the Commission grants the Petition, all work done in furtherance of the arbitration will be a total waste. If, on the other hand, the Commission denies the Petition, the ALJ can simply reschedule the relevant deadlines. There is absolutely no urgency to this matter. The parties have operated under the current ICA for fourteen years, a few more weeks will make no difference.

*3* Indeed, Qwest makes no showing whatsoever that a stay will cause any harm. Rather, Qwest simply states, without explanation, that the burden of not moving forward outweighs the burden of moving forward. That statement is completely illogical. Not doing something is never more of a burden than doing something. Qwest fails to show any cause, let alone good cause, for not staying the arbitration pending the outcome of the Petition for Administrative Review. Qwest has not met its burden and, as such, North County’s Request to Stay should be granted.

Dated this 14th day of May, 2010, in San Diego, California.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have served the foregoing document this day upon all parties of record (listed below) in these proceedings by mailing a copy properly addressed with first class postage prepaid.

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| Lisa A. Anderl  Qwest Corporation  1600 7th Avenue, Room 1506  Seattle, WA 98191  (206) 345-1574  [Lisa.anderl@qwest.com](mailto:Lisa.anderl@qwest.com) | Anthony E. McNamer  McNamer and Company PC  920 SW Third Avenue, Suite 200  Portland, OR 97204  (503) 727-2504  [Anthony@mcnamerlaw.com](mailto:Anthony@mcnamerlaw.com) |
| David W. Danner,  Executive Director and Secretary  Washington Utilities & Transportation Commission  1300 S. Evergreen Park Drive, SW  P.O. Box 47250  Olympia, WA 98504-7250 |  |
| Adam E. Torem, Arbitrator  Washington Utilities & Transportation Commission  1300 S. Evergreen Park Drive, SW  P.O. Box 47250  Olympia, WA 98504-7250  [atorem@utc.wa.gov](mailto:atorem@utc.wa.gov) |  |

Dated this 14th day of May 2010, in San Diego, California.

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Jessica Hartgrave