

BEFORE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Review of: Unbundled Loop and Switching Rates; the Deaveraged Zone Rate Structure; and Unbundled Network Elements, Transport, and Termination	Docket No. UT-023003
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**MOTION TO EXTEND TIME TO FILE PETITION FOR CLARIFICATION AND TO
MAKE A COMPLIANCE FILING**

Following the Commission's Twenty-Fourth Supplemental Order in this Docket, Verizon Northwest Inc. ("Verizon NW") respectfully submits this motion to extend the time to file a Petition for Clarification to March 10, 2005, and to extend the time to make a Compliance Filing to 45 days after an order on that Petition. Verizon NW will file its Petition for Reconsideration within 10 days of the Commission's Order, as required by the Washington Revised Code, section 34.05.470. Verizon NW has consulted with AT&T and Staff, the only two parties who filed testimony and briefs in this proceeding, and they have indicated that they have no objection to Verizon NW's request.

The Commission released its 179-page Twenty-Fourth Supplemental Order ("Order") in Docket No. UT-023003 on February 9, 2005. That Order requires Verizon NW to make a compliance filing within ten business days after the service date of the Order. In addition, the Washington Administrative Code, section 480-07-835, provides that a party has ten days to file a motion for clarification of a final Commission order. The Washington Administrative Code,

section 480-07-130, states, however, “[t]he commission may modify the time limits stated in a commission rule, subject to other requirements of law.” Section 480-07-385 permits motions for extensions of time, but requires them to be filed “five business days prior to the deadline as to which the continuance is requested,” unless good cause is shown.

First, because of the complicated nature and length of the Commission’s Order, Verizon NW needs additional time to file a Petition for Clarification. For example, Verizon NW also must consult with more than a dozen subject matter experts that have provided written testimony in this proceeding and numerous support staff, to determine the overall impact of the Commission’s order and to identify on which issues it should seek clarification. This identification process and the actual drafting of the Petition will take a few weeks. In addition, because the Commission used both VZ Cost and the HAI model to set UNE rates, a number of complicated issues are raised regarding how to relate certain inputs to others. Verizon NW may also need further clarification on some issues based on its review of the workpapers of the Commission’s experts, Dr. Gabel and Mr. Burns, who calculated cost estimates for VzCost and HM 5.3. (Verizon NW is concurrently requesting these workpapers in a separate letter.)

Second, Verizon NW requests that it be permitted to make its compliance filing 45 days after the Commission rules on Verizon NW’s petitions for reconsideration and clarification. Indeed, it would be waste of resources for Verizon NW to make such a filing (and the parties to comment on it) *before* the Commission rules on such petitions. For example, Verizon NW intends to seek clarification on whether it is required to complete a compliance run with the HM 5.3 model, particularly when it does not have access to the TNS source code. In addition, Verizon NW cannot complete the compliance filing until after the Commission rules on any petitions for reconsideration/clarification because the Order requires Verizon NW to provide a

“checklist,” documenting each “step[] and process[] Verizon implements . . . to set up and run VzCost once ‘pre-processing’ it complete” with a narrative of the purpose and goal of each step, as well as several other materials.¹ Of course, these steps will change depending on the outcome of Verizon NW’s petitions for reconsideration and clarification. Accordingly, Verizon NW requests that it be given 45 days to complete the compliance filing once the Commission rules on the petitions for reconsideration and clarification given the extensive changes Verizon NW must make to its model, and the extensive additional documentation the Commission has requested.

Finally, Verizon NW did not file this motion more than five business days before the deadline for filing a Petition for Clarification, as section 480-07-385 requires, because Verizon NW has just determined that such an extension is necessary. It took Verizon NW several days to review a voluminous order and consult with several experts. Verizon NW acted as expeditiously as possible under the circumstances, and it has filed this motion just five business days after receiving the Order. In addition, Staff and AT&T have stated that they do not object to Verizon NW’s extension requests, so no party can claim to be prejudiced by Verizon NW’s requests. The Commission should therefore find that Verizon NW has shown good cause for its failure to file this motion five business days before the deadline.

CONCLUSION

For the reasons stated above, the Commission should extend Verizon NW’s time to file its Petition for Clarification to March 10, 2005. The Commission should also find that Verizon NW may make its compliance filing 45 days after the Commission’s orders on Verizon NW’s petitions for reconsideration and clarification.

¹ *See Order*, Appendix A.

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