

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

In the Matter of the Petition of:)	
)	DOCKET UT-053041
)	
INTELLIGENT COMMUNITY)	ORDER 04
SERVICES, INC.)	
)	
For Designation as an Eligible)	ORDER GRANTING JOINT
Telecommunications Carrier Under 47)	MOTION TO AMEND
U.S.C. § 214(e)(2))	PROCEDURAL SCHEDULE
)	
.....)	

MEMORANDUM

- 1 **NATURE OF PROCEEDING.** Docket UT-053041 involves the request of Intelligent Community Services, Inc. (ICS) for designation as an Eligible Telecommunication Carrier (ETC) under Section 214(e)(2) of the Telecommunications Act of 1996 to receive support from the federal Universal Service Fund, including support for customers in high-cost locations and low-income customers in the Roslyn, Washington, exchange.

- 2 **APPEARANCES.** Gregory J. Kopta, Davis Wright Tremaine LLP, Seattle, Washington, represents ICS. Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (the Commission Staff or Staff). Richard A. Finnigan, attorney, Olympia, Washington, represents Inland Telephone Company (Inland) and the Washington Independent Telephone Association (WITA).

- 3 **PROCEDURAL HISTORY.** ICS filed a Petition with the Washington Utilities and Transportation Commission (Commission) on June 29, 2005, seeking designation as an ETC under 47 U.S.C. § 214(e)(2), in Docket UT-053041. On December 14, 2007, ICS filed an Amended Petition in the docket. The Commission set the matter for hearing at its March 27, 2008, open meeting.

4 The Commission held a prehearing conference on April 23, 2008, before Administrative Law Judge Ann E. Rendahl. Thereafter, the Commission adopted a procedural schedule in Order 01 and granted the interventions requested by Inland and WITA. On May 1, 2008, the Commission issued Order 02, a Protective Order with Highly Confidential provisions.

5 On July 8, 2008, the Commission issued Order 03, granting in part and denying in part WITA's motion to compel responses to certain data requests.

6 Also on July 8, Staff, Inland and WITA filed a Joint Motion to Amend Procedural Schedule (Joint Motion), requesting an extension of time to file responsive testimony and other deadlines. The parties had previously notified the presiding officers by telephone on Wednesday, July 2, 2008, of their request to modify the procedural schedule.

7 **JOINT MOTION TO AMEND PROCEDURAL SCHEDULE.** In the cover letter attached to the Joint Motion, the parties explain that they require additional time to prepare responsive testimony due to an outstanding discovery dispute. Allowing additional time to file responsive testimony requires change to other dates in the procedural schedule. ICS does not oppose the Joint Motion. The Joint Motion revises the procedural schedule in this matter as follows:

- Responsive testimony by Staff, WITA, and Inland would be filed on or before Friday, July 18, 2008, instead of Wednesday, July 9, 2008.
- Rebuttal testimony by all parties would be filed on or before Wednesday, August 13, 2008, instead of Wednesday, August 6, 2008.
- The hearing would be held on Thursday, September 4, 2008, instead of Wednesday and Thursday, August 27 and 28, 2008.

8 The cover letter to the Joint Motion raises the issue of whether the scheduled prehearing status conference, originally scheduled for Wednesday, August 13, 2008, is necessary. If it is required, then Staff, Inland, and WITA suggest Wednesday, August 27, 2008.

9 Under 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. The parties state good cause for the continuance; the Commission entered an order, Order 03, today, resolving the parties' discovery dispute, leaving little time to prepare responsive testimony by July 9. While granting the continuance will require modifying the entire case schedule, doing so does not prejudice any party or the Commission; As there is no statutory deadline for completing this proceeding, extending the procedural schedule in the proceeding will not limit the time for the Commission to enter an order in this matter. Finally, the moving parties have indicated that the only non-signatory to the Joint Motion, ICS, does not oppose the motion. Accordingly, the request should be granted.

- 10 The Commission finds and concludes that it should grant the relief requested and amend the procedural schedule. The Commission finds that retaining a prehearing status conference in the procedural schedule is unnecessary at this time and should be cancelled.

ORDER

- 11 THE COMMISSION ORDERS that the Joint Motion to Amend the Procedural Schedule, filed by Inland Telephone Company, the Washington Independent Telephone Association and the Commission's Regulatory Staff, is granted. The procedural schedule appended to this order replaces the schedule previously adopted in Order 01 in this proceeding.

Dated at Olympia, Washington, and effective July 8, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. RUSSELL
Administrative Law Judge

ANN E. RENDAHL
Administrative Law Judge

REVISED PROCEDURAL SCHEDULE

Event	Current Date	Modified Date
Response Testimony	July 9, 2008	July 18, 2008
Rebuttal/Cross-Answering Testimony	August 6, 2008	August 13, 2008
Evidentiary Hearing	August 27-28, 2008	September 4, 2008