



4 On September 10, 2008, the Commission convened a prehearing conference before ALJ Russell. The Commission issued Order 02 on September 17, 2008,<sup>1</sup> which established the following procedural schedule:

Direct Testimony (both parties)	October 8, 2008
Responsive Testimony (both parties)	November 13, 2008
Witness Lists and Disclosure of cross examination exhibits (both parties)	December 11, 2008
Arbitration Hearing	December 16-18, 2008
Post-Hearing Opening Briefs	January 22, 2009
Post-Hearing Closing Briefs	February 9, 2009
Projected Date of Arbitrator's Report	March 30, 2009

5 On November 10, 2008, Charter filed a request with the Commission to amend the procedural schedule. Specifically, Charter asks that the responsive testimony deadline be extended from Thursday, November 13, 2008, to Monday, November 17, 2008. This request was granted in Order 04, issued November 12, 2008.

6 On December 11, 2008, Judge Friedlander received a call from Counsel for Charter requesting clarification as to whether the witness lists due on December 11, 2008, included disclosure of cross examination exhibits. The Commission also received a request from both parties that, due to the confusion and the fact that Counsel for Qwest had just returned from hearings in another state, the deadline for the witness lists and disclosure of cross examination exhibits be delayed one day until tomorrow.

7 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' request narrowly extends the deadline for witness lists and disclosure of cross examination exhibits by one day. Given that both Parties are in agreement on the extension and the lack of impact on the rest of the schedule, the request should be granted. The witness lists filed by both parties should also include disclosure of cross examination exhibits.

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<sup>1</sup>Also on September 17, 2008, the Commission issued Order 03, a protective order.

- 8 The Commission finds and concludes that it should grant the relief requested and amend the procedural schedule.

**ORDER**

- 9 THE COMMISSION ORDERS that the Joint Request to Extend the Deadline for filing witness lists and disclosure of cross examination exhibits by Charter Fiberlink WA-CCVII, LLC, and Qwest Corporation to December 12, 2008, is granted.

Dated at Olympia, Washington, and effective December 12, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER  
Administrative Law Judge