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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application of QWEST CORPORATION

Regarding the Sale and Transfer of Qwest Dex to Dex Holdings, LLC, a non-affiliate

Docket No. UT-021120

MOTION TO ACCEPT LATE-FILED TESTIMONY OF WILLIAM E. KENNARD

On January 24th Dex Holdings, LLC (“Dex Holdings”) learned that the direct testimony of its witness William E. Kennard was late-filed. This was a complete surprise, because Dex Holdings’ attorneys gave Mr. Kennard’s testimony to a messenger service with ample time for delivery to the Commission by the deadline on January 17th at 5:00, as the attached affidavit explains. *See Attachment.* Because the messenger service missed the deadline, it filed Mr. Kennard’s testimony on the morning of Tuesday, January 21st, the next business day.

The late filing prejudiced no parties. Dex Holdings circulated a copy of Mr. Kennard’s testimony electronically to all parties on the evening of Friday, January 17th, so the parties had copies of Mr. Kennard’s testimony on the date the testimony was due. Further, on January 27th, David Rice of Miller Nash confirmed with Robert Cromwell representing Public Counsel, Greg Trautman representing the Commission Staff, Art Butler representing WeBTECH, Stephen Melnikoff representing the Federal Executive Agencies, Greg Kopta

1 representing XO Washington, Inc., and Ron Roseman representing AARP that they have no
2 objections to this motion and have suffered no prejudice by the late filing.

3 Because the late filing was beyond Dex Holdings' control and no parties were
4 harmed by it, there is good cause for the Commission to accept the late-filed testimony of
5 Mr. Kennard.

6 DATED this 28th day of January, 2003.

7 MILLER NASH LLP

8 

9 _____
10 Brooks E. Harlow
11 WSB No. 11843
12 David L. Rice
13 WSB No. 29180

14 Attorneys for Intervenors
15 Dex Holdings, LLC
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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Application of QWEST
CORPORATION

Regarding the Sale and Transfer of Qwest
Dex to Dex Holdings LLC, a nonaffiliate

No. UT-021120

AFFIDAVIT OF ABC

Documents: DIRECT TESTIMONY OF WILLIAM E. KENNARD ON BEHALF OF DEX HOLDINGS LLC
JANUARY 17, 2003

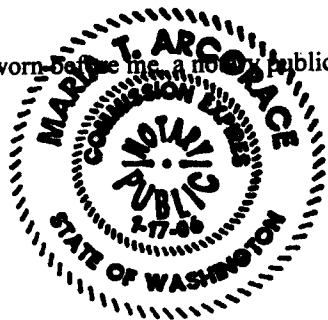
The undersigned being first duly sworn on oath deposes and says: that he/she is now, and at all times herein mentioned was a citizen of the United States and resident of the State of Washington, over the age of 18 years, not a party to or interested in the above entitled action, and competent to be a witness therein.

On January 17, 2003, at approximately 1:52 p.m., the law firm of Miller, Nash LLP located at 601 Union St, #4400, Seattle, WA 98101, requested that ABC Legal Services file the above-mentioned document before the Washington Utilities & Transportation Commission, located at 1300 & 1400 S. Evergreen Pkwy, Olympia, WA 98504, that same day. The firm of Miller, Nash LLP was assured that this was enough time to get the documents to the above-mentioned address that day. Due to heavy holiday traffic and dispatching choices by ABC Legal Services, the messenger did not reach the Washington Utilities & Transportation Commission until after 5:00 p.m., too late to file the above-mentioned documents. The above-mentioned documents were filed the next working day, Tuesday, January 21st, 2003.

Affiant: Bud Lee

Bud Lee

Subscribed and sworn before me, a notary public in the state of Washington residing at Seattle, done this 27th day of January, 2003.



Notary: Maria T. Arcorace

Maria T. Arcorace

1 I hereby certify that I served the foregoing MOTION TO ACCEPT LATE-FILED
2 TESTIMONY OF WILLIAM E. KENNARD on:

3 Lisa Anderl
4 Qwest
5 1600 – 7th Avenue, Room 3206
6 Seattle, Washington 98191

Arthur A. Butler
Ater Wynne LLP
601 Union Street, Suite 5450
Seattle, Washington 98101

6 Gregory J. Kopta
7 Davis Wright Tremaine LLP
8 2600 Century Square
9 1501 Fourth Avenue
10 Seattle, Washington 98101

Ronald Roseman
AARP
2011 – 14th Avenue East
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9 Stephen S. Melnikoff
10 Regulatory Law Office
11 U.S. Army Litigation Center
12 901 N. Stuart Street, Suite 700
13 Arlington, Virginia 22203-1837

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12 Greg Trautman
13 Assistant Attorney General
14 1400 S. Evergreen Park Dr. S.W.
15 P.O. Box 40128
16 Olympia, Washington 98504-0128

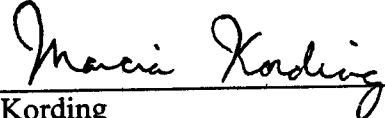
15 by the following indicated method or methods:

16 by **mailing** full, true, and correct copies thereof in sealed, first-class postage-
17 prepaid envelopes, addressed to the attorneys as shown above, the last-known
18 office addresses of the attorneys, and deposited with the United States Postal
19 Service at Seattle, Washington, on the date set forth below.

19 by **e-mailing** full, true, and correct copies thereof, addressed to the attorneys at
20 their last-known e-mail addresses, on the date set forth below.

20 The undersigned hereby declares, under the penalty of perjury, that the foregoing
21 statements are true and correct to the best of my knowledge.

22 Executed at Seattle, Washington, this 28th day of January, 2003.

23 
24 _____
25 Marcia Kording
26

Certificate of Service