

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

In the Matter of the Petition for	)	
Arbitration of an Interconnection	)	DOCKET UT-083041
Agreement Between	)	
	)	ORDER 06
CHARTER FIBERLINK WA-CCVII,	)	
LLC,	)	ORDER GRANTING REQUEST
	)	TO MODIFY PROCEDURAL
with	)	SCHEDULE
	)	
QWEST CORPORATION	)	<b>(Post hearing opening briefs now</b>
	)	<b>due, Thursday, January 29, 2009)</b>
pursuant to 47 U.S.C. Section 252(b).	)	<b>(Post hearing closing briefs now</b>
	)	<b>due, Tuesday, February 17, 2009.)</b>
.....	)	

**MEMORANDUM**

- 1 **NATURE OF PROCEEDING.** On August 8, 2008, Charter Fiberlink WA-CCVII, LLC (Charter) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting arbitration with Qwest Corporation (Qwest). The Petition was filed pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996).
- 2 **APPEARANCES.** Gregory J. Kopta, Davis Wright Tremaine LLP, Seattle, Washington, represents Charter. Lisa Anderl, attorney, Seattle, Washington, represents Qwest (collectively with Charter, "Parties").
- 3 **PROCEDURAL HISTORY.** On August 15, 2008, the Commission issued Order 01, designating Administrative Law Judge Marguerite E. Friedlander as Arbitrator in this proceeding. On September 2, 2008, Qwest filed its Answer to Charter's Petition for Arbitration.
- 4 On December 16-17, 2008, the Commission convened a hearing in this matter. At the close of the hearing, Qwest indicated that the post hearing briefing schedule might prove unworkable as both Qwest and Charter will be involved in litigation before the

Minnesota commission on January 22, 2009. Judge Friedlander requested that the parties file a formal request with the Commission to modify the procedural schedule and include suggested alternative deadlines.

5 On December 30, 2008, Qwest filed a request to modify the briefing schedule such that post-hearing opening briefs would be due by January 29, 2009 and post-hearing closing briefs would be due by February 17, 2009. Qwest indicates that Charter has agreed to the modification.

6 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 post-hearing briefs by approximately one week from the original schedule. Further, the Parties' request will still allow sufficient time for Judge Friedlander to issue Arbitrator's Report by March 30, 2009. 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.

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

**ORDER**

8 THE COMMISSION ORDERS that the Joint Request by Charter Fiberlink WA-CCVII, LLC and Qwest Corporation to Extend the Deadlines for filing post-hearing opening briefs to January 29, 2009, and post-hearing closing briefs to February 17, 2009, is granted.

Dated at Olympia, Washington, and effective December 31, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER  
Administrative Law Judge