

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of  
VERIZON NORTHWEST, INC.  
For waiver of WAC 480-120-071(2)(a).

Docket No. UT-011439

QWEST CORPORATION'S  
MOTION FOR LEAVE TO  
RESPOND TO NEW MATTER  
IN STAFF'S REBUTTAL

Qwest Corporation (hereinafter "Qwest") asks the Commission to permit Qwest to file limited responsive testimony to new matters raised by Staff in its rebuttal testimony.

In support of this motion, Qwest respectfully shows as follows:

1. The Staff's direct testimony filed June 20, 2002 recommended that the Commission "consider" redrawing Qwest's Omak exchange boundary to include the Timm Ranch, based on Staff's estimate that it would cost Qwest less to extend facilities to the Timm Ranch occupants than it would cost Verizon, although Staff did not specifically advocate in that testimony that Qwest's exchange boundary be redrawn. Staff indicated that additional information about Qwest's estimate of its cost to extend facilities to the Timm Ranch was necessary for Staff to determine whether or not to advocate redrawing Qwest's exchange

QWEST CORPORATION'S  
MOTION FOR LEAVE TO  
FILE RESPONSIVE TESTIMONY

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boundary. Qwest was thus put in the position of inquiring in discovery, what factors might produce a Staff recommendation to redraw Qwest's boundary, in order for Qwest to attempt to meet the Staff's case with evidence.

2. In discovery, Staff did not identify any factors which would cause Staff to advocate that Qwest be required to extend, if its costs were the same as or greater than those of Verizon.

3. Qwest relied on the position of Staff in the direct testimony and in the responses to discovery in preparing its testimony which was submitted per the schedule July 7, 2002. In that testimony, Qwest provided its estimate of the cost to construct facilities from its Omak central office to serve the Timm Ranch.

4. Staff filed its rebuttal to Qwest September 20, 2002. In that rebuttal, Staff concluded at p. 2 of Mr. Shirley's rebuttal testimony that the cost estimates of Verizon and Qwest to extend to the Timm Ranch were approximately equal. For the first time in his rebuttal testimony at p. 9, Mr. Shirley advanced a new theory as a basis on which the Staff would advocate under these circumstances that Qwest's boundary be redrawn and Qwest be ordered to serve the Timm Ranch. That basis is that for a supposedly "minimal" increase in the cost to extend facilities, Qwest could establish a "cross connect" between the new cable which would be built and the existing cable, and this "cross connect" would mean that Qwest's existing customers along this route would benefit from the new facility, in contrast to Verizon, which would not benefit as many customers from spending the same amount of money. Qwest disputes these claims. Qwest was not put on notice before the rebuttal, that the Staff would argue that this "relative number of customers benefited" by the same

monetary expenditure, and the “minimal” additional expenditure to achieve this benefit were factors which Staff would claim justify redrawing Qwest’s exchange boundary.

5. The current schedule does not provide for Qwest to submit a response to this new matter in Staff’s rebuttal testimony. Qwest hereby requests a modification to the schedule to permit it to file, on or before December 20, 2002, responsive testimony to the Staff new matter in its rebuttal which is discussed in this motion. Qwest has inquired of Staff and Staff does not object to Qwest’s proposed modification of the schedule, as long as Staff is given leave if necessary to file further rebuttal limited to this issue no later than January 10, 2003. Qwest has no objection to this further modification to the schedule. Qwest has inquired of RCC and RCC does not object so long as the Staff does not object. Qwest has inquired of Verizon and Verizon does not object. Qwest has inquired of Public Counsel and Public Counsel does not object.

Wherefore, Qwest respectfully requests that the Commission grant this motion to allow Qwest to file additional testimony in response to the new matter in Staff’s rebuttal.

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Respectfully submitted this 13<sup>th</sup> day of December, 2002.

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QWEST CORPORATION

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/s/

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CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing document on all parties to this proceeding by depositing copies of the said motion in the United States mail, properly addressed and with postage prepaid.

Dated December 13, 2002.

/s/  
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Douglas N. Owens

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