

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

In the Matter of the Petition of:)	DOCKET UT-053041
)	
INTELLIGENT COMMUNITY SERVICES, INC.)	ORDER 05
)	
For Designation as an Eligible Telecommunications Carrier Under 47 U.S.C. § 214(e)(2))	ORDER GRANTING REQUEST TO AMEND 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. Finnegan, 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. 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 Commission granted the Joint Motion in Order 04.

6 **ICS REQUEST TO AMEND PROCEDURAL SCHEDULE.** On August 1, 2008, ICS filed a request with the Commission seeking approval of a modified procedural schedule. ICS asserts that, due to the nature and volume of the responsive testimony filed on July 18, 2008,¹ by WITA/Inland and the Commission Staff, the company will need additional time to conduct discovery and formulate its rebuttal testimony. ICS states that it has discussed amending the current procedural schedule with the parties and none of the parties oppose the request. ICS requests that the procedural schedule be modified as follows:

- Rebuttal/Cross Answering testimony would be filed on or before Friday, September 26, 2008, instead of Wednesday, August 13, 2008.
- The hearing would be held on Wednesday and Thursday, November 5 and 6, 2008, instead of Thursday, September 4, 2008.

7 ICS had previously initiated discussion with the presiding officers via electronic mail on Friday, July 25, 2008, of its request to modify the procedural schedule.

8 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. ICS demonstrates good cause for the continuance; ICS argues that the degree and depth of the testimony filed with the Commission on July 18, 2008, will require additional time for drafting its rebuttal testimony, and the Commission has no reason to doubt this. 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, ICS has indicated that none of the parties oppose the motion. Accordingly, the request should be granted.

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

ORDER

- 10 THE COMMISSION ORDERS that the Request to Amend the Procedural Schedule, filed by Intelligent Community Services, Inc. is granted. The procedural schedule appended to this order replaces the schedule previously adopted in Order 04 in this proceeding.

Dated at Olympia, Washington, and effective August 4, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. RUSSELL
Administrative Law Judge

ANN E. RENDAHL
Administrative Law Judge

¹ ICS states that WITA/Inland and the Commission Staff filed Response Testimony on July 21, 2008. However, an examination of the Commission's records indicates that the testimony of both parties was filed on July 18, 2008, in accordance with the procedural schedule delineated in Order 04.

REVISED PROCEDURAL SCHEDULE

Event	Current Date	Modified Date
Rebuttal/Cross-Answering Testimony	August 13, 2008	September 26, 2008
Evidentiary Hearing	September 4, 2008	November 5-6, 2008