

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

In the Matter of the Petition of)	DOCKET UT-053041
)	
INTELLIGENT COMMUNITY)	ORDER 07
SERVICES, INC.,)	
)	ORDER GRANTING REQUEST TO
For Designation as an Eligible)	AMEND PROCEDURAL SCHEDULE
Telecommunications Carrier Under 47)	(Reply Testimony Now Due October
U.S.C. § 214(e)(2))	24, 2008)
)	
.....)	

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-053041.¹

¹ The procedural history in this matter is described more fully in Order 04 in this docket and is not repeated here.

4 On September 22, 2008, ICS and Staff filed a request with the Commission to modify the September 26, 2008, deadline for filing reply testimony, established by prior order in this proceeding.

5 **REQUEST TO AMEND PROCEDURAL SCHEDULE.** By formal letter filed on September 22, 2008, and telephone call on September 19, ICS and Staff request an extension of the time to file reply testimony, explaining that each party has lost a witness recently; Staff's witness, Mark Vasconi, has left the employ of the Commission and ICS' witness, Keith Southard, no longer works for the company. ICS and Staff request that the Commission reschedule the deadline for filing reply testimony to October 24, 2008, and indicate that the parties will likely request modification of the hearing dates, currently scheduled for November 5-6, 2008. Neither ICS nor Staff has been able to consult WITA and Inland with regard to the requested schedule modification as counsel for WITA and Inland is out of the country until September 24, 2008, two days before the reply testimony is due.

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. Staff and ICS demonstrate good cause for the continuance; both parties have lost witnesses and will require additional time to locate replacements. The Commission does not foresee either WITA or Inland being prejudiced by the schedule modification. The Commission notes that both WITA and Inland have agreed to two prior schedule modification requests.² Accordingly, the request should be granted, with the understanding that the parties should work to identify replacement witnesses as soon as possible to avoid any further delay in this proceeding, and to work to avoid any delay in the hearing scheduled for November 5-6, 2008.

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

²See, May 2, 2008, letter filed on behalf of the parties requesting that the procedural schedule be modified to allow for additional time to file a joint issues list; and July 8, 2008, motion filed by WITA, Inland, and Staff requesting that the Commission modify the testimony deadlines within the procedural schedule.

ORDER

- 8 THE COMMISSION ORDERS that the Request to Amend the Procedural Schedule, filed by Intelligent Community Services, Inc. and the Commission Staff is granted. Parties must file reply testimony with the Commission by Friday, October 24, 2008.

Dated at Olympia, Washington, and effective September 23, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. RUSSELL
Administrative Law Judge

ANN E. RENDAHL
Administrative Law Judge

REVISED PROCEDURAL SCHEDULE

Event	Current Date	Modified Date
Reply Testimony	September 26, 2008	October 24, 2008