

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

In the Matter of the Petition of:)	DOCKET UT-053041
)	
INTELLIGENT COMMUNITY SERVICES, INC.)	ORDER 08
)	
For Designation as an Eligible Telecommunications Carrier Under 47 U.S.C. § 214(e)(2))	ORDER GRANTING REQUEST TO AMEND PROCEDURAL SCHEDULE
)	
.....)	NOTICE OF SCHEDULING CONFERENCE (November 3, 2008, at 1:30 p.m.)
)	

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 Washington Utilities and Transportation Commission’s (Commission) regulatory staff (the Commission Staff or Staff). Richard A. Finnigan, attorney, Olympia, Washington, represents Inland Telephone Company (Inland) and the Washington Independent Telephone Association (WITA).

- 3 **PROCEDURAL HISTORY.** ICS filed a Petition with the 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. ICS and Staff requested an extension of the time to file reply testimony, explaining that each party had lost a witness recently. ICS and Staff requested that the Commission reschedule a provisional deadline for filing reply testimony to October 24, 2008, and indicated that the parties would likely request modification of the hearing dates, currently scheduled for November 5-6, 2008. Neither ICS nor Staff had been able to consult WITA and Inland with regard to the requested schedule modification.
- 5 In Order 07, entered on September 23, 2008, the request to modify the reply testimony deadline was granted pursuant to WAC 480-07-385(2).
- 6 On October 20, 2008, Staff filed a letter requesting that the Commission modify the existing procedural schedule again by cancelling the reply testimony deadline and the hearing set for November 5-6, 2008, and instead requesting that the Commission conduct a conference to resolve outstanding scheduling issues. Staff indicated that all of the parties join in the request.
- 7 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. Given the relatively recent loss of witnesses by both Staff and ICS, Staff has demonstrated good cause for the continuance. Further, as all of the parties have joined in Staff's request to cancel the existing schedule, none of the parties will be prejudiced by the modification. Accordingly, the request should be granted, the reply testimony deadline and the hearing set for November 5-6, 2008, should be cancelled, and a scheduling conference should be set for **Monday, November 3, 2008, at 1:30 p.m.**
- 8 The Commission finds and concludes that it should grant the relief requested and amend the procedural schedule.

- 9 **NOTICE OF SCHEDULING CONFERENCE.** The Commission will hold a scheduling conference in this matter, on **Monday, November 3, 2008, at 1:30 p.m., in Room 206 of the Commission's headquarters, Richard Hemstad Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington.** If you are unable to attend the scheduling conference in person, you may attend via the Commission's teleconference bridge line, **360-664-3846.** Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.

ORDER

- 10 (1) THE COMMISSION ORDERS that Commission Staff's Request to Amend the Procedural Schedule is granted.
- 11 (2) The Commission establishes a scheduling conference for November 3, 2008, at 1:30 p.m.

Dated at Olympia, Washington, and effective October 21, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. RUSSELL
Administrative Law Judge

ANN E. RENDAHL
Administrative Law Judge