

[Service Date January 30, 2007]

January 30, 2007

**NOTICE GRANTING MOTION TO ACCEPT LATE-FILED DOCUMENTS
(Redacted Non-confidential Testimony and Exhibits
due by 5 p.m., January 30, 2007 and
Supplemental Filing due February 1, 2007)**

RE: *In the Matter of the Petition of QWEST CORPORATION to be Regulated
Under an Alternative Form of Regulation Pursuant to RCW 80.36.135.
Docket UT-061625*

TO ALL PARTIES OF RECORD:

On January 29, 2007, the Washington Utilities and Transportation Commission (Commission) received a motion from Public Counsel for approval of late filing of specified documents. Public Counsel stated that it filed electronic copies of the confidential testimony and exhibits of Dr. Robert Loube and Ms. Mary Kimball. However, the filings did not contain all documents required by regulation. Specifically, the prefiled testimony of Dr. Loube did not contain working copies of Excel spreadsheets for certain exhibits attached to Dr. Loube's testimony (RL-5 through RL-10). Public Counsel stated that due to the number of spreadsheets and the need to complete the narrative of the testimony, Dr. Loube was unable to provide working copies in time for filing January 29, 2007. Dr. Loube is testifying in Michigan on January 29, and 30, 2007. Dr. Loube can provide the missing documents for filing and service by February 1, 2007.

In addition, given the amount of confidential material to be redacted, Public Counsel was unable to finish document redaction and preparation of non-confidential versions of all testimony and exhibits. Public Counsel requested until 5 p.m., January 30, 2007, to file the redacted version of the testimony and exhibits of Dr. Loube and Ms. Kimball.

The relief requested is essentially a motion for continuance. According to 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. Public Counsel stated good cause for the continuance.

Despite diligent effort, Dr. Loube was unable to provide working copies of all exhibits by the filing deadline and is unavailable to provide these documents earlier than February 1, 2007, because he is presenting testimony in another jurisdiction. Moreover, despite diligent effort, Public Counsel was unable to complete the redaction process and timely file redacted non-confidential versions of its testimony and exhibits.

The continuance will not prejudice any party or the Commission. Regarding the first request, Public Counsel timely filed and served copies of all of Dr. Loube's exhibits. The only missing element of that filing is working copies of five exhibits. With respect to the second request, Public Counsel timely filed complete confidential versions of the testimony and exhibits. Neither other parties nor the Commission are prejudiced by these omissions because they received complete copies of the documents on the filing deadline. Moreover, for both requests, Public Counsel seeks a *de minimis* extension of time to file the required documents. Accordingly, both requests should be granted.

NOTICE IS HEREBY GIVEN That the motion for approval of late filing of specified documents is granted. The deadline for filing redacted, non-confidential versions of testimony and exhibits is extended to 5 p.m., January 30, 2007. The deadline for submitting working copies of certain exhibits attached to the prefiled testimony of Dr. Robert Loube, Exhibits RL-5 through RL-10, is extended to February 1, 2007.

Sincerely,

PATRICIA CLARK
Administrative Law Judge