

April 26, 2000

Dennis J. Moss
Administrative Law Judge
Washington Utilities and Transportation Commission
P. O. Box 47250
Olympia, Washington 98504-7250

Re: In re Joint Application for Merger of Qwest Communications International Inc. and U S West, Inc., Docket No. UT-991358

**REQUEST FOR CONTINUANCE OF BRIEFING SCHEDULE
MOTION FOR ISSUANCE OF BENCH REQUESTS**

Dear Judge Moss:

Pursuant to WAC 480-09-440, Commission Staff requests a continuance of the date on which post-hearing briefs are due to be filed with the Commission in this proceeding. That date is Friday, April 28, 2000. Commission Staff has not previously requested a continuance of the briefing deadline. Commission Staff has notified counsel representing U S West and Qwest and several of the CLECs of its intention to file this request for a continuance. Public Counsel fully supports this request.

This request is based primarily on new developments in the case that warrant an extension of the current briefing schedule. As you may be aware, the Joint Applicants have entered into settlement agreements with many of the CLECs, on a region-wide basis. Although one CLEC, Rhythms, filed its agreement with the Commission and announced its intention to withdraw as a party on April 21, 2000, no agreements are formally before the Commission nor have any been made a part of the record in this case. From speaking with counsel for the Joint Applicants and CLECs, it is Staff's understanding that not only do the parties to the various settlement agreements have no intention of filing the agreements with the Commission, the parties to those agreements largely view their respective agreements as confidential and proprietary. In Commission Staff's view, however, it is imperative that the agreements become a part of the record in this case. It would be both inappropriate and improper to simply allow the several CLECs to withdraw from this proceeding without apprising the Commission of the nature and terms of the settlement agreements as it wrestles with the many competition-related issues before it, and endeavors to prepare its Order in this case.

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Commission Staff requests that the Joint Applicants' agreement with Rhythms be assigned an exhibit number and be admitted into the record as a late-filed exhibit. Likewise, Commission Staff requests that the very recent Interim Line Sharing Agreement signed by thirteen CLECs be assigned an exhibit number and be admitted into the record as a late-filed exhibit. Please find attached a copy of that agreement and a relevant electronic mail message. Finally, Commission Staff requests that the Commission issue Bench Requests to the Joint Applicants for each and every agreement the Joint Applicants have entered into with the CLEC Intervenors in this proceeding.

In short, it would be wholly unfair to require Commission Staff to submit its brief in this case on April 28, 2000, without the benefit of knowing precisely what it is the Joint Applicants stand ready, willing, and able to offer to the CLECs, in exchange for the CLECs' withdrawing their opposition to the merger of U S West and Qwest. Staff requests that the briefing deadline be extended until one week after the many private side agreements are filed with the Commission.

Commission Staff strongly believes the granting of this request for continuance is necessary and in the public interest. Thank you for your consideration of this matter.

Very truly yours,

SALLY G. JOHNSTON
Assistant Attorney General

c: All Parties