

**Ann Rendahl/WUTC**

11/27/2006 12:26 PM

To: "Anderl, Lisa" <Lisa.Anderl@qwest.com>  
Cc: "Chris Savage" <chris.savage@crblaw.com>, "Cook, Denise" <denise\_cook@icgcomm.com>, "Cecil, Erik" <Erik.Cecil@Level3.com>, "Records Center" <Records\_Center@wutc.wa.gov>, "Thayer, Rick" <Rick.Thayer@Level3.com>, "Dethlefs, Thomas" <thomas.dethlefs@qwest.com>, "Smith, Ted" <TSMITH@stoel.com>  
Subject: RE: UT-063006 - Level 3 Motion to Strike Easton Affidavit

This e-mail exchange is sufficient, as it will be included in the Commission's records in this docket. I will issue a notice formalizing the parties' agreement later today.

Ann E. Rendahl  
Administrative Law Judge  
Washington Utilities and Transportation Commission  
Tel: (360) 664-1144  
Fax: (360) 664-2654

**"Anderl, Lisa" <Lisa.Anderl@qwest.com>**

11/27/2006 12:18 PM

To: "Cecil, Erik" <Erik.Cecil@Level3.com>, "Ann Rendahl" <arendahl@wutc.wa.gov>  
Cc: "Smith, Ted" <TSMITH@stoel.com>, "Records Center" <Records\_Center@wutc.wa.gov>, "Thayer, Rick" <Rick.Thayer@Level3.com>, "Cook, Denise" <denise\_cook@icgcomm.com>, "Chris Savage" <chris.savage@crblaw.com>, "Dethlefs, Thomas" <thomas.dethlefs@qwest.com>  
Subject: RE: UT-063006 - Level 3 Motion to Strike Easton Affidavit

Judge Rendahl - Qwest also agrees with this extension. Will you require a formal letter, or is this e-mail exchange sufficient?

Lisa A. Anderl  
Associate General Counsel  
Qwest Regulatory Law  
206-345-1574  
lisa.anderl@qwest.com

-----Original Message-----

From: Cecil, Erik [mailto:Erik.Cecil@Level3.com]  
Sent: Monday, November 27, 2006 11:47 AM  
To: Ann Rendahl  
Cc: Anderl, Lisa; Smith, Ted; Records Center; Thayer, Rick; Cook, Denise; Chris Savage; Dethlefs, Thomas  
Subject: RE: UT-063006 - Level 3 Motion to Strike Easton Affidavit

Your Honor,

In light of the scheduling concerns expressed below, Level 3 agrees to extend the opening brief deadline to December 12 and the reply brief deadline to January 12th.

Respectfully,

Erik Cecil  
Corporate Counsel  
Level 3 Communications, LLC

PRIVILEGE AND CONFIDENTIALITY NOTICE: The information in this e-mail communication and any attached documents may be privileged, confidential or otherwise protected from disclosure and is intended only for the use of the designated recipient(s). If the reader is neither the intended recipient nor an employee or agent thereof who is responsible for delivering it to the intended recipient, you are hereby notified that any review, dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by return e-mail and promptly delete the original electronic e-mail communication and any attached documentation. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege.

> -----Original Message-----

> From: Ann Rendahl [mailto:arendahl@wutc.wa.gov]

> Sent: Monday, November 27, 2006 11:50 AM

> To: Dethlefs, Thomas

> Cc: Cecil, Erik; Anderl, Lisa; Smith, Ted; Records Center

> Subject: RE: UT-063006 - Level 3 Motion to Strike Easton Affidavit

>

> Just to clarify, in my conversation with Ms. Anderl this morning, I  
> explained that I did not oppose extending the due date for responsive  
> briefs until January 12, as I will be finalizing an order on another  
case

> until that time. I have no problem with extending the filing date for  
> initial briefs to December 12, as that will allow me at least a week  
to

> enter an order after receiving Qwest's response on Friday, December 1,  
and

> then a few days prior to filing initial briefs.

>

> Ann E. Rendahl

> Administrative Law Judge

> Washington Utilities and Transportation Commission

> Tel: (360) 664-1144

> Fax: (360) 664-2654

>

>

>

> "Dethlefs, Thomas" <thomas.dethlefs@

To

> qwest.com> "Cecil, Erik"  
> <Erik.Cecil@Level3.com>, "Ann  
> 11/27/2006 10:38 Rendahl" <arendahl@wutc.wa.gov>  
> AM  
cc  
> "Anderl, Lisa"  
> <Lisa.Anderl@qwest.com>,  
"Smith,  
> Ted" <TSMITH@stoel.com>  
>  
Subject  
> RE: UT-063006 - Level 3 Motion  
to  
> Strike Easton Affidavit  
>  
>  
>  
>  
>  
>  
>  
>  
>  
>  
>  
>  
> Erik,  
>  
> Lisa confirmed with Judge Rendahl that Qwest's response to the motion  
to  
> strike is due this coming Friday (not today). Qwest is agreeable to  
> extend the briefing schedule by one week. However, Judge Rendahl  
> suggested that the initial brief be due on December 12th because she  
> will not get to the motion to strike until next week. Is Level 3 OK  
> with having the intitial brief due on December 12th? If so, we will  
> prepare a motion with a proposed revised schedule for your review.  
>  
> Thanks,  
>  
> Tom  
>  
> -----Original Message-----  
> From: Cecil, Erik [mailto:Erik.Cecil@Level3.com]  
> Sent: Monday, November 27, 2006 10:53 AM  
> To: Ann Rendahl  
> Cc: Records Center; Bob Williamson; Lisa Steel; Lisa Rackner; Chris  
> Savage; Richard Thayer; Porter, Scott; Dethlefs, Thomas; Anderl, Lisa  
> Subject: RE: UT-063006 - Level 3 Motion to Strike Easton Affidavit  
>  
> Level 3 is agreeable to extending the initial briefing deadline by one  
> week.  
>  
> Erik Cecil  
> Corporate Counsel  
> Level 3 Communications, LLC  
>

> > -----Original Message-----  
> > From: Ann Rendahl [mailto:arendahl@wutc.wa.gov]  
> > Sent: Monday, November 27, 2006 10:49 AM  
> > To: XUT-063006 External Mail Group  
> > Cc: Records Center; Bob Williamson; Lisa Steel  
> > Subject: UT-063006 - Level 3 Motion to Strike Easton Affidavit  
> >  
> > On Wednesday, November 22, level 3 filed a motion to strike Mr.  
> Easton's  
> > affidavit concerning subject to check questions. Under WAC  
480-07-375  
> (4),  
> > responses to motions other than dispositive motions or motions for  
> > continuance are due five days after the motion is filed. As a  
result,  
>  
> > response to Level 3's motion would be due today, November 27. In  
> addition,  
> > initial briefs are due to be filed on Friday, December 1. Given my  
> > schedule this week, it is unlikely I will be able to enter an order  
on  
> the  
> > motion by Thursday, November 30. Please let me know as soon as  
> possible  
> > today, copying your e-mail response to Records@wutc.wa.gov, if the  
> parties  
> > are willing to move the filing date for initial briefs by one week,  
or  
> if  
> > Qwest requires additional time to file a response to the motion. I  
> will  
> > issue a notice today reflecting any necessary scheduling changes.  
> >  
> > Ann E. Rendahl  
> > Administrative Law Judge  
> > Washington Utilities and Transportation Commission  
> > Tel: (360) 664-1144  
> > Fax: (360) 664-2654  
>  
>  
> This communication is the property of Qwest and may contain  
confidential or  
> privileged information. Unauthorized use of this communication is  
strictly  
> prohibited and may be unlawful. If you have received this  
communication  
> in error, please immediately notify the sender by reply e-mail and  
destroy  
> all copies of the communication and any attachments.  
>