

May 16, 2000

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

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

Dear Judge Moss:

This is in response to Joint Applicants' request that the Commission reconsider its Notice of Revised Schedule for Filing Briefs and Notice of Additional Process dated May 11, 2000. In their motion, Joint Applicants request that the current briefing schedule be amended so that Initial Briefs are due Friday, May 19, 2000, and Reply briefs are due Friday, May 26, 2000. Commission Staff opposes such an amendment to the briefing schedule for the following reasons.

First, it would make little or no sense to require the filing of Initial Briefs (including briefing on the various settlement agreements reached with the CLEC Intervenors) on Friday this week, yet argue the confidentiality issues and the issue of whether those very settlement agreements are to become a part of the record at all, next Tuesday, May 23, 2000. The Commission should decline Joint Applicants' invitation to decide this issue as well as the confidentiality issues "in its final order."

Second, Commission Staff needs the additional time within which to finalize its brief. Owing to the recent events of this proceeding, Commission Staff has been forced to spend valuable time either making or responding to several motions. These include: (1) Commission Staff's Request for Continuance and Motion for Issuance of Bench Requests (April 26, 2000), (2) Commission Staff's Response to Joint Applicants' Answer to Staff's Request for Continuance and Motion for Issuance of Bench Requests (April 27, 2000), (3) Commission Staff's Renewed Request for Continuance of Briefing Schedule and Renewed Motion for Issuance of Bench Requests (May 2, 2000), (4) Commission Staff's Response to AT&T Objection to Entry of Confidential Agreement into the Record and to Commission Retention (May 9, 2000), and (5) this Response. Absent the recent turn of events, that valuable time would have been spent brief-writing.

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Finally, under the Commission's Notice of Additional Process, Commission Staff is required to file its written responses concerning the confidentiality issues and the issue of whether the AT&T agreement should be made a part of the record by noon on Friday, May 19, 2000 – the day on which Joint Applicants request Initial briefs be filed.

For the above reasons, Commission Staff respectfully requests that the current briefing schedule remain in effect. Adhering to that schedule will in no way prejudice Joint Applicants. Thank you for your consideration.

Very truly yours,

SALLY G. JOHNSTON
Assistant Attorney General

SGJ

cc: All Parties
Glenn Blackmon