

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

QWEST CORPORATION,	)	DOCKET UT-090892
	)	
Complainant,	)	ORDER 03
	)	
v.	)	ORDER GRANTING REQUEST
	)	TO AMEND PROCEDURAL
MCLEODUSA	)	SCHEDULE
TELECOMMUNICATIONS	)	
SERVICES, INC., d/b/a PAETEC	)	<b>(Motions for Summary</b>
BUSINESS SERVICES,	)	<b>Determination now due Monday,</b>
	)	<b>October 19, 2009, and Replies to</b>
Respondent.	)	<b>Motions for Summary</b>
	)	<b>Determination now due Monday,</b>
	)	<b>November 23, 2009.)</b>
.....		

**MEMORANDUM**

- 1 **NATURE OF PROCEEDING.** On June 10, 2009, Qwest Corporation (Qwest) filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint against McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services (McLeod). On July 2, 2009, McLeod filed an answer to the complaint. The complaint alleges that McLeod’s assessment of its Wholesale Service Ordering Charge violates RCW 80.04.110, which prohibits conduct by a competitor that is unreasonable, discriminatory, illegal, unfair or intending or tending to oppress the complainant, or to stifle competition.
- 2 **APPEARANCES.** Lisa Anderl, attorney, Seattle, Washington, represents Qwest. Gregory J. Kopta, Davis Wright Tremaine LLP, Seattle, Washington, and William Haas, in-house counsel for McLeod, Hiawatha, Iowa, represent McLeod.
- 3 **PROCEDURAL HISTORY.** On July 1, 2009, McLeod filed its Answer to Qwest’s Complaint. The Commission convened a prehearing conference in this docket at Olympia, Washington on July 29, 2009, before Administrative Law Judge Marguerite E. Friedlander.

4 On July 30, 2009, the Commission entered Order 02 which established the following procedural schedule:

Motions for Summary Determination	October 14, 2009
Replies to Motions for Summary Determination	November 18, 2009

5 **REQUEST TO AMEND PROCEDURAL SCHEDULE.** On October 13, 2009, Qwest filed a request with the Commission to amend the procedural schedule. Specifically, Charter asks that the deadline to file Motions for Summary Determination be extended from Wednesday, October 14, 2009, to Monday, October 19, 2009, and that the deadline to file Replies to Motions for Summary Determination be extended from Wednesday, November 18, 2009, to Monday, November 23, 2009. Qwest asserts that McLeod does not object to the brief extension.

6 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. Qwest's request narrowly extends the previous filing deadlines by two business days each. Given that both parties agree to the request and given the brevity of the extension, the request should be granted.

7 The Commission finds and concludes that it should grant the relief requested and amend the procedural schedule.

**ORDER**

8 THE COMMISSION ORDERS that the Request for Extension of Time to File Motions for Summary Determination and Replies, filed by Qwest Corporation, is granted. Parties must file Motions for Summary Determination with the Commission by Monday, October 19, 2009, and Replies to Motions for Summary Determination by Monday, November 23, 2009.

Dated at Olympia, Washington, and effective October 14, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER  
Administrative Law Judge