

Qwest

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August 13, 2004

***Via E-mail and
Overnight Mail***

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

Re: Docket No. UT-033011 - Unfiled Agreements
Qwest's Response to Staff's Request to Amend Procedural Schedule

Dear Ms. Washburn:

By this letter, Qwest responds to Staff's and Eschelon's August 12, 2004 joint request of an extension for filing response testimony. At present, response testimony is due August 16, 2004. Staff and Eschelon ask for an extension until August 30, 2004.

While Qwest does not object, in principle, to an extension of the testimony deadline, Qwest has two concerns. First, Qwest reserves the right to object to or move to strike Eschelon's planned "response" testimony to the extent it turns out to be, in effect, late filed direct testimony supportive of Staff's position and adverse to Qwest. Having not yet received Eschelon's testimony, Qwest can not pose that objection at this time.

Second, if the response testimony filing date is extended, an extension will obviously be needed for the reply round as well. Given the likely nature of Eschelon's "response" testimony, Qwest requests that the reply round be extended three weeks to permit Qwest adequate time to propound discovery, take any required depositions and prepare its reply testimony. Qwest further requests that the hearing (currently scheduled to begin on November 1, 2004) be rescheduled. Given what is at stake in this case, Qwest will need to have adequate time to analyze Staff's reply testimony and prepare for hearing. Under the

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original procedural schedule, five weeks were provided between the reply round and the hearing. Due to the previous one-week extension of response and reply testimony and now the joint request by Staff and Eschelon, that period will be severely truncated if the hearing date is not moved. Rescheduling the hearing date could also facilitate settlement, in Qwest's view, as the remaining parties will have additional time to confer during the period leading up to the evidentiary hearing.

Sincerely,

Adam L. Sherr

ALS/llw

cc: Service List (*via e-mail and U.S. Mail*)
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