

August 26, 2004

**NOTICE OF ADDITIONAL EXTENSION OF TIME TO FILE  
RESPONSIVE AND REPLY TESTIMONY  
(Responsive Testimony due on Monday, September 13, 2004)  
(Reply Testimony due on Monday, November 8, 2004)**

**NOTICE OF RESCHEDULING OF HEARING DATES AND  
CANCELLATION OF REMAINING PROCEDURAL SCHEDULE  
(To be held on January 10-14, 2005)**

RE: *WUTC v. Advanced Telecom Group, Inc., et al.*,  
Docket No. UT-033011

TO PARTIES OF RECORD:

On Tuesday, August 24, 2004, Qwest submitted a letter to the Commission electronically requesting an additional extension of the time to file response testimony and reply testimony. Qwest requests that the due date for prefiled responsive testimony be extended from Monday, August 30, 2004, to Monday, September 13, 2004, and the date for prefiled reply testimony be extended from Monday, October 25, 2004, to Monday, November 8, 2004.

On Thursday, August 24, 2004, Staff submitted a response electronically, objecting to Qwest's additional extension of time. Staff asserts that Qwest provides no "actionable basis" for its request, and that Qwest's objection to the proposed responsive testimony by Eschelon and McLeodUSA is premature and speculative. Staff notes that the Commission's procedures provide that objections be made at the time the evidence is offered. Staff argues that Qwest's concerns about allowing the testimony to be filed and then determining whether to allow it are unfounded under the Commission's procedural rules.

Qwest, Staff, Public Counsel, and Eschelon support rescheduling the hearing until the second week of January, 2005. Time Warner prefers that the hearings be held in November. The hearing dates in this proceeding must be rescheduled due to the previous extensions of time. If the hearings are rescheduled to the week of January 10, 2005, the schedule will accommodate an additional two-week extension of time to file responsive and reply testimony. Rescheduling the hearings and extending the testimony filing dates will allow the Commission to address Qwest's objections to the settlements reached between Staff, Eschelon, and McLeodUSA prior to the date the testimony is required to be filed.

Qwest demonstrates good cause under WAC 480-07-385(2) and (3)(a) for an extension of time to file testimony. The situation presented by the Eschelon and McLeod USA settlements is, as Staff states, unusual. Qwest seeks an opportunity for the Commission to consider the Eschelon and McLeodUSA settlements prior to the parties implementing in part the settlement agreements by filing responsive testimony. While parties may always file testimony prior to the due date, it is appropriate to allow the Commission to consider the merits of the settlements prior to the due date for responsive testimony agreed to in the settlements. If the Commission approves the settlements and allows the testimony called for under the settlement, Qwest may then file a motion to strike any portion of the testimony it believes is not proper. If the Commission rejects the settlements, the parties may still file responsive testimony in the proceeding.

**Qwest's request for an extension of time to file responsive testimony until Monday, September 13, 2004, and reply testimony until Monday, November 8, 2004, is granted.** To accommodate the requested extensions of time to file testimony, **the hearing dates in this proceeding are rescheduled from the week of November 1, 2004, to the week of January 10, 2005.** The remaining procedural schedule, *i.e.*, deadlines for filing witness lists, etc., the October 26, 2004, prehearing conference, and the briefing schedule, is canceled. Parties will receive separate notice of a prehearing conference to establish a revised procedural schedule, including an appropriate discovery cut-off date after the filing of reply testimony.

Sincerely,

ANN E. RENDAHL  
Administrative Law Judge