

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

In the Matter of the Petition for)	DOCKET UT-063061
Arbitration of an Interconnection)	
Agreement between)	ORDER 12
)	
QWEST CORPORATION,)	ORDER GRANTING JOINT
)	MOTION FOR SINGLE
and)	COMPLIANCE FILING AND
)	VACATING PORTIONS OF
ESCHELON TELECOM, INC.)	PROCEDURAL SCHEDULE
)	
)	HEARING VACATED
Pursuant to 47 U.S.C. Section 252(b).)	(Scheduled for July 18, 2007)
)	
.....)	

MEMORANDUM

- 1 **NATURE OF PROCEEDING:** Docket UT-063061 involves Qwest Corporation’s (Qwest) request for arbitration of an interconnection agreement (ICA) with Eschelon Telecom, Inc., (Eschelon) pursuant to 47 U.S.C. §252(b) of the Telecommunications Act of 1996.

- 2 **PROCEDURAL BACKGROUND:** On June 20, 2007, Qwest and Eschelon filed a joint motion for a single compliance filing of the ICA and for modification of the procedural schedule. The parties asserted that they have entered into a Settlement Agreement regarding wire center issues (Issue Nos. 9-37 – 9-42) that includes language that would be incorporated into the proposed ICA to be filed at the conclusion of this proceeding. If the Settlement Agreement is approved, Issue Nos. 9-37 – 9-42 would be resolved. If a single compliance filing is approved, the parties further request the Commission to modify the schedule in this proceeding to postpone the filing of supplemental testimony on wire center issues and the supplemental hearing currently scheduled to address those issues.

- 3 **COMMISSION DECISION:** The joint motion for a single compliance filing is, in essence, a motion for extension of time to file supplemental testimony until the Commission determines whether to accept the Settlement Agreement reached by the

parties. WAC 480-07-385(2) provides that the Commission will grant a continuance if the requesting party demonstrates good cause and the continuance will not prejudice any party or the Commission. The parties presented good cause to grant the continuance. If approved, the Settlement Agreement would obviate the need for the parties to submit supplemental testimony on wire center issues. The Settlement Agreement specifies the wire centers that would be designated as non-impaired in Washington.¹ The parties agreed to the language that will be included in the proposed ICA.² Having reached agreement and provided draft language, it is difficult to gather what further purpose would be served by requiring the submission of prefiled testimony on this topic at this juncture. Neither party nor the Commission will be prejudiced by addressing this issue after the Commission rules on the merits of the Settlement Agreement. Accordingly, the deadlines for the submission of prefiled supplemental testimony on wire center issues and the supplemental hearing are vacated. The portions of the procedural schedule affected by the decisions in this Order are attached as Appendix A. The remainder of the procedural schedule established by Order 11 remains in effect.

- 4 **HEARING:** The supplemental evidentiary hearing in this matter scheduled to convene on **July 18, 2007, beginning at 9:30 a.m.** in Room 206, Richard Hemstad Building, 1300 S. Evergreen Drive S.W., Olympia, Washington, **is vacated.**

DATED at Olympia, Washington, and effective June 21, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK
Administrative Law Judge

¹ Multi-State Settlement Agreement at Attachment A:2.

² Multi-State Settlement Agreement, Paragraph VII(a)(1)(b):14-15.

**APPENDIX A
REVISED PROCEDURAL SCHEDULE
REGARDING WIRE CENTER ISSUES
DOCKET UT-063061**

EVENT	FORMER DATE	REVISED DATE
Prefiled Supplemental Direct Testimony and Exhibits	June 21, 2007	Vacated
Prefiled Supplemental Responsive Testimony	June 28, 2007	Vacated
Supplemental Evidentiary hearing	July 18, 2007	Vacated