

[Service Date September 21, 2010]

September 21, 2010

**NOTICE OF JOINT CLEC'S MOTION TO COMPEL  
AND  
NOTICE OF OPPORTUNITY TO RESPOND TO MOTION  
(Responses due by Tuesday, September 28, 2010, 3:00 p.m.)**

RE: *In the Matter of the Joint Application of Qwest Communications International Inc. and CenturyTel, Inc. For Approval of Indirect Transfer of Control of Qwest Corporation, Qwest Communications Company LLC, and Qwest LD Corp.,*  
Docket UT-100820

**TO PARTIES OF RECORD:**

On September 15, 2010, Advanced TelCom, Inc., Electric Lightwave, Inc., Integra Telecom of Washington, Inc., and United Communications, Inc. d/b/a Unicom (collectively, Integra); Pac-West Telecomm, Inc.; XO Communications Services, Inc.; tw telecom of Washington, LLC; and McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services (collectively, Joint CLECs), Level 3 Communications, LLC (Level 3), and Cbeyond Communications, LLC (collectively with Joint CLECs and Level 3, Movants) filed a Motion to Compel with the Washington Utilities and Transportation Commission (Commission).<sup>1</sup> Joint Movants request that the Commission compel Qwest Communications International, Inc. (Qwest) and CenturyTel, Inc. (CenturyLink, collectively with Qwest, Joint Applicants) to produce the following documents:

- 1) Integra's First Set of Information Requests, Request No. 143, which seeks the production of documents filed by Joint Applicants pursuant to the Hart-Scott-Rodino Act (HSR Act); and

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<sup>1</sup> The original Motion to Compel contained an incorrect listing of the parties involved in the case (e.g., Eschelon Telecom of Oregon, Inc., while listed as a Joint CLEC, is not a party to this dispute.) On September 20, 2010, Joint Movants modified the Motion to Compel accordingly.

- 2) Joint CLECs' Data Request No. 1, Level 3's Data Request No. 1 to Qwest, and Level 3's Data Request No. 1 to CenturyLink, which seek the Joint Applicants' responses to data requests from any party to this proceeding, including the Commission's regulatory staff's (Commission Staff's) Data Request Nos. 13 and 133, which also request copies of the HSR Act documents.

On September 2, 2010, Joint Applicants filed a request for *in camera* review of certain HSR Act documents along with a request for oral arguments (*In Camera* Motion). Joint Applicants ask that the presiding officer conduct an *in camera* review of the documents provided in response to Staff's Data Request Nos. 2-13 that were the subject of their prior "For Staff's Eyes Only" motion. The Commission set the deadline for parties to file responses to the *In Camera* Motion as September 15, 2010, and the deadline for Joint Applicants to reply to the parties' responses was September 20, 2010.

Pursuant to WAC 480-07-375(4), the Commission may establish a time for responses to written motions. If any party wishes to respond to the Motion to Compel, they should do so by **September 28, 2010, at 3:00 p.m.**

Both the Motion to Compel and the *In Camera* Motion relate to similar and, in some instances, identical documents compiled by the Joint Applicants in compliance with the HSR Act. Because of the great degree of overlap in the substance of the motions, the Commission intends to refrain from ruling on the *In Camera* Motion until responses from the Motion to Compel are received, and then will issue rulings on both motions in a single order. The Commission will also hold a hearing on the matters raised in the motions, if necessary.

If you have any questions, please contact Marguerite E. Friedlander, at 360-664-1285, or by e-mail at [mfriedla@utc.wa.gov](mailto:mfriedla@utc.wa.gov).

Sincerely,

MARGUERITE E. FRIEDLANDER  
Administrative Law Judge