

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

PAC-WEST TELECOMM, INC.,	)	DOCKET UT-053036
	)	<i>(consolidated)</i>
Petitioner,	)	
	)	ORDER 16
v.	)	
	)	GRANTING QWEST’S MOTION
QWEST CORPORATION,	)	FOR LEAVE TO FILE A REPLY
	)	AND DENYING PAC-WEST’S
Respondent.	)	REQUEST FOR ORAL
	)	ARGUMENT ON QWEST’S
	)	MOTION TO AMEND
.....	)	
	)	
LEVEL 3 COMMUNICATIONS, LLC,	)	DOCKET UT-053039
	)	<i>(consolidated)</i>
Petitioner,	)	
	)	ORDER 16
v.	)	
	)	GRANTING QWEST’S MOTION
QWEST CORPORATION,	)	FOR LEAVE TO FILE A REPLY
	)	AND DENYING LEVEL 3’S
Respondent.	)	REQUEST FOR ORAL
	)	ARGUMENT ON QWEST’S
	)	MOTION TO AMEND
.....	)	

1     **NATURE OF PROCEEDINGS.** In 2005, Pac-West Telecomm, Inc. (Pac-West) and Level 3 Telecommunications, LLC (Level 3) (collectively Competitive Local Exchange Carriers, or CLECs) filed with the Washington Utilities and Transportation Commission (Commission) petitions for enforcement of their interconnection agreements with Qwest Corporation, which has now become Qwest Corporation d/b/a CenturyLink QC (Qwest). After the Commission’s 2006 final orders were challenged in federal court and remanded for decision, the Commission consolidated the proceedings, resolved the issues on remand, and is now addressing the remaining legal and factual issues resulting from the CLECs’ original petitions for enforcement.

2 **MOTION PRACTICE – QWEST’S MOTION FOR LEAVE TO FILE REPLY.**

On May 8, 2012, the Commission entered Order 14, Prehearing Conference Order, setting out a schedule for the parties to file dispositive motions. On June 1, 2012, the CLECs jointly filed a motion for summary determination. On June 21, 2012, Qwest filed a memorandum in opposition to Level 3’s and Pac-West’s motion for summary determination; that same day, Qwest also filed a motion to amend its answer and counterclaims. On June 28, 2012, the CLECs filed their response to Qwest’s motion to amend its pleadings. On July 10, 2012, Qwest filed a motion for leave to file a reply to Level 3 and Pac-West’s response to Qwest’s motion to amend. Qwest supported this motion with a reply brief.

3 On July 12, 2012, the CLECs filed a request for oral argument. As part of that filing, Pac-West and Level 3 indicated “no objection to Qwest’s Motion for Leave to File a Reply” or to the reply brief submitted by Qwest.

4 In accordance with Washington Administrative Code (WAC) 480-07-370(d), parties may not file a reply pleading without authorization from the Commission. Motions requesting permission to reply are due within five business days of service of the previous pleading (answer or response brief) and must address whether the previous pleading raised new material requiring a response or state other reason(s) why a reply is necessary. The Commission will grant such motions only after a showing of cause.

5 The parties agree that Qwest’s motion for leave to file reply is timely and neither Pac-West nor Level 3 raise any other objection to Qwest’s procedural request. As part of its reply, Qwest identifies statements contained in the CLECs’ response to its motion to amend that raise new material and require a response. We concur. Therefore, the Commission grants Qwest’s motion for leave to file a reply and accepts Qwest’s reply into the record in these consolidated cases.

6 **REQUEST FOR ORAL ARGUMENT.** As noted above, on July 12, 2012, Pac-West and Level 3 asked that the Commission hear oral argument on Qwest’s motion to amend. The CLECs requested that oral argument be scheduled as soon as possible after July 23, 2012. Qwest has not expressed a preference for or against oral argument.

7 The Commission understands the potential substantive impact of Qwest’s motion to amend. However, the Commission is satisfied that it has received sufficient briefing from all parties on the matters now pending decision. Therefore, the Commission

declines the CLECs' request to schedule oral argument on Qwest's motion to amend its pleadings.

**ORDER**

- 8 (1) THE COMMISSION ORDERS That Qwest's motion for leave to file a reply  
is granted.
- 9 (2) THE COMMISSION FURTHER ORDERS That Pac-West's and Level 3's  
request for oral argument on Qwest's motion to amend is denied.

Dated at Olympia, Washington, and effective July 17, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM  
Administrative Law Judge

**NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.**