

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

In the Matter of the Petition for)	DOCKET UT-083041
Arbitration of an Interconnection)	
Agreement Between)	
)	ORDER 04
CHARTER FIBERLINK WA-CCVII,)	
LLC,)	
)	ORDER GRANTING REQUEST TO
With)	AMEND PROCEDURAL SCHEDULE
)	(Responsive Testimony now due
QWEST CORPORATION)	November 17, 2008)
)	
Pursuant to 47 U.S.C. Section 252(b))	
)	
.....)	

MEMORANDUM

- 1 **NATURE OF PROCEEDING.** On August 8, 2008, Charter Fiberlink WA-CCVII, LLC (Charter) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting arbitration with Qwest Corporation (Qwest). The Petition was filed pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996).

- 2 **APPEARANCES.** Gregory J. Kopta, Davis Wright Tremaine LLP, Seattle, Washington, represents Charter. Lisa Anderl, attorney, Seattle, Washington, represents Qwest.

- 3 **PROCEDURAL HISTORY.** On August 15, 2008, the Commission issued Order 01, designating Administrative Law Judge Marguerite E. Russell (ALJ) as Arbitrator in this proceeding. On September 2, 2008, Qwest filed its Answer to Charter’s Petition for Arbitration.

4 On September 10, 2008, the Commission convened a prehearing conference before ALJ Russell. The Commission issued Order 02 on September 17, 2008,¹ which established the following procedural schedule:

Direct Testimony (both parties)	October 8, 2008 ²
Responsive Testimony (both parties)	November 13, 2008
Witness Lists (both parties)	December 11, 2008
Arbitration Hearing	December 16-18, 2008
Post-Hearing Opening Briefs	January 22, 2009
Post-Hearing Closing Briefs	February 9, 2009
Projected Date of Arbitrator's Report	March 30, 2009

5 **REQUEST TO AMEND PROCEDURAL SCHEDULE.** On November 10, 2008, Charter filed a request with the Commission to amend the procedural schedule. Specifically, Charter asks that the responsive testimony deadline be extended from Thursday, November 13, 2008, to Monday, November 17, 2008.

6 By formal letter filed on November 10, 2008, Charter requested an extension of the time to file responsive testimony, explaining that Charter's witnesses have recently been involved with hearings in other states and need additional time to prepare their testimony. Charter asserts that Qwest does not object to the requested extension.

7 Under WAC 480-07-385(2), the Commission will grant a continuance if the requesting party demonstrates good cause for the continuance and the continuance will not prejudice any party or the Commission. Charter's request narrowly extends the previous testimony deadline by two business days. Additionally, Qwest does not object to the extension, and Charter's explanation that its witnesses are involved in proceedings in other states is reasonable. As a result, the request should be granted.

8 The Commission finds and concludes that it should grant the relief requested and amend the procedural schedule.

¹Also on September 17, 2008, the Commission issued Order 03, a protective order.

²Both Charter and Qwest filed direct testimony with the Commission by the October 8, 2008, deadline.

ORDER

- 9 THE COMMISSION ORDERS that the Request for an Extension of the Responsive Testimony Filing Deadline, filed by Charter Fiberlink WA-CCVII, LLC is granted. Parties must file responsive testimony with the Commission by Monday, November 17, 2008.

Dated at Olympia, Washington, and effective November ____, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. RUSSELL
Administrative Law Judge

REVISED PROCEDURAL SCHEDULE

Event	Current Date	Modified Date
Responsive Testimony	November 13, 2008	November 17, 2008