

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

**In the Matter of the Petition of
QWEST CORPORATION**

**For Competitive Classification of Basic
Business Exchange Telecommunications
Services**

Docket No. UT-030614

**MCI MOTION REGARDING THE
TIMING OF ITS REPLY BRIEF**

WorldCom, Inc., (n/k/a/ "MCI"), on behalf of its regulated subsidiaries in Washington, hereby moves the Commission to accept its Reply Brief for consideration in its deliberations in this matter.

1. This proceeding is being conducted on an accelerated schedule. The Commission held six days of evidentiary hearing that were spread over a six-week timeframe.
2. The parties' opening briefs were due on October 28, 2003, four business days after the evidentiary hearing concluded. Reply briefs were due eight business days later, on November 7, 2003. The Commission granted the parties permission to file and serve their briefs electronically on the due date, followed by the filing of hard copies on the next business day.
3. On Friday, November 7, 2003 at 5:15 p.m. Mountain Time/4:15 p.m. Pacific Time, MCI e-mailed its Reply Brief to all parties on the electronic service list and the Commission's Records Center at records@wutc.wa.gov.¹
4. Unfortunately, the electronic service on the Records Center was rejected.²
5. As soon as MCI personnel discovered the rejection, the e-mail was resent to the same address. MCI understands that the Commission received the second e-mail

¹ See attached Affidavit of Heidi Yore at para. 4.

² Affidavit at para. 4.

message. However, it was sent after the Records Center was closed for the day, at 7:28 p.m. Mountain Time/6:28 Pacific Time, on a Friday evening.³

6. MCI understands pursuant to a telephone conversation with Judge Mace, that the Commission considers MCI's Reply Brief to be untimely and therefore, the brief will not be considered in the Commission's deliberations in this matter.

7. MCI respectfully asks the Commission to accept its brief for filing and consider the arguments and responses contained in MCI's Reply Brief as part of its evaluation of Qwest's Petition in this matter.

8. WAC 480-09-100(3)(b)(ii) instructs parties to send electronic mail to records@wutc.wa.gov. MCI complied with this rule, e-mailing its electronic filing to this address at 4:15 p.m. on Friday, while the Records Center was open. Nevertheless, the e-mail was rejected.

9. As soon as the rejection was discovered, MCI resent the e-mail to the same Commission address. This time the e-mail was accepted. Unfortunately, however, it was after the Records Center had closed for the evening.

10. It would be unjust for the Commission to reject MCI's filing under these circumstances. MCI's initial attempt to file the brief complied with the Commission's rules. MCI behaved reasonably in assuming that the Commission received the first e-mail since it was sent to the e-mail address listed in the rules and MCI had sent numerous e-mails to the Commission over the years that were received on the initial attempt.⁴ In addition, MCI attempted to rectify the problem as soon as it was discovered.

³ Affidavit of Heidi Yore at para. 6.

⁴ Affidavit of Heidi Yore at para. 5.

11. No party would be unduly prejudiced by the Commission's acceptance and consideration of MCI's brief. The parties received the e-mail when it was initially sent. Moreover, no additional briefs are scheduled for the docket. Thus, no party is harmed in its ability to respond to MCI's brief.

12. In fact, if this motion were granted, the Commission would be aided in its ability to hear and fully analyze all arguments and responses of the participating parties in this complex matter.

13. Wherefore, MCI respectfully requests that this Commission grant MCI's request herein and accept MCI's Reply Brief for filing and consideration in its evaluation of Qwest's Petition.

Dated this 10th day of November 2003.

Respectfully submitted,

MCI

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