

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

QWEST CORPORATION,	)	DOCKET UT-090892
	)	
Complainant,	)	
	)	ORDER 04
v.	)	
	)	
MCLEODUSA	)	ORDER GRANTING REQUEST
TELECOMMUNICATIONS	)	FOR CONTINUANCE
SERVICES, INC., d/b/a PAETEC	)	
BUSINESS SERVICES,	)	<b>(Response to Bench Request</b>
	)	<b>No. 1 is now due Friday,</b>
Respondent.	)	<b>April 9, 2010)</b>
.....	)	

**MEMORANDUM**

- 1 **NATURE OF PROCEEDING.** On June 10, 2009, Qwest Corporation (Qwest) filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint against McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services (McLeodUSA). On July 2, 2009, McLeodUSA filed an answer to the complaint. The complaint alleges that McLeodUSA’s assessment of its Wholesale Service Ordering Charge violates RCW 80.04.110, which prohibits conduct by a competitor that is unreasonable, discriminatory, illegal, unfair or intending or tending to oppress the complainant, or to stifle competition.
- 2 **APPEARANCES.** Lisa Anderl, attorney, Seattle, Washington, represents Qwest. Gregory J. Kopta, Davis Wright Tremaine LLP, Seattle, Washington, and William Haas, in-house counsel for McLeodUSA, Hiawatha, Iowa, represent McLeodUSA.
- 3 **PROCEDURAL HISTORY.** On March 11, 2010, Administrative Law Judge Marguerite E. Friedlander issued a Notice of Bench Requests. Bench Request No. 1 stated that the parties have both filed motions for summary determinations and implicit in the filing of these motions is the agreement that no genuine issues of

material facts exist. Bench Request No. 1 requested that the parties file a stipulation of facts by Thursday, March 25, 2010.

4 **REQUEST FOR CONTINUANCE.** On March 22, 2010, Qwest and McLeodUSA filed a list of stipulated facts that the parties state is from a similar proceeding in Arizona. McLeodUSA notes that the stipulation of facts does not include all facts that are or may be necessary for a Commission decision. Qwest states that there are other facts in the record that are undisputed and that may be relevant to a decision. The parties assert that some of the stipulated facts are specific to Arizona and request leave to supplement their stipulation of facts with Washington-specific information by April 9, 2010.

5 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. Given that both parties agree to the request and given the brevity of the extension, the request should be granted.

6 The Commission finds and concludes that it should grant the continuance request.

**ORDER**

7 THE COMMISSION ORDERS that the Request for Continuance to Supplement Bench Request No. 1, filed by Qwest Corporation and McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services, is granted. Parties must file a supplemental Response to Bench Request No. 1 with the Commission by Friday, April 9, 2010.

Dated at Olympia, Washington, and effective March 23, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER  
Administrative Law Judge