- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

AT&T CORP., a New York Corporation AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC., a Colorad Corporation, Claimant, vs. QWEST CORPORATION, a Colorado Corporation, Respondent.)	<u>DOCKET NO. 04-087-73</u> <u>ORDER</u>
)	

ISSUED: October 21, 2004

By the Commission:

On October 15, 2004, Qwest Corporation filed its Motion to Compel Responses to Data Requests or, in the Alternative, Motion to Expand Data Requests, Motion to Vacate Procedural Schedule, Motion for Discovery Conference and Oral Argument, and Memorandum in Support of Motions.

The Administrative Law Judge assigned to this case, Judge Steven Goodwill, is presently fulfilling a two week military reserve commitment and is thus unavailable to consider Qwest's motions at this time. The Commission desires that Judge Goodwill address the discovery issues raised in the motions when he returns.

As we have reviewed Qwest's motions, Qwest has alleged that the discovery issues are critical to its ability to file a motion for summary judgment. Qwest therefore requests, given the fact that the Scheduling Order calls for cross motions for summary judgment to be filed on November 5, 2004, that the current schedule be vacated pending resolution of the motions.

Because the filing date for such cross motions is only two weeks away and because Judge Goodwill will be unable to address the discovery issues raised Qwest's motions for several more days, we believe it is reasonable to suspend the schedule in this matter pending resolution of Qwest's motions.

<u>ORDER</u>

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

Docket No. 04-087-73 - Order (Issued: 10/21/2004) - Complaint

The filing dates set forth in the Scheduling Order of September 8, 2004 are hereby vacated pending resolution of the discovery issues raised in Qwest's motions. Judge Goodwill will address those motions and shall convene a scheduling conference upon his return.

DATED at Salt Lake City, Utah, this 21st day of October, 2004.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard, Commission Secretary

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