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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Petition of Level 3
Communications, LLC for Enforcement of
the Interconnection Agreement Between
Qwest and Level 3

Docket No. 05-2266-01

**QWEST'S MOTION FOR LEAVE
TO FILE SURREPLY AND
EXTENSION OF SCHEDULE FOR
RECONSIDERATION**

Qwest Corporation ("Qwest"), pursuant to Utah Admin. Code R746-100-3.H,
hereby moves the Commission for leave to file a memorandum in reply to the Reply
Brief of Level 3 ("Reply") filed December 5, 2005 by Level 3 Communications, LLC
("Level 3") in this matter. Qwest also moves the Commission to extend the schedule so
that Qwest's memorandum may be received and considered by the Commission prior to

ruling on Level 3's Motion for Reconsideration and Rehearing ("Motion"). In support of this motion, Qwest represents that:

1. Level 3 filed its Motion on September 19, 2005.
2. On October 4, 2005, Level 3 and Qwest filed an Unopposed Motion for Limited Reconsideration in which they moved that the Commission grant limited reconsideration of the Commission's Report and Order ("Order") issued in this matter on August 18, 2005. The purpose for this request was that the parties were engaged in settlement discussions and the parties agreed that they should be able to engage in settlement discussions without concern for the statutory deadlines for the Commission to act on the Motion and without prejudicing Level 3's right to appeal the Order.
3. The Commission issued an Order Granting Limited Reconsideration on October 4, 2005. The order allowed Qwest to respond to the Motion by November 18, 2005, absent settlement by the parties. The order further provided that the Motion would be deemed denied absent further action by the Commission by November 23, 2005.
4. The parties were unable to reach settlement, and, on November 18, 2005, Qwest filed "Opposition of Qwest to Motion for Reconsideration" ("Opposition").
5. Neither the Utah Administrative Procedures Act nor the Commission's rules of practice and procedure contemplate further filings on a petition for review or reconsideration prior to a ruling by the Commission whether to grant review or reconsideration. *See* Utah Code Ann. § 63-46b-12; Utah Admin. Code R746-100-11.F. Nonetheless, on November 21, 2005, Level 3 filed a Request for Leave to File a Reply Brief, and Motion for Extension of Schedule for Level 3's Motion for Reconsideration and Rehearing requesting leave to file a reply brief within ten days after the granting of

the motion and an extension of the schedule until 20 days after the date of the last brief permitted by the Commission.

6. On November 23, 2005, the Commission issued its Order Granting Leave to File Reply Brief and Motion to Extend Schedule. The order granted Level 3 ten days to file a reply to Qwest's opposition and extended the date upon which reconsideration would be deemed denied, absent further action by the Commission, to December 16, 2005.

7. On December 5, 2005, Level 3 filed Reply Brief of Level 3 ("Reply").

8. The Reply, in responding to the Opposition, raises new arguments and cites new authorities not included in the Motion and to which Qwest has not had an opportunity to respond.

9. The normal practice on petitions for review or reconsideration is for the petitioning party to file the petition and the responding party or parties to have an opportunity to respond prior to a decision by the Commission. As a result of the Commission's granting of Level 3's November 21, 2005 request and the filing of the Reply, Qwest has not had the opportunity to respond to all arguments and authorities cited by Level 3 in support of the Motion.

10. In its November 21 motion, Level 3 stated, "Although Level 3 has requested expedited treatment in this case, the urgency is no longer as great as it was when Level 3 filed its Application."

11. Based on the foregoing and on the normal practice in proceedings on petitions for review or reconsideration, Qwest should be allowed to file a surreply

memorandum responding to the Reply. Any delay caused by granting Qwest leave to do so, will apparently not be prejudicial to Level 3.

12. Qwest recognizes that if it is granted time to file a surreply memorandum, the date by which the Motion should be deemed denied should be extended by the Commission from the current date of December 16, 2005 to a date reasonably after the date on which Qwest files its surreply in order to allow the Commission to consider the surreply.

Based on the foregoing, Qwest requests that the Commission enter an order:

1. Granting Qwest leave to file a surreply memorandum to the Reply within ten days of the date of the order; and

2. Extending the date by which the Motion shall be deemed denied, absent further Commission action, to a date reasonably after the date on which Qwest may file a surreply in order to allow the Commission to consider the surreply.

RESPECTFULLY SUBMITTED: December 9, 2005.

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing **QWEST'S MOTION FOR LEAVE TO FILE SURREPLY MEMORANDUM AND EXTENSION OF SCHEDULE FOR RECONSIDERATION** was served upon the following, on December 9, 2005.

By Hand Delivery and electronic service to:

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