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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Complaint of
BEAVER COUNTY, et al.,

Complainants,

-VS-

QWEST CORPORATION fka U S WEST
COMMUNICATIONS, INC. fka MOUNTAIN STATES TELEPHONE &
TELEGRAPH SERVICES, INC.,

Respondent.

**COMPLAINANTS' MOTION FOR MODIFICATION OF SCHEDULING
ORDER**

Docket No. 01-049-75

Complainants, pursuant to Utah Code Ann. § 54-7-13 and 63-46b-12 and Utah Admin. Code R746-100-3.H and R746-100-11.F, hereby moves the Commission to modify its Modified Scheduling Order issued in this matter on July 21, 2004. Complainants make this request for the reason that they have been unable to conclude their discovery by the deadline of August 31, 2004. Complainants served a Notice of Deposition on Qwest under Utah R. Civ. P. 30(b)(6) on August 20, requiring Qwest to produce one or more designees to answer questions under oath, upon oral interrogatories directed to the areas set forth in the notice, on August 30, 2004. Qwest's counsel contacted Complainants' counsel on August 24, and informed Complainants' counsel that Qwest had objections to the Notice, and that, although Qwest would produce witnesses to testify in limited areas of Qwest's choosing, Qwest was refusing to produce witnesses to testify in all areas called

for by the Notice. Qwest's counsel followed-up this phone conversation with a letter. The following day, Qwest's counsel and Complainants' counsel again spoke, and agreed that it made sense not to have the Rule 30(b)(6) designees travel to Salt Lake City, as they would otherwise have to, until there had been a resolution of Qwest's objections by the Commission.

Qwest thereafter filed its Motion for Protective Order on August 27, 2004, which motion remains pending, subject to briefing, argument and decision by the Commission. Because the parties are in agreement that the sensible procedure would be to obtain a ruling from the Commission on the objections prior to proceeding with the Rule 30(b)(6) deposition, and it would not be possible under the current schedule to obtain such a resolution and take the deposition before the cut-off, Complainants believe that the Commission should modify the schedule to allow for briefing and hearing on Qwest's objections and ruling by the Commission, with Complainants then able to take the deposition in accordance with such ruling.

To the extent that such modification would affect the propriety of the deadline for filing dispositive motions, Complainants believe that such deadline also should be extended.

DATED this _____ day of December, 2004.

PETERS SCOFIELD PRICE
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DAVID W. SCOFIELD
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the foregoing **COMPLAINANTS MOTION FOR MODIFICATION OF SCHEDULING ORDER** was served via e-mail transmission and via deposit in the United States Mail, first class postage prepaid, this _____ day of December, 2004, to the following:

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