

2. The Committee presents no basis for a claim of excusable neglect that justifies a continuance in this matter. In fact, Qwest's Motion to Dismiss has been fully briefed for nearly two months and the Committee has been served with pleadings every step of the way.

3. The Complaint was filed in this case on September 17, 2001. While it is unclear whether the Committee was served with the Complaint, it is Qwest's understanding that it is standard practice at the Public Service Commission that a complaint like the one filed in this matter would have been immediately provided to the Committee.

4. In any event, when Qwest filed its Motion to Dismiss on October 17, 2001, it served it on counsel for the Complainants, counsel for the Division, and on Roger Ball, the Committee's Administrative Secretary.

5. When the Complainants responded to the Qwest's Motion on November 5, 2001, their certificate of service indicates that their Reply was also served on Mr. Ball.

6. On November 16, 2001, Qwest replied to the Counties and again served the Committee, this time sending its reply memorandum to Mr. Warnick, counsel for the Committee.

7. On December 11, 2001, the Division filed a memorandum commenting on the memoranda filed to that point and taking a position on Qwest's Motion to Dismiss. That memorandum was likewise served on Mr. Warnick.

8. On January 7, 2002, the Commission entered its order setting the hearing date on Qwest's Motion to Dismiss. Qwest understands that that staff members of the Committee and counsel for the Committee routinely receive copies of such orders.

9. Thus, the Committee has received at least four memoranda informing it that this case existed, that Qwest had moved to dismiss it, that the Division had taken a position in the matter, and that the matter was fully briefed by the parties. The most recent of these

documents—the Division memorandum—was served on the Committee on December 11, 2001 (44 days prior to the Committee’s Motion for Continuance). The Commission’s order setting the hearing date for oral argument in this matter was entered 17 days before the Committee moved to continue this case.

10. Under these facts, the Committee’s neglect in failing to apprise itself of the issues in this case is neither reasonable nor excusable.

11. Therefore, Qwest hereby opposes the Committee’s Motion for a Continuance and requests the Commission to deny it.

12. Qwest hereby submits its position on the Committee’s Motion to the Commission for decision. Oral argument is not requested. Given the short time before oral argument, Qwest respectfully requests a expedited decision on the Committee’s motion.

DATED: January 25, 2002.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the QWEST'S OBJECTION TO COMMITTEE OF CONSUMER SERVICE'S MOTION FOR A CONTINUANCE was served upon the following by electronic mail and by hand delivery on January 25, 2002,

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