

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Petition of QWEST )  
CORPORATION for Arbitration of an ) DOCKET NO. 04-049-145  
Interconnection Agreement with UNION )  
TELEPHONE COMPANY d/b/a UNION ) ORDER GRANTING  
CELLULAR under Section 252 of the ) QWEST'S MOTION FOR  
Federal Telecommunications Act ) MODIFICATION OF SCHEDULE  
)

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ISSUED: January 4, 2007

By The Commission:

On December 29, 2006, Qwest Corporation (“Qwest”) filed a Motion for Modification of Schedule (“Motion”) requesting the Commission enter an order to extend the January 5, 2007, deadline for Qwest to file the supplemental surrebuttal testimony of Peter Copeland regarding the Union Telephone Company (“Union”) third revised cost study to a date 21 days following the date on which Union provides complete answers and confirmations as agreed by the parties in resolution of Qwest’s Motion to Compel and for Confirmation of Oral Representations Regarding Discovery Matters, and to extend other dates contained the Seventh Scheduling Order, issued November 9, 2006, as may be necessary. In support of its Motion, Qwest alleges Union has failed to provide discovery necessary to the preparation of Qwest’s supplemental surrebuttal testimony.

Also on December 29, 2006, Union, by electronic mail, filed its Opposition to Qwest’s Motion (“Union’s Opposition”) agreeing to allow Qwest an additional five days to file its supplemental testimony but opposing any further extension in order to maintain the present hearing schedule. Union states it has provided Qwest all information and assurances which

Qwest seeks and argues an additional 21 days for Qwest to prepare its supplemental testimony is not necessary.

On January 3, 2007, Qwest, also by electronic mail, filed its Reply to Union's Opposition reiterating its request for modification of the schedule and stating that Union has not provided adequate responses to Qwest Data Requests 4-002 and 4-0002, which responses Qwest requires to adequately prepare its supplemental surrebuttal testimony.

The current procedural schedule established by the Seventh Scheduling Order was agreed by the parties, the Division of Public Utilities and the Administrative Law Judge during a scheduling conference held on November 8, 2006. In resolution of the parties' discovery disputes on or about November 29, 2006, it appears Qwest and Union agreed to provide discovery by December 8, 2006, as required by the Seventh Scheduling Order, and to otherwise abide by the schedule established by said Order.

By its terms, the Seventh Scheduling Order provided Qwest 28 days from receipt of discovery on December 8, 2006, to file the supplemental surrebuttal testimony of Peter Copeland. Therefore, given the parties' apparent on-going discovery disputes, it is reasonable that we grant Qwest's request to modify the schedule to permit Qwest 21 days from receipt of Union's discovery response to file its supplemental surrebuttal testimony.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters this ORDER granting Qwest's Motion. The procedural schedule contained in the Seventh Scheduling Order, including the hearing scheduled to commence on January 24, 2007, is hereby vacated. Qwest shall have 21 days from the date on which Union provides the information sought by Qwest in its Data Requests 4-002 and 4-008 to

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file the supplemental surrebuttal testimony of Peter Copeland. A new procedural schedule intended to bring this matter to hearing will be set at such time as the parties inform the Administrative Law Judge that they are prepared to discuss said schedule.

Dated at Salt Lake City, Utah this 4<sup>th</sup> day of January, 2007.

/s/ Steven F. Goodwill  
Administrative Law Judge

Attest:

/s/ Julie Orchard  
Commission Secretary  
G#51954