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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of Qwest Corporation's )  
Petition for Commission Approval of 2008 ) DOCKET NO. 08-049-29  
Additions to Non-Impaired Wire Center )  
List ) MOTION TO VACATE OR  
 ) ALTERNATIVELY FOR REVIEW OR  
 ) REHEARING OF REPORT AND  
 ) ORDER  
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Integra Telecom of Utah, Inc. ("Integra"), and XO Communications Services, Inc., (collectively "Joint CLECs") bring the following motion requesting that the Commission vacate the Report and Order Approving Tier 2 Designation of Qwest's Draper Wire Center issued August 11, 2008 ("Order"). Alternatively, the Joint CLECs petition the Commission for review and rehearing of the Order and to reverse the Order and establish a scheduling conference.

**MOTION**

The Order grants the petition of Qwest Corporation ("Qwest") to designate the Draper wire center as a Tier 2 wire center because "no party or person has presented any opposition." Order at 2. The Joint CLECs, however, filed a letter electronically on August 8, 2008, in which

they objected to the petition on the grounds that they have been unable to verify the accuracy of the line counts on which the petition is based. A copy of the letter is attached to this Motion as Exhibit A. The basis stated in the Order for granting Qwest's Petition, therefore, is incorrect. Accordingly, the Commission either should vacate the Order or should grant review and rehearing, reverse the Order, and establish a date for a scheduling conference to discuss how to proceed on the merits of Qwest's Petition.

The Order correctly states, "This case has followed the procedural process arising from interested carriers' stipulation approved in Docket No. 06-049-40 and used in Docket No. 07-049-30, to facilitate the exchange of information relevant to Qwest's Petition and ultimate Commission designation of qualifying wire centers as non-impaired wire centers." According to that stipulation, interested parties have 30 days to review the data underlying any Qwest petition to designate additional wire centers as non-impaired and to lodge any objection. Although Qwest filed its petition on June 20, 2008, the Commission did not enter a protective order governing disclosure of the highly confidential data on which Qwest's petition was based until July 3, 2008. Integra representatives promptly executed the protective order, but they did not receive data from Qwest until July 9, 2008. They thus had until August 8, 2008 to review the Qwest data and to file any objection.

Integra reviewed the data it received and attempted to verify that Integra, in fact, has the number of lines Qwest has attributed to the Integra entities. Despite diligent efforts, Integra was not able to verify Qwest's line counts. To the contrary, Integra's available information reflects

that Qwest has substantially overstated the number of lines in the Draper wire center. The Joint CLECs, therefore, timely filed an objection to Qwest's petition.

Similar circumstances arose in Docket No. 07-049-30, and after receiving additional information from Qwest, the Joint CLECs were able to reconcile the disparate line counts and withdraw their objection to the petition in that docket. The Joint CLECs anticipate conducting just such cooperative efforts in this proceeding. They further expect that the parties would be able to complete this data reconciliation process before the end of September. The Joint CLECs, therefore, request the opportunity to do so.

#### **REQUEST FOR RELIEF**

WHEREFORE, the Joint CLECs request the following relief:

- A. An order from the Commission vacating the Order, or alternatively granting review and rehearing, reversing the Order, and setting a date for a scheduling conference; and
- B. Such other or further relief as the Commission finds fair, just, reasonable, and sufficient.

RESPECTFULLY SUBMITTED this 12th day of August, 2008.

DAVIS WRIGHT TREMAINE LLP  
Attorneys for Integra Telecom of Utah, Inc., and XO  
Communications Services, Inc.

By \_\_\_\_\_  
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# EXHIBIT A

