

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
Olympus Clinic Inc. against Qwest)
Corporation)

DOCKET NO. 03-049-17

PROCEDURAL ORDER

ISSUED: December 5, 2003

By The Commission:

On May 1, 2003, this Commission issued an Order Holding Proceedings in Abeyance and Initiating Investigation. That order directed the Division of Public Utilities ("DPU") to conduct an investigation into the allegations and submit a report to the Commission. The order also stated that "[t]hese proceedings shall be held in abeyance pending the DPU's investigation."

On November 6, 2003, the DPU submitted a memorandum containing the results of its investigation, and its recommendations regarding this matter. Since this matter was held in abeyance pending the DPU's report, and that report has been received, it is now appropriate to proceed further in this docket.

On December 5, 2003, a telephone conference was held with the parties. William Mark represented complainant Olympus Clinic. David Elmont represented Qwest. Mike Ginsberg represented the DPU. Olympus Clinic and Qwest stated their desires to review the documents obtained by the Division of Public Utilities in its investigation. Qwest also stated that it desired time to review the documents it provided to the DPU to determine if it wanted to assert the need for the handling of any of the documents as highly sensitive, or if some documents require additional protective measures beyond those in the Protective Order issued in this docket.

Accordingly, the parties agreed to the following schedule, which we set for this matter:

1. Within one week of a written request from Olympus Clinic to review the documents in the possession of the DPU, Qwest will determine if it deems it necessary to assert the need for the handling of any of the documents as highly sensitive, or that some documents require additional protective measures beyond those in the Protective Order issued in this docket, and make any motions to that effect.
2. A status and scheduling conference will be held by the Commission's Administrative Law Judge on Thursday, January 15, 2004, at 2:00 p.m., in the Commission's Fourth Floor Hearing Room #451, Heber M. Wells State Office Building, 160 East 300 South, Salt Lake City, Utah. In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this hearing should notify Julie Orchard, Commission Secretary, at 160 East 300 South, Salt Lake City, Utah, 84111, (801)530-6713, at least three working days prior to the hearing.

Dated at Salt Lake City, Utah, this 5th day of December, 2003

/s/ Doug Tingey
Administrative Law Judge

Approved and Confirmed this 5th day of December, 2003, as the Report and Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#36215