

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04B-491T

IN THE MATTER OF THE PETITION OF QWEST CORPORATION FOR
ARBITRATION OF AN INTERCONNECTION AGREEMENT WITH UNION
TELEPHONE COMPANY D/B/A UNION CELLULAR UNDER SECTION 252 OF
THE FEDERAL TELECOMMUNICATIONS ACT OF 1996.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING JOINT MOTION, VACATING
PROCEDURAL SCHEDULE, VACATING
HEARING, NOTICING EXTENSION OF TIME
FOR COMMISSION DECISION, SCHEDULING
PREHEARING CONFERENCE, AND
WAIVING RESPONSE TIME**

Mailed Date: November 26, 2004

I. STATEMENT

1. On September 30, 2004, Qwest Corporation (Qwest) filed a Petition for Arbitration of an interconnection agreement with Union Telephone Company, doing business as Union Cellular (Union). The Petition for Arbitration (Petition) commenced this proceeding. Union filed its Response to Petition for Arbitration on October 25, 2004. Qwest and Union are the only parties to this proceeding.

2. The Commission referred the Petition to the undersigned Administrative Law Judge (ALJ) for hearing. The Commission will issue an initial decision in this proceeding.

3. The ALJ held a prehearing conference. She then issued Decision No. R04-1326-I which established a hearing date and procedural schedule in this case.

4. On November 4, 2004, Qwest filed a Motion to Strike Response to Petition for Arbitration and Motion for Judgment on the Pleadings. Union filed its response opposing those motions on November 19, 2004. Those motions are under advisement and will be ruled upon in the future, if this matter does not settle.

5. Pursuant to the procedural schedule, both parties filed their direct testimony and exhibits on November 19, 2004.

6. On November 23, 2004, the parties filed a Joint Motion to Vacate Procedural Schedule, Set a Procedural Conference (Joint Motion), and Notice of Parties' Agreement to Waive Statutory Deadline (Waiver Notice).

7. Based on the provisions of 47 U.S.C. § 252(b)(4)(C) of the Telecommunications Act of 1996 (Act), it appears that the Commission should issue its decision in this matter on or before January 23, 2005. By the Waiver Notice, the parties agree to extend the deadline to and including April 25, 2005.¹ The parties wish to use this additional time to continue negotiations. Waiving the deadline has the following effects: The parties waive their right to petition the Federal Communications Commission to invoke its jurisdiction pursuant to § 252(e)(5) of the Act on the grounds that the Commission failed to enter its decision in this matter on or before January 23, 2005. They also waive their right to appeal the Commission decision issued in this matter on the grounds that the decision was not issued on or before January 23, 2005. Qwest and Union conditioned their waiver on the Commission's issuing its decision in this matter on or before April 25, 2005. The ALJ finds the waiver, as conditioned, reasonable. The Commission decision in this matter will issue on or before **April 25, 2005**.

¹ April 23, 2005, is the date in the Waiver Notice. That date is a Saturday; therefore, the decision date will be April 25, 2005 (the next work day).

8. In the Joint Motion the parties ask that the remainder of the established procedural schedule and the hearing scheduled for December 3 and 6, 2004, be vacated. They seek additional time to continue negotiations. The Commission policy is to encourage settlement, and so the Joint Motion states good cause. In addition, as all parties join in the motion, granting the Joint Motion will not prejudice any party. In light of the additional time available for a Commission decision in this matter, the Joint Motion will be granted. The procedural schedule and the hearing dates will be vacated.

9. In the Joint Motion the parties ask that the Commission set a status conference in 60 days. This request will be granted, and a prehearing conference will be held in this matter on **January 21, 2005**.

10. If this matter has not settled by the scheduled prehearing conference in January, the parties must be prepared to establish, at the prehearing conference, a procedural schedule: (a) date by which each party will file its answer testimony and exhibits; (b) date by which the parties will file their final joint issues matrix and a diskette containing an electronic version of that matrix;² (c) date by which each party will file its prehearing motions;³ (d) hearing dates during **the week of March 7, 2005**; and (e) date (**no later than March 25, 2005**) by which each party will file its post-hearing statement of position to which there will be no response. In addition, the parties should review Decision No. R04-1326-I as the matters addressed in that decision will be discussed at the prehearing conference.

11. The Joint Motion was filed by both parties in this proceeding. As granting the motion will not prejudice any party, response time to the Joint Motion will be waived.

² This date should be at least ten days before the hearing.

³ This date should be at least ten days before the hearing.

II. ORDER

A. It Is Ordered That:

1. The time within which the Commission should issue its decision in this case is extended to and including April 25, 2005.

2. The Joint Motion to Vacate Procedural Schedule, Set a Procedural Conference is granted.

3. The procedural schedule established in Decision No. R04-1326-I is vacated.

4. The hearing in this docket scheduled for December 3 and 6, 2004, is vacated.

5. A prehearing conference in this docket is scheduled as follows:

DATE: January 21, 2005

TIME: 10:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

6. The parties shall be prepared to discuss at the prehearing conference the matters set out above.

7. Response time to the Joint Motion to Vacate Procedural Schedule, Set a Procedural Conference is waived.

8. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge