

Decision No. R04-0913-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04B-160T

IN THE MATTER OF PETITION OF QWEST CORPORATION FOR ARBITRATION OF AN
INTERCONNECTION AGREEMENT WITH COVAD COMMUNICATIONS COMPANY
PURSUANT TO 47 U.S.C. § 252(B).

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
SHORTENING RESPONSE TIME
AND EXTENDING TIME FOR
COMMISSION DECISION**

Mailed Date: August 5, 2004

I. STATEMENT

1. On April 6, 2004, Qwest Corporation (Qwest) filed a Petition for Arbitration of an Interconnection Agreement with DIECA Communications, Inc., doing business as Covad Communications Company (Covad). Staff of the Commission (Staff) intervened of right. Covad responded to the Petition.

2. This matter is assigned to the undersigned Administrative Law Judge (ALJ) for hearing. The Commission will issue an initial decision. *See* Decision No. C04-0393. Hearing in this matter was held on June 21 and 22, 2004.

3. Pursuant to the procedural schedule established in this matter, Covad and Qwest filed post-hearing statements of position on July 9, 2004.¹ No response to these statements of position was permitted.

¹ Staff did not file a post-hearing statement of position.

4. On July 13, 2004, the Federal Communications Commission (FCC) issued a decision² in which it adopted an “all-or-nothing” rule with respect to the ability of Competitive Local Exchange Carriers to opt into existing interconnection agreements. By Decision No. R04-0830-I, the ALJ ordered the parties to file supplemental briefs addressing the impact, if any, of this FCC decision on the issues in this proceeding. Covad and Qwest each filed a supplemental brief on July 28, 2004.

5. On August 2, 2004, Covad filed a Motion for Leave to File Supplemental Materials (Motion). Accompanying the motion were several documents, including an Order Approving Negotiated Agreement for Interconnection and Resale of Services issued by the Washington State Utilities and Transportation Commission on July 28, 2004, and the referenced Negotiated Agreement between Qwest Communications Corporation and Qwest Corporation.

6. By this Order the ALJ will shorten, to and including August 10, 2004, the response time to the Motion.³ By telephone conference held on August 3, 2004, the ALJ informed Covad and Qwest of the shortened response time.

7. During the same telephone conference, Covad and Qwest agreed to extend by seven calendar days (*i.e.*, to and including August 27, 2004) the date for a Commission decision in this arbitration proceeding. Accordingly, the time for a Commission decision in this matter will be extended to and including August 27, 2004.

² Second Report and Order, *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, FCC No. 04-164 (rel. July 13, 2004) (*FCC Order*).

³ Qwest is advised that, due to the August 27, 2004 date for Commission decision in this matter, this is the only opportunity Qwest will have to respond to the Motion procedurally and substantively.

II. ORDER

A. It Is Ordered That:

1. The time for responding to the Motion for Leave to File Supplemental Materials is shortened to and including August 10, 2004.

2. The time for Commission decision in this proceeding is extended to and including August 27, 2004.

3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge