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AUG 19 2009

Public Utility Commission of Oregon
Administrative Hearings Division

August 18, 2009


Oregon Public Utility Commission
Attn: Filing Center
P.O. Box 2148
Salem, OR 97308-2148

Re: Um 1431; Response of Frontier and Verizon to IBEW/CUB Motion to Extend
Schedule

Dear Commission,

Enclosed for filing are an original and three copies of Frontier Communications Corporation and Verizon Communications Inc.'s Response in opposition to IBEW and CUB's Motion to Extend Schedule. If you have any questions regarding this filing, please don't hesitate to contact me.

Very truly yours,


Charles L. Best

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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1431

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AUG 19 2009

Public Utility Commission of Oregon
Administrative Hearings Division

In the Matter of)
)
VERIZON COMMUNICATIONS INC.,)
and FRONTIER COMMUNICATIONS)
CORPORATION)
)
Joint Application for an Order Declining to)
Assert Jurisdiction, or, in the)
Alternative, to Approve the Indirect)
Transfer of Control of)
VERIZON NORTHWEST INC.)

**RESPONSE TO IBEW/CUB
MOTION TO AMEND
PROCEDURAL SCHEDULE**

Verizon Communications Inc. and Frontier Communications Corporation (collectively, “Applicants”) hereby respond to the Motion of the Citizens’ Utility Board of Oregon (“CUB”) and International Brotherhood of Electrical Workers, Local 89 (“IBEW”), to Amend Procedural Schedule filed on August 13, 2009 (“Motion to Delay”). The Motion to Delay the procedural schedule is unfounded and should be rejected.

IBEW and CUB offer no compelling reason why the agreed-upon and established procedural schedule should be delayed. They claim that the case is “considerably more complex” than they assumed at the outset. Motion to Delay at 1. Nothing is offered to support that assessment. The IBEW has participated in the proceeding from the outset and participated in the initial prehearing conference in which the procedural schedule was set, including the filing of Applicant’s direct testimony on July 6th and the upcoming reply testimony due in September. The parties have had the opportunity to participate in the extensive discovery that has already been completed, including the Applicants’ responses to more than 170 discovery requests of Staff and extensive discovery initiated by the other intervenors. Indeed, the parties are now operating under an expedited discovery response schedule (5 business days) pursuant to the

agreed-upon procedural schedule that was designed to help facilitate completion of testimony in preparation for the October hearing. It is also important to recognize that the Commission recently resolved the CenturyTel/Embarq merger proceeding on a more aggressive schedule than exists in this docket, without an evidentiary hearing.

The parties claim that they “find that there are more than 100 discovery requests outstanding.” *Id.* That assertion is misleading and does not present a basis for an extension. The Applicants have already responded to over 160 data requests propounded by IBEW, and have worked cooperatively with IBEW to resolve issues regarding objections. IBEW propounded its discovery request # 197 through 237 on August 7th and its discovery requests #238 through #246 and discovery requests # 247 through #252 in the last week. The Applicants will respond to the pending discovery requests within the established response timeframe and the fact that these discovery requests are outstanding is simply a function on which they were propounded by IBEW.

Moreover, the substance and scope of IBEW’s discovery generally exceeds the limits placed on IBEW’s participation in the case by the Ruling on Interventions filed in this docket on July 2, 2009 (“July 2 Ruling”). There, the ALJ warned the IBEW against engaging in conduct aimed at using the regulatory process to influence Applicants in matters beyond the scope of this proceeding, noting that such conduct could lead to the dismissal of IBEW as a party to the case. Notwithstanding this decision, IBEW has propounded discovery requests inquiring about such subjects as seniority levels of employees (“average length of time employed by Verizon”) and even specific questions on collective bargaining agreement obligations (including 401(k) contributions, savings and other employee benefit plans). This lack of proper focus is what

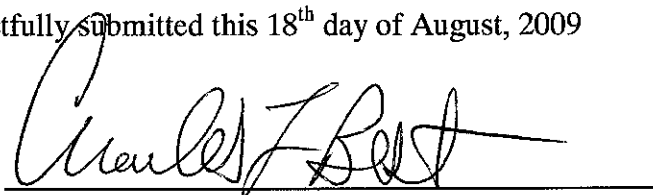
prompted the Washington Utilities and Transportation Commission recently to deny the IBEW's petition to intervene in its docket considering the same transaction.

In any event, IBEW's lack of focus should not cause the agreed-upon procedural schedule to be delayed. The parties have kept to the mutually agreed-upon deadlines in this docket (and are now complying with expedited discovery deadlines established to help facilitate testimony preparation), and are working constructively on settlement discussions. Indeed, IBEW is the only party who is not participating meaningfully in the settlement discussions coordinated by Commission Staff. There is no reason to believe, nor is any compelling reason stated in the Motion to Delay, that the existing schedule needs to be altered. Moreover, altering the schedule at this point would impose an unnecessary hardship as the Applicants have complied with the procedural deadlines agreed-upon by the parties and established to facilitate the October 5-6 hearing date.

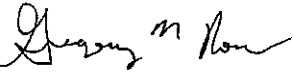
Wherefore, the Applicants respectfully request that the Commission deny the Motion to Delay, and leave the agreed-upon schedule undisturbed.

Respectfully submitted this 18th day of August, 2009

By:



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CERTIFICATE OF SERVICE

I certify that on August 18, 2009, I served the foregoing document upon all parties of record in Docket No.UM 1431 by e-mail.

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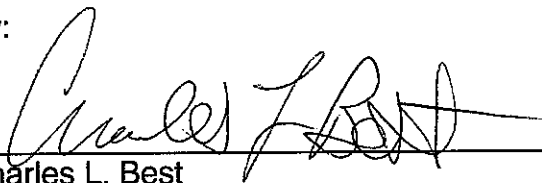
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By:

A handwritten signature in black ink, appearing to read "Charles L. Best", written over a horizontal line.

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