

## TAYLOR Annette

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**Cc:** Butler, Carla; JONES Jason W; DOUGHERTY Michael; ARLOW Allan  
**Subject:** RE: UM 1484 CENTURYLINK/QWEST MERGER--EXPEDITED TELEPHONE CONFERENCE

Judge Arlow-

We learned just a few minutes ago that Your Honor intends to hold a prehearing conference in less than an hour regarding the Joint CLECs' motion for an extension of the agreed-upon briefing schedule due to minor delays of the anticipated date for delivery of the transcripts to the parties. Qwest and CenturyLink have been communicating with the Joint CLECs with its objections to the request, including the numerous reasons for our objections, and we asked that they contact us as soon as possible so that we could prepare a formal response this morning and file it with the Administrative Hearings Division. Unfortunately, the CLECs did not respond to us, but evidently called Your Honor this morning to request a prehearing conference, without allowing Qwest to file a formal response. Given that the motion was filed late Wednesday afternoon, little more than a day ago, Qwest and CenturyLink have concerns that we have not had an adequate opportunity to file a response.

Nevertheless, we want to note a few things in this email before we have the prehearing conference, and ask that Your Honor review this email before then.

First, we do not believe there is good cause for the motion for an extension, and we vigorously object to any further delays in the proceeding, especially since there has been no prejudice to the CLECs as a result of any delays in getting the transcripts over the New Year's Eve and New Year's Day holiday weekend. This is particularly so because any delays in getting the transcripts were extremely minor, and primarily just one or two business days, and were certainly understandable in light of the holidays and the confidential nature of some of the testimony. That is, while the anticipated date for the delivery of the transcripts was December 29, the vast majority of the transcripts (97% of the pages) were delivered within one or two business days of December 29.

Thus, even assuming that the CLECs intended to work on the briefs over the holiday weekend, the bottom line is that by January 1, the CLECs had all but 14 pages, or more than 97% of the transcripts, which was still 10 days before the opening brief is due.

Specifically, the first volume of the first day of the hearing (Volume 1, pages 1-174), which included the vast majority of the CLECs' cross-examination of three of the five CenturyLink and Qwest witnesses (Jones, Schafer and Brigham), was delivered only one day late, on December 30. The remainder of the first day of the

hearing (pages 190-287, which was the remainder of the cross-examination of Brigham and the cross-examination of Dougherty and Hunsucker), except for only 14 pages of confidential testimony (pages 175-189), was delivered on January 1. The same holds true regarding the entire second day (a 209-page transcript), which was delivered on January 1. Thus, the bottom line is that of about 500 pages of testimony, only 14 pages were not delivered by January 1, and that is because the service that sends the electronic copies does not email transcripts with confidential information. Nevertheless, that 14-page transcript was delivered Wednesday morning, January 5.

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Accordingly, it is clear that any delays were simply a couple of days as a result of the holidays, but still allowing the CLECs plenty of time to prepare their briefs.

In addition, the parties are well aware that, based in past practices, probably 90% of the brief is likely will be based on the written record (more than 1,000 pages of prefiled testimony). As Qwest and CenturyLink are doing, we have a pretty good idea of what was said in the transcript and thus had blank cites to fill in the page numbers and make any necessary tweaks once we received the transcripts, which as stated, was by January 1 for 97% of the pages. Qwest and CenturyLink also note that given the proceedings in other states, which have similar proceedings, much of the briefing, like much of the extensive written record, will be based on work that has already been done in other states.

Finally, Your Honor, the Joint CLECs well know that CenturyLink and Qwest have a strong interest in an expeditious and timely conclusion of this case. A full week (7 day) delay is simply not reasonable, especially since the Commission will need some time to issue its final order.

Thank you for your consideration.

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