

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1484

In the Matter of

CENTURYLINK, INC.,

Application for Approval of Merger
between CenturyTel, Inc., and Qwest
Communications International, Inc.

CONFERENCE REPORT AND RULING

DISPOSITION: WITNESS CROSS-EXAMINATION SCHEDULE ADOPTED;
PETITION FOR RELIEF GRANTED; MOTION TO STRIKE
GATES TESTIMONY DENIED; MOTIONS TO STRIKE
APPLEBY AND FRENTRUP TESTIMONY GRANTED
IN PART AND DENIED IN PART

A procedural teleconference in this docket was held on November 23, 2010. Appearances by counsel were made on behalf of the following: CenturyLink, Inc. (CenturyLink) and Qwest Communications International, Inc. (Qwest), (Applicants); Telecommunications Ratepayers Association for Cost-Based and Equitable Rates (TRACER); Charter Fiberlink OR-CCV11, LLC (Charter); Sprint Communications Company, L.P., Nextel West Corp., and Sprint Spectrum (Sprint); Level 3 Communications LLC (Level 3); the Joint CLECs,¹ Parker Communications; Lincoln City, Lincoln County, and Tillamook County (Coastal); and the Public Utility Commission of Oregon Staff (Staff).

Witness Schedule. At the conference, it was agreed by the parties and adopted by the Administrative Law Judge (ALJ) that the order of witnesses and estimated time for cross-examination, at the December 1-2, 2010 hearing, would be as follows:

PARTY	WITNESS	CROSS-EXAMINATION SCHEDULE
CenturyLink	John Jones	Joint CLECs: 30 min.; Sprint 15 min.; Charter: 30 min

¹ The Joint CLEC parties represented at this conference were tw telecom of Oregon, llc, Covad Communications Company, XO Communications Services, Inc., Advanced TelCom, Inc., Electric Lightwave, LLC, Eschelon Telecom of Oregon, Inc., Oregon Telecom Inc. and United Telecommunications Inc., d/b/a Unicom, and Priority One Telecommunications, Inc.

PARTY	WITNESS	CROSS-EXAMINATION SCHEDULE
CenturyLink	G. Clay Bailey	Sprint: 15 min.; TRACER: 15 min.
CenturyLink	Todd Schafer	Joint CLECs: 30 min.
Qwest	Judith A. Pepler	Charter: 15 min.
Qwest	Robert H. Brigham	Joint CLECs: 30 min.; Sprint: 30 min.
Qwest	Christopher Viveros	Joint CLECs: 30 min.
CenturyLink	Michael R. Hunsucker	Joint CLECs: 90-120 min.; Sprint: 30 min.
Integra	Douglas Denney	Joint CLECs: 15 min.; short responsive direct by Timothy Gates and Chris Frentrup
Joint CLECs	August H. Ankum	Applicants: 15 min. ²
Joint CLECs	Timothy J. Gates	Applicants: 15 min.
Charter	Billy H. Pruitt	Applicants: 15 min.
Level 3	Richard E. Thayer	Applicants: 15 min.
Sprint	Chris Frentrup	Applicants: 15 min.
Sprint	James A. Appleby	Applicants: 15 min.
Staff	Michael Dougherty	Applicants: 30 min.; Joint CLECs: 15 min.; TRACER: 10 min.; Coastal: 10-15 min.
Staff	Kay Marinos	Applicants: 45 min.; Joint CLECs: 30 min.
Staff	John Reynolds	Applicants: 10 min.; Joint CLECs 10 min.; Sprint: 10-15 min.
Staff	Jorge Ordonez	Applicants: 10 min.
Staff	Irvin L. Emmons	Applicants: 10 min.
Staff	John Cray	Applicants: 10 min.

Rulings Issued at Conference

The ALJ granted the Petition of Sprint Nextel Corporation for Relief under Paragraph 10 of Order No. 10-291. The ALJ denied Qwest's and CenturyLink's Motion to Strike Certain Portions of Supplemental Testimony of Timothy J. Gates as Improper Surrebuttal Testimony.

Qwest's and CenturyLink's Expedited Motion to Strike Certain Portions of Supplemental Testimony of James A. Appleby and the Direct Testimony of Chris Frentrup of Sprint was filed on November 17, 2010. I find that the Appleby testimony is sufficiently related to the Hart-Scott-Rodino documents so as to be included within the bounds of allowed supplemental testimony.

In denying the Sprint Motion to Certify, I stated that "[e]vidence regarding the amount of these special and interstate access charges that the Applicants' ILECs charge each others' CLEC affiliates is therefore not 'reasonably calculated to lead to the discovery of evidence relevant to the issues involved in the pending proceeding.'" The Sprint position, at its essence, is that access services are priced above economic cost; however, the issue of access rates is beyond the scope of the instant proceeding.

² Applicants estimate that, while the time per witness may vary, a total of 90 minutes to examine all witnesses of competitive local telephone companies is the necessary time for cross-examination.

With respect to the Frentrup testimony, I find that the testimony at

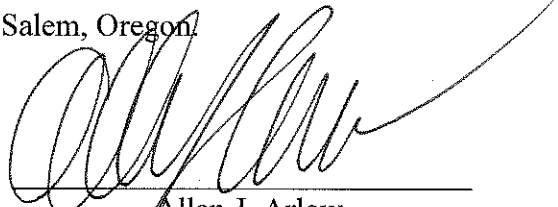
Sprint/1, Frentrup/5, line 5 through Sprint/1, Frentrup/11, line 4;
Sprint/1, Frentrup/12, line 7, beginning “or” to line 8, ending in “rates”;
Sprint/1, Frentrup/18, line 9 through Sprint/1, Frentrup/19, line 37; and
Sprint/1, Frentrup/21, lines 1-21.

is outside of the scope of this proceeding, and is stricken from the record, but the remaining testimony Applicants seek to strike is not.

RULING

The Expedited Motion to Strike Certain Portions of Supplemental Testimony of James A. Appleby and the Direct Testimony of Chris Frentrup of Sprint is granted to the extent indicated and denied in all other respects.

Dated this 23rd day of November at Salem, Oregon.



Allan J. Arlow
Administrative Law Judge