



# Oregon

John A. Kitzhaber, MD, Governor

## Public Utility Commission

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September 21, 2011

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Department of Justice  
Appellate Division  
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### IN THE COURT OF APPEALS OF THE STATE OF OREGON

CITY OF LINCOLN CITY, LINCOLN  
COUNTY, TILLAMOOK COUNTY, and  
PARKER TELECOMMUNICATIONS,

Petitioners,

v.

PUBLIC UTILITY COMMISSION OF  
OREGON and CITIZENS' UTILITY  
BOARD OF OREGON,

Respondents.

TRANSMITTAL OF SHORTENED  
RECORD AND CERTIFICATE

Appellate Court No. CA A148554

Agency Case No. UM 1484

I am enclosing an original and five copies of the shortened record agreed to by the parties for Appellate Court No. CA A148554, in six boxes, and does not contain any confidential information or transcripts for any conferences. Each box contains a complete record.

Please call me if you need further assistance.

PUBLIC UTILITY COMMISSION OF OREGON

Cheryl Walker, Administrative Specialist 2  
Administrative Hearings Division  
(503) 378-2849



**IN THE COURT OF APPEALS OF THE STATE OF OREGON**

CITY OF LINCOLN CITY, LINCOLN COUNTY, TILLAMOOK COUNTY, and PARKER TELECOMMUNICATIONS,

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TRANSMITTAL OF SHORTENED RECORD AND CERTIFICATE

Appellate Court No. CA A148554

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I, Cheryl Walker, Administrative Specialist 2, Public Utility Commission of Oregon, pursuant to ORS 183.482(4), list below and transmit herewith the original of the shortened record of UM 1484 under review in the above proceedings, except that wherein a copy of any document or paper is filed herein, I hereby certify that I have compared the copy with the original and that it is a true and correct copy of the original and the whole thereof.

**VOLUME I**

<b><u>Item</u></b>	<b><u>Description</u></b>	<b><u>Page</u></b>
1	Errata Order No. 11-101; DISPOSITION: ORDER 11-095 CORRECTED. Entered 4/4/11.	1702-1709
2	Order No. 11-095; DISPOSITION: APPLICATION GRANTED WITH CONDITIONS. ( <i>Also see</i> Errata Order No. 11-101.) Entered 3/24/11.	1658-1701
3	Joint CLEC's (XO Communications Services, Inc., tw telecom of oregon, llc, Covad Communications Company, PriorityOne Telecom, Inc., and Charter Fiberlink OR-CCVII, LLC ) Reply Brief. "Public" version filed electronically 2/1/11. Hard copies of "Highly Confidential" version rec'd 2/2/11. (Pages 23 and 24 contain HIGHLY CONFIDENTIAL information and is located in locked cabinet, Env. no. 474(20)). (Confidential material not provided.) Dated 2/1/11.	1552-1657
4	Joint WIRELESS CARRIERS' (Sprint Communications Company, L.P. d/b/a Sprint, Sprint Spectrum, L.P. d/b/a Sprint PCS, Nextel West Corp. d/b/a Nextel, and NPCR, Inc. d/b/a Nextel Partners (Sprint), together with T-Mobile West Corporation (T-Mobile)) Post-Hearing Reply Brief, Filed in Public and Highly Confidential versions. (HIGHLY CONFIDENTIAL version of page 3 of brief is located in locked cabinet, Env. no. 474(19)). (Confidential material not provided.) Dated 2/1/11.	1515-1551

5	Applicants' CENTURYLINK's and QWEST's Post-Hearing Reply Brief. Dated 2/1/11.	1469-1514
6	STAFF's Reply Brief. Dated 2/2/11.	1452-1468
7	COASTAL INTERVENORS' Closing Rebuttal Brief. Dated 2/1/11.	1435-1451
8	CITIZENTS' UTILITY BOARD OF OREGON's (CUB's) Opening Brief. Dated 1/25/11.	1424-1434
9	COASTAL INTERVENORS' (City of Lincoln City, Parker Telecommunications, Lincoln and Tillamook Counties) "Closing" Brief. Dated 1/25/11.	1405-1423

**VOLUME II**

10	CENTURY LINK's and QWEST's Opening Post Hearing Brief, together with Attachments A through C. Dated 1/25/11.	1303-1404
11	TRACERS's Opening Brief. Dated 1/25/11.	1277-1302
12	STAFF's Opening Brief. Dated 1/25/11.	1247-1276
13	ALJ Allan J. Arlow issues Ruling; DISPOSITION: MOTION GRANTED; SCHEDULE AMENDED. Dated 1/14/11.	1237-1246
14	ALJ Allan J. Arlow's Exhibit List from December 16-17, 2010 Hearing together with copies of Joint CLEC's letter re: Exhibits dated 12/21/10, and ALJ's Ruling dated 12/17/10. (HIGHLY CONFIDENTIAL Exhibit JC/25 and JC/39-45 located in locked cabinet, Env. nos. 474(15 and 15A). (Confidential materials not provided.) Dated 12/29/10.  (Also see Joint CLECs' December 16-17, 2010 Hearing Exhibits under separate cover, Item 47.)	1090-1236
15	ALJ Allan J. Arlow issues Ruling; DISPOSITION: MOTION GRANTED; TESTIMONY ADMITTED; RECORD CLOSED; BRIEFING SCHEDULE SET. Dated 12/27/10.	1080-1089
16	LINCOLN CITY, et al's filing of Affidavits of Ed Parker, David Hawker, Jerry Palmer, and Gordon McCraw in support of Testimony (Exhibits 100-400). Dated 12/17/10.  (Also see Coastal Intervenor's December 16-17, 2010 Hearing Exhibits under separate cover, Item 46.)	1078-1079
17	CITY OF LINCOLN CITY, et al (Coastal Intervenor's) Objections to Stipulation Between PUC Staff and Applicant Companies. Dated 12/14/10.	1058-1077

18	Stipulating Parties' Errata Testimony in Support of the Stipulation (Staff, CUB, CentruyLink, and Qwest). Dated 12/10/10.  (Also see CUB's December 16-17, 2010 Hearing Exhibits under separate cover, Item 50.)	1028-1057
19	CENTURYLINK's filing of Corrected Attachment to STIPULATION among CENTURYLINK, QWEST, CUB, and STAFF. Dated 12/3/10.	1012-1027
20	STIPULATION among CENTURYLINK, QWEST, CITIZENS' UTILITY BOARD (CUB), and STAFF, together with Attachment. (Also see 12/3/10/ filing). Dated 12/2/10.	989-1011
21	CENTURYLINK's (Redacted) Supplemental Rebuttal Testimony of Michael R. Hunsucker (CTL/900/Hunsucker) and Todd Schafer (CTL/1000/Schafer) (HIGHLY CONFIDENTIAL portions are located in Envelope #474(11) in locked cabinet). (Confidential material not provided.) Dated 11/19/10.  (Also see CenturyLink's December 16-17, 2010 Hearing Exhibits under separate cover, Item 49.)	957-988
22	ALJ Allan J. Arlow issues Ruling; DISPOSITION: PROCEDURAL SCHEDULE RULING CLARIFIED. (Also see 11/30/10 Conference Report.) Dated 11/4/10.	945-956
23	COASTAL INTERVENORS' Reply to Response (of CentruyLink and Qwest) to Motion to Certify Questions. Dated 9/23/10.	934-944
24	ALJ Allan J. Arlow's RULING; DISPOSITION: MOTION TO CERTIFY QUESTIONS DENIED. Dated 9/23/10.	922-933
25	CENTURYLINK's Rebuttal Testimony of John F. Jones, G. Clay Bailey, Todd Schafer, and Michael R. Hunsucker as follows: (CTL/500-501/Jones); (CTL/600/Bailey); (CTL/700/Schafer); and (CTL/800-802/Hunsucker). Dated 9/21/10.  (Also see CenturyLink's December 16-17, 2010 Hearing Exhibits under separate cover, Item 49.)	739-921

**VOLUME III**

26	Centurylink and Qwest's' Response to Motion of Intervenors to Certify Questions to the Commission. Dated 9/20/10.	731-738
27	ALJ Allan J. Arlow's Ruling; DISPOSITION: MOTION DISMISSED AS MOOT IN PART AND DENIED IN PART. Dated 9/7/10.	719-730

28	<p>STAFF's Reply Testimony and Exhibits (Redacted) of Michael Dougherty (Staff/100 - 102/Dougherty), Jorge Ordonez (Staff/200-208/Ordonez), John Reynolds (Staff/300 - 303/Reynolds), Irvin L. Emmons (Staff/400-401/Emmons), Kay Marinos (Staff/500-506/Marions); and Jon Cray (Staff 600-602/Cray). Confidential portion of Exhibit Staff/505 to locked cabinet, #474(3), and highly confidential portions of Staff Exhibits Staff/207, Staff/208, Staff/300, Staff/302, and Staff/303 to locked cabinet # 474(4). (Confidential materials not provided.) Dated 9/3/10.</p> <p><i>(Also see STAFF's December 16-17, 2010 Hearing Exhibits under separate cover, Item 51.)</i></p>	425-718
29	<p>CITY OF LINCOLN CITY, LINCOLN COUNTY, and TILLAMOOK COUNTY's Motion to Certify Questions to Commission. Dated 9/2/10.</p>	406-424a
30	<p>ALJ Allan J. Arlow's Ruling; DISPOSTION: PETITION TO INTERVENE GRANTED IN PART AND DENIED IN PART. Dated 8/26/10.</p>	392-405
31	<p>PARKER COMMUNICATIONS Direct Testimony and Exhibits (in support of Parker's Proposed Conditions) of Edwin B. Parker, Jerry Palmer, Lt., David Hawker, Gordon McCraw, and Dennis Manning. (Parker/100-106/Parker); (Parker/200/Lt. Palmer); (Parker/300/Hawker); (Parker/400/McCraw); and (Parker/500/Manning). Dated 8/24/10.</p> <p><i>(Also see Coastal Intervenors' December 16-17, 2010 Hearing Exhibits 100-400 under separate cover, Item 46.)</i></p>	381-391
32	<p>CITY OF LINCOLN CITY's, LINCOLN COUNTY's, and TILLAMOOK COUNTY's Response to CenturyLink's Opposition to Petition to Intervene. Dated 8/12/10.</p>	369-380
33	<p>CenturyLink's Opposition to Amended Joint Petition to Intervene of Lincoln City and Lincoln and Tillamook Counties. Dated 8/9/10.</p>	358-368
34	<p>Amended Petition to Intervene of City of Lincoln City, Lincoln County, and Tillamook County. Dated 8/6/10.</p>	343-357
35	<p>City of Lincoln City's Petition to Intervene. Dated 7/30/10.</p>	329-342
36	<p>ALJ Allan J. Arlow's Ruling; DISPOSITION: PETITIONS TO INTERVENE AND MOTION TO APPEAR PRO HAC VICE GRANTED WITH AND WITHOUT CONDITIONS. Dated 6/28/10.</p>	321-328
37	<p>ALJ Allan J. Arlow's Corrected Ruling; DISPOSITION: SCHEDULE ADOPTED; PETITIONS TO INTERVENE GRANTED WITH AND WITHOUT CONDITIONS. Dated 6/22/10.</p>	313-320

38	ALJ Allan J. Arlow's Prehearing Conference Report and Ruling; DISPOSITION: SCHEDULE ADOPTED; PETITIONS TO INTERVENE GRANTED WITH AND WITHOUT CONDITIONS; MOTION TO ALLOW APPEARANCE OF COUNSEL PRO HAC VICE GRANTED. Dated 6/10/10.	304-312
39	Parker Telecommunication's Petition to Intervene. Dated 6/7/10.	296-303
40	QWEST's Direct Testimony of Judith A. Peppler(Qwest/1/Peppler) in support of its petition to intervene and merger with CenturyLink. Dated 5/24/10.  (Also see Qwest's December 16-17, 2010 Hearing Exhibits under separate cover, Item 48.)	269-295
41	CENTURYLINK's Direct Testimony of John Jones (CTL/100-102, Jones), Todd Schafer (CTL/200-204, Schafer), and Clay Bailey (CTL/300-304, Bailey), in support of Application for Approval of Merger between CenturyTel, Inc. and Qwest Communications International, Inc. Dated 5/24/10.  (Also see CenturyLink's December 16-17, 2010 Hearing Exhibits under separate cover, Item 49.)	167-268
42	In the Matter of CENTURYLINK, INC., Application for Approval of Merger between CenturyTel, Inc. and Qwest Communications International, Inc., together with Exhibits A, B, and C. (Exhibit C is Confidential and is located in Envelope #474 in locked cabinet.) (Confidential materials not provided.) (Also see 5/24/10 supplement filing). Dated 5/24/10.	1-166
<b>TRANSCRIPTS</b>		
43	Transcript of December 16-17, 2010 Hearing.  December 16, 2010: Volume I, pages 1-174;  (Volume II is Highly Confidential located in locked cabinet env. no. 474(16), and is not provided;) and	Separate cover
44	Volume III, pages 190-287.	Separate cover
45	December 17, 2010: Volume I, pages 1-209	Separate cover

<b>HEARING EXHIBITS</b>		
46	December 16-17, 2010 Hearing (Admitted by 12/27/10 Ruling), Coastal Intervenors' Testimony, Exhibits, and Affidavits: CI/100-106/Parker; CI/200/Lt. Palmer; CI/300/Hawker; and CI/400/McCraw.	Separate cover
47	December 16-17, 2010 Hearing, Joint CLECs Exhibits listed on ALJ's Exhibit List: JOINT CLEC-23, JOINT CLEC-24, JOINT CLEC-36, JOINT CLEC-37, JOINT CLEC-38; and 10-22-10 ExParte Letter. (HIGHLY CONFIDENTIAL JC-25 and JC-39 through JC-45 are located in Envelopes #474(15 and 15A) in locked cabinet, and are not provided.)	Separate cover
48	December 16-17, 2010 Hearing, Qwest's Testimony and Exhibits: QWEST/1/Peppler	Separate cover
49	December 16-17, 2010 Hearing, CenturyLink's Testimony and Exhibits: CTL/100-102/Jones, CTL/200-204/Schafer, CTL/300-304/Bailey, CTL500-501/Jones, CTL/600/Bailey, CTL/700/Bailey, CTL/800-802/Hunsucker, CTL/900/Hunsucker, CTL/1000/Schafer	Separate cover
50	December 16-17, 2010 Hearing, Citizens' Utility Board of Oregon Exhibits: CUB/300 -- [Errata] Joint Testimony in Support of Stipulation By The Parties to The Stipulation (CenturyLink, Inc., Qwest Communications International, Inc., Staff of The Public Utility Commission of Oregon, and Citizens' Utility Board of Oregon)	Separate cover
51	December 16-17, 2010 Hearing, Staff Exhibits: STAFF/100-102/Dougherty, STAFF/200-208/Ordonez, STAFF/300-303/Reynolds, STAFF/400-401/Emmons, STAFF/500-506/Marinos, STAFF/600-602/Cray	Separate cover

Dated at Salem, Oregon, this 21<sup>st</sup> day of September, 2011.



Name: Cheryl Walker  
Title: Administrative Specialist 2  
Agency: Public Utility Commission of Oregon

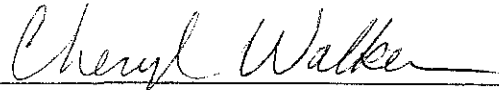
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CERTIFICATE

STATE OF OREGON     )  
                                  )  
County of MARION    )

I hereby certify that the foregoing Transmittal of Shortened Record Under Review and Certificate for UM 1484 is a true and correct copy of the original and of the whole thereof.

Dated at Salem, Oregon, this 21<sup>st</sup> day of September, 2011.



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Name: Cheryl Walker  
Title: Administrative Specialist 2  
Agency: Public Utility Commission of Oregon

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