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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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DEC 05 2000

CARL J. KUNASEK

Chairman

JIM IRVIN

Commissioner

WILLIAM A. MUNDELL

Commissioner

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JM

IN THE MATTER OF THE APPLICATION
OF U S WEST COMMUNICATIONS, INC.,
A COLORADO CORPORATION, FOR A
HEARING TO DETERMINE THE EARNINGS
OF THE COMPANY, THE FAIR VALUE OF
THE COMPANY FOR RATEMAKING
PURPOSES, TO FIX A JUST AND
REASONABLE RATE OF RETURN THEREON
AND TO APPROVE RATE SCHEDULES
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. T-01051B-99-0105

MOTION FOR PROCEDURAL ORDER
AND REQUEST FOR AN EXPEDITED
RULING

Qwest Corporation ("Qwest") moves for a procedural order setting a revised deadline of December 12, 2000, for the parties to file closing briefs in this docket. The setting of such a date is necessary to permit this matter to be considered at an open meeting prior to January 1, 2000, and to prevent this case from pending for a period in excess of more than twice the time limitation established by A.A.C. R14-2-103 (B)(11)(d) for the processing of a rate application for a Class A telecommunications company. Further, Qwest requests an expedited ruling on this matter

1 On May 26, 1998, the Commission ordered Qwest to file this
2 rate case within 60 days of the completion of the pending Qwest
3 depreciation docket. See Decision No. 60928. On October 15,
4 1998, the Hearing Division set a deadline for the filing of the
5 rate case of December 21, 1998. That deadline was later extended
6 by the Hearing Division to January 11, 1999. Qwest filed its
7 original application for an adjustment in its intrastate rates
8 and charges on January 8, 1999. Throughout 1999, the other
9 parties to this matter engaged in extensive discovery of Qwest.
10 On April 4, 2000, Qwest was ordered to file updated test year
11 information for the rate case based on a test year ending
12 December 31, 1999. Qwest made that filing on May 3 and 19, 2000.
13 Staff and interveners conducted additional discovery based on
14 that updated test year and filed direct testimony responding to
15 Qwest on August 9, 2000. Qwest subsequently filed rebuttal
16 testimony, and Staff and interveners filed surrebuttal testimony.
17 Staff and Qwest engaged in settlement negotiations during
18 September of 2000 and provided to the other parties on October 2,
19 2000. The settlement agreement itself was provided to the
20 parties on October 20, 2000. Qwest and Staff filed testimony in
21 support of the settlement on October 27, 2000. The other parties
22 were permitted to conduct discovery with responses to be provided
23 in 24 hours of receipt. The parties opposing the settlement
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1 filed their testimony on November 13, 2000, and Qwest and Staff
2 filed rebuttal testimony on November 20, 2000. The hearing on
3 the settlement was conducted on November 29 and 30 and December 1
4 and 4 of 2000.

5 Following the hearing, the Acting Chief Administrative Law
6 Judge set a deadline for filing of briefs in this matter of
7 December 18, 2000. Qwest requests that the deadline be reset to
8 December 12, 2000, to permit the filing of briefs, the
9 preparation of a proposed order, the filing of exceptions, and an
10 open meeting on this matter prior to January 1, 2001. Qwest
11 believes that the following schedule should apply to the
12 remaining proceedings in this matter:
13

14 Briefs to be filed: December 12, 2000

15 Proposed Order Issued: December 18, 2000

16 Exceptions Due: December 28, 2000

17 Open Meeting on Order: December 29, 2000

18 Such a schedule is necessary to prevent further delay in
19 this matter. If this matter is not resolved prior to the end of
20 2000, further delay in this matter is inevitable. Once the year
21 ends and a new commissioner is seated, it is almost certain that
22 the matter will not be brought to open meeting before late
23 February or March of 2001. Such a delay would not result from a
24 lack of diligence on the part of the Hearing Division or the
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1 Commission but would almost surely result from the need to have a
2 new commissioner become familiar with the issues in this matter.
3 At that point, this case would have been pending more than twice
4 the number of days for a rate case for a Class A
5 telecommunications company as set forth in R14-2-103 (B)(11)(d).
6

7 Rule 14-2-103(B)(11) ("the time clock rule") was adopted to
8 ensure public service corporations and the public itself that
9 rate applications would be processed in a timely manner. The
10 origin of the time clock rule was a perception that rate cases
11 were at times unduly delayed without any deadline that required
12 action. Certainly, this case has already long exceeded the
13 deadline set forth in the rule for adoption of a final order.
14 Although that delay is not the fault of the Commission, the
15 Hearing Division or any particular party to the case, further
16 unnecessary delay should be avoided so that this case can be
17 processed from here forward in an expeditious manner that is
18 consistent with the goals of the time clock rule.
19

20 The existing Commissioners are familiar with the issues in
21 this case. Two of those Commissioners signed the original order
22 mandating the filing of this rate case. All three of the
23 Commissioners currently serving have been involved in the
24 depreciation docket, the merger docket and the rural sales docket
25 that have been major matters before the Commission with respect
26

1 to Qwest and that, in part, form the background to this docket.
2 Having this matter resolved before the end of 2000 both takes
3 full advantage of this institutional knowledge of related matters
4 and prevents the deal that is inevitable if a new commissioner is
5 required to vote on this matter.

6
7 At the pre-hearing conference, Staff and Qwest indicated
8 that they were prepared to file both briefs and suggested
9 clarifying language to the settlement agreement and price cap
10 plan by December 11, 2000. Only one party indicated a difficulty
11 meeting a briefing deadline of December 11, 2000. Mr. Dixon of
12 WorldCom indicated that he was in hearings in Colorado on
13 December 12, 13, 14 and 15. However, since this transcript in
14 this matter has been completed, there is no reason to delay the
15 filing of briefs beyond December 12, 2000, making Mr. Dixon's
16 unavailability after December 11, 2000 irrelevant for the
17 purposes of setting a deadline. The issues in this matter have
18 been fully discussed in the pre-filed testimony, live testimony
19 and exhibits filed by the parties. Briefs will serve only a
20 limited function in this case in light of the fact that the
21 parties have already made all of the arguments for and against
22 the settlement agreement at great length. Under these
23 circumstances, limiting the briefing deadline to December 12 will
24 not unfairly prejudice any of the parties.
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1 For the foregoing reasons, Qwest requests that the Acting
2 Chief Administrative Law Judge set a briefing deadline of
3 December 12, 2000 in this matter and adopt a schedule for the
4 remaining proceedings in this matter consistent with the
5 deadlines set forth in this motion.
6

7 RESPECTFULLY SUBMITTED this 5th day of December, 2000.

8 FENNEMORE CRAIG, P.C.
9

10 By 
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16 ORIGINAL AND TEN of the foregoing
17 filed this 5th day of
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