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2008 APR -9 P 4: 12

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IN THE MATTER OF QWEST CORPORATION'S PETITION FOR ARBITRATION AND APPROVAL OF AMENDMENT TO INTERCONNECTION AGREEMENT WITH ARIZONA DIALTONE, INC. PURSUANT TO SECTION 252(B) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED BY THE TELECOMMUNICATIONS ACT OF 1996 AND APPLICABLE STATE LAWS

DOCKET NO. T-01051B-07-0693
DOCKET NO. T-03608A-07-0693

ARIZONA DIALTONE, INC.'S MOTION TO CONTINUE APRIL 16, 2008 ARBITRATION HEARING

Arizona Dialtone, Inc. ("AZDT") hereby requests that the arbitration hearing in this matter currently scheduled for April 16, 2008, at 9:30 a.m. be moved to Thursday, May 1, 2008, for the reasons set forth below.

After the arbitration hearing was rescheduled to April 16, 2008, counsel for AZDT realized that a hearing before the Colorado Public Utilities Commission ("Colorado PUC") in parallel proceedings initiated by Qwest Corporation ("Qwest") against AZDT in Colorado might well be scheduled to occur on April 16, 2008. More specifically, Qwest has initiated an identical arbitration matter before the Colorado PUC, which has been scheduled for a decision in the first instance by the Colorado PUC without the benefit of a recommended decision from the Administrative Law Judge who presided over the arbitration hearing. The Colorado PUC will deliberate in public, and publicly announce its decision in the arbitration matter, at one of its

1 weekly public hearings, which typically occur on Wednesdays. The Colorado PUC announces its
2 agenda for each Wednesday meeting on the prior Friday, and undersigned counsel has signed up
3 for email notifications of the meeting agendas to obtain the earliest possible notice of the date on
4 which the Qwest-AZDT matter will be deliberated and decided. At the time that the parties asked
5 that the arbitration hearing in this matter be rescheduled to April 16, 2008 (from April 17, 2008),
6 undersigned counsel anticipated that the Colorado PUC would hear the Qwest-AZDT matter at its
7 regularly scheduled meeting on either April 2, 2008, or April 9, 2008 because the arbitration
8 hearing in the Colorado proceedings had been held a month earlier on March 5, 2008. However,
9 the Qwest-AZDT matter has not been scheduled for hearing on either of those dates, which means
10 that the Qwest-AZDT matter almost certainly will be scheduled to be heard at the Colorado
11 PUC's April 16, 2008 meeting because the Colorado PUC must issue its decision no later than
12 April 20, 2008. Accordingly, undersigned counsel anticipates a direct conflict between the
13 Colorado PUC hearing and the arbitration hearing in this matter.

14 Undersigned counsel first brought up the possibility of this conflict with opposing counsel
15 on Tuesday, April 1, 2008, and suggested that the parties wait until Friday, April 4, 2008 to see
16 whether the Qwest-AZDT matter would be scheduled for hearing on April 9, 2008.
17 Unfortunately, that was not the case. Therefore, undersigned counsel has once again initiated
18 discussions regarding the rescheduling of the arbitration hearing in this matter to avoid what
19 appears to an inevitable conflict with the Colorado PUC hearing.

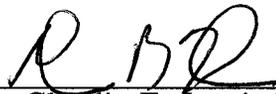
20 Counsel for Qwest has indicated that he and his client are amenable to postponing the
21 arbitration hearing to May 1, 2008, a date previously provided as an available date by Staff
22 Counsel. Undersigned counsel understands that all parties and their attorneys of record are
23 available for an arbitration hearing on May 1, 2008. Undersigned counsel has contacted the
24 Hearings Division to confirm that May 1, 2008 is an available date for the arbitration hearing.
25 Finally, undersigned counsel understands based on his discussions with Qwest's counsel that
26

1 Qwest accepts that this postponement of the arbitration hearing may result in a minor delay in the
2 ultimate issuance of a decision by the Commission in this matter.¹

3 Accordingly, AZDT hereby requests that this matter be rescheduled to May 1, 2008, so
4 that undersigned counsel, who is directly responsible for representing AZDT in both the Arizona
5 and the Colorado proceedings, may participate not only in the arbitration hearing in this matter,
6 but also, the arbitration hearing before the Colorado PUC.²

7 **RESPECTFULLY SUBMITTED** this 9th day of April, 2008.

8 **CHEIFETZ IANNITELLI MARCOLINI, P.C.**

9
10 By 
11 Claudio E. Iannitelli, Esq.
12 Glenn B. Hotchkiss, Esq.
13 Matthew A. Klopp, Esq.
14 Attorneys for Arizona Dialtone, Inc.

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23 ¹ Under the current deadline, the Commission must issue its decision by June 4, 2008.

24 ² Although there is no direct right of participation by counsel for a party in a Colorado PUC hearing, the
25 hearing will be streamed live over the Internet, and due to the fact that the Colorado PUC will not only announce
26 its decision at the hearing, but also publicly deliberate regarding the merits of the arbitration matter before
announcing its decision, AZDT understandably wants undersigned counsel to observe the Colorado PUC hearing
via the Internet.

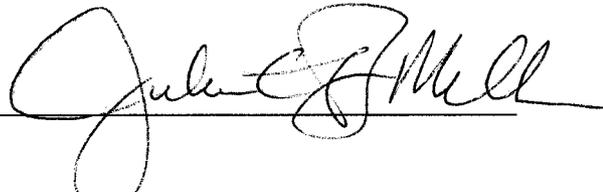
1 ORIGINAL and 13 copies of the foregoing
hand-delivered this 9 day of April, 2008, to:

2 Docket Control
3 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
4 Phoenix, AZ 85007

5 COPY of the foregoing mailed
this 9 day of April, 2008, to:

6 Norman G. Curtright, Esq.
7 Qwest Corporation
20 East Thomas Road, 16th Floor
8 Phoenix, AZ 85012

9 Maureen A. Scott, Esq.
10 Legal Division
ARIZONA CORPORATION COMMISSION
11 1200 West Washington
Phoenix, AZ 85007

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13
14 By: 

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