

ORIGINAL



0000124268

BEFORE THE ARIZONA CORPORATION COMMISSION

2011 APR -1 P 4: 31

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

APR -1 2011

DOCKETED BY	<i>MM</i>
-------------	-----------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GARY PIERCE
Chairman
BOB STUMP
Commissioner
SANDRA D. KENNEDY
Commissioner
PAUL NEWMAN
Commissioner
BRENDA BURNS
Commissioner

**GEORGE BIEN-WILLNER, for GLENDALE &
27TH INVESTMENTS, LLC,**

COMPLAINANT,

V.

QWEST CORPORATION,

RESPONDENT.

DOCKET NO. T-01051B-10-0200

**QWEST CORPORATION'S
MOTION FOR AN ORDER
REVISING THE PROCEDURAL
SCHEDULE, AND COMPELLING
COMPLAINANT TO COMPLY**

By Procedural Order issued February 17, 2011, the Arizona Corporation Commission established the dates for the Complainant to file written testimony (March 18, 2011), followed by dates for Qwest Corporation ("Qwest") to file written responsive testimony (April 8, 2011), and the hearing (May 2, 2011). The Complainant failed to file written testimony, filing instead a list of witnesses it expects to call at the hearing. The Complainant's filing on March 17, 2010 does not contain any testimony whatsoever, and does not comply with the Procedural Order. The Commission typically requires parties to contested proceedings to file written testimony. The complexity of facts and issues involved in Commission proceedings can best be addressed by prefiled testimony, and the Complainant's failure deprives the Commission and Qwest from a

1 full understanding of the Complaint. Qwest cannot reasonably prepare written testimony in
2 defense of the Complaint without having the Complainant's testimony in advance.

3 Qwest moves for an order granting the following procedural relief:

4 1. The Complainant must file written testimony setting out the details supporting the
5 Complaint, prepared by each witness who will appear at the hearing.

6 2. No witness may testify at the hearing unless he or she has pre-filed testimony.

7 3. Due to the Complainant's failure, the procedural schedule should be revised, with
8 all dates reset, giving Qwest at least as much time to file its responsive testimony as was
9 established under the previous order.

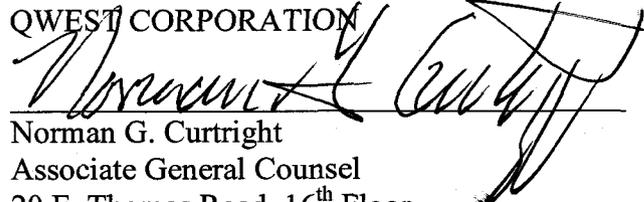
10 Additionally, Qwest respectfully requests that the Commission admonish the
11 Complainant regarding compliance, and specifically state that failure to meet the procedural
12 schedule will result in a dismissal of the Complaint for failure to prosecute.

13 RESPECTFULLY SUBMITTED, this 1st day of April, 2011.

14

QWEST CORPORATION

15


Norman G. Curtright
Associate General Counsel
20 E. Thomas Road, 16th Floor
Phoenix, Arizona 85012
Telephone: (602) 630-2187

16

17

18

19 ORIGINAL and thirteen (13) copies filed
20 this 1st day of April, 2011, with:

21

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
22 Phoenix, Arizona 85007

23

24

25

1 Copy of the foregoing sent via e-mail and
2 U.S. Mail this 1st day of April, 2011, to:

3 Steve M. Olea, Director
4 Utilities Division
5 ARIZONA CORPORATION COMMISSION
6 1200 West Washington Street
7 Phoenix, Arizona 85007

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

6 Arizona Reporting Service, Inc.
7 2200 North Central Avenue, Suite 502
8 Phoenix, Arizona 85004-1481

George Bien-Willner
GLENDALE & 27TH INVESTMENTS, INC.
3641 North 39th Avenue
Phoenix, Arizona 85004

9 
10 _____

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25