

ORIGINAL



0000124480

BEFORE THE ARIZONA CORPORATION COMMISSION

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

Arizona Corporation Commission

DOCKETED

APR 11 2011

DOCKETED BY

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

2011 APR 11 P 4:40

RECEIVED

**PAC-WEST TELECOMM, INC.**  
  
Complainant,

v.

**QWEST CORPORATION,**  
  
Respondent.

DOCKET NOS. T-01051B-05-0495  
T-03693A-05-0495

**LEVEL 3 COMMUNICATIONS, LLC,**  
  
Complainant,

v.

**QWEST CORPORATION,**  
  
Respondent.

DOCKET NOS. T-03654A-05-0415  
T-01051B-05-0415

JOINT MOTION OF COMMISSION  
STAFF, LEVEL 3  
COMMUNICATIONS, LLC, PAC-  
WEST TELECOMM, INC., AND  
QWEST CORPORATION TO  
CONTINUE HEARING

The Commission Utilities Division Staff ("Staff"), Level 3 Communications, LLC, Pac-  
West Telecomm, Inc. and Qwest Corporation ("the Parties") hereby jointly move for an order  
continuing the date set for oral argument.

1 The merger of Qwest Corporation's parent corporation with CenturyLink, Inc. was  
2 approved by the Commission by Decision No. 72232, Docket No. T-0105 1B-10-0194 (the  
3 "Merger Docket"). In the Merger Docket, the merging companies entered into a settlement  
4 agreement with the Staff and RUCO that includes conditions that attach to merger approval. One  
5 of the Staff's objectives in the settlement is to conserve Commission resources. To that end, the  
6 settlement agreement provided for the following merger condition 41:

7 The Merged Company shall evaluate litigation involving the Commission and  
8 make good faith effort to resolve the issues without further litigation. Following  
9 are cases which have entailed significant Commission resources which the  
10 Merged Company should include in its evaluation: (a) McLeodUSA v. ACC,  
11 Arizona District Court Case No. CV07-21545-PHX-HRH; (b) Qwest v. ACC,  
12 Arizona District Court Case No. CV08-2374-PHX-JAT; (c) Pac-West/Level 3  
13 VNXX Remand Proceeding ACC (Docket Nos. T-01051B-05-0495, T-03693A-  
14 05-0495, T-01051B-05-0415, T-036564A-05-0415). (Emphasis added).

15 Because of this Condition, Staff and Qwest previously moved for, and were granted in the  
16 Procedural Order issued on February 14, 2011, a continuance of the oral argument in this docket.  
17 That Procedural Order stated, "The parties may request an additional extension if needed."  
18 (Fn. 1, p. 2). The merger approved by the Commission closed on April 1, 2011, and Condition  
19 41 cited above is effective. The Parties began discussions in advance of approval of the  
20 settlement Condition by the ACC, and are continuing those discussions as anticipated by  
21 Decision 72232.

22 The Parties state that impasse has not been reached and that the possibility of settlements  
23 of the respective complaints is possible. Therefore, the Parties ask that the oral argument be  
24 continued for forty-five (45) days, or such date within that time frame that the Commission may  
25 hear the matter.

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

RESPECTFULLY SUBMITTED, this 11th day of April, 2011.

ARIZONA CORPORATION COMMISSION  
UTILITIES DIVISION STAFF

*Norman G. Curtright, for*

Maureen Scott, Senior Staff Counsel  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

QWEST CORPORATION

*Norman G. Curtright*

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

Attorney for Qwest Corporation

ROSHKA DEWULF & PATTEN, PLC

*Norman G. Curtright, for*

Michael W. Patten  
One East Van Buren Street, Suite 800  
Phoenix, AZ 85004

Attorneys for Level 3 Communications, LLC

LAW OFFICES OF JOAN S. BURKE

*Norman G. Curtright, for*

Joan S. Burke  
1650 North First Avenue  
Phoenix, AZ 85003

Attorney for Pac-West Telecomm, Inc.

1 **ORIGINAL** and thirteen (13) copies filed  
this 11th day of April, 2011, with:

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

5 **COPIES** of the foregoing hand-delivered  
this same day to:

6 Janice Alward  
7 Legal Division  
ARIZONA CORPORATION COMMISSION  
8 1200 West Washington Street  
Phoenix, Arizona 85007

Maureen Scott, Senior Staff Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

9 Steve Olea, Director  
10 Utilities Division  
ARIZONA CORPORATION COMMISSION  
11 1200 West Washington Street  
Phoenix, Arizona 85007

12 **COPIES** of the foregoing mailed this  
13 8<sup>th</sup> day of April, 2011 to:

14 Joan S. Burke, Esq.  
LAW OFFICES OF JOAN S. BURKE  
15 1650 North First Avenue  
Phoenix, AZ 85003  
16 Attorney for Pac-West

Michael W. Patten  
ROSHKA DEWULF & PATTEN, PLC  
One East Van Buren Street, Suite 800  
Phoenix, AZ 85004  
Attorneys for Level 3 Communications

17 Richard E. Thayer  
LEVEL 3 COMMUNICATIONS  
18 1025 Eldorado Boulevard  
Broomfield, CO 80302

Tom Dethlefs  
QWEST CORPORATION  
1801 California Street, 10<sup>th</sup> Floor  
Denver, CO 80302

19 Norman G. Curtright  
20 QWEST CORPORATION  
20 East Thomas Road, 16<sup>th</sup> Floor  
21 Phoenix, AZ 85012

22

23

24

25