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BEFORE THE ARIZONA CORPORATION COMMISSION

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

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-01051B-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 have previously moved for, and have been granted
16 continuances of the oral argument in this docket. The April 13, 2011 Procedural Order states,
17 "The parties may request an additional extension if needed." (Fn. 1, p. 2). The merger approved
18 by the Commission closed on April 1, 2011, and Condition 41 cited above is effective. The
19 Parties began discussions in advance of approval of the settlement Condition by the ACC, and
20 are continuing those discussions as anticipated by Decision 72232.

21 The Parties state that impasse has not been reached and that the possibility of settlements
22 of the respective complaints is possible. Therefore, the Parties ask that the oral argument be
23 continued for sixty (60) days (but after August 15, 2011 due to availability of counsel) or such
24 date within that time frame that the Commission may hear the matter.
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RESPECTFULLY SUBMITTED, this 3rd day of June, 2011.

ARIZONA CORPORATION COMMISSION
UTILITIES DIVISION STAFF

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1 **ORIGINAL** and thirteen (13) copies filed
this 3rd day of June, 2011, with:

2 Docket Control
3 ARIZONA CORPORATION COMMISSION
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5 **COPIES** of the foregoing hand-delivered
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12 **COPIES** of the foregoing mailed this
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