

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF LEVEL 3)	
COMMUNICATIONS, LLC PETITION FOR)	CASE NO. QWE-T-05-11
ARBITRATION PURSUANT TO SECTION)	
252(b) OF THE TELECOMMUNICATIONS ACT)	PROCEDURAL ORDER
OF 1996 OF THE RATES, TERMS, AND)	
CONDITIONS OF INTERCONNECTION WITH)	ORDER NO. 29819
QWEST CORPORATION)	

On June 3, 2005, Level 3 Communications, LLC filed with the Commission a Petition for Arbitration of an interconnection agreement with Qwest Corporation pursuant to Section 252(b) of the federal Telecommunications Act of 1996. Qwest filed its Answer to Level 3's Petition on June 28, 2005. The Commission has determined to appoint an Arbitrator to facilitate the timely completion of this arbitration. The Commission issues this Procedural Order to address scheduling and other issues for this arbitration.

Arbitrator: The Commission appoints John Antonuk, Liberty Consulting Group, as arbitrator for this proceeding. The Arbitrator is authorized to resolve discovery conflicts, establish a procedural schedule consistent with this Order, determine procedures for the conduct of hearings consistent with the Commission's procedural rules, receive evidence and legal argument to complete a record, resolve disputed issues in an Arbitration Decision suitable for adoption by the Commission as the final resolution of the issues identified in the Petition and Response for Arbitration.

Discovery: Discovery authorized by Commission's Rules of Procedure will be permitted in this proceeding. In addition, the parties must cooperate in good faith by promptly and informally exchanging all documents and other information relevant to the disputed issues, subject to claims of privilege or confidentiality. Failure to exchange information may be deemed a failure to negotiate in good faith under the Act. Although under the Commission's discovery rule, requests and responses are not filed with the Commission, the Arbitrator may require that copies of discovery requests and responses be provided to him, and may be filed electronically with the Arbitrator.

Request for Information: Pursuant to 47 U.S.C. § 252(b)(4)(B), the Arbitrator may require the parties to provide any information necessary to reach a decision on unresolved issues. If any party refuses or fails unreasonably to respond in a timely basis to any reasonable request by the

Arbitrator, then the Arbitrator and the Commission may proceed on the basis of the best information available from whatever source derived. The parties will respond to such requests for information from the Arbitrator within seven days, unless another time is set by the Arbitrator.

Prehearing Conferences: The Arbitrator may hold a prehearing conference to identify and discuss the issues to be resolved, review scheduling issues and the status of discovery and address discovery disputes, discuss motions anticipated by the parties, and other such issues. At the time of the conference, either party may request a decision from the Arbitrator requiring a response to any outstanding discovery request. Such a request for a decision for discovery should include an explanation of why the information is necessary to reach a decision on an unresolved issue. Consistent with the schedule approved in this Order, the Arbitrator shall determine the date and time for prehearing conference(s), which may be conducted by conference call.

Resolution of Undisputed Issues: Either party may make a motion for summary disposition by the Arbitrator of any issue on the basis that the issue is undisputed and need not be arbitrated. The motion should demonstrate why there is no dispute on the issue. The Arbitrator may request argument on the motion.

Hearing Procedures and Dates: Hearing procedures shall be determined by the Arbitrator in consultation with the parties. The hearing on the substantive issues will convene **October 4-6, 2005 in the Commission's Hearing Room in Boise, Idaho.** The Arbitrator is authorized to issue an Arbitration Decision which shall constitute the resolution by the Commission of the issues submitted for arbitration, subject to final Commission review during the approval process. The Arbitration Decision shall comply with the requirements of 47 U.S.C. § 252(c). The parties may file objections, if any, to decisions reached in the Arbitration Decision. If objections are filed, either party may request oral argument on its objections. The Commission will consider any objection raised by the parties in determining whether to modify the Arbitration Decision before approving it as the Commission's resolution of disputed issues. The following schedule, submitted by the parties, is approved to process the case:

August 12, 2005	Simultaneous Direct Testimony
August 26, 2005	Discovery Requests Re: Direct Testimony
September 6, 2005	Discovery Responses
September 16, 2005	Simultaneous Rebuttal Testimony

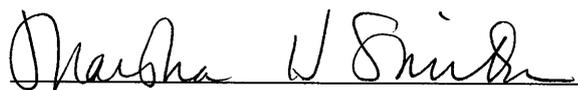
September 27, 2005	Final Prehearing Conference
October 4-6, 2005	Hearings
October 21, 2005	Post-Hearing Briefs
November 10, 2005	Arbitrator's Initial Decision
November 28, 2005	Objections to Initial Decision
December 5 or 6, 2005	Oral Argument to Commission
December 30, 2005	Commission Decision

The Commission also approves the other terms of the parties' Joint Waiver of the Provisions of 47 U.S.C. § 252(b)(4)(c) and Joint Scheduling Proposal filed with the Commission on July 26, 2005.

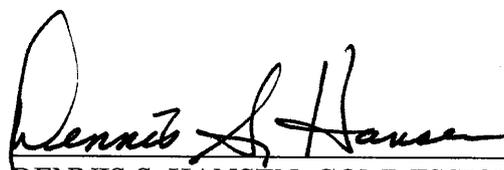
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this *2nd* day of August 2005.



 PAUL KJELLANDER, PRESIDENT

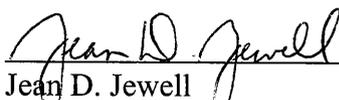


 MARSHA H. SMITH, COMMISSIONER



 DENNIS S. HANSEN, COMMISSIONER

ATTEST:



 Jean D. Jewell
 Commission Secretary

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