

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

AT&T COMMUNICATIONS OF THE)	
MOUNTAIN STATES, INC.,)	CASE NO. QWE-T-06-17
)	
COMPLAINANT,)	
)	
vs.)	
)	
QWEST CORPORATION,)	
)	ORDER NO. 30297
RESPONDENT.)	
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On August 21, 2006, AT&T Communications of the Mountain States filed a complaint against Qwest Corporation, alleging that Qwest entered into "secret" interconnection agreements with Eschelon Telecom and McLeodUSA Telecommunications Services. The complaint alleged a single claim of breach of contract, stating that Qwest violated unspecified terms of an interconnection agreement between AT&T and Qwest (the "Interconnection Agreement") by not disclosing these "secret" agreements. Complaint at 7-8.

On September 6, 2006, the Commission issued a summons to Qwest to answer the complaint. The Commission also granted the Motions for Limited Admission filed by AT&T's out-of-state counsel. Order No. 30125. Qwest timely filed its answer to the complaint as a Motion to Dismiss on September 27, 2006. AT&T then filed a response to Qwest's Motion to Dismiss on October 26, 2006.

On November 7, 2006, Qwest filed a Motion for Oral Argument with respect to the issues presented in the Motion to Dismiss. AT&T filed its response joining in Qwest's request. The Commission granted the Motion, and set the oral argument for January 24, 2007. Order No. 30195. The Commission also directed the parties to file briefs addressing certain issues about which the Commission required further information. *Id.*

After considering the arguments presented and the information supplied in the parties' attendant briefs, the Commission denied Qwest's Motion to Dismiss at that time. Order No. 30247. Instead, the Commission ordered AT&T to amend its complaint to supply more detail with regards to its claim and ordered each party to file a brief answering the following questions:

1. When did AT&T have notice of the "secret" agreements such that the Idaho statute of limitations would start to run?
2. Three statutes of limitations have been proposed by the parties as potentially applying to this matter: (1) a two-year statute of limitations provided by 47 U.S.C. § 415; (2) a four-year statute of limitations provided by 28 U.S.C. § 1658(a); and (3) a five-year statute of limitations provided by *Idaho Code* § 5-216. Which statute of limitations applies to this matter?

Id. The parties timely filed their responses (Qwest requested and was granted a slight extension of time to file its brief).

DISCUSSION AND FINDINGS

We direct the parties to convene a telephonic prehearing conference within twenty-eight (28) days of the service date of this Order with the Staff Attorney assigned to this matter for the purpose of developing a schedule to process this case.

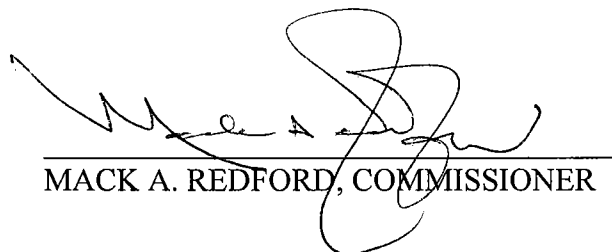
ORDER

IT IS HEREBY ORDERED that the parties shall convene a telephonic prehearing conference within twenty-eight (28) days of the service date of this Order for the purpose of developing a schedule to process this case as set forth above.

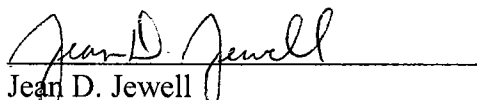
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 12th
day of April 2007.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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