

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: CECELIA A. GASSNER

DATE: MARCH 23, 2007

SUBJECT: AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.'S
COMPLAINT AGAINST QWEST CORPORATION; CASE NO. QWE-T-
06-17

On August 21, 2006, AT&T Communications of the Mountain States, Inc. filed a Complaint with the Commission against Qwest Corporation. The Complaint asserts that Qwest failed to file certain interconnection agreements with third parties, to the detriment of AT&T. On September 26, 2006, Qwest responded to AT&T's Complaint by filing a Motion to Dismiss. AT&T was granted an extension of time to file its reply, and it then timely filed its response to that Motion on October 26, 2006. Order No. 30153.

On November 7, 2006, Qwest filed a Motion for Oral Argument, requesting that the Commission set and hear oral argument on Qwest's Motion to Dismiss. The Commission granted the Motion, and set the hearing for January 21, 2007. Following deliberation on arguments submitted in briefs by the parties and at oral argument, the Commission declined to dismiss the Complaint. Order No. 30247. The Commission ordered AT&T to amend its Complaint to include certain information, and ordered AT&T to submit a brief by March 9, 2007 setting forth its arguments regarding which statute of limitations should be applied and when the applicable statute of limitations would have started to run. *Id.*

The Commission further ordered Qwest to submit a brief setting forth its arguments on the same issues by March 23, 2007. *Id.* On March 16, 2007, Qwest submitted a Motion for Extension of Time. In the Motion, counsel for Qwest requested that Qwest be allowed to submit its brief on March 27, 2007 as Qwest's Idaho counsel has a pre-existing commitment that requires her to be out of state March 21-23, 2007. Motion for Extension of Time at 1. Qwest

further stated that counsel for AT&T expressed no objection to its Motion. *Id.* at 2. The Commission has not received any objection from AT&T to the Motion.

COMMISSION DECISION

Does the Commission desire to grant Qwest's Motion for Extension of Time?



Cecelia A. Gassner

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