

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: U S WEST COMMUNICATIONS, INC., AND QWEST INC.	DOCKET NO. SPU-99-27
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**ORDER EXTENDING DEADLINE
AND
ESTABLISHING PROCEDURAL SCHEDULE**

(Issued October 26, 1999)

On September 20, 1999, Qwest Communications Corp., LCI International Telecom Corp., USLD Communications Inc., Phoenix Network Inc., and Qwest Communications International Inc. (collectively "Qwest"), and U S WEST, Inc., filed a "Joint Application" for an order approving the proposed merger of Qwest Inc. and U S WEST, Inc. (collectively, the "Applicants"), pursuant to IOWA CODE §§ 476.76 and 476.77 (1999). The filing has been identified as Docket No. SPU-99-27.

On October 7, 1999, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a motion for extension of time for an additional 90 days, pursuant to IOWA CODE § 476.77(2) (1999). In support of its motion, Consumer Advocate states that the "proposed merger raises multiple complex issues of concern to ratepayers and the public in Iowa and regionally," that "material portions of post-merger integration and operation planning have not yet been addressed or resolved by the parties," and that "multiple discovery disputes" have arisen, causing Consumer Advocate to file three motions to compel. Consumer

Advocate argues each of these circumstances amounts to good cause for an extension of the 90-day deadline of § 476.77(1).

On October 11, 1999, McLeodUSA Telecommunications Services, Inc. (McLeodUSA), filed a joinder in the motion for extension of time. McLeodUSA argues that the application is lacking in supporting information, making it necessary to undertake substantial discovery in order to present the Board with an adequate record. McLeodUSA further argues that it will be difficult, if not impossible, to prepare its testimony and exhibits for filing by October 30, 1999, the current due date.

On October 20, 1999, the Applicants filed a response to the motion for extension of time. According to the response, Applicants now propose an initial extension of 30 days, rather than the 90 days requested by Consumer Advocate. Applicants state that Consumer Advocate does not object to a 30-day extension, with the opportunity reserved to Consumer Advocate to file for an additional extension of the deadline at any time. Applicants agree to respond to any such request within five days following receipt of the request.

The Board finds that this record shows good cause for extending the deadline for acting on the Joint Application for an additional period of 90 days, pursuant to IOWA CODE § 476.77(2). The existence of multiple discovery disputes at this early stage of the proceedings is almost sufficient by itself to justify at least a partial extension of the deadline. When those disputes are combined with the complex and unique issues presented by this Joint Application, such as § 271 compliance, it is

appropriate to extend the deadline by the full 90 days permitted under the statute to allow the Board to make a full and complete investigation of the potential effect of the proposed reorganization on U S West's Iowa ratepayers and on the public interest in general.

The Board is also establishing a procedural schedule in this order. That schedule does not make use of the full 90-day extension. If this proceeding is able to keep to this schedule, then it is possible the Board can issue a final order in this docket well before the 180-day deadline of March 18, 2000. The Board encourages the parties to take all steps necessary to that end.

The Board also finds that the limited time available for this proceeding means that certain other time periods should be shortened. Specifically, the 14-day period for responding to motions, set forth in IOWA ADMIN. CODE 199-7.7(11) (1999), is impractical in this proceeding. The Board will order that responses to all motions must be filed within five days of the date the motion is filed. In order to accommodate that abbreviated time frame, parties are directed to serve all motions by facsimile transfer or electronic mail, as well as by United States mail, on or before the date of filing.

IT IS THEREFORE ORDERED:

1. The motion for extension of time filed in this docket by the Consumer Advocate on October 7, 1999, as modified by the filing of October 20, 1999, is denied. Instead, the Board finds good cause in this record to extend the deadline in

this proceeding by the full 90 days permitted by statute and the Board accordingly orders a full 90-day extension, pursuant to IOWA CODE § 476.77(2).

2. The following procedural schedule is established for this proceeding:
 - a. Consumer Advocate and any intervenors shall file any prepared direct testimony, with supporting exhibits and workpapers, on or before November 22, 1999.
 - b. Applicants shall file any rebuttal testimony, with supporting exhibits and workpapers, on or before December 13, 1999.
 - c. A hearing for the purpose of receiving testimony and cross-examination of all testimony will commence at 10 a.m. on January 12, 2000, in the Board's hearing room at 350 East Maple Street, Des Moines, Iowa. Parties shall appear at the hearing one-half hour prior to the time of hearing to mark exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Board at 515-281-5256 to request that appropriate arrangements be made.
 - d. Any party desiring to file an initial brief may do so on or before January 25, 2000.
 - e. Any party filing an initial brief may file a reply brief, responding to the arguments raised in any other party's initial brief, on or before February 4, 2000.

5. In the absence of objection, all workpapers shall become a part of the evidentiary record at the time the related testimony and exhibits are entered in the record.

6. In the absence of objection, all data requests and responses referred to in oral testimony or cross-examination which have not previously been filed with the Board shall become a part of the evidentiary record. The party making reference to the data request or response shall file an original and six copies at the earliest possible time.

7. In the absence of objection, if the Board calls for further evidence on any issue and that evidence is filed after the close of hearing, the evidentiary record shall be reopened and the evidence will become a part of the evidentiary record five days after filing. All evidence filed pursuant to this paragraph shall be filed no later than seven days after the close of hearing.

8. Pursuant to IOWA ADMIN. CODE 199-7.7(11), the deadline for filing responses to motions will be no later than five days from the date the motion is filed. All motions should be served on all other parties, and on all persons who have filed a petition to intervene that has not yet been ruled upon, by facsimile transfer or by electronic mail.

UTILITIES BOARD

/s/ Susan J. Frye

ATTEST:

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/s/ Raymond K. Vawter, Jr. /s/ Diane Munns
Executive Secretary

Dated at Des Moines, Iowa, this 26th day of October, 1999.