

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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<p>IN RE:</p> <p>LEVEL 3 COMMUNICATIONS, LLC,</p> <p style="padding-left: 40px;">Petitioner,</p> <p style="text-align:center">vs.</p> <p>QWEST CORPORATION,</p> <p style="padding-left: 40px;">Respondent.</p>	<p style="text-align:center">DOCKET NO. ARB-05-4</p>
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**ORDER ACCEPTING LATE-FILED TESTIMONY**

(Issued August 18, 2005)

On August 15, 2005, Level 3 Communications, LLC (Level 3), filed with the Utilities Board (Board) a motion requesting the Board to accept the late-filed rebuttal testimony of Rogier Ducloo and Timothy Gates. In support of its motion, Level 3 states that the rebuttal testimony was due on August 12, 2005, but that on the morning of August 12, Mr. Gates' broadband connection failed and he was unable to transmit his revised testimony to Level 3 until that afternoon. Level 3 also states that it promptly notified counsel for Qwest Corporation (Qwest) of the delay and that Qwest did not object to Level 3's delay in filing its rebuttal testimony.

The Board finds Level 3's request to be reasonable. The testimony was filed on the first business day after the deadline for filed testimony and all parties were informed of the delay. No objection to Level 3's motion has been received.

Therefore, the Board will grant Level 3's motion and accept the testimony of Rogier Ducloo and Timothy Gates for this proceeding.

**IT IS THEREFORE ORDERED:**

The "Motion to Accept Late-Filed Testimony" filed by Level 3 Communications, LLC, on August 15, 2005, is granted.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Margaret Munson  
Executive Secretary, Deputy

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 18<sup>th</sup> day of August, 2005.