

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: QWEST CORPORATION	DOCKET NO. INU-08-2
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**ORDER SETTING PREHEARING CONFERENCE
AND REQUIRING SERVICE OF PETITION**

(Issued September 11, 2008)

On August 25, 2008, the Utilities Board (Board) issued an order assigning this docket to the undersigned administrative law judge. A prehearing conference is needed to clarify the issues to be decided in the proceeding and to discuss an appropriate procedural schedule and hearing date. The parties and other persons may choose to participate in the prehearing conference by telephone by dialing 1-866-685-1580, and entering conference code number 2816326 followed by the pound key at the time set for the prehearing conference.

What Qwest Corporation (Qwest) is asking the Board to determine is somewhat unclear and must be addressed at the prehearing conference. In its petition, among other things, Qwest requests the Board to open an investigation to develop a Board-approved initial list of non-impaired wire centers and to allow party review and discussion of related data. (Petition p. 1.) Qwest also states in its petition that the Board is being asked to review data and determine the number of business lines and fiber-based collocators in four wire centers, but that the Board is not being asked to make any impairment determinations relating to high-capacity transport and

loops. (Petition p. 11.) Qwest also states that the business line and collocator counts the Board adopts will permit Qwest and the competitive local exchange carriers (CLECs) to make their own wire-center-specific impairment determinations. (Petition p. 12.) In "Qwest's Filing for Board Approval of Non-Impaired Wire Center Designations, With Supporting Data," filed June 27, 2008, Qwest asks the Board to designate the four wire centers listed as non-impaired.

Qwest argues in its petition that this proceeding should be binding on every registered local exchange carrier in Iowa, including those that receive notice of the proceeding but choose not to participate. (Petition p. 10.) Who must be bound by the decision is an issue to be decided in the proceeding. In its order assigning the case to the undersigned, the Board directed Qwest to provide notice of its filing to all affected carriers. Given the possibility that the decision in this case may be held to be binding on all registered local exchange carriers in Iowa, if it has not already done so, Qwest must serve a copy of its petition on each registered local exchange carrier in Iowa as soon as possible. Qwest may serve the petition electronically. Qwest must file a list of the carriers served with the Board.

With its petition, Qwest filed certain confidential exhibits of Ms. Rachel Torrence. Page 4 of Highly Confidential Attachment D, a CLEC response, is missing from the filing. Qwest must file the missing page 4 with the Board.

Qwest requested the Board to issue a protective order and also filed a request that certain information it filed with its petition be held confidential. The Board granted the request for confidentiality in an order issued July 18, 2008. It is up to the

parties to draft and agree on a protective agreement, since the protective agreement relates to how the parties will handle confidential information they hold. Iowa Code chapter 22 and 199 IAC 1.9 govern the Board's handling of confidential documents filed with the Board and the requirements persons must follow when requesting confidential treatment of documents filed with the Board. The Board has already granted confidentiality as Qwest requested. Therefore, the undersigned does not plan to issue a protective order as Qwest requested.

At this point, Qwest and the Consumer Advocate Division of the Department of Justice (Consumer Advocate) are the parties to this proceeding. Other persons wishing to become parties must follow the requirements of the Board's intervention rule at 199 IAC 7.13.

IT IS THEREFORE ORDERED:

1. A prehearing conference will be held in this docket on Tuesday, September 30, 2008, beginning at 10:00 a.m., in Board Conference Room 3, 350 Maple Street, Des Moines, Iowa 50319.
2. A copy of this order must be sent to all local exchange carriers in Iowa.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 11th day of September, 2008.