

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Gregory Scott	Chair
Edward A. Garvey	Commissioner
Marshall Johnson	Commissioner
LeRoy Koppendrayner	Commissioner
Phyllis A. Reha	Commissioner

In the Matter of the Complaint of the  
Minnesota Department of Commerce Against  
Qwest Corporation Regarding Unfiled  
Interconnection Agreements

ISSUE DATE: February 27, 2002

DOCKET NO. P-421/C-02-197  
(Formerly P-421/DI-01-814)

ORDER DENYING EXTENSION TO FILE  
ANSWER

**PROCEDURAL HISTORY**

On February 14, 2002, the Minnesota Department of Commerce (DOC) filed a Complaint against Qwest requesting, among other things, an expedited hearing and temporary relief, pursuant to Minn. Stat. § 237.462.

On February 15, 2002, Qwest filed its Motion for an Extension of Time to Answer the above Complaint.

On February 19, 2002, the Commission met to consider this matter.

**FINDINGS AND CONCLUSIONS**

**I. Summary of the Complaint**

The complaint alleges, among other things, that Qwest has entered into numerous secret agreements with Competitive Local Exchange Carriers (CLECs) to provide interconnection, access to network elements, resale, number portability, dialing parity, access to rights-of-way, reciprocal compensation and collocation to the CLEC. Further, the complaint alleges that Qwest has not submitted these secret agreements for Commission approval, as required by statute.<sup>1</sup> As a result, the terms of these agreements are unknown to CLECs not a party to these agreements and are not available for adoption by other CLECs, as required.<sup>2</sup>

---

<sup>1</sup> 47 U.S.C. § 252(e).

<sup>2</sup> 47 U.S.C. § 252(i).

The complaint requests expedited proceedings, temporary relief and penalties.

This Order only addresses the issue of whether Qwest's request for an extension to file an answer should be granted. It makes no decisions on any other issues in the matter.

## **II. Time Requirements for Filing an Answer**

Minnesota Statutes<sup>3</sup> require that Qwest file an answer within 15 days after receiving this complaint. The answer is required to state Qwest's position on the request for an expedited proceeding. Along with the answer, Qwest is required to serve any objections to any written discovery requests, and serve any written discovery requests on the complaining party.

## **III. The Standard for Granting an Extension**

The Commission may grant an extension if the Commission finds the extension is necessary to ensure a just resolution of the complaint.<sup>4</sup>

## **IV. Qwest's Request for an Extension of Time to Answer**

Qwest requested that it be given until March 22, 2002, a three week extension, to answer the complaint. It argued that the 15 days was not adequate for Qwest to respond to the complaint allegations as the complaint involved extensive factual and legal issues. Qwest argued that it needed time to present accurate and complete information to the Commission. It argued that the significance of the requested temporary relief and the amount being sought as penalties make it critical that Qwest have adequate time to fully present its position on these issues.

Further, Qwest argued that because the Commission was required to rule on any request for temporary relief within 20 days of the date of the complaint,<sup>5</sup> Qwest would have to prepare a brief and factual response to the claim for temporary relief within the same time frame that it was required to prepare its answer and discovery.

## **V. The DOC's Position**

The DOC argued that Qwest's request for an extension should be denied. It argued that Qwest was a party to every agreement referenced in the complaint and that Qwest was put on notice, by the information requests of the DOC, of what agreements the DOC was investigating. Because of this, it argued, Qwest has had ample opportunity to research each provision.

---

<sup>3</sup> Minn. Stat. § 237.462(e).

<sup>4</sup> Minn. Stat. § 237.462(i).

<sup>5</sup> See Minn. Stat. § 237.462, subd. 7.

## **VI. Commission Action**

The Commission fails to see that the extension requested by Qwest is necessary for a just resolution of the complaint. Qwest has had adequate notice of the DOC's ongoing investigation and has the necessary information to respond in a timely manner. Granting Qwest's request will only cause delay. For this reason the Commission will deny Qwest's request for an extension to file an answer.

### **ORDER**

1. Qwest's request for an extension to file an answer is denied.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 297-4596 (voice), (651) 297-1200 (TTY), or 1-800-627-3529 (TTY relay service).