

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Petition of AT&T  
Communications of the Midwest, Inc., for  
Arbitration of an Interconnection Agreement with  
Qwest Corporation Pursuant to 47 U.S.C. §  
252(b).

**SECOND  
PREHEARING ORDER**

This matter came before Administrative Law Judges Steve M. Mihalchick and Kathleen D. Sheehy on Qwest's Motion for Reconsideration of the Schedule for the Filing of Testimony by the Department of Commerce, dated June 19, 2003. The Department responded on June 20, 2003.

Jason Topp and Mary Rose Hughes appeared for Qwest.

Priti Patel appeared for the Department.

**MOTION TO RECONSIDER SCHEDULE**

Qwest seeks a change in the date for the filing of the Department's testimony, from July 11 to July 7, 2003. Qwest bases its request on the fact that the Department already has begun substantial discovery, well before it indicated it would be ready to do so.

At the prehearing conference, the Administrative Law Judges inquired why the Department needed to delay the filing of its testimony until July 11. The Department responded:

Because once we receive Qwest's and AT&T's testimony, **we can begin issuing IRs**. And even if we ask today for a five-day turnaround time, we're very compressed with time to base any issues that we provide testimony on based on those IR responses. It's going to be very difficult. So we absolutely need two weeks.

If we change the due date for AT&T and Qwest to June 27, we would minimally need July 11<sup>th</sup> to give us exactly two weeks to do IRs and provide testimony.<sup>[1]</sup>

The Department has begun discovery based on the positions of the parties as disclosed in the issues matrix, and it has already made a substantial number of information requests to Qwest. So that Qwest may adequately prepare a

response to the Department's testimony, the scheduling order for these parties is modified as follows: The deadline for the Department's last round of information requests to Qwest is 3 p.m. on June 30, 2003. Qwest shall respond to all outstanding requests by the Department by 3 p.m. on July 3, 2003. The Department shall file its testimony on July 8, 2003, by the end of the business day.

### **ADDITIONAL OBSERVER**

On June 19, 2003, Sprint filed a Request for Participation as an Observer. That request is granted.

### **DEADLINE FOR COMMENTS FILED BY OBSERVERS**

Sprint has also asked for clarification as to the deadline for observers to file comments. That deadline is the same as for the filing of post-hearing briefs: July 28, 2003 for initial comments, August 1, 2003 for any reply comments.

Dated: June 20, 2003

s/Kathleen D. Sheehy  
STEVE M. MIHALCHICK  
KATHLEEN D. SHEEHY  
Administrative Law Judges

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<sup>11</sup> Transcript of Prehearing Conference, June 12, 2002, at 8-9 (emphasis added).