

Marguerite McLean

090538-TP

From: Kelley, Gerri [Gerri.Kelley@dgsllaw.com]
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To: Filings@psc.state.fl.us
Cc: Denman, Steve
Subject: Unopposed Motion for Extension of Time
Attachments: Unopposed Motion for Extension of Time.pdf

Person Filing: Steven H. Denman, Florida Bar No. 0191732
Davis Graham & Stubbs LLP
9040 Town Center Parkway, Suite 213
Lakewood Ranch, FL 34202
941-487-3657
941-552-5650 (facsimile)
Steve.Denman@dgsllaw.com

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Brief description: Unopposed motion for extension of time to respond to motions to dismiss

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BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF FLORIDA

In re: Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Cox Florida Telcom, L.P.; Broadwing Communications, LLC; and John Does 1 through 50 (CLEC's whose true names are currently unknown) for rate discrimination in connection with the provision of intrastate switched access services in alleged violation of Sections 364.08 and 364.10, F.S.

Docket No. 090538-TP

Filed: February 2, 2010

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND
TO MOTIONS TO DISMISS**

Pursuant to Rule 28-106.204, Fla. Admin. Code, Qwest Communications Company, LLC (“Qwest”), by and through its counsel, hereby respectfully requests that the Florida Public Service Commission grant an agreed upon extension of time to and including March 9, 2010 to respond to Motions to Dismiss filed by Broadwing Communications, LLC; XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Cox Florida Telcom, L.P.; and ; MCIMetro Access Transmission Services (d/b/a Verizon Access Transmission Services) (collectively, the “Respondent CLECs”). In support of this Motion, Qwest states as follows:

1. Qwest filed the above-styled complaint on December 11, 2009. The complaint was duly served by the Clerk of the Commission on the Respondent CLECs on December 15, 2009. The Complaint alleges that the Respondent CLECs have subjected Qwest to unjust and unreasonable rate discrimination in connection with the provision of intrastate switched access services, in violation of §§ 364.08 and 364.10, Fla. Stat.

2. On December 22, 2009, the Respondent CLECs filed an Agreed Motion for Extension of Time to Respond to Complaint. By Order No. PSC-10-0012-PCO-TP issued on January 4, 2010, the Presiding Officer granted the requested extension until January 29, 2010.

3. On January 29, 2010, MCIMetro Access Transmission Services, d/b/a Verizon Access Transmission Services (“Verizon Access”) filed a Motion to Dismiss Reparations Claim and Motion for Summary Order Dismissing All Other Claims against Verizon Access. On January 29, 2010, Broadwing Communications, LLC; XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Cox Florida Telecom, L.P. (the “Joint CLECs”) filed a Partial Motion to Dismiss. (Together the foregoing two Motions will be referenced herein as the “Motions to Dismiss.”) The Motions to Dismiss raise numerous arguments to dismiss various claims alleged and remedies sought in the Complaint, and cite numerous appellate decisions and decisions of this Commission which must be researched and analyzed before Qwest can respond. Therefore, the usual seven (7) days response time pursuant to Rule 28-106.204(1), Fla. Admin. Code, is inadequate for Qwest to prepare and file its responses to the Motions to Dismiss.

4. Pursuant to Rule 28-106.204(3), Fla. Admin. Code, counsel for Qwest contacted counsel for the Joint CLECs and Verizon Access and is authorized to state herein that the Joint CLECs and Verizon Access have no objections to an extension of time to and including March 9, 2010 for Qwest to file its responses to the pending Motions to Dismiss.

5. This Motion for Extension of Time is made in good faith, and the sort extension of time requested will not delay this proceeding. No procedural dates or events have been scheduled in this docket.

WHEREFORE, Qwest respectfully requests that the Commission grant the parties' unopposed extension of time to and including March 9, 2010 for Qwest to file its responses to the pending Motions to Dismiss.

DATED this 2nd day of February 2010.

s/ Steven H. Denman

Steven H. Denman, Florida Bar No. 0191732
Davis Graham & Stubbs LLP
9040 Town Center Parkway, Suite 213
Lakewood Ranch, FL 34202
941-487-3657
941-552-5650 (facsimile)
Steve.Denman@dgsllaw.com

and

Alex M. Duarte (not admitted in Florida)
Corporate Counsel
Qwest
421 SW Oak Street
Room 810
Portland, OR 97204
Tel: 503-242-5623
Fax: 503-242-8589
Email: Alex.Duarte@qwest.com

Adam L. Sherr (not admitted in Florida)
Corporate Counsel
Qwest
1600 7th Avenue, Room 1506
Seattle, WA 98191
Tel: 206-398-2507
Fax: 206-343-4040
Email: Adam.Sherr@qwest.com

Attorneys for Qwest Communications
Company, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the forgoing **UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTIONS TO DISMISS** has been furnished by U.S. Mail and email to the following this 2nd day of February 2010:

Florida Public Service Commission:
Theresa Tan, Esq.
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
ltan@psc.state.fl.us

Qwest Communications Company, LLC:
Alex M. Duarte, Esq.
Qwest Communications Company, LLC
421 SW Oak Street, Rm. 810
Portland, OR 97204
alex.duarte@qwest.com

*Cox Communications and
XO Communications Services Inc.:*
Beth Keating, Esq.
Matthew Feil, Esq.
Akerman Senterfitt
Highpoint Center, 12th Floor
106 East College Avenue
Tallahassee, FL 32301
beth.keating@akerman.com
matthew.feil@akerman.com

Qwest Communications Company, LLC:
Adam L. Scherr
Qwest Communications Company, LLC
1600 7th Avenue, Rm. 1506
Seattle, WA 98191
adam.sherr@qwest.com

*MCImetro Access Transmission Services
dba Verizon Access Transmission Services:*
Dulaney O'Roarke, Esq.
Verizon
Six Concourse Parkway, NE
Suite 800
Atlanta, GA 30328
de.oroark@verizon.com

tw telecom of florida l.p.
Gene Adams, Esq.
Pennington, Moore, Wilkinson, Bell & Dunbar
215 South Monroe Street, 2nd Floor
Tallahassee, FL 32301
gene@penningtonlawfirm.com

Granite Telecommunications, LLC:
Andrew M. Klein, Esq.
Klein Law Group PLLC
1250 Connecticut Ave., N.W., Ste. 200
Washington DC 20036
aklein@kleinlawpllc.com

s/ Geraldine Kelley

Geraldine Kelley