

Diamond Williams

090538-TP

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Sent: Monday, January 31, 2011 1:41 PM
To: Filings@psc.state.fl.us
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Subject: Docket No. 090538-TP- Qwest Communications Company, LLC - Request for Deferral
Attachments: 0665_001.pdf

Docket No.:

Docket No. 090538-TP- Qwest Communications Company, LLC - Notice of Service

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Description:

Request for Deferral

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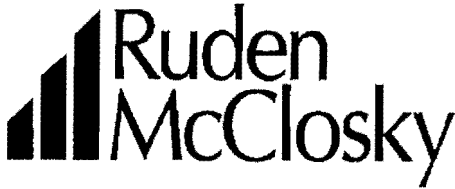
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January 31, 2011

Mr. Art Graham, Chairman
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Docket 090538-TP – Amended Complaint of Qwest Communications for Rate Discrimination in Connection with Intrastate Switched Access Services (Item No. 1 on February 8, 2011, Conference Agenda)

Dear Chairman Graham:

Qwest Communications Company, LLC (“QCC”), respectfully requests that the Commission defer its consideration of the Staff recommendation on the Joint Motion to Dismiss Qwest’s First and Second Claims for Relief and Request for Reparations in the Form of Refunds. Staff’s recommendation currently is scheduled for decision at the February 8, 2011, Agenda Conference. QCC requests that consideration be deferred until February 22, 2011. In support of this request, QCC respectfully submits the following:

1. Adam Sherr, Associate General Counsel for QCC, will be unavailable on February 8th. He will be travelling on family business through February 7 or February 8, 2011. Mr. Sherr also is unavailable the first two weeks of March due to the scheduled surgery of his daughter on February 28, 2011;

2. As a result of this previously arranged travel, Mr. Sherr cannot be present in person in Tallahassee (or participate telephonically) on February 8, 2011. The Joint Movants did not request oral argument and, therefore, pursuant to Commission rule 25-22.0022(1), F.A.C., have waived their right to request oral argument.¹ The Commission, however, pursuant to its rules 25-22.0022(2) and 25-22.0022(7)(b), F.A.C., may request the parties to address the issues raised by the motion. Commission rule 25-22.0022(7)(b), F.A.C., does not provide for notice in advance of the Agenda Conference whether the Commission will exercise this discretion;

¹ See also Order No. PSC-11-0014-PCO-TP
RM:7823035:1

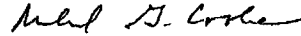
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Therefore, for the foregoing reasons, QCC respectfully requests the Commission to defer its decision on Agenda Item No. 1 pertaining to Docket No. 090538-TP to the next regularly scheduled Agenda Conference on February 22, 2011, or to such other time after March 15, 2011, that is convenient for the Commission.

Respectfully submitted,



Michael G. Cooke, Esquire
(Fla. Bar No. 9879457)
Counsel for Qwest Communications Company,
LLC

MGC:amb

RM:7823035:1

**CERTIFICATE OF SERVICE
DOCKET NO. 090538-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic delivery and/or U.S. Mail this 31st day of January, 2011, to the following:

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**CERTIFICATE OF SERVICE
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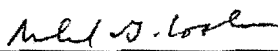
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