

REQUEST FOR CHANGE TO COMMISSION CONFERENCE
HAND DELIVER

RECEIVED--FPSC

Date of Request: 1/31/2011

Date of Commission Conference: 2/8/2011

Item No. 1

11 FEB -2 PM 1:57

Docket No.: 090538-TP

Brief Title: Rec on Motion to Dismiss Qwest Complaint

Requested by: Staff Other

Qwest Communications Company, LLC
(Name)

COMMISSION
CLERK

Please attach a copy of the written documentation filed (IF OTHER)

STAFF's Recommendation to Executive Suite (IF OTHER)

Approve Request

Deny Request

ACTION REQUESTED [see APM 2.11]

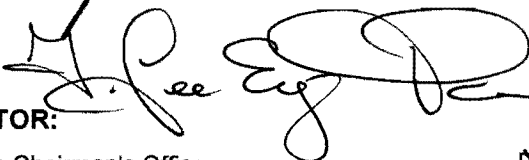
- Defer Item to Conference Scheduled for: Date: 2/22/2011
- Change Order of Item or Take Up at Time Certain
- Withdraw Item (not expected to return to Agenda)
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) A copy of the front page of the recommendation must be provided to the Commission Clerk by 12 noon on the regular filing date for use as a place-holder during agenda preparation.
- Add Item to Published Agenda [see Section 120.525(2), F.S.] – Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] – Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

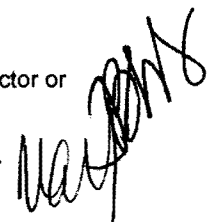
On January 31, 2011, Qwest submitted a request for deferral of the February 8, 2011, Agenda Conference due to unavailability of counsel. Request is attached.

Signature (Technical Staff): 

Initials (Division/Office Director or Designee):

Signature (Legal Staff): 

Initials (General Counsel or Designee):



EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office

Approve Request

Deny Request

Initials:



Date: 2/1/11

Comments:

CHAIRMAN'S OFFICE:

Initials:



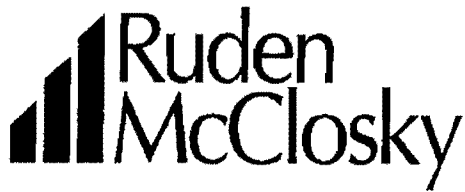
Approve Request

Deny Request

Date: 2/2/11

The Executive Suite will forward the original approved form to the Office of Commission Clerk and distribute copies to the OPR division/office director, the Executive Director, the Deputy Executive Director, the General Counsel, the Deputy General Counsel, the Office of Public Information Director, the Commissioners' Assistants, and the attorney assigned to the docket.

DOCUMENT NUMBER DATE
CLK AGENDA
STAFF COPIED 00809 FEB-2 =



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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;

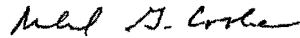
2. As a result of this previously arranged travel, Mr. Sherr cannot be present in person in Tallahassee (or participate telephonically) on February 8, 2011. The Joint Movants did not request oral argument and, therefore, pursuant to Commission rule 25-22.0022(1), F.A.C., have waived their right to request 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
DOCKET NO. 090538-TP**

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