

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE DEVELOPMENT)
OF AN ALTERNATIVE FORM OF)
REGULATION PLAN FOR QWEST)
CORPORATION)**

Case No. 09-00094-UT

NOTICE AND PROCEDURAL ORDER

NOTICE is hereby given that in its Initial Order of March 24, 2009, the New Mexico Public Regulation Commission (“Commission” or “NMPRC”) commenced in this docket a proceeding “for the purpose of developing an alternative form of regulation (“AFOR”) concerning Qwest Corporation [“Qwest”], to become effective after the expiration of Qwest’s current AFOR II Pricing and Quality of Service Plan,” as further described and provided by that Order. *Id.*, at ¶ A, p. 2. Now therefore, and being fully advised, the Hearing Examiner **FINDS and CONCLUDES** that:

1. Among other things, the Commission’s Initial Order directed that the “scope of this proceeding shall extend to all issues necessary and convenient to the development of a new AFOR plan concerning Qwest Corporation, including but not limited to, pricing, quality of service, infrastructure investment, and deployment of advanced services.” *Id.*, at ¶ B, p. 2. The Commission also appointed the undersigned as Hearing Examiner for this case.

2. The Commission has jurisdiction over the parties and subject matter of this case.

3. Pursuant to the Order of the Hearing Examiner, a pre-hearing conference was held on April 8, 2009 at the Commission’s Marian Hall offices attended by the Hearing Examiner and representatives of Qwest, the Commission’s Utility Division Staff (“Staff”), the Attorney General, the City of Albuquerque, Cyber Mesa Computer Systems, TW Telecom and, telephonically, the New Mexico Department of Information

Technology and the Federal Executive Agencies.

4. The procedural schedule and other procedural details provided below should be adopted, subject to further order.

The Hearing Examiner **ORDERS** that:

A. A public hearing will be held beginning at 10:00 a.m. on July 7, 2009 at the Commission's offices in Santa Fe, New Mexico—specific location to be determined later—for the purpose of hearing and receiving evidence, arguments and any other appropriate matters related to this proceeding.

B. By no later than May 11, 2009, any person who desires to become a party to this case must file a motion for leave to intervene, pursuant to 1.2.2.23.A and 1.2.2.23.B NMAC.

C. By no later than May 22, 2009, any parties with proposals regarding any aspect of the prospective AFOR that is the subject of this case shall file direct testimony.

D. Any desired response testimony shall be filed by no later than June 24, 2008.

E. On or before April 15, 2009, Qwest shall cause, at its expense, this Notice and Procedural Order to be published one time in the *Albuquerque Journal*. Qwest shall ensure that an affidavit confirming publication is promptly filed with the Commission. In addition, on or before April 15, 2009, Qwest shall, at its expense, mail copies of this Notice and Procedural Order to the Telecommunications Service list and to the service list for Case No. 05-00466-UT, and shall promptly file a Certificate of Service with the Commission.

F. The Commission's Administrative Procedures (1.2.2 NMAC) will apply to

this case except as modified by Order of the Commission or Hearing Examiner.

G. The procedural dates and requirements provided herein are subject to further Order of the Commission or Hearing Examiner.

H. Any person whose testimony has been filed will attend the hearing and submit to examination under oath.

I. Any interested person may appear at the time and place of hearing and make written or oral comment pursuant to 1.2.2.23.F NMAC without becoming an Intervenor. Interested persons may also send written comments, which shall reference NMPRC Case No. 09-00094-UT, to the Commission at the address set out below. All such comments will not be considered as evidence in this case.

J. Any interested person may examine the filings in this case contained in the Commission's official file at the Commission's Utility Division offices, 224 E. Palace Avenue, Santa Fe, New Mexico 87501; telephone: (505) 827-6941. All inquiries or written comments concerning this matter should refer to Case No. 09-00094-UT.

K. Anyone filing pleadings, documents or testimony in this case shall serve copies thereof on all parties of record and Staff via e-mail and first class U.S. mail. Any such filings shall also be sent to the Hearing Examiner via e-mail. Whenever possible, all electronically transmitted documents shall be in Word or native format. If necessary, discovery responses may be transmitted in some other readily searchable format.

M. The filing and service of pleadings and other documents in this case are subject to applicable Commission rules (*see, e.g., 1.2.2.10, 1.2.2.11, and 1.2.2.25.H* NMAC), except that service of discovery requests and responses shall be exclusively via electronic transmission unless otherwise agreed or ordered. Responses to discovery

requests shall be served in the manner provided herein within seven (7) days after service of the request(s) unless otherwise agreed or ordered. Consistent with 1.2.2.25.H NMAC, electronic service of discovery requests and responses shall not be made upon the Hearing Examiner. Exhibits to discovery responses shall be served at the same time and in the same manner as such responses unless otherwise agreed or ordered.

N. Qwest shall post this Order on its website. Staff shall cause this Order to be posted on the Commission's website.

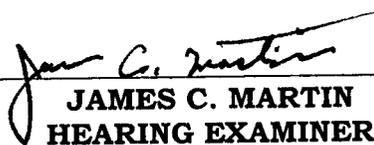
O. Interested persons should contact the Commission for confirmation of the hearing date, time and place, since hearings are occasionally rescheduled.

P. Any person with a disability requiring special assistance in order to participate in this proceeding should contact the Commission at least 24 hours prior to the commencement of the hearing.

Q. The attached Certificate of Service is the official Certificate of Service for this case.

ISSUED at Santa Fe, New Mexico this 9th day of April, 2009.

NEW MEXICO PUBLIC REGULATION COMMISSION



JAMES C. MARTIN
HEARING EXAMINER

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE DEVELOPMENT OF)
AN ALTERNATIVE FORM OF REGULATION)
PLAN FOR QWEST CORPORATION)**

Case No. 09-00094-UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice and Procedural Order**, issued April 9, 2009, was forwarded on this date to the New Mexico Public Regulation Commission's offices at the PERA Building, 1120 Paseo De Peralta, Santa Fe, NM 87501, for mailing to each of the following:

Timothy Goodwin, Esq.
Qwest Corporation
1801 California Street, 10th Floor
Denver, CO 80202

Michael Horcasitas
Qwest Corporation
400 Tijeras, NW, Suite 510
Albuquerque, NM 87102

Thomas W. Olson
Montgomery & Andrews, P.A.
Post Office Box 2307
Santa Fe, NM 87504-2307

Bruce C. Throne, Esq.
Attorney at Law
1440 B South St. Francis Drive
Santa Fe, NM 87505

Richard H. Levin
Attorney at Law
Post Office Box 240
Sebastopol, CA 95473-0240

Brian Harris, Esq.
Assistant NM Attorney General
Post Office Drawer 1508
Santa Fe, NM 87504-1508

W. Mark Mowery, Esq.
Rodey Law Firm
Post Office Box 1357
Santa Fe, NM 87504-1357

Stephen S. Melnikoff
Regulatory Law Office
U.S. Army Litigation Center
901 N. Stuart St., Ste. 700
Arlington, VA 22203-1837

Carol Clifford, Esq.
Jones Firm
PO Box 2228
Santa Fe, NM 87504-2228

Carolyn S. Fudge, Esq.
Assistant City Attorney
Albuquerque Attorney's Office
PO Box 2248
Albuquerque, NM 87103

Carla Sonntag
New Mexico Utilities Shareholders
Alliance
1003 Tomas Ct. SW
Albuquerque, NM 87065

Peter J. Gould
P.O. Box 34127
Santa Fe, NM 87594-4127

Patrick J. Rogers, Esq.
Modrall, Sperling, Roehl,
Harris & Sisk
PO Box 2168
Albuquerque, NM 87103-2168

AARP
535 Cerrillos Rd., Suite A
Santa Fe, NM 87501

Judy D. Bruns
Valley Telephone Coop. Inc.
Post Office Box 970
Willcox, AZ 85644

Cohen & Cohen, Esq.
PO Box 789
Santa Fe, NM 87504

Annelle Briesch
Baca Valley Telephone Co.
Box 67
Des Moines, NM 88418

Jeffrey H. Albright, Esq.
Lewis and Roca
201 Third St./ NW, Suite 1950
Albuquerque, NM 87102

William Templeman, Esq.
Comeau, Maldegen, Templeman &
PO Box 669
Santa Fe, NM 87504-0669

Patricia Salazar Ives, Esq.
Cuddy & McCarthy, LLP.
PO Box 4160
Santa Fe, NM 87502-4160

Karen Kilgore, Esq.
White, Koch, Kelly & McCarthy
PO Box 787
Santa Fe, NM 87504-0787

David M. Kaufman, Esq.
David M. Kaufman P.C.
1670 Upper Canyon Rd.
Santa Fe, NM 87501-6138

Jaime Flores
MATI
P.O. Box 229
Mescalero, NM 88340

Bill Garcia, Esq.
Windstream Communications
1800 Old Pecos Trail, Suite J
Santa Fe, NM 87505-4759

Jerome D. Block
Mescalero Apache Telec., Inc.
1308 Lejano Lane
Santa Fe, NM 87501

Robert W. Spangler
17304 137th Avenue, SW
Vashon Island, WA 98070

Sierra Communications, Inc.
Manager-Regulatory Affairs
PO Box 67
532 Broadway Avenue
Des Moines, NM 88418

Mariane Granoff
Zianet
801 Calle Fuerte NE
Albuquerque, NM 87113

Hand delivered to:

Joan Ellis, Esq.
Ashley Schannauer, Esq.
NMPRC-Legal Division
224 E Palace Ave.
Santa Fe. NM 87504

Launa B. Waller
ENMR Telephone Coop.
Plateau Telecommunications
Post Office Box 1947
Clovis, NM 88102-1947

Glenn D. Lovelace
Peñasco Valley Telephone Coop.
4011 Main
Artesia, NM 88210-9566

Scott Arnold
Yucca Telecom
201 W. 2nd
Portales, NM 88130

Paul J. Gutierrez
MFG Services, Inc.
3201 Mercantile Court
Santa Fe, NM 87507

Curt Huttshell
Navajo Communications, Inc.
PO Box 708970
Sandy, UT 84070-8970

Victoria B. Garcia, Esq.
Dept. of Information Technology
John F. Simms Bldg.
715 Alta Vista
Santa Fe, NM 87502

Steven Asher, Esq.
For Leaco
301 E Berger Street
Santa Fe, NM 87505

Hand delivered to:

Mike Ripperger
NMPRC-Utilities Division Director
224 E Palace Ave.
Santa Fe, NM 87504

Carl Wibel
Smith Bagley Inc.,
dba Cellular One of NE AZ
10504 Toltec Rd NE
Albuquerque, NM 87111

Luralene D. Tapahe, Esq.
Navajo Nation Department of Justice
PO Box 2010
Window Rock, AZ 86515

Jack Keen
Western NM Telephone Co.
PO Box 3079
Silver City, NM 88062

Glenn D. Lovelace
Peñasco Valley Telephone Coop.
4011 Main
Artesia, NM 88210-9566

Mark Rutherford
GVNW Consulting, Inc.
1001 Water Street, Suite A-100
Kerrville, TX 78028

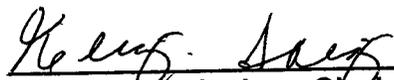
Jane Hill
Cyber Mesa Computer Systems, Inc.
4200 Rodeo Rd.
Santa Fe, NM 87507

Jack Pestaner
New Mexico Telecom Solutions, LLC.
133 La Placita Circle
Santa Fe, NM 87505

John Osmon
Tilver Telecommunications, LLC
2270 Wyoming NE, No. 229
Albuquerque, NM 87112

DATED this 9th day of April, 2009.

NEW MEXICO PUBLIC REGULATION COMMISSION


Elizabeth Saiz, Law Clerk