

Decision No. C23-0699

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23AL-0486T

IN THE MATTER OF ADVICE LETTER NO. 3168 FILED BY QWEST CORPORATION DBA CENTURYLINK QC TO REVISE ITS EMERGENCY REPORTING SERVICES TARIFFS COLORADO P.U.C. NO. 25, TO BECOME EFFECTIVE OCTOBER 16, 2023.

**COMMISSION DECISION SETTING MATTER FOR
HEARING, SUSPENDING EFFECTIVE
DATE OF TARIFFS, AND
REFERRING PROCEEDING TO AN
ADMINISTRATIVE LAW JUDGE**

Mailed Date: October 13, 2023

Adopted Date: October 11, 2023

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS RATE MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE, CALL (303) 894-2070 (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION

A. Statement

1. On September 29, 2023, Qwest Corporation d/b/a CenturyLink QC (“CenturyLink”) filed Advice Letter No. 3168 (AL 3168).

2. The Advice Letter and Tariff pages modify CenturyLink’s Emergency Reporting Services Tariff Colo. P.U.C. No. 25, sections 1.1, 2.1, and 9.2, by adding two definitions and a statement regarding network maintenance and testing.

3. CenturyLink states that the purpose of this filing is to comply with Commission Rule 4 CCR 723-2-2137 *Rules Regulating Telecommunications Services and Providers of Telecommunications Services*, adopted in Decision R22-0811, which became effective on March 30, 2023.¹

4. On October 6, 2023, Protest Letters were independently filed by the Larimer Emergency Telephone Authority (“LETA”) and Commission Staff, requesting that the tariff sheets filed under AL 3168 be set for a hearing and their proposed effective date be suspended.

B. Discussion

5. Rule 2137(a) outlines thirteen required inclusions for Basic Emergency Service tariffs, and Rule 2138(b) requires existing Basic Emergency Service Providers with BES tariffs to file an advice letter and tariff pages with 180 days of the effective date of the rule to comply with paragraph (a). The effective date of the rule was March 30, 2023, making the deadline for the tariff filing September 26, 2023.

6. In its protest filing, Staff questions whether the tariff pages filed under AL 3168 sufficiently meet the requirements of Rule 2137(a) and requests a hearing on the Tariff in order to allow Staff and other 9-1-1 stakeholders to obtain information from CenturyLink regarding how the BES tariff, either by virtue of existing provisions or by provisions found in the Tariff pages filed under AL 3168, meet the requirements set forth in Rule 2137(a).

7. In its protest filing, LETA likewise asserts that the Tariff Pages do not sufficiently address the requirements set forth in Rule 2137(a). Additionally, LETA raises concerns about the identity of the company, stating that the names under which the company is doing business in the State of Colorado does not match the names being used in its Tariff filings or with the

¹ See Proceeding 22R-0122T.

Commission. Those names include “Lumen” or “Lumen Technologies,” which are not identified in the Advice Letter or Tariff Pages. LETA also notes that the Tariff pages reference outdated Commission rules dating to 2018.

C. Conclusions and Findings

8. Pursuant to § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariff pages for hearing which will suspend the effective date for 120 days from the proposed effective date. If the Commission does not establish new tariff provisions before the expiration of the suspension period of 120 days, or, in this proceeding, on February 8, 2024, the tariff pages filed by CenturyLink may become effective.

9. Section 40-6-111(1), C.R.S, also provides that the Commission may, in its discretion, be a separate decision, suspend the effective date of the tariff page(s) for an additional 90 days. Thus, the Commission has the power and authority to suspend the effective date of the tariff pages for a maximum of 210 days or, in this proceeding, until May 8, 2024. If the Commission further suspends, by a separate decision, the effective date of the tariff pages for an additional 90 days, and if no new rates are established by the Commission before May 8, 2024, the tariff pages filed by CenturyLink may become effective.

10. We find good cause to suspend the effective date of the tariff pages submitted with AL 3168 and to set this matter for hearing.

11. A pleading to intervene may be filed by any person, firm, or corporation desiring to be a party and fully participate in this proceeding, as ordered below. The filing of any other document protesting the tariff pages shall not allow participation as an intervenor in this matter.

12. This matter is referred to an Administrative Law Judge for the issuance of a recommended Decision.

II. ORDER

A. The Commission Orders That:

1. The tariff pages filed by Qwest Corporation, doing business as CenturyLink QC (CenturyLink) with Advice Letter No. 3168 (AL 3168) are set for hearing pursuant to § 40-6-111(1), C.R.S.

2. The proposed effective date, October 16, 2023, of the tariff pages filed with AL 3168 is suspended for 120 days until February 8, 2024, or until further order of the Commission.

3. This matter is referred to an Administrative Law Judge for the issuance of a recommended decision.

4. Any person, firm, or corporation, including any who have previously filed a document protesting the proposed tariff pages, who desire to intervene and participate as a party in this proceeding shall file with the Commission, a notice of intervention of right or a motion to intervene permissively within 30 days after the mailing date of this Decision, and shall serve a copy of the notice or motion on CenturyLink's attorney of record.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 11, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners