

Decision No. R24-0830-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24AL-0397T

IN THE MATTER OF ADVICE LETTER NO. 3169 FILED BY QWEST CORPORATION DBA CENTURYLINK QC COLORADO P.U.C. NO. 25 TO ADD ADDITIONAL SERVICES AND FEATURES TO THE ESINET, TO BECOME EFFECTIVE OCTOBER 18, 2024.

**INTERIM DECISION
SCHEDULING REMOTE PREHEARING CONFERENCE
AND REQUIRING FILING**

Issued Date: November 19, 2024

I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision requires that Qwest Corporation, doing business as CenturyLink QC of Colorado (“Qwest”) have counsel enter an appearance on its behalf or make a filing establishing it is entitled to be represented by a non-attorney by December 3, 2024; schedules a fully remote prehearing conference for December 9, 2024 at 1:00 p.m.; and requires the parties¹ to confer on a procedural schedule before the prehearing conference.

B. Procedural History²

2. On September 17, 2024, Qwest filed Advice Letter No. 3169 (“Advice Letter”) and Tariff Sheet No. 25 (“Tariff Sheets”) with an October 18, 2024 effective date.

3. On October 4, 2024, Colorado Public Utilities Commission (“Commission”) Trial Staff (“Staff”) filed a letter protesting the Advice Letter and Tariff Sheets.

¹ For purposes of this Decision and its required conferral, all those who have made an intervention filing are treated as parties.

² Only the procedural history necessary to understand this Decision is included.

4. Also on October 4, 2024, the Boulder Regional Emergency Telephone Service Authority, El Paso-Teller County Emergency Telephone Service Authority, and Douglas County Emergency Telephone Service Authority, (collectively, “BED Authorities”) made a joint filing protesting the Advice Letter and Tariff Sheets.

5. On October 17, 2024, the Commission suspended the effective date of the Tariff Sheets for 120 days to February 15, 2025, referred this matter to an Administrative Law Judge (“ALJ”) for disposition, and established a 30-day intervention period, which expired on November 18, 2024.³

6. On October 31, 2024, the BED Authorities filed a joint Notice of Intervention as of Right, or in the Alternative, Motion for Permissive Intervention, and Request for Hearing objecting to the Advice Letter and Tariff Sheets and requesting the matter be set for a hearing.

7. Also on October 31, 2024, Staff filed a Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a), and Request for Hearing objecting to the Advice Letter and Tariff Sheets and requesting the matter be set for a hearing.

8. On November 5, 2024, the Larimer County Emergency Telephone Authority filed a Motion to Permissively Intervene.

9. Also on November 5, 2024, the Adams County E-911 Emergency Telephone Service Authority, the Arapahoe County 911 Authority, and the Jefferson County Emergency Communications Authority filed a joint Motion for Permissive Intervention.

10. On November 12, 2024, the Colorado Council of Authorities, Inc., filed a Motion to Permissively Intervene.

³ Decision Nos. C24-0750 (issued October 17, 2024); C24-0750-E (mailed October 28, 2024).

II. FINDINGS AND CONCLUSIONS

A. Qwest's Representation

11. Generally, parties appearing before the Commission must be represented by an attorney authorized to practice law in Colorado.⁴ However, an individual may appear without an attorney on behalf of a company after establishing the company's eligibility to be represented by a non-attorney.⁵ To be eligible to be represented by a non-attorney, the company must not have more than three owners; the amount in controversy must not exceed \$15,000; and the non-attorney individual seeking to represent the company must provide the Commission with satisfactory evidence demonstrating that person's authority to represent the company in the proceeding.⁶

12. Given that Qwest is a corporation, it must be represented by counsel in this Proceeding or establish that it is eligible to be represented by a non-attorney. To date, no counsel has entered an appearance on Qwest's behalf, and Qwest has not otherwise made a filing establishing that it may be represented by a non-attorney. As such, Qwest must either have counsel enter an appearance on its behalf or make a filing establishing that it may be represented by a non-attorney, consistent with the above legal authority, on or by December 3, 2024.

B. Remote Prehearing Conference

13. Because the Advice Letter and Tariff Sheets are opposed, an evidentiary hearing will be scheduled. To move this matter forward, the ALJ will hold a fully remote prehearing conference as set forth in the ordering paragraphs below.⁷ During the prehearing conference, the ALJ will schedule an evidentiary hearing, establish the manner in which the hearing will be held

⁴ Rule 1201(a), of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1.

⁵ Rule 1201(b)(II), 4 CCR 723-1. *See* § 13-1-127, C.R.S.

⁶ Rule 1201(b)(II). *See* § 13-1-127(2) and (2.3)(c), C.R.S.

⁷ *See* Rule 1409(a), 4 CCR 723-1.

(fully in-person, fully remote, or a combination of the two, that is, hybrid),⁸ and set deadlines for the following filings:

- direct, answer, cross-answer and rebuttal testimony (testimonial hearing exhibits);
- corrections to testimonial hearing exhibits;
- non-testimonial hearing exhibits;
- settlement agreements and settlement testimony;
- hearing exhibit and witness lists;
- joint witness examination matrix;
- prehearing motions and responses to the same (if the prehearing motions' deadline is less than 14 days before the first day of hearing); and
- statements of position.

14. During the prehearing conference, the ALJ may address other procedural matters relating to the evidentiary hearing, any other relevant matter, including interventions, and any agreements the parties reach concerning discovery (*i.e.*, agreements to diverge from deadlines in the Commission's discovery rules).

15. Before the prehearing conference, the parties must confer on the above matters and be prepared to provide their positions during the prehearing conference. For purposes of this Decision, including its required conferral, all those who have made an intervention filing are treated as parties.

⁸ When a hearing is fully in-person, all parties and witnesses appear for the hearing in-person at a hearing room at the Commission's office in downtown Denver. When a hearing is fully remote, all parties and witnesses appear from remote locations using the web-based platform, Zoom. And when a hearing is hybrid, parties and witnesses may appear in person or remotely, but at least one party must appear in person at a hearing room at the Commission's office in Denver. If the parties select the hybrid option, the ALJ will establish a deadline to report if the parties have determined that none of them will appear in person, in which case, the hearing will be converted to a fully remote hearing. This deadline will be at least 14 days prior to the hearing date.

16. When conferring, the parties should consider the timeline within which a Commission decision must issue in this Proceeding, as that timeline impacts the hearing date and all related deadlines. As already noted, the Commission suspended the effective date of the Tariff Sheets to February 15, 2025.⁹ Per § 40-6-111(1)(b), C.R.S., the Commission may suspend the effective date of the Tariff Sheets by an additional 130 days to June 25, 2025. This would essentially become the deadline by which the Commission must issue a final decision in this matter.¹⁰ For the ALJ to issue a recommended decision in a timeframe that allows the parties to file exceptions and the Commission to consider the same and issue a final decision by June 25, 2025, the evidentiary hearing must be concluded by March 7, 2025. Given the number of Interventions and the nature of this Proceeding, the ALJ is concerned that this timeline will require a condensed and challenging procedural schedule.

17. The parties are left with two options: proceed with a hearing by March 7, 2025 and a procedural schedule that accommodates that, or Qwest may file an amended Advice Letter establishing a later effective date for the Tariff Sheets, which the ALJ could then suspend for an additional 130 days, per § 40-6-111(1)(b), C.R.S. If Qwest decides to file an amended Advice Letter, an effective date in January 2025 would allow for a hearing to be held in May 2025 and provide time for the parties to litigate this matter and prepare for the hearing without a condensed procedural schedule. During the prehearing conference, Qwest's position on filing an amended Advice Letter will also be addressed.

18. The parties will appear at the prehearing conference from remote locations by videoconference and may not appear in person for the prehearing conference. The remote

⁹ Decision No. C24-0750 at 4.

¹⁰ The ALJ does not suspend the Tariff Sheets' effective date at this time.

prehearing conference will be held using the web-hosted service, Zoom. Attachment A hereto includes important technical information and requirements to facilitate holding the prehearing conference remotely. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A.

19. To minimize the potential that the videoconference hearing may be disrupted by non-participants, the link and meeting ID or access code to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing. Parties will receive an email with information needed to join the hearing at the email addresses on file with the Commission for this Proceeding. As such, it is important that all parties ensure that the Commission has the correct email address for them.

20. *All parties are on notice* that failure to appear at the prehearing conference may result in decisions adverse to their interests, including granting the complete relief opposing parties seek and dismissing Interventions. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of that party's objection to the rulings made during the prehearing conference.

III. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, on or by the close of business December 3, 2024, Qwest Corporation, doing business as CenturyLink QC of Colorado must either have counsel enter an appearance on its behalf or make a filing establishing it is entitled to be represented by a non-attorney, consistent with the legal authority discussed above.

2. A fully remote prehearing conference in this Proceeding is scheduled as follows:

DATE: December 9, 2024

TIME: 1:00 p.m.

PLACE: Join by videoconference using Zoom

3. Participants in the hearing may not distribute the hearing link, access, or ID code to anyone not participating in the hearing. Participants may not appear in person at the Commission for the above-scheduled hearing. Instead, they must participate in the hearing from remote locations, consistent with the requirements of this Decision.

4. All participants in the hearing must comply with the requirements in Attachment A to this Decision, which is incorporated into this Decision.

5. The parties must confer with each other prior to the prehearing conference consistent with the above discussion.

6. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

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

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge