

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.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
EXTENDING TIME FOR A COMMISSION DECISION
AND MEMORIALIZING PROPOSAL FOR AMENDED
ADVICE LETTER**

Mailed Date: December 21, 2023

I. STATEMENT

1. On September 29, 2023, Qwest Corporation, doing business as 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. The Advice Letter proposes an effective date of October 16, 2023, for these amendments to the Tariff pages.

3. CenturyLink states that the purpose of this filing is to comply with recently adopted Rule 2137 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR), 723-2, which became effective on March 30, 2023.¹

¹ See Decision R22-0811, in Proceeding 22R-0122T, issued December 22, 2022.

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

5. On October 13, 2023, the Commission issued Decision No. C23-0699 suspending the Tariff Sheets for 120 days, up to and including February 8, 2024, and referring the Proceeding to an Administrative Law Judge (ALJ) for disposition. The Proceeding was subsequently assigned to the undersigned ALJ.

6. Decision No. C23-0699 also ordered that any entities wishing to intervene in this Proceeding move for or file notice of their interventions within thirty (30) days of the Commission's decision, or by November 13, 2023.

7. Four entities moved or noticed their interventions by that deadline:

On November 6, 2023, LETA moved to permissively intervene;

Also on November 6, 2023, the Colorado Council of Authorities, Inc. (CCOA) moved to permissively intervene;

On November 10, 2023, the Boulder Regional Emergency Telephone Service Authority (BRETSA) filed its notice of intervention of right or, in the alternative, moved for permissive intervention, and

On November 13, 2023, the Adams County E-911 Emergency Telephone Service Authority, the Arapahoe County 911 Authority, and the Jefferson County Emergency Communications Authority (collectively the AAJ Authorities) collectively moved for permissive intervention.

8. Subsequently, on November 21, 2023, Commission Staff filed an Unopposed Motion for Late-Filed Intervention, accompanied by Staff's Notice of Intervention, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing.

9. By Decision No. R23-0809-I, issued December 7, 2023, the undersigned ALJ granted the four pending motions to intervene, granted Commission Trial Staff's Motion for Late-Filed Intervention, and acknowledged Staff's intervention as of right.

10. The parties to this Proceeding are thus CenturyLink, Commission Trial Staff, CCOA, LETA, the AAJ Authorities, and BRETSA.

11. Decision No. R23-0809-I also set a prehearing conference to discuss the procedural schedule governing this Proceeding for Friday, December 15, 2023, at 11:00 a.m.

II. PREHEARING CONFERENCE

12. The undersigned ALJ held the prehearing conference as scheduled on December 15, 2023.

13. The following individuals appeared on behalf of the respective parties:

CenturyLink:	Richard Corbetta and Tim Kunkleman;
CCOA and LETA:	Tracy Oldelmeyer;
AAJ Authorities:	Amanda Jokerst;
BRETSA:	Joseph Benkert; and,
Commission Trial Staff:	Justin Cox, Michael Santisi, and Jennifer Kirkland.

14. At the commencement of the prehearing conference, Mr. Corbetta, speaking on behalf of CenturyLink, conveyed to the undersigned ALJ that the parties had discussed a procedural schedule, but had generally concluded that the statutory deadlines would be difficult to meet. In particular, Mr. Corbetta highlighted a recently-filed Commission Rulemaking Proceeding which could impact the proposed Tariff Sheets in this Proceeding.²

² See Decision No. C23-0800, Notice of Proposed Rulemaking, in Proceeding No. 23R-0577T, In the Matter of the Proposed Amendments to 4 Code of Colorado Regulations 723-2 Modifying the Commission Rules Regarding Basic Emergency Service Outage Prevention, Response, and Reporting, issued Dec. 5, 2023.

He expressed CenturyLink's concern that pursuing this Advice Letter Proceeding and participating in the new Rulemaking Proceeding could be overly-burdensome, counterproductive, and inefficient. He therefore proposed extending the statutory deadlines beyond those allowed by statute.

15. LETA objected to delaying this Proceeding unnecessarily, and indicated that changes to the Tariff need to be adopted and implemented soon to bring the Tariff Sheets into full compliance with the current applicable Rules.

16. The ALJ is sympathetic to LETA's position. However, given that CenturyLink has not yet filed direct testimony, that the undersigned ALJ can only extend the statutory deadline up to and including June 17, 2023, and that the remaining parties assert they will not have sufficient time to prepare for an evidentiary hearing to be held 90 days prior to an extended statutory deadline, the ALJ concurs that additional time is appropriate.

17. In order to "buy the parties time" to permit time for the Rulemaking Proceeding to advance, CenturyLink proposed and agreed to file an Amended Advice Letter and Tariff Sheets incorporating a new proposed effective date. As discussed, any such proposed new effective date must permit sufficient time for the Commission to complete its work in this Proceeding, which generally requires 250 days from the new effective date until a final Commission decision, or 90 days from an evidentiary hearing until a final Commission decision. The undersigned ALJ urges CenturyLink to file its Amended Advice Letter as soon as practicable.

18. A procedural schedule and evidentiary hearing will be scheduled after CenturyLink's Amended Advice Letter has been filed.

III. TIME FOR A COMMISSION DECISION

19. Although CenturyLink has expressed its intent to file an Amended Advice Letter extending the statutory deadline, it is nonetheless appropriate to immediately address the statutory time period imposed by § 40-6-111, C.R.S.

20. In its currently pending Advice Letter, CenturyLink requested that its Tariff pages become effective October 16, 2023. The Commission, in its discretion, referred the Advice Letter to a hearing, and pursuant to § 40-6-111(1), C.R.S., suspended the tariff pages' effective date for an additional 120 days, or up to and including February 8, 2024.³

21. However, if the Commission in its discretion finds that additional time is necessary for a decision, the period of suspension may be extended an additional 130 days. See § 40-6-111(1)(b), C.R.S.

22. In order to facilitate the progression of this Proceeding and to ensure the parties have sufficient time to discuss amendments to the Advice Letter, it is found necessary to extend the time for issuance of a Commission decision. The applicable statutory period shall be extended by an additional 130 days up to and including June 17, 2024.

IV. ORDER

A. It Is Ordered That:

1. Pursuant to § 40-6-111(1)(b), C.R.S., the period of suspension of CenturyLink's Advice Letter and the period for issuance of a Commission decision is extended by an additional 130 days, up to and including June 17, 2024.

³ Decision No. C23-0699, issued Oct. 13, 2023.

2. A schedule governing procedural matters and an evidentiary hearing will be scheduled after CenturyLink has filed an Amended Advice Letter.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director