

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
ADDRESSING INTERVENTIONS, SUSPENDING
EFFECTIVE DATE OF TARIFF SHEETS, SCHEDULING
EVIDENTIARY HEARING AND ESTABLISHING
PROCEDURAL SCHEDULE**

Issued Date: December 12, 2024

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I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY**A. Statement and Summary**

1. This Decision addresses all interventions filed in this Proceeding; suspends the effective date of the Tariff Sheets filed December 10, 2024 to August 24, 2025; schedules a hybrid evidentiary hearing for April 29 and May 1, 2025; establishes procedures and a procedural schedule to facilitate that hearing; and memorializes the rulings made during the December 9, 2024 prehearing conference.

B. Procedural History¹

2. On September 17, 2024, Qwest Corporation, doing business as CenturyLink QC of Colorado (“Qwest”) filed Advice Letter No. 3169 (“Advice Letter”) and Tariff Sheets Colo. P.U.C. No. 25 with an October 18, 2024 effective date.

3. On October 17, 2024, the Colorado Public Utilities Commission suspended the effective date of the first 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, 2024.²

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

¹ Only the procedural history necessary to understand this Decision is included.

² Decision Nos. C24-0750 (issued October 17, 2024); C24-0750-E (mailed October 28, 2024).

5. Also on October 31, 2024, Colorado Public Utilities Commission Trial Staff (“Staff”) filed a Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a), and Request for Hearing (“Staff’s Intervention”) objecting to the Advice Letter and Tariff Sheets and requesting the matter be set for a hearing.

6. On November 5, 2024, the Larimer County Emergency Telephone Authority (“LETA”) filed a Motion to Permissively Intervene (“LETA’s Intervention”).

7. 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 (collectively, “AAJ Authorities”) filed a joint Motion for Permissive Intervention (“AAJ Authorities’ Intervention”).

8. On November 12, 2024, the Colorado Council of Authorities, Inc., (“CCOA”) filed a Motion to Permissively Intervene (“CCOA’s Intervention”).

9. On November 19, 2024, the ALJ ordered that by December 3, 2024, Qwest either have counsel enter an appearance on its behalf or make a filing establishing that it may be represented by a non-attorney; scheduled a fully remote prehearing conference for December 9, 2024 at 1:00 p.m.; and required the parties to confer with each other about the matters to be addressed during the prehearing conference.³

10. On December 2, 2024, counsel entered an appearance on behalf of Qwest.

11. On December 9, 2024, the ALJ held the prehearing conference as ordered. All parties appeared. This Decision memorializes the rulings made during the prehearing conference, among other things.

³ Decision No. R24-0830-I (issued November 19, 2024).

12. On December 10, 2024, Qwest filed an amended Advice Letter (“First Amended Advice Letter”) and Tariff Sheets Colo. P.U.C. No. 25 (“Tariff Sheets”) with a December 17, 2024 effective date for the Tariff Sheets.

II. FINDINGS AND CONCLUSIONS

A. Qwest’s Representation

13. During the prehearing conference, the ALJ found that because Qwest complied with Decision No. R24-0830-I’s requirements relating to its legal representation by causing counsel to enter an appearance on its behalf by the established deadline.

B. Interventions

14. The ALJ explained during the prehearing conference that the Interventions filed in this Proceeding are granted or acknowledged, and that this Decision would memorialize and explain this ruling. For the reasons discussed below, all requests to permissively intervene are granted and Staff is acknowledged as a party.

15. Two classes of parties may intervene in proceedings such as this: parties with a legally protected right that may be impacted by the proceeding (intervention of right), and parties with pecuniary or tangible interests that may be substantially impacted by the proceeding (permissive intervention).⁴

16. As relevant here, to permissively intervene, the party’s intervention must:

. . . state the specific grounds relied upon for intervention; the claim or defense within the scope of the Commission’s jurisdiction on which the requested intervention is based, including the specific interest that justifies intervention; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding . . . demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interests of the movant (or those

⁴ Rule 1401(b) and (c) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1.

it may represent) and that the movant's interests would not otherwise be adequately represented.⁵

17. In addition, Commission Rules allow Staff to intervene of right in any Commission proceeding.⁶

18. If a party does not file a response to a motion within the time prescribed for a response, the Commission may deem that failure as confessing the motion.⁷ Parties have seven days to file a response objecting to a motion seeking to permissively intervene.⁸

19. No responses to the motions seeking to permissively intervene were filed. The last deadline to respond to a motion seeking to permissively intervene expired on November 12, 2024.⁹ As such, the ALJ deems all the motions to permissively intervene confessed, and therefore, unopposed.¹⁰

20. Starting with Staff's Intervention, since it is permitted to intervene of right in any Commission proceeding per Rule 1401(e), 4 CCR 723-1, Staff is acknowledged as a party to this Proceeding.

21. In support of their Intervention, the BED Authorities explain that each of them are governing bodies as defined by § 29-11-101, C.R.S., and Rule 2131 of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services ("Telecom Rules"), 4 CCR 723-2, and that they each take service under the Tariff Sheets at issue in this Proceeding.¹¹ They describe the nature of their interests in this Proceeding and why they believe their interests would not be adequately represented by any other party.¹² Based on the

⁵ Rule 1401(c), 4 CCR 723-1.

⁶ Rule 1401(e), 4 CCR 723-1.

⁷ Rule 1400(d), 4 CCR 723-1.

⁸ Rule 1401(c), 4 CCR 723-1.

⁹ *See id.* CCOA filed the last intervention on November 12, 2024.

¹⁰ *See* Rule 1400(d), 4 CCR 723-1.

¹¹ BED Authorities' Intervention at 1-2.

¹² *Id.* at 2-5.

information in the BED Authorities' Intervention, and because their Intervention is unopposed, the ALJ grants the BED Authorities' Intervention. The BED Authorities are parties to this Proceeding.

22. LETA explains that it is a governing body as defined in § 29-11-101(16), C.R.S., and that it is responsible for the installation, administration, management, operation, maintenance, upgrade, and enhancement of emergency telephone service and notification within its jurisdiction, which includes both Larimer and Jackson Counties (in Colorado).¹³ LETA receives service under the Tariff Sheets at issue in this Proceeding.¹⁴ LETA's Intervention describes the nature of its interests in this Proceeding and why it believes its interests would not be adequately represented by any other party.¹⁵ Based on the information in LETA's Intervention, and because its Intervention is unopposed, the ALJ grants LETA's Intervention. LETA is a party to this Proceeding.

23. In support of their Intervention, the AAJ Authorities explain that each of them are governing bodies as defined by § 29-11-101, C.R.S., and Rule 2131 of the Telecom Rules, 4 CCR 723-2, and that they support public safety answering points in their service area, including by paying tariff costs that Qwest charges for providing basic emergency service, *i.e.*, under the Tariff Sheets at issue here.¹⁶ They describe the nature of their interests in this Proceeding and why they believe their interests would not be adequately represented by any other party.¹⁷ Based on the information in the AAJ Authorities' Intervention, and because their Intervention is unopposed, the ALJ grants the AAJ Authorities' Intervention. The AAJ Authorities are parties to this Proceeding.

¹³ LETA's Intervention at 2.

¹⁴ *Id.* at 2-3.

¹⁵ *Id.* at 3-4.

¹⁶ See AAJ Authorities' Intervention at 1-2.

¹⁷ *Id.*

24. CCOA explains that it is a membership-based non-profit corporation and that 23 governing bodies (as defined by § 29-11-101, C.R.S.,) are members of its organization.¹⁸ Of that total, 17 of its member-governing bodies are rural governing bodies and 6 are urban governing bodies.¹⁹ One of CCOA's purposes is to share information and provide a collective voice for governing bodies to provide input on and advocate for or against matters affecting emergency telephone service in Colorado.²⁰ CCOA states that its member-governing bodies purchase service under the Tariff Sheets at issue here.²¹ CCOA's Intervention describes the nature of its interests in this Proceeding and why it believes its interests would not be adequately represented by any other party.²² Based on the information in CCOA's Intervention, and because its Intervention is unopposed, the ALJ grants CCOA's Intervention. CCOA is a party to this Proceeding.

C. Effective Date of Tariff Sheets

25. During the prehearing conference, the parties discussed an appropriate timeline to fully litigate this matter and for a final Commission decision in this Proceeding. Based on this discussion, Qwest agreed to file the First Amended Advice Letter with a December 17, 2024 effective date (which would be suspended as permitted by law). As noted, Qwest made this filing on December 10, 2024. To allow the parties to fully litigate this matter and the Commission to issue a final decision before the effective date of the Tariff Sheets, the ALJ suspends the December 17, 2024 effective date of the Tariff Sheets by an additional 130 days, per § 40-6-111(1)(b), C.R.S., to August 24, 2025.²³

¹⁸ See CCOA's Interventions at 2-3

¹⁹ *Id.* at 4.

²⁰ *Id.*

²¹ *Id.* at 4.

²² *Id.* at 3-4.

²³ The additional 130 days is added to the Commission's prior 120-day suspension, resulting in a 250-day suspension (total), consistent with § 40-6-111(1)(b), C.R.S.

D. Hearing and Related Procedural Matters

26. During the prehearing conference, the parties agreed to the procedural schedule and hearing dates in the ordering paragraphs below and that the hearing should be held as a hybrid hearing so that parties or witnesses may appear remotely. As noted during the prehearing conference, Qwest is required to confer with the parties to confirm that at least one party plans to appear in person, and if none will appear in person, it must make a filing indicating this by the deadline established below. If this happens, the hearing will be converted to a fully remote hearing.

27. Attachment A hereto includes important technical information and requirements to facilitate accommodating remote hearing participation. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A.

28. Persons wishing to observe but not participate in the hearing are encouraged to observe the hearing via the Commission's webcast, rather than join the Zoom hearing.²⁴ This will help minimize background noise and avoid issues that may arise should the ALJ need to hold confidential or highly confidential hearing session.

29. 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.

²⁴ Those wishing to observe the hearing via webcast may do so by going to the following link: <https://puc.colorado.gov/webcasts> and selecting the assigned hearing room's webcast.

30. Because the hearing will accommodate remote participation, all documentary evidence must be presented electronically. Attachment B includes information and requirements to facilitate electronic evidentiary presentations at the hearing. Many requirements in Attachment B apply to formatting, marking, and filing exhibits, and are critical to ensure a smooth evidentiary presentation. The ALJ has observed parties in other proceedings repeatedly failing to comply with these formatting, marking, and filing requirements. Common errors include failing to include a brief description of attachments to exhibits in exhibit lists; failing to title attachments to exhibits in E-Filings to include the title of the document (*i.e.*, the substantive nature of the attachment), but instead titling it in E-Filings solely with the exhibit and attachment numbers; failing to follow procedures for exhibits and attachments that include confidential or highly confidential information; and failing to follow identification requirements for revised exhibits or attachments thereto. These types of errors have wasted resources and created unnecessary confusion as to which exhibits will be offered into evidence, particularly when parties incorrectly number their exhibits, fail to correctly mark revised exhibits, or fail to file a public version of confidential or highly confidential exhibits. As such, ***the parties must ensure that they follow all procedural requirements relating to exhibits and attachments thereto.***²⁵

31. *The parties are on notice* that consistent with Commission practice, friendly cross-examination will not be permitted during the evidentiary hearing. *All parties are on notice* that failure to appear at the hearing may result in decisions adverse to their interests, including granting the complete relief opposing parties seek and dismissing Interventions. The ALJ will

²⁵ Any party who is uncertain as to whether they have correctly followed the required procedures may contact Ms. Casey Federico at Casey.Federico@state.co.us or Ms. Stephanie Kunkel at Stephanie.Kunkel@state.co.us to confirm that they have correctly followed the procedural requirements.

deem any party's failure to appear at the hearing to be a waiver of that party's objection to the rulings made during the hearing.

III. ORDER

A. It Is Ordered That:

1. The Colorado Public Utilities Commission Trial Staff ("Staff") is acknowledged as a party in this Proceeding. The motions seeking to permissively intervene filed by 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"); Larimer County Emergency Telephone Authority ("LETA"); Adams County E-911 Emergency Telephone Service Authority, the Arapahoe County 911 Authority, and the Jefferson County Emergency Communications Authority (collectively, "AAJ Authorities"), and Colorado Council of Authorities, Inc., ("CCOA") are granted.

2. Based on the foregoing, in addition to Qwest Corporation, doing business as CenturyLink QC of Colorado ("Qwest"), the parties to this Proceeding are Staff, the BED Authorities, LETA, the AAJ Authorities, and CCOA.

3. Consistent with the above discussion, the December 17, 2024 effective date for the Tariff Sheets (filed December 10, 2024) in the amended Advice Letter filed December 10, 2024 is suspended by an additional 130 days as permitted by § 40-6-111(1)(b), C.R.S., to August 24, 2025.

4. A hybrid evidentiary hearing in this Proceeding is scheduled as follows:

DATE:	April 29 and May 1, 2025
TIME:	9:00 a.m. each day
PLACE:	Commission Hearing Room 1560 Broadway, Suite 250 Denver, Colorado

OR

Join by videoconference using Zoom

5. The link and meeting ID or access code to attend the hearing will be provided to the parties by email before the hearing. The parties are responsible for sharing the link, meeting ID code, and passcode with witnesses and others participating in the evidentiary hearing remotely. Participants in the hearing may not distribute the link, meeting ID code, and passcode to anyone not participating in the hearing.

6. Non-participants in the evidentiary hearing may observe the hearing live through the Colorado Public Utility Commission's webcast for the Hearing Room assigned for each of the above hearing dates, which may be accessed at this link: <https://puc.colorado.gov/webcasts>.

7. All participants in the hearing must comply with the requirements in Attachments A and B to this Decision, which are incorporated as if fully set forth herein.

8. **Direct Testimony Deadline.** By February 13, 2025, Qwest's direct testimony must be filed and served.

9. **Answer Testimony Deadline.** By March 17, 2025, Interveners' answer testimony must be filed and served.

10. **Rebuttal and Cross-Answer Testimony Deadline.** By April 1, 2025, Qwest's rebuttal testimony, and Interveners' cross-answer testimony must be filed and served.

11. **Deadline for Stipulations and Settlement Agreements.** By April 15, 2025, the parties must file and serve any stipulations and settlement agreements.

12. **Deadline to Report if No Party Will Appear in Person.** Qwest must confer with the parties to confirm that at least one party plans to appear in person at the Commission's offices in Denver for the evidentiary hearing. If no party will appear in person, Qwest must make a filing

on or by April 15, 2025 indicating that no party will appear in person. In such a case, the hearing will be converted to a fully remote evidentiary hearing. This filing is not required if Qwest confirms that at least one party will appear in person at the hearing.

13. **Settlement Testimony Deadline.** Any party wishing to file testimony in support of or in response to any settlement agreement that is filed, must file and serve the same by April 21, 2025. Parties are not required but are strongly encouraged to file settlement testimony.

14. **Corrections, Modifications, and Amendments to Testimonial Exhibits.**

a. By April 21, 2025, the parties must file and serve any corrected, modified, or amended testimonial exhibits and attachments thereto (*i.e.*, corrections to answer, rebuttal, and cross-answer testimony and attachments).

b. The parties may make corrections to testimonial exhibits and attachments thereto without filing a motion seeking leave to do so. Corrections include minor changes, such as fixing typographical or formatting errors. Corrections do not include material or substantive changes. Material or substantive changes to a testimonial hearing exhibit or attachment thereto amount to amending or modifying such documents. Any party wishing to amend or modify a testimonial exhibit or attachment thereto must file a motion establishing good cause; such a motion must be filed as soon as the party becomes aware of the need to amend or modify the filing. The parties must confer with each other prior to filing such a motion. Unreasonable delay in filing such a motion is grounds to deny the motion.

15. **Non-Testimonial Hearing Exhibits Deadline.** By April 21, 2025, the parties must file and serve any non-testimonial hearing exhibits that they plan to offer into evidence (*i.e.*, exhibits not already filed per other deadlines). The parties are not required to pre-file and serve hearing exhibits which may be used solely for impeachment, to refresh recollection, or for

rebuttal. *The parties are on notice* that if they do not prefile an exhibit for any of these reasons, they must establish at hearing that the exhibit is being used for impeachment or to refresh recollection consistent with the requirements of Rules 612 and 613 of the Colorado Rules of Evidence, or for rebuttal.

16. April 21, 2025 is also the deadline to file ***final versions of all exhibits***, as referenced in Attachment B hereto.

17. Any party may use any other party's hearing exhibits during the hearing and should not file them separately.

18. **Hearing Exhibit and Witness Lists Deadline.** By April 21, 2025, the parties must file and serve complete exhibit and witness lists. Witness lists must include a brief description of the witnesses' anticipated testimony and the witnesses' contact information. Exhibit lists must identify the hearing exhibit and attachment numbers, include the full substantive title of each hearing exhibit ***and attachment(s)*** thereto, and include a brief description of each hearing exhibit ***and attachment(s)*** thereto that the party intends to offer into evidence during the evidentiary hearing. Describing or titling a hearing exhibit or attachment thereto solely by identifying the exhibit or attachment number ***does not meet*** this requirement. For example, an exhibits list that describes or titles a hearing exhibit or attachment thereto as "Hearing Exhibit 100" or "Hearing Exhibit 100, Attachment ABC-1" without including the substantive title of the document or information as to substantive nature or content of the exhibit or attachment ***does not*** comply with this requirement.

19. **Prehearing Motions and Responses Deadlines.** By April 22, 2025, the parties must file and serve any prehearing motions. By April 28, 2025, the parties must file and serve responses to prehearing motions.

20. **Joint Witness Examination Matrix Deadline.** By April 25, 2025, the parties must file a joint witness examination matrix listing all the witnesses the parties anticipate will testify at the hearing and the anticipated amount of time each party will use to examine the witnesses. To the extent practicable, the witnesses should be listed in the order in which they will be called. The parties also must assume that the Administrative Law Judge will use some time to examine witnesses.

21. **Statements of Position Deadline.** By May 13, 2025, the parties must file and serve their Statements of Position.

22. **Hearing Exhibit Number Block Assignments.** To efficiently organize exhibits that will be presented during the evidentiary hearing, all parties must use a unified numbering system for all hearing exhibits, consistent with the directions in Attachment B, using hearing exhibits within their assigned exhibit number blocks. The parties are assigned the following hearing exhibit numbers: Staff, the BED Authorities, LETA, the AAJ Authorities, and CCOA:

Party	Assigned Hearing Exhibit Numbers
Qwest	100 to 299
BED Authorities	300 to 399
Staff	400 to 499
LETA	500 to 599
AAJ Authorities	600 to 699
CCOA	700 to 799

23. Any party requiring more exhibit numbers than assigned may use the same numerical sequence of exhibit numbers assigned to them, but in the 1000 range (*e.g.*, Qwest will use hearing exhibit numbers 1100 to 1299; BED Authorities will use hearing exhibit numbers 1300 to 1399, *etc.*).

24. Hearing Exhibit 800 is reserved for the hyperlinked spreadsheet that will be used during the hearing to present evidence.

25. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

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

Rebecca E. White,
Director