

Decision No. R23-0858-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0197T

IN THE MATTER OF THE APPLICATION OF LUMEN D/B/A CENTURYLINK QC FOR
THE 2023 BASIC EMERGENCY SERVICE PROVIDER IMPROVEMENT PLAN.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
GRANTING UNOPPOSED MOTION FOR LATE-FILED
INTERVENTION BY TRIAL STAFF OF THE
COMMISSION AND WAIVER OF RESPONSE TIME**

Mailed Date: December 22, 2023

I. STATEMENT

1. On April 24, 2023, Lumen, doing business as CenturyLink QC (Lumen) filed its application for 2023 Basic Emergency Service Provider Improvement Plan (Application). Lumen filed its Application pursuant to the Commission's Rules of Practice and Procedure, 4 Code of Colorado Regulations (CCR) 723-1-1000 et seq., and in response to Decision No. C23-0125 filed in Proceeding No. 22R-0122T on February 22, 2023 adopting amendments to 4 CCR 723-2-2143(b) and Decision No. C23-0250-I filed in Proceeding No. 22R-0122T on April 19, 2023, extending the deadline for submission of 2023 improvement plans. The 2023 Improvement Plan leverages a unique opportunity to combine state and federal funds to create redundancy, diversity, and resiliency along with three middle mile project routes.

2. By minute entry during the Commission's weekly meeting held on June 7, 2023, this matter was referred to an Administrative Law Judge (ALJ).

3. By Decision No. R23-0412-I, issued June 22, 2023, the intervention of the Office of the Utility Consumer Advocate was noted and requests for permissive intervention of the Colorado Cable Telecommunications Association, the Boulder Regional Emergency Telephone Service Authority (BRETSA), the Douglas County Emergency Telephone Service Authority, the El Paso Teller County Emergency Telephone Service Authority, the Colorado Council of Authorities, Inc., and Larimer Emergency Telephone Authority were granted.

4. On December 18, 2023, the Unopposed Motion for Late-Filed Intervention by Trial Staff of the Commission (Staff) and Waiver of Response Time (Unopposed Motion) was filed by Trial Staff of the Public Utilities Commission.

5. In the Unopposed Motion, Staff states that it recognizes the lateness of its motion to intervene, but requests that the Commission find good cause for Staff's late intervention by right or permission.

6. Staff states that granting the Unopposed Motion is in the public interest, and with the proceeding being held open and Lumen's commitment to share confidential information with intervenors and hold monthly meetings with intervenors in anticipation of submission of amendments to the original improvement plan or a new improvement plan, Staff's intervention would provide the opportunity for Staff to have access to the same information as other stakeholders and work together with Lumen and the other parties to ensure that Lumen's improvement plan enhances reliability of emergency services in a manner that is in the public interest.

7. Staff also states that Staff has specialized knowledge and serves the unique purpose of participating in Commission proceedings to help build the factual record and make recommendations on the outcome which balance the interests of the various parties, as well as the

public, consistent with applicable laws and regulations. Additionally, Staff has a direct interest in improvement plan proceedings, as the Commission has given Staff authority under Commission Rule 2143(b)(II) to request adjustments to the improvement amount associated with the improvement plan.

8. Finally, Staff notes that principles of equity further support the granting of the Unopposed Motion, as no procedural schedule has been established, the deadline for a Commission decision has been waived, and discovery has been stayed; therefore, granting Staff's intervention would not delay the proceeding or needlessly enlarge its scope.

9. Staff notes that it conferred with all parties to this proceeding about the Unopposed Motion. No party opposes the requested relief. The Colorado Cable Telecommunications Association took no position. Therefore, the request is unopposed.

10. Based upon good cause shown for the unopposed relief requested by Staff, response time will be waived and Staff's Unopposed Motion will be granted.

II. ORDER

A. It Is Ordered That:

1. Response time to the Unopposed Motion for Late-Filed Intervention by Trial Staff of the Commission and Waiver of Response Time (Unopposed Motion) filed by Trial Staff of the Public Utilities Commission (Staff) on December 18, 2023, is waived and the request is granted.

2. Staff is granted intervention and is thus a party to this proceeding.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director