

Decision No. R24-0384-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0197T

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

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
DENYING MOTION TO COMPEL**

Mailed Date: June 4, 2024

I. STATEMENT

A. Procedural Background

1. On April 24, 2023, Lumen, doing business as, CenturyLink QC (CenturyLink) filed its application for 2023 Basic Emergency Service Provider Improvement Plan (Application). CenturyLink 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.

2. On May 15, 2023, the Office of the Utility Consumer Advocate timely intervened of right.

3. On May 26, 2023, the Colorado Cable Telecommunications Association's (CCTA) Motion to Permissively Intervene was filed.

4. On May 26, 2023, the Boulder Regional Emergency Telephone Service Authority's, Douglas County Emergency Telephone Service Authority's, and El Paso Teller County Emergency Telephone Service Authority's Notice of Intervention as of Right, or in the Alternative, Motion for Permissive Intervention, and Request for Hearing was filed.

5. On May 26, 2023, the Colorado Council of Authorities, Inc.['s] (CCOA) Notice of Intervention as of Right, or, in the Alternative, Motion to Permissively Intervene was filed.

6. On May 26, 2023, the Larimer Emergency Telephone Authority (LETA) Notice of Intervention as of Right, or, in the Alternative, Motion to Permissively Intervene was filed.

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

8. By Decision No. R23-0412-I, issued June 22, 2023, all interventions were granted and the parties to the proceeding were established.

9. On December 18, 2023, an 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.

10. By Decision No. R23-0858-I, issued December 22, 2023, the Unopposed Motion was granted.

11. On February 15, 2024, CenturyLink filed its Amended Application (Amended Application).

12. On March 4, 2024, CenturyLink filed its Second Amended Application (Second Amended Application).

13. On March 8, 2024, by Decision No. R 24-0154-I, the Second Amended Application was accepted.

14. On May 17, 2024, LETA filed its Motion to Compel Discovery Responses from Qwest Corporation doing business as CenturyLink QC (Motion to Compel).

15. On May 21, 2024, CenturyLink filed its Response of Qwest Corporation d/b/a CenturyLink QC to LETA's Motion to Compel Discovery Responses (Response).

16. On May 23, 2024, oral argument was taken on the Motion to Compel.

II. MOTION TO COMPEL

A. LETA's Motion to Compel

17. In its Motion to Compel LETA argues that the discovery requests made fall under the broad requirement that all projects reduce 911 outages. LETA does not indicate which of the proposed projects are implicated in their discovery requests.

18. LETA believes that under the broad duty to reduce 911 outages, CenturyLink should be required to provide the requested discovery.

B. CenturyLink's Response

19. CenturyLink argues that the discovery requests fail to focus on a specific project and exceed the scope of this proceeding.

C. Conclusion

20. After review of the Motion to Compel, the Response and consideration of the arguments made on May 23, 2024, the Motion to Compel is denied.

21. There is no correlation between the discovery requests made by LETA to the proposed projects in the above captioned proceeding. The discovery requests are beyond the scope of this proceeding.

22. While LETA's concerns are important, there are other proceedings where these discovery requests may be more appropriate.

III. ORDER

It is Ordered That:

1. The Motion to Compel Discovery Responses from Qwest Corporation doing business as CenturyLink QC, filed by the Larimer Emergency Telephone Authority on May 17, 2024, is denied.

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director