

Decision No. R24-0404-I

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
VACATING EVIDENTIARY HEARING,
MODIFYING PROCEDURAL SCHEDULE, AND
WAIVING RESPONSE TIME**

Mailed Date: June 12, 2024

I. STATEMENT

A. Summary

1. This Interim Decision vacates the evidentiary hearing scheduled for June 17-18, 2024, and modifies the procedural schedule to extend the settlement deadline to June 14, 2024.

B. Procedural History

2. On September 29, 2023, Qwest Corporation, doing business as CenturyLink QC (CenturyLink) filed Advice Letter No. 3168 (AL 3168).

3. The Advice Letter and Tariff Sheets modify CenturyLink's Emergency Reporting Services Tariff Colo. P.U.C. No. 25, (sections 1.1, 2.1, and 9.2) to comply with Rule 2137 of the Rules of Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (CCR), 723-2. AL 3168 proposes an effective date of October 16, 2023.

4. On October 6, 2023, Protest Letters were independently filed by the Larimer Emergency Telephone Authority (LETA) and Commission Trial 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. Four entities have sought permissive intervention in this Proceeding:
- a) On November 6, 2023, LETA moved to permissively intervene;
 - b) Also on November 6, 2023, the Colorado Council of Authorities, Inc. (CCOA) moved to permissively intervene;
 - c) 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,
 - d) 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.

7. And on November 21, 2023, Trial Staff (Staff) of the Public Utilities Commission (Commission or PUC) filed an Unopposed Motion for Late-Filed Intervention, accompanied by its Notice of Intervention, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing.

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

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

10. 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., which the ALJ held as scheduled.

11. At the December 15, 2023 prehearing conference, counsel for CenturyLink indicated that CenturyLink sought to delay this Proceeding.

12. Based on the parties' statements at the prehearing conference, on December 21, 2024, the ALJ issued Decision No. R23-0847-I, suspending the Tarriff Sheets for an additional 130 days beyond the 120-day suspension ordered by the Commission, or up to and including June 17, 2024. The ALJ also advised CenturyLink that if it sought to further extend statutory deadlines in this Proceeding, CenturyLink would have to file an Amended Advice Letter.

13. On February 14, 2024, CenturyLink filed Amended Advice Letter No. 3168 (AAL 3168) along with proposed revised Tariff Sheets which identified eight proposed changes to its Tariff Sheets. AAL 3168 proposed an effective date for its Amended Tariff Sheets of March 15, 2024.

14. The undersigned ALJ thereafter issued Decision No. R24-0126-I on February 28, 2024, suspending the effective date of the Tariff Sheets to November 20, 2024, pursuant to § 40-6-111(1)(b), C.R.S.; and scheduling a second prehearing conference to be held March 21, 2024, commencing at 10:00 a.m.

15. At the March 21, 2024 prehearing conference, the parties agreed to reschedule the evidentiary hearing in this Proceeding to June 17-18, 2024.

16. On April 2, 2024, the ALJ issued Decision No. R24-0204-I, scheduling an evidentiary hearing for June 17-18, 2024, and establishing a procedural schedule to govern this Proceeding. The following were among the deadlines set by the procedural schedule.

ACTION	DEADLINE
Stipulations and Settlement Agreements	June 11, 2024
Cross-Examination Matrix	June 12, 2024
Evidentiary Hearing	June 17-18, 2024
Statements of Position	July 12, 2024

17. On June 11, 2024, counsel for CenturyLink filed an Unopposed Motion to Vacate Evidentiary Hearing and Modify Procedural Schedule and Request for Waiver of Response Time (Unopposed Motion to Vacate). The Unopposed Motion to Vacate advised that the parties have been involved in settlement negotiations, have made progress toward a settlement, but would need more time to work out the details. In addition, the Unopposed Motion to Vacate stated that all parties to this Proceeding agreed that the evidentiary hearing and cross-examination matrix are “unnecessary and . . . would be a poor use of party and Commission resources.”¹

II. VACATION OF EVIDENTIARY HEARING

18. The parties are working toward a settlement of some or all of the issues raised in this Proceeding.

19. CenturyLink’s Unopposed Motion to Vacate indicates that the parties agree the evidentiary hearing scheduled to commence this Monday, June 17, 2024, is consequently unnecessary. CenturyLink represents that the parties concur that proceeding with the hearing would be wasteful of the Commission’s and the parties’ time and resources.

¹ Unopposed Motion to Vacate Evidentiary Hearing and Modify Procedural Schedule and Request for Waiver of Response Time (Unopposed Motion to Vacate), p. 1, ¶ 2, filed June 11, 2024.

20. Based on the parties' and CenturyLink's representations, the ALJ finds and concludes that the evidentiary hearing scheduled for June 17-18, 2024, is unnecessary. The hearing will therefore be vacated.

III. MODIFICATION OF PROCEDURAL SCHEDULE

21. In light of the vacation of the evidentiary hearing, the ALJ agrees with the parties that modification of the current procedural schedule is warranted.

22. The parties will not be required to file a cross-examination matrix by the June 12, 2024 deadline. Should the evidentiary hearing be rescheduled, the ALJ will set a new deadline for the cross-examination matrix.

23. The parties have also asked that the procedural schedule be modified to allow them more time to submit any stipulations or settlement documents. Under the current procedural schedule, the deadline for stipulations and settlement agreements expired June 11, 2024, the day on which CenturyLink filed its Unopposed Motion to Vacate. CenturyLink has requested, and no party opposes, the extension of this deadline to Friday, June 14, 2024.

24. The ALJ finds and concludes that extending the deadline for stipulations and settlements agreements to allow the parties additional time to come to a partial or comprehensive settlement agreement is appropriate. The deadline for submitting stipulations and/or settlement agreements will therefore be extended to June 14, 2024.

25. However, the July 12, 2024, deadline for the parties to submit Statements of Position will not be altered at this time.

IV. WAIVER OF RESPONSE TIME

26. Pursuant to Rule 1400(b) of the Rules of Practice and Procedure, 4 CCR 723-1, a responding party “shall have 14 days after service of the motion . . . in which to file a response.” Thus, under Rule 1400(b), any response to CenturyLink’s Unopposed Motion to Vacate is currently due on or before June 25, 2024.

27. Nevertheless, Rule 1308(b), 4 CCR 723-1, permits the Commission to “shorten or waive response time to a motion upon motion of a party or on its own motion upon a finding that time is of the essence. . . The Commission can act immediately where response time is waived and after expiration of the shortened response time.”

28. An unopposed motion such as this may be granted before expiration of the time within which to respond to the motion. See Rule 1400(a)(II), 4 CCR 723-1. As the Unopposed Motion to Vacate is unopposed, the ALJ finds that waiving the response time to the Unopposed Motion to Vacate will not prejudice any party. The ALJ will therefore waive response time to the Unopposed Motion to Vacate Evidentiary Hearing and Modify Procedural Schedule and Request for Waiver of Response Time.

V. ORDER

A. It Is Ordered That:

1. The evidentiary **hybrid** hearing scheduled for June 17 and 18, 2024, is vacated.
2. The procedural schedule adopted by Decision No. R24-0204-I, issued on

April 2, 2024, is modified as follows:

Action	Old Deadline	New Deadline
Stipulations and Settlement Agreements	June 11, 2024	June 14, 2024
Cross-Examination Matrix	June 12, 2024	No longer due
Evidentiary Hearing	June 17-18, 2024	Vacated
Statements of Position	July 12, 2024	Unchanged

3. Response time to the Unopposed Motion to Vacate Evidentiary Hearing and Modify Procedural Schedule and Request for Waiver of Response Time is waived.

4. 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

Rebecca E. White,
Director