

Decision No. R24-0462-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 CENTURLINK QC TO REVISE ITS EMERGENCY REPORTING SERVICES TARIFFS COLORADO P.U.C. NO. 25, TO BECOME EFFECTIVE OCTOBER 16, 2023.

**INTERIM DECISION
EXTENDING TIME TO RESPOND TO
MOTION TO APPROVE SETTLEMENT,
ACCEPTING PREFILED EXHIBITS INTO RECORD, AND
WAIVING RESPONSE TIME TO
MOTION TO EXTEND RESPONSE TIME**

Issued Date: June 27, 2024

I. STATEMENT

A. Summary

1. This Interim Decision extends the time for the non-settling parties to respond to the Joint Motion to Approve Non-Unanimous Comprehensive Settlement Agreement (Joint Motion to Approve), grants the Motion to Admit into the Record Prefiled Testimony, and waives the response time to the motion to extend the time period to respond to the Joint Motion to Approve.

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 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 Trial Staff (Staff) of the Public Utilities Commission (PUC or Commission), 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 sought permissive intervention in this Proceeding: (1) LETA; (2) the Colorado Council of Authorities, Inc. (CCOA); (3) the Boulder Regional Emergency Telephone Service Authority (BRETSA); and (4) 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).

7. Subsequently, Staff 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 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. After considering issues raised by the parties at a prehearing conference held Friday, December 15, 2023, 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 any further extensions of the statutory deadline could only be accomplished if it filed an Amended Advice Letter.

11. On February 14, 2024, CenturyLink filed Amended Advice Letter No. 3168 (AAL 3168) and Amended Tariff Sheets. AAL 3168 proposed an effective date for its Amended Tariff Sheets of March 15, 2024.

12. 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.

13. After holding a second prehearing conference, the ALJ issued Decision No. R24-0204-I on April 3, 2024, scheduling an evidentiary hearing for June 17-18, 2024, and establishing a procedural schedule to govern this Proceeding. Under the adopted procedural schedule, CenturyLink's direct testimony was due April 19, 2024; Intervenors' answer testimony was due May 20, 2024; CenturyLink's rebuttal testimony was due June 3, 2024; and any corrections to prefiled testimony were due June 7, 2024.

14. Pursuant to this schedule, the parties have submitted the following exhibits and prefiled testimony:

- CenturyLink's Hearing Exhibit 100 – Direct Testimony of Drew Groff;

- CenturyLink’s Hearing Exhibit 101 – Emergency Reporting Services Tariff;
- CenturyLink’s Hearing Exhibit 102 – Rebuttal Testimony of Drew Groff, along with Attachment DG-1;
- Staff’s Hearing Exhibit 200 – Answer Testimony of Jennifer Kirkland, along with Attachments JK-1 (Staff’s Proposed Amendments to Second Amended Tariff as Revised by Direct Testimony (Redlined)) and JK-2 (Staff’s Proposed Revisions to the BES Tariff (Clean));
- CCOA’s Hearing Exhibit 300 – Answer Testimony of Carl Stephens;
- CCOA’s Hearing Exhibit 301 – CCOA’s Redline of Emergency Reporting Services Tariff Colo. PUC No. 25 at Section 1, 1st Revised Page 2;
- CCOA’s Hearing Exhibit 302 – CCOA’s Redline of Emergency Reporting Services Tariff Colo. PUC No. 25 at Section 1, Original Page 4;
- CCOA’s Hearing Exhibit 303 – Colorado Secretary of State Statement of Change Changing the True Name changing CenturyLink, Inc./CenturyTel, Inc. to Lumen Technologies, Inc.;
- CCOA’s Hearing Exhibit 304 – Page 1 of CenturyLink’s Second Amended Application in Proceeding No. 23A-0197T;
- CCOA’s Hearing Exhibit 305 – Interim Decision No. R24-0154-I in Proceeding No. 23A-0197T, issued March 8, 2024;
- CCOA’s Hearing Exhibit 306 – CCOA’s Redline of Emergency Reporting Services Tariff Colo. PUC No. 25 at Section 2, 1st Revised Page 1;
- CCOA’s Hearing Exhibit 307 – Page 3 of Attachment A to Decision No. R22-0811 in Proceeding No. 22R-0122T;
- CCOA’s Hearing Exhibit 308 – CCOA’s Redline of Emergency Reporting Services Tariff Colo. PUC No. 25 at Section 9, Original Page 34;
- CCOA’s Hearing Exhibit 309 – Rule 2137(a) of the Commission’s Rules Regulation Telecommunications Services and Providers of Telecommunications Services, 4 CCR 723-2; and
- CCOA’s Hearing Exhibit 310 – CenturyLink Amended Advice Letter - Emergency Reporting Services Tariff Colo. PUC No. 25 at Section 9, 1st Revised Page 35 (with highlight).

15. 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 had engaged in ongoing settlement negotiations and requested additional time to work out the details of any settlement. By Decision No. R24-0404-I, issued June 12, 2024, the ALJ vacated the evidentiary hearing scheduled for June 17-18, 2024, and modified the procedural schedule to allow the parties additional time to file any settlement documents.

16. On June 14, 2024, CenturyLink, Staff, BRETSA, and the AAJ Authorities (the Settling Parties) filed their Joint Motion to Admit into the Record Pre-Filed Testimony, Approve Non-Unanimous Comprehensive Settlement Agreement and Extend Response Time (Joint Motion to Approve). The Joint Motion to Approve was filed with the Non-Unanimous Comprehensive Settlement Agreement (Settlement Agreement) reached by the Settling Parties.

17. The Joint Motion to Approve represents that four of the six parties to this Proceeding have entered into a settlement agreement. Intervenors LETA and CCOA have not joined in the settlement at this time and “reserve the right to address and oppose the Settlement Agreement by the procedure” agreed to by the parties.

18. The Settling Parties request that the Settlement Agreement be approved by the Commission without modification.

19. To accommodate any opposition LETA and CCOA may have to the Settlement Agreement, the parties have all agreed that the prefiled testimony and exhibits—which are identified above—be admitted into the record as evidence in this Proceeding. In addition, the parties request that the time period for LETA and CCOA to respond to the Joint Motion to Approve be extended up to and including July 12, 2024. Finally, the Settling Parties propose

that, in lieu of a hearing on the Joint Motion to Approve, the ALJ pose any questions the Commission may have regarding the Settlement Agreement in writing and set a deadline for the parties to respond to those questions.

20. The Settling Parties' request to admit into the record as evidence the prefiled testimony and exhibits filed thus far in this Proceeding by the parties is unopposed; LETA and CCOA have agreed to the admission of these exhibits.

21. There being no objection to the admission into evidence of the prefiled testimony and exhibits, the ALJ finds and concludes that this request is reasonable. Hearing Exhibits 100, 101, 102, 200, and 300-310, along with any attachments to those exhibits, will be admitted into the record as evidence.

22. Because no party opposes the admission of this evidence, response time to this request is waived pursuant to Rule 1400(b) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

23. Likewise, there being no opposition to the Settling Parties' request to extend the deadline by which LETA and CCOA must respond to the Joint Motion to Approve, the ALJ finds and concludes that this request is also reasonable. Response time to the Joint Motion to Approve will be extended up to and including July 12, 2024.

24. Response time to the Settling Parties' request to extend the deadline to respond to the Joint Motion to Approve is also waived pursuant to Rule 1400(b).

25. Finally, with respect to the Settling Parties' proposal that a hearing on their Joint Motion to Approve is unnecessary at this time and that any questions the Commission may have about the Settlement Agreement can be posed to the parties in writing, the ALJ will review the proposal and issue a Decision addressing this point in the future.

II. ORDER

A. It Is Ordered That:

1. The prefiled testimony and exhibits filed in this Proceeding as Hearing Exhibits 100-102, 200, and 300-310 (along with any attachments thereto) are admitted into the record as evidence.

2. The Non-Settling Parties — Larimer Emergency Telephone Authority (LETA) and the Colorado Council of Authorities, Inc. (CCOA) — shall have up to and including **July 12, 2024**, within which to respond to Joint Motion to Approve Non-Unanimous Comprehensive Settlement Agreement filed on June 14, 2024, by Qwest Corporation, doing business as CenturyLink QC (CenturyLink); Trial Staff of the Colorado Public Utilities Commission; the Boulder Regional Emergency Telephone Service Authority (BRETSA); and 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).

3. Response time to the request to extend the deadline to respond to the Joint Motion to Approve Non-Unanimous Comprehensive Settlement Agreement and the request to admit prefiled testimony and exhibits into the record as evidence 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

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

Rebecca E. White,
Director