

Decision No. R24-0537-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23AL-0486T

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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.

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**INTERIM DECISION  
WAIVING RULE 1400(e) AND  
REQUIRING CLARIFYING FILING**

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Issued Date: July 25, 2024

**I. STATEMENT**

**A. Summary**

1. This Interim Decision waives Rule 1400(e) of the Public Utilities Commission's ("Commission" or "PUC") Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, permitting the Settling Parties (as defined below) to reply to the Combined Joint Response to Joint Motion to Approve Non-Unanimous Comprehensive Settlement Agreement and Joint Statement of Position ("Joint Response") filed by Intervenor Larimer Emergency Telephone Authority ("LETA") and the Colorado Council of Authorities, Inc. ("CCOA") on July 12, 2024. In addition, as discussed more fully below, this Decision orders CenturyLink to clarify the name under which it conducts business.

**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, (specifically, §§ 1.1, 2.1, and 9.2) to comply with Rule 2137 of the Rules of Telecommunications Services and Providers of Telecommunications Services, 4 CCR 723-2. AL 3168 proposed an effective date of October 16, 2023.

4. On October 6, 2023, Protest Letters were independently filed by LETA and Trial Staff of the Commission ("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. By Decision No. R23-0809-I, issued December 7, 2023, the undersigned ALJ granted the permissive interventions sought by LETA; CCOA; 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 ("the AAJ Authorities"). Decision No. R23-0809-I also acknowledged Staff's intervention as of right.

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

8. 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.

9. Thereafter, on February 28, 2024, the undersigned ALJ issued Decision No. R24-0126-I, suspending the effective date of the Tariff Sheets to November 20, 2024, pursuant to § 40-6-111(1)(b), C.R.S.

10. By Decision No. R24-0204-I, issued April 3, 2024, the ALJ scheduled an evidentiary hearing for June 17-18, 2024, and established a procedural schedule to govern this Proceeding.

11. 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.

12. 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”), accompanied by the Settling Parties’ Non-Unanimous Comprehensive Settlement Agreement (“Settlement Agreement”). The Joint Motion to Approve requested that the Settlement Agreement be approved without modification, but did not discuss terms of the Settlement Agreement in detail.

13. By Decision No. R24-0462-I, issued June 27, 2024, the undersigned ALJ set a deadline of July 12, 2024, by which LETA and CCOA were to file any response in opposition to the Joint Motion to Approve and the Settlement Agreement.

14. On July 12, 2024, LETA and CCOA filed their Joint Response. In it, LETA and CCOA propose several changes be made to the language in Tariff 25:

15. Substitute “to Customers” for the phrase “to Public Safety Answering Points” in the first paragraph of § 1.1;

- a. Amend the second paragraph of § 1.1 to clarify that CenturyLink’s Local Terms of Service do not apply to basic emergency service (“BES”);
- b. Eliminate an allegedly erroneous reference to Local Terms of Service from § 1.7 and replace it with the word “Tariff”;
- c. Revise § 1.7 to reflect CenturyLink’s name change to Lumen Technologies, Inc. (“Lumen”);
- d. Add the following clarifying language to § 2.1: “All definitions set forth herein are intended to be consistent with the definitions in the applicable PUC rules 4 CCR 723-2-2131. To the extent there is an irreconcilable conflict between the definitions in this Tariff and such Rules, the definition in the Rules shall control, even if the Rules were amended after the effective date of this Tariff.”
- e. Edit language in § 9.2.5.A.1 to mirror language in the Commission’s Rules Regulating Telecommunications Providers;
- f. Emphasize the importance of avoiding transfers of calls in § 9.2.5.A.1; and,
- g. Set a deadline by which CenturyLink must file an undated, “cleaned up” Tariff.

16. Having reviewed both the Joint Motion to Approve and the Joint Response, it appears that the differences between the positions of the Settling Parties on the one hand, and LETA and CCOA on the other hand, are fairly minimal and surmountable.

17. However, the ALJ notes that the Settling Parties have not weighed in specifically on the changes LETA and CCOA propose.

18. Rule 1400(e), 4 CCR 723-1, prohibits parties from filing a “reply to a response unless the Commission orders otherwise.” (Emphasis added.)

19. Given that the Settling Parties did not address LETA's and CCOA's settlement position in their Joint Motion to Approve, the undersigned ALJ and the Commission are unaware of the Settling Parties' response to the proposed changes. Because it would assist the undersigned ALJ in understanding all parties' positions, the ALJ will waive Rule 1400(e)'s prohibition against filing replies. The Settling Parties may file a reply in support of their Joint Motion to Approve and the Settlement Agreement.

20. The ALJ will order that any reply the Settling Parties wish to submit to the Joint Response should be filed within 10 days of the issuance of this Decision.

21. Finally, the ALJ asks the Settling Parties, and CenturyLink in particular, to clarify the name under which it operates and intends to file and maintain its Tariff. As LETA and CCOA have indicated, CenturyLink changed its name to Lumen some time ago, yet continues to file pleadings and Advice Letters with the Commission under the name CenturyLink. The ALJ asks CenturyLink to clarify for the Commission the name under which it operates, conducts business with the Commission, and files pleadings with the Commission.

## **II. ORDER**

### **It is Ordered That:**

1. The prohibition against filing a reply to a response to a motion articulated in Rule 1400(e) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1 is waived. The Settling Parties who, on June 14, 2024, filed their Joint Motion to Admit into the Record Pre-Filed Testimony, Approve Non-Unanimous Comprehensive Settlement Agreement and Extend Response Time, may file a reply to the Joint Response to Joint Motion to Approve Non-Unanimous Comprehensive Settlement Agreement and Joint Statement of Position filed July 12, 2024.

2. Any such reply submitted by the Settling Parties is due within ten days of the issuance of this Decision.

3. Within ten days of the issuance of this Decision, Qwest Corporation, doing business as CenturyLink QC ("CenturyLink") is ordered to clarify in writing the name under which it intends to be identified in its Tariff and the name under which it intends to conduct business with the Commission.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ALENKA HAN

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,  
Director