

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24AL-0397T

IN THE MATTER OF ADVICE LETTER NO. 3169 FILED BY QWEST CORPORATION DBA CENTURYLINK QC COLORADO P.U.C. NO. 25 TO ADD ADDITIONAL SERVICES AND FEATURES TO THE ESINET, TO BECOME EFFECTIVE OCTOBER 18, 2024.

**RECOMMENDED DECISION
GRANTING MOTION TO WITHDRAW ADVICE LETTER
AND TARIFF SHEETS AND CLOSING PROCEEDING**

Issued Date: February 10, 2025

I. PROCEDURAL HISTORY AND BACKGROUND

A. Procedural History

1. On September 17, 2024, Qwest Corporation, doing business as CenturyLink QC of Colorado (“CenturyLink”) filed Advice Letter No. 3169 and Tariff Sheets Colo. P.U.C. No. 25 with an October 18, 2024 effective date.

2. On October 17, 2024, the Colorado Public Utilities Commission suspended the effective date of the first Tariff Sheets for 120 days to February 15, 2025, referred this matter to an Administrative Law Judge (“ALJ”) for disposition, and established a 30-day intervention period, which expired on November 18, 2024.¹

3. On October 31, 2024, the Boulder Regional Emergency Telephone Service Authority, El Paso-Teller County Emergency Telephone Service Authority, and Douglas County Emergency Telephone Service Authority, (collectively, “BED Authorities”) filed a joint Notice of Intervention as of Right, or in the Alternative, Motion for Permissive Intervention, and Request

¹ Decision Nos. C24-0750 (issued October 17, 2024); C24-0750-E (mailed October 28, 2024).

for Hearing (“BED Authorities’ Intervention”) objecting to the Advice Letter and Tariff Sheets and requesting the matter be set for a hearing.

4. Also on October 31, 2024, Colorado Public Utilities Commission Trial Staff (“Staff”) filed a Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a), and Request for Hearing (“Staff’s Intervention”) objecting to the Advice Letter and Tariff Sheets and requesting the matter be set for a hearing.

5. On November 5, 2024, the Larimer County Emergency Telephone Authority (“LETA”) filed a Motion to Permissively Intervene.

6. Also on November 5, 2024, the Adams County E-911 Emergency Telephone Service Authority, the Arapahoe County 911 Authority, and the Jefferson County Emergency Communications Authority (collectively, “AAJ Authorities”) filed a joint Motion for Permissive Intervention.

7. On November 12, 2024, the Colorado Council of Authorities, Inc., (“CCOA”) filed a Motion to Permissively Intervene.

8. On December 10, 2024, CenturyLink filed an amended Advice Letter (“Amended Advice Letter”) and Tariff Sheets Colo. P.U.C. No. 25 (“Tariff Sheets”) with a December 17, 2024 effective date for the Tariff Sheets.

9. By Decision No. R24-0901-I, issued December 12, 2024, the ALJ then-assigned to this Proceeding, among other things, acknowledged Staff’s Intervention, granted the permissive interventions of the BED Authorities, LETA, AAJ Authorities, and CCOA; suspended the effective date of the Tariff Sheets by an additional 130 days to August 24, 2025; scheduled an evidentiary hearing in this Proceeding; and set procedural deadlines for this Proceeding.

10. On January 31, 2025, the Motion of Qwest Corporation d/b/a CenturyLink QC to Withdraw Advice Letter No. 3169 and Related Tariff Pages and Request to Stay Procedural Schedule Pending Resolution of this Motion (“Motion”) was filed by CenturyLink.

11. As of the date of the filing of this Decision, none of the parties filed a response to the Motion.

1. Proceeding No. 24D-0534T

12. Following the issuance of Decision No. R24-0901-I in this Proceeding, on December 9, 2024, the BED Authorities filed their Petition for Declaratory Order, or in the Alternative Petition for Rulemaking (“Petition”). The Petition commenced Proceeding No. 24D-0534T. As pertinent to this Proceeding, the Petition notes that Proceeding No. 24AL-0397T is currently before the Commission and states that:

... the issues which parties in Proceeding No. 24AL-0397T will be addressing... include whether the services introduced in the tariff filing should be optional or mandatory, when the parties’ positions might well depend on whether and how the Commission would determine optional services should be subsidized with proceeds of the Surcharge...²

13. By Decision No. C25-0015-I in Proceeding No. 24D-0534T, issued January 9, 2025, the Commission, among other things, accepted the Petition and set an intervention deadline of February 10, 2025 in Proceeding No. 24D-0534T. In Decision No. C25-0015-I, the Commission stated: “We find that entertaining the questions presented in the Petition may remove uncertainties surrounding the impact of the Commission’s 911 Surcharge process on certain services that may be included in the [Basic Emergency Service Provider’s] tariff.”³

² Petition at ¶ 3.

³ Decision No. C25-0015-I in Proceeding No. 24D-0534T (issued January 9, 2025) at ¶ 8.

II. DISCUSSION

14. In ¶¶ 5-8 of the Motion, CenturyLink states:

5. In light of Proceeding 24D-0534T, which directly relates to and impacts this proceeding, CenturyLink has determined that, in the interest of efficiency, it is logical to wait for guidance from the Commission in Proceeding 24D-0534T before litigating tariff changes in this proceeding. The alternative would be to litigate in parallel proceedings similar issues. Not only would this be inefficient, but it would also raise the risk of conflicting outcomes in the two proceedings.

6. CenturyLink is committed to amending its BES offerings to include in some form the services currently at issue in this proceeding. CenturyLink intends to refile an advice letter at the conclusion of Proceeding 24D-0534T to accomplish that, though, likely with revisions from the current iteration of the Advice Letter based on feedback from the other parties since the advice letter was initially filed. For these reasons, CenturyLink does not currently wish to pursue the tariff amendments at issue in this proceeding.

7. Testimony has not yet been filed and no significant litigation activity in this proceeding has occurred. No prejudice will result if this Motion is granted.

8. Based on the foregoing, good cause has been shown to permit CenturyLink to withdraw the Advice Letter and related Tariff pages in the interests of administrative efficiency. Further, in the interest of administrative efficiency, CenturyLink requests that the procedural schedule currently in place, including its obligation to file direct testimony on February 13, 2025 be stayed pending resolution of this Motion.

15. The undersigned ALJ finds and concludes that in the Motion, CenturyLink states good cause for CenturyLink's requested relief. The Motion is unopposed as to four of the five intervening parties in this Proceeding.⁴ As of the date of the issuance of this Decision, the fifth party, CCOA, has not filed a response to the Motion. The ALJ finds and concludes that no harm will come to any party herein as a result of allowing CenturyLink to withdraw the Amended Advice

⁴ Motion. at p. 1.

Letter and Tarriff Sheets. Therefore, response time to the Motion will be waived *sua sponte*, and the Motion will be granted, as ordered below.

16. Based on the foregoing, the Amended Advice Letter and the appended Tariff Sheets will be withdrawn, as ordered below.

17. The ALJ finds and concludes that there is nothing further to address or to decide in this Proceeding. Therefore, the hearing and remaining procedural schedule ordered by Decision No. R24-0901-I will be vacated, and this Proceeding will be closed, as ordered below.

18. The ALJ reminds CenturyLink that it cannot provide telecommunications service without having on file with the Commission tariffs that contain the terms and conditions of, and the rates and charges for, any telecommunications service that CenturyLink provides in Colorado.

19. Pursuant to § 40-6-109(2), C.R.S., the Administrative Law Judge recommends that the Commission enter the following order.

III. ORDER

A. It Is Ordered That:

1. Consistent with the discussion above, Response time to the Motion of Qwest Corporation d/b/a Centurylink QC to Withdraw Advice Letter No. 3169 and Related Tariff Pages and Request to Stay Procedural Schedule Pending Resolution of this Motion (“Motion”) was filed by Qwest Corporation, doing business as CenturyLink QC (“CenturyLink”) on January 31, 2025, is waived *sua sponte*.

2. The Motion is granted.

3. The Advice Letter and Tariff Sheets Colo. P.U.C. No. 25 bearing a December 17, 2024 effective date for the Tariff Sheets, filed by CenturyLink on December 10, 2024, are withdrawn.

4. The hearing scheduled for April 29 and May 1, 2025 is vacated.
5. The remaining procedural schedule in this Proceeding is vacated.
6. Proceeding No. 24AL-0397T is closed.
7. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.
8. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.
 - a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
 - b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

9. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director