

Decision No. R25-0344-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24F-0470T

LARIMER EMERGENCY TELEPHONE AUTHORITY,

COMPLAINANT,

V.

QWEST CORPORATION DOING BUSINESS AS CENTURYLINK QC,

RESPONDENT.

**INTERIM DECISION
DENYING MOTION TO COMPEL; DENYING MOTION
FOR A PROTECTIVE ORDER; GRANTING MOTION TO
FILE AMENDED ANSWER; ADOPTING PROCEDURAL
SCHEDULE AND SCHEDULING EVIDENTIARY
HEARING**

Issued Date: May 7, 2025

I. STATEMENT

1. On October 30, 2024, the Larimer Emergency Telephone Authority (“LETA” or “Complainant”) filed a Complaint against Qwest Corporation, doing business as CenturyLink QC (“CenturyLink” or “Respondents”). That filing commenced this proceeding.

2. On November 5, 2024, Rebecca White, Director, served a copy of the Complaint together with an order requiring the Respondents to satisfy or answer said complaint within 20 days, in accordance with § 40-6-108, C.R.S. An evidentiary hearing was scheduled for January 13, 2024.

3. On November 6, 2024, the above-captioned proceeding was referred by minute order to an Administrative Law Judge (“ALJ”).

4. On November 22, 2024, CenturyLink filed its Unopposed Motion to Vacate the Procedural Schedule, Request a Prehearing Conference and Request a Waiver of Response Time (“Unopposed Motion”).

5. On December 3, 2024, by Decision No. R24-0888-I, the Unopposed Motion was granted and a prehearing conference was scheduled for January 13, 2025.

6. On December 11, 2024, LETA filed its Motion to Disqualify Administrative Law Judge Robert I. Garvey (“Motion to Disqualify”).

7. On December 18, 2024, by Decision No. R24-0924-I, the prehearing conference scheduled for January 13, 2024, was vacated due to the pending Motion to Disqualify.

8. On December 26, 2024, CenturyLink filed its Response to Lamar Emergency Telephone Authority’s Motion to Disqualify Administrative Law Judge Robert I. Garvey.

9. On January 17, 2025, LETA filed its Motion to Set Prehearing Conference to Establish Procedural Schedule and Shorten Response Time (“Motion to Set Prehearing Conference”).

10. On January 21, 2025, LETA filed its Motion to Compel Discovery Responses from Qwest Corporation doing business as CenturyLink QC and Shorten Response Time (“Motion to Compel”).

11. On January 24, 2025, by Decision No. R25-0056-I, the Motion to Disqualify was denied and a prehearing conference was scheduled for February 11, 2025.

12. On January 28, 2025, CenturyLink filed its Motion for a Protective Order.

13. On January 29, 2025, LETA filed its Request for the Full Commission Review of the Interim Decision Denying LETA’s Motion to Disqualify Administrative Law Judge Robert I. Garvey (“Request for Full Commission Review”).

14. On January 30, 2025, CenturyLink and LETA filed their Joint Motion for Redaction of a Map from Public Record (“Joint Motion”).

15. On January 30, 2025, by Decision No. R25-0071-I, the prehearing conference scheduled for February 11, 2025, was vacated, the Joint Motion was granted, and the proceeding was stayed pending a resolution on the Request for Full Commission Review.

16. On January 31, 2025, LETA filed its Motion to Compel Discovery Responses from Qwest Corporation doing business as CenturyLink QC and Shorten Response Time.

17. On March 26, 2025, by Decision No. C25-0214, the Commission denied LETA’s requested relief in LETA’s Request for Commission Review.

18. On April 4, 2025, by Decision No. R25-0254-I, the stay in the proceeding was lifted and a prehearing conference was scheduled for April 28, 2025.

19. On April 4, 2025, LETA filed the direct testimony of seven witnesses.

20. On April 8, 2025, CenturyLink filed its Motion for Leave to File Amended Answer (“Motion for Amended Answer”).

21. On April 21, 2025, LETA filed its Response in Opposition to CenturyLink’s Motion for Leave to File Amended Answer.

II. PENDING MOTIONS

22. These motions were addressed and ruled on during the prehearing conference held on April 28, 2025.

23. The rulings made during the prehearing conference are memorialized in this decision.

A. Motion to Compel

24. During the prehearing conference LETA stated that CenturyLink has provided the discovery in dispute or represented that the requested information does not exist.

25. Since there are no longer any disputed issues, the Motion to Compel is denied as moot.

B. Motion for a Protective Order

26. In the Motion for a Protective Order, CenturyLink opposed depositions arguing that it was premature in the proceeding to depose any witnesses. CenturyLink did not object to the individual depositions, only the timing of the depositions.

27. Additional discovery has occurred since the Motion for a Protective Order was filed. At the prehearing conference CenturyLink stated they no longer object to the timing of the depositions, but requested that there be a limitation on the number of depositions.

28. The Motion for a Protective Order was denied, and the number of depositions was limited to nine.

29. If a party believes that additional depositions are necessary, they may file a motion requesting additional depositions.

C. Motion for Leave to File Amended Answer

30. The Motion for Leave to File Amended Answer was granted and the portion filed as confidential shall remain confidential.

31. The proceeding is still at an early stage, there is no prejudice, and there was a showing of good cause to allow the Answer to be amended.

32. The portion of the Amended Answer that was filed as confidential shall remain confidential.

III. PROCEDURAL SCHEDULE

33. Through informal communications the Parties proposed the following procedural schedule:

Event	Deadline
Direct Testimony	April 4, 2025
Answer Testimony	June 25, 2025
Rebuttal Testimony	July 14, 2025
Stipulations/Settlement Agreement Pre-hearing Motions	July 16, 2025
Corrections to Pre-filed Testimony and Exhibits; Responses to Prehearing Motions	July 23, 2025
Witness Matrix/Estimated Cross time	July 23, 2025
Hearing	July 28-30 & August 1, 2025
Statements of Position	August 13, 2025

34. The discovery procedures contained in Commission Rule 1405 shall govern this proceeding.

35. The hearing shall be held as a hybrid hearing. If a party intends to participate remotely, they shall notify the ALJ before July 21, 2025.

IV. HYBRID HEARING AND UNIFIED NUMBERING SYSTEM FOR EXHIBITS

36. A hybrid hearing is one in which at least one party chooses to appear in person, while others choose to appear remotely. A webcast of proceedings will be available to the public through the Commission's website.

37. The evidentiary hearing scheduled below will be held as a hybrid hearing. This Decision, Attachment A, and Attachment B provide important information and instructions to facilitate holding the remote hearing, which all parties must follow.

38. The procedures developed for the hybrid evidentiary hearing are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. For example, participating by video conference allows parties and witnesses to view exhibits on the video conference screen while the exhibits are being offered into evidence and witnesses testify about them.

39. The hybrid evidentiary hearing will be conducted via video conference using the Zoom platform. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. To minimize the potential that the hybrid hearing may be disrupted by non-participants, the link and meeting ID, or access code to attend the hearing will be provided to the parties by email approximately one week before the hearing and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

40. At the hearing, the parties may call witnesses, present evidence, and make arguments in support of their position. Evidence includes documentary exhibits, testimony, and other tangible items that a party wishes the ALJ to consider in reaching a decision as to the allegations in this proceeding. Given that the hearing will accommodate remote participation by video conference, exhibits must be presented electronically.

41. The Public Utilities Commission Administrative Hearings Section uses box.com to receive and manage exhibits that are first presented in this type of hybrid evidentiary hearing.¹ As such, it is essential that the parties ensure they are able to access and use box.com prior to the evidentiary hearing. To this end, the parties will be provided box.com links and instructions to: (a) upload exhibits for use during the hearing; and (b) download exhibits once they are presented during the hearing.

42. Each party must (a) pre-mark all hearing exhibits with a hearing exhibit number within their assigned number block before uploading the exhibits to the party's designated box.com folder; (b) sequentially page-number each page of exhibits longer than two pages, with the first page number as page 1, regardless of content, before uploading the exhibits to the party's designated box.com folder; and (c) upload all pre-marked exhibits into each party's respective designated box.com folder prior to the presenting them during the hearing.

43. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is very important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

¹ Box.com is a web-based document sharing service. When exhibits are first presented during the hearing, the Commission will receive them electronically from each party's box.com folder for display.

44. In order to efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- LETA is assigned hearing exhibit numbers 100 to 199; and
- CenturyLink is assigned hearing exhibit numbers 200 to 299.

A. Additional Procedural Notices and Advisements

45. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

46. Additional procedural requirements may be addressed in future Interim Decisions.

47. The parties are advised that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the parties comply with these rules. The rules are available on the Commission's website (<http://puc.colorado.gov/pucrules>), and in hard copy from the Commission.

48. Each party is specifically advised that all filings with the Commission must also be served upon all other parties in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

49. The Parties are also on notice that failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interests.

V. **ORDER**

1. A hearing in this matter shall be conducted at the following date, time and place:

DATE: July 28-30 & August 1, 2025

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado 80202

WEBCAST: Commission Hearing Room B

METHOD: In-person and by video conference using
Zoom at the link to be provided to counsel
and the parties via email prior to the hearing.

Optionally, any party may participate remotely by joining a video conference using Zoom at the link provided as to the established parties in an email prior to the scheduled hearing, as addressed above.²

2. The parties and witnesses may not distribute the Zoom link and access code to anyone not participating in the remote hearing.

3. All participants in the hearing must comply with the requirements in Attachments A and B to this Decision, which are incorporated herein and, in the discussion above.

4. **Video Conference Participation.** Counsel for the parties, parties, and witnesses may attend in person or participate in the evidentiary hearing by video conference using the Zoom platform.

5. **Evidence Presentation at the Evidentiary Hearing.** Because the hearing may accommodate remote participation by video conference, all evidence must be presented electronically. Each party is responsible for ensuring that they and their respective witnesses: (a)

² Instructions for using the Zoom video conferencing platform are provided in Attachment A to this Decision.

have access to all pre-filed exhibits; and (b) can download and view documents available from box.com during the hearing.

6. The procedural schedule as stated above in paragraph 33, is adopted.

7. The Motion to Compel Discovery Responses from Qwest Corporation doing business as CenturyLink QC filed by Larimer Emergency Telephone Authority (“LETA”) on January 21, 2025, is denied as moot.

8. The Motion for a Protective Order, filed by Qwest Corporation, doing business as CenturyLink QC (“CenturyLink”) on January 28, 2025, is denied. Parties shall be limited to nine depositions.

9. Motion for Leave to File Amended Answer filed by CenturyLink on April 8, 2025, is granted.

10. The Parties shall be held to the advisements in this Decision.

11. This Decision shall be 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

Rebecca E. White,
Director