

Decision No. R22-0756-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22AL-0356T

IN THE MATTER OF ADVICE LETTER NO. 3165 FILED BY QWEST CORPORATION
D.B.A. CENTURYLINK QC TO AMEND THE ESINET TARIFF TO PROVIDE A MORE
ROBUST REPORTING TOOL CALLED THE EMERGENCY CALL TRACKING SYSTEM,
TO BECOME EFFECTIVE SEPTEMBER 16, 2022.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE G. HARRIS ADAMS
ESTABLISHING PROCEDURAL SCHEDULE AND
EXHIBIT PROCEDURES, SCHEDULING EVIDENTIARY
HEARING, AND EXTENDING THE PERIOD OF
SUSPENSION**

Mailed Date: November 28, 2022

I. STATEMENT, SUMMARY, AND BACKGROUND

A. Procedural Background

1. On August 15, 2022, Qwest Corporation, doing business as CenturyLink QC (CenturyLink) filed Advice Letter No. 3165 (AL 3165) with tariff sheets to modify CenturyLink Colo. P.U.C. No. 25 Section 9.2.5, Emergency Reporting Service.

2. By Decision No. C22-0543, issued September 14, 2022, the Commission set for hearing the tariff sheets filed with AL 3165, suspended the proposed effective date to January 14, 2023, and referred the matter to an administrative law judge (ALJ) for disposition.

3. By Decision No. R22-0637-I, issued October 24, 2022, the interventions by right of Boulder Regional Emergency Telephone Service Authority (BRETSA), the Douglas County Emergency Telephone Service Authority (Douglas ETSA) and the El Paso-Teller County

Emergency Telephone Service Authority (El Paso 911) (collectively, the Authorities) were noted and the intervention of the Colorado Council of Authorities, Inc. (CCOA), the Adams County E-911 Emergency Telephone Service Authority, the Arapahoe County 911 Authority, and the Jefferson County Emergency Communications Authority (the AAJ Authorities) were granted.

4. All parties were informally invited to advise the undersigned whether there was any consensus as to the type of hearing preferred or a procedural schedule to govern the proceeding.

5. On November 14, 2022, CenturyLink filed a proposed procedural schedule; however, it did not reflect a consensus of all parties. Therefore, by Decision R22-0726-I, issued November 15, 2022, a remote prehearing conference was scheduled to address the proposed procedural schedule and any other matters raised by the parties.

6. On November 16, 2022, the BRETSA's Concurrence with the Proposed Procedural Schedule was filed resulting in a consensus proposal.

7. By Decision No. R22-0748-I, issued November 21, 2022, the prehearing conference scheduled for November 22, 2022, was vacated.

II. PROCEDURAL SCHEDULE AND EVIDENTIARY HEARING

8. All parties have agreed to the proposed procedural schedule. The proposed schedule is reasonable and will be adopted, as ordered below.

9. The parties agreed upon an evidentiary hearings date. However, the hearing was proposed to commence on February 20, 2023, which is Presidents' Day and a State holiday. The Commission's offices will be closed. The parties informally communicated a consensus to hold the hearing on February 28, 2022 and March 1, 2022. To ensure the Commission has adequate time to deliberate and decide the matter within the suspension period, including any exceptions,

the hearing date will be scheduled conditioned upon CenturyLink amending the proposed effective date of the suspended tariff pages.

10. A hybrid evidentiary hearing will be scheduled in this proceeding due to the COVID-19 pandemic. Public access to the Commission's offices and hearing rooms remains restricted currently.

11. 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 videoconference 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.

12. The evidentiary hearing will be conducted via videoconference using Zoom. 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 remote 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 before the hearing, and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

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

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

- CenturyLink is assigned hearing exhibit numbers 100 to 299.
- BRETSA is assigned hearing exhibit numbers 300 to 399.
- Douglas ETSA and El Paso 911 (collectively, the Authorities) is assigned hearing exhibit numbers 400 to 499.
- CCOA is assigned hearing exhibit numbers 500 to 599.
- The AAJ Authorities is assigned hearing exhibit numbers 600 to 699.

15. The ALJ notes that the Commission can conduct in-person, remote, or hybrid hearings. A remote hearing is one in which all of the participants appear and participate from remote locations over the Zoom web conferencing platform. A hybrid hearing involves the ALJ and at least one party and/or witness participating from one of the Commission's hearing rooms in Denver, and the remaining party(ies) and witness(es) participating from one or more remote locations using the Zoom web conferencing platform. An in-person hearing is one in which the ALJ and all parties and witnesses participate in the hearing at the same location.

16. If the parties prefer a fully remote hearing, a motion to amend the hearing location and format may be filed.

17. **All parties are advised that** this proceeding is governed by the Rules of Practice and Procedure found at 4 *Code of Colorado Regulations* 723-1, Part 1. The undersigned ALJ expects the parties to comply with these rules. The rules are available on the Commission's website (<http://www.dora.colorado.gov/puc>) and in hard copy from the Commission.

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

III. INFORMAL VIDEOCONFERENCE PRACTICE SESSION

19. The ALJ will hold an informal practice videoconference session if requested by any party to give the parties an additional opportunity to practice using Zoom and box.com before the hearing.

20. The parties may contact a Commission Legal Assistant by email at casey.federico@state.co.us to schedule an informal practice videoconference session.

21. The parties will receive information and a link to participate in the informal practice session by email.

IV. EXTENSION OF THE PERIOD OF SUSPENSION

22. The proposed procedural schedule in which all parties have agreed to include a request that the Commission exercise its discretion and extend the period of suspension of the tariff for one hundred and thirty (130) days, or until May 24, 2023 (based upon the current effective date).

23. Pursuant to § 40-6-111(1)(b), C.R.S., the Commission may suspend the proposed tariff for a period not to exceed 120 days beyond the time when the proposed tariff would otherwise go into effect, unless the Commission, in its discretion, and by separate order, extends the period of suspension for a further period, not to exceed 130 days.

24. Because the request is necessary to accommodate the proposed schedule and agreed upon by the parties, and thus unopposed, the ALJ will further suspend the proposed effective date for an additional 130 days, or until May 24, 2023.

V. ORDER

A. It is Ordered That:

1. The consensus proposed procedural schedule filed by Qwest Corporation, doing business as CenturyLink QC (CenturyLink) on November 14, 2022, and concurred with by BRETSA on November 16, 2022, is adopted, as modified, consistent with the discussion above. Should CenturyLink not amend the effective date of the tariff pages filed with Advice Letter No. 3165 within ten days of the issuance of this Interim Decision, the procedural schedule may be further modified.¹

2. The following procedural schedule is adopted to govern this proceeding:

Procedural Event	Due Date(s)
Discovery and Discussion	November 16, 2022 through January 20, 2023
CenturyLink Direct Testimony	December 16, 2022
Intervenor Answer Testimony	January 20, 2023
Rebuttal and Cross-Answer Testimony	February 3, 2023
Corrected Testimony	February 10, 2023
Prehearing Motions	February 10, 2023
Settlement/Stipulation	February 10, 2023
Statements of Position	March 15, 2023

3. An evidentiary hearing in this proceeding is scheduled as follows:

¹ In order to accommodate the procedural schedule and allow the Commission sufficient time to deliberate and decide the matter within the 250-day suspension period, the amended effective date should not be earlier than October 22, 2022.

- DATES: February 28 and March 1, 2023
- TIME: 9:00 a.m. on February 28
10:00 a.m. on March 1²
- LOCATION: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado
- METHOD: In person and via video conference using Zoom at the link to be provided to counsel and the parties by email prior to the hearing. Optionally, any party may participate remotely by joining a video conference using Zoom at the link provided to the established parties in an email prior to the scheduled hearing, as addressed above.³

4. The parties shall be held to and shall comply with the requirements in this Decision. In addition to other requirements of the Commission’s rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (e.g., Rule 1202 regarding pre-filed testimony), all pre-filed exhibits shall be marked for identification and filed in accordance with this Decision, including Attachment B hereto.

5. The period of suspension of the proposed effective date of the tariff is further extended in accordance with § 40-6-111(1)(b), C.R.S. for an additional 130 days, or until May 24, 2023 (unless further amended).

² The hearing will commence following the Commission’s Weekly Meeting, but not earlier than 10 a.m.

³ Instructions for using the Zoom videoconferencing platform are provided in Attaching A to this Decision.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean, Director