

Decision No. C14-1056

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14AL-0816T

IN THE MATTER OF ADVICE LETTER NO. 3138 FILED BY QWEST CORPORATION DBA CENTURYLINK QC TO IMPLEMENT AND INTRODUCE THE EXCHANGE AND NETWORK SERVICES TARIFF PURSUANT TO THE PASSAGE OF HB14-1331, TO BECOME EFFECTIVE SEPTEMBER 1, 2014.

**DECISION SETTING MATTER FOR HEARING BEFORE
AN ADMINISTRATIVE LAW JUDGE AND
SUSPENDING EFFECTIVE DATE OF TARIFFS**

Mailed Date: August 29, 2014
Adopted Date: August 27, 2014

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS RATE MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE, CALL (303) 894-2070 (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION

A. Statement

1. On July 31, 2014, Qwest Corporation, doing business as CenturyLink QC (CenturyLink or Company) filed Advice Letter No. 3138. The proposed effective date of the tariffs filed with Advice Letter No. 3138 (Attachment A) is September 1, 2014.

2. CenturyLink explains that Colorado PUC Tariff No. 25 contains only the fully regulated services it will now offer as a result of the enactment of House Bill (HB) 14-1331. The

Company further states that the proposed tariff establishes a “new structure moving forward.” Advice Letter No. 3138 is brief, and CenturyLink’s filing includes no supporting testimony.

3. With respect to the tariff sheets filed under Advice Letter No. 3138, there are two sections within Colorado PUC Tariff No. 25 titled “Terms, Conditions, Rates and Charges.” In Section 1, CenturyLink identifies Emergency Reporting Service (911) as the sole regulated and tariffed services it offers in Colorado. The Section 1 sheet further states: “All Other Exchange and Network Services can be Found in the Exchange and Network Services Catalog or Local Terms of Service.”¹ Colorado PUC Tariff No. 25 also addresses Telecommunications Relay Services. Section 9 contains provisions governing Emergency Reporting Service (911).

4. Neither the mentioned catalog nor a Local Terms of Service has been filed with the Commission. The advice letter also makes no statement regarding the replacement or cancelation of any currently effective tariffs on file with the Commission.

5. On August 20, 2014, Staff of the Colorado Public Utilities Commission (Staff) filed a protest regarding Advice Letter No. 3138. Staff states that Colorado PUC Tariff No. 25 is a replacement for CenturyLink’s Exchange and Network Services Tariff Colorado PUC No. 23. Staff argues that the 30-day notice period for the tariff filing does not allow enough time for sufficient evaluation as the existing tariff consists of hundreds of pages. Staff also notes there is no reference to any basic local exchange service in the proposed tariff, its rates, terms, or conditions. While Staff states it understands that CenturyLink intends for this service to be identified in a catalog, it notes there is neither a filing of the catalog or presently any rules and procedures governing such documents. Staff therefore recommends that the Commission set the

¹ The advice letter explains that a catalog will contain services that continue to have “some oversight so long as certain criteria remain in place” and a new Local Terms of Service for products and the associated terms and conditions that are no longer regulated by the Commission.

matter for hearing and suspend the tariffs to provide it with the opportunity to comprehensively review the filing.

6. Pursuant to § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariff pages for hearing which will suspend the effective date for 120 days from the proposed effective date. If the Commission does not establish new rates before the expiration of the suspension period of 120 days, or, in this proceeding, December 30, 2014, the tariff pages filed by CenturyLink may become effective.

7. Section 40-6-111(1), C.R.S., also provides that the Commission may, in its discretion, by a separate decision, suspend the effective date of the tariff pages for an additional 90 days. Thus, the Commission has the power and authority to suspend the effective date of the tariff pages for a maximum of 210 days or, in this proceeding, until March 30, 2015. If the Commission further suspends, by a separate decision, the effective date of the tariff pages for an additional 90 days, and if no new rates are established by the Commission before March 30, 2015, the tariff pages filed by CenturyLink may become effective.

B. Conclusions and Findings

8. The Commission finds good cause to suspend the effective date of the tariff pages submitted with Advice Letter No. 3138 and set this matter for hearing. The minimal amount of information provided in Advice Letter No. 3138 and the concerns raised by Staff warrant further investigation.

9. We refer this matter to an Administrative Law Judge (ALJ) for the issuance of a Recommended Decision. We further direct the ALJ to set a hearing date and establish other procedures by separate decision. In addition, we direct the ALJ to determine whether CenturyLink should be required to file the Network Services Catalog or Local Terms of Service,

and whether CenturyLink should be directed to submit Direct Testimony in support of its advice letter filing.

10. A pleading to intervene may be filed by any person, firm, or corporation desiring to be a party and fully participate in this proceeding, as ordered below. The filing of any other document protesting the tariff pages shall not allow participation as an intervenor in this matter.

II. ORDER

A. The Commission Orders That:

1. The proposed effective date, September 1, 2014, of the tariff pages filed by Qwest Corporation, doing business as CenturyLink QC (CenturyLink) with Advice Letter No. 3138 is suspended for 120 days until December 30, 2014, or until further order of the Commission.

2. The tariff pages filed by CenturyLink with Advice Letter No. 3138 are set for hearing before an Administrative Law Judge (ALJ). The ALJ shall set a hearing date and establish other procedures by a separate decision.

3. Any person, firm, or corporation, including any who have previously filed a document protesting the proposed tariff page(s), who desire to intervene and participate as a party in this proceeding shall file a motion to intervene with the Commission no later than August 11, 2014, and shall serve a copy of the motion on CenturyLink's attorney of record.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 28, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners