

Decision No. C14-1092

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14AL-0882T

IN THE MATTER OF ADVICE LETTER NO. 113 FILED BY EL PASO COUNTY TELEPHONE COMPANY TO IMPLEMENT THE PASSAGE OF HB 14-1331 BY THE WITHDRAWAL OF TARIFF NO. 7 IN ITS ENTIRETY TO BECOME EFFECTIVE OCTOBER 1, 2014.

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

Mailed Date: September 9, 2014
Adopted Date: September 3, 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 August 22, 2014, El Paso County Telephone Co., doing business as CenturyLink (CenturyLink or Company) filed Advice Letter No. 113 for the purpose of withdrawing Colorado PUC Tariff No. 7 in its entirety. The proposed effective date of the withdrawal is October 1, 2014.

2. CenturyLink explains that it seeks to withdraw Colorado PUC Tariff No. 7 as a result of the enactment of House Bill (HB) 14-1331. CenturyLink states that, moving forward

under HB 14-1331, the Company will offer services under a new structure. CenturyLink explains that a catalog will contain services that continue to have some oversight so long as certain criteria remain in place. The Company further states that it has moved the products along with the terms and conditions that are no longer regulated by the Commission to a new document called the Local Terms of Service. Concerning emergency services, CenturyLink states that El Paso County Telephone Company 911 Service is provided by Qwest Corporation, the “sole provider of 911 service in Colorado.”

3. Advice Letter No. 113 is brief, and CenturyLink’s filing includes no supporting testimony. Neither the mentioned catalog nor a Local Terms of Service document has been filed with the Commission.

4. On August 25, 2014, Staff of the Colorado Public Utilities Commission (Staff) filed a protest regarding Advice Letter No. 113. Staff argues that the 30-day notice period for the tariff withdrawal filing does not allow enough time for sufficient evaluation, because the tariff proposed to be withdrawn consists of hundreds of pages. Staff also notes concern that there would be no reference in any tariff to basic local exchange service, 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 nor presently any rules and procedures governing such documents. Staff therefore recommends that the Commission set the matter for hearing and suspend the withdrawal of the tariff to provide it with the opportunity to comprehensively review the matter.

5. In addition, Staff suggests that the Commission consider whether this proceeding should be consolidated with Proceeding No. 14AL-0816T concerning Qwest Corporation’s proposed new tariff for regulated services. Staff suggests that consolidation will provide an

efficient process for all parties to review comprehensively these similar filings and to help ensure consistent outcomes.

6. Pursuant to § 40-6-111(1), C.R.S., the Commission may, in its discretion, set for hearing the proposed withdrawal of a tariff and suspend the effective date of the withdrawal for 120 days from the proposed effective date, or, in this proceeding, until January 29, 2015. 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 withdrawal of the tariff for an additional 90 days. Thus, the Commission has the power and authority to suspend the effective date of the withdrawal of the tariff for a maximum of 210 days or, in this proceeding, until April 29, 2015.

B. Conclusions and Findings

7. The Commission finds good cause to suspend the effective date of the withdrawal of the tariff noticed by Advice Letter No. 113 and set this matter for hearing. The minimal amount of information provided in Advice Letter No. 113 and the concerns raised by Staff warrant further investigation.

8. 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.

9. 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 withdrawal of the tariff shall not allow participation as an intervenor in this matter.

II. ORDER

A. The Commission Orders That:

1. The proposed effective date of the withdrawal of Colorado PUC Tariff No. 7, October 1, 2014, as noticed in Advice Letter No. 113 filed by El Paso County Telephone Co., doing business as CenturyLink (CenturyLink), is suspended for 120 days until January 29, 2015, or until further order of the Commission.

2. The matters raised by Advice Letter No. 113 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 withdrawal of the tariff, who desire to intervene and participate as a party in this proceeding shall file a motion to intervene with the Commission within 30 days after the mailing date of this Decision, 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
September 3, 2014.**

(S E A L)



ATTEST: A TRUE COPY

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

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners