

Decision No. R14-1200-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14AL-0816T

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

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
NOTING INTERVENTION OF STAFF; AND
SETTING PRE-HEARING CONFERENCE**

Mailed Date: October 1, 2014

I. STATEMENT

1. On July 31, 2014, Qwest Corporation, doing business as CenturyLink QC (CenturyLink) filed Advice Letter No. 3138. The proposed effective date of the tariffs filed with Advice Letter No. 3138 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. CenturyLink further states that the proposed tariff establishes a “new structure moving forward.” No supporting testimony was attached to Advice Letter No. 3138.

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.” Colorado PUC Tariff No. 25 also addresses Telecommunications Relay Services. Section 9 contains provisions governing Emergency Reporting Service (911).

4. On August 20, 2014, Staff of the Colorado Public Utilities Commission (Staff) filed a protest letter 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 matter for hearing and suspend the tariffs to provide it with the opportunity to comprehensively review the filing.

5. By Decision No. C14-1056, issued August 29, 2014, the effective date of the proposed tariffs attached to Advice Letter No. 3138 were suspended pursuant to § 40-6-111(b), C.R.S., for 120 days or through December 30, 2014. The Commission noted that the effective date may be suspended an additional 90 days for a maximum of 210 days, or through March 30, 2015. Decision No. C14-1056 also referred this matter to an Administrative Law Judge (ALJ) for an evidentiary hearing on the proposed tariffs and a Recommended Decision. The matter was subsequently assigned to the undersigned ALJ.

6. The Commission, also by Decision No. C14-1056, set an intervention period in this proceeding for any party to file a pleading seeking to intervene by September 29, 2014.

7. On September 26, 2014, Staff filed its Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401 and Request for Hearing. Staff opposes Advice Letter No 3138 and indicates it intends to raise several issues. Staff seeks to address uncertainties pursuant to HB14-1331 and other telecommunications reform legislation regarding whether certain products and services, terms and conditions, and rates may be eliminated by the withdrawal of existing Exchange and Network Services Tariff Colorado PUC No. 23 and replacement with Exchange and Network Services Tariff Colorado PUC No. 25.

8. On September 29, 2014, the Colorado Office of Consumer Counsel (OCC) filed its Notice of Intervention of Right and Entry of Appearance. The OCC states that it intervenes in this proceeding to ensure that the proposed action is compliant with the provisions of HB14-1331, to determine how CenturyLink customers will receive notice of changes in the Local Terms of Service, if approved, and to address any other issues which may arise as a result of the advice letter filing.

9. The intervention period in this matter is closed. The interventions of OCC and Staff are noted.

10. In order to facilitate the orderly resolution of the issues involved in this matter it is appropriate to schedule a pre-hearing conference for **Wednesday October 15, 2014** in accordance with the order that follows.

11. At the pre-hearing conference the Parties should be prepared to discuss all issues contemplated by 4 *Code of Colorado Regulations* 723-1-1409(a) of the Commission's Rules of Practice and Procedure, including, without limitation, establishing a procedural schedule governing the case that address issues such as: (a) whether an evidentiary hearing in this matter is required; (b) if so, dates for the filing of answer and rebuttal testimony; (c) discovery deadlines

and cut-off dates; (d) deadlines for filing prehearing motions;¹ (e) the date for a final prehearing conference, if one is necessary; (f) the date by which the Parties will file any stipulation or settlement reached;² (g) hearing dates; and, (h) whether the Parties wish to file closing statements of position at the conclusion of the evidentiary hearing.³ The ALJ strongly encourages the Parties to informally discuss and attempt to reach agreement on a procedural schedule prior to the pre-hearing conference. In the event the Parties reach agreement as to a procedural schedule and file a proposed schedule at least two days prior to the pre-hearing conference, the pre-hearing conference will be vacated.

II. **ORDER**

A. **It Is Ordered That:**

1. The intervention of Trial Staff of the Commission is noted.
2. The intervention of the Colorado Office of Consumer Counsel is noted.
3. A pre-hearing conference is scheduled as follows:

DATE: October 15, 2014

TIME: 10:00 a.m.

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

¹ This date can be no later than 14 calendar days before the first day of hearing.

² This date can be no later than 10 calendar days before the first day of hearing.

³ The date for filing Closing Statements of Position must be at least 94 days prior to the expiration of the statutory 210-day time limit for the Commission to issue a final Decision in this matter.

4. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director