

Docket Nos. UT-190262, UT-190263, UT-190264, UT-190265 and UT-190266 (Consolidated) - Vol. I

WUTC v. Qwest Corporation, d/b/a CenturyLink, et al.

May 13, 2019



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND) DOCKET UT-190262
TRANSPORTATION COMMISSION,)(Consolidated)
))
Complainant,))
))
vs.))
))
QWEST CORPORATION, d/b/a))
CENTURY LINK QC))
))
Respondent.) *Caption continued*

PREHEARING CONFERENCE, VOLUME I

Pages 1-32

ADMINISTRATIVE LAW JUDGE NELLI DOROSHKIN

May 13, 2019

1:30 p.m.

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
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1 WASHINGTON UTILITIES AND)DOCKET UT-190263
2 TRANSPORTATION COMMISSION,)(Consolidated)
3 Complainant,)
4 vs.)
5 CENTURYTEL OF COWICHE,)
6 INC. d/b/a CENTURYLINK,)
7 Respondent.)

7 WASHINGTON UTILITIES AND)DOCKET UT-190264
8 TRANSPORTATION COMMISSION,)(Consolidated)
9 Complainant,)
10 vs.)
11 CENTURYTEL OF WASHINGTON,)
12 INC. d/b/a CENTURYLINK,)
13 Respondent.)

14 WASHINGTON UTILITIES AND)DOCKET UT-190265
15 TRANSPORTATION COMMISSION,)(Consolidated)
16 Complainant,)
17 vs.)
18 CENTURYTEL OF WASHINGTON,)
19 INC. d/b/a CENTURYLINK,)
20 Respondent.)

20 WASHINGTON UTILITIES AND)DOCKET UT-190266
21 TRANSPORTATION COMMISSION,)(Consolidated)
22 Complainant,)
23 vs.)
24 UNITED TELEPHONE COMPANY OF)
25 THE NORTHWEST d/b/a)
CENTURYLINK,)

Respondent.)

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1 A P P E A R A N C E S

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1 OLYMPIA, WASHINGTON; MAY 13, 2019

2 1:30 P.M.

3 --o0o--

4 JUDGE DOROSHKIN: Let's be on the record.

5 Good afternoon. This is a prehearing conference on the
6 proceeding on the discontinuation of private switch
7 automatic location identification services by four
8 CenturyLink subsidiaries in consolidated Dockets
9 UT-190262, UT-190263, UT-190264, UT-1920265, and
10 UT-190266.

11 My name is Nelli Doroshkin, and I'm the
12 administrative law judge with the Washington Utilities
13 and Transportation Commission. I will be presiding this
14 matter along with the Commissioners.

15 In this prehearing conference, we will first
16 address the respondent's May 10th request to withdraw
17 the tariff filings. Because the Commission has
18 commenced an adjudicative proceeding, these consolidated
19 matters as defined in Washington Administrative Code
20 480-07-305 and treating these requests as motions to
21 withdraw under WAC 480-07-380, Subsection 3.

22 So I will allow everyone present in person
23 or telephonically the opportunity to respond to the
24 respondent's motion regardless of current status as a
25 party or intervenor.

1 Then, if necessary, we will address the
2 following subjects in the order listed: First,
3 petitions to intervene; second, the need for a
4 protective order; third, service list; four, filing of
5 service request; and fifth, the issues in the proceeding
6 and the timeline and process for addressing them,
7 including the implementation plan that will be the
8 primary product of this proceeding as was discussed at
9 the Commission's April 25th open public meeting.

10 So as a reminder, the Commission does not
11 intend to hold a full evidentiary hearing in this
12 proceeding. Also, the Commission is willing to provide
13 a mediator in this proceeding upon request, and that
14 mediator would be another administrative law judge.

15 To begin, we will take appearances. So this
16 proceeding consolidates five dockets involving four
17 subsidiaries of CenturyLink. I will not read through
18 the names of them -- them now as they're available in
19 the dockets, but I understand that there is one
20 representative for all four subsidiaries?

21 MS. ANDERL: This is Lisa Anderl. I'm
22 in-house attorney representing Qwest Corporation d/b/a
23 CenturyLink QC and the other four affiliated companies,
24 CenturyTel of Cowiche, CenturyTel of Inter Island,
25 CenturyTel of Washington, and United Telephone Company

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1 of the Northwest.

2 JUDGE DOROSHKIN: Okay. For Staff?

3 MR. CALLAGHAN: Thank you, Your Honor. Nash
4 Callaghan, Assistant Attorney General, on behalf of
5 Commission Staff.

6 JUDGE DOROSHKIN: Public Counsel?

7 MS. GAFKEN: Good afternoon. This is Lisa
8 Gafken, Assistant Attorney General, appearing on behalf
9 of Public Counsel.

10 JUDGE DOROSHKIN: And then the Washington
11 Military Department?

12 MS. CORTEZ: Assistant Attorney General,
13 Dawn Cortez, representing the Military Department.

14 JUDGE DOROSHKIN: TeleCommunication Systems,
15 Inc.?

16 MS. ORNSTEIN: (Inaudible.)

17 THE COURT REPORTER: I couldn't get that.

18 JUDGE DOROSHKIN: I'm sorry, could you
19 please speak up?

20 MS. ORNSTEIN: Sure, this is -- is that
21 better?

22 JUDGE DOROSHKIN: Yes.

23 MS. ORNSTEIN: Can you hear me better now?
24 Okay. This is Susan Ornstein representing
25 TeleCommunication Systems, Inc.

1 JUDGE DOROSHKIN: Okay. And is there anyone
2 else on the bridge line or in the room that would like
3 to enter an appearance?

4 MR. HELM: Steve Helm at TeleCommunication
5 Systems.

6 JUDGE DOROSHKIN: Again, sir, could you
7 please speak up?

8 MS. ORNSTEIN: Steve is available -- he's
9 from TCS -- to speak if there are any questions. He's
10 not entering an appearance.

11 JUDGE DOROSHKIN: Okay. All right, then.
12 Thank you.

13 So this brings us to the respondent's motion
14 to withdraw. WAC 480-07-380, Subsection 3 governs
15 motions to withdraw. And then Subsection B provides
16 that the Commission will grant a motion to withdraw when
17 their request of withdrawal is of the public interest.

18 So I will allow Ms. Anderl to supplement the
19 respondent's motion and explain how it satisfies the
20 public interest standard, then others may respond to the
21 motion.

22 So, Ms. Anderl, if you'll please proceed.

23 MS. ANDERL: Sure. Thank you, Your Honor.
24 We want to withdraw these tariff filings in order to
25 have more time to work directly with our customers and

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1 do, honestly, a better customer notice and see about
2 more effectively transitioning our customers off of our
3 services onto competitors' services that interact
4 directly with Comtech.

5 We felt as though working on a timeline like
6 this was going to kind of artificially constrain the --
7 the process in the sense of we're going to be spending
8 time trying to actually make sure the transition is
9 orderly and that everybody has the PS/ALI services when
10 they need them, and also, attending multiple settlement
11 conferences responding to discovery, et cetera.

12 We don't have any problems with providing
13 Staff information about, you know, the customer base
14 and -- and competitors, but doing it in the formal
15 construct of an administrative hearing we felt was just
16 going to not be the most friendly structure for
17 everybody concerned. And we also, it's like I said,
18 didn't want to be working under a time deadline like
19 this. We did intend at some point to either refile or
20 possibly petition to have the service declared as
21 competitive based on the existence of other companies
22 who provide the service.

23 All -- all of those would I think, as I
24 said, if we have time to do that, it all makes things
25 effectively flow more smoothly. And for that reason, we

1 wanted -- wanted to withdraw, and then that gives the
2 customers, you know, knowledge that we won't be
3 withdrawing anytime soon.

4 JUDGE DOROSHKIN: Does that conclude your
5 statements for now?

6 MS. ANDERL: Yes, unless you have any
7 questions.

8 JUDGE DOROSHKIN: I'll ask questions at the
9 end after I hear the responses.

10 Does Staff have a response to the motion?

11 MR. CALLAGHAN: Yes, Your Honor. Commission
12 Staff is opposed to the request to withdraw at this
13 time. First, I think it's important to note that the
14 transition in this case is going to happen eventually.
15 It's just a question of whether that transition will
16 include all stakeholders in the planning and whether the
17 stakeholders will have oversight of this process.

18 Given how important this service is, I think
19 that that is important, and so Staff is opposed to
20 CenturyLink essentially withdrawing and creating its own
21 plan and implementing that plan without the input of the
22 other stakeholders.

23 JUDGE DOROSHKIN: Okay. Ms. Anderl, I'm
24 going to go ahead and ask the others present for their
25 responses and then I'll allow you to respond.

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1 MS. ANDERL: Thank you.

2 JUDGE DOROSHKIN: Does Public Counsel have
3 any statements regarding the motion to withdraw?

4 MS. GAFKEN: Yes. So Public -- Public
5 Counsel understands that the letters are being treated
6 as motions and -- and that's fine. I think my main
7 concern is that the transition is -- is done in an
8 orderly fashion and with oversight. And it seems to me
9 that in order to have the oversight, we probably need to
10 keep the current dockets.

11 But from my point of view, I think the
12 Company needs to be ordered to engage in a certain
13 amount of process, and we can talk about what that
14 process looks like, certainly for the filing, for
15 submitting notices to the -- to the customers and
16 providing copies of those notices to the parties, filing
17 them in the dockets and -- and that way the Commission
18 and stakeholders can monitor the transition of these
19 customers off of the service and to another service. So
20 I think the upshot is that we also oppose the request to
21 withdraw as well.

22 JUDGE DOROSHKIN: Okay. And then the
23 Washington State Military Department or SECO?

24 MS. CORTEZ: Well, the Military Department
25 shares the concerns of Staff and Public Counsel unit.

1 The Military Department doesn't have any statutory
2 authority to provide oversight of this private
3 commercial service, and so the -- but they are a
4 stakeholder and ultimately information does end up in
5 the Military Department's ALI database that is used in
6 the 911 service.

7 So I don't know if that can be accomplished
8 in a future filing or if the Commission needs to
9 continue to provide oversight as this happens, but
10 certainly the Military Department does share the
11 concerns.

12 JUDGE DOROSHKIN: Okay. And then does
13 TeleCommunication Systems, Inc. have a response?

14 MS. ORNSTEIN: We don't have any response at
15 this time, though we are committed to making sure that
16 this is a smooth transition as well. So we don't have a
17 direct response regarding motions.

18 JUDGE DOROSHKIN: Okay. Ms. Anderl, I'll
19 ask you a few questions and then you can respond to the
20 statements raised.

21 When would Century -- the CenturyLink
22 companies plan on refileing the tariffs if they refile
23 them?

24 MS. ANDERL: I think we wanted to be able to
25 see how quickly customers were able to transition. So

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1 if we had a number of customers already off the service
2 in, you know, 90 days or so, we might refile at that
3 time. If customers were experiencing, you know,
4 technical or practical difficulties in doing that, we
5 will probably wait. That's -- we don't know, though,
6 and we don't have a specific timeline right now. We
7 honestly just wanted to get our ducks in a more orderly
8 row.

9 JUDGE DOROSHKIN: Okay. And then if you
10 were to refile, would you anticipate that the revisions
11 would take substantially the same form as filed here?

12 MS. ANDERL: I believe the end game is, as
13 the attorney for Staff said, that the transition will
14 happen eventually, so the -- the intent is ultimately to
15 withdraw this service as a -- as a commercial offering,
16 because there are other companies that provide the
17 service.

18 JUDGE DOROSHKIN: Okay. And then would the
19 companies prior to or upon refileing be able to provide
20 assurance to the Commission that all affected customers
21 have successfully migrated to a new PS/ALI service
22 provider if it is going to be a discontinuation of the
23 service?

24 MS. ANDERL: You know, it's our hope that we
25 would be able to file once we had no customers,

1 honestly, and then just terminate the tariff and there
2 wouldn't be a need for a suspension or any hearings on
3 it. But the human nature is such that sometimes people
4 do only work under deadlines, and so we I think would be
5 able to certify to the Commission that all PS/ALI
6 customers have options to transition. But if some had
7 not transitioned at the time we filed, that would
8 probably be, then, the impetus for them to actually take
9 responsibility for finding a new vendor.

10 JUDGE DOROSHKIN: And I -- just one -- one
11 minute, before we get back to you, I do have the same
12 question for the Washington State Military Department.

13 Ms. Cortez, if you're on the line, upon or
14 prior to refiling, if it were to be a similar filing
15 care, would you be able to work with the CenturyLink
16 companies to provide assurance to the Commission that
17 all affected customers have successfully migrated to a
18 new PS/ALI service provider noting the lack of statutory
19 authority for oversight of its service?

20 MS. CORTEZ: Well, I think that Military
21 Department to some extent is willing to, as I had said,
22 coordinate or facilitate or keep a list, but they don't
23 have any statutory authority and no authority to take on
24 the -- the risk of making sure that private entities in
25 particular like Microsoft and the other two that were

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1 mentioned or really anybody have actually migrated.

2 So I -- they're -- they're interested in --
3 in providing an assistant, but they can't certify or
4 monitor or, you know, in any way make sure that these
5 companies have gone from one private commercial vendor
6 to another. So I don't know exactly what that looks
7 like. We want to help, but we can't take on full
8 responsibility. It seems that CenturyLink ought to be
9 certifying to the Commission that all of their customers
10 have, in fact, successfully transitioned to a new
11 provider.

12 JUDGE DOROSHKIN: Okay. And, Ms. Anderl, do
13 you have any final statements to their response?

14 MS. ANDERL: Well, I think we believe that
15 we are capable of involving all of the stakeholders and
16 managing the process ourselves. We also think that this
17 is really a service that was tied to our participation
18 as a 911 -- as the 911 vendor in the state. We're no
19 longer the 911 vendor, and it simply -- I don't
20 understand why it is not part of the 911 obligation of
21 the new vendor to offer this service directly to end
22 users, but maybe that's one of the reasons why we'll
23 have a proceeding in any event.

24 But this is -- as I said, this is not a --
25 something we're willing to continue to offer our

1 customers while they make an orderly transition after
2 filing the tariff revisions. We did understand that
3 some of these customers have bid horizons and technical
4 transitions, obligations that would take longer than the
5 30 days. So we're certainly willing to -- to give those
6 customers a reasonable amount of time to transition, but
7 we feel like we can manage that process ourselves.

8 JUDGE DOROSHKIN: Okay. So I will take the
9 motion for withdrawal under advisement, and we'll
10 proceed with the prehearing conference.

11 This brings us to petitions for
12 intervention. Are there any petitions for intervention
13 other than the ones that have been filed? Hearing none,
14 we will proceed.

15 I have reviewed the petitions to intervene
16 of Washington State Military Department, E911
17 Coordination Office, known as SECO, and
18 TeleCommunication Systems, Inc. petition for
19 intervention as well. And as of today, no written
20 objections to these petitions have been made. So are
21 there any objections that anyone would like to present
22 here?

23 MS. ANDERL: For clarification, Your Honor,
24 the Military Department, is it limited intervention or
25 full intervention?

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1 JUDGE DOROSHKIN: Full intervention.

2 MS. ANDERL: Okay. We have no objection to
3 either of those petitions.

4 MR. CALLAGHAN: No objection, Your Honor.

5 JUDGE DOROSHKIN: All right, then, hearing
6 no objections, these petitions to intervene are granted.
7 Please know that, however, per the prehearing conference
8 notice, the deadline for petitions to intervene is
9 May 28th, 2019. Any responses may be filed within five
10 days of the relevant petition, and I will issue a
11 subsecond ruling on any petitions filed after the date
12 of this prehearing conference.

13 And regarding the discovery, WAC 480-07-405,
14 Section 2 requires parties to serve all data requests
15 upon all parties in the case. Does any party or
16 intervenor object to the Commission making the exchange
17 of data request responses with all parties a requirement
18 for discovery in this case?

19 MS. ANDERL: CenturyLink has no objection.

20 MR. CALLAGHAN: No objection, Your Honor.

21 JUDGE DOROSHKIN: Any objection from Public
22 Counsel?

23 MS. GAFKEN: No objection from Public
24 Counsel.

25 JUDGE DOROSHKIN: Okay. Thank you. Then

1 that will be incorporated into the prehearing order if
2 one is issued.

3 Regarding a protective order, is there a
4 need for a protective order with provisions for highly
5 confidential information?

6 MS. ANDERL: Your Honor, there will be -- I
7 would assume that Staff will want some information on
8 the customers who subscribe to this service. I think
9 that would be information that may be exempt from public
10 disclosure, and whether you would treat that as subject
11 to highly confidential provisions or confidential
12 provisions or merely designated as exempt, there will
13 definitely be a need for a protective order if we go
14 forward.

15 JUDGE DOROSHKIN: Okay.

16 MR. CALLAGHAN: That's correct, Your Honor.
17 And -- and that's, again, one of the reasons why we felt
18 this process was best pursued through an adjudicative
19 proceeding.

20 JUDGE DOROSHKIN: And does Staff -- does
21 Staff maintain that this will need to be an order with
22 highly confidential information protection or
23 confidential information protection?

24 MR. CALLAGHAN: Confidential, Your Honor.

25 JUDGE DOROSHKIN: Okay. Then I will enter a

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1 protective order providing for the exchange of
2 confidential information.

3 Regarding designation of persons for
4 service, if any party has not yet designated a lead
5 representative for service, please do so via email to me
6 as soon as possible, preferably by the end of the day
7 today. My email address is nelli.doroshkin@utc.wa.gov,
8 and if anyone would like to add names and email
9 addresses of other representatives or support Staff who
10 should receive electronic courtesy copies of all
11 documents in this proceeding, please email that to me as
12 well.

13 MS. ANDERL: Just to you, Your Honor, or to
14 the records center as well?

15 JUDGE DOROSHKIN: Just to me is fine.

16 And then regarding electronic filing and
17 electronic service, the Commission requires electronic
18 filing of documents for formal filing where this would
19 primarily apply to the implementation plan to be filed
20 in this proceeding.

21 Also, the Commission's rules provide for
22 electronic service of documents. The Commission will
23 serve parties electronically and other party -- and the
24 parties will serve each other electronically. When
25 serving parties, please also send courtesy copies of the

1 filings to me.

2 And finally, as to the issues and goals,
3 implementation plan, and timeline including the
4 procedural schedule, I was given a proposed procedural
5 schedule before going on the record in this prehearing
6 conference, which comes from Staff, and I've been told
7 that there is not consensus on this proposal. Have the
8 other parties reviewed the proposal?

9 MS. GAFKEN: Public Counsel has reviewed the
10 proposal. I think once they -- the idea of withdrawal
11 came up, the parties really didn't get that far in terms
12 of discussing the -- the procedural schedule, but we're
13 perfectly happy to -- to hammer that out.

14 MS. ANDERL: Your Honor, yes, I -- I got
15 this schedule last week, but once we determined
16 internally to withdraw, I honestly didn't really pursue
17 examining it very carefully. I -- but -- but we're
18 happy to work through it on or off the record today if
19 we do go forward with a -- a proceeding.

20 JUDGE DOROSHKIN: Okay.

21 MS. CORTEZ: And this is Dawn Cortez. I did
22 look at the schedule. The schedule as written is -- is
23 fine for the Military Department. As we move forward or
24 as there are schedule changes, I would just note that
25 the Military Department's mandatory (inaudible) agency

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1 meeting. It's not open on Mondays. Obviously, we can
2 work around that, but we would prefer if -- if things
3 were not set on Mondays if possible. Thanks.

4 JUDGE DOROSHKIN: Okay. So I will make some
5 remarks about the goals of this proceeding, and then we
6 can take a brief recess so the parties can discuss the
7 procedural schedule and take a look at it.

8 The goal of this proceeding is to have an
9 implementation plan filed by the tariff suspension
10 deadline, which would be March 8th of 2020. So once the
11 implementation plan is filed, the Commission may then
12 issue an order approving the plan and dismissing the
13 complaint. I anticipate that the implementation plan
14 will be a joint filing among Staff, CenturyLink, SECO,
15 and Public Counsel with agreement from TeleCommunication
16 Systems, Inc.

17 If the parties would like to take a few
18 minutes now to review the proposed procedural schedule
19 and discuss that, we can do that.

20 MR. CALLAGHAN: And thank you, Your Honor.
21 Before we break, I -- I just wanted to go back to an
22 evidentiary matter. Staff requests that the informal
23 DRs that have been sent in this case be added and
24 included into the record.

25 JUDGE DOROSHKIN: Let's get back to that

1 after the recess.

2 MR. CALLAGHAN: Thank you, Your Honor.

3 JUDGE DOROSHKIN: So we will be off the
4 record.

5 (Recess taken from 1:52 p.m.
6 until 2:20 p.m.)

7 JUDGE DOROSHKIN: Let's be on the record.
8 So I also took a look at the Staff's draft procedural
9 schedule during the recess, and the first question I
10 have is whether there is agreement on the dates through
11 October 10th?

12 MR. CALLAGHAN: So, Your Honor, the parties
13 weren't able to come to an agreement on anything except
14 for the first meeting. We'd hoped to work out the rest
15 of the agreement through email, and it seems that, with
16 the amount of parties that are here and -- and the
17 number of dates, that if we would have to get an
18 agreement on that, we would be here for quite a while.

19 So we would ask that the first settlement
20 conference or meeting be held on June 7th in the
21 afternoon and that the parties work out through email
22 the rest of the procedural schedule to be concluded at
23 least by the -- the June 7th first meeting.

24 JUDGE DOROSHKIN: Okay. So that would be
25 this -- the first settlement conference would be

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1 June 7th, 2019, and there is agreement on that?

2 MR. CALLAGHAN: Yes, Your Honor.

3 MS. GAFKEN: This is Lisa Gafken with Public
4 Counsel. There is agreement on the date. I -- I still
5 caution about calling this thing a settlement
6 conference. It's really more along the line of a
7 technical workshop.

8 JUDGE DOROSHKIN: Okay.

9 MS. ANDERL: Your Honor, may I get some
10 clarification from Ms. Gafken?

11 JUDGE DOROSHKIN: Yes.

12 MS. ANDERL: So I'm wondering, I -- I -- I
13 guess I know -- I understand it's important to name
14 things properly, but I mean, is -- is there a
15 substantive concern that you have with naming it a
16 settlement conference versus a technical workshop
17 that -- that you think is going to kind of make a
18 difference one way or the other?

19 MS. GAFKEN: I think it does make a
20 difference. If it's a settlement conference, then
21 there's the idea that we're going to be able to settle
22 some issues. I am not convinced at this point that
23 that's going to be the case, because as we talked about,
24 it -- it's really a scoping meeting where we're talking
25 about what information we might need. We will certainly

1 have something from the Company by that point, but I --
2 I don't think we're going to be set up to have a true
3 settlement conference. And so in that regard, it is
4 important to Public Counsel that it be named
5 appropriately.

6 MS. ANDERL: Okay. Well, and I guess I feel
7 as though a -- a settlement conference is more conducive
8 to the kind of candid exchange of information, and
9 speaking frankly, in terms of here's what we would do to
10 get this resolved, and if it's not called a settlement
11 conference, I wonder if we lose that protection.

12 JUDGE DOROSHKIN: So --

13 MS. GAFKEN: I don't think so. Oh, I'm
14 sorry.

15 JUDGE DOROSHKIN: Okay. Regarding the
16 process of the -- by the Commission of the April 25th
17 open public meeting, a full evidentiary hearing is not
18 necessary, and really the goal of these settlement
19 conferences or technical conferences would be to draft
20 an implementation plan.

21 I do see the wisdom in calling it a
22 settlement conference for the confidentiality
23 protections that Ms. Anderl was referring to. And also,
24 the parties should be aware that Judge Kopta is
25 available to facilitate the settlement discussions if

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1 necessary.

2 MS. ANDERL: Thank you.

3 JUDGE DOROSHKIN: So what I would propose is
4 having the draft procedural schedule as agreed by the
5 parties changing the Thursday, May 30th date to June 7th
6 and then leaving the remainder of the schedule to be
7 determined. I would like to schedule a status
8 conference after the first technical conference and we
9 can set the date for that later.

10 MS. ANDERL: That makes sense, Your Honor.
11 Thank you.

12 JUDGE DOROSHKIN: Does anyone else have any
13 responses to that?

14 MS. GAFKEN: That sounds fine to Public
15 Counsel.

16 JUDGE DOROSHKIN: Okay. Is the Military
17 Department on the line?

18 MS. CORTEZ: Yes, I couldn't -- couldn't
19 quite hear the last question.

20 JUDGE DOROSHKIN: So my last question was
21 taking the draft proposed procedural schedule that Staff
22 came up with and changing the date of the first
23 settlement conference to June 7th and then eliminating
24 the remainder of the schedule to be determined and
25 setting a con- -- a status conference instead with a

1 date to be set if that would be something that would be
2 palatable to everyone here.

3 MS. CORTEZ: Yes -- yes, the -- the Military
4 Department agrees.

5 JUDGE DOROSHKIN: Okay. One more item.
6 Does CenturyLink anticipate working with Public Counsel
7 and Staff to provide corrected notice to customers of
8 this proceeding?

9 MS. ANDERL: Yes, Your Honor. We were
10 talking about that while -- during the recess, and one
11 of the things that we need to correct is to provide a
12 customer notice that includes the appropriate Commission
13 contact information, which was not in the first notice.
14 But we also want to make it a notice that is meaningful
15 in terms of describing the process going forward, and
16 that would mean we'd need to know whether we have
17 withdrawn the tariff filings or we're going forward via
18 evidentiary proceeding.

19 We do have a draft notice that I have
20 already expressed that we're willing to circulate this
21 week with -- among the parties and, you know,
22 particularly Public Counsel and Staff to have some
23 feedback from them on it. But the important thing, I
24 guess, would be for us to know when you'll make your
25 decision on the motions to withdraw versus the

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1 opposition to that motion.

2 JUDGE DOROSHKIN: Okay. So, Ms. Anderl, in
3 the event that a motion to withdraw is denied, the
4 prehearing conference order will reflect a two-week
5 deadline for issuing a corrected notice. So that would
6 be two weeks from the date in the prehearing conference
7 order.

8 MS. ANDERL: Okay. Thanks. We will
9 circulate a notice, then, this week with a placeholder
10 about what the status of the proceeding is, be it
11 withdrawn or going forward so the parties can look at
12 the rest of the language and see how they feel about it.

13 JUDGE DOROSHKIN: Okay. That's fine. That
14 works.

15 And then to Staff's question on informal
16 discovery requests, could you please clarify or repeat
17 that question?

18 MR. CALLAGHAN: So during the break, I
19 believe the parties agreed that those would be shared.
20 These are informal data requests that occurred prior to,
21 I believe, setting the prehearing conference.

22 JUDGE DOROSHKIN: Okay. So those will be
23 exchanged with all the parties?

24 MR. CALLAGHAN: Yes.

25 JUDGE DOROSHKIN: Okay.

1 MR. CALLAGHAN: Thank you.

2 JUDGE DOROSHKIN: Then that is done.

3 So I will read the procedural schedule as
4 currently agreed upon into the record. The proposed
5 tariff change filing was Monday, April 8th, 2019; a
6 proposed tariff change suspension is Thursday,
7 April 25th, 2019; the prehearing conference is today,
8 Monday, May 13th, 2019. The prehearing conference order
9 will be issued shortly in terms of that as TBD, and then
10 there will be the first settlement conference held on
11 June 7th, 2019, followed by a status conference date to
12 be determined.

13 Is everyone in agreement with that proposed
14 schedule?

15 MS. ANDERL: Yes. CenturyLink, yes.

16 MR. CALLAGHAN: Yes, Your Honor.

17 MS. GAFKEN: Yes. Yes, this is Lisa Gafken
18 with Public Counsel. Did we also want to build in the
19 date by which CenturyLink would provide information to
20 the parties about its -- about its plan, transition
21 plan? We had talked about having that about at least
22 the week before, if not a little bit longer.

23 JUDGE DOROSHKIN: A week before what date?

24 MS. GAFKEN: The June 7th date.

25 JUDGE DOROSHKIN: Okay. And is that

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1 something --

2 MS. CORTEZ: Military Department requests
3 that as well.

4 MS. ANDERL: We are -- I need to talk to my
5 people who actually understand what the transition plan
6 is going to look like, but I think we can hit a filing
7 target of May 24th, which is two weeks before the
8 settlement conference.

9 JUDGE DOROSHKIN: Okay. So can you commit
10 to a transition plan information filing by
11 May 24th, 2019, at this time?

12 MS. ANDERL: Yes.

13 JUDGE DOROSHKIN: Okay. So we will add that
14 to the procedural schedule as well.

15 And with that, is there anything else that
16 we need to address today?

17 MR. CALLAGHAN: Yes, Your Honor, just
18 briefly. Commission Staff, before this hearing ends,
19 would like to emphasize that it's strongly opposed to
20 the motion to withdraw. I think that throughout this
21 hearing, we have had concerns that the public interest
22 standard, the -- the Company has not met its evidentiary
23 burden to demonstrate that the withdrawal is in the
24 public interest at this time.

25 If the Commission is inclined to grant the

1 motion to withdraw, Staff would like the withdrawal to
2 be -- to include certain conditions which would include
3 some type of requirement that they demonstrate that the
4 customers have successfully transitioned to a new
5 provider of these services and that they've received
6 proper notice.

7 JUDGE DOROSHKIN: Okay. I will allow
8 CenturyLink to respond to that if you so wish.

9 MS. ANDERL: We have -- I have nothing to
10 add. Thank you.

11 JUDGE DOROSHKIN: Okay. And if there's
12 nothing else, then I will issue an order shortly on the
13 matters discussed in this prehearing conference
14 including the motion to withdraw. We are adjourned.
15 Thank you.

16 (Adjourned at 2:31 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358