

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYLINK COMMUNICATIONS,
LLC,

Respondent.

DOCKET NO. UT-181051

**CENTURYLINK COMMUNICATIONS,
LLC'S PETITION TO STAY
EFFECTIVENESS OF FINAL ORDER**

INTRODUCTION AND SUMMARY

- 1* Pursuant to WAC 480-07-860 CenturyLink Communications, LLC (“CLC”) hereby respectfully requests the Washington Utilities and Transportation Commission (“Commission”) to stay the effectiveness of the Final Order (Order 08) in this proceeding until the Commission resolves CLC’s Petition for Reconsideration, which CLC intends to timely file pursuant to Order 08 and WAC 480-07-850.
- 2* The Commission issued its Final Order in this proceeding on June 9, 2023, finding that CLC committed at least 13,000 violations of RCW 80.36.080 by failing to render prompt, expeditious, and efficient service; to keep its facilities, instrumentalities, and equipment in good condition and repair; and to ensure that its appliances, instrumentalities, and

services are modern, adequate, sufficient, and efficient. *See* Order 08 at ¶ 91. The Commission also found that CLC committed 15 violations of WAC 480-120-412(2) by failing to notify affected public safety answering points or the Commission of the December 2018 outage as soon as possible after receiving notice of or detecting the December 2018 outage. *See id.* at ¶ 95. The Commission assessed a \$1,315,000 penalty against CLC for the above-referenced violations. *See id.* at ¶ 102.

3 CLC has determined that it will seek reconsideration of portions of Order 08 pursuant to RCW 34.05.470 and WAC 480-07-850. CLC is in the process of completing its petition for reconsideration, which will focus in part on the fact that it appears that the Order is premised on a significant misunderstanding of portions of the evidentiary record critical to Order’s reasoning and finding of liability, and the company intends to timely file the petition pursuant to WAC 480-07-850(1). The company’s petition for reconsideration could result in modification of the Final Order, including reducing, suspending, or eliminating the penalty amount. Further, the Commission could request additional briefing based on CLC’s petition for reconsideration.

AUTHORITY AND ARGUMENT

4 As stated above, CLC may file a petition for reconsideration pursuant to RCW 34.05.470 and WAC 480-07-850. Filing a petition for reconsideration does not automatically stay the effect of an order or serve as a request for a stay. WAC 480-07-850(4). The Commission’s rules, however, allow a party to request a stay of the effectiveness of an order pending reconsideration of that order. *Id.*

5 The Commission may grant a stay of the effectiveness of a final order when there is a need to preserve the status quo, for example while the parties evaluate new facts which might cause them to request reopening or modification. *See In the Matter of Determining the Proper Carrier Classification of and Complaint for Penalties against Boubacar Zida,*

d/b/a Zida Labor and/or Zida Labor Services, Order 04, Granting Stay; Requiring Additional Briefing; Establishing Date for Order on Petition for Reconsideration at ¶ 2 (July 3, 2010). In *Zida*, Staff filed a petition for reconsideration because Staff asserted that the Commission’s imposition of a suspended penalty was a disproportionate sanction, and Staff sought to modify the Commission’s order such that the entire penalty be suspended indefinitely. *Id.* at ¶ 3. Accordingly, Staff filed a petition to stay the effectiveness of the order pending a decision on its petition for reconsideration. The Commission granted Staff’s request and ordered additional briefing to resolve Staff’s petition for reconsideration.

6 The Commission also granted another request from Staff to stay the effectiveness of a final order when the Commission determined a stay was necessary to protect parties from acting in reliance upon an order that may be modified following reconsideration. *See In re Washington Water Power Co. v. Wash. Util. and Transp. Comm’n*. Docket UE-941053 and UE-941054, Eighth Supp. Order (Oct. 17, 1995).

7 CLC requests the same treatment here that the Commission has granted Staff multiple times in the past. CLC requests that the Commission maintain the status quo while it considers CLC’s request for reconsideration.

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CONCLUSION

8 For the reasons set forth above, CLC respectfully requests that the Commission stay the effectiveness of the Final Order in this proceeding, Order 08, pending resolution of CLC's petition for reconsideration.

Respectfully submitted this 14th day of June 2023.

CENTURYLINK



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