

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of

THE CENTURYLINK COMPANIES – QWEST CORPORATION; CENTURYTEL OF WASHINGTON; CENTURYTEL OF INTERISLAND; CENTURYTEL OF COWICHE; AND UNITED TELEPHONE COMPANY OF THE NORTHWEST

To be Competitively Classified Pursuant to RCW 80.36.320

DOCKET UT-240029

CENTURYLINK RESPONSE TO STAFF’S MOTION FOR CONTINUANCE

- 1* Pursuant to WAC 480-120-385(3)(a), the CenturyLink ILECs (“CenturyLink”) submit this brief response to Staff’s March 12, 2024 motion for a continuance of the mandatory settlement conference in this case. While CenturyLink is respectful of the burdens of litigation, it urges the Commission to deny Staff’s motion.
- 2* The Commission encourages settlement. WAC 480-07-700(1) (“The commission supports parties' informal efforts to resolve disputes without the need for contested hearings when doing so is lawful and consistent with the public interest.”). In Order 02, the Commission set the mandatory discovery conference for March 20, 2024. This date was selected through the negotiations of the parties, including Staff, and approved by the assigned Administrative Law Judge. Staff’s motion does not establish good cause for delaying the date it agreed to, and the Commission approved.
- 3* CenturyLink has been seeking Staff’s and Public Counsel’s engagement on settlement since May 2023, eight months prior to the filing of the petition in this matter. With no obligation to do so, CenturyLink opened a dialogue and made a proposal, outlining with specificity a framework for a not-yet-filed competitive classification petition, in the hopes

of narrowing or averting litigation. It received practically no engagement, except that Staff and Public Counsel issued a significant number of informal data requests, treating this period more as litigation than as an exploration of settlement. CenturyLink's desire to engage in constructive settlement discussions remains, and has not waived, since CenturyLink attempted to pave the way for that dialogue by proactively embedding additional conditions in the petition itself. Delaying any discussions until one month prior to hearing lessens the chances of the parties reaching settlement.

4 In its motion, Staff states "No other party will be prejudiced by the continuance. Public Counsel does not object, as noted above. *CenturyLink does, but the company is under no deadlines between the currently-set and proposed dates for the settlement conference*, and the proposed date is three weeks before rebuttal and cross-answering testimony is due." Staff Motion, para 12 (emphasis added). With respect, this statement paints an inaccurate picture.

5 First, CenturyLink is under numerous overlapping deadlines, as it is in the midst of responding to well over 100 data requests from Staff and Public Counsel. CenturyLink is willing and able to respond to scores of data requests while also discussing settlement. Staff has the same capacity. There is never a time in litigation when parties are not under the strain of deadlines.

6 Second, Staff and Public Counsel will be filing responsive testimony on April 3, 2024, meaning that CenturyLink will be busily propounding discovery and preparing its reply testimony due May 10, 2024. Again, CenturyLink hopes that the parties will be actively discussing settlement beginning March 20, 2024, and stands ready to walk and chew gum at the same time in order to reach an amicable and fair settlement that can be presented to the Commission.

7 CenturyLink intends no disrespect to Staff and understands that there is burden in preparing testimony, but urges the Commission to deny Staff's motion so that the parties

can begin in earnest the process of exploring ways to narrow or eliminate disputed issues in this case.

Submitted this 15th day of March 2024.

CENTURYLINK



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