

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET UT-061625
	)	
QWEST CORPORATION,	)	ORDER 21
	)	
For an Alternative Form of Regulation	)	ORDER CONTINUING TO HOLD
Pursuant to RCW 80.36.135.	)	IN ABEYANCE THE MOTION
	)	TO EXTEND AND DEFER AFOR
	)	FILING AND REVIEW
	)	REQUIREMENTS
.....	)	

**MEMORANDUM**

1 **NATURE OF PROCEEDING:** Docket UT-061625 involves Qwest Corporation’s (Qwest or Company)<sup>1</sup> request for an alternative form of regulation (AFOR) pursuant to RCW 80.36.135.

2 **PROCEDURAL BACKGROUND:** The Washington Utilities and Transportation Commission (Commission) approved, subject to condition, Qwest’s AFOR request which became effective on November 30, 2007.<sup>2</sup> Qwest’s AFOR was approved for a four-year term, with a formal review and filing requirements. The Commission has previously extended those filing requirements.

3 On November 4, 2011, the Company requested that the Commission defer and extend certain review and filing requirements in accordance with Condition 3 of the Settlement Agreement entered into between the companies, Commission Staff, and Public Counsel in Docket UT-100820, and approved by the Commission (Motion).<sup>3</sup>

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<sup>1</sup> In Docket UT-100820, the Commission approved the merger of Qwest and CenturyLink. In this Order, we will continue to refer to “Qwest” for the purposes of clarity.

<sup>2</sup> Orders 06 and 08, entered July 24, and September 6, 2007, respectively and Order 11, entered November 8, 2007.

<sup>3</sup> *In the Matter of the Joint Application of Qwest Communications International Inc. and CenturyTel Inc. For Approval of Indirect Transfer of Control of Qwest Corporation, Qwest Communications Company LLC, and Qwest LD Corp.*, Docket UT-100820. Order 14 (March 14, 2011).

That Condition requires the Company make certain filings regarding new AFOR plans which the Company argues extend the existing Qwest AFOR until the Commission enters an order on those filings. No party opposed the motion and the time for doing so has now expired.

4 At the same time it filed the Motion in compliance with the Settlement Agreement in Docket UT-100820, Qwest was also appealing the Commission's Final Order in the United States District Court. As a result, the Commission held the Company's Motion in abeyance pending the outcome of the appeal.<sup>4</sup>

5 On March 19, 2012, the United States District Court case was dismissed after the parties to the proceeding filed a stipulation requesting the dismissal of the appeal with prejudice.

6 Qwest filed a Motion for Ruling on Motion for Extension and Deferral of Requirements in Accordance with Condition 3 of the Settlement Agreement in Docket UT-100820 on May 3, 2012. The Company recommends that, with the dismissal of the appeal, the Commission consider the original Motion filed in November 2011.

7 **COMMISSION DECISION:** The Commission is currently reviewing Qwest's Motion. When finished with this analysis, we will issue an order on the Motion. By virtue of Order 19, and as noted by the Company in paragraph 3 of its Motion, the effect of deferring the review period contemplated in the AFOR plan is to extend the duration of the existing plan until completion of the review and a new AFOR plan is approved. Thus, the Commission shall continue to hold the Motion in abeyance and Qwest's AFOR shall remain in effect pending further order of the Commission.

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<sup>4</sup> Order 20 (December 21, 2011).

**ORDER**

8 THE COMMISSION ORDERS That the motion for extension and deferral shall be held in abeyance and the AFOR shall remain in effect pending further order of the Commission.

DATED at Olympia, Washington, and effective June 21, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER  
Administrative Law Judge