



The Confederated Tribes of the Colville Reservation
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February 1, 2011

Jeff Goltz, Chairman
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
Olympia, WA 98504
Facsimile: (360) 586-1150

Re: ***In the Matter of the Joint Application of Qwest Communications International Inc. and CenturyTel, Inc. Docket UT-100820***

Dear Chairman Goltz:

On January 26, 2010, elected officials and technical personnel from the Confederated Tribes of the Colville Reservation ("Colville Tribes" or "Tribes") spoke with officials from CenturyLink regarding the Tribes' suggested changes to the parties' proposed settlement agreement in this proceeding. The Tribes' concerns with and five suggested changes to the proposed settlement¹ between CenturyLink and the Commission Staff are set forth in the Colville Tribes' public comments, which are on file with the Commission.

Based on discussions with CenturyLink officials immediately following the Commission's January 5, 2010 public hearing and other communications thereafter, the Colville Tribes was hopeful that this discussion would result in an agreement. Unfortunately, the Colville Tribes was greatly disappointed. CenturyLink did not agree to incorporate any of the Tribes' suggested changes to the proposed settlement. The Colville Tribes notes that CenturyLink has already agreed to revise the proposed settlement once since the settlement agreement and accompanying conditions were filed on December 23, 2010 (*See Revised Condition 16, filed Jan. 10, 2010*) but it did not do so here.

With respect the Tribes' primary request that the unserved community of Keller and the underserved community of Inchelium be included in CenturyLink's broadband deployment plan (both of which are in CenturyLink's current service area), CenturyLink officials stated that the Commission is in receipt of the Tribes' public comments, that all briefing has been completed, and these issues will have to await the Commission's final decision. In the Tribes' view,

¹ The Tribes' five suggested changes are: (1) adding the Colville Reservation communities of Keller and Inchelium to the five communities identified in agreed-to Condition 14 for which CenturyLink will provide broadband; (2) establish a Tribal-Liaison office to provide Indian tribes with a direct point of contact within CenturyLink for quality of service issues, inquiries, or other matters that arise within tribal lands that are dependant on or otherwise implicate CenturyLink's operations; (3) establish a training program available to Indian tribes to enable tribal personnel to service and make repairs to CenturyLink and legacy switches and infrastructure; (4) undertake promotional activities to inform residents on the Colville Reservation and other tribal lands in Washington State of the Enhanced Lifeline and Link-Up Assistance programs available for tribal members; and (5) report to the Commission on areas served by CenturyLink within Indian lands.

CenturyLink did not take this issue seriously and apparently assumes that the Commission will not alter the broadband deployment component of the proposed settlement. Unfortunately this refusal to extend the same modern services to our communities that are provided elsewhere within CenturyLink's territory raises fundamental questions about CenturyLink's stewardship of its public interest obligations as a certificated and regulated service provider in our state.

It bears mention that the Federal Communication Commission's National Broadband Plan notes that, "as the FCC has previously observed, '[b]y virtually any measure, communities on Tribal lands have historically had less access to telecommunications services than any other segment of the population.'" The Keller and Inchelium communities are emblematic of this statement.

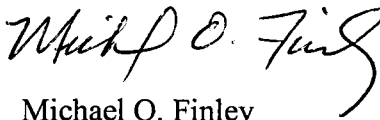
The Tribes' second request was that CenturyLink establish a tribal liaison office, which would benefit Indian tribes statewide. CenturyLink officials simply referred the Colville Tribes to CenturyLink's existing area manager, who they described as being the Tribes' primary point of contact "under [their] structure." This response was extremely disappointing given that this request, in the Tribes' view, would impose no burden on CenturyLink while providing CenturyLink a valuable window into the unique needs and concerns of Indian communities within the state. Such an office would benefit not only CenturyLink and the Colville Tribes but also other Indian tribes in Washington State that have experienced similar quality of service issues.

CenturyLink agreed to "continue discussions" with the Colville Tribes regarding implementation of a training program, the Tribes' third request. No time objective for accomplishing this was agreed to and CenturyLink did not agree to incorporate the Tribes' proposed language into the settlement agreement that would allow other Indian tribes in Washington State to avail themselves of such a program. Thus the agreement to continue discussions rings hollow. Regarding the Tribes' fourth request that CenturyLink promote the enhanced Lifeline and Link-Up programs, CenturyLink officials stated that they intend work with the Commission staff to modify their current program, but, again, did not agree to incorporate anything into the proposed settlement agreement. The provision of Lifeline and Link-Up services to low income consumers is one of CenturyLink's fundamental public service obligations and one for which CenturyLink receives subsidization. It is of particular concern that CenturyLink seems reluctant to fully embrace this obligation and ensure that all who are eligible receive these services. Finally, in response to the Tribes' very minor request that CenturyLink file maps with the Commission identifying Indian lands in its service area, CenturyLink officials said that they would work on generating new maps, though did not provide any timeframe for doing so. Plainly as a certificated local exchange carrier CenturyLink is fully aware of the areas in which it is authorized to provide service and should be able to produce a map or maps of its certificated service territory by copying these materials from its files. The Commission should direct CenturyLink to produce these maps to the Commission and to the Colville Tribes immediately.

Against this backdrop, the Colville Tribes reiterates its request that the Commission incorporate all of the changes set forth in the Colville Tribes' public comments as conditions to any approval of the CenturyLink-Qwest merger.

The Colville Tribes appreciates the Commission's interest in these matters. Please feel free to contact me if you have any questions concerning this letter.

Sincerely,

A handwritten signature in black ink that reads "Michael O. Finley". The signature is written in a cursive style with a large, sweeping flourish at the end.

Michael O. Finley

cc: Patrick Oshie, Commissioner
Philip B. Jones, Commissioner
Dave Danner, Executive Director/Secretary
Simon Ffitch, Public Counsel