

Service Date: December 20, 2019

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

QWEST CORPORATION d/b/a  
CENTURYLINK QC,

Respondent.

DOCKET UT-190262

*(Consolidated)*

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYTEL OF COWICHE, INC.,  
d/b/a CENTURYLINK,

Respondent.

DOCKET UT-190263

*(Consolidated)*

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYTEL OF WASHINGTON,  
INC., d/b/a CENTURYLINK,

Respondent.

DOCKET UT-190264

*(Consolidated)*

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

DOCKET UT-190265

*(Consolidated)*

<p>v.  CENTURYTEL OF WASHINGTON, INC., d/b/a CENTURYLINK,  Respondent.</p>	
<p>WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,  Complainant,  v.  UNITED TELEPHONE COMPANY OF THE NORTHWEST d/b/a CENTURYLINK,  Respondent.</p>	<p>DOCKET UT-190266 <i>(Consolidated)</i>  ORDER 04  GRANTING AMENDED MOTION TO WITHDRAW TARIFF FILING WITH CONDITIONS AND DISMISSING COMPLAINTS</p>

**BACKGROUND**

- 1 On April 8, 2019, the CenturyLink companies listed as respondents in the captions above (collectively CenturyLink or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to their currently effective tariffs to discontinue private switch/automatic location identification (PS/ALI) service the Company provides as part of its Emergency 9-1-1 (E911) service. The Commission consolidated the dockets and suspended the tariffs on April 25, 2019.
- 2 On May 20, 2019, the Commission entered Order 03 Denying Motions to Withdraw; Prehearing Conference Order, which denied CenturyLink’s request to withdraw the tariff filings in these dockets and adopted the preliminary procedural schedule the parties proposed at the prehearing conference on May 13. The Commission amended that schedule at the parties’ request in a status conference on July 30, 2019.
- 3 On November 5, 2019, CenturyLink filed a motion to withdraw tariff filing and dismiss proceeding, which the Company amended on November 15 (Amended Motion). The Commission suspended the procedural schedule and provided parties with an opportunity to respond to the Amended Motion.

4 CenturyLink states that the Amended Motion differs from its previous request to withdraw the tariff filings. According to the Company, the primary basis for the Amended Motion is administrative efficiency. The parties have not been able to agree on a transition plan for the Company to discontinue PS/ALI service, and CenturyLink states that it currently lacks the resources to fully engage in litigating these dockets. The Company makes the following representations:

- When the tariffs were filed, CenturyLink had 449 customers taking the PS/ALI service. CenturyLink has provided two customer notices advising customers to find another provider. The second notice, on August 9, 2019, was sent via US Mail and to nearly 800 email addresses. As of October 1, 2019, CenturyLink had 398 PS/ALI customers. As of November 1, 2019, CenturyLink had 396.
- The PS/ALI service generates a financial loss to CenturyLink.
- CenturyLink has abandoned its effort to discontinue PS/ALI service and does not at this time have a specific plan or timeline to exit the PS/ALI market.
- CenturyLink will send regular customer notices via US Mail and email to its PS/ALI customers advising that CenturyLink has abandoned its effort to discontinue PS/ALI service. The notice will provide contact information for other, competing providers of PS/ALI service and explain that should the customer desire to change PS/ALI providers, these providers and CenturyLink will cooperate to facilitate the change.
- CenturyLink will not file to withdraw the service pending the outcome of a new [alternative form of regulation (AFOR)] proceeding, which should be filed in 2020. The existing AFOR expires in January 2021 and CenturyLink will include PS/ALI in the discussions with Staff and Public Counsel around a new AFOR.

- CenturyLink will file to grandfather this service if the motion is granted, and if grandfathering is permitted will subsequently advise new customers that CenturyLink is not accepting new customers for this service which is available from multiple competitive providers.
- CenturyLink will not file to increase prices for this service unless its third-party vendor costs increase.<sup>1</sup>

5 The Company represented in its cover letter accompanying the Amended Motion that CenturyLink was authorized to state that based on the commitments in the Amended Motion, Commission regulatory staff (Staff)<sup>2</sup> is in agreement. Staff's counsel informed the presiding administrative law judge that the Company's representation was accurate, and Staff would not file a response.

6 The Public Counsel Unit of the Washington Attorney General's Office (Public Counsel) filed a response to the Amended Motion. Public Counsel stresses the importance of clear communication to customers and states that with the commitments listed in the Amended Motion, Public Counsel does not object to withdrawal of the tariff filings if the parties are able to provide input on CenturyLink's customer notice.

7 The Washington State Military Department E911 Coordination Office (SECO) also filed a response to the Amended Motion. SECO does not object to dismissal of the proceeding but has several concerns. SECO recommends that the Commission take the following actions to address those concerns:

- (a) To avoid additional customer confusion, the Commission should prevent CenturyLink from filing any new actions relating to the PS/ALI service until transition of the ESInet from CenturyLink to Comtech is fully accomplished by all entities.

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<sup>1</sup> Motion ¶ 5.

<sup>2</sup> In formal proceedings such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

- (b) The Commission should require CenturyLink to notify its customers that CenturyLink intends to continue offering PS/ALI service at its current tariff rate and that those customers do not need to find a new provider.
- (c) Because Comtech granted CenturyLink an exception to its requirement to convert to Comtech's new process for entering and maintaining PS/ALI records because it believed that CenturyLink would terminate its PS/ALI service, the Commission should require CenturyLink to convert to Comtech's new process, as the manager of the ALI database.

8 Lisa Anderl, in house counsel, Seattle, Washington, represents CenturyLink. Nash Callaghan, Assistant Attorney General, Lacey, Washington, represents Staff. Lisa W. Gafken and Nina Suetake, Assistant Attorneys General, Seattle, Washington, represent Public Counsel. Dawn C. Cortez, Assistant Attorney General, represents SECO.

#### DISCUSSION AND DECISION

9 The Commission will grant a motion to withdraw tariff filings in a pending adjudication when the requested withdrawal is in the public interest.<sup>3</sup> The Amended Motion and its attendant commitments is in the public interest, and the Commission grants that motion with one additional condition.

10 E911 is a vitally important telecommunications service, and PS/ALI service is a critical component of that service. CenturyLink currently provides PS/ALI service to a substantial number of customers. CenturyLink ultimately desires to discontinue that service, but the Company may not do so unless and until those customers can seamlessly be transitioned to other providers. In the absence of such a transition or the resources to develop one, we agree that CenturyLink's request to withdraw its tariff filings discontinuing its PS/ALI service represents an appropriate course of action.

11 We also agree that the commitments CenturyLink offers in the Amended Motion support the relief the Company requests. CenturyLink's customers are best served by maintaining the status quo until CenturyLink, interested stakeholders, and the Commission can more fully address the Company's future provisioning of PS/ALI service in the context of CenturyLink's next AFOR. Notifying those customers that CenturyLink is no longer

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<sup>3</sup> WAC 480-07-380(3)(b).

seeking to discontinue that service and will continue to provide it at current rates also reduces customer uncertainty and confusion.

- 12 Public Counsel recommends a reasonable additional condition. Other parties should have input in the notice the Company gives to customers concerning its PS/ALI service, particularly in light of the CenturyLink's desire to ultimately discontinue that service despite committing to continue to provide it for now. Accordingly, we will require CenturyLink to consult with the other parties in these dockets as it develops appropriate language for the customer notice the Company has committed to provide.
- 13 We decline to adopt SECO's recommendations. First, CenturyLink has committed not to seek to discontinue PS/ALI service pending resolution of the Company's next AFOR. We do not believe that the potential for customer confusion is substantial enough to warrant prohibiting CenturyLink from making any other filing related to such service. Indeed, the Company has stated its desire to make a filing grandfathering that service, to which no party, including SECO, has objected. Second, SECO's proposal to require CenturyLink to notify customers that it will continue to provide PS/ALI service is duplicative of one of the Company's commitments in the Amended Motion. Finally, CenturyLink's adherence to Comtech's new process for entering and maintaining PS/ALI records is beyond the scope of this proceeding and, at a minimum, is a matter than should be addressed between those two companies before the Commission takes any action.

### **ORDER**

14 THE COMMISSION ORDERS:

- 15 (1) The Commission grants CenturyLink's Amended Motion to Withdraw Tariff Filing and Dismiss Proceeding.
- 16 (2) CenturyLink must comply with the commitments in the Amended Motion as reflected in paragraph 4 above. In addition, CenturyLink must consult with the parties to develop mutually acceptable language in the customer notice the Company has committed to provide. The Commission delegates to the Commission Secretary the authority to resolve any dispute over that language.
- 17 (3) Any tariff revisions CenturyLink files to limit its provision of PS/ALI service to existing customers of that service should not be filed in this proceeding but should be filed in different dockets. The Commission will consider any such tariff

revisions if and when the Company files them, and nothing in this Order should be construed to take any position on whether the Commission will approve such filings.

- 18 (4) The tariff filings in each of these dockets are withdrawn, and the Commission dismisses the complaints and this proceeding.
- 19 (5) The Commission retains jurisdiction to enforce this Order.

Dated at Olympia, Washington, and effective December 20, 2019.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

DAVID W. DANNER, Chairman

ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner