

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYLINK COMMUNICATIONS,  
LLC,

Respondent.

DOCKET UT-181051

COMMISSION STAFF MOTION TO  
SUSPEND PROCEDURAL  
SCHEDULE

1           On July 9, 2021, CenturyLink Communications, LLC (CenturyLink) filed a Motion for Third Party Discovery (Motion) with the Washington Utilities and Transportation Commission (Commission), requesting that the Commission order TeleCommunication Systems, Inc. d/b/a Comtech Telecommunications Corp. (TSYS) and Transaction Network Services, Inc. (TNS), which are not parties to the current Docket, to make documents and witnesses available for discovery and depositions. On July 20, TSYS filed a motion to intervene in the proceeding.

**I.     STANDARD**

2           Under 480-07-385, the Commission may suspend the procedural schedule in a docket “pending further commission action.” Although WAC 480-07-385(3)(c) encourages the party requesting that the procedural schedule be suspended to make such a request at least five business days prior to the next deadline, Commission Staff (Staff) argues that the rule’s language is permissive, rather than mandatory, and that the Commission may still act upon this motion (*Compare* WAC 480-07-385(3)(a) (“A party **must** file and serve any written motion for continuance . . . .” *with* WAC 480-07-

385(3)(c) (“A party **should** request that the commission suspend the procedural schedule. . . .”)) (Emphasis added).<sup>1</sup>

## II. ARGUMENT

3 Commission Staff (Staff) requests that the Commission suspend the procedural schedule in this docket until it has resolved the issues related to TSYS’s request for late intervention and CenturyLink’s motion for additional discovery regarding TSYS and TNS.

4 First, Staff notes that while TSYS has since filed a petition to intervene in this docket, there has been no response from TNS, the other subject of CenturyLink’s request for third party discovery. In other words, even if the Commission were to grant TSYS’s request for intervention, thereby mooted CenturyLink’s Motion as to TSYS, the concerns raised by Staff in its response would still be present as to TNS. Conversely, if the Commission were to deny TSYS’s petition to intervene, Staff’s arguments would remain relevant as to both TSYS and TNS. Therefore, for the reasons stated in its response to CenturyLink’s Motion, Staff requests that the Commission suspend the procedural schedule and expeditiously convene a status conference.

5 Second, If the Commission were to grant TSYS’s request to intervene, the late entry of another party to the adjudication warrants suspension and reorientation of the procedural schedule to efficiently and economically ensure that the new party’s participation in the docket is meaningful. In the event the Commission grants TSYS’s

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<sup>1</sup> Alternatively, the Commission should modify or waive the application of WAC 480-07-385(3)(c). WAC 480-07-110. Staff maintains that modification is appropriate because it does not conflict with statute and serves the public interest and underlying purpose of the Commission’s procedural regulations because suspension will allow the Commission to more efficiently administer the current docket’s proceedings in response to CenturyLink’s Motion and TSYS’s motion to intervene, as previously noted by Staff in its July 20 response to CenturyLink’s Motion.

petition for late intervention, Staff anticipates a host of procedural questions regarding discovery and the timing of events as they apply to the parties. Rather than attempt to resolve questions piecemeal, the Commission should suspend the procedural schedule and convene a status conference for the purpose of resolving any questions or issues that arise as a result of TSYS's intervention, including extensions of existing procedural deadlines. To do otherwise would result in a series of motions for additional discovery and requests to file surrebuttal and sur-surrebuttal testimony, all of which can be avoided by simply revisiting the procedural schedule.

6           Finally, suspension and extension would not substantially prejudice the current parties to the litigation. Quite to the contrary, suspending and extending the procedural schedule would allow all of the current parties to potentially benefit from additional discovery provided by TSYS, and allow TSYS, if allowed to intervene, the opportunity to familiarize itself with the proceeding and discovery that has already been exchanged among the parties. In other contexts, continuances are common when new counsel is brought on to a case. Here, an entire new party is poised to join the case. The Commission should grant Staff's motion.

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### III. CONCLUSION

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The Commission should suspend the procedural schedule in Docket UT-181051 and hold a status conference among the parties after resolving CenturyLink's request for additional discovery and TSYS's petition to intervene.

DATED this 27<sup>th</sup> day of July, 2021.

Respectfully submitted,

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