

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYLINK
COMMUNICATIONS, LLC, d/b/a
LUMEN TECHNOLOGIES GROUP,

Respondent.

DOCKET UT-240078

ORDER 01

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING
(Set for September 13, 2024,
at 9:30 a.m.)

- 1 **NATURE OF PROCEEDING.** On March 13, 2024, the Washington Utilities and Transportation Commission (Commission) issued a complaint (Complaint) against CenturyLink Communications, LLC, d/b/a Lumen Technologies Group (CenturyLink or Company) for failure to meet the requirements of Washington Administrative Code (WAC) 480-120-133(2)(c) and WAC 480-07-175.
- 2 **CONFERENCE.** The Commission convened a prehearing conference in this docket on April 16, 2024, before Administrative Law Judge Paige Doyle.
- 3 **APPEARANCES.** Adam Scherr, Assistant General Counsel, represents CenturyLink. Tad Robinson O’Neill, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Unit of the Washington Office of the Attorney General (Public Counsel). Liam Weiland, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission Staff or Staff).¹ Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

¹ 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 the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

4 **PROTECTIVE ORDER.** The parties ask that the Commission enter a protective order in this docket under Revised Code of Washington (RCW) 34.05.446, RCW 80.04.095, and WAC 480-07-420 to protect the confidentiality of proprietary information. The Commission granted the request and will enter a protective order in this docket.

5 **DISCOVERY.** The parties asked that the Commission make its discovery rules available in this docket, under WAC 480-07-400. The matter is one that qualifies for discovery, and the discovery rules, WAC 480-07-400 – 425, are available. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

6 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B.

7 **DOCUMENT FILING REQUIREMENTS.** Parties must file all pleadings, motions, briefs, and other prefiled materials in compliance with all of the following requirements:

(a) Parties must submit electronic copies of all documents in searchable Adobe Acrobat (.pdf) by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. If any of the documents contain information that is designated as confidential or highly confidential, the party must also file an electronic copy (in Adobe Acrobat (.pdf)) of the redacted version of each such document. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files. Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by email to records@utc.wa.gov.

(b) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (paige.doyle@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive.

8 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by 5 p.m. on September 6, 2024. The Commission requires electronic copies in searchable Adobe Acrobat (.pdf) and four paper copies of the exhibits. Each exhibit must be a distinct electronic document

(i.e., multiple exhibits must not be scanned or otherwise combined in the same document). If any of the exhibits contain information that is designated as confidential or highly confidential, the party must also file one electronic copy (in Adobe Acrobat (.pdf)) and one paper copy of the redacted version of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits. The paper copies of the exhibits also must be organized into sets that are tabbed and labeled.

- 9 **EXHIBIT LISTS.** Each party must file a list of all exhibits the party intends to introduce into the evidentiary record, including all prefiled testimony and exhibits, as well as cross-examination exhibits. The parties must file and serve their exhibit lists by September 6, 2024.
- 10 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge and the other parties by 5 p.m. on September 6, 2024.
- 11 **NOTICE OF HEARING.** The Commission will hold a hybrid evidentiary hearing in this matter on September 13, 2024, at 9:30 a.m., in the Commission’s Hearing Room, 621 Woodland Square Loop SE, Lacey, Washington. To participate in the hearing by phone, call (253) 215-8782 and enter the Meeting ID: 810 4826 3955# and Passcode: 693533#. To participate via Zoom, [click here to join meeting](#).
- 12 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Michael Howard, Director, Administrative Law Division (michael.howard@utc.wa.gov) or call 360-664-1136.

13 **NOTICE TO PARTIES:** A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Lacey, Washington, and effective April 19, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Paige Doyle
PAIGE DOYLE
Administrative Law Judge

APPENDIX A			
PARTIES' REPRESENTATIVES			
DOCKET UT-240078			
PARTY	REPRESENTATIVE	PHONE	E-MAIL
CenturyLink	Adam Scherr Assistant General Counsel 120 Lenora Street Seattle, WA 98121	(206) 806-7171	Adam.scherr@lumen.com
	Peter Gose		Peter.gose@lumen.com
Commission Staff	Liam Weiland Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504	(360) 927-5050	Liam.weiland@atg.wa.gov
Public Counsel	Tad Robinson O'Neill Assistant Attorney General Office of the Attorney General Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 587-5636	Tad.oneill@atg.wa.gov pccseaef@atg.wa.gov
	Corey Dahl Regulatory Analyst	(206) 464-6380	Corey.dahl@atg.wa.gov
	Stephanie Chase Regulatory Analyst	(206) 521-3212	Stephanie.chase@atg.wa.gov
	Roman Doyannas Paralegal	(206) 254-0562	Roman.doyannas@atg.wa.gov
	Brice C. Hartman Paralegal	(206) 342-6425	Brice.hartman@atg.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-240078**

EVENT	DATE
Settlement Conference (parties only)	April 29, 2024
Staff Direct Testimony	May 30, 2024
Company and Public Counsel Response Testimony and Exhibits	July 11, 2024
Rebuttal Testimony and Exhibits; Cross-Answering Testimony and Exhibits	August 8, 2024
Discovery Cutoff	August 16, 2024
Cross-Examination Exhibits, Witness Lists, and Time Estimates	September 6, 2024
Evidentiary Hearing	September 13, 2024
Simultaneous Post-Hearing Briefs	October 14, 2024