

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYTEL OF INTER ISLAND, INC.  
D/B/A CENTURLINK

Respondent.

DOCKET UT-132234

STAFF'S MOTION FOR LEAVE TO  
AMEND MOTION FOR ENFORCEMENT  
OF SUSPENDED PENALTY DUE TO  
VIOLATION OF A COMMISSION  
ORDER

**I. INTRODUCTION**

1 Staff requests leave to amend the filing it made in this docket on May 5, 2017, which included a Motion for Enforcement of Suspended Penalties Due to Violation of a Commission Order (Motion for Enforcement). Subsequent to its filing of the Motion for Enforcement, Staff received new information that creates material issues of fact about one of the allegations involved in the motion. Granting Staff leave to amend and remove that allegation will promote the efficient and just resolution of the matters involved with the Motion for Enforcement.

**II. RELIEF REQUESTED**

2 Staff asks the Commission for leave to file an Amended Motion for Enforcement and Amended Declaration of Susie Paul in Support of Staff's Motion for Enforcement of Suspended Penalties Due to Violation of a Commission Order (Paul Declaration), both of which Staff has filed contemporaneously with this motion.

### **III. STATEMENT OF FACTS**

3           Staff's Motion for Enforcement alleged that CenturyLink had violated WAC 480-  
120-412 and the Washington Outage Communication Plan by failing to timely notify the  
Commission, the Washington Military Department, and affected Public Service Access  
Points (PSAPs) about an outage causing service interruptions in Skamania and Klickitat  
counties.

4           Staff and CenturyLink engaged in conversation after Staff filed the Motion to  
Enforce. In the course of that conversation, CenturyLink provided information that creates  
material issues of fact as to whether CenturyLink timely notified affected PSAPs.<sup>1</sup>

5           Staff and CenturyLink have reached an agreement to resolve Staff's motion without  
the need for contested proceedings. Staff has agreed to amend its motion to remove the  
allegation that CenturyLink failed to timely notify the affected PSAPs. CenturyLink has  
agreed not to contest the allegations or request for relief in the Amended Motion for  
Enforcement.

### **III. STATEMENT OF ISSUES**

6           Whether the Commission should grant Staff leave to file an Amended Motion for  
Enforcement and Paul Declaration?

### **IV. EVIDENCE RELIED UPON**

7           Staff relies on the records on file in Docket UT-132234.

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<sup>1</sup> CenturyLink has given Staff permission to describe the discussions between the parties. See WAC 480-07-700(4)(b).

## V. ARGUMENT

8 The Commission's rules provide that it "may allow amendments to pleading,  
motions, or other documents on such terms as promote fair and just results."<sup>2</sup>

9 Granting Staff leave to amend the Motion for Enforcement will promote a speedy,  
fair, and just result by eliminating the need for the Commission to unnecessarily adjudicate  
disputed material issues of fact. Further, CenturyLink will answer the Amended Motion for  
Enforcement on the date set for its answer to the original Motion for Enforcement and will  
not contest the allegations or the request for relief in the amended motion. Granting Staff  
leave to amend will therefore save the Commission, Staff, and CenturyLink the time and  
expense involved with litigation.

DATED May 19, 2017.

ROBERT W. FERGUSON  
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<sup>2</sup> WAC 480-07-395(5).