

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against

THE CENTURYLINK COMPANIES – QWEST CORPORATION; CENTURYTEL OF WASHINGTON; CENTURYTEL OF INTERISLAND; CENTURYTEL OF COWICHE; AND UNITED TELEPHONE COMPANY OF THE NORTHWEST

In the amount of \$226,600

Docket No. UT-220397

MOTION FOR CONTINUANCE OF PAYMENT DEADLINE

**I. INTRODUCTION AND RELIEF REQUESTED**

*1* Pursuant to WAC 480-07-385(2)(a), Qwest Corporation; CenturyTel of Washington; CenturyTel of Interisland; CenturyTel of Cowiche; and United Telephone Company of the Northwest (collectively, “CenturyLink”) hereby move for continuance of the deadline established in RCW 80.04.405 for payment of penalties assessed against CenturyLink in this proceeding. CenturyLink requests continuation of the payment deadline until final disposition of CenturyLink’s Petition for Commission Review of the Delegated Decision (“Petition for Review”), which is due on October 14, 2022.

**II. FACTS AND DISCUSSION**

*2* On June 1, 2022, the Washington Utilities and Transportation Commission (“Commission”) issued a penalty assessment in the amount of \$226,600.00 against CenturyLink, alleging 2,266 violations of Order 04, the Final Order Approving Settlement Agreements and Establishing Alternative Form of Regulation in Docket UT-130477. CenturyLink timely applied for mitigation of the assessed penalty. On September 30, 2022, the Executive Director and Secretary issued Order 01 in this

proceeding, denying any mitigation of the maximum penalty assessed for such violations.

3 Pursuant to Order 01 and WAC 480-07-904(3), CenturyLink may seek a request for Commission review of the delegated decision no later than fourteen (14) days after the date the decision is posted on the Commission's website. CenturyLink will request Commission review of Order 01 and, therefore, the deadline for filing such petition for review is October 14, 2022. Pursuant to RCW 80.04.405, the Commission has authority to remit or mitigate any penalty or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper. Accordingly, the Commission has discretion to review the delegated decision, ascertain existing or additional facts upon CenturyLink's application for mitigation, and cancel, mitigate, or discontinue prosecution to recovery any penalty in this proceeding.

4 However, pursuant to RCW 80.04.405, the deadline for payment of an assessed penalty must be made within fifteen (15) days of disposition of an application for mitigation. This means payment of the current assessed penalty is due no later than Saturday, October 15, 2022. CenturyLink therefore requests continuance of the payment deadline until such time the Commission has had the opportunity to consider CenturyLink's Petition for Review, ascertain any facts and regulations the Commission deems proper, and issue an order finally resolving the Petition for Review.

5 CenturyLink may request continuation of the payment deadline pursuant to WAC 480-07-385, which provides that a party may request postponement of, or an extension of time to comply with, a deadline established by commission rule or order. CenturyLink must file such Motion for Continuance at least five business days prior to the applicable deadline. WAC 480-07-385(3)(a). In other words, while CenturyLink's Petition for Review is due on October 14, 2022, this Motion for Continuance is due on October 10, 2022.

6 Upon CenturyLink’s timely submission of the Motion for Continuance, “The commission will grant a continuance if the requesting party demonstrates good cause for the continuance and the continuance will not prejudice any party or the commission.” WAC 480-07-385(2)(a). Good cause exists to grant CenturyLink’s Motion for Continuance because postponing the deadline for payment recognizes the Commission’s discretion to remit or mitigate the penalty upon review of the delegated decision. Requiring CenturyLink to submit full payment of the maximum penalty when consideration of that penalty has not been fully dispossessed would be a waste of resources and an unnecessary administrative burden. If the Commission ultimately reduces the penalty by any amount, the Commission will then have to refund or otherwise resolve such overpayment. Further, as will be explained in CenturyLink’s Petition for Review (being filed concurrently), while the assessed penalty is excessive and disproportionately large considering the facts and the alleged violations, there is no risk that CenturyLink will not be able to pay the assessed penalty in the event the Commission denies CenturyLink’s petition or declines to mitigate or remit the penalty. Further, there is no other party to this proceeding and, therefore, no potential prejudice to any other party or the Commission.

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### III. CONCLUSION

7 For the reasons set forth above, CenturyLink respectfully requests continuance of the payment deadline of any assessed penalty in this proceeding until such time the Commission issues a final order on CenturyLink's Petition for Review of Delegated Decision.

RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of October 2022.

CENTURYLINK



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