

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

V.

CENTURYLINK COMMUNICATIONS
LCC d/b/a LUMEN TECHNOLOGIES
GROUP; QWEST CORPORATION;
CENTURYTEL OF WASHINGTON,
INC.; CENTURYTEL OF INTER
ISLAND, INC.; CENTURYTEL OF
COWICHE, INC.; UNITED
TELEPHONE COMPANY OF THE
NORTHWEST

DOCKET UT-210902

ORDER 01

PREHEARING CONFERENCE
ORDER;

NOTICE OF HEARING
**(Set for March 24, 2023,
at 9:30 a.m.)**

- 1 **NATURE OF PROCEEDING.** On April 6, 2022, the Washington Utilities and Transportation Commission (Commission) issued a Complaint and Notice of Prehearing Conference (Complaint) against CenturyLink Communications LLC d/b/a Lumen Technologies Group; Qwest Corporation; CenturyTel of Washington, Inc.; CenturyTel of Inter Island, Inc.; CenturyTel of Cowiche, Inc.; and United Telephone Company of the Northwest (collectively, the Lumen Companies), alleging violations of WAC 480-120-173.
- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket on May 23, 2022, before Administrative Law Judge Gregory J. Kopta.
- 3 **APPEARANCES.** Adam Scherr, in house counsel, and Donna L. Barnett, Perkins Coie LLP, Bellevue, Washington, represent the Lumen Companies. Lisa W. Gafken, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Unit of the Washington Office of the Attorney General (Public Counsel). Jeff Roberson, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff

(Commission Staff or Staff).¹ Contact information for the parties' representatives is attached as Appendix A to this order.

4 **PRESIDING ALJ.** The Commission provided the parties with the opportunity to object to Judge Kopta presiding in this matter because he signed the Commission complaint. No party objected to Judge Kopta presiding.

5 **PROTECTIVE ORDER.** The parties ask that the Commission enter a protective order in this docket under 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.

6 **DISCOVERY.** The parties asked that the Commission make its discovery rules available in this docket, under WAC 480-07-400. The matter qualifies for discovery, and the discovery rules, WAC 480-07-400 – 425, are available.

7 **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.

8 **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 in searchable Adobe Acrobat (.pdf) of all documents 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

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.

(gregory.kopta@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.

- 9 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on March 17, 2023**. The Commission requires electronic copies in searchable Adobe Acrobat (.pdf) 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.
- 10 **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 **5 p.m. on March 17, 2023**.
- 11 **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 March 17, 2023**.
- 12 **NOTICE OF HEARING.** The Commission will hold a virtual evidentiary hearing in this matter on **March 24, 2023, at 9:30 a.m.** To participate in the hearing by phone, call (253) 215-8782 and enter the Meeting ID: 882 4296 7750# and Passcode: 511776#. To participate via Zoom, [click here to join meeting](#).
- 13 **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 Rayne Pearson, Director, Administrative Law Division (rayne.pearson@utc.wa.gov or 360-664-1136).
- 14 **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 May 24, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Gregory J. Kopta
GREGORY J. KOPTA
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UT-210902**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Lumen Companies	Adam Scherr 1600 7 th Ave. RM 1506 Seattle WA 98191	(206) 398-2507	Adam.scherr@lumen.com
	Donna L. Barnett Perkins Coie LLP 10885 N.E. Fourth Street, Suite 700 Bellevue, WA 98004-5579	(425) 635-1400	dbarnett@perkinscoie.com
	David Namura		David.namura@centurylink.com
Commission Staff	Jeff Roberson Assistant Attorney General office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-7250	(360) 664-1186	Jeff.roberson@utc.wa.gov
	Betsy DeMarco		Betsy.demarco@utc.wa.gov
	Jeanne Roth		Jeanne.roth@utc.wa.gov
Public Counsel	Lisa W. Gafken Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	Lisa.gafken@atg.wa.gov PCCSeaEF@atg.wa.gov
	Corey Dahl	(206) 464-6380	coreydahl@atg.wa.gov
	Thomas Johnson	(206) 254-0562	Thomas.johnson@atg.wa.gov
	Brice C. Hartman	(206) 342-6425	Brice.hartman@atg.wa.gov
	Chanda Mak	(206) 389-3972	Chanda.mak@atg.wa.gov
	Nina M. Suetake	(206) 389-2055	Nina.suetake@atg.wa.gov
	Ann N.H. Paisner	(206) 521-3211	Ann.paisner@atg.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-210902**

EVENT	DATE
Commission staff Direct Testimony	August 26, 2022
Company and Public Counsel Response Testimony ²	November 18, 2022
Settlement Conference (parties only) ³	January 19, 2023
Rebuttal and Cross-Answering Testimony ⁴	February 17, 2023
Discovery Cut-off	March 6, 2023
Cross-Examination Exhibits, Witness Lists, Exhibit Lists, and Time Estimates	March 17, 2023
Evidentiary Hearing	March 24, 2023
Simultaneous Post-Hearing Opening Briefs	April 21, 2023
Simultaneous Reply Briefs	May 12, 2023

² Data Request Response time reduced from 10 days to 7 days.

³ Subject to Parties rescheduling with notice to presiding administrative law judge.

⁴ Data request response time reduced from 7 to 5 days.