

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYLINK
COMMUNICATIONS, LLC D/B/A
LUMEN TECHNOLOGIES; QWEST
CORPORATION; CENTURYTEL OF
WASHINGTON, INC.; CENTRUYTEL
OF INTER ISLAND, INC.;
CENTURYTEL OF COWICHE; AND
UNITED TELEPHONE COMPANY OF
THE NORTHWEST,

Respondent.

DOCKET UT-240117

ORDER 02

PREHEARING CONFERENCE
ORDER AND NOTICE OF HYBRID
EVIDENTIARY HEARING
(Set for March 24, 2026,
at 9:30 a.m.)

BACKGROUND

- 1 **NATURE OF PROCEEDING.** On March 31, 2025, the Washington Utilities and Transportation Commission (Commission) on its own motion, and through Commission staff (Staff) issued a complaint against CenturyLink Communications, LLC d/b/a Lumen Technologies; Qwest Corporation; CenturyTel of Washington, Inc.; CenturyTel of Inter Island, Inc.; CenturyTel of Cowiche; and United Telephone Company of the Northwest (collectively CenturyLink or Company) in this Docket.
- 2 On May 6, 2025, the Commission issued Order 01 Protective Order in this proceeding.
- 3 **CONFERENCE.** The Commission convened a virtual prehearing conference on April 30, 2025, before Administrative Law Judge Connor Thompson.
- 4 **APPEARANCES.** Adam L. Sherr and Katie N. Wagner, of CenturyLink represent CenturyLink. Lisa Gafken, Assistant Attorney General, Olympia, Washington, represents

Staff.¹ Tad Robinson O'Neill, Jessica Johanson-Kubin, Alexandra Kory, and Robert Sykes, Assistant Attorney Generals, Seattle, Washington, represent Public Counsel.

5 **PETITIONS FOR INTERVENTION.** No petitions to intervene have been filed in this matter and there were no oral petitions to intervene presented at the Pre-Hearing Conference.

6 **PROTECTIVE ORDER.** A protective order has been issued in this Docket.

7 **DISCOVERY.** In order to facilitate an efficient resolution to this matter, discovery will be immediately available to the parties and shall be conducted under the Commission's discovery rules, Washington Administrative Code (WAC) 480-07-400 – 425. The Commission urges the parties to work cooperatively to avoid having to bring discovery matters forward for formal resolution.

8 Additionally, the Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. No party objected to the Commission making the exchange of data request responses with all parties a requirement for discovery in this proceeding. Accordingly, the Commission requires the parties to share every data request response with all parties, subject to any confidentiality limitations contained in Commission rule and the protective order issued in this docket. To clarify, data requests and responses are not shared with the presiding officer unless those responses are offered as exhibits to be admitted into the record.

9 **PROCEDURAL SCHEDULE.** The parties presented a procedural schedule at the prehearing conference. The Commission took the request for scheduling under advisement and adopts the procedural schedule attached to this Order as Appendix B.

10 At the prehearing conference, the parties discussed the date upon which Public Counsel would be expected to file testimony. CenturyLink noted its preference that Public Counsel submit testimony and exhibits with Staff, as was previously done in Docket UT-181051. Staff and Public Counsel both argued Public Counsel should submit testimony and exhibits concurrently with CenturyLink. Staff argued that it carries the burden in this matter. Public Counsel agreed with Staff and argued that due to the voluminous nature of this investigation, Public Counsel needs additional time to review dockets and asks the

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.

Commission to allow Public Counsel to submit testimony at the same time as CenturyLink.

- 11 After reviewing the prehearing conference order in Docket UT-181051, no reasons were identified for requiring Public Counsel to file concurrently with Staff. Accordingly, the Commission does not find a substantial need to deviate from its ordinary course of action. Staff has filed the Complaint at issue in this Docket and bears the burden of proving the underlying causes of action. Further, the Commission finds Public Counsel's argument persuasive. By all accounts, this case is document and data intensive. The Commission is concerned requiring Public Counsel to file concurrently with Staff would prejudice Public Counsel in review of the underlying documents. Accordingly, Public Counsel will file testimony and exhibits concurrently with CenturyLink.
- 12 The parties will hold the first settlement conference during the week of October 27, 2025, and shall submit to the presiding officer confirmation of the date, no later than 10 days prior to the settlement conference. The parties may modify the date of the second settlement conference by providing written notice to the Commission.
- 13 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:
 - (a) Parties must submit electronic copies 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. Parties must comply with [WAC 480-07-140\(6\)](#) in formatting, organizing, and identifying electronic files. Documents that include information designated as confidential must comply with the requirements in [WAC 480-07-160](#) and the Protective Order in this docket.
 - (b) Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in [WAC 480-07-140\(5\)\(b\)](#).
 - (c) If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit.
 - (d) The Commission is continuing to suspend requirements for paper filings in this case for all submissions dating after the Company's initial testimony.

(e) Documents filed with the Commission must conform to the formatting and other requirements in [WAC 480-07-395](#) and [WAC 480-07-460](#).

(f) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge by 5 p.m. on the filing deadline, unless the Commission orders otherwise. Pursuant to [WAC 480-07-365\(2\)\(c\)](#), all electronic documents submitted to the Commission must also be delivered to all parties and the presiding administrative law judge “at the same time” that the documents are submitted to the Commission or shortly thereafter. Please note as well that failing to provide a courtesy copy to the presiding administrative law judge may result in a delayed ruling on a motion or other filing. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

- 14 **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 16, 2026**. The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross-examine with the exhibits.
- 15 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m., March 16, 2026**.
- 16 **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 at connor.thompson@utc.wa.gov and the other parties by email on **March 16, 2026, by 5 p.m.**
- 17 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a hybrid evidentiary hearing in this docket, beginning on **March 24, 2026, at 9:30 a.m.** Parties may attend the hearing in person at the Commission’s headquarters or virtually via Zoom. To attend the hearing via Zoom, [click here to join meeting](#), or call (253) 215-8782 and enter the **Conference ID: 843 3385 1561 # and use the Passcode: 575835 #**.

- 18 **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 Connor Thompson, Interim Director, Administrative Law Division (360) 791-4228.
- 19 **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 this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

DATED at Lacey, Washington, and effective May 9, 2025

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Connor Thompson
Connor Thompson
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UT-240117**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Utilities and Transportation Commission Staff	Lisa Gafken Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-0128	360-464-6595	Lisa.Gafken@atg.wa.gov
Washington Attorney General's Office – Public Counsel Unit	Tad Robinson O'Neill Jessica Johanson-Kubin Alexandra Kory Robert Sykes Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	206-254-0570 206-521-3211 206-516-2997 206-389-2055	Tad.Oneill@atg.wa.gov Jessica.Johnason-Kubin@atg.wa.gov Alexandra.Kory@atg.wa.gov Robert.Sykes@atg.wa.gov
CenturyLink Communications LLC d/b/a Lumen Technologies	Adam L. Sherr Katie N. Wagner 120 Lenora Street, Floor 5 Seattle, WA 98121	206-806-7171	Adam.sherr@lumen.com Katie.wagner@lumen.com

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-240117**

EVENT	DATE
Complaint Filing	March 31, 2025
Prehearing Conference	April 30, 2025
Staff Direct Testimony and Exhibits	September 18, 2025
First Settlement Conference (parties only)	Week of October 27, 2025
Response Testimony from CenturyLink and Public Counsel	December 19, 2025*
Second Settlement Conference (parties only)	Week of January 19, 2026
Staff Rebuttal and CenturyLink/Public Counsel Cross-Answering Testimony	February 19, 2026
Discovery Deadline – Last Day to Issue DR	March 5, 2026
Exhibit Lists, Cross Exhibits, Witness Lists, Time Estimates, Exhibit Errata	March 16, 2026
Evidentiary Hearing	March 23-25, 2026
Post Hearing Briefs	April 23, 2026
* Response times for discovery requests limited to 7 business days. ** Response times for discovery requests limited to 5 business days.	