

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

QWEST CORPORATION d/b/a
CENTURYLINK QC,

Respondent.

UT-140597

PUBLIC COUNSEL'S MOTION
REQUESTING BRIEF

I. MOTION AND RELIEF REQUESTED

1 Pursuant to WAC 480-07-375(1)(b), the Public Counsel Unit of the Attorney General's
Office respectfully moves the Utilities and Transportation Commission (Commission) to
restitute an opportunity for parties to file post-hearing legal briefs in this matter. Public
Counsel requests that the briefs be no longer than 20 pages and be simultaneously filed by the
parties no later than Friday, January 29, 2016.

II. STATEMENT OF FACTS AND ARGUMENT

2 On February 19, 2015, the Commission initiated a complaint proceeding against Qwest
Corporation d/b/a CenturyLink QC (CenturyLink), alleging violations of Commission statutes
and rules arising from a statewide 911 outage occurring on April 9-10, 2014. The Commission
established a procedural schedule after the prehearing conference convened on April 22, 2015,
and modified the schedule at the request of all parties on August 6, 2015.

3 On September 10, 2015, Commission Staff and CenturyLink filed a multiparty settlement
agreement. Public Counsel opposes the settlement agreement. By notice dated
September 14, 2015, and pursuant to parties' request, the Commission modified the procedural
schedule to allow parties to file testimony in support of and in opposition of the settlement. The

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hearing date of January 12, 2016, established in the August 6, 2015, Notice Revising Procedural Schedule, remained unchanged.¹

4 Although prior procedural schedules for this case included one round of simultaneous post-hearing briefs, the current procedural schedule does not.² The current schedule was derived from the proposal of all parties in the Agreed Request for Second Revision of Procedural Schedule filed on September 10, 2015.³ The parties identified dates for various rounds of testimony and the hearing, but did not include a date for briefs. This was potentially viewed by the Commission as an agreement among parties to dispense with briefing in this matter. From Public Counsel’s perspective, this was not the case.

5 Instead, the Agreed Request for Second Revision of Procedural Schedule added a date to the schedule and changed the nature of the filings on the two existing testimony deadlines, while retaining the hearing date. In particular, the parties proposed adding the October 13 filing deadline for testimony supporting the settlement. The remaining two testimony deadlines, October 27, 2015 for testimony opposing the settlement and December 8, 2015 for rebuttal testimony, were dates established for Company responsive testimony and rebuttal/cross-answering testimony, respectively, under the August 6, 2015, Notice Revising Procedural Schedule. Public Counsel believed the portions of the schedule not altered – in this case, the hearing and post-hearing briefs – would remain intact.

6 Public Counsel requests that one round of briefing be reestablished in this case. Although witnesses present factual and some policy argument in testimony, briefs are useful to concisely frame a party’s argument, as well as the authority for its positions. The Commission

¹ While the hearing length was shortened from two days to one, the start date of January 12, 2016, remained unchanged.

² Post-hearing briefs were originally due on January 15, 2016, under the procedural schedule adopted at the April 22, 2015, prehearing conference. Under the schedule established by the Notice Revising Procedural Schedule dated August 6, 2015, briefs were due on February 12, 2015.

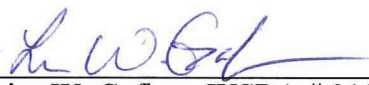
³ The Agreed Request for Second Revision of Procedural Schedule was filed by Commission Staff on behalf of the parties.

may require parties to present arguments and authority by written brief under WAC 480-07-390. Additionally, although briefs must not exceed 60 pages under WAC 480-07-395(1)(b), the Commission may alter the page limit, either shortening or lengthening the pages allowed.

7 Under the schedule established in the August 6, 2015, Notice Revising Procedural Schedule, simultaneous briefs were due on February 12, 2016. Recognizing that the Commission expressed a desire to shorten the procedural schedule⁴ and reluctantly allowed the last schedule revision,⁵ Public Counsel requests that post-hearing briefs be no longer than 20 pages and filed no later than Friday, January 29, 2016.

8 Dated this 30th day of December, 2015.

ROBERT W. FERGUSON
Attorney General



Lisa W. Gafken, WSBA # 31549
Assistant Attorney General
Public Counsel Unit

⁴ See Email chain between Judge Kopta and parties dated September 10, 2015, and docketed on September 14, 2015, as "Email to Judge Kopta on behalf of parties from Lisa Anderl RE: Length of Procedural Schedule."

⁵ Notice of Revised Procedural Schedule, September 14, 2015.