

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

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

To be Regulated Under an Alternative  
Form of Regulation Pursuant to RCW  
80.36.135

DOCKET UT-130477

ORDER 05 AMENDING ORDER 04

**BACKGROUND**

- 1 On January 9, 2014, the Washington Utilities and Transportation Commission (Commission) entered Order 04 approving and adopting settlement agreements between the CenturyLink Companies – Qwest Corporation, CenturyTel of Washington, CenturyTel of Inter Island, CenturyTel of Cowiche, and United Telephone Company of the Northwest (collectively referred to as CenturyLink or Company), Commission Staff (Staff), the Public Counsel Unit of the Office of the Attorney General (Public Counsel), Sprint Nextel Corporation, and the United States Department of Defense and other federal executive agencies that established an alternative form of regulation (AFOR) for the Company pursuant to RCW 80.36.135.
- 2 On February 11, 2016, CenturyLink filed a Motion for Clarification of Order 04 (Motion). CenturyLink seeks to clarify that under the AFOR, the Company only must file annual reports under WAC 480-120-382 (governing competitively classified companies), rather than WAC 480-120-385 (which applies to non-competitively classified companies). CenturyLink states that Order 04 provides that the Company is to be “treated as if it were competitively classified” unless an exception is listed in the Order or appended settlement agreements.<sup>1</sup> CenturyLink contends that because nothing in the

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<sup>1</sup> CenturyLink cites Order 04 ¶ 11, but that paragraph merely describes the Settlement Agreement between the Company, Staff, and Public Counsel. The Agreement itself, which the Commission approved and adopted in paragraph 83 of the Order, includes the operative provision, which states

Order or its appendices requires the Company to continue to file annual reports as a non-competitively classified company, WAC 480-120-382 applies. CenturyLink represents that it has been operating under this understanding without objection since the AFOR became effective in January 2014, but now an issue has arisen about whether this approach is appropriate on a going-forward basis.

3 No party filed a response to the Motion.

### DISCUSSION

4 We deny CenturyLink's request to clarify Order 04. The Company correctly observes that motions for clarification must be filed within 10 days of entry of a final order,<sup>2</sup> and more than two years have elapsed since the Commission entered Order 04. We are not willing to waive this time limit for so long a period.<sup>3</sup>

5 Nor would clarification of Order 04 necessarily provide the Company with the relief it has requested. The phrase, "treated as if it were competitively classified," is language on which the parties agreed in their settlement agreement and is inherently ambiguous, particularly in light of the agreement's other provisions. The agreement includes a list of rule waivers applicable to competitively classified companies, which would have been unnecessary if "treated as if it were competitively classified" had the meaning CenturyLink proposes. We are not prepared to interpret Order 04, including the appended settlement agreements, so expansively.

6 We exercise our discretion, however, to construe the Motion as a request to amend Order 04.<sup>4</sup> Staff has not objected to the annual reports the Company has filed since the AFOR became effective in January 2014. Nor did Staff file a response to the Motion. The Commission retains the authority to obtain additional information from CenturyLink should its annual report prove insufficient. Under these circumstances, we conclude that

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that CenturyLink "will be treated as if it were competitively classified, subject to certain exceptions under this Plan." Order 04, Appendix A, Attachment A, ¶ 1.

<sup>2</sup> WAC 480-07-835.

<sup>3</sup> Nor would such a waiver be necessary. A petition for declaratory order filed pursuant to WAC 480-07-930 would have been the proper procedural mechanism for seeking an interpretation of Order 04's applicability to CenturyLink's annual reports.

<sup>4</sup> WAC 480-07-395(4); WAC 480-07-875.

we should amend Order 04 expressly to authorize the Company to file its annual reports pursuant to WAC 480-120-382 during the term of the AFOR.

**ORDER**

- 7 THE COMMISSION ORDERS that the Commission amends Order 04 to provide that WAC 480-120-382 governs the annual reports the CenturyLink Companies – Qwest Corporation, CenturyTel of Washington, CenturyTel of Inter Island, CenturyTel of Cowiche, and United Telephone Company of the Northwest – must file throughout the duration of the alternative form of regulation approved in that Order.

DATED at Olympia, Washington and effective March 9, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

PHILIP B. JONES, Commissioner

ANN E. RENDAHL, Commissioner