

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of

THE CENTURYLINK 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 No. UT-130477

PETITION FOR A THIRD ONE-YEAR EXTENSION OF THE AFOR AND TO MODIFY THE SETTLEMENT AND ORDER APPROVING THE SETTLEMENT IN ACCORDANCE WITH THE EXTENSION

- 1 This petition, filed by and on behalf of the five CenturyLink companies listed above (“CenturyLink”), seeks a third one-year extension of the current plan of AFOR in this docket, and to modify the settlement and order approving the settlement in accordance with the extension. The petition is not opposed by the Staff (“Staff”) of the Washington Utilities and Transportation Commission (“Commission”) or the Public Counsel Unit of the Washington Attorney General’s Office (“Public Counsel”). The other parties authorize CenturyLink to represent that they do not oppose this stipulation.¹
- 2 The current plan, as amended by Order 08, contains provisions regarding what happens at the end of the AFOR in terms of timing and process. The relevant language from the plan of AFOR that was approved by the Commission on January 9, 2014, as amended June 18, 2021, is as follows:
- 2) The terms of this plan for AFOR will be effective upon approval by the Commission and will remain in effect until January 9, 2023 unless extended or modified by Commission order.

¹ Those parties are the Department of Defense, Sprint Corporation, now a subsidiary of T-Mobile USA, Inc. (the merger closed on April 1, 2020), and Integra (now Allstream).

- a) CenturyLink shall file a petition to open a new AFOR docket on July 1, 2022. CenturyLink will also provide the parties a new proposed plan of AFOR, without filing it in the docket, and the Commission's Staff will conduct a review of the provisions of this proposed AFOR to determine if changing conditions warrant new provisions. All parties to this AFOR proceeding will have access to the same material made available to Commission Staff by CenturyLink.
- b) During the course of that review any of the parties to this AFOR proceeding may propose or oppose modifications for consideration by Commission Staff. Upon conclusion of the review but not later than January 9, 2023, CenturyLink will file the new plan, as either an agreed plan or a proposed plan, along with the plan it proposed to the parties on July 1, 2022, and the Commission will provide notice to the parties and hold a proceeding in which parties may advocate for or against the new plan.
- c) While the Commission deliberates, the terms of this AFOR shall continue in force.

3 As written, this provision would require CenturyLink to file a new plan of AFOR by July 1, 2022. As was the case last year, CenturyLink's resources remain limited and stretched as it continues to manage through the changed and changing dynamics created by the COVID-19 pandemic, as well as numerous, complex proceedings pending before the Commission. Furthermore, CenturyLink is unaware of any pressing issue or concern necessitating the commencement of a new AFOR negotiation and proceeding at this time. Because resources within the company and likely for all parties are still stretched thin, negotiations and resulting litigation can reasonably be postponed. CenturyLink does not anticipate seeking a fourth extension next year. CenturyLink indicated last year that it did not anticipate seeking a third extension, as it is admittedly seeking here, but resource constraints dictate the importance and appropriateness of this petition.

4 CenturyLink is planning to ask for additional regulatory freedoms in the next AFOR, but on balance can operate under the terms of the current plan for another year, given the circumstances. Thus, Staff and Public Counsel have indicated that they do not oppose

CenturyLink's petition to extend the AFOR for one full year. The language in paragraph 2 of the existing plan, as amended by Order 08, would be modified as follows (shown in legislative format):

- 2) The terms of this plan for AFOR will be effective upon approval by the Commission and will remain in effect until January 9, ~~2023~~ 2024, unless extended or modified by Commission order.
 - a) CenturyLink shall file a petition to open a new AFOR docket on ~~July 1, 2022~~ July 3, 2023. CenturyLink will also provide the parties a new proposed plan of AFOR, without filing it in the docket, and the Commission's Staff will conduct a review of the provisions of this proposed AFOR to determine if changing conditions warrant new provisions. All parties to this AFOR proceeding will have access to the same material made available to Commission Staff by CenturyLink.
 - b) During the course of that review any of the parties to this AFOR proceeding may propose or oppose modifications for consideration by Commission Staff. Upon conclusion of the review but not later than January 9, ~~2023~~ 2024, CenturyLink will file the new plan, as either an agreed plan or a proposed plan, along with the plan it proposed to the parties on ~~July 1, 2022~~ July 3, 2023, and the Commission will provide notice to the parties and hold a proceeding in which parties may advocate for or against the new plan.
 - c) While the Commission deliberates, the terms of this AFOR shall continue in force.

5 CenturyLink respectfully requests the Commission to grant this petition expeditiously.

Submitted this 6th day of June 2022.

CENTURYLINK



Adam L. Sherr (WSBA # 25291)
Assistant General Counsel
1600 – 7th Ave., Room 1506
Seattle, WA 98191
206-398-2507
adam.sherr@lumen.com