

**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 UE-130477

PUBLIC COUNSEL’S RESPONSE IN
SUPPORT OF THE PETITION OF THE
CENTURLINK COMPANIES FOR A
FOURTH EXTENSION OF THE AFOR
AND TO MODIFY THE SETTLEMENT
AND ORDER APPROVING THE
SETTLEMENT IN ACCORDANCE
WITH THE EXTENSION

I. Pursuant to the Washington Utilities and Transportation Commission’s (Commission) Notice Suspending Filing Requirement, Rejecting Petition, and Requiring Refiling, the Public Counsel Unit of the Washington State Attorney General’s Office (Public Counsel) hereby submits this Response in Support of the CenturyLink Companies’ – Qwest Corporation, Centurytel of Washington; Centurytel of Interisland, Centurytel of Cowiche, and United Telephone Company of the Northwest (CenturyLink) Refiled Petition for a fourth extension of the Alternative Form of Regulation (AFOR) and to Modify the Settlement and Order Approving the Settlement in Accordance with the Extension.¹ As explained in CenturyLink’s Refiled Petition, the issues relating to CenturyLink’s interest in competitive classification and the current

¹ Notice Suspending Filing Requirement, Rejecting Petition, and Requiring Refiling, and Notice of Hearing, *In re the Petition of the CenturyLink Companies to Be Regulated Under an Alternative Form of Regulation Pursuant to RCW 80.36.135*, Docket UT-130477 (issued June 30, 2023) (hereinafter ‘Notice’); CenturyLink Refiled Petition for a Fourth Extension of the AFOR and to Modify the Settlement and Order Approving the Settlement in Accordance with the Extension, Docket UT-130477 (filed July 7, 2023) (hereinafter ‘Refiled Petition’).

AFOR are like and related, and therefore Public Counsel supports extension of the current AFOR so that parties may continue to discuss and resolve those issues.²

2. Public Counsel understands the Commission’s concern regarding whether competitive classification negotiations are good and sufficient cause to amend Order 04 to extend the AFOR beyond its January 9, 2024, expiration date in light of the circumstances related to the COVID-19 pandemic and attendant hardships that underscored those prior extensions.³ Public Counsel also recognizes the statements of the Company in its Third Petition that it did not anticipate seeking a fourth extension, and statements in Order 09 that the Commission expected that it would not agree for a fourth time that continuing the current AFOR would conserve party resources.⁴

3. How CenturyLink should be regulated going forward is the central issue that must be addressed. CenturyLink has expressed a desire to file a petition for competitive classification, and the Company also has an expiring AFOR.⁵ From Public Counsel’s perspective, CenturyLink needs to file its petition for competitive classification because, at this point, the request is theoretical from the Commission’s point of view. While Public Counsel is willing to communicate with CenturyLink prior to filing, the timing is such that these dockets need to get underway. The issues regarding CenturyLink’s AFOR and its impending petition for competitive classification coincide and should be addressed efficiently. To that end, Public Counsel would

² See Refiled Petition, ¶¶ 4–11.

³ See Notice at 3.

⁴ See *id.*

⁵ See Refiled Petition, ¶¶ 5–8; *In re the Petition of the CenturyLink Companies to Be Regulated Under an Alternative Form of Regulation Pursuant to RCW 80.36.135*, Docket UT-130477, Order 09, Granting Third Petition to Extend Alternative Form of Regulation Plan and Amending Order 04, ¶¶ 7–13 (June 13, 2022).

support consolidation of such proceedings, once CenturyLink files its petition for competitive classification. Questions associated with determining market conditions, effective competition, and service quality under RCW 80.36.320 or RCW 80.36.135 are like and related, and considering them together in either one docket or a consolidated docket would conserve resources and promote efficiency for the interested parties and the Commission.

4. Regarding whether the AFOR should be extended, Public Counsel supports CenturyLink's request to extend the current AFOR for purposes of resolving questions associated with whether the Company should be competitively classified or whether the AFOR should be modified.

Dated this 14th day of July, 2023.

ROBERT W. FERGUSON
Attorney General

s/ *Ann Paisner*

ANN N.H. PAISNER, WSBA No. 50202
Assistant Attorney General

Attorney for Public Counsel

Office of the Attorney General of Washington
Public Counsel Unit
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
Ann.Paisner@ATG.WA.GOV
(206) 521-3211