

**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
OF THE NORTHWEST

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

DOCKET UT-130477

STAFF’S RESPONSE TO LUMEN’S
REVISED PETITION FOR A FOURTH
EXTENSION OF THE AFOR AND TO
MODIFY THE SETTLEMENT AND
ORDER APPROVING THE
SETTLEMENT IN ACCORDANCE
WITH EXTENSION

1 In January 2014, the Commission approved several settlements that provided for an alternative form of regulation (AFOR) for the CenturyLink companies (collectively “CenturyLink”). The approval of that AFOR reflected the Commission’s recognition of “the need to re-examine the traditional role of ILEC such as CenturyLink” and “establish a regulatory framework that retains necessary aspects of the Commission’s oversight while allowing CenturyLink the freedom to compete more aggressively with other telecommunications providers.”¹

2 As required by statute, the AFOR, as initially approved by the Commission, remained in effect for a set period of time,² seven years.³ Lumen, however, petitioned on three occasions to extend the AFOR due to complications caused by the COVID-19 pandemic,⁴ and the Commission granted each of those petitions.⁵

¹ *In re Petition of the CenturyLink Companies*, Docket UT-130477, Order 04, 14 ¶ 43 (Jan. 9, 2014).

² See RCW 80.36.135(3).

³ *In re Petition of the CenturyLink Companies*, Docket UT-130477, Order 04, at 3-4 ¶ 11.

⁴ See generally *in re Petition of CenturyLink*, Docket UT-130477, Petition for a Third One-year Extension of the AFOR & Petition to Modify the Settlement & Order Approving the Settlement in Accordance with the Extension (June 6, 2022); *In re Petition of CenturyLink*, Docket UT-130477, Stipulation for a Second One-year Extension of the AFOR & Petition to Modify the Settlement & Order Approving the Settlement in Accordance with the Extension (June 15, 2021); *In re Petition of CenturyLink*, Docket UT-130477, Stipulation for a One-

3 Lumen now seeks to extend the AFOR again, this time to allow it to negotiate a permanent change to its regulatory framework with Staff and Public Counsel.⁶ Staff has no objection to Lumen’s petition, and offers this response to explain why.

4 Staff’s lack of objection to the petition rests on two bases. First, as Lumen notes in its petition, it has opened negotiations with Staff and Public Counsel over its regulatory future. Giving the parties the time to pursue those negotiations appears, in staff’s eyes, to comport with the Commission’s support for “informal efforts to resolve disputes.”⁷ Second, the extension will not adversely affect the public interest. If Lumen successfully obtains competitive classification through the negotiations enabled by the extension, the Commission will have determined that classification is the appropriate one, and in the public interest.⁸ If, however, the Commission rejects competitive classification for the company, staff is prepared to negotiate a new AFOR that would provide the company with a suitable operating environment while at the same time protecting the public interest.

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year Extension of the AFOR & Petition to Modify the Settlement & Order Approving the Settlement in Accordance with the Extension (June 5, 2020).

⁵ See generally *in re* *Petition of the CenturyLink Companies*, Docket UT-130477, Order 09 (June 13, 2022); *In re* *Petition of the CenturyLink Companies*, Docket UT-130477, Order 08 (June 18, 2021); *In re* *Petition of the CenturyLink Companies*, Docket UT-130477, Order 07 (June 18, 2020).

⁶ See generally *in re* *Petition of the CenturyLink Companies*, Docket UT-130477, Refiled Petition for a Fourth Extension of the AFOR & to Modify the Settlement & Order Approving the Settlement in Accordance with the Extension (July 7, 2023).

⁷ WAC 480-07-700.

⁸ RCW 80.36.320(2); see RCW 80.36.320(3), (4).

DATED, this 14th day of July, 2023.

Respectfully submitted,

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