

**Docket No. UT-210902 - Vol. I**

**WUTC v. CenturyLink Communications LCC d/b/a Lumen  
Technologies Group, et al.**

**May 23, 2022**



**206.287.9066 | 800.846.6989**

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

[www.buellrealtime.com](http://www.buellrealtime.com)

email: [info@buellrealtime.com](mailto:info@buellrealtime.com)



BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND ) DOCKET UT-210902  
TRANSPORTATION COMMISSION, )  
) )  
vs. ) )  
) )  
CENTURYLINK COMMUNICATIONS LLC )  
d/b/a LUMEN TECHNOLOGIES GROUP, )  
QWEST CORPORATION; CENTURYTEL )  
OF WASHINGTON, INC.; CENTURYTEL )  
OF INTER ISLAND, INC.; )  
CENTURYTEL OF COWICHE, INC.; )  
UNITED TELEPHONE COMPANY OF )  
THE NORTHWEST )  
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VIRTUAL PREHEARING CONFERENCE, VOLUME I  
Pages 1-11  
ADMINISTRATIVE LAW JUDGE GREGORY J. KOPTA

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May 23, 2022

1:30 p.m.

Washington Utilities and Transportation Commission  
621 Woodland Square Loop Southeast  
Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

Buell Realtime Reporting, LLC  
1325 Fourth Avenue, Suite 1840  
Seattle, Washington 98101  
(206) 287-9066 | Seattle  
(360) 534-9066 | Olympia  
(800) 846-6989 | National  
www.buellrealtime.com

1 A P P E A R A N C E S

2 ADMINISTRATIVE LAW JUDGE:

3 GREGORY J. KOPTA

4

5

6 FOR COMMISSION STAFF:

7

JEFF ROBERSON  
Office of the Attorney General  
P.O. Box 40128  
Olympia, Washington 98504  
(360) 664-1188  
jeff.roberson@utc.wa.gov

8

9

10

11 FOR CENTURYLINK:

12

ADAM SHERR  
Assistant General Counsel  
1600 - 7th Avenue, Room 1506  
Seattle, Washington 98191  
(206) 398-2507  
adam.sherr@lumen.com

13

14

15

16

DONNA BARNETT  
Perkins Coie LLP  
10885 NE Fourth Street, Suite 700  
Bellevue, Washington 98004  
(425) 635-1400  
dbarnett@perkinscoie.com

17

18

19

20

21 FOR PUBLIC COUNSEL:

22

LISA GAFKEN  
Office of the Attorney General  
800 - 5th Avenue, Suite 2000  
Seattle, Washington 98104  
(206) 464-6595  
lisa.gafken@atg.wa.gov

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1 LACEY, WASHINGTON; MAY 23, 2022

2 1:30 P.M.

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4 P R O C E E D I N G S

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6 JUDGE KOPTA: Let's be on the record in  
7 Docket UT-210902, captioned Washington Utilities and  
8 Transportation Commission versus CenturyLink  
9 Communications LLC, d/b/a Lumen Technologies Group, et  
10 al.

11 It is Monday, May 23rd, 2022, a little after  
12 1:30 in the afternoon, and we are here for a previously  
13 scheduled prehearing conference.

14 My name is Gregory J. Kopta. I am the  
15 administrative law judge who has been assigned to  
16 preside in this matter.

17 And we will begin by taking appearances,  
18 starting with Commission Staff.

19 MR. ROBERSON: Good afternoon, Judge Kopta.  
20 Jeff Roberson, AAG. My contact information is on file  
21 in this docket. With me at virtual counsel table is  
22 Staff's witness, Jacque Hawkins-Jones.

23 JUDGE KOPTA: All right. Thank you.

24 And on behalf of the Companies?

25 MR. SHERR: Good afternoon. Adam Sherr, on

1 behalf of Lumen. My contact information is also on file  
2 with the notice of appearance. Alongside me is Donna  
3 Barnett, Perkins Coie.

4 JUDGE KOPTA: All right. And for Public  
5 Counsel?

6 MS. GAFKEN: Good afternoon, Judge Kopta.  
7 My name is Lisa Gafken, Assistant Attorney General,  
8 appearing on behalf of Public Counsel. My contact  
9 information is also on file pursuant to a notice of  
10 appearance.

11 JUDGE KOPTA: All right. Thank you.

12 Is there anyone else who wishes to make an  
13 appearance at this point?

14 Hearing nothing, we will proceed.

15 The next order of business is to address an  
16 unusual circumstance in this case. I signed the  
17 complaint finding probable cause to proceed, and  
18 originally, Rayne Pearson was assigned as the presiding  
19 administrative law judge.

20 Due to internal circumstances at the  
21 Commission, there needed to be a change. And so the  
22 Commission designated me as the presiding administrative  
23 law judge.

24 That's not our usual practice. There is  
25 nothing in the rules that precludes me from presiding,

1 but it's not what we usually do.

2 So in the notice giving people the  
3 opportunity to -- the notice that we filed of the change  
4 in presiding administrative law judges, also provided an  
5 opportunity for any parties to lodge any objections.

6 The Commission did not receive any written  
7 objections by last Friday, but the notice also presented  
8 the opportunity for folks, should they desire to do so,  
9 to raise any objections at this prehearing conference.

10 So, as a result, I am giving parties the  
11 opportunity. Does anyone object to my presiding in this  
12 proceeding?

13 MR. SHERR: Your Honor, the Company has no  
14 objection.

15 MR. ROBERSON: Staff, likewise, has no  
16 objections.

17 MS. GAFKEN: Public Counsel has no  
18 objections.

19 JUDGE KOPTA: Great. Well, then, we will  
20 proceed.

21 Are there any parties wishing to intervene  
22 in this? I know that Staff, Public Counsel are  
23 statutory parties, and the Company, obviously, is a  
24 party. I didn't hear any appearances and nor did the  
25 Commission receive any written petitions to intervene.

1 Just wanted to make sure there's no one on the line  
2 currently who wishes to intervene in this matter.

3           Apparently not, so we will proceed to the  
4 next issue, which is discovery. Do the parties want the  
5 Commission to make the discovery rules available?

6           MS. GAFKEN: Public Counsel would like the  
7 discovery rules to be available.

8           JUDGE KOPTA: Any objections?

9           MR. ROBERSON: None from Staff.

10          MR. SHERR: No, Judge.

11          JUDGE KOPTA: All right. Then the  
12 Commission will make the discovery rules available in  
13 this proceeding.

14                 Is there a need for a protective order?

15          MR. SHERR: Yes, Judge, the Company would  
16 request a protective order.

17          JUDGE KOPTA: Seems appropriate in these  
18 circumstances, so yes, the Commission will issue its  
19 standard protective order in this docket. I'm assuming  
20 that that will be sufficient. Obviously, if there's  
21 some reason to request higher protection for any  
22 information, that can be raised at a later time.

23                 And I think that brings us to a proposed  
24 schedule. Have the parties been in discussions about a  
25 schedule for this docket?

1 MR. ROBERSON: We have, Judge Kopta.  
2 Pending your approval, we have a proposed schedule.

3 JUDGE KOPTA: All right. What is it?

4 MR. ROBERSON: Staff's opening testimony  
5 would be due August 26th, 2022; response testimony from  
6 the Company and from Public Counsel would be due  
7 November 18th, 2022; and on that date,  
8 November 18th, 2022, DR response time would be reduced  
9 from seven to ten business days.

10 We've marked January 16th, 2023, as a  
11 placeholder for a settlement conference; however,  
12 recently, the Commission has allowed the parties to set  
13 a placeholder and then move the date as appropriate with  
14 an email to the ALJ.

15 We would request the ability to do that here  
16 because there are two sizable GRCs -- excuse me -- and  
17 that 911 case, which some combination thereof, all the  
18 attorneys here are assigned to. And depending what  
19 happens with those cases, we might be able to move the  
20 settlement conference earlier or later. So we'd just  
21 like that ability, if possible.

22 The next date would be rebuttal from Staff  
23 and cross-answering testimony from Lumen and PC, that  
24 would be due February 17th, 2023. On that same date,  
25 February 17th, 2023, DR response times would reduce from

1 seven to five business days.

2 We have a discovery cutoff set for  
3 March 6th, 2023; cross-examination exhibits and  
4 cross-examination estimate times would be due on  
5 March 17th, 2023. The hearing would be  
6 March 24th, 2023, and depending on the Commission's  
7 preferences, we have placeholders for post-hearing  
8 briefs, two rounds, depending on your preference or the  
9 Commission's preference.

10 The first, the initial post-hearing briefs  
11 simultaneously would be due April 21st, 2023, and then  
12 reply briefs, if requested, would be due May 12th, 2023.

13 JUDGE KOPTA: All right. Well, other than  
14 the fact that the hearing -- proposed hearing date is my  
15 daughter's birthday, I don't have any issues with any of  
16 these dates.

17 I'm assuming, at this point, that I will be  
18 presiding without the Commissioners. I don't know  
19 whether the parties want to request the Commissioners  
20 sit in. I'm pretty sure this far in advance that I can  
21 say that my calendar will be clear on March 24th, 2023.

22 And with respect to settlement, I have no  
23 problem with the parties, you know, coming up with a  
24 different date than what we have established in the  
25 schedule with just a notice to me about when that date

1 will be.

2 I absolutely agree that there's a lot going  
3 on between now and January 16th, and I think everyone  
4 would benefit from having some flexibility in terms of  
5 when the parties can get together and have those  
6 discussions.

7 So in creating the schedule, I will make a  
8 notation that the settlement conference date is a  
9 proposed date subject to change by the parties with  
10 notification to me.

11 I will go ahead -- oh, yes, go ahead.

12 MS. GAFKEN: If I may, that settlement  
13 conference date actually needs to be moved to January  
14 19th. The 16th is Martin Luther King Jr. Day. It was  
15 something we had discussed earlier.

16 MR. ROBERSON: I apologize, Judge Kopta. I  
17 misread what I had written down. Ms. Gafken is  
18 absolutely correct.

19 JUDGE KOPTA: I agree that a settlement  
20 conference on Martin Luther King Day is probably not a  
21 good date. So yes, I will change that to the 19th.

22 I will go ahead and put in the briefing  
23 dates. This far in advance, who knows. But we can  
24 certainly discuss at the hearing whether there needs to  
25 be any change to those dates. And I suppose two rounds

1 is fine. Again, we'll see what happens at the hearing  
2 as to how much legal briefing I will need to render a  
3 determination in this matter and the extent to which  
4 reply briefs are necessary. But that's a decision for a  
5 future date.

6 So I think we can go with this proposed  
7 schedule, at least for now.

8 And is there anything else that needs to be  
9 discussed for this prehearing conference?

10 Seeing head shaking, and so I will take that  
11 as a no. Then I think we've covered our bases. I will  
12 be issuing both a protective order and a prehearing  
13 conference order establishing this schedule. And  
14 barring any further issues that arise, we will carry on  
15 as scheduled.

16 So thank you all for being here this  
17 afternoon and for, as usual, a prompt and efficient  
18 prehearing conference. So we will be adjourned.

19 (Adjourned at 1:41 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON  
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



*Tayler Garlinghouse*  
Tayler Garlinghouse, CCR 3358