

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Petition of the</p> <p>QWEST CORPORATION; CENTURYTEL OF WASHINGTON; CENTURYTEL OF INTERISLAND; CENTURYTEL OF COWICHE; AND UNITED TELEPHONE COMPANY OF THE NORTHWEST</p> <p>to be Competitively Classified Pursuant to RCW 80.36.320</p>	<p>DOCKET UT-240029</p> <p>ORDER 02</p> <p>PREHEARING CONFERENCE ORDER</p> <p>NOTICE OF HEARING (Set for May 24, 2024, at 9:30 a.m.)</p>
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- 1 **NATURE OF PROCEEDING.** On January 8, 2024, 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) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for Competitive Classification (Petition) pursuant to the Revised Code of Washington (RCW) 80.36.320 and the Washington Administrative Code (WAC) 480-121-061 (Petition). The Petition requests an effective date of June 1, 2024. The Petition was assigned to Docket UT-240029. The Commission suspended the effective date of the Petition by Order on January 25, 2024.

- 2 **CONFERENCE.** The Commission convened a prehearing conference in this docket on January 31, 2024, before Administrative Law Judge Paige Doyle and Administrative Law Judge Gregory J. Kopta.

- 3 **APPEARANCES.** Adam L. Scherr, Assistant General Counsel, Seattle, Washington, represents CenturyLink. Tad Robinson O’Neill, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Unit of the Washington Office of the Attorney General (Public Counsel). Jeff Roberson, Assistant Attorney General, Olympia,

Washington, represents the Commission's regulatory staff (Staff).¹ Skylar Sumner, McDowell Rackner Gibson PC, Portland, Oregon, represents Charter Fiberlink WA-CCVII, LLC (Charter) Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4 **PETITION FOR INTERVENTION.** Charter petitioned in writing to intervene in the docket. In its petition to intervene, Charter states that its interest in the proceeding would be focused on ensuring that if the Petition were granted, the Commission would impose conditions to ensure CenturyLink continues to comply with its existing obligations regarding interconnection and wholesale services. CenturyLink opposed Charter's intervention, expressing concern that it would expand the scope of the proceedings, and further asserting that the obligations Charter seeks to ensure are those that CenturyLink has expressly committed to in the Petition.

5 We deny Charter's petition for intervention. The Company represents in the Petition that CenturyLink will continue to comply with its obligations to Charter and other interconnection and wholesale customers, and thus Charter does not currently have a substantial interest in the proceeding. We agree with CenturyLink that Charter's involvement would unnecessarily expand the scope of the matter. We add, however, that should CenturyLink seek to modify its interconnection and wholesale service obligations as a result of this docket, the Company would be required to file an amended petition to reflect that request for additional relief. CenturyLink must serve any such amended petition on Charter, and Charter may renew its petition for intervention, which the Commission will consider under those changed conditions.

6 **PROTECTIVE ORDER.** The parties ask that the Commission enter a protective order with highly protective provisions in this docket under RCW 34.05.446, RCW 80.04.095, and WAC 480-07-420 to protect the confidentiality of proprietary information. The Commission granted the request and will enter the requested protective order in this docket.

7 **DISCOVERY.** The parties asked that the Commission make its discovery rules available in this docket, under WAC 480-07-400. The matter is one that qualifies for discovery, and the discovery rules, WAC 480-07-400 – 425, are available.

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

8 **OTHER PROCEDURAL ISSUES.** In the Petition, CenturyLink seeks conditional relief in Docket UT-130477. The Commission in Order 10 in that docket required CenturyLink to file a new petition for alternative form of regulation (AFOR) no later than July 1, 2024. Because this proceeding may extend beyond that date, CenturyLink requests that the Commission either extend the deadline or provide that the current AFOR expire on the effective date of CenturyLink's competitive classification if the Commission grants the Petition. We find that providing relief in Docket UT-130477 at this time would be premature. This proceeding may resolve before the deadline is imminent, in which case the conditional relief CenturyLink requests would be unnecessary and inappropriate. At the point when it becomes certain that this matter will proceed to hearing and any final order will be entered too late for CenturyLink to meet the deadline in Order 10 in Docket UT-130477, CenturyLink may file a motion or petition in that docket for the relief it seeks. We decline to consolidate the two dockets or otherwise address the issue here.

9 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B.

10 **DOCUMENT FILING REQUIREMENTS.** Parties must file all pleadings, motions, briefs, and other prefiled materials in compliance with all of the following requirements:

(a) Parties must submit electronic copies in searchable Adobe Acrobat (.pdf) of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. If any of the documents contain information that is designated as confidential or highly confidential, the party must also file an electronic copy (in Adobe Acrobat (.pdf) of the redacted version of each such document. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files. Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by email to records@utc.wa.gov.

(b) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judges (paige.doyle@utc.wa.gov and gregory.kopta@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive.

- 11 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by 5 p.m. on May 20, 2024. The Commission requires electronic copies in searchable Adobe Acrobat (.pdf) and one paper copy of the exhibits. Each exhibit must be a distinct electronic document (i.e., multiple exhibits must not be scanned or otherwise combined in the same document). If any of the exhibits contain information that is designated as confidential or highly confidential, the party must also file one electronic copy (in Adobe Acrobat (.pdf)) and one paper copy of the redacted version of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits. The paper copies of the exhibits also must be organized into sets that are tabbed and labeled.
- 12 **EXHIBIT LISTS.** Each party must file a list of all exhibits the party intends to introduce into the evidentiary record, including all prefiled testimony and exhibits, as well as cross-examination exhibits. The parties must file and serve their exhibit lists by 5 p.m. on May 20, 2024.
- 13 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge and the other parties by 5 p.m. on May 20, 2024.
- 14 **NOTICE OF HEARING.** The Commission will hold a hybrid evidentiary hearing in this matter on May 24, 2024, at 9:30 a.m., in the Commission’s Hearing Room, 621 Woodland Square Loop SE, Lacey, Washington and via Zoom. To participate in the hearing by phone, call (253) 215-8782 and enter the Meeting ID: 840 8956 2275# and Passcode: 292836#. To participate via Zoom, [click here to join meeting](#).²
- 15 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Michael Howard, Director, Administrative Law Division (michael.howard@utc.wa.gov or 360-664-1139).
- 16 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on**

² <https://utc-wa-gov.zoom.us/j/84089562275?pwd=H2thkhSIQrUYrV9vhvyjvFdUpRH9O0.1>.

the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Lacey, Washington, and effective February 5, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Paige Doyle

PAIGE DOYLE

Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UT-240029**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
CenturyLink	Adam L. Sherr Assistant General Counsel, Lumen 120 Lenora Street, 5 th Floor Seattle, WA 98121	(206) 808-7171	Adam.Sherr@lumen.com
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	Jeanne Roth Legal Administrative Manager		Jeanne.roth@atg.wa.gov
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	Corey Dahl Regulatory Analyst	(206) 464-6380	Corey.Dahl@atg.wa.gov
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	Roman Doyonnas Paralegal	(206) 254-0562	Roman.Doyonnas@atg.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-240029**

EVENT	DATE
Company Direct Testimony	February 16, 2024
Settlement Conference (parties only)	March 20, 2024
Staff and Public Counsel Response Testimony and Exhibits	April 3, 2024 ³
Company Rebuttal Testimony and Exhibits; Cross-Answering Testimony and Exhibits	May 10, 2024 ⁴
Discovery Cutoff	May 15, 2024
First Virtual Public Comment Hearing	May 16, 2024
Cross-Examination Exhibits, Witness Lists, and Time Estimates	May 20, 2024
Evidentiary Hearing	May 24, 2024
Second Virtual Public Comment Hearing	June 6, 2024
Simultaneous Post-Hearing Briefs	June 12, 2024
Deadline for Entry of Final Order	July 8, 2024

³ Discovery response time shortened to seven business days.

⁴ Discovery response time shortened to five business days.