

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of

QWEST CORPORATION; CENTURYTEL
OF WASHINGTON; CENTURYTEL OF
INTERISLAND; CENTURYTEL OF
COWICHE; AND UNITED TELEPHONE
COMPANY OF THE NORTHWEST

to be Competitively Classified Pursuant to
RCW 80.36.320

DOCKET UT-240029

STAFF'S MOTION FOR
CONTINUANCE

I. INTRODUCTION

1 Pursuant to WAC 480-07-385, Commission Staff moves to continue to the date set
for a settlement conference in this matter from March 20, 2024, to April 19, 2024.

2 The Commission should grant Staff's motion in order to ensure a meaningful
settlement conference. The petitioners (collectively "CenturyLink") filed their testimony in
this matter less than a month ago, and Staff is actively investigating that filing in order to
form its litigation and settlement positions, including propounding discovery it believes
necessary for those purposes. Staff, accordingly, does not believe that settlement talks would
be productive at this time.

3 Staff has conferred with the other parties to this proceeding. Public Counsel has
agreed that Staff may represent that (1) the extra time would be helpful as it believes that
Staff is actively working on the matter, and (2) Public Counsel hopes to consult with Staff
before forming a position on settlement. CenturyLink has asked Staff to represent that it
objects to any continuance.

II. RELIEF REQUESTED

4 Staff requests that the Commission continue the date for holding a settlement
conference in this matter from March 20, 2024, to April 19, 2024.

III. STATEMENT OF FACTS

5 On January 8, 2024, CenturyLink filed the petition at issue here, which seeks
competitive classification for each of the CenturyLink incumbent local exchange carriers
pursuant to RCW 80.36.320.¹ The Commission suspended the petition at its open public
meeting on January 25, 2024, setting the matter for adjudication.²

6 On January 31, 2024, the Commission convened a prehearing conference concerning
CenturyLink's petition.³ In the order resulting from that conference, the Commission
adopted a procedural schedule to govern this matter.⁴ That schedule fixed March 20, 2024,
as the date for the parties to hold a settlement conference to attempt to resolve any disputes
without the need for a contested hearing.⁵

7 Since CenturyLink filed its petition, Staff has diligently attempted to analyze both
the competition study submitted as an exhibit with the petition and the testimony
CenturyLink later submitted to support its petition.⁶ To that end, Staff has served on
CenturyLink discovery intended to help Staff with that analysis.⁷ Some of that discovery is
outstanding.⁸ Staff cannot form its settlement position without completing its analysis.⁹

8 Staff has conferred with the parties, and all have availability on April 19, 2024.

¹ See generally *in re Petition of the CenturyLink Companies*, Docket UT-240029, CenturyLink Petition for Competitive Classification (Jan. 8, 2024).

² *In re Petition of the CenturyLink Companies*, Docket UT-240029, Order 01, 2-3 ¶¶ 4-13 (Jan. 25, 2024).

³ *In re Petition of the CenturyLink Companies*, Docket UT-240029, Order 02, 2 ¶ 2 (Feb. 5, 2024).

⁴ *In re Petition of the CenturyLink Companies*, Docket UT-240029, Order 02, Appx. B.

⁵ *In re Petition of the CenturyLink Companies*, Docket UT-240029, Order 02, Appx. B.

⁶ Decl. of Sean Bennett at 1 ¶ 4 (Bennett Decl.).

⁷ Bennett Decl. at 1 ¶ 5.

⁸ Bennett Decl. at 1 ¶ 5.

⁹ Bennett Decl. at 1 ¶ 6.

IV. STATEMENT OF ISSUES

9 Should the Commission continue the date for holding a settlement conference in this matter from March 20, 2024, to April 19, 2024?

V. ARGUMENT

10 The Commission may grant a continuance, which it defines as the “postponement of a deadline established by commission rule or order,”¹⁰ where the moving party demonstrates both good cause and that the continuance will not prejudice any other party or the Commission.¹¹ Those standards are met here.

11 Good cause exists to continue the settlement conference because, despite its best efforts, Staff has not completed analyzing CenturyLink’s filing, and thus has not arrived at its litigation or settlement positions yet, something resulting from the fact that CenturyLink filed the petition at issue just over two months ago, and the testimony in support of it less than a month ago. Staff is still actively engaged in the discovery necessary to finish that analysis. Holding the settlement conference now would serve no purpose given those facts.

12 No other party will be prejudiced by the continuance. Public Counsel does not object, as noted above. CenturyLink does, but the company is under no deadlines between the currently-set and proposed dates for the settlement conference, and the proposed date is three weeks before rebuttal and cross-answering testimony is due.¹² And, perhaps more importantly, again, Staff does not believe that it will be in a position to make a settlement offer on March 20, and Staff cannot see any prejudice to Lumen in postponing a settlement conference that will likely not meaningfully contribute to the possibility of settlement.

¹⁰ WAC 480-07-385(1)(a)

¹¹ WAC 480-07-385(2)(a).

¹² That three week period is one week more than the two-week period between the currently-set settlement conference date and the date response testimony is due.

VI. CONCLUSION

13 Staff requests that the Commission grant its motion for a continuance and continue the date for the settlement conference set for this matter from March 20, 2024, to April 19, 2024.

DATED this 12th day of March 2024.

Respectfully submitted,

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