

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of the

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

ORDER 07

STATUS CONFERENCE ORDER
AND NOTICE OF HYBRID
EVIDENTIARY HEARING

**(Set for November 18, 2024, at 1:30
p.m. and November 19, 2024, at 9
a.m.)**

- 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)¹ 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).² 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 On January 25, 2024, the Commission suspended the effective date of the Petition and initiated this adjudicative proceeding.³
- ³ On February 16, 2024, CenturyLink filed the direct testimony and exhibits of Peter J. Gose and Dr. Dennis L. Weisman in support of its Petition.

¹ These five companies are referred to as incumbent local exchange companies, or ILECs.

² *In re Petition of Qwest Corp.*, Docket UT-240029, CenturyLink Petition for Competitive Classification (Jan. 8, 2024).

³ *In re Petition of Qwest Corp.*, Docket UT-240029, Order 01 (Jan. 25, 2024).

- 4 On April 3, 2024, Commission staff (Staff) filed response testimony and exhibits from witnesses Sean Bennett and James D. Webber. On the same date, the Public Counsel Unit of the Washington Office of the Attorney General (Public Counsel) filed response testimony and exhibits from Stephanie K. Chase and David Brevitz.
- 5 On April 22, 2024, the Commission issued a notice modifying procedural schedule to allow time for settlement discussions, setting an evidentiary hearing for June 14, 2024. The Company agreed to extend the effective date of its Petition to allow more time for entry of the final order. The Commission issued a second notice modifying the procedural schedule on May 16, 2024.
- 6 The Commission conducted public comment hearings on May 16, 2024, and June 6, 2024, to allow the public an opportunity to comment on CenturyLink's Petition.
- 7 On June 6, 2024, counsel for Staff contacted the presiding administrative law judges to inform them that Staff and the Company had reached a settlement in principle. The Commission issued a notice suspending the procedural schedule, with the exception of the hearing set for July 19, 2024, and requiring the filing of proposed schedules by CenturyLink, Staff, and Public Counsel (Parties) by June 14, 2024.
- 8 On June 14, 2024, the Commission issued a notice modifying procedural schedule, converting the July 19, 2024, evidentiary hearing to a settlement hearing and providing for other relevant deadlines for the disposition of this matter. The Company extended the effective date of its Petition once again and consented to entry of a final order by September 2, 2024.
- 9 On July 1, 2024, CenturyLink and Commission Staff filed a Stipulation and Settlement Agreement (Settlement Agreement or Settlement), along with supporting testimony from witnesses Gose and Bennett. Public Counsel was not a signatory to the Agreement.
- 10 On July 15, 2024, Public Counsel filed response testimony in opposition to the Settlement Agreement from witness Brevitz.
- 11 On July 19, 2024, the Commission convened a settlement hearing in this proceeding pursuant to WAC 480-07-750. During the July 19, 2024, settlement hearing the Parties

verbally agreed to further extend the effective date of its petition and consented to entry of a final order by September 9, 2024.⁴

- 12 On July 25, 2024, the Commission issued bench requests to CenturyLink and Staff. CenturyLink and Staff later filed their responses on August 5, 2024.
- 13 On July 26, 2024, Public Counsel filed a Public Comment Exhibit. Public Counsel received a total of 122 comments regarding CenturyLink's Petition.
- 14 On August 14, 2024, the Commission received simultaneous post-hearing briefs from the Company, Staff, and Public Counsel.
- 15 On September 6, 2024, the Commission entered Order 06, Rejecting Settlement Agreement and Extending Term of Alternate Form of Regulation Agreement. The Commission found the Settlement Agreement before it does not serve the public interest and encouraged the Parties to resubmit a settlement agreement that addresses the concerns set forth in Order 06.
- 16 The Commission noted in Order 06 that the rejection of the Settlement Agreement will result in a temporary extension of the current AFOR until such time as the Commission resolves the Company's Petition, which allows the Parties time to work on a settlement that is acceptable and in the public interest. The expiration date for the current AFOR is January 9, 2025.
- 17 On September 10, 2024, the Parties submitted a request to the Commission for a prehearing or status conference to discuss a schedule for the disposition of this matter.
- 18 **STATUS CONFERENCE.** On September 16, 2024, the Commission convened a status conference in this docket, before Administrative Law Judge M. Hayley Callahan.
- 19 **APPEARANCES.** Adam L. Scherr, Assistant General Counsel, Seattle, Washington, represents CenturyLink. Tad Robinson O'Neill, Assistant Attorney General, Seattle, Washington, represents the Public. Jeff Roberson, Assistant Attorney General, Olympia, Washington, represents Staff. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.
- 20 **PROCEDURAL SCHEDULE.** The Parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is

⁴ Settlement Hearing Tr. 314:20-315:3. Administrative Law Judge Michael Howard confirming the change of the deadline for the final order in this matter from September 2, 2024, to September 9, 2024.

attached to this Order as Appendix B. At the conference, the Parties recounted what they discussed prior to this hearing, and it was the understanding among the Parties that the current AFOR shall continue until the resolution of this matter as a result of Order 06.⁵ The Parties agreed to a thirty-day negotiation period, where they would attempt to reach an accord in order to present the Commission with a revised Settlement.⁶

21 **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 judge (hayley.callahan@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.

22 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by 5 p.m. on November 14, 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

⁵ O'Neill, TR ¶ 24.

⁶ Roberson, TR ¶ 13.

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.

- 23 **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 November 14, 2024.
- 24 **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 November 14, 2024.
- 25 **NOTICE OF HEARING.** The Commission will hold a hybrid evidentiary hearing in this matter on November 18, 2024, at 1:30 p.m. and continuing on November 19, 2024, at 9 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: 814 8755 6528# and Passcode: 430039#. To participate via Zoom, [click here to join meeting](#).⁷
- 26 **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 James Brown II, Director, Administrative Law Division (james.brown@utc.wa.gov or 360-664-1163).
- 27 **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 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.**

⁷ <https://utc-wa-gov.zoom.us/j/81487556528?pwd=VaFt48Bspw5j7ZBpXFwJFvFoj4637O.1>.

Dated at Lacey, Washington, and effective September 23, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ M. Hayley Callahan
M. HAYLEY CALLAHAN
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
Commission Staff	Jeff Roberson Cassandra Jones Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-0128	(360) 522-0614 (360) 890-0480 (360) 586-7777	Jeff.Roberson@atg.wa.gov Cassandra.Jones@atg.wa.gov
	Jeanne Roth Legal Administrative Manager		Jeanne.roth@atg.wa.gov
	Elizabeth DeMarco Legal Assistant		Elizabeth.demarco@atg.wa.gov
Public Counsel	Tad Robinson O'Neill Assistant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 254-0570	Tad.ONeill@atg.wa.gov PCCSeaEF@atg.wa.gov
	Brice C. Hartman Legal Assistant	(206) 342-6425	Brice.Hartman@atg.wa.gov
	Roman Doyonnas Paralegal	(206) 254-0562	Roman.Doyonnas@atg.wa.gov

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

EVENT	DATE
Company Rebuttal Testimony/All Others Cross Answering Testimony	November 8, 2024
Cross Exhibits, estimates, errata	November 14, 2024
Evidentiary Hearing	November 18-19, 2024
Post-Hearing Briefs	December 20, 2024
Final Order	January 17, 2025