

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYLINK COMMUNICATIONS,  
LLC D/B/A LUMEN TECHNOLOGIES; QWEST  
CORPORATION; CENTURYTEL  
OF WASHINGTON, INC.; CENTURYTEL  
OF INTER ISLAND, INC.; CENTURYTEL  
OF COWICHE; AND UNITED  
TELEPHONE COMPANY OF THE  
NORTHWEST,

Respondent.

DOCKET UT-240117

STAFF'S MOTION TO  
AMEND COMPLAINT

**I. INTRODUCTION**

*1* In responding to discovery, Commission Staff (Staff) discovered errors in its penalty calculation. Staff has corrected its Investigation Report, on which the Complaint in this docket is based. Staff now submits the corrected Investigation Report and moves to amend the Complaint to reflect the correct violation calculation.

**II. RELIEF REQUESTED**

*2* Staff submits the corrected Staff Investigation Report and requests that the Commission amend the Complaint filed herein to reflect the corrections. Staff provides a proposed Amended Complaint along with its Motion.

### III. STATEMENT OF FACTS

3           Staff engaged in an investigation into the business practices of Respondent CenturyLink Communications, LLC d/b/a Lumen Technologies; Qwest Corporation; CenturyTel of Washington, Inc.; CenturyTel of Inter Island, Inc.; CenturyTel of Cowiche; and United Telephone Company of the Northwest (collectively, “CenturyLink” or “Respondent”). As a result of the investigation, Staff prepared an investigation report detailing the violations found, and the Commission issued a Complaint against CenturyLink. The Complaint and Staff Investigation Report were filed in Docket UT-240117 on March 31, 2025.<sup>1</sup>

4           The Complaint set forth four causes of action based on the Staff Investigation Report.<sup>2</sup> The first cause of action alleged 827,828 violations of RCW 80.36.080 between April 1, 2023, and January 31, 2025.<sup>3</sup> The second cause of action alleged 827,828 violations of WAC 480-120-411 between April 1, 2023, and January 31, 2025.<sup>4</sup> The third cause of action alleged 8,008 violations of WAC 480-120-166 between March 13, 2024, through January 31, 2025.<sup>5</sup> The fourth cause of action requests the Commission to order CenturyLink to change certain business practices, track data, and file annual reports.<sup>6</sup> Only the first and second causes of action are at issue in this Motion.

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<sup>1</sup> *Wash. Utils. & Transp. Comm’n v. CenturyLink Communications, LLC d/b/a Lumen Technologies; Qwest Corporation; CenturyTel of Washington, Inc.; CenturyTel of Inter Island, Inc.; CenturyTel of Cowiche; and United Telephone Company of the Northwest*, Docket UT-240117, Complaint (March 31, 2025); *Wash. Utils. & Transp. Comm’n v. CenturyLink Communications, LLC d/b/a Lumen Technologies; Qwest Corporation; CenturyTel of Washington, Inc.; CenturyTel of Inter Island, Inc.; CenturyTel of Cowiche; and United Telephone Company of the Northwest*, Docket UT-240117, Staff Investigation Report (March 31, 2025).

<sup>2</sup> Complaint, ¶¶ 23-30.

<sup>3</sup> Complaint, ¶¶ 23-24.

<sup>4</sup> Complaint, ¶¶ 25-26.

<sup>5</sup> Complaint, ¶¶ 27-28.

<sup>6</sup> Complaint, ¶¶ 29-30.

5           The Commission held a prehearing conference on April 30, 2025, ordered that discovery be available to parties, and set a procedural schedule.<sup>7</sup> In responding to discovery propounded by CenturyLink and Public Counsel, Staff found errors in its calculation of penalties. Specifically, Staff uncovered that violations of RCW 80.36.080 and WAC 480-120-411 were miscalculated. Staff corrected the number of violations for the first and second causes of action from 827,828 to 365,347 violations.<sup>8</sup> Staff updated its Investigation Report to reflect the correction to number of violations and related analyses, including proposed penalties. The updated Staff Investigation Report is submitted as Exhibit 1 (redline version showing the edits) and as Exhibit 2 (clean version) to this Motion.

#### **IV.     STATEMENT OF ISSUE**

6           Should the Commission amend the Complaint against CenturyLink to reflect corrected calculations of violations of statute and rule when the correction reduces the number of violations against Respondent, more accurately reflects the available data, and does not unduly prejudice any party?

#### **V.     EVIDENCE RELIED UPON**

7           Staff relies upon the documents filed within the docket and provided as exhibits to this Motion.

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<sup>7</sup> *Wash. Utils. & Transp. Comm'n v. CenturyLink Communications, LLC d/b/a Lumen Technologies; Qwest Corporation; CenturyTel of Washington, Inc.; CenturyTel of Inter Island, Inc.; CenturyTel of Cowiche; and United Telephone Company of the Northwest*, Docket UT-240117, Order 02, ¶¶ 7-9 (May 9, 2025).

<sup>8</sup> Staff also corrected a typographical error involving a date on page 16 of the Staff Investigation Report that does not impact the Complaint.

## **VI. AMENDING THE COMPLAINT IS WARRANTED**

8 Under WAC 480-07-395(5), the Commission will allow amendments to pleadings, motions, or other documents, such as complaints, “on such terms as promote fair and just results.” In this case, Staff made a calculation error that resulted in more penalties than its investigation supports. The error does not change the number or nature of the causes of actions against CenturyLink, but only addresses the number of violations associated with two of the causes of action. The error is in CenturyLink’s favor, reducing the number of violations overall, which will also reduce the amount of penalties sought in Staff’s case in chief.

9 Amending the Complaint at this early stage of the proceeding does not unduly prejudice either of the other parties. Staff, the party who bears the burden of proof, will file its testimony pursuant to the procedural schedule on September 18, 2025. This deadline is still over two months away. Amending the Complaint will not impact the procedural schedule, nor will it materially impact CenturyLink or Public Counsel’s ability to respond to the Complaint and Staff’s testimony.

10 As a result, Staff requests that the Commission grant its motion to amend the Complaint to reflect the corrected Staff Investigation Report. Staff consulted with counsel for CenturyLink and for Public Counsel. CenturyLink does not oppose the motion. Public Counsel has not expressed its position.

## **VII. CONCLUSION**

11 For the reasons stated above, Staff requests the Commission grant its motion to amend the Complaint. Submitted with this Motion is a redlined version of Staff’s proposed Amended Complaint.

DATED this 11th day of July, 2025.

NICHOLAS W. BROWN  
Attorney General

/s/ Lisa W. Gafken

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