

**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.; CENTRUYTEL
OF INTER ISLAND, INC.;
CENTURYTEL OF COWICHE; AND
UNITED TELEPHONE COMPANY OF
THE NORTHWEST,

Respondent.

DOCKET UT-240117

ORDER 03

GRANTING MOTION TO AMEND
COMPLAINT

BACKGROUND

- 1 On March 31, 2025, the Washington Utilities and Transportation Commission (Commission) on its own motion, and through Commission staff (Staff), issued a complaint against 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 Company) in this docket.
- 2 On May 6, 2025, the Commission issued Order 01 Protective Order in this proceeding.
- 3 On May 9, 2025, the Commission issued Order 02, establishing the procedural schedule for this docket and setting dates for an evidentiary hearing.
- 4 On July 11, 2025, Staff filed a Motion to Amend Complaint (Motion), requesting the Commission allow Staff to amend its Investigation Report and Complaint to correct the number of violations of Revised Code of Washington (RCW) 80.36.080 (first cause of

action) and Washington Administrative Code (WAC) 480-120-411 (second cause of action).¹ Staff submitted a corrected Complaint and Investigative Report with its Motion.

5 In its Motion, Staff explains that in responding to discovery from Public Counsel and CenturyLink, Staff discovered errors in its calculation of penalties, specifically regarding the number of violations for first and second causes of action. Staff notes that the errors do not impact causes of action three and four.²

6 Staff has amended the number of violations for the first cause of action from 827,828 to 365,647. Staff has amended the number of violations for the second cause of action from 827,828 to 365,647.³ Staff has also amended the penalties sought for the first and second causes of action to reflect the reduced number of violations. Staff's recommended penalty amount now totals \$10,947,900.

7 In its Motion, Staff states that CenturyLink does not oppose the Motion and that Public Counsel has not taken a position on the Motion. No other party filed a response to Staff's Motion.

DISCUSSION

8 We grant Staff's Motion to amend the Complaint and Investigative Report in this docket.

9 Pursuant to WAC 480-07-395(5), the Commission will allow amendments to pleadings, motions, or other documents, including complaints "on such terms as promote fair and just results." Staff has acknowledged the calculation error resulting in higher penalty calculations than its investigation supports. The Motion and its associated amendments do not change the number or nature of the causes of action and acts in CenturyLink's favor.

10 Further, CenturyLink supports Staff's Motion. The Commission finds that no party will be unduly prejudiced by granting this Motion and therefore finds it appropriate to do so.

FINDINGS AND CONCLUSIONS

11 (1) The Commission is an agency of the state of Washington vested by statute with the authority to regulate rates, regulations, practices, accounts, securities, transfers

¹ Staff's Motion to Amend Complaint ¶ 5.

² *Id.*

³ *Id.*

of property and affiliated interests of public service companies, including telecommunication companies.

- 12 (2) CenturyLink is a “public service company” and a “telecommunications company”
as those terms are defined in RCW 80.04.010 and used in Title 80 RCW.
- 13 (3) The Commission has jurisdiction over the subject matter of this proceeding.
- 14 (4) Staff’s Motion to Amend Complaint was filed on July 11, 2025.
- 15 (5) Staff has demonstrated good cause to amend the Complaint and Investigative
Report in this proceeding.
- 16 (6) The amendments are necessary because the number of violations contained in the
Complaint under causes of action one and two were miscalculated.
- 17 (7) Amendment of the Complaint and Investigative Report will promote fair and just
results and will not unduly prejudice any party.

ORDER

THE COMMISSION ORDERS THAT:

- 18 (1) Commission Staff’s Motion to Amend Complaint is GRANTED.
- 19 (2) The Complaint and Investigative Report in this docket are amended to reflect the
revisions in Commission Staff’s Proposed Amended Complaint and Investigative
Report.
- 20 (3) The Commission retains jurisdiction over the subject matters and parties to this
proceeding to effectuate the terms of this Order.

DATED at Lacey, Washington, and effective August 20, 2025

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Connor Thompson
CONNOR THOMPSON
Administrative Law Judge

NOTICE TO PARTIES

This is an initial order. The action proposed in this initial order is not yet effective. If you disagree with this initial order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this initial order, and you would like the order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2)(a) provides that any party to this proceeding has 20 days after the entry of this initial order to file a petition for administrative review (Petition). Section (2)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-825(2)(c) states that any party may file an answer (Answer) to a Petition within 10 days after service of the petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will not accept answers to a petition to reopen unless the Commission requests answers by written notice.

RCW 80.01.060(3) provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5).