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UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

MARGARET W. BUSSE
Executive Director

CHRIS PARKER
Division Director

Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director
Brenda Salter, Assistant Director
Abdinasir Abdulle, Utility Technical Consultant Supervisor
Ron Slusher, Utility Technical Consultant

Date: December 4, 2023

Re: **Docket No. 23-049-15**, Agreement filing in the Matter of the Forbearance Master Services Agreement between Qwest Corporation d/b/a CenturyLink QC and FirstDigital Telecom LLC.

Recommendation (Acknowledge)

The Division of Public Utilities (“Division”) recommends that the Public Service Commission

Discussion

On or about November 29, 2023, Qwest Corporation d/b/a CenturyLink QC (“CenturyLink”) filed the Forbearance Master Services Agreement per the above-referenced docket in accordance with § 54-8b-2.2(1) (d) of the *Utah Code*. This Agreement had been fully executed through voluntary negotiations on June 16, 2022, and amended on November 29, 2023, with FirstDigital Telecom LLC (“FirstDigital”).

The Division has reviewed the above-mentioned Agreement between CenturyLink and FirstDigital and sees no reason to reject it. Specifically, the Division believes that the Agreement was negotiated in good faith and without unfair discrimination. Both parties also recognize that, to the extent that the existing rules are changed, vacated, dismissed, stayed, or modified, this Agreement and all contracts adopting all, or part of this Agreement

Division of Public Utilities

Heber M. Wells Building • 160 East 300 South • P.O. Box 146751 Salt Lake City, UT 84114-6741
www.dpu.utah.gov • telephone (801) 530-7622 • toll-free in Utah (877) 874-0904 • fax (801) 530-6512

will be amended to reflect such modification or change of the existing rules. Therefore, the Division recommends that the Commission acknowledge the receipt of this Amended Forbearance Master Services Agreement.

cc: Kimberly J. Povirk, Sr. Dir. Bus. Ops Wholesale Sales, Qwest Corporation d/b/a CenturyLink QC
Wesley McDougal, President, FirstDigital Telecom, LLC
Patricia Schmid, Assistant Attorney General, State of Utah
Patrick Grecu, Assistant Attorney General, State of Utah
Office of Consumer Services, State of Utah