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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Potential
Amendments to R746-100

DOCKET NO. 16-R100-02

CENTURYLINK COMMENTS

On May 12, 2016, the Utah Public Service Commission (“Commission”) issued a Request for Comments in this proceeding regarding proposed amendments to R746-100 relating to practice and procedure before the Commission. The Commission has requested comments on the proposed repeal of Utah Administrative Code R746-100 and the enactment of proposed rule R746-1. Qwest Corporation d/b/a CenturyLink QC (“CenturyLink”) respectfully submits its comments.

CenturyLink supports the Commission’s efforts to clarify the rules, and delete unnecessary or duplicative language. This docket is complicated to the extent the Commission is currently considering amendments to R746-100-3 in Docket No. 16-R100-01 (the “Electronic Filing Docket”). Proposed amendments in the Electronic Filing Docket would permit electronic only filings. There are provisions in the pending docket that conflict with the Electronic Filing Docket. CenturyLink continues to support its comments in the Electronic Filing Docket, and believes references to paper filings in the rules under consideration in this docket should be removed. Additionally, CenturyLink submits comments on the following sections:

R746-1-201

R746-1-201 relates to complaints. The existing process requires an attempt to first resolve a complaint through an alternative dispute resolution process before it can formally go before the Commission. CenturyLink continues to support the informal resolution process because it is efficient and saves both Commission and party resources. Experience demonstrates that the vast majority of issues can be resolved informally without the need to formally bring the matter before the Commission. Unless the Commission believes the issue is addressed elsewhere, CenturyLink does not support the repeal of the alternative dispute resolution language. If the Commission is not inclined to retain the alternative dispute language, CenturyLink proposes a change to R746-1-201(1)(b). Specifically, a complaint should not be filed with the Commission until the consumer has first reported the complaint to the Division, and provided the Division 45 days to investigate the matter.

Further, R746-1-201(2)(b), should be revised to state the following: “provide evidence that it has served the complaint on the public utility, pursuant to R746-1-203(2)(b).”

R746-1-203

The language proposed in R746-1-203 is in conflict with the proposed rule changes in the Electronic Filing Docket. CenturyLink continues to support the use of electronic only filing. Further, the proposed rule would request an electronic filing be “presented as a functional and searchable electronic word processing or spreadsheet document, as applicable...” An electronic document does not need to be presented in a “word processing format” in order for it to be searchable. The rule should be drafted to permit electronic filing of documents in such a manner that would permit searching.

Further, the proposed rule deletes language regarding certificates of service and signing. Unless these issues are addressed in other sections, these are important matters that should

continue to be a part of the rules. Parties should continue to demonstrate that they provided the necessary certificate of service, and should sign pleadings. The rule should continue to state that the signature on a document “shall be considered a certification by the signer that he has read the pleading and that, to the best of his knowledge and belief, there is good ground to support it.”

R746-1-401

This rule relates to pre-hearing testimony. Specifically, proposed R746-1-401(5) states that “[i]f any exhibits accompanying pre-hearing testimony utilizes any embedded formula or algorithm, it shall be filed in an electronic format that allows the embedded data to be accessed.” The phrase “allows the embedded data to be accessed” is vague, and should be clarified. Access to other source data should not be required, as this could lead to a never ending audit trail. If there is a formula behind embedded data, it may be appropriate to provide access to that formula, but the proposed language is overly broad.

R746-1-601 to R746-1-605

R746-1-601 to R746-1-605 deals with the treatment of confidential and highly confidential information. The overall concern with these proposed rules is that there is little distinction between the treatment of confidential and highly confidential information. CenturyLink supports the distinction between confidential and highly confidential information, but believes more clarification is needed to address the differences in how such information should be treated, and who should have access to such information. For example, R746-1-602 identifies who can view confidential and highly confidential information. The group of people that can view highly confidential information is overly broad. CenturyLink is not opposed to Staff and the Division from having access to highly confidential information. However, what additional individuals may have access to such information should be reviewed on a case by case basis. There may be cases

where counsel for all parties and all expert witnesses should not have access to highly confidential information.

Further, the use of highly confidential information in R746-1-603 may need stricter controls. This proposed rule provides exceptions to the use of confidential and highly confidential information that could be interpreted to allow disclosure of confidential or highly confidential information, for example, if used for interrogatories, discovery, testimony, etc. However, this use of the data does not mean the confidential nature of the information should be lost. There are ways to respond to discovery and use confidential information in testimony without publicly disclosing such information.

Proposed rules R746-1-604 and 605 only reference confidential information, leaving a question as to how highly confidential information should be treated.

For the above stated reasons, CenturyLink respectfully requests that the Commission modify the proposed rules as addressed herein. If the Commission is inclined to have a technical conference, CenturyLink recommends that it be held in conjunction with the Electronic Filing Docket so that all issues can be addressed in a consistent manner.

RESPECTFULLY SUBMITTED this 18th day of July 2016

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