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Attorney for CenturyLink

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

In the Matter of the Petition of Qwest Corporation dba CenturyLink to Permit Deviation from Commission Rules to Allow Charges to Certain Large Business Customers for Receipt of a Paper Bill	Docket No. 12-049-12  PETITION TO PERMIT DEVIATION FROM RULE R746-240-4 TO ALLOW CHARGES TO CERTAIN LARGE BUSINESS CUSTOMERS FOR RECEIPT OF A PAPER BILL, IF REQUESTED
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Qwest Corporation d/b/a CenturyLink (“CenturyLink”) respectfully requests, pursuant to the provision of Utah Admin. Code R746-100-15, that the Public Service Commission (“Commission”) allows CenturyLink to deviate from Utah Admin. Code R746-240-4, continue to allow CenturyLink to use electronic billing, and to permit CenturyLink to charge business customers for paper bills, if requested, and the customer has monthly invoices greater than \$1,500, and the customer consents to the charge in its agreement with CenturyLink. In support of this Petition, CenturyLink offers the following supporting information:

1. CenturyLink is an incumbent local exchange carrier and holds a certificate of convenience and necessity issued by the Commission to provide telecommunications services in the state of Utah.

2. On July 5, 2000, the Commission granted a petition by US West Communications, Inc., designated as Docket No. 99-049-32, for permission to deviate from the requirements in R746-240-4, permitting US West to submit electronic bills to its customers (the “Report and Order”).
3. The Report and Order states that the waiver will remain in effect until either a rulemaking on the issue concludes or the Commission revokes the waiver.
4. CenturyLink is not aware that the Commission ever concluded a rulemaking after the issuance of the Report and Order with respect to the use of electronic billing. Moreover, the Commission has never revoked the waiver provided to US West; thus, the waiver permitting the use of electronic billing is still applicable to CenturyLink.
5. US West was acquired by Qwest Communications International, Inc. That transaction was approved by the Commission on June 6, 2000 in Docket No. 99-049-41. Subsequently, Qwest was acquired by CenturyLink, Inc., and that transaction was approved by the Commission on January 4, 2011 in Docket No. 10-049-16.<sup>1</sup>
6. Even though CenturyLink continues to have the ability to submit electronic bills to customers, the Report and Order states that paper bills will be made available to customers at no expense, even if the customer opted for electronic billing.
7. The advances in technology, and the increase in competition makes electronic billing essential and preferred for many customers, particularly business customers, but also makes the provision of a paper bill, at no charge (particularly to large business customers), a significant financial burden for CenturyLink.
8. Given that CenturyLink already has the ability to submit electronic bills, the purpose of this Petition is to seek permission to charge large business customers for paper bills if requested,

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<sup>1</sup> Qwest Corporation remains the corporate entity operating in Utah and does business as CenturyLink.

and if the customer has monthly invoices greater than \$1,500, and the customer consents to the charge in its agreement with CenturyLink.

### **REQUIREMENT FOR DEVIATION**

9. The Commission has the authority to permit deviation from any of its rules “upon notice, opportunity to be heard and a showing that the rule imposes an undue hardship which outweighs the benefits of the rule.” Utah Admin. Code R746-100-15. For the reasons set forth herein, CenturyLink requests that the Commission deviate from any implied requirement in R746-240-4 that would prevent CenturyLink from charging specific customers, as set forth below, for receipt of a paper bill in lieu of, or in addition to, an electronic bill.

### **THE COMMISSION SHOULD ALLOW CENTURYLINK TO CHARGE CERTAIN LARGE BUSINESS CUSTOMERS FOR PAPER BILLS**

10. Utah Admin. Code R746-240-4 provides in part that “[b]ills to account holders for telecommunications services shall be issued on a monthly basis and shall be typed or machine printed.” Utah Admin. Code R746-250-4(A)(1). Further, the stated objective of the rule is to “assure the adequate provision of residential and business telecommunications service, to restrict unreasonable termination of or refusal to provide residential and business telecommunications service, to provide functional alternatives to termination or refusal to provide residential or business telecommunications service, and to establish and enforce fair and equitable procedures governing eligibility, deposits, account billing, termination and deferred payment agreements.” Utah Admin. Code R746-240-1(D).

11. The stated objective of the rule is not diminished by the continued use of electronic billing or the ability to charge certain large business customers for paper bills, if requested.

12. CenturyLink only seeks to impose this charge on its business customers that meet the specific following criteria:

- 1) The customer must request a paper bill in lieu of, or in addition to, an electronic bill;
- 2) The customer must have monthly bills greater than \$1,500; and
- 3) The charge would only apply after the customer consents to the charge through an agreement with CenturyLink.<sup>2</sup>

13. The rules previously adopted by the Commission do not adequately address the realities of the current marketplace for large business customers. Part of the convenience of purchasing telecommunications services in many states from one provider is that the provider can consolidate their account billings. Bills for the large business customers encompassed in this request can include thousand of entries and a significant number of pages.

14. The provision of electronic bills to many customers is not only a convenience, but has become a business necessity. CenturyLink incurs significant costs in producing paper bills, particularly the large bills that go to the customers identified herein. Further, providing paper bills, particularly the large bills at issue in this Petition, can have a negative impact on the environment. The public and the environment benefit from the continued use of electronic bills. Further, given the advancements in technology it is highly unlikely that any of the customers at issue in this Petition do not have the capability to receive electronic bills. Given all of this, the financial burdens placed on CenturyLink for producing paper bills to large business customers and the potential harm to the environment far outweigh any perceived remaining benefit from the rule. Moreover, the fact that the charge would only apply (1) in the event the customer requests a paper bill in lieu of, or in addition to an electronic bill, (2) if the

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<sup>2</sup> The amount of the charge will be agreed upon by the customer in its agreement with CenturyLink. Further, CenturyLink anticipates that there will be a different charge if the large business customer requests a full itemized bill versus a request to simply receive a “remittance page.”

customer has a monthly bill greater than \$1,500, and (3) if the customer consents to the charge in its agreement with CenturyLink, all provide further protections that justify the granting of this Petition.

15. Further, it should be noted that in 2009, the Commission granted a petition for deviation filed by MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services on a similar request. *See*, Docket No. 09-2430-01. In Docket No. 09-2430-01, Verizon was granted deviation from the paper billing requirement (similar to the waiver granted to US West in 2000), and Verizon indicated it would make a hard copy bill available to the customer if requested, and that this would be addressed in the contract with the customer.

16. Consistent with the Order in Docket 09-2430-01, CenturyLink will make paper bills available to the impacted customers if requested, and will address the charge for the paper bill in the agreement with the customer.

17. Based on the foregoing CenturyLink requests that Commission expeditiously grant this Petition. After the Commission provides interested persons an opportunity to intervene, this matter should be set for a scheduling conference. At the time of the scheduling conference if there is no opposition to the Petition, CenturyLink requests that the Petition proceed to the Commission for approval.

WHEREFORE, CenturyLink respectfully request that the Commission approve this Petition and permit CenturyLink to charge business customers for paper bills, if requested, if the customer has monthly invoices greater than \$1,500, and the customer consents to the charge in its agreement with CenturyLink.

DATED this 4<sup>th</sup> day of June, 2012.

CENTURYLINK

A handwritten signature in cursive script that reads "Torry Somers".

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