



State of Utah
Department of Commerce
Division of Public Utilities

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--= MEMORANDUM =--

To: Public Service Commission

From: Division of Public Utilities
Chris Parker, Director
Bill Duncan, Telecommunications / Water Manager
Casey J. Coleman, Utility Technical Consultant

Date: June 24, 2013

Re: In the Matter of the Petition of Qwest Corporation dba CenturyLink QC for Approval to Deviate from and/or Waive the End-User Service Quality Rules only Applicable to CenturyLink per Docket No. 13-049-13.

RECOMMENDATION:

The Division recommends the Commission waive the end-user service quality rules that are only applicable to CenturyLink, specifically R746-340-8 and R746-340-9.

BACKGROUND:

On May 15, 2013 CenturyLink filed a petition with the Commission requesting approval to deviate from End-User Service Quality rules. In the Petition CenturyLink states: "given the high level of competition in the Utah telecommunications market today, there is no justification for such rules that selectively apply to only CenturyLink."

According to the Public Service Commission Rule R746-340-8 a company subject to the End-User Service Quality Rules can be granted a waiver ordered by the Commission if sufficient competition exists in a defined geographic area.

The Division has reviewed the information provided by CenturyLink as well as the number of service quality complaints recorded by the Division. After reviewing this information, the Division believes there is sufficient competition within the majority of CenturyLink's service areas to justify the Commission waiving R746-340-8 and R746-340-9.

One additional item to consider, with the granting of the waiver, is that customers of CenturyLink will not have any reduced access to the Division of Public Utilities or the formal complaint process of the Commission if they should experience service quality issues. The Commission rules R746-340-8 and R746-340-9 deal with the measuring and reporting of certain service quality measures. Ultimately, if consumers have issues with CenturyLink, those customers can file a complaint with the Division and have those issues resolved on an individual basis.

The Division recommends the waiver of the End-User Service Quality rules be granted for CenturyLink because there is sufficient competition, customers will not see an impact in their ability to have issues resolved, and it eliminates a regulatory requirement that exists on only one company, CenturyLink.

cc: Justin Jetter, Assistant Attorney General
Torry R. Somers, CenturyLink
James Farr, CenturyLink