

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of Qwest)
Corporation dba CenturyLink QC for) DOCKET NO. 13-049-13
Approval to Deviate from and/or Waive the)
End-User Service Quality Rules Only) REPORT AND ORDER
Applicable to CenturyLink)

ISSUED: June 28, 2013

By The Commission:

I. BACKGROUND AND FINDINGS

On May 15, 2013, Qwest Corporation dba CenturyLink QC (“CenturyLink”) filed a request for approval from the Commission to deviate from and/or waive (1) the end user service standards for incumbent telecommunications corporations with 30,000 or more access lines in Utah, as set forth in Utah Admin. Code R746-340-8, and (2) the reporting requirements for compliance with R746-340-8 standards, as set forth in Utah Admin. Code R746-340-9. The Commission gave interested parties until June 24, 2013, to submit comments and/or request a hearing in this matter. Reply comments were allowed until July 5, 2013.

On June 24, 2013, the Division of Public Utilities (“Division”) filed a memo supporting CenturyLink’s filing and recommending the Commission waive the end user service quality rules R746-340-8 and R746-340-9 which are applicable only to CenturyLink. The Division notes customers may still file individual complaints with the Division if service quality becomes a concern. The Division recommends the waiver of the end user service quality rules be granted to CenturyLink because there is sufficient competition, customers will not see an

impact in their ability to have issues resolved, and allowing a waiver eliminates a regulatory requirement that only impacts one company, CenturyLink.

CenturyLink has requested that since there is no opposition to its petition and no request for a hearing has been made, the Commission should immediately grant its petition and waive the customer service standards set forth in Utah Admin. Code R746-340-8 and R746-340-9.

Under Utah Admin. Code R746-100-15, “[t]he Commission may order deviation from a specified rule upon notice, opportunity to be heard and showing that the rule imposes an undue hardship which outweighs the benefits of the rule.” Based on the petition and the Division’s recommendation, we believe the standard for a R746-100-15 waiver is satisfied. Likewise, given no opposition has been raised in this docket, there is no need to wait beyond the reply comment period to grant a waiver.

II. ORDER

Based on CenturyLink’s petition, the Division’s recommendation, and for other good cause appearing, we grant CenturyLink’s petition to deviate from and/or waive the requirements of Utah Admin. Code R746-340-8 and R746-340-9.

DATED at Salt Lake City, Utah, this 28th day of June, 2013.

/s/ Melanie A. Reif
Administrative Law Judge

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Approved and confirmed this 28th day of June, 2013, as the Report and Order of the Public Service Commission of Utah.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DH#245203

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on the 28th day of June, 2013, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

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