



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
Ron Slusher, Utility Technical Consultant

Date: April 12, 2013

Re: In the Matter of the Petition of Qwest Communications Company, LLC d/b/a CenturyLink, QCC to Amend its Certificate of Public Convenience and Necessity No. 2204, Docket No.13-2204-01.

RECOMMENDATION (Approve):

The Division has reviewed the technical, managerial, and financial abilities of the Qwest Communications Company, LLC d/b/a CenturyLink, QCC and has found that they have provided the necessary information to fulfill the requirements as stated in the existing Commission rules. The Division believes that the public interest will be promoted by recommending that the Commission allow the Qwest Communications Company, LLC d/b/a CenturyLink, QCC a CPCN as requested under the same terms and conditions allowed in other CPCNs.

The Company has ask that if in the event there is no opposition to this Petition within 30 days, that the Petition be adjudicated informally under Utah Code Ann. §63G-4-203 and R746-110 of the Commission's Rules.

EXPLANATION:

Qwest Communications Company, LLC d/b/a CenturyLink, QCC ("Qwest / CenturyLink or Applicant") filed an application to amend their certificate of public convenience and necessity ("CPCN") on or about March 21, 2013. The Division reviewed the application and found the following:

Qwest Communications Company, LLC d/b/a CenturyLink, QCC is a registered foreign corporation within the State of Utah; with its corporate head quarters located at 1801 California Street, 10th Floor, Denver , CO 80202.

Qwest / CenturyLink is currently certified as a CLEC to provide public telecommunication services anywhere in the State of Utah with the exception of local exchange services. The certificate was granted by the Public Service Commission on August 21, 1995 in docket number 94-2204-01.

The Applicant pays into the state's USF and PURF funds and is current on their payments.

The Applicant seeks to have their current CPCN amended to give them the authority to provide local exchange services in the same manner as other CLECs in the State of Utah. Which when combined with their current CPCN will allow them statewide authority except within exchange areas with less than 5,000 access lines that are owned or controlled by an ILEC with fewer than 30,000 total access lines in accordance with Utah Code Ann. 5 54-8b-2.1 (3) and (4).

The Applicant intends to provide a full range of telecommunications services to business and residential customers in the incumbent, CenturyLink exchanges statewide in Utah, consistent with the exchange maps CenturyLink has on file with the Commission.

Qwest / CenturyLink states that not allowing them to have access to unbundled network elements ("UNEs") at TELRIC based pricing puts them at a competitive disadvantage compared to other CLECs in the area.

Qwest / CenturyLink asserts that approval of its application will serve the public interest creating and enhancing competition and expanding customer service options. Additionally, the approval of this application will expand the availability of innovative, high quality, reliable and competitively-priced telecommunications services in the State of Utah.

cc: Torry R. Somers, Attorney, Qwest Communications Company, LLC d/b/a CenturyLink QCC
Justin Jetter, Assistant Attorney General, State of Utah
Patricia Schmid, Assistant Attorney General, State of Utah
Cheryl Murray, Utility Analyst, Office of Consumer Services, State of Utah