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## State of Utah Department of Commerce

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To: The Public Service Commission of Utah

From: The Office of Consumer Services

Michele Beck, Director  
Alyson Anderson, Utility Analyst

Date: December 30, 2022

Subject: Docket 22-049-62 Comments

**In the Matter of:** Qwest Corporation d/b/a CenturyLink QC's Petition for Statewide Exemption from the R746-350-1(b) Carrier of Last Resort Obligation.

### BACKGROUND

On December 5, 2022, Qwest Corporation d/b/a CenturyLink QC ("CenturyLink" or "CTL") filed a petition for statewide exemption of its Carrier of Last Resort ("COLR") obligation as described in R746-350-1(b). CenturyLink's petition requested informal adjudication by the Utah Public Service Commission ("PSC"). The PSC issued a notice of filing and comment period on December 6, 2022 asking for comments on January 4, 2023 and reply comments on January 19, 2023. The Utah Rural Telecom Association filed an Objection to Informal Adjudication ("Objection") of the CTL petition on December 13, 2022, and on December 15, 2022, the Utah Division of Public Utilities ("DPU") filed a Memorandum recommending the PSC order a scheduling conference and convert to formal adjudication.

The Office of Consumer Services ("OCS") submits these comments to the PSC supporting the formal adjudication of the CTL petition.

## **DISCUSSION**

The CTL petition states the requested exemption will result in reduced regulation that is more flexible and allows the company to invest based on market principles rather than regulatory principles that were last revised decades ago before the competitive market was fully developed. Additionally, CTL requested the PSC grant the petition in an informal adjudication. In its objection to the informal adjudication of the CTL petition, URTA cites certain policy concerns and the need for a more robust record. Subsequent to the DPU Memorandum, also recommending formal adjudication and requesting a scheduling conference, on December 29, 2022 the PSC noticed a scheduling conference for January 18, 2023. The OCS concurs with the positions of URTA and DPU arguing for conversion of this matter.

## **RECOMMENDATION**

Given the import of exempting CTL from COLR obligations and the complexity of potential consequences of the exemption, the OCS supports the PSC's conversion of this matter to a formal adjudication. The OCS plans to participate in the upcoming virtual scheduling conference and in future proceedings in this docket.

cc: Max Backlund, State Government Affairs Director, Lumen  
William E. Hendricks, Associate General Counsel, CenturyLink  
Division of Public Utilities, State of Utah  
Kira Slawson, Counsel, Utah Rural Telecom Association