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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH	
Qwest Corporation d/b/a CenturyLink QC, Petition for Statewide Exemption from the R746-350-1(b) Carrier of Last Resort Obligation	Docket No. 22-049-62 Stipulated Motion Regarding Notice of Withdrawal of Petition for Statewide Exemption from the Carrier of Last Resort Obligation and Request for Expedited Treatment

Pursuant to UTAH ADMIN. CODE r. 746-1-101 to -801 and the Public Service Commission of Utah's (PSC) March 6, 2023 Order Granting Unopposed Motion and Notice of Rescheduled Virtual Scheduling Conference, the parties, Qwest Corporation d/b/a CenturyLink QC (CTL), the Division of Public Utilities (DPU), and the Office of Consumer Services (OCS) (Parties), jointly file this Stipulated Motion and Request for Expedited Treatment regarding CTL's Withdrawal of its Petition for Statewide Exemption from the Carrier of Last Resort (COLR) Obligation.

BACKGROUND

On December 5, 2022, CTL filed its Petition for Statewide Exemption from the R746-350-1(b) COLR Obligation (Petition). After the filing, the Parties and the Utah Rural Telecom Association (URTA) engaged in discussions regarding the best way to proceed with the

Petition.¹ These discussions have continued throughout the course of this docket and have culminated with an agreement that CTL would voluntarily withdraw its Petition, rework the Petition to address concerns raised in discussions with the Parties and URТА, and then file a new petition for statewide exemption from the COLR obligations. This approach is intended to address the fact that under Utah Code § 54-8b-3(7)(a), a petition for exemption from any requirements of Title 54, Public Utilities, must be adjudicated within 240 days from the filing of the petition.² The Parties' intend that, with the withdrawal of the present Petition, any eventual filing of a new petition will initiate a new 240-day period for the adjudication of CTL's claims.

On March 22, 2023, the same day scheduled for a Scheduling Conference and pursuant to the Parties' and URТА's agreement, CTL filed a Notice of Withdrawal of Petition for Exemption from the COLR Obligation (Notice of Withdrawal). However, concerns over whether the Notice of Withdrawal sufficiently captured the Parties' and URТА's agreement and whether a petition can be withdrawn by simple notice as opposed to a motion, led to the Parties and URТА concluding a subsequent agreement during the Scheduling Conference to file this instant Motion (Stipulated Motion). This Stipulated Motion is meant to convert CTL's initial Notice of Withdrawal to a Motion to Withdraw the Petition for Statewide Exemption from the R746-350-1(b) COLR Obligation (Motion to Withdraw), stipulate that there is no opposition to the conversion of the Notice of Withdrawal to a Motion to Withdraw, clarify the language in the Notice of Withdrawal to more sufficiently reflect the Parties' and URТА's

¹ URТА has not intervened in this docket so is not a party to this Motion. However, the OCS represents that it has sent a copy of this Motion to URТА's counsel and URТА has no objection to this Motion.

² Section 54-8b-3(7)(a) also provides that the "commission may by order defer action for an additional 30-day period."

agreement, and demonstrate that there is no opposition to this Stipulated Motion as clarified herein.

DISCUSSION/STIPULATION

The Parties jointly move the PSC to grant the Motion to Withdraw on terms consistent with the Parties' stipulation as set out in this Stipulated Motion. The Parties stipulate that:

1. CTL's March 22, 2023, Notice of Withdrawal should be converted to a Motion to Withdraw and that the instant Stipulated Motion demonstrates that there is no opposition to the Motion to Withdraw insofar as any voluntary dismissal of the Petition is in accordance with the terms of this Stipulated Motion.
2. CTL's Petition should be dismissed without prejudice to CTL's rights to file a new petition subsequent to this voluntary dismissal.
3. The dismissal without prejudice will end all proceedings in this docket.
4. CTL has the absolute right to file a subsequent petition requesting exemption from its COLR obligation in a new docket, and nothing in the voluntary dismissal of the current Petition shall work to prevent or hinder CTL from filing a subsequent petition in the future.
5. If CTL files a new petition under Utah Code § 54-8b-3, Section 54-8b-3(7)(a)'s 240-day period to resolve the petition, subject to the PSC's authority to extend the time for an additional 30 days, will start running anew at the date of the filing of the new petition.
6. The Parties agree that they will not, individually or jointly, oppose CTL's right to file a new petition seeking exemption from its COLR obligation in any subsequent docket based on the voluntary dismissal of the present Petition, but any party is free to take any position on the merits of any future petition that CTL may file.

The Parties also request expedited treatment of this Motion. Because this is a stipulated Motion, the time for responding to motions set out in UTAH ADMIN. CODE r. 746-1-301 is not applicable, and the PSC can rule on this matter without awaiting any further response. However, the Parties request that the PSC leave sufficient time to allow for public comment before ruling.

CONCLUSION

The Parties request the PSC issue an Order dismissing the instant Petition without prejudice, consistent with the terms of this Stipulated Motion.

Respectfully submitted the 29th, day of March 2023.

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