

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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

DOCKET NO. 22-049-62
ORDER GRANTING STIPULATED MOTION
REGARDING NOTICE OF WITHDRAWAL OF
PETITION

ISSUED: April 26, 2023

On December 5, 2022, Qwest Corporation d/b/a CenturyLink QC ("CenturyLink") filed a Petition for Exemption from the Carrier of Last Resort Obligation ("Petition"). The Petition also requested informal adjudication. On December 6, 2022, the Public Service Commission (PSC) issued a Notice of Filing and Comment Period, seeking public comments by January 4, 2023, and reply comments by January 19, 2023.

On December 13, 2022, the Utah Rural Telecom Association (URTA) filed an objection to CenturyLink's request for informal adjudication. By filing dated December 15, 2022, the Division of Public Utilities (DPU) requested a formal adjudication of this docket and requested a scheduling conference.¹ By Notice of Virtual Scheduling Conference dated December 29, 2022, a scheduling conference was set for January 18, 2023. That scheduling conference was held, and a Scheduling Order was issued on January 20, 2023.

On February 15, 2023, the OCS filed an Unopposed Motion to Vacate the Scheduling Order in which OCS represented that CenturyLink, DPU, and URTA

¹ The Office of Consumer Services (OCS) also supported the formal adjudication of this docket.

("Parties")² supported the motion. That motion was granted by Order dated February 16, 2023.

On February 28, 2023, the PSC issued a Notice of Virtual Scheduling Conference, setting March 8, 2023, for another scheduling conference in this docket. That new scheduling conference was set to establish a new scheduling order in order to ensure adequate time in this statutorily time-bounded docket to conduct any necessary proceedings and prepare all appropriate and timely orders. However, on March 3, 2023, the OCS filed an Unopposed Motion to Change Date of Scheduling Conference. That motion was granted by Order dated March 6, 2023, and a new scheduling conference was set for March 22, 2023.

On March 22, 2023, and prior to the scheduling conference, CenturyLink filed a Notice of Withdrawal of the Petition. Although styled as a "notice," CenturyLink's filing seemed more akin to a motion ("Withdrawal Filing"). Accordingly, the March 22 Scheduling Conference addressed, among other things, the Withdrawal Filing and gave all attendees, including any members of the public, an opportunity to discuss that filing.

On March 30, 2023, the OCS filed a Stipulated Motion Regarding Notice of Withdrawal of Petition for Statewide Exemption from the Carrier of Last Resort Obligation ("Stipulated Motion"). The Parties also requested the PSC to allow sufficient

² URTA has not formally intervened in this matter but has been engaged in discussions throughout the course of this docket. No motions to intervene have been filed in this docket.

time for public comment on the Stipulated Motion. Thus, on March 31, 2023, the PSC issued a Notice of Filing and Comment Period, seeking public comments by April 10, 2023, and reply comments by April 20, 2023. No comments or reply comments were filed.

The Stipulated Motion seeks to convert CenturyLink's Withdrawal Filing to a stipulated and unopposed motion to dismiss the Petition. The Stipulated Motion also seeks to clarify the Parties' intent on certain issues. According to the Stipulated Motion, the Parties' discussions "throughout the course of this docket ... have culminated [in] an agreement that [CenturyLink] would voluntarily withdraw its Petition, rework [it] to address concerns raised in discussions with the Parties and URTA, and then file a new petition for statewide exemption from the COLR Obligations."³ Thus, among other things, the Parties "intend that, with the withdrawal of [CenturyLink's] Petition, any eventual filing of a new petition will initiate a new 240-day period for the adjudication of" that new petition.⁴ The Parties have also agreed that they will not oppose CenturyLink's "right to file a new petition seeking exemption from its COLR obligation in any subsequent docket based on" the dismissal of the Petition.⁵

³ Stipulated Motion at 2.

⁴ *Id.*

⁵ *Id.* at 3.

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ORDER

Having considered the Stipulated Motion to Withdraw and for good cause shown, the Stipulated Motion to Withdraw is granted and the Petition is dismissed.

DATED at Salt Lake City, Utah, April 26, 2023.

/s/ John Delaney
Presiding Officer

Approved and Confirmed April 26, 2023, as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#327786

CERTIFICATE OF SERVICE

I CERTIFY that on April 26, 2023, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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