

ROBERT J. MOORE (5764)
Assistant Attorney General
Utah Attorney General Office
160 East 300 South, Fifth Floor
P.O. Box 140857
Salt Lake City, Utah 84114-0856
Telephone: (801) 366-0158
E-mail: rmoore@agutah.gov
Attorney for the Utah Office of Consumer Services

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Qwest Corporation d/b/a CenturyLink QC's
Petition for Statewide Exemption from
Carrier of Last Resort Obligations

Docket No. 23-049-01
Joint Motion to Amend the Scheduling Order
to Allow for Limited Prehearing Briefs and
for Expedited Treatment

Pursuant to Utah Code § 54-7-1 and UTAH ADMIN. CODE r. 746-1, the Office of Consumer Services (OCS) files this Joint Motion to Amend the Scheduling Order to Allow for Limited Prehearing Briefs and for Expedited Treatment. The OCS, the Division of Public Utilities (DPU), the Utah Rural Telecom Association (URTA), and Qwest Corporation d/b/a CenturyLink QC's (CTL), together (Parties), have agreed to request the Public Service Commission of Utah (PSC) to issue an order allowing the submission of prehearing briefs to address two limited legal questions raised in testimony. No other party has intervened in this case and the time for intervention has passed.

Two important issues of statutory construction have arisen in testimony. The Parties believe that it would be helpful for these purely legal issues to be addressed by lawyers in briefing rather than solely by non-attorneys through testimony. Therefore, the Parties move the PSC to issue an order to allow for the filing of prehearing briefs in a manner consistent with the Parties' agreement, set forth below.

The Parties agree that the two issues of statutory construction they request to be briefed are:

1. Does the term “captive customers” in Utah Code § 54-8b-3(6) refer to present customers only, or does it include present and potential customers in CenturyLink’s certificated exchange areas, including new/potential customers who move into locations presently served by CenturyLink?
2. Whether a public telecommunication service’s eligibility for UUSF support pursuant to Utah Code § 54-8b-15 makes that service a “functionally equivalent” service to landline service, as the term “functionally equivalent” is used in Utah Code § 54-8b-3(5)(b)?

The Parties further agree that the briefing be limited to purely legal statutory construction arguments and will not include the analysis of testimony or policy issues raised in testimony, that the briefs be limited to five pages, that no reply briefs shall be filed, and that the briefs will be filed on or before January 25, 2024.

Accordingly, the Parties respectfully request that the PSC issue an order allowing for limited prehearing briefs on conditions consistent with the Parties' agreement. In addition, because this is a Joint Motion and the time allotted to briefing this Motion, pursuant to UTAH ADMIN. CODE r. 746-1-301, would place the PSC ruling on this Motion close to the hearing date, the Parties request expedited treatment.

Respectfully submitted, January 4, 2024.

Robert Moore
Robert Moore
*Attorney for the Office of
Consumer Services*

Kira Slawson
Kira Slawson
*Attorney for the Utah Rural
Telecom Association*

Patrick Grecu
Patrick Grecu
*Attorney for the Division of
Public Utilities*

Katie Wagner
Katie Wagner
*Attorney for Qwest Corporation
d/b/a CenturyLink QC*

CERTIFICATE OF SERVICE
Docket No. 23-049-01

I CERTIFY that on January 4, 2024 a true and correct copy of the foregoing **Joint Motion to Amend the Scheduling Order to Allow for Limited Prehearing Briefs and for Expedited Treatment** was served upon the following:

By E-Mail:

Kaite N Wagner katie.wagner@lumen.com
Qwest Corporation dba CenturyLink QC

Chris Parker chrisparker@utah.gov
 dpudatarequest@utah.gov
Division of Public Utilities

Michele Beck mbeck@utah.gov
Office of Consumer Services

Patricia Schmid pschmid@agutah.gov
Patrick Grecu pgrecu@agutah.gov
Robert Moore rmoore@agutah.gov
Assistant Utah Attorneys General

Kira Slawson kiraM@backburn-stoll.com
URTA

/s/ Alyson Anderson
Alyson Anderson, Utility Analyst
Utah Office of Consumer Services