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UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

MARGARET W. BUSSE
Executive Director

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Division Director

Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director
Brenda Salter, Assistant Division Director
Abdinasir Abdulle, Utility Technical Consultant Supervisor
Ron Slusher, Utility Technical Consultant

Date: January 11, 2024

Re: **Docket No. 23-049-35:** Agreement filing in the Matter of the Amendment to Forbearance Master Services Agreement between Qwest Corporation d/b/a CenturyLink QC and Electric Lightwave, LLC d/b/a Allstream.

Recommendation (Acknowledge)

The Division of Public Utilities (“Division”) recommends that the Public Service Commission (“Commission”) acknowledge the receipt of this Amendment to Forbearance Master Services Agreement.

Discussion

On or about December 2, 2023, Qwest Corporation d/b/a CenturyLink QC (“CenturyLink”) filed the Amendment to Forbearance Master Services Agreement per the above-referenced docket in accordance with § 54-8b-2.2(1) (d) of the *Utah Code*. This Agreement had been fully executed through voluntary negotiations on October 05, 2020, and amended on December 22, 2023, with Electric Lightwave, LLC d/b/a Allstream (“Electric Lightwave”).

Division of Public Utilities

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The Division has reviewed the above-mentioned Agreement between CenturyLink and Electric Lightwave and sees no reason to reject it. Specifically, the Division believes that the Agreement was negotiated in good faith and without unfair discrimination. Both parties also recognize that, to the extent that the existing rules are changed, vacated, dismissed, stayed, or modified, this Agreement and all contracts adopting all, or part of this Agreement will be amended to reflect such modification or change of the existing rules. Therefore, the Division recommends that the Commission acknowledge the receipt of this Amendment to Forbearance Master Services Agreement.

cc: Kimberly J. Povirk, Sr. Dir. Bus. Ops Wholesale Sales, Qwest Corporation d/b/a CenturyLink QC
Douglas K. Denney, Electric Lightwave, LLC d/b/a Allstream
Patricia Schmid, Assistant Attorney General, State of Utah
Patrick Grecu, Assistant Attorney General, State of Utah
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