

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Disposition of Tier 2)
Funds Associated With Qwest's Performance) DOCKET NO. 11-049-52
Assurance Plan) ORDER DIRECTING TRANSFER OF
) QPAP TIER 2 FUNDS
)

ISSUED: December 5, 2011

SYNOPSIS

The Commission directs the transfer of QPAP Tier 2 funds to the Utah Universal Public Telecommunications Service Support Fund.

By The Commission:

In an order dated August 16, 2011, in Docket No. 09-049-60, the Commission granted the motion of Qwest Corporation/CenturyLink ("Qwest") to limit the scope of that proceeding to consideration of Tier 2 payments under the Qwest Performance Assurance Plan ("QPAP"). The Commission also granted Qwest's unopposed request to eliminate any future requirement for Tier 2 payments, provided no opposition was filed within 30 days of the order. The Commission's action was based, in part, on the Division's determination that Tier 2 payments are no longer necessary, in light of Qwest's QPAP performance and the absence of opposition to Qwest's motion. The 30 day window established in the order expired without comment from any party. Thereafter, the order eliminating Tier 2 payments became final.

With the determination that Tier 2 payments are no longer necessary or required, it is now appropriate to dispose of the remaining Tier 2 funds, totaling approximately \$697,000. Accordingly, on November 2, 2011, the Commission issued a Notice of Intent to Transfer QPAP Tier 2 Funds to the Utah Universal Public Telecommunications Service Support Fund ("USF"), established under Utah Code Ann. § 54-8b-15. The USF promotes universal service within the

state by ensuring that customers throughout the state have access to affordable basic telephone service. The current USF balance is lower than the historic norm. Transferring all Tier 2 funds to the USF will help maintain adequate continuing support for both rural telephone companies and lifeline (low income) telephone customers in this state.

In the November 2, 2011 notice, the Commission provided any interested party the opportunity to file comments opposing the contemplated transfer of Tier 2 funds to the USF or to propose an alternative use of the funds. The Commission required any such comments to be filed with the Commission no later than December 2, 2011. No opposing comments or alternative proposals have been filed, and the 30 day window has closed.

ORDER

The Commission orders the transfer of the QPAP Tier 2 funds, otherwise known as the Utah Special Fund and the Utah Discretionary Fund, to the Utah Universal Public Telecommunications Service Support Fund. The transfer shall take place as soon as the Depository Agent, U.S. National Bank National Association, can accomplish the transfer.

DATED at Salt Lake City, Utah, this 5th day of December, 2011.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
D#212004

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Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of December, 2011, a true and correct copy of the foregoing ORDER DIRECTING TRANSFER OF QPAP TIER 2 FUNDS, was served upon the following as indicated below:

By U.S. Mail:

James Farr
CenturyLink
250 East 200 South, Room 1601
Salt Lake City, UT 84111

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, UT 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, UT 84111

Administrative Assistant