

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Petitioner, v. QWEST CORPORATION d/b/a CENTURYLINK QC Respondent.	DOCKET NOS. FCU-2015-0008 (FCU-2015-0012) (C-2015-0064, <i>et al.</i>), WRU-2015-0035-0272
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**ORDER ESTABLISHING BRIEFING SCHEDULE AND
PROVIDING OUTLINE FOR BRIEF**

(Issued February 12, 2016)

On September 10, 2015, the Utilities Board (Board) issued an order in this docket granting a request by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, for further investigation of an informal complaint identified as C-2015-0064 filed by a customer of Qwest Corporation d/b/a CenturyLink (CenturyLink) regarding the length of time taken by CenturyLink to restore his landline telephone service.

On October 12, 2015, the Board issued an order initiating formal complaint proceedings in 25 additional informal complaint files involving CenturyLink's response to service issues; granting OCA's request for formal proceeding in Docket No. FCU-2015-0012 (C-2015-0082), another case involving the company's response to a

service outage; and consolidating the additional C-files and Docket No. FCU-2015-0012 with Docket No. FCU-2015-0008.

On October 23, 2015, CenturyLink filed a request for a waiver of Board rule 22.6(3)(a), pursuant to Board rules 1.3 and 22.1(2). The request for waiver was identified as Docket No. WRU-2015-0035-0272. On November 12, 2015, the Board issued an order docketing the waiver request for further investigation, consolidating the waiver proceeding with the previously consolidated complaints, and rescheduling the hearing.

On February 4, 2016, the Board conducted a hearing addressing the issues raised by the parties regarding the customer complaints and the waiver request. At the conclusion of the hearing, the Board explained an order would be issued establishing a briefing schedule and identifying issues to be addressed in the briefs.

Before addressing the schedule and general topics for briefing, the Board will address two issues that specifically relate to CenturyLink. First, CenturyLink shall address in its initial brief whether it is possible for a customer calling to report service trouble to ask to speak to a service representative located in the United States and to speak to such a service representative. CenturyLink shall also file with its initial brief a map depicting the location of CAF II target areas in Iowa and the location of the CenturyLink facilities serving the 27 customers in these consolidated complaints.

This order establishes dates for filing initial simultaneous briefs and simultaneous reply briefs. Initial briefs will be due on March 14, 2016, and reply briefs will be due on March 29, 2016. Mr. Arndt, the CenturyLink customer who filed testimony and appeared pro se at the hearing, may file briefs, but is not required to do so. If a party is not addressing an issue on the outline, the party should indicate that the issue has not been addressed. Parties may also brief any other issue they believe is necessary for the Board to reach a decision. The following outline identifies issues that should be briefed.

I. FCU-2015-0008 (FCU-2015-0012) (C-2015-0064, *et al.*)

A. Analysis of the Board's rule at 199 IAC 22.6(3)(a), which requires that a telephone utility shall make all reasonable efforts to prevent interruptions of service and shall reestablish service with the shortest possible delay, and which measures a telephone utility's reasonable efforts by the out-of-service trouble report clearance rates included in 199 IAC 22.6(3)(a)(1) – (3).

B. With respect to each of the 27 consolidated customer complaints, whether CenturyLink complied with the statutory requirement to furnish reasonably adequate service and with the Board's rules governing service quality, including, but not limited to the Board's rules at 199 IAC 22.5(1), 22.5(2), 22.6(3)(a), (b), (g), and (h).

C. If the Board were to find that CenturyLink failed to comply with the statutory requirement to furnish reasonably adequate service and with any of the Board's rules governing service quality and response to service interruptions, analysis of the appropriate next steps for the Board to take in response to any violations.

D. Other issues.

II. WRU-2015-0035-0272

A. Whether CenturyLink has met the burden of persuasion on the elements in Board rule 199 IAC 1.3 for its requested waiver of the Board's rule at 199 IAC 22.6(3)(a) for the duration of the build-out period associated with CenturyLink's acceptance of CAF II funding.

B. If the Board decides to grant the waiver, should the Board condition the grant of the waiver on reasonable conditions appropriate to achieve the objectives of 199 IAC 22.6(3)(a)? What conditions would be reasonable to achieve those objectives?

C. Is a waiver of Board rule 199 IAC 22.6(3)(a) warranted pursuant to Board rule 199 IAC 22.1(2)?

D. The Board is considering changes to its rules at 199 IAC 22 in a rule-making proceeding identified as Docket No. RMU-2015-0002. Should the Board consider changes to rule 22.6(3)(a) in Docket No. RMU-2015-0002? If so, what should those changes be? Does the rule-making proceeding have any effect on the outstanding request for a waiver?

E. Other issues.

IT IS THEREFORE ORDERED:

1. Initial briefs must be filed on or before March 14, 2016.
2. Reply briefs must be filed on or before March 29, 2016.
3. The briefs shall address the issues identified in the body of this order.

UTILITIES BOARD

/s/ Geri D. Huser

/s/ Elizabeth S. Jacobs

ATTEST:

/s/ Trisha M. Quijano
Executive Secretary, Designee

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 12th day of February 2016.