

Staff Briefing Papers

Meeting Date May 23, 2019 Agenda Item *1

Company CenturyLink QC

Docket No. **P-421/C-03-616**

**In the Matter of a Request by Eschelon Telecom for an Investigation Regarding
Customer Conversion by Qwest and Regulatory Procedures**

Issues Shall the Commission eliminate CenturyLink QC's reporting requirements?

Staff Kevin O'Grady 651-201-2218



Relevant Documents

Date

*Order Finding Compliance Filing Inadequate and Requiring Further
Filings*

November 12, 2003

CenturyLink QC Petition

March 18, 2019

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

I. Statement of the Issues

Shall the Commission eliminate CenturyLink QC's reporting requirements?

II. Background

CenturyLink QC refers to the portion of CenturyLink that operates the local service area once served by Qwest Corporation. The Commission approved the Qwest-CenturyLink merger in 2011 (Docket No. 10-456). In large part, the record in this docket refers to Qwest.

Eschelon Telecom now operates as Allstream, Inc.

Qwest, an incumbent local exchange carrier (ILEC), sold wholesale services to Eschelon. Eschelon, a competitive local exchange carrier (CLEC), in competition with Qwest, provided retail service to customers.

On April 21, 2003, Eschelon filed a petition asking the Commission to (1) investigate Qwest's procedures for processing wholesale orders, (2) investigate the relationship between Qwest's wholesale and retail divisions, and (3) establish an informal mediation process. Eschelon had persuaded a large retail Qwest customer to switch to Eschelon's retail service. Complications with the customer transfer, originating in Qwest's procedures, led to the customer reversing its decision. The Commission required Qwest to make a compliance filing detailing its proposal for remedying its service inadequacies.

On November 12, 2003, the Commission determined that Qwest's compliance filing was inadequate and it ordered Qwest to develop better internal procedures and to report, quarterly, on "how many disciplinary actions and training sessions have occurred as a result of improper contacts or activities between the Company's wholesale and retail divisions."

On March 18, 2019, CenturyLink QC filed a petition seeking relief from the filing requirement.

III. CenturyLink QC's Petition

CenturyLink QC's petition is brief:

On April 21, 2003, Eschelon Telecom, Inc. ... filed a petition requesting the Commission investigate Qwest Corporation's ... procedures for processing wholesale orders and the separation of its wholesale and retail divisions and to establish an informal or mediation process to resolve inter-carrier, time-critical issues affecting customers.

As a result ... the Commission issued an Order ... requiring further filings from CenturyLink QC as follows: "Qwest shall file quarterly reports with the Department of Commerce on how many disciplinary actions and training sessions have occurred

as a result of improper contacts or activities between the Company's wholesale and retail divisions."

Over the past 15 years, CenturyLink has filed reports and there were no disciplinary actions or training sessions required due to any violations related to the Commission's Order. Due to the absence of violations over the 15-year period, CenturyLink respectfully requests that the Commission issue an order terminating the reporting requirement in its November 12, 2003 Order. CenturyLink discussed the matter with the Department of Commerce and Allstream and both parties have no objection to this request.¹

IV. Staff Analysis

Qwest and, subsequently, CenturyLink QC have continued to file quarterly reports as ordered. The eDocket record indicates that, prior to its current petition, and since 2004, there have been no substantive filings entered into the record other than the Company's reports. Those reports typically comprise a single page indicating that the Company has not identified violations or corrective action taken with respect to retail division access to wholesale division information.

Tangentially, in a somewhat related docket opened in 2009 a group of CLECs sought to monitor CenturyLink's marketing practices with respect to CLEC customers (09-1066). That docket also required CenturyLink to provide quarterly compliance reports to CLECs and the Commission. By the terms of a Commission-approved settlement CenturyLink was required to file those reports for a period of four years.² Staff believes that period has expired. Here, too, no party has raised any objections regarding those reports nor sought to extend the reporting period.

Neither DOC, nor Allstream, has objected to CenturyLink's proposal to eliminate the reporting requirements. Staff, too, has no objection.

V. Decision Options

1. Grant CenturyLink QC's petition to eliminate the reporting requirement and close the docket.
2. Deny CenturyLink QC's petition.
3. Take other action.

Staff recommends Option 1.

¹ CenturyLink QC Petition.

² Settlement Agreement, filed January 15, 2014, approved March 6, 2014.