

Mary S. Hobson
Attorney & Counselor
999 Main, Suite 1103
Boise, ID 83702
208-385-8666

RECEIVED
2013 JUN -7 AM 9:35
IDAHO PUBLIC
UTILITIES COMMISSION

June 7, 2013

VIA HAND DELIVERY

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington
Boise, ID 83702-5983

RE: Docket Nos. QWE-T-13-03, CEN-T-13-03 and CGS-T-13-03

Dear Ms. Jewell:

Enclosed for filing with this Commission are an original and seven (7) copies of the **Joint Petition of Qwest Corporation (dba CenturyLink QC), CenturyTel of Idaho, Inc. and CenturyTel of the Gem State, Inc., (dba CenturyLink) for Partial Waiver of the Requirements of IPUC Order No. 20841.**

Qwest Corporation dba CenturyLink QC, CenturyTel of Idaho, Inc. dba CenturyLink, and CenturyTel of the Gem State, Inc. dba CenturyLink (collectively "the CenturyLink companies" or "CenturyLink") respectfully request that the Commission consider this Petition on modified procedure and expeditiously grant the relief requested herein to waive the requirement that the Petitioners file two-year plans in 2013 in connection with the annual ETC recertification process.

If you have any questions, please contact me. Thank you for your cooperation in this matter.

Very truly yours,


Mary S. Hobson

Enclosure

Mary S. Hobson (ISB. No. 2142)
999 Main, Suite 1103
Boise, ID 83702
Tel: 208-385-8666
Mary.Hobson@CenturyLink.com

Lisa A. Anderl
Associate General Counsel, CenturyLink
1600 7th Avenue
Seattle, WA 98191
Tel: (206) 345-1574
Lisa.Anderl@CenturyLink.com

Attorneys for CenturyLink

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

<p>IN THE MATTER OF THE REQUEST FOR PARTIAL WAIVER OF THE REQUIREMENTS OF IPUC ORDER NO. 29841</p>	<p>Case Nos.</p> <p>QWE-T-13-03 CEN-T-13-03 CGS-T-13-03</p> <p>JOINT PETITION of QWEST CORPORATION (dba CENTURYLINK QC), CENTURYTEL of IDAHO, INC. and CENTURYTEL of the GEM STATE, INC., dba CENTURYLINK FOR PARTIAL WAIVER OF THE REQUIREMENTS OF IPUC ORDER NO. 20841</p>
---	---

Qwest Corporation, dba "CenturyLink QC", CenturyTel of the Gem State, Inc., dba "CenturyLink", and CenturyTel of Idaho, Inc., dba "CenturyLink", (collectively "CenturyLink") by and through their undersigned attorneys, hereby file their Joint Petition for Partial Waiver of the Requirements of IPUC Order No. 20841 (filing of a "two year plan").

BACKGROUND

On August 4, 2005, the Commission entered Order No. 29841 (“Order”) in a case concerning the application of a wireless carrier seeking designation as an Eligible Telecommunications Carrier (ETC) so that it might receive financial support from the federal universal fund.¹ Under the federal Telecommunications Act of 1996 the Commission has the authority to designate carriers as ETCs and is responsible for an annual ETC certification process for Idaho service areas. Previously that year, in March of 2005 the Federal Communications Commission (FCC) had issued new rules for ETC certification as well as for annual reporting and recertification by the state commissions.

In the process of considering the individual carrier’s application in the Idaho case, this Commission also considered the new rules that the FCC had adopted for the designation of ETCs and for reporting by ETCs that had received federal universal service support.² As a result, the Commission adopted new requirements for ETC eligibility and reporting in Idaho³ that adopted some, but not all, of the FCC’s guidelines.⁴ In making this decision the Commission stated it was focusing on those requirements it found useful and necessary to implementing its duties under the federal law, while helping the FCC to achieve its goal of “bringing greater uniformity to state proceedings.”⁵ The requirements adopted in Order No. 29841 have formed the structure for the annual ETC certification filings that the Joint Petitioners have made with the Commission over the subsequent years.⁶

One of the variances from the FCC Rules that Idaho Commission adopted was to reject the FCC requirement that the ETC produce a five-year network improvement plan.

¹ See In the Matter of the Application of WWC Holding Co., Inc., dba CellularOne Seeking Designation as an Eligible Telecommunications Carrier That May Receive Federal Universal Service Support, Case No. WST-T-05-1.

² Order No. 29841 (“Order”) at 1.

³ Id.

⁴ Order at 7.

⁵ Id.

⁶ ETC certification filings were only necessary for those operations in which the company in question received federal high cost funds. Qwest Corporation, for example, only submitted filings for its northern Idaho operations since federal funds were not received in its southern Idaho operating territory. In 2012, however, the southern operations did receive limited funding for the first time.

Instead, the Commission found that “a two-year plan in the dynamic telecommunications market strikes the appropriate balance between demonstrating a commitment to improve services and obtaining meaningful information.”⁷ Idaho companies seeking ETC recertification have since filed two-year network improvement plans pursuant to the terms of the Order.

Now the FCC is again addressing ETC reporting requirements in light of revisions to 47 C.F.R. § 54.313 and, specifically, to account for new broadband obligations being imposed on carriers. Among these is an expansion of the duties to report on the carrier’s five-year service quality improvement plan for those companies that will be receiving funding for broadband services. New reporting will require maps detailing progress toward plan targets, an explanation of how much universal service support was received and how it was used, and an explanation of any network improvement targets that have not been met during the year. These reports will require detail to be provided at the wire center or census block level.

Presently, however, the FCC has not completed all the steps necessary to provide a final form for use by ETCs in formulating the new plans. Furthermore, because the new federal high cost funding which is aimed specifically at broadband has not been distributed or accepted by the ETCs, companies are not in a position to develop specific plans for its use. Consequently, on March 5, 2013, the FCC issued an order waiving the five-year plan requirement for 2013⁸ for companies such as the Joint Petitioners.⁹

RELIEF REQUESTED

The foregoing describes the history of the two-year plan requirement contained in Order No. 29841 and its relationship to the FCC requirements. Since the beginning, bringing uniformity across the states has been an objective¹⁰. In addition, given the increasingly complex reporting requirements being adopted by the FCC, creating state-specific reports that have unique but less rigorous standards for documenting use of

⁷ Id. at 9.

⁸ See *Connect America Fund et al*, WC Docket No. 10-90 et al., Order DA 13-332 (March 5, 2013)

⁹ Id at ¶ 8.

¹⁰ Order at 7.

federal funds may no longer fulfill a useful purpose. CenturyLink, therefore, seeks a waiver of the two-year plan requirement contained in Order No. 29841 in the interest of bringing its Idaho ETC recertification reports for 2013 in conformance with FCC requirements for this year.

In the future CenturyLink will be required to create significantly more comprehensive and detailed plans demonstrating how it has used and intends to use any federal high cost funding it receives in any of its companies. This information will be shared with the Commission and should more than satisfy the Commission's need for information to perform its duties under federal law. Meanwhile preparation of two-year plans that essentially will be scrapped as broadband funding and federal reporting requirements come online within the next twelve months serves little purpose.

If this waiver is granted, CenturyLink intends to file its FCC ETC filings with the Commission.¹¹ These filings contain all of the remaining requirements found in Order No. 29841, together with other information that has been added to the FCC requirements. In 2014, CenturyLink will also file its five-year plans with the Commission.

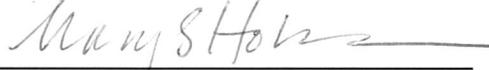
CONCLUSION

In 2013 CenturyLink finds that the Idaho Commission's requirement that it produce a two-year plan as part of its annual recertification has no parallel requirement at that FCC and therefore respectfully requests that this Commission grant the Petitioners a waiver of the two-year plan requirement of Order No. 29841 for 2013. In the future, CenturyLink will share the detailed information it will be required to produce for the FCC with this Commission. Looking forward, CenturyLink hopes to work with the Commission and its Staff over the coming year to bring the Idaho reporting requirements and those being adopted by the FCC together so that a single filing may be sufficient to meet both the federal and state's needs for ETC reporting.

¹¹ The FCC filings are currently due on July 1, 2013. However, due to uncertainties as to the exact requirements for 2013, there is a possibility that a thirty-day extension to that filing date will be granted by the FCC.

Submitted this 7th day of June, 2013.

Respectfully submitted,



Mary S. Hobson (ISB. No. 2142)
999 Main. Suite 1103
Boise, ID 83702

Lisa A. Anderl
Associate General Counsel, CenturyLink
1600 7th Avenue
Seattle, WA 98191

Attorneys for CenturyLink