

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER REDFORD  
COMMISSIONER SMITH  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL**

**FROM: WELDON STUTZMAN  
DEPUTY ATTORNEY GENERAL**

**DATE: JUNE 28, 2013**

**RE: JOINT PETITION OF QWEST CORPORATION DBA CENTURYLINK  
QC; CENTURYTEL OF IDAHO, INC. DBA CENTURYLINK; AND  
CENTURYTEL OF THE GEM STATE, INC. DBA CENTURYLINK FOR  
PARTIAL WAIVER OF THE REQUIREMENTS OF IPUC ORDER NO.  
29841; CASE NOS. QWE-T-13-03, CENT-T-13-03, AND CGS-T-13-03.**

On June 7, 2013, the Commission received a Joint Petition from Qwest Corporation dba CenturyLink QC; CenturyTel of Idaho, Inc. dba CenturyLink; and CenturyTel of the Gem State, Inc. dba CenturyLink (collectively “CenturyLink”) for Partial Waiver of the requirements of Commission Order No. 29841.<sup>1</sup> Specifically, CenturyLink requests a waiver of the requirement to file the 2013 two-year network improvement plan in connection with the annual eligible telecommunications carrier (“ETC”) recertification report due to the Commission on September 1, 2013. This request is related to the recent actions by the Federal Communications Commission (FCC).

In 2005, the FCC adopted new ETC designation and reporting requirements. The FCC is again addressing ETC reporting requirements in light of revisions to 47 C.F.R. § 54.313 to include new broadband obligations that will be imposed on carriers. Petition at 3. One of the FCC’s requirements is to report on the carrier’s five-year quality improvement plan for those companies that will be receiving funding for broadband services. *Id.* The FCC’s new reporting

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<sup>1</sup> On March 17, 2005, the FCC adopted new rules for designating ETCs *In the Matter of the Federal –State Joint Board on Universal Service*, CC Docket No. 96-45, 20 C.F.R. 637 pursuant to 47 U.S.C § 214(e)(6). The Commission adopted the FCC’s new ETC requirements in Order No. 29841, with the exception of the alternative two-year network plan versus the FCC’s five-year plan.

requirements will require maps detailing progress toward plan targets, and explanation of how much universal support was received, how it was used, and an explanation of any network improvement targets that have not been met during the year. These reports will require detailed information to be provided at the wire center or census block level. *Id.* The FCC, however, has not completed all the steps necessary to provide a final form for use by ETCs in formulating the new plans, and 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. *Id.* Consequently, the FCC issued an order waiving the five-year plan requirement for 2013. *Id.*

CenturyLink believes that 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 the federal funds may no longer fulfill a useful purpose. *Id.* at 3-4. CenturyLink, therefore, seeks a waiver of the two-year plan requirement contained in Order No. 29841 in the interest of bringing the Idaho ETC recertification reports for 2013 in conformance with FCC requirements for this year.

Staff believes it is appropriate to consider whether the waiver requested by CenturyLink, if approved by the Commission, should apply to all ETCs. Accordingly, Staff recommends the Commission issue a Notice of Application and Notice of Modified Procedure enabling all interested telecommunications providers to file comments.

#### **COMMISSION DECISION**

Should the Commission issue a Notice of Application and Notice of Modified Procedure, providing for a 21-day comment period, to process the Company's Application?



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Weldon B. Stutzman  
Deputy Attorney General

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