

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE PETITION OF CENTURYLINK QC REGARDING EFFECTIVE COMPETITION FOR RETAIL RESIDENTIAL SERVICES	Case No. 18-00295-UT
Notice to CenturyLink QC Customers	

NOTICE is hereby given of the following matters pertaining to the above-captioned case pending before the New Mexico Public Regulation Commission ("Commission"):

1) On September 19, 2018, Qwest Corporation d/b/a CenturyLink QC ("CenturyLink QC") filed a Petition Requesting a Determination of Effective Competition for Retail Residential Telecommunications Services Pursuant to NMSA 1978, § 63-9A-8(C) ("Petition"). The Petition asks the Commission to find that CenturyLink QC's residential telecommunications services are subject to effective competition in all CenturyLink QC wire centers in New Mexico. The CenturyLink QC wire centers in New Mexico are in Alamogordo, Albuquerque, Angel Fire/Eagle Nest, Anthony, Artesia, Aztec, Bayard, Belen, Bernalillo, Chaparral, Cimarron, Clovis, Estancia, Farmington, Gallup, Grants, Hatch, Laguna-Acoma, La Mesa, Las Cruces, Los Alamos, Los Lunas, Moriarty, Mountainair, Peña Blanca, Peñasco, Portales, Questa, Raton, Red River, Roswell, Santa Fe, Santa Teresa, Silver City, Springer, Taos, Tijeras,

and Tucumcari. CenturyLink also filed the direct testimony of David Ziegler in support of its Petition on October 26, 2018.

2) The Petition asks the Commission to make two determinations: (a) find and declare that there is effective competition for CenturyLink QC's retail residential telecommunications services in each CenturyLink QC wire center serving area, and (b) eliminate all tariffs and regulations regarding pricing, service quality, and consumer protection in those wire center serving areas for all CenturyLink QC telecommunications services provided to retail residential customers.

3) CenturyLink QC is not seeking any Commission determination regarding the competitiveness of retail business telecommunications services in this proceeding. NMSA 1978, § 63-9A-8(C) requires separate determinations for residential and business services and customer locations, so any petition regarding business services must be the subject of another proceeding.

4) Under § 63-9A-8(A), the Commission shall, upon petition, hold hearings to determine if any public telecommunications service is subject to effective competition in the relevant market area. When the Commission has made a determination that a service or part of a service is subject to effective competition, the Commission shall "modify, reduce or eliminate rules, regulations and other requirements applicable to the provision of such service, including the fixing and determining of specific rates, tariffs or fares for the service." NMSA 1978, § 63-9A-8(A). The Commission's action may

include the detariffing of service or the establishment of minimum rates which will cover the costs for the service. *Id.*

5) CenturyLink QC asks the Commission to find its retail residential telecommunications services subject to effective competition under § 63-9A-8(C), which states that if, in the wire center serving area for which a determination of effective competition is requested, the incumbent local exchange carrier provides basic local exchange service either separately or bundled to less than one-half of the customer locations where such service is available at the time the petition is filed, the public interest requires that effective competition be presumed for all regulated telecommunications services provided by the incumbent provider in that wire center serving area.

6) The Commission has jurisdiction over the parties and subject matter of this case.

7) Pursuant to the Order of the Hearing Examiner, a prehearing conference was held on January 9, 2019.

8) Following that prehearing conference, the Hearing Examiner issued an order on January 28, 2019 establishing a procedural schedule for issue (a) identified in paragraph 2 above (whether or not effective competition exists for retail residential telecommunications services). To address issue (b) identified in paragraph 2 (determining the appropriate regulatory reforms to be adopted), a separate procedural schedule will be determined, if necessary, once the Commission has made a

determination as to whether or not effective competition exists. Other procedural details are described with more particularity in that Procedural Order. The procedural schedule for the first issue is as follows:

- a. A public hearing will be held beginning at 9:00 a.m. on June 11, 2019, and continue as necessary through June 13, 2019, at the Commission's Ground Floor Hearing Room, 1120 Paseo de Peralta, P.E.R.A. Building, Santa Fe, New Mexico, for the purpose of hearing and receiving evidence, arguments and any other appropriate matters related to this proceeding.
- b. No later than March 15, 2019, any person who desires to become a party to this case must file a motion for leave to intervene, pursuant to 1.2.2.23.A and 1.2.2.23.B NMAC.
- c. CenturyLink QC shall file Amended Direct Testimony on or before January 31, 2019.
- d. Staff shall, and Intervenors may, file Direct Testimony on or before April 15, 2019.
- e. Any Rebuttal Testimony shall be filed no later than May 15, 2019.
- f. Any prehearing motions or motions in limine shall be filed no later than May 29, 2019.

- g. The Commission's Administrative Procedures (1.2.2 NMAC) will apply to this case except as modified by Order of the Commission or Hearing Examiner.
- h. The procedural dates and requirements provided herein are subject to further Order of the Commission or Hearing Examiner.
- i. Any person whose testimony has been filed will attend the hearing and submit to examination under oath, unless specifically excused by the Hearing Examiner.
- j. Any interested person may appear at the time and place of hearing and make written or oral comment pursuant to 1.2.2.23.F NMAC without becoming an Intervenor. Interested persons may also send written comments, which shall reference NMPRC Case No. 18-00295-UT, to the Commission's Records Management Bureau, P.E.R.A. Building 1120 Paseo de Peralta, P.O. Box 1269 Santa Fe, New Mexico 87504-1269. All such comments will not be considered as evidence in this case.

9) Interested persons may examine CenturyLink QC's Application and the prefiled testimony, exhibits, pleadings, and other documents filed in the public record for this case online at <http://nmprc.state.nm.us> under "Case Lookup EdoCKET," or at the Commission's address set out above. All inquiries or written comments concerning this matter should refer to Case No. 18-00295-UT.

10) Anyone filing pleadings, testimony, and other documents in this case may file either in person at the Commission's Records Management office in the P.E.R.A. Building in Santa Fe, New Mexico or by mail to the Commission's address at P.O. Box 1269, Santa Fe, New Mexico 87504-1269, and shall serve copies thereof on all parties of record and Staff in the way or ways specified (i.e., by email and first-class mail or hand delivery, or by email only) in the most recent Certificate of Service issued in this case by the Hearing Examiner or Commission. Copies of all filings shall also be emailed on the date of filing and service to the Hearing Examiner at Carolyn.Glick@state.nm.us. All documents emailed to the Hearing Examiner shall also include versions created in Microsoft Word or other native formats if available.


11) The filing and service of pleadings and other documents in this case are subject to applicable Commission rules (*see, e.g., 1.2.2.10, 1.2.2.11, and 1.2.2.25.H NMAC*), except that service of discovery requests and responses shall be exclusively via electronic transmission unless otherwise agreed or ordered. Responses to discovery requests shall be served in the manner provided herein within seven (7) days after service of the request(s) unless otherwise agreed or ordered. Consistent with 1.2.2.25.H NMAC, electronic service of discovery requests and responses shall not be made upon the Hearing Examiner. Exhibits to discovery responses shall be served at the same time and in the same manner as such responses unless otherwise agreed or ordered.

12) Interested persons should contact the Commission at (505) 827-6956 for confirmation of the hearing date, time and place, since hearings are occasionally rescheduled.

13) Any person with a disability requiring special assistance in order to participate in this proceeding should contact the Commission at (505) 827-4084 at least 24 hours prior to the commencement of the hearing.

ISSUED at Santa Fe, New Mexico on January 28, 2019.

NEW MEXICO PUBLIC REGULATION COMMISSION



Carolyn R. Glick
Hearing Examiner