

From: [Reichman, Lawrence \(POR\)](#)
To: [Smith Natascha B](#); [SPRUCE Sarah * PUC](#)
Cc: [Villa, Brook](#); [Sherr, Adam](#); priscilla@saltmarshranch.com; jennifer@oregoncub.org
Subject: RE: UM 1908: Lumen Price Plan
Date: Wednesday, March 22, 2023 4:03:32 PM
Attachments: [image002.png](#)

ALJ Spruce,

On behalf of Lumen, please allow me to make a couple of related comments. Technically, the Commission did not *suspend* the Price Plan in Order 22-340; rather, it *extended* the existing Price Plan by a period not to exceed nine months. This is unlike a situation where the Commission suspends proposed rates under ORS 759.185 and is prohibited by that statute from having the suspension last more than nine months. Thus, it is Lumen's position that the Commission is not constrained by statute from further extending the Price Plan to allow the parties additional time to negotiate a settlement and, failing that, to proceed to a hearing. We also understand that the Commission would likely need to do so by order, which we believe is justified for the reasons set forth by Ms. Smith below.

Thanks,
Larry

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From: Smith Natascha B <natascha.b.smith@doj.state.or.us>
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Subject: UM 1908: Lumen Price Plan

ALJ Spruce,

The parties have a settlement conference planned for this Friday where we will be discussing testimony dates. In aid of that conversation, the parties request your input on what if any flexibility there may be to extend the suspension of the price plan. The Price Plan was initially suspended in September of 2022 for a period of 9 months. However, the hearing on orders consumed much of that time, with the prehearing conference for the price plan not occurring until December 2022.

Additionally, a recent change in counsel for Lumen has necessitated rescheduling settlement conferences and delayed parties ability to negotiate. As we work towards settlement, it will be extremely helpful in understanding all our options for scheduling in this docket. We appreciate your time in considering this issue.

Best,
Natascha

Natascha Smith

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