



**DEPARTMENT OF JUSTICE**  
BUSINESS SERVICES DIVISION

September 1, 2023

via E-mail

Public Utility Commission of Oregon  
Attn: Filing Center  
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**Re: UM 1908– Update on Settlement**

Staff of the Public Utility Commission of Oregon (Staff) requests that the Administrative Law Judge (ALJ) amend the procedural schedule in this docket, and proposes the updated schedule be set on the September 12, 2023, date communicated in ALJ Spruce's August 1, 2023, memorandum.<sup>1</sup>

Staff and Lumen Technologies<sup>2</sup> (Lumen or Company) are very close to reaching a settlement in principle that will resolve all issues in this proceeding. However, intervenors Citizens Utility Board (CUB) and Priscilla Weaver are likely to oppose one or more terms of the settlement. Staff and Lumen expect to have final decision on a settlement prior to September 12. Staff hopes the prehearing conference will result in an update to the procedural schedule allowing, at minimum: 1) Staff and Lumen to file Stipulations and supporting testimony; and 2) Intervenors CUB and Ms. Weaver to file testimony in opposition. Staff supports the inclusion of hearings and briefs to the extent requested by the Commission.

While parties are currently completing negotiations and coordinating on the appropriate procedural next steps for this docket, Staff has confirmed unanimous support for an extension of the current price plan until the conclusion of the contested case. Given uncertainty about need for a hearing or legal briefs, an appropriate date for a further extension of the price plan is conjecture at this point. If multiple rounds of testimony, a hearing, and multiple briefs are required, as proposed in Staff's initial schedule,<sup>3</sup> the price plan would need to be extended into April of 2024. However, if parties are able to agree to abbreviated proceedings the issues could be submitted to

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<sup>1</sup> Lumen advised Staff that its attorney has an unforeseen, unavoidable conflict at the time currently set for the procedural conference on September 12 and that he will separately reach out to you to propose rescheduling that conference.

<sup>2</sup> Formerly known as Qwest Corporation, United Telephone Company of the Northwest, CenturyTel of Oregon, and CenturyTel of Eastern Oregon.

<sup>3</sup> See Staff's UM 1908-Price Plan Proposed Schedule (Dec. 12, 2022).

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the Commission in early December. Staff proposes that the date for price plan extension be set at or after the prehearing conference.

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Sincerely,

/s/ Natascha Smith

Natascha Smith,  
Assistant Attorney General  
Business Activities Section