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October 19, 2018

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission vs. The United Telephone
Company of Pennsylvania d/b/a CenturyLink
Docket No. C-2018-3005400

The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink
2018 Annual Price Stability Index/Service Price Index Report
Docket No. R-2018-3004019

Petition of The United Telephone Company of Pennsylvania LLC d/b/a
CenturyLink For Approval Under Chapter 30 of the Public Utility Code
in Compliance with Act 183 of 2004 and of an Amended Alternative
Regulation and Network Modernization Plan - Docket No. P-00981410

Dear Secretary Chiavetta:

The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink
("CenturyLink") is in receipt of a Secretarial Letter dated October 16, 2018 notifying
CenturyLink to answer the answer the Formal Complaint of the Office of Consumer Advocate
("OCA") at Docket No. C-2018-3005400.

Please be advised that CenturyLink will not be filing an answer at this time to OCA's
Complaint. CenturyLink is not filing an answer at this time because CenturyLink, OCA, and
the Office of Small Business Advocate have entered into a Joint Procedural Stipulation for
Stay at the above-referenced dockets regarding CenturyLink's 2018 Price Cap Filing at
Docket No. P-00981410.

Accordingly, CenturyLink files the attached Joint Procedural Stipulation for Stay in
the above-referenced dockets, including Docket No. C-2018-3005400 regarding OCA's
Formal Complaint. OCA and OSBA are served a copy of this correspondence in accordance
with the attached certificate of service.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink For Approval Under Chapter 30 of the Public Utility Code in Compliance with Act 183 of 2004 and of an Amended Alternative Regulation and Network Modernization Plan	:	
	:	P-00981410F1000
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The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink 2018 Annual Price Stability Index / Service Price Index Report	:	R-2018-3004019
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	:	
Pennsylvania Public Utility Commission vs. The United Telephone Company of Pennsylvania d/b/a CenturyLink	:	C-2018-3005400
	:	

JOINT PROCEDURAL STIPULATION FOR STAY

AND NOW, come The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink (“CenturyLink”), the Office of Consumer Advocate (“OCA”), and the Office of Small Business Advocate (“OSBA”) (collectively “Parties”), by their respective attorneys, and file this Joint Procedural Stipulation for Stay (“Stipulation”) in the above-captioned matter. This Stipulation regards the interplay between CenturyLink’s 2018 Annual Chapter 30 Price Stability Index/Service Price Index (“2018 PSI/SPI”) and the Pennsylvania Public Utility Commission’s (“Commission”) investigation regarding any impact of the Tax Cuts and Jobs Act of 2017 (“TCJA”) at Docket No. M-2018-2641242. The Parties submit as follows:

I. BACKGROUND

Commission TCJA Investigation

1. Months prior to the filing of CenturyLink’s 2018 PSI/SPI, the Commission in a separate proceeding at Docket No. M-2018-2641242 initiated an investigation regarding any

impact of the Tax Cuts and Jobs Act of 2017 (“TCJA”) on Pennsylvania telecommunications carriers for 2018 and future years.¹

2. The Commission in that TCJA proceeding solicited comments from interested parties on the following issues: (1) all provisions, under either Chapter 30, the telecommunications carriers’ alternative regulation plans, or any other provision of the Public Utility Code and Commission regulations addressing the carriers’ or the Commission’s ability to adjust customer rates to account for the tax changes, including the rate reductions in the TCJA; (2) whether the Commission should adjust current retail and wholesale rates to reflect the effect of the tax rate reductions; (3) if so, the appropriate negative surcharge or other methodologies that would permit immediate modifications to consumer rates; and (4) whether the surcharge or other methodology should provide that any refunds to customers due to these tax rate reductions be effective as of January 1, 2018.

3. In response to the Commission’s request for comments, CenturyLink in conjunction with Pennsylvania Telephone Association (“PTA”) submitted comments on May 25, 2018.

4. On August 9, 2018, the Commission released a Secretarial Letter at Docket No. M-2018-2641242 and temporarily stayed its inquiry at that docketed matter pending litigation of the annual price cap filings of 10 Rural Local Exchange Carriers (“RLECs”) subject to formal complaints filed by OCA and the interventions of the OSBA.

5. On August 24, 2018, the RLECs and PTA filed a Petition to Rescind and Discontinue the Temporary Stay (“Petition to Rescind”) of the Commission’s Secretarial Letter of August 9, 2018.

¹ See, *The Tax Cuts and Jobs Act of 2017*, Docket No. M-2018-2641242 (Sec. Letter issued Mar. 2, 2018).

6. CenturyLink is a member of the PTA.
7. The OCA filed an Answer to the Petition to Rescind on September 6, 2018.
8. To date, no action by the Commission has been taken regarding the Petition to Rescind.

CenturyLink's 2018 Annual Price Cap Filing

9. On August 29, 2018, CenturyLink filed its 2018 PSI/SPI. CenturyLink's 2018 PSI/SPI filing was made under the provisions of Act 183 of 2004, P.L. 1398 (66 Pa. C.S. §§ 3011-3019) (Chapter 30) and pursuant to the CenturyLink's Alternative Regulation and Network Modernization Plan that this Commission approved at Docket No. P-00981410F1000.²

10. CenturyLink's 2018 PSI/SPI filing did not propose any rate changes or rate adjustments.

11. On September 12, 2018, the Parties entered into a Joint Procedural Stipulation. That Joint Procedural Stipulation held in abeyance the filing of any pleadings and the undertaking of discovery for a period of 30 days, pending possible Commission action at Docket No. M-2018-2641242 regarding the Petition to Rescind.

12. To date, the Commission has not issued any order addressing the Petition to Rescind.

13. On October 12, 2018, the OSBA filed a Notice of Intervention and Public Statement ("OSBA Notice") at Docket No. R-2018-3004019 regarding CenturyLink's 2018 PSI/SPI filing.

14. On October 15, 2018, OCA filed a Formal Complaint and Public Statement ("OCA Complaint") at Docket No. R-2018-3004019 regarding CenturyLink's 2018 PSI/SPI filing.

15. On October 16, 2018, the Commission's Secretary notified CenturyLink of OCA's

² See, *Petition for Amended Alternative Regulation and Network Modernization Plan of The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink*, Docket No. P-00981410F1000 (Order entered June 23, 2005).

Complaint and, pursuant to 52 Pa Code, §5.61(d), notified CenturyLink that it had ten (10) days to satisfy or answer the Complaint.

16. The Parties to this Joint Procedural Stipulation are participants to the Commission's TCJA investigation at Docket No. M-2018-2641242.

17. The Parties agree that Commission action in the TCJA investigation at Docket No. M-2018-2641242, notably action regarding the Petition to Rescind filed in that docket, could impact and potentially resolve matters at issue in CenturyLink's 2018 PSI/SPI filing.

18. Accordingly, the Parties have engaged in discussions aimed at reducing the burden of litigating CenturyLink's 2018 PSI/SPI filing given the matters and pleadings still pending at Docket No. M-2018-2641242.

II. STIPULATION

19. The Parties hereby stipulate and agree as follows:

a. Adjudication of OCA's Complaint and OSBA's Notice shall be immediately stayed until the Petition to Rescind or the pleadings at Docket No. M-2018-2641242 are resolved by the Commission.

b. CenturyLink's answer and/or other responsive pleading to OCA's Complaint and OSBA's Notice shall be immediately stayed until the Petition to Rescind or the pleadings at Docket No. M-2018-2641242 are resolved by the Commission.

c. Notwithstanding paragraphs 19(a) and (b) above, formal and informal discovery in the above-captioned docket may be undertaken by the Parties.

d. The Parties agree to reconvene within 30 calendar days after the Petition to Rescind or the pleadings at Docket No. M-2018-2641242 are resolved and agree to discuss, *inter alia*, (i) the appropriate procedure and protocol to be followed for the filing of any

CenturyLink's answer and/or any responsive pleading(s); (ii) the appropriate procedure and protocol to be followed for adjudication of CenturyLink's 2018 PSI/SPI filing, including the adoption of a proposed schedule; (iii) the possible means for limiting the scope of procedural and substantive issues in dispute between the Parties and/or the possibility of settlement of CenturyLink's 2018 PSI/SPI filing; and (iv) and any additional impact to the above-captioned docket regarding any outcome of the Commission's investigation at Docket No. M-2018-2641242.

e. After reconvening, the Parties shall jointly file a letter in the above-captioned docket regarding resolution of issues identified above.

f. Under the terms of CenturyLink's Alternative Regulation Plan, the Commission must issue an order regarding CenturyLink's annual price cap filing within 105 days of its filing.³ OCA and OSBA agree not to oppose any action by the Commission to accept CenturyLink's annual PSI/SPI filings as being *procedurally* consistent with its Chapter 30 plan and to permit the 2018 PSI/SPI filing to go into effect subject to the adjudication of OCA's Complaint and OSBA's Notice. The Parties recognize that this approach was recently undertaken by the Commission relative to another RLEC regarding that RLEC's annual PSI/SPI filing of 2018.⁴ And,

g. The Parties agree that by entering this Stipulation no party waives its rights to raise any procedural or substantive legal or factual issue that could have been raised by

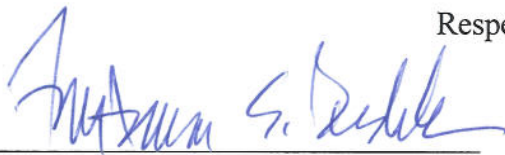
³ See, CenturyLink's Amended Alternative Regulation Plan for the revised dated Rev. 3/15/05, further Rev. 6/9/05 at Part III, Paragraph 8, p. 18.

⁴ The Commission issued Orders for each individual RLEC. See, e.g. *Consolidated Communications of Pennsylvania Company 2018 Annual Price Stability Index/Service Price Index Filing*, Docket No. R-2018-3001104, *Consolidated Communications of Pennsylvania Company Amended Alternative Regulation and Network Modernization Plan*, Docket No. P-0098143F1000 and *Office of Consumer Advocate v. Consolidated Communications of Pennsylvania Company*, Docket No. C-2018-3001863 (Order entered July 5, 2018).

the Party had a stay not been granted, and the Parties retain all substantive and procedural rights, responsibilities, remedies, arguments, positions, obligations, and responsibilities that would have been available to them irrespective of whether a stay had been granted in this proceeding.

WHEREFORE, in accordance with the terms of this Stipulation, the Parties respectfully request that the Commission recognize this Stipulation as the Commission conducts its review of CenturyLink's 2018 PSI/SPI.

Respectfully submitted,



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DATED: October 18, 2018

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission vs. The United Telephone Company of Pennsylvania d/b/a CenturyLink	:	C-2018-3005400
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The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink 2018 Annual Price Stability Index/Service Price Index Report	:	R-2018-3004019
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	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 19th day of October 2018, served a true copy of the foregoing Joint Procedural Stipulation for Stay upon the persons identified below, via electronic and overnight mail in accordance with the requirements of 52 Pa. Code § 1.54:

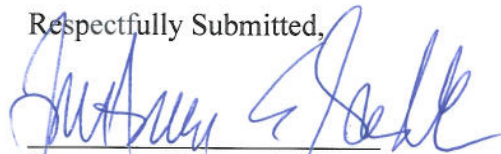
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