

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
v. Qwest Corporation
Complaint

Case No. PU-15-677

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **18th day of November, 2016**, she deposited in the United States Mail, at Bismarck, North Dakota, **three** envelopes with certified postage, return receipt requested, fully prepaid, securely sealed and containing photocopy of:

- **Notice of Opportunity for Hearing and Notice of Hearing on Settlement**

The envelopes were addressed as follows:

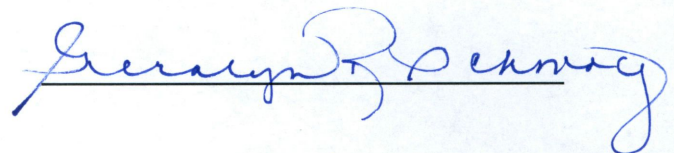
Jason D. Topp
Qwest Corporation dba CenturyLink QC
200 South 5th Street Room 2200
Minneapolis, MN 55402
Cert. No. 7015 0640 0006 6993 6019

Paul Sanderson – Attorney at Law
Evenson Sanderson PC
103 South 3rd Street, Suite 5
Bismarck, ND 58501
Cert. No. 7015 0640 0006 6993 6026

Kent Blickensderfer
State Legislative Affairs Director
Century Link
220 N 5th Street
Bismarck, ND 58501
Cert. No. 7015 0640 0006 6993 6033

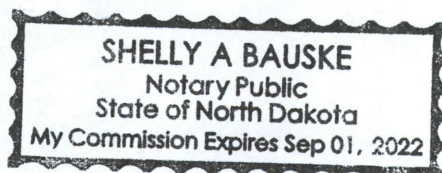
The addresses shown are the respective addressee's last reasonably ascertainable mailing address.

Subscribed and sworn to before me
this **18th day of November, 2016**.



Notary Public

SEAL



25 PU-15-677 Filed: 11/18/2016 Pages: 4
Affidavit of Service, Cert. Mail - Notice of Opp. for
Hearing & Notice of Hearing on Settlement

Public Service Commission

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
V. Qwest Corporation
Complaint**

Case No. PU-15-677

NOTICE OF OPPORTUNITY FOR HEARING

and

NOTICE OF HEARING ON SETTLEMENT

November 18, 2016

On April 6, 2016, Public Service Commission Advocacy Staff (Advocacy Staff) filed a Complaint against Qwest Corporation (Qwest) alleging 28 quality of service instances regarding Qwest telecommunications service, violations of N.D. Admin. Code Section 69-09-05-07 for failure to test or correct trouble promptly, and violations of N.D.C.C. Section 49-21-10.2 for failing to provide adequate quality of service. The Advocacy Staff asked the Commission to find Qwest in violation of North Dakota Administrative Code section 69-09-05-07 for failing to promptly correct trouble in each of the 28 instances, and asked the Commission to impose an appropriate civil penalty up to \$5,000.00 for each instance in accordance with N.D.C.C. section 49-07-01.1. The Advocacy Staff also asked the Commission to order Qwest to take reasonable and necessary remedial action to provide adequate service.

The Commission served the Complaint on Qwest and Qwest filed an Answer on May 23, 2016.

The Commission scheduled a hearing on the matter for December 12, 2016 and issued a Notice of Hearing on August 17, 2016, identifying the following issues to be considered at the hearing:

1. Whether Qwest is in violation of North Dakota Administrative Code section 69-09-05-07 for failing to promptly correct trouble in each of the 28 instances described in the Complaint.
2. Whether the Commission should impose a civil penalty up to \$5,000.00 for each violation.

3. Whether the Commission should order Qwest to take reasonable and necessary remedial action to provide adequate service, and if so, what action should be required.
4. Whether the Commission should impose any other relief that it finds just and proper, and if so, what relief should be imposed.

On November 10, 2016, Qwest and Advocacy Staff filed a Settlement Agreement. The Settlement Agreement outlines the additional actions Qwest will undertake to improve the quality of its service. Steps include the rehabilitation of ten cable routes in problematic areas, providing customers a repair commitment date, providing special attention to the 28 customers noted in the complaint until rehabilitation is done, expanding fiber investments in problem areas, and filing a monthly report with the Commission describing the progress in meeting the Settlement Agreement. The Settlement Agreement provides that, because of the significance and impact of the investments Qwest agrees to make, no penalties should be imposed on Qwest. Advocacy Staff and Qwest assert the Settlement Agreement reasonably resolves all the issues in the Complaint.


Rather than holding a hearing on the Complaint on December 12, 2016, the Commission will instead hold a hearing on the Settlement Agreement. Further, since there is insufficient time between the estimated publication dates of this Notice and December 12, 2016 to provide the full notice period, the Commission is also issuing a Notice of Opportunity for Hearing allowing comments and requests for hearing to be filed for a period of time after the December 12, 2016 hearing. If, subsequently, the Commission does not adopt the Settlement Agreement, a new hearing on the complaint proceeding will be scheduled and a new notice issued.

A Public Hearing on the Settlement Agreement is scheduled to begin **December 12, 2016 at 8:30 a.m. CST** in the Commission Hearing Room, 12th Floor, State Capitol, 600 East Boulevard Avenue, Bismarck, North Dakota, 58505. The issue to be considered at the hearing is whether the Settlement Agreement is reasonable and should be adopted by the Commission as a reasonable resolution of the issues in the case.


In addition, those interested are invited to comment on the Settlement Agreement in writing. Persons desiring a hearing must file a written request identifying their interest in the proceedings and the reasons for requesting a hearing. Comments and requests for hearing must be received by **December 19, 2016**. If deemed appropriate, the Commission can determine the matter without a hearing.

For more information, contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400 or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission, at least 24 hours in advance.

PUBLIC SERVICE COMMISSION


Randy Christmann
Commissioner


Julie Fedorchak
Chairman


Brian P. Kalk
Commissioner