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BEFORE THE ARIZONA CORPORATION COMMISSION
AZ CORP COMMISSION
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COMMISSIONERS

Arizona Corporation Commission

2019 JAN -2 P 2: 21

TOM FORESE – Chairman
BOB BURNS
ANDY TOBIN
BOYD DUNN
JUSTIN OLSON

DOCKETED

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LORIANNE OCHMANSKI,

Complainant,

vs.

DOCKET NO. T-01051B-17-0346

QWEST CORPORATION D/B/A CENTURYLINK
QC,

Respondent.

PROCEDURAL ORDER
(Sets a Hearing)

BY THE COMMISSION:

On November 21, 2017, Lorianne Ochmanski (“Ms. Ochmanski” or “Complainant”) filed with the Arizona Corporation Commission (“Commission”) a Formal Complaint against Qwest Corporation d/b/a CenturyLink QC (“CenturyLink” or “Company”).

On October 24, 2018, a Procedural Conference was held with Ms. Ochmanski appearing pro se, and CenturyLink and the Commission’s Utilities Division (“Staff”) appearing through counsel. Staff recommended an additional 30 days for the Complainant and CenturyLink (collectively, the “Parties”) to discuss settlement, and the Parties agreed to discuss settlement with the assistance of Staff. The Parties also agreed to submit a joint proposed schedule setting procedural deadlines and a hearing in the event the Parties were unable to reach a settlement.

On October 25, 2018, by Procedural Order, the Complainant and CenturyLink were directed to participate in settlement discussions in good faith with the assistance of Staff, and to discuss a proposed procedural schedule if they were unable to reach a settlement. The Parties were ordered to file a Joint Status Update by December 7, 2018 regarding settlement discussions and a proposed procedural schedule if the case is proceeding to a hearing. If the Parties were unable to agree on deadlines for a proposed procedural schedule, the Joint Status update was to include each Party’s proposed date and

1 position.

2 On December 7, 2018, CenturyLink filed a Status Update and Proposed Procedural Schedule
3 (“Status Update”). The Status Update indicated that the Parties were unable to reach a settlement and
4 the case should proceed to a hearing. It included a proposed procedural schedule from the Complainant
5 and a proposed schedule from CenturyLink. Further, the Status Update indicated that the Parties had
6 not had sufficient time to finalize a joint procedural schedule, and CenturyLink requested an additional
7 seven days to allow the Parties to engage in further discussions.

8 On December 10, 2018, the Complainant filed an Update on Status Regarding Settlement
9 Discussions and Proposed Procedural Schedule. Ms. Ochmanski confirmed that the Parties were
10 unable to reach a settlement, and she proposed procedural deadlines similar to those included in the
11 Status Update.

12 On December 10, 2018, by Procedural Order, the deadline for the Parties to submit a joint
13 proposed procedural schedule was extended until December 17, 2018.

14 On December 17, 2018, CenturyLink submitted a Proposed Procedural Schedule indicating that
15 the Parties were able to agree on some, but not all, deadlines.

16 On December 19, 2018, Ms. Ochmanski also submitted a Proposed Procedural Schedule.

17 Each Party’s Proposed Procedural Schedule included a deadline of December 18, 2018, for the
18 Complainant to file an update regarding the real party-in-interest in this case. No filing was made by
19 that deadline. However, Ms. Ochmanski will not be required to submit such a filing because the
20 complainant in a formal complaint case against a public service corporation need not be the individual
21 or entity directly damaged by the alleged acts. *See* A.R.S. § 40-246(B) (“The commission need not
22 dismiss a complaint because of the absence of direct damage to the complainant.”). The remainder of
23 the deadlines proposed by the parties will be adopted with modifications.

24 IT IS THEREFORE ORDERED that a **Hearing** in this matter shall commence on **April 16,**
25 **2019, at 10:00 a.m.,** at the Commission’s Tucson offices, **Room 222,** 400 W. Congress, Tucson,
26 Arizona 85701.¹

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28 ¹In the event the hearing takes longer than one day, it shall continue on April 17 and 18, 2019 at 9:00 a.m.

1 IT IS FURTHER ORDERED that **all discovery in this matter shall be completed by January**
2 **11, 2019.**

3 IT IS FURTHER ORDERED that **the Complainant shall file her final pre-filed**
4 **testimony/Amended Complaint**, a final **list of witnesses** and a brief description of their expected
5 testimony, and a **list of exhibits** that will be introduced at the hearing, **by January 25, 2019.**

6 IT IS FURTHER ORDERED that **CenturyLink shall file any objections or motions in limine**
7 regarding the Complainant's final testimony, witness list, or exhibits, based on its argument that the
8 Complainant is seeking damages outside the scope of the Commission's jurisdiction, **by February 6,**
9 **2019.**

10 IT IS FURTHER ORDERED that **the Complainant shall file a response** to CenturyLink's
11 objections or motions in limine **by February 13, 2019.**

12 IT IS FURTHER ORDERED that **CenturyLink shall file its final pre-filed testimony**, a final
13 **list of witnesses** and a brief description of their expected testimony, and a **list of exhibits** that will be
14 introduced at the hearing, **by March 1, 2019.**

15 IT IS FURTHER ORDERED that the Complainant shall file her rebuttal testimony and list of
16 exhibits, if any, **by March 13, 2019.**

17 IT IS FURTHER ORDERED that all final pre-hearing motions, including objections to exhibits
18 and testimony, shall be filed **by March 22, 2019.**

19 IT IS FURTHER ORDERED that the parties shall attempt to resolve discovery disputes through
20 informal, good-faith negotiations prior to seeking Commission resolution of the controversy.

21 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
22 discovery, any party seeking resolution of a discovery dispute may telephonically contact the
23 Commission's Hearing Division to request a date for a procedural hearing to resolve the discovery
24 dispute; that upon such a request, a procedural hearing will be convened as soon as practicable; and
25 that the party making such a request shall forthwith contact all other parties to advise them of the
26 hearing date and shall at the hearing provide a statement confirming that the other parties were
27 contacted.

28 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance

1 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
2 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
3 all hearings, procedural conferences, Open Meetings for which the matter is scheduled for discussion,
4 unless counsel previously has been granted permission to withdraw by the Administrative Law Judge
5 or Commission.

6 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
7 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

8 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
9 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
10 in this matter is final and non-appealable.

11 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
12 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
13 hearing.

14 DATED this 2nd day of January, 2019.

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17 _____
18 JULIA L. MATTER
19 ADMINISTRATIVE LAW JUDGE
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On this 2nd day of January, 2019, the foregoing document was filed with Docket Control as a Procedural Order – Sets a Hearing, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission’s eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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