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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Filing Date: January 28, 2021

No. S-1-SC-38028

**QWEST CORPORATION,
d/b/a CENTURYLINK QC,**

Appellant,

v.

**NEW MEXICO PUBLIC REGULATION
COMMISSION,**

Appellee.

APPEAL FROM THE NEW MEXICO PUBLIC REGULATION COMMISSION

Montgomery and Andrews, P.A.
Kari E. Olson
Thomas W. Olson
Santa Fe, NM

for Appellant

Russell R. Fisk
Santa Fe, NM

for Appellee

DISPOSITIONAL ORDER OF AFFIRMANCE

VIGIL, Chief Justice.

{1} WHEREAS, this matter comes before this Court for consideration on the appeal of Qwest Corporation, d.b.a. CenturyLink QC (CenturyLink) from the Public Regulation Commission (Commission) October 2019 Order Adopting Quality of Service and Consumer Protection Rules for Large Incumbent Local Exchange Carriers (Order) in Case No. 17-00186-UT pursuant to Rule 12-601(A) and (B) NMRA, NMSA 1978, Sections 63-9A-14 (1998) and 63-7-1.1(E) (1998);

{2} WHEREAS, every member of this Court having considered the briefs and being otherwise fully informed of the issues and applicable law;

{3} WHEREAS, this Court shall affirm the Commission's Order unless it is "(1) arbitrary, capricious or an abuse of discretion; (2) not supported by substantial evidence in the record; or (3) otherwise not in accordance with law," NMSA 1978, § 63-9A-16 (1998);

{4} WHEREAS, CenturyLink challenges whether the Quality of Service rule, 17.11.24 NMAC, and the Consumer Protection rule, 17.11.25 NMAC, are contrary to law;

{5} WHEREAS, this Court concludes that the challenged rules are in accordance with law and that the Commission acted within its statutory rule-making authority under Article XI, Section 2 of the New Mexico Constitution, NMSA 1978, Section 8-8-4(A) and (B)(5) (1998), and established "reasonable quality of service standards" under its authority, NMSA 1978, Section 63-9A-5(B)(4) (2017);

{6} WHEREAS, CenturyLink challenges whether substantial evidence supports the Commission's Order;

{7} WHEREAS, this Court determines that there was substantial evidence in the record to support the Commission's Order;

{8} WHEREAS, CenturyLink challenges whether the workshop process was arbitrary, capricious, and an abuse of discretion;

{9} WHEREAS, this Court holds that the process was not arbitrary, capricious or an abuse of discretion;

{10} WHEREAS, this Court hereby exercises its discretion under Rule 12-405(B)(1) and (2) NMRA to dispose of this case by nonprecedential order rather than a formal opinion;

{11} NOW, THEREFORE, IT IS ORDERED that the Order of the Commission is affirmed.

{12} IT IS SO ORDERED.

MICHAEL E. VIGIL, Chief Justice

BARBARA J. VIGIL, Justice

C. SHANNON BACON, Justice

DAVID K. THOMSON, Justice