

Written comment in consolidated docket UM 1908/2206 and for item RA3 of the September 21, 2023 public meeting of the OPUC

Commissioners Decker, Tawney, and Thompson,

Thank you for including our rural Jacksonville community in today's meeting. My comments are based on my first-hand experience with the Labor Day weekend outages, the comments from the community already in the public files (including my comments about my own reporting), and the almost two years I have actively participated in trying to get safe and reliable land line phone service for our community.

It is regrettable that for the third year in a row, our CenturyLink land lines went out over Labor Day weekend. What matters now is that the two outages were very revealing about Lumen's response to your Orders. There is good news and bad news.

The Staff Report lays out some of the details of two new outages, but key information is missing. More troubling is the report's conclusion that CenturyLink did not violate your Orders. To the contrary, CenturyLink has utterly failed to comply with a key element the Orders require— an effective mechanism for immediately initiating repairs.

GOOD NEWS: the 48-hour deadline with fines for non-compliance works and is necessary.

We learned from our two separate Labor Day weekend outages that the 48-hour repair requirement, with stiff fines for non-compliance, can work as you intended. Coupled with working batteries, outages are less frequent and are shorter. Not only that: there now is hard data confirming it is your Orders that make the difference and that will keep us safe until CenturyLink replaces its antiquated buried copper wire delivery system with reliable new wire or fiber.

How do we know it is the Orders, and not just some corporate change of heart about customer service, that is responsible for more timely repairs? The answer is easy. It just so happens we have three years of solid, comparable data:

Labor Day weekend 2021: As the evidentiary record in UM 2206 confirms, our phones were out for nine days (Aug 30-Sept 7), including several days when the CenturyLink crew simply stopped working for the holiday. No order compelled prompt repairs, much less the threat of a fine.

Labor Day weekend 2022: As the record also confirms, starting in August and through September, varying parts of our community experienced random dropped calls, *i.e.*, no reliable service or assurance that our calls for help would go through (est. 30-45 days). No order was in place until the last week of September and only then were the problems finally resolved.

Labor Day weekend 2023. Our land lines went out because of a CenturyLink equipment failure on September 2 and service was restored in the evening of September 3 – two days. The Orders were in place for this outage.

Ironically, the “force majeure” second outage this Labor Day weekend, when a vehicle ran over one of CenturyLink’s green boxes, also shows the efficacy of and need for the Orders. We also had a Labor Day weekend green box outage in 2021, before you initiated your investigation and before you issued the Orders. The 2021 green box outage is the one we complained about back then with pictures of broken boxes tipped over on Little Applegate Road and covered with orange plastic and duct tape against the elements. That outage happened after the boxes had sat unrepaired for over eight months. This year, with the Order in place, the repair took only four days. What has changed? CenturyLink’s recognition that even if an outage could not be helped, the Order requires it to be “treated as high priority for immediate resolution.”

The conclusion? Without the Orders, we experience long, life-threatening outages. With the Orders in place, *i.e.*, with the deadline and the assurance of fines for non-compliance, we experience significantly shorter periods of time when our safety is imperiled. We are grateful for the safety net of the Orders.

THE BAD NEWS: CenturyLink is in pervasive violation of the requirement to have an outage reporting system that promptly initiates prioritized repairs.

The bad news is that CenturyLink unquestionably is in ongoing violation of the other key component of the Orders – a mechanism for getting repairs initiated immediately. For this reason, the Report’s conclusion that no violation occurred is either wrong or not meant to encompass the “initiate immediate repair” mechanism you ordered.

As staff reported, this time we were lucky: one customer happened to pick up his phone, realized there was an outage, happened to have a contact for a CenturyLink tech he knows, who happened to answer his phone on the holiday weekend and apparently reported it up the chain. But that’s not how it is supposed to work. It was precisely this kind of bandaids-and-bubblegum business model that your Orders were intended to change. Luck has no place in making a regulated utility’s services safe and reliable. Luck is for Los Vegas.

You could not have been more clear: CenturyLink is required to have a system for reporting outages (in shorthand, “a dedicated line”) that *“ensure[s] outage/service quality reports will be treated as high priority for immediate resolution, so that immediate initiation of onsite repair results from calls.”* (Order 22-340 and Att. A). None of this happens now.

The Staff Report includes a summary of calls for the 2023 Labor Day weekend outages, including at least 3 customers who were explicitly denied the opportunity to report for others; several who were told that the company knew of no other outages besides the calling customer; and at least 11 customers who were given repair dates longer than the required 48 hours. There is no

way to know how many more customers who could not report because they had no alternate telecommunications would have doubled or tripled these numbers of violations.

What we do know from this data is that Lumen either never set up the mandated outage reporting mechanism or set it up initially in September 2022 and then let it fall into disrepair, just like their land lines. And yet, the Staff Report then concludes that “any Lumen non-compliance with Order No. 22-340 is excused by force majeure.” The problem with this conclusion is that force majeure has nothing to do with the requirement for an effective outage reporting system, the requirements of which are clearly spelled out in the Orders.

Your Orders require that whoever answers the dedicated line for Lumen must take “report[s] of service issues for multiple addresses and create multiple repair tickets.” (Order NO. 22-340 at 1) This is a critical component because many of us cannot report outages when our phones don’t work. It’s that simple. And it is a necessary first step for immediately initiating repairs.

You also directed Lumen to staff the reporting system for our vulnerable area “so that immediate initiation of onsite repair results from calls.” (Order No. 22-340, Att. A, page 8). Lumen has simply disregarded this part of the Order, hoping you won’t enforce it.

On September 12, I received an unsolicited call from Lumen’s April ____, who identified herself as Manager of Lumen’s Overseas Call Center in the Philippines, where our outage reporting calls to the “dedicated” line are sent. In addition to apologizing for the outages and my difficulty reporting to a person of limited English capability on a scratchy connection with roosters crowing in the background who told me to “get a cup of coffee and try to relax,” Manager April explained what the so-called “dedicated line” system actually does and does not do:

Lumen only “prioritizes” our calls to the extent of putting us first in line to talk to someone in the Philippines. The operators do nothing to prioritize or flag our reports. They “only do a ticket” which then goes electronically to a dispatch unit which moves it forward to a team in the field, who “get tickets every day” and then prioritize and assign to techs in our area. “It takes 6 or 7 tickets to get the system to recognize it as a [widespread] outage rather than an individual problem. One or two won’t create” prioritized treatment as a widespread outage.

So there you have it. At best, the single reports we are allowed to make have to accumulate on someone’s desk or screen until a “team in the field” realizes there are “six or seven” and decides to move us up the line for repair. Nothing in your Orders can even remotely be read to include a 6 or 7 report requirement or the unavoidable delays of the four or five levels the single reports need to get through before priority might take place.

Ironically, it is the “estimated day to repair” information on almost a dozen of the 2023 Labor Day calls to the Philippines that confirms the “dedicated” operators do nothing to comply with the Orders and in fact may not even know about the 48-hour requirement. As Manager April acknowledged, “agents would not know we get prioritized” for repairs.

In summary, Lumen has complied with none of the requirements for reporting outages clearly spelled out in the Orders. No further “assessment” and delay is needed to conclude they have ignored your clear directions and they are in violation of your Orders. At a minimum, Lumen should be directed to come into compliance immediately with an effective mechanism for initiating prioritized repairs. A substantial fine also would be in order.

Finally, in view of Lumen’s disregard for your Orders, I urge you not to allow Lumen to raise its rates and receive the other relief it seeks in the Price Plan proceeding when Lumen is in continuing violation of both Commission orders and the overall requirement for safe and reliable service. To reward Lumen with any of the relief it seeks, rates or otherwise, could be contrary to the public interest.

Respectfully submitted,

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