

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1908, UM 2206

IN THE MATTER OF
LUMEN TECHNOLOGIES

INTERVENOR'S RESPONSE TO LUMEN'S
REQUEST FOR HEARING

Customer-Intervenor Priscilla Weaver responds to Lumen's Request for Hearing as follows:

The automatic stay of Order 22-340 should be lifted: Lumen argues (page 1) that Order No. 22-340 should remain suspended during this proceeding, but that places the customers protected by the Order right back where we started when we first filed our complaint last November, and where we have been since at least 2014 – at the mercy of Lumen's useless general reporting system and their frequent multi-day outages.

There is sufficient evidence before the Commission to find that Order No. 22-340 is necessary for the public health and safety. It is undisputed by Lumen or anyone else that most of the customers affected and covered by the Order have no way to summon help in emergencies other than with their Lumen land lines. The Commission cited these safety factors in ordering Lumen to provide a swift and effective way, via a dedicated line, to report outages so that the time the customers are unable to reach help because their phones are out is minimized.

Similarly, the Commission cited safety factors as a reason to require prompt repairs or have fines imposed. Lumen had notice of and participated in the public meeting on September 20, 2022, at which the Commission most recently cited safety factors and Lumen did not even

try to dispute the vulnerability of our area, nor could they in good conscience do so. I urge the Commission for the health and safety of the portion of the public protected by the Order to keep all portions of the Order having to do with the dedicated line fully operational during these proceedings.

We may already be feeling the impact of the suspension. Order 22-340 directed Lumen to notify all customers of the existence of the dedicated line. When Lumen reported to the PUC on September 28, 2022, that the line had been “activated,” Lumen assured the PUC that it was notifying all customers by mail. That never happened. Many of us know about it informally, which is fine for us, but only Lumen knows the complete list of its land line customers in zip code 97530. Anyone who hasn’t heard about it by word of mouth can’t get the benefit of the new reporting system unless the PUC lifts the suspension and directs Lumen to comply with the Order. We hope the absence of formal notification is just a problem in Lumen’s mail room, but we are worried it may reflect Lumen’s position that it does not have to comply with the Order.


What we do know is that after years of being told we could not have a dedicated line, including being told Lumen did not have the “resources” to provide us with one, once the PUC directed Lumen to do it, the line was operational within three business days, and we have already had to use it. We urge the PUC to keep it functioning as outlined in the Order during this proceeding.

But even the dedicated line will not help us keep our land line lifeline in emergencies if Lumen is relieved of the 48-hour repair requirement during this proceeding. It is undisputed that nothing either we or the PUC has said to Lumen or its predecessors for years succeeded in getting prompt repairs until the PUC issued Order 22-340 with its system of fines for delayed

repairs. Only if the fines continue to accrue will Lumen have the incentive to restore our service promptly while this proceeding is ongoing.

Lumen's challenge to the validity of the Order itself. As a procedural matter, Lumen should be required to "go first." Much as Lumen would like to avoid saying it is challenging the Order, of course they are. Our initial complaint back in November 2021 asked for the same relief we are all talking about now. The same issues and facts were discussed in the December 2021 public meeting at which Lumen appeared and commented and that resulted in the Commission opening an investigation. The Commission held a Special Public Meeting on August 30, 2022, to discuss the issues and possible remedies. There may have been other public meetings between November 2021 and August 2022 where our issues were discussed. Each time Lumen participated and had the opportunity to challenge the factual basis for our complaint and to challenge anything the Commissioners said about remedies. Lumen now says the Order is illegal and they should have the burden to prove it.

Respectfully submitted,



Dated: October 7, 2022

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