

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 1908, UM 2206**

In the Matter of)	
)	
LUMEN TECHNOLOGIES, ¹)	OREGON CITIZENS’ UTILITY
)	BOARD’S REPLY TO LUMEN’S
Proposed Commission Action Pursuant to)	RESPONSE TO BENCH REQUEST
ORS 756.515 to Suspend and Investigate)	
Price Plan (UM 1908), and)	
)	
QWEST CORPORATION,)	
)	
Investigation Regarding the Provision of)	
Service in Jacksonville, Oregon and)	
Surrounding Areas (UM 2206).)	
)	
<u>Price Plan Investigation</u>)	

Pursuant to Administrative Law Judge (“ALJ”) Spruce’s November 17, 2023, Bench Request, the Oregon Citizens’ Utility Board (“CUB”) submits the following Reply to the Response submitted by Lumen Technologies (“Lumen” or “the Company”) on December 5, 2023. CUB appreciates the opportunity to reply.

ALJ Spruce’s bench request asked the Company to “confirm the number of Jacksonville and Little Applegate customers that are covered by the Jacksonville Orders that will not receive access to fiber at the completion of the RDOF project as currently planned.”² The Company responded that there are 82 customers on Little Applegate Road and Upper Little Applegate

¹ Formerly known as Qwest Corporation, United Telephone Company of the Northwest, CenturyTel of Oregon, and CenturyTel of Eastern Oregon.

² UM 1908 – Bench Request (Nov. 17, 2023).

Road and 72 of those customers will not receive direct access to fiber.³ Further, the Company has indicated that at least one more customer is one of fifteen residences who likely will not receive access to fiber due to the high cost of providing that service, making that number 73 customers without direct access to fiber.⁴ However, the actual number of customers protected by the Jacksonville Orders is much higher.

Lumen has misrepresented the number of its customers covered by the Jacksonville Orders. In several recent filings, including the Company's Response to the recent Bench Request, Lumen represented that the Jacksonville Orders only apply to those customers served by the 2600 and 2900 remote terminals on Little Applegate Road and Upper Applegate Road, amounting to about 100 of its customers (97 per its Response).⁵ However, in Order No. 22-340, the Commission directed Lumen to "deploy a toll-free, 24/7 dedicated customer support line...to support customers in *Jacksonville, Applegate, and surrounding areas in southern Oregon*" (emphasis added) and that "Lumen must track and retain information on all tickets generated through this customer support line."⁶ Accordingly, the Company has been filing reporting logs for its customers with a [Begin Confidential] [REDACTED] End Confidential] not just those served by RTs 2600 and 2900 or only those who live on Little Applegate Road and Upper Little Applegate Road.⁷ Even the title of the investigative docket does not limit the number of customers covered by the orders to those two roads: UM 2206: *Investigation Regarding the Provision of Service in Jacksonville, Oregon and Surrounding Areas*. Furthermore, in previous testimony, Oregon Public Utility Commission Staff included a map of the coverage area of

³ UM 1908 – CenturyLink's Response to Bench Request at 2 (Dec. 5, 2023).

⁴ *Id.*

⁵ *Id.*, UM 1908 – Joint Testimony, Stipulating Parties/100, Beitzel and Gose/21; Reply Testimony of Peter Gose, CenturyLink/200, Gose/5; Reply Testimony of Russel Beitzel, Staff/200, Beitzel/8. Stipulating Parties Opening Brief at 11.

⁶ UM 1908 – Order No. 22-340 at 1 (Sept. 23, 2022).

⁷ See CUB/214.

Jacksonville customers which also makes it clear that the service territory covered by the Jacksonville Orders is broader than Lumen has represented.⁸

In a data response to CUB in November 2023, Lumen stated it has **[Begin Confidential]** **[End Confidential]**.⁹ If only 10 of those customers may receive direct access to fiber from the RDOF project, this means at least **[Begin Confidential]** **[End Confidential]** of the customers in the Company's Jacksonville service territory will not be offered direct access to fiber. If only 72 customers will indirectly benefit from the RDOF fiber project as Lumen represents, there are still at least **[Begin Confidential]** **[End Confidential]** Lumen customers that will not. This amounts to at least **[Begin Confidential]** **[End Confidential]** of the Company's customers covered by the Jacksonville Orders who will not receive direct access to fiber under the Stipulation. Notably, the Company is required to provide voice service to all customers in the RDOF award area.¹⁰

CUB files this Response in order to correct the record and provide an accurate number of customers who will not receive direct fiber access under the Stipulation. Accordingly, a majority of the customers protected by the Jacksonville Orders will continue to receive telecommunication service via "outdated" and "vintage" infrastructure that Lumen admits is the reason for the service quality issues.¹¹ These customers will continue to suffer service quality

⁸ UM 1908 – Opening Testimony of Joe Bartholomew, Staff/Exhibit 102, Bartholomew/1; CenturyLink's Response at 2.

⁹ CUB's Confidential Opening Brief at 14 and CUB/223 (Staff's Confidential Response to CUB DR 22, Attach. 22-A). Per this Response, CenturyLink had **[Begin Confidential]** **[End Confidential]** access lines at its Jacksonville wire center, so we note that the actual number of CenturyLink customers in the service territory covered by the Jacksonville Orders is in dispute. See CUB/207 at 524.

¹⁰ See CUB/201 at 5, Lumen's response to CUB Data Request 10, "[u]nder the RDOF program, service providers are required to provide voice service to all customers in areas where RDOF awards were won beginning the first day of the month after the provider has been fully authorized by the FCC...See RDOF Report and Order, p. 18, para. 32; 47 CFR Section 54.805(b)(4)."

¹¹ Staff/100, Bartholomew/14 (referencing Peter Gose's response at the February 22, 2022, Public Meeting).

problems and receive unreliable services prolonging the ongoing threat to the public health and safety of these customers.

Dated this 15th day of December 2023.

Respectfully submitted,

/s/ Jennifer Hill-Hart

Jennifer Hill-Hart, OSB #195484
Policy Manager
Oregon Citizens' Utility Board
610 SW Broadway, Ste. 400
Portland, OR 97205
T. 503.227.1984
E. jennifer@oregoncub.org

UM 1908, UM 2206 – CERTIFICATE OF SERVICE

I hereby certify that, on this 15th day of December, 2023, I served the foregoing **CUB REPLY TO LUMEN’S RESPONSE TO BENCH REQUEST** in docket UM 1908/UM 2206 upon the Commission and each party designated to receive confidential information pursuant to Order 22-352 by secure 7-zip file.

JOE BARTHOLOMEW (C) PUBLIC UTILITY COMMISSION OF OREGON	PO BOX 1088 SALEM OR 97308-1088 joseph.bartholomew@puc.oregon.gov
PETER GOSE (C) LUMEN	14530 NW 63RD ST PARKVILLE MO 64152 peter.gose@lumen.com
LAWRENCE REICHMAN (C) PERKINS COIE	1120 NW COUCH ST - 10 FL PORTLAND OR 97209-4128 lreichman@perkinscoie.com
NATASCHA SMITH (C) Oregon Department of Justice	BUSINESS ACTIVITIES SECTION 1162 COURT ST NE SALEM OR 97301 natascha.b.smith@doj.state.or.us
BROOK LANDRY VILLA (C) LUMEN TECHNOLOGIES	301 MAIN STREET STE 1200 BATON ROUGE LA 70801 brook.villa@lumen.com

**OREGON CITIZENS
UTILITY BOARD**

JOHN GARRETT (C) OREGON CITIZENS' UTILITY BOARD	610 SW BROADWAY STE 400 PORTLAND OR 97205 john@oregoncub.org
JENNIFER HILL- HART (C) OREGON CITIZENS' UTILITY BOARD	610 SW BROADWAY STE 400 PORTLAND OR 97205 jennifer@oregoncub.org

///

///

///

///

Respectfully submitted,

/s/ Jennifer Hill-Hart

Jennifer Hill Hart, OSB #195484
Policy Manager
Oregon Citizens' Utility Board
610 SW Broadway, Ste. 400
Portland, OR 97205
(503) 227-1984
Jennifer@oregoncub.org