



# Oregon Citizens' Utility Board

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*Via electronic filing*

Public Utility Commission of Oregon  
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## **RE: UM 1908 (Price Plan Investigation) - CUB's Comments in Response to Staff's Report on Lumen Compliance**

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CUB did not intend to submit written comments in response to Staff's Report finding Lumen in compliance with the Jacksonville Orders during the 2023 Labor Day outages in Lumen's 97530 service territory, having planned to only provide oral comments reiterating the points we raised in response to Lumen's October 23<sup>rd</sup> compliance assessment filing. CUB hesitated to provide these comments because the force majeure event occurred within the 48-hour deadline for 100% repair, making it difficult to evaluate Lumen's response to the September 2 outage. While CUB is not opposing Staff's finding of compliance, we reiterate our concerns about the quality of evidence Lumen provided in its report. After reading and considering the comments Priscilla Weaver filed on Friday, we reexamined the reporting and customer experience addressed in her comments and determined it would be appropriate to place written remarks on the record and offer an alternative solution to concerns over Lumen's ongoing compliance with the Jacksonville Orders.

Lumen stated the September 2 outage was resolved that evening.<sup>1</sup> Yet customer comments and Lumen's trouble ticket call logs show otherwise.<sup>2</sup> All calls made to the Company on September 2 are logged as resolved on either September 4<sup>th</sup>, 5<sup>th</sup>, or 6<sup>th</sup>.<sup>3</sup> Yes, those trouble tickets were probably kept open given the force majeure event on the 3<sup>rd</sup>, but it is worth pointing out this detail. If the reason for the outage that created the ticket was resolved that day, it is reasonable to expect that date is reflected in the call log. Order No. 22-340 specifically states, "...each day a

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<sup>1</sup> CenturyLink Post-Incident Report at 2 (Oct. 23, 2023).

<sup>2</sup> See Priscilla Weaver's comments re: Lumen compliance concerning outages at 1-2 (Jan. 5, 2024); UM 1908 - CenturyLink's call logs from the toll-free, 24/7 dedicated customer support line for the period September 28, 2022, through September 25, 2023 (Oct. 3, 2023) tickets reported on September 2, 2023.

<sup>3</sup> See tickets reported on September 2, 2023 (UM 1908 - CenturyLink's call logs from the toll-free, 24/7 dedicated customer support line for the period September 28, 2022, through September 25, 2023 (Oct. 3, 2023)).

ticket is not resolved in the 48-hour period specified in this order will be a violation, for each customer and each day.”<sup>4</sup> While the record may show Lumen’s response time in the Jacksonville area has improved from previous years, CUB is concerned the facts in this case will also show the Company is not resolving tickets at 100% as it claims not taking appropriate action when it determines it isn’t possible to resolve those matters within 48 hours.

CUB agrees with Mrs. Weaver that compliance issues have been observed since Jacksonville Orders were issued. It is troubling that a Lumen customer service representative confirmed there was no process to expedite trouble tickets from Jacksonville area customers.<sup>5</sup> While we appreciate that the Company took quick action to make changes to its dedicated call line procedure after the Labor Day outage, it seems like this issue should have been addressed prior to this widespread outage.

While these representations may seem inconsequential on their own, both individually and collectively they call into question the credibility of Lumen. As another example, Lumen stated that once its public policy employees were informed of the outages on September 5, it was in frequent communication with Commission Staff and CUB representatives. CUB actually heard nothing from the Company until after we sent an email to their representatives the afternoon of Friday, September 8, 2024. The Company replied summarizing its conversations about the Labor Day outages with PUC Staff two days prior.<sup>6</sup> Because of the troubling patterns of misrepresentation and possible noncompliance, the Company needs to be held accountable.

A major factor in the Commission’s decision to issue the Jacksonville Orders was due to the fact that had the Lumen customer needed to call 911 one day earlier when there was a Lumen phone outage, she could have died given her lack of access to alternative communication.<sup>7</sup> While the record may show that Lumen has been responding to trouble tickets much faster in the 97530 zip code area, the record does not show that it has made major repairs or permanent solution to the ongoing service quality issues. Given the ongoing outages, the high likelihood that someone could die remains as it did when the Commission acknowledged this in the Jacksonville Orders.

Such a constant close eye on the Company should not be required, especially by customers. Unfortunately, history and evidence in the record shows this close eye is necessary. CUB finds merit in Priscilla Weaver’s request for penalties, but if the Commission does not make a finding

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<sup>4</sup> UM 1908 – Order No. 22-340 at 2 (Sept. 23, 2022).

<sup>5</sup> Weaver Comments at 1-2.

<sup>6</sup> CUB can provide these emails upon request and can file them as confidential documents if that is the Company’s or Staff’s preference.

<sup>7</sup> Hearing on Orders--Staff’s Opening Testimony of Joe Bartholomew, Staff/105, Bartholomew/98-111 (Nov. 23, 2022)

of noncompliance today, CUB suggests the Commission direct Staff to conduct an in-depth review of Lumen's compliance with the Jacksonville Orders given discrepancies in the record about Lumen's compliance with the Jacksonville Orders. We request this be a public process in a docket that provides for stakeholder, Lumen, and public comment, resulting in a final report from Staff with recommendations for consequences of any noncompliance to be presented and deliberated at a public meeting. And we suggest this process take no more than 60 days. Without a close look, CUB is concerned problems intended to be addressed by those orders are being obscured. The Jacksonville Orders are only as good as their enforcement.

Unlike adjusting the dedicated support line after a major outage, you can't bring someone back from the dead. While this may sound like hyperbole, the risks to Oregonians in the area are exactly that dire. CUB sees no harm in a close look and public-facing analysis of whether Lumen has followed the Jacksonville Orders. If these analyses show that Lumen has not complied with either or both, appropriate consequences should be imposed upon the Company. The history of service quality issues in the Jacksonville area should cause greater scrutiny, not less.

We apologize for the last-minute comments, but provide them for the opportunity to give an overview of the oral comments we will make tomorrow. CUB appreciates the Commission's consideration and the opportunity to provide comments on this matter.

Sincerely,

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