

- 1 - Page 7, line 14 through page 9, line 3. CenturyLink objects on the grounds that the testimony
2 is or relies on hearsay and multiple hearsay, facts contained in testimony (including service
3 credit amounts) are not included in the exhibits.
- 4 - Page 9, line 22 through page 10, line 9. CenturyLink objects the grounds the testimony is or
5 includes or relies on hearsay and multiple hearsay. In addition, the conclusions cannot be
6 relied upon because the complaints are “still under investigation”.
- 7 - Page 10, line 18-22. CenturyLink objects on the grounds that the testimony speculates about
8 customer concerns. Even if the assertions seem cogent, it is not appropriate to speculate
9 without citing admissible evidence.
- 10 - Attachments to Testimony, including all complaints and comments. CenturyLink objects to
11 these materials because they either include hearsay, or multiple hearsay, and are not provided
12 subject to the oath of person making the statement.

13 Weaver 100/Weaver

- 14 - CenturyLink objects to the inclusion of customer complaints and comments on the grounds
15 that they contain hearsay and multiple hearsay and are not subject to oath.

16 CenturyLink generally objects to the introduction of the complaints and comments, and Witness
17 Nottingham’s reference to and characterization of them because they were not made subject to oath,
18 contain hearsay and multiple hearsay, and contain inconsistencies. The alleged complaints and
19 comments were made by customers who did not speak to Witness Nottingham, and it is unclear whether
20 Nottingham even spoke with the Commission’s staff who may have spoken directly to the customers.
21 Thus, the assertions involve multiple levels of hearsay by persons who were not subject to an oath,
22 including the associated consequences for failing to describe the alleged service issues accurately or
23 truthfully. For example, in one complaint opened on September 21, the complainant alleges they have
24 no cell service. Then on October 6, Commission Staff person Kim Malm states that the complainant
25 “picked up her landline while I was talking to her and stated there was still no dial tone.” On October
26 12, Malm writes that the complainant switched to an “internet phone.” See Staff 200/Nottingham 124
through 131. Whether and when the complainant had alternative services is unclear, which raises

1 accuracy and credibility issues, and is prejudicial, especially when the statements are made by non-
2 expert witnesses, not under oath, who also have a direct interest in the outcome of the proceeding.

3 The customer complaints and comments are not reliable for purposes of determining whether the
4 Order continues to be necessary. They contain hearsay and multiple hearsay, persons making the
5 complaints and comments have not been established as experts in the field of telecommunications,
6 include inconsistent statements, and ultimately were not brought to testify by the Commission's Staff,
7 which has the burden of proof in this matter. Moreover, the statements we not submitted under oath, a
8 requirement that is required of parties to the case – the Staff's witnesses' oath at hearing and in the
9 declarations included with their written testimony do not, and cannot, apply to statements made by
10 others. In addition, customers have a motive to exaggerate or even mischaracterize the nature of the
11 service issues they claim exist to accelerate the remedies they seek – and as noted by Intervenor Weaver
12 at the hearing, customers are concerned as much if not more with high-speed internet than traditional
13 voice service. The Commission's regulation extends only to voice services and the copper networks
14 over which such service is provided, and it does not regulate fiber broadband networks.
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17 Witnesses at the hearing asserted that the hearsay statements included as customer complaints
18 and comments are reliable. However, those bald assertions included little if any justification for the
19 belief that the statements are reliable. In fact, some of the complaints and comments contain
20 inconsistent statements. It appears that these statements were not fully vetted by the Staff and, as such,
21 they cannot be trusted, much less relied upon to make decisions that could have a significant impact on
22 CenturyLink's business and its rights before the Commission, including its right to due process.
23 Because reliance on this evidence would substantially prejudice CenturyLink's rights, it should be
24 excluded.
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1 Dated this 28th day of December 2022.

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