

CASE: UM 1908
WITNESS: JOSEPH BARTHOLOMEW

**PUBLIC UTILITY COMMISSION
OF
OREGON**

STAFF EXHIBIT 100

Staff Testimony

November 23, 2022

1 **Q. Please state your name, occupation, and business address.**

2 A. My name is Joseph Bartholomew. I am a Senior Utility Analyst employed in the
3 Rates and Regulations section under the Rates, Finance, and Audit Division of
4 the Public Utility Commission of Oregon (Commission). My business address is
5 201 High Street SE, Suite 100, Salem, Oregon 97301.

6 **Q. Please describe your educational background and work experience?**

7 A. My witness qualification statement is found in Exhibit Staff/101

8 **Q. What is the purpose of your testimony?**

9 A. The purpose of this testimony is to provide background information for Lumens
10 service quality issues in Jacksonville, Oregon and surrounding areas; Staff's
11 investigation into these issues; and Staff's recommendation for Commission
12 action to ensure public safety, secure reliable phone service for customers, and
13 guarantee service quality issues are addressed in a timely manner.

14 **Q. How are you connected to Staff's investigation of service quality
15 issues in Jacksonville?**

16 A. I was assigned as the Staff lead on both dockets UM 2206 and UM 1908,¹ and
17 lead Staff's investigation into service quality issues in Jacksonville, Oregon
18 and the surrounding areas.

19 **Q. Did you prepare any exhibits?**

20 A. Yes. I prepared the following exhibits:

21 Exhibit 101 Witness Qualification Statement
22 Exhibit 102 Map

¹ These dockets have now been consolidated into UM 1908. See Ruling and Memorandum of Chief ALJ Nolan Moser, Docket No. UM 1908 and UM 2206, Sept. 29, 2022, [Dockets UM 1908 and UM 2206 Consolidated](#).

- 1 Exhibit 103 Lumen Confidential Responses to Staff Information
- 2 Requests
- 3 Exhibit 104 Public Meeting Materials
- 4 Exhibit 105 Documents Supporting Staff Investigation
- 5
- 6

Q. How is your testimony organized?

A. My testimony is organized as follows:

8 Issue 1. Service Quality Issues and Investigation 2

9 Issue 2. Lumen's Response to Service Quality Issues 14

10 Issue 3. Conclusion 17

ISSUE 1. BACKGROUND ON LUMEN SERVICE QUALITY ISSUES

Q. Please describe the area experiencing service quality issues.

15 A. Jacksonville is a rural city in Jackson County, Oregon, approximately five miles

16 west of Medford. The town houses Lumen’s Jacksonville Central Office (CO.

17 The coverage area begins in Jacksonville and follows the Applegate trail south

18 and west toward unincorporated communities, such as Buncom (which is a

19 ghost mining town twenty miles away from the Jacksonville Central office) and

20 is proximate to many of the customers who have supplied information relevant

21 to this proceeding. The customers in Jacksonville, Applegate, and

22 surrounding areas in southern Oregon all report experiencing service quality

23 issues. In this testimony, all customers experiencing service quality issues

24 covered by Staff’s investigation will be referred to as Jacksonville area

25 customers.

26

1 **Q. Why did Staff recommend an investigation into service quality in the**
2 **Jacksonville area be opened?**

3 A. Staff recommended that the Commission open an investigation into Lumen's
4 provision of telephone service in the area of Jacksonville, Oregon and
5 surrounding areas based on historical and ongoing safety and reliability issues
6 experienced by customers,² as described in a customer complaint letter
7 received on November 21, 2021.

8 **Q. Please describe the customer complaint provided in the November 21,**
9 **2021 letter.**

10 A. On November 21, 2021, the PUC received a complaint letter from two Lumen
11 customers in the Jacksonville area regarding their unreliable telephone services.³
12 The letter stated that approximately 60-80 customers were impacted with eleven
13 outages that range from four to eight days before restoration was complete. The
14 letter presents serious safety and reliability issues as a result of Lumen's
15 service.⁴ For example, the customers describe that on October 24, 2021, one of
16 the customers in this area had a life-threatening situation that required them to
17 call emergency services. Fortunately, this situation occurred on a day that the
18 telephone service was operating, but the services dropped in the area the very
19 next day.

² Order No 21-470, Docket No. UM 2206, Request to open an investigation regarding the provision of service in Jacksonville, Oregon and surrounding areas, Appendix A p 2-3 Dec. 20, 2021, available at [Order 21-470](#).

³ Staff/105, Bartholomew/98-111.

⁴ Staff/105, Bartholomew/98-111.

1 **Q. Please describe the historic safety issues Staff considered when**
2 **making its recommendation to investigate service quality issues in the**
3 **Jacksonville area?**

4 A. Customers in the Jacksonville area have been experiencing these issues since at
5 least 2014. In December of 2016 alone, the Consumer Services section at the
6 PUC received 24 related customer complaints regarding service quality in the
7 Jacksonville area.⁵

8 **Q. What was done in response to Lumen's historic service quality issues?**

9 A. As early as 2017, Staff began requesting Lumen for solutions to mitigate this
10 unreliability, to which Lumen informed Staff that they were working on a solution
11 to permanently fix the plant issues. In Order No. 17-175, the Commission placed
12 Lumen on an ORS 759.450(5) performance plan⁶. The issues faced by
13 customers in Jacksonville are described in the "Jacksonville Area – Case Study"
14 section of the Staff memo attached to that order.⁷ In its related performance plan
15 filed on June 29, 2017, Lumen cited a number of actions it had taken or planned
16 to take to address issues in the Jacksonville exchange.⁸ Finally, in Order No. 18-
17 198, the Commission approved a six-month extension of the performance plan,
18 adopted in Order No. 17-175, due in part to two service quality metrics which
19 were still out of compliance with Commission service quality standards. In the
20 related memo, Staff noted that, at that time, Qwest had succeeded in bringing the

⁵ Staff/105, Bartholomew/1-15.

⁶ Staff/105, Bartholomew/2-16

⁷ Staff/105, Bartholomew/6-8.

⁸ Staff/105, Bartholomew/2-16

1 two initial outlier wire centers, including Jacksonville, within standard for trouble
2 reports.⁹

3

⁹ Staff/105, Bartholomew/39-44

1 Unfortunately, the solutions implemented in response to the performance plan
2 adopted in Order No. 17-175 do not appear to have provided a durable solution
3 to the issues present in the Jacksonville exchange. As evidenced by the
4 information provided in the November 21, 2021 letter, unresolved issues remain.

5
6 **Q. Why was an investigation into Lumen's service quality issues**
7 **important?**

8 A. The investigation is important because customers in this location have limited
9 alternatives to wire line services provided by Lumen. The PUC's primary
10 function is that of an economic regulator to ensure that customers of investor-
11 owned utilities receive safe and reliable service at just and reasonable rates.
12 Service quality issues created both reliability and public safety concerns. As
13 outlined in this Testimony, Lumen's telephone services have not been reliable
14 in the Jacksonville area.

15 **Q. How do service quality issues impact safety in the Jacksonville area?**

16 A. Because Jacksonville is a very rural city, many customers do not have internet
17 or cellular service as an option at their homes, and as a result, rely on their
18 landlines for communications, which include those of a critical nature. As a
19 result, the Lumen telephone outages present a very dangerous circumstance if
20 there were to be an emergency of any kind. This reliability issue requires
21 residents to drive approximately twelve to twenty-five minutes before they can
22 make a call using cellular services.¹⁰ This is especially concerning since much

¹⁰ Staff/203, Nottingham/1, Comments by Priscilla Weaver, Dec. 9, 2021.

1 of the area impacted by these service quality issues, is in a high fire risk zone
2 and reliance on telephone service to both receive evacuation orders or notify
3 emergency responders of a fire is crucial.¹¹

4 **Q. Please describe the steps staff took to investigate service quality issues**
5 **in the Jacksonville area?**

6 A. Staff reviewed the applicable service quality standards, issued requests for
7 information, inspected Lumen's outside plant facilities, and looked into the
8 complaints submitted by the affected customers. Staff reviewed historic service
9 quality issues in the Jacksonville area and how those issues were handled by the
10 Commission. Staff also presented its findings and recommendations to the
11 Commission at public meetings.

12 **Q. Please describe the information requests Staff sent to Lumen?**

13 A. On January 26, 2022, Staff issued a set of Information Request (IRs) in the
14 docket requesting a wide range of information on the Company's service to the
15 Jacksonville area¹². Those IRs touched on both the number and type of
16 customer service issues experienced in the area since 2014 and steps that the
17 Company has taken to remediate those issues. The initial due date for the IRs
18 was February 9, 2022. Staff received a request for an extension from the
19 Company because the IRs requested information dating back to 2014. Staff
20 granted an extension until February 11, 2022, which the Company stated would

¹¹See Staff/102; Most of Josephine and Jackson Counties experience high to very high wildfire burn probability as demonstrated by the Oregon Department of Forestry's wildfire risk explorer, available at [Wildfire Risk Explorer \(oregonexplorer.info\)](http://wildfire.riskexplorer.oregonexplorer.info).

¹² See Staff/103, Lumen Confidential Responses to Staff Information Requests

1 provide them with adequate time. Staff received responses to a number of those
2 IRs on February 11, 2022.

3 **Q. Did the Company provide all the information requested by Staff?**

4 A. No. Staff is not satisfied with the detail provided in these IRs, and notes that the
5 Company has still not provided information dating back to 2014 about service
6 issues in Jacksonville despite being granted an extension.

7 **Q. How did the Information Requests impact Staff's understanding of the**
8 **service quality issues in the Jacksonville area?**

9 A. Staff reviewed the Company's IRs and developed a deeper understanding of
10 how the Company addresses service issues in this area. In its IR responses,
11 the Company described that it has only taken two steps to resolve these
12 service issues in Jacksonville. The customers in Jacksonville have been
13 experiencing these service issues since at least 2014, and the Company only
14 took these steps in 2021. The steps were (1) hardening of cable plant inside
15 certain pedestals, and (2) the replacement of backup batteries in the remote
16 terminal.¹³

17 **Q. Did Staff find the steps taken by Lumen to be sufficient?**

18 A. No. In Staff's public meeting memo Staff clarified that it not satisfied with these
19 steps because Lumen's response described that they only hardened the cable
20 plant in three separate pedestals. The cable plant is the cable that provides dial
21 tone to the customers, and the pedestals house the cable that comes above

¹³ See, Public Meeting video for February 22, 2022, Staff's J. Bartholomew, minute 9. available at: [Regular Public Meeting 2/2/22 \(granicus.com\)](#); Staff requests official notice of the recording and its contents pursuant to OAR 860-001-0460(1).

1 ground so they can hook services up to the customers. If the cable plant is not
2 hardened correctly, it means that there will still be outages coming out of that
3 pedestal, and customers will not have phone service. By only hardening three
4 pedestals, the Company has only fixed the service issues for three out of over
5 60 pedestals, meaning customers will likely continue to experience outages
6 until the Company hardens all of its pedestals. Staff also expressed concern
7 that at that time the Company did not have backup batteries.¹⁴

8 **Q. When was the first public meeting addressing Lumen's service quality**
9 **issues?**

10 A. The first public meeting was February 22, 2022.

11 **Q. What information did Staff provide the Commission for the February public**
12 **meeting?**

13 A. Staff provided written information, a public meeting memo and three sets of
14 public comments, and provided a presentation updating the Commission on
15 service quality issues occurring since the opening of the investigation.

16 **Q. What information did Staff include in its Public Meeting Memo?**

17 A. Staff provided an update on specific service quality issues experienced by
18 customers in the Jacksonville area, discussed what it learned through IRs with
19 the Company, detailed its attempts to assist Lumen in solving service quality
20 issues, and noted additional service and reliability issues in other areas of
21 Oregon that Staff learned of during the course of the investigation.

¹⁴Staff/104, Bartholomew/5-9.

1 **Q. How did staff attempt to assist Lumen in solving service quality issues in**
2 **the Jacksonville area?**

3 A. On December 13, 2021, Staff sent the Company a six-step cable plant
4 restoration process, which if completed would bring the cable plant to “like new”
5 conditions.

6 **Q. How did Lumen respond?**

7 A. The Company’s response to Staff recommendations was it felt that work
8 completed during the summer of 2021 (hardening pairs in three separate
9 pedestals) brought their plant back to standard and that the plant was stable.
10 Lumen also stated it believed the issue was the backup batteries and once
11 replaced, the telephone services would remain stable.

12 **Q. What other areas were experiencing safety and reliability issues?**

13 A. On January 31, 2022, the Commission’s Emergency Preparedness Manager Lisa
14 Gorsuch was contacted by the Eastern Region Coordinator of the Oregon Office
15 of Emergency Management, Tim Seymour. Mr. Seymour communicated that a
16 Lumen customer in Ritter, Oregon – a rural city in northeastern Oregon – was
17 experiencing dead landlines and dead emergency backup batteries in the
18 telephone posts in their area. The customer asked that the issue be escalated to
19 solve the immediate safety and reliability issue of not having phone service from
20 Lumen, but also asked that Mr. Seymour’s agency ask the Commission to look
21 into the “ongoing deterioration of phone services to our region.” The matter was
22 referred to the Commission’s Consumer Services section.¹⁵

¹⁵ Staff/105, Bartholomew/112-115.

1 Like Jacksonville, this is an area that does not have cellphone service, so the
2 lack of landline service creates the potential for an emergency for those
3 customers. The Company has fixed the issues in Ritter, but issues still remain in
4 Jacksonville.

5 **Q. What information did Staff present at the February 22, 2022, public**
6 **meeting?**

7 A. Staff presented an update on specific service quality issues experienced by
8 customers in Jacksonville and surrounding areas. Staff received a notification via
9 e-mail from a customer that the area lost dial tone services on either the evening
10 of December 24, 2021, or the morning of December 25, 2021.¹⁶ Per the
11 customer, several people reported the outage, but the customers stated they
12 received differing messages, including some customers being told it was a cable
13 issue, others being told the remote terminal unit was the problem and others
14 being told no one else had reported an outage. The customer did state that the
15 power fluctuated a few times but they never lost power however the land lines
16 were without service. They regained phone service on December 26, 2021, but it
17 was intermittent until December 27, 2021, at which time the dial tone remained
18 stable.

19 **Q. Did Staff discuss the December 2021 outage with Lumen?**

20 A. Yes. Lumen attributed this outage to the backup batteries in the remote terminal
21 needing replacement, such that when the power fluctuated, the remote terminal
22 lost power and was not able to regain power until a Lumen technician went to the

¹⁶ Staff/204, Nottingham/4, Comments of Priscilla Weaver, Jan. 13, 2022.

1 remote terminal and manually turned the power back on. Lumen also stated that
2 they ordered new batteries and they were supposed to arrive in December 2021
3 but, due to shipping delays, they are now slated to arrive in June 2022.¹⁷
4

5 **Q. When was the second public meeting addressing Lumen's service quality**
6 **issues?**

7 A. The Commission held a Special Public Meeting with Lumen on August 30,
8 2022.¹⁸
9

10 **Q. What information did Staff present for the August 30, 2022, special public**
11 **meeting?**

12 A. Staff reported on the status of Lumen's service quality issues in Jacksonville and
13 the surrounding areas, presented a report on the safety issues and violations
14 posed by Lumen's facilities, including its poles, provided history on alternative
15 regulation of Lumen-owned companies and their issues with service quality, and
16 Staff counsel presented the Commission with options it could consider to address
17 the Company's issues with service quality and safety. There was also an
18 opportunity for public comments.

19 **Q. What type of public comments were provided?**

20 A. Comments were provided by customers and the utility. During the Public
21 Meeting, a Lumen customer who has represented the Jacksonville customers,

¹⁷ See, February 22, 2022 Public Meeting, Lumen's P. Gose, minute 33.

¹⁸ Special Public Meeting video for August 30, 2022, available at: [Special Public Meeting UM 2206 Qwest Investigation Regarding Service in Jacksonville, OR Commission Workshop \(granicus.com\)](#); Staff requests official notice of the recording and its contents pursuant to OAR 860-001-0460(1).

1 Priscilla Weaver, offered public comments informing the Commission that they
2 continue to experience severe service quality problems that endanger the health
3 and safety of the customers in Jacksonville due to the unreliable landline service
4 they are being provided with; this is compounded with no other viable
5 communication alternative.¹⁹ Lumen's representative spoke on steps that they
6 are taking to address both the service quality issues and the pole safety
7 violations, and stated they were unaware of the ongoing issues in the
8 Jacksonville area.

9 **Q. What if any actions resulted from the special public meeting?**

10 A. The Commission invited Staff to present a formalized recommendation, which it
11 did at the September 20, 2022, public meeting.²⁰

12 **Q. Did the Commission adopt Staff's recommendation?**

13 A. The Commission adopted Staff's recommendation with amendments in Order
14 No. 22-340

15 **Q. Please describe what Staff learned from public comments?**

16 A. Staff learned that the public still has complaints regarding its quality of service
17 provided by Lumen and that they are concerned for their health and safety.
18 The public has voiced the view that service issues claimed to be repaired by
19 Lumen are not repaired.

¹⁹ See, August 30, 2022, Special Public Meeting, customer P. Weaver, minute 63.

²⁰ Public Meeting video for September 20, 2022, available at: [Public Meeting 9/20/22 \(granicus.com\)](https://www.granicus.com/publicmeeting/9/20/22); Staff requests official notice of the recording and its contents pursuant to OAR 860-001-0460(1).

ISSUE 2. LUMEN'S RESPONSE TO SERVICE QUALITY ISSUES

Q. Please describe Lumens response to their service quality issues during the February 22, 2022, Public Meeting.

A. At the February 22, 2022, Public Meeting, Staff mentioned discussing with Lumen the backup batteries that the Company was waiting on for replacement in the remote terminal at Jacksonville Oregon.²¹ Lumen representative Peter Goss responded,

"Lumen's legacy copper network is important to the company. Lumen's subscribers in the Little Applegate Rd area and everywhere else are valued and that they matter much to our company. Service outages in 2020/2021 are mostly due to age of infrastructure. It's very old outdated plant, remote terminal. The vintage of that terminal is from the 1980s. The cards that slot into that terminal are of the same age. We keep a supply of reliable spares that we can go out and slot into those locations. As many as 4 failures out of 11 or 12 in 2021 were attributable to card failures. Our personnel in that area dial into that remote terminal several times a day just to make sure things are operational. If a card has failed to get out in front of that. We started to try and find batteries. I was the one that really pushed to get those things ordered. And we were given a date certain of December 21st to have them ordered. I conveyed that to your staff. That date didn't happen due to supply chain disruption. Right now we're being told that those new batteries that we ordered back in

²¹ See, February 22, 2022, Public Meeting, Staff's J. Bartholomew, minute 5.

1 *November will be delivered in June. So I, you know, I called Costco, I*
2 *called other places, but the batteries in those remote terminals are*
3 *specialty batteries. I told our folks on December 22nd when I learned*
4 *that those batteries weren't going to come that it is wholly unacceptable*
5 *and I need us to go around to every warehouse that we possibly can no*
6 *matter where it is. Those batteries were found and on January 5th were*
7 *replaced in the remote terminal. And while they are not brand new, those*
8 *batteries are about a year old from the ones they were able to cob*
9 *together from various warehouses around the company. And we have a*
10 *working string of batteries in that remote terminal today. The batter issue*
11 *will not resolve with completely brand new batteries, should be more*
12 *than sufficient to survive any commercial power disruption until those*
13 *batteries come in the next 2 to 3 to 4 months."*

14 **Q. What questions did the Commission have for Lumen?**

15 A. Commissioner Thompson asked what the company is doing to ensure
16 customers have reliable land line service. Peter responded "We have a once in
17 a generation opportunity with RDOF to replace those copper lines with
18 broadband. We are committed to maintaining our network in the State of
19 Oregon."

20 Commissioner Tawney asked about Lumen setting up a dedicated customer
21 service phone line for the customers in the Jacksonville area. Peter responded
22 *"It's certainly something I'd be glad to look into. In my career in the past, I've*
23 *spent a year and a half in customer care and so I would certainly take that*

1 *under advisement. I want this Applegate area to be RDOF area number one in*
2 *the state of Oregon in 2022.”*

3
4 **Q. Please describe Lumen’s response to their service quality issues during**
5 **the August 30, 2022, Special Public Meeting?**

6 A. At the August 30, 2022, Special Public Meeting Lumen representative Peter
7 Gose stated,

8 *“to solve for the issues in that area we can go back to 2021, I don’t*
9 *think this was mentioned, but, Lumen replaced some large sections of*
10 *cable there, and rebuilt some pedestals in the area as well. We did that*
11 *because they were at the bottom of a hill and it was old paper insulated*
12 *cable, in the olden days before they put the plastic insulated coating on*
13 *wires they insulated with paper. When that becomes wet it becomes*
14 *problematic. And that was causing some problems over the last couple*
15 *of years, so the company decided to remove that cable and replace it*
16 *with more modern weather resistant cable. Unfortunately during that*
17 *repair work we stubbed our toe because we didn’t alert the customers*
18 *on the road that that was going to happen and we took the service*
19 *down last year for several days during that replacement of that old*
20 *plant with new. But when we were last together we touched a little bit*
21 *about supply chain disruption, so Mr. Bartholomew mentioned today*
22 *that he thought we were having some shipping issues. It was a little*
23 *more than shipping issues. Batteries were simply hard to come by for*

1 *the last six months. They continue to be hard to come by today and so*
2 *that's why, temporarily, we had to resort to newer used batteries until*
3 *the brand new string of batteries arrived. We ordered those batteries at*
4 *the beginning of December 2021 they didn't come until May of this*
5 *year. But since that time as Mr. Bartholomew mentioned we*
6 *repurposed the temporary newer used batteries up to the RT 2600.*
7 *Our RDOF money had yet to be approved, but since that time we have*
8 *received full approval for that RDOF funding and as Mr. Bartholomew*
9 *mentioned he and I were in contact earlier this month and to discuss*
10 *then that job numbers have been pulled and resources are being*
11 *devoted to the design of fiber to the premises all up and down this*
12 *particular area. What that will mean for the residents there is that they*
13 *will have symmetric 940 MB service because it's on fiber. The reliability*
14 *should be vastly superior to what it is today."*

15 **Q. What questions did the Commission have for Lumen?**

- 16 A. Commissioner Tawney asks about the design timing for fiber to home. Peter
17 Gose replied, *"they've requested what they call a RFS Ready for Service date*
18 *of late second quarter, early third quarter of 2023."*

19 **ISSUE 3. CONCLUSION**

20
21 **Q. Based on Staff's investigation into service quality issues in Jacksonville**
22 **and the surrounding areas, what did Staff conclude?**

- 23 A. Staff made several conclusions based on its investigation

1 1) Staff continues to have concerns about service quality issues in Jacksonville
2 and surrounding areas due to the amount of customer complaints the OPUC
3 Consumer Services Group continues to receive.

- 4 • past performance plans did not rectify ongoing issues with system age
5 and quality;
- 6 • outages were too frequent; and
- 7 • Lumen was not addressing problems in a timely manner

8 2) Lumen was not taking appropriate steps to ensure near term compliance
9 with service quality standards.

- 10 • Lumen chose not to follow the six-step cable plant restoration process
11 suggested by Staff and stated that work performed was sufficient and
12 the new battery backups would resolve the ongoing issues;
- 13 • while Lumen asserts that fiber-to-home is the ultimate solution to the
14 ongoing service quality issues in the Jacksonville area, the earliest the
15 project could be complete is the second or third quarter of 2023; and
- 16 • Lumen has provided no plan to address near-term service quality issues

17 3) Service quality in the Jacksonville area threatened public safety.

- 18 • residents reported feeling unsafe because of unreliable phone service;
- 19 • Jacksonville area residents do not have access to alternative services;
20 and
- 21 • without phone service the residents of the Jacksonville area are cut off
22 from emergency services

1 4) Commission action was required to ensure public safety, secure reliable
2 phone service for customers, and guarantee that issues are addressed in a
3 timely manner.

4 **Q. Does this conclude your testimony?**

5 A. Yes.

CASE: UM 1908
WITNESS: JOE BARTHOLOMEW

**PUBLIC UTILITY COMMISSION
OF
OREGON**

STAFF EXHIBIT 101

Witness Qualification Statement

November 23, 2022

Docket No. UM 1908

WITNESS QUALIFICATIONS STATEMENT

NAME: Joseph Bartholomew

EMPLOYER: Public Utility Commission of Oregon

TITLE: Senior Telecom Analyst
Rates & Regulation

ADDRESS: 201 High Street SE. Suite 100
Salem, OR. 97301

EDUCATION: Portland Community College, Portland OR/Bellevue University,
Bellevue NE.
Computer Information Systems/Information Technology

Community College of the Air Force, Maxwell AFB, AL.
Associate of Arts and Science in Applied Science

EXPERIENCE: 2021 – Present – Oregon Public Utility Commission Senior Analyst.
Plans, prioritizes, and assigns some segments of a project to other analysts. Consults with utility or industry management in areas relating to regulatory issues concerning the regulated industries. Independently, evaluates the planning, design, construction, operation and maintenance of large utility or energy systems. Reviews designs, directs tests, analyzes records and field inspects utility or energy facilities for safety, quality control and reliability deficiencies. Evaluates economic, financial, scientific, accounting, and engineering studies submitted by utilities or developers for reasonable methods and assumptions. Serves as an expert witness and policy advisor in docketed cases, court cases, legislative hearings and other proceedings on such issues as energy facility siting or utility industry structure.

2020 – 2021 – Unified Communications Group Area Manager.
Oversee daily installation and repair technicians for Century Link Oregon and TDS Washington. Asses and complete timesheets for 20 direct reports. Establish daily workload as needed to ensure service order completion by the customer due date. Assist and coach with onsite issues for new and growing technicians. Handle all day to day issues from both technicians and client. Conduct weekly safety meetings with the team and cover all relevant issues as well as have an open forum. Complete quality control inspection on all

Docket No. UM 1908

technicians making sure they are meeting Century Link and TDS industry standards of installation.

2020 – GTA Teleguam Planning Manager, Outside Plant Engineering. Oversaw daily work order process assisted by five direct and two indirect reports. Assessed designs for errors and issued revisions. Upgraded ArcGIS software with as-builts. Tracked and communicated team status on design completion to director of engineering and completed changes to maximize process.

2015 – 2020 – GTA Teleguam Planning Manager, Outside Plant Construction. Directed permitting/utility locating/heavy equipment operator team with 12 direct and 72 in-direct reports. Trained and coached new and younger technicians about OSP processes and procedures. Followed and reported on permit stages with high value/customer-focused projects. Collaborated with Department of Public Works on new design needs guaranteeing faster project approval and fewer design revisions. Analyzed designs before starting permit process and sending revisions to engineers for quicker permit approval. Updated ArcGIS software with as-builts. Studied CAPEX money spent spreadsheets from accounting team to allocate money to correct Grand Parent.

2014 – 2015 – McKay Sposito Quality Control Technician. Checked quality of gravel road construction for new Bonneville Power high voltage lattice towers. Determined amount of gravel needed to finish build and compared to contractor invoice. Analyzed footings for new tower builds to measure proper depth and position. Inspected new towers for torqued bolts and three new cell site towers in Montana. Managed two subcontractor companies.

2012 – 2014 – General Dynamics Construction Manager. Guided 3G/4G upgrades for Sprint in Oregon and southern Washington. Collaborated with 10 subcontractors ensuring projects met specifications. Analyzed antenna azimuth, center line, color code, mechanical down tilts, and electronic down tilts to match designs. Created protocol with all contractors and employees to ensure correct azimuth before leaving tower. Assessed fiber optic test and antenna coax sweep results for compliance and potential repair. Partnered with Samsung to maximize cell site for best possible reception. Investigated and approved heavy equipment to complete construction. Arranged and scheduled 3G cluster outages with Sprint to complete site build. Prepared and uploaded

Docket No. UM 1908

completion packages into Siterra sprints close out software after inspection.

2011 – 2012 – Yukon-Kuskokwim Health Corporation IT Specialist. Installed, fixed, and sustained telecommunications equipment. Configured all telecom equipment for new clinic. Re-routed and spliced internal telephone cable for renovations. Put thousands of miles of CAT5E cable and terminated ends for new customer installation.

2010 – 2011 – Qwest Communications Network Operations Manager.

Supervised 25 direct reports featuring 10-person I&R team, 5 fiber splicers, 3 Ariel and Underground, and 7 Copper splicers. Planned and tracked schedules of larger construction projects and reported status to corporate headquarters. Developed solutions to address stalled projects. Taught team members on proper splicing and installation of telecom equipment. Spoked on telecommunications careers at local high schools. Uploaded as-builts into Qwest software and completed work orders.

2005 – 2010 – Gaylord Utility Contractors Construction Manager.

Liaised with 10 subcontractors to complete outside construction work for Qwest. Reviewed work for depth and restoration compliance. Submitted Notice to Proceeds to contractors. Applied for state, county, city, and railroad permits. Inspected new copper cable and fiber optic cable splices for Windstream Communications. Utilized heavy equipment including backhoe, trenchers, plows, bore machines, utility locators, mini excavators, and suck vacs. Completed as-builts for both Qwest and Windstream. Helped contractors complete fiber optic and copper cable splices.

1999 – 2005 – United States Air Force Cable/Antenna Journeyman.

Install, maintain and repair various types of telecommunications equipment to include splicing of copper/fiber optic cable, installing remote switches, utility line locating, and repair of damage copper/fiber optic cable for both outside plant and inside plant construction.

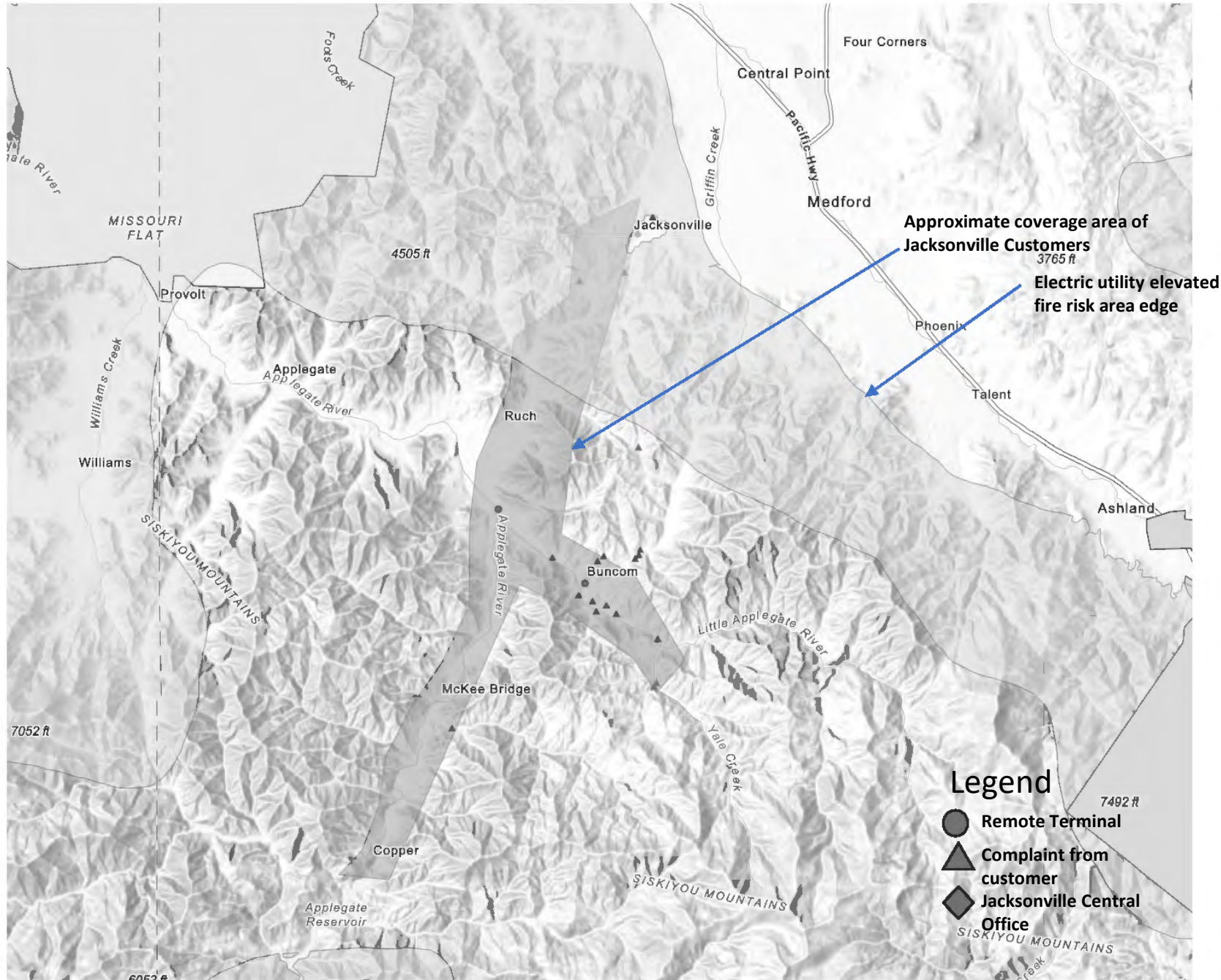
CASE: UM 1908
WITNESS: JOE BARTHOLOMEW

**PUBLIC UTILITY COMMISSION
OF
OREGON**

STAFF EXHIBIT 102

Exhibits in Support of Testimony

November 23, 2022



CASE: UM 1908
WITNESS: JOE BARTHOLOMEW

**PUBLIC UTILITY COMMISSION
OF
OREGON**

STAFF EXHIBIT 103

**Exhibits in Support of Testimony
[Confidential]**

November 23, 2022

**Exhibit 103 is confidential and
is subject to Protective Order No. 22-352**

CASE: UM 1908
WITNESS: JOE BARTHOLOMEW

**PUBLIC UTILITY COMMISSION
OF
OREGON**

STAFF EXHIBIT 104

Exhibits in Support of Testimony

November 23, 2022

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 1908

In the Matter of
LUMEN TECHNOLOGIES,
Proposed Commission action Pursuant
to ORS 756.515 to Suspend and
Investigate Price Plan (UM 1908), and
QWESST CORPORATION,
Investigation Regarding the Provision of
Service in Jacksonville, Oregon and
Surrounding Areas (UM 2206),
Hearing Relating to Order Nos. 22-340 and
22-422.

TABLE OF CONTENTS

Public Meeting Date	Title	Docket
2-2-22	Public Meeting Agenda- February 22, 2022	UM 2206
2-2-22	UM 2206 Staff Memo	UM 2206
2-2-22	Laura Wenzel and James Curtis Comments	UM 2206
2-2-22	Priscilla Weaver Comments	UM 2206
8-30-22	Special Public Meeting Agenda- August 30, 2022	UM 2206
8-30-22	Staff Presentation for Special Public Meeting	UM 2206
9-20-22	Public Meeting Agenda- September 20, 2022	UM 1908
9-20-22	UM 1908 Staff Memo	UM 1908
9-20-22	Priscilla Weaver’s Supplemental Comments	UM 1908
9-20-22	Rep. Marsh Public Comment	UM 1908
9-20-22	Sen. Jeff Golden Comments	UM 1908



Regular Public Meeting Notice & Agenda

Tuesday, February 22, 2022

1:30 p.m.

PUC Hearing Room, 1st Floor

201 High St. SE, Suite 100, Salem, Oregon 97301 [Map](#)

This meeting is open to the public and accessible to persons with disabilities. To request accommodation, please email puc.publicmeetings@puc.oregon.gov or call 503-378-6611 at least 48 hours before the meeting. This room is equipped with Hearing Loop assistive listening technology.

Meetings may be canceled due to inclement weather or other emergencies.

If unable to attend in person, you may:

1. View the meeting live online.
2. **Listen by phone**. Call 866-390-1828 then enter passcode 2252868#.
3. **Comment in writing** before the meeting **or by phone** during portions of the meeting when public comment is allowed – see instructions under “Rulemaking and Regular Agendas – Information”.

The Oregon Public Utility Commission (PUC) may enter into an executive session during any public meeting to consider information exempt from disclosure by law under ORS 192.660(2)(f), or to consult with counsel under ORS 192.660(2)(h). **All executive sessions are closed to the general public.**

Public Meeting Reports

Public meeting reports are linked under each agenda item below when available, generally by the end of the day on the Wednesday before the regular public meeting.

Questions?

Send an email to puc.publicmeetings@puc.oregon.gov or call 503-378-6611

Agenda

General Public Comment

The Commission generally reserves up to 15 minutes at the beginning of each meeting to receive public comments on issues not listed on the agenda. The Commissioners will not engage in a discussion or answer questions.

To assist the Commission in managing public comment, persons wishing to make general public comments in person or by phone should notify the PUC at least 24 hours before the meeting at 503-378-6611 or by email to puc.publicmeetings@puc.oregon.gov.

Public Comment

Consent Agenda (CA)

Items listed below are non-contested matters the Commissioners will consider as a group without public comment or discussion. If you wish to comment on a consent agenda (CA) item, the Commission will consider moving the CA item to the regular agenda for public comment and discussion. Please make this request *no later than noon on the Friday before the meeting* by calling 503-378-6611 or puc.publicmeetings@puc.oregon.gov.

Energy

CA1. IDAHO POWER:
Docket No. ADV 1361/Advice No. 21-13
Update to Charges and Credits under Rule H, New Service Attachments and Distribution Line Installations or Alterations.
Effective Date: March 15, 2022
Staff contact: Steve Storm, 971-375-5105
steve.storm@puc.oregon.gov

CA1 Staff Memo 

CA2. PACIFIC POWER:
Docket No. UI 465
Requests approval of an Affiliated Interest Agreement with BNSF Railway Company.
Staff contact: Curtis Dlouhy, 503-510-3350
curtis.dlouhy@puc.oregon.gov

CA2 Staff Memo 

CA3. OREGON PUBLIC UTILITY COMMISSION STAFF:
Docket No. UM 1930
Proposes Certification extensions for four projects in Community Solar Program.
Staff contact: Joe Abraham, 503-428-0699
joseph.abraham@puc.oregon.gov

CA3 Staff Memo 

CA4. PORTLAND GENERAL ELECTRIC:
Docket No. UM 2037(2)
Application for Reauthorization to Defer Costs Associated with the Oregon Corporate Activities Tax.
Staff contact: John Fox, 971-375-5085
john.l.fox@puc.oregon.gov

CA4 Staff Memo 

CA5. PACIFIC POWER:
Docket No. UM 2138(1)
Application for Reauthorization of Deferred Accounting for a Balancing Account Related to Oregon Metro Business Profits Tax.
Staff contact: John Fox, 971-375-5085
john.l.fox@puc.oregon.gov

CA5 Staff Memo 

Rulemaking and Regular Agendas - Information

The Commissioners will individually address each item listed under the Rulemaking Agenda (RM) and Regular Agenda (RA). The process for each agenda item is identified as: (a) *Public Hearing*, (b) *Commissioner Work Session*, (c) *Public Hearing and Commissioner Work Session*, or (d) *Informational Only*, in which comments are limited to invited presenters.

Public comment is allowed for all *Public Hearing* agenda items. Ways to comment:

- **In person** – Fill out an appearance slip and give it to the assistant at the front of the room before the meeting begins.
- **By phone** – Call 866-390-1828 then enter passcode 2252868#. To assist the Commission in managing public comment, please notify the PUC 24 hours in advance that you intend to comment or are available to answer questions by phone (503-378-6611 or puc.publicmeetings@puc.oregon.gov).
- **In writing** – Email written comments to puc.filingcenter@puc.oregon.gov. In the subject line, list the public meeting date, agenda item number (i.e., RM #_, RA #_), and docket number. *Comments received after noon the day before the Public Meeting may not be considered by the Commission.* If you want your comments posted online, please submit them as a Word document.

You may also contact the person listed under a specific agenda item with questions or comments, but Commissioners will not see materials sent to the listed contact person.

Regular Agenda (RA)

RA1. QWEST CORPORATION dba CENTURYLINK QC:
Docket No. UM 2206 - Public Hearing
Investigation update for Jacksonville, Oregon and surrounding areas.
Staff contact: Joseph Bartholomew, 503-689-4016
joseph.bartholomew@puc.oregon.gov

[RA1 Staff Memo](#) 

[Laura Wenzel and James Curtis Comments](#) 

[Jackie Morris Comments](#) 

[Priscilla Weaver Comments](#) 

Energy

RA2. OREGON PUBLIC UTILITY COMMISSION STAFF:
Docket No. UM 1158 - Public Hearing and Commissioner Work Session
2022 performance measure recommendations for Energy Trust of Oregon.
Effective Date: February 23, 2022
Staff contact: Anna Kim, 971-239-2887
anna.kim@puc.oregon.gov

[RA2 Staff Memo](#) 

Other Business

RA3. OREGON PUBLIC UTILITY COMMISSION STAFF:
Docket No. UM 1012 - Public Hearing and Commissioner Work Session

Requests an order to establish the annual fee level for electric, gas, water, and wastewater utilities at 0.43 percent.

Staff contact: Imee Anderson, 971-209-8751
imee.anderson@puc.oregon.gov

RA3 Staff Memo 

ITEM NO. RA1

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: February 22, 2022**

REGULAR X CONSENT _____ EFFECTIVE DATE _____ N/A _____

DATE: February 14, 2022

TO: Public Utility Commission

FROM: Joseph Bartholomew

THROUGH: Bryan Conway, Marc Hellman, and Bruce Hellebuyck **SIGNED**

SUBJECT: QWEST CORPORATION dba CENTURYLINK QC:
(Docket No. UM 2206)
Investigation update for Jacksonville, Oregon and surrounding areas.

STAFF RECOMMENDATION:

This is an information filing with no recommendation for the Commission.

DISCUSSION:

Issue

Staff is informing the Oregon Public Utility Commission (Commission or OPUC) of the current status of the Jacksonville investigation.

Applicable Rule or Law

A telecommunications utility is obligated to afford safe and adequate services. Under ORS 759.506(1), a telecommunications utility with allocated territory is obligated to “[p]rovide adequate and safe service to the customers of this state.”

OAR 860-023-0005 provides: “Each energy utility, large telecommunications utility, and intrastate toll service provider must have and maintain its entire plant and system in such condition that it will furnish safe, adequate, and reasonably continuous service.” Under ORS 756.040(1), the Commission’s general powers and duties include the obligation to obtain for the customer of telecommunications utility “adequate service at fair and reasonable rates.” To this end, “[t]he commission is vested with power and jurisdiction to supervise and regulate every public utility and telecommunications utility

CenturyLink Docket No. UM 2206
February 14, 2022
Page 2

in this state, and to do all things necessary and convenient in the exercise of such power and jurisdiction.” ORS 756.040(2).

Under ORS 757.035(2), the Commission may require the operator a person engaged in the operation of telephone lines, plant, system, equipment or apparatus to take action that is necessary for the protection and safeguarding of the health and safety of its customers and the public.

Per ORS 756.515(1), the Commission may, on motion, and without notice, summarily investigate any matter when the Commission “believes that any rate may be unreasonable or unjustly discriminatory, or that any service is unsafe or inadequate, or is not afforded, or that an investigation of any matter relating to any public utility or telecommunications utility or other person should be made.” Upon investigation, without notice or hearing, the Commission may make any findings and orders it deems justified or necessary, as provided in ORS 756.515(4).

The Commission approved Staff’s recommendation to open an investigation into Qwest Corporation dba CenturyLink QC (CenturyLink or Company) in Order No. 21-470.

Analysis

Background

On December 14, 2021, at the Oregon Public Utility Commission Public Meeting, the Commission adopted Staff’s recommendation in Docket No. UM 2206 under Order No. 21-470 to open an investigation into the un-reliable telephone services provided by CenturyLink for Jacksonville, Oregon and surrounding areas. Staff recommended the opening of this investigation based on historical and ongoing safety and reliability issues experienced by customers in the Jacksonville area.

Staff Update on Investigation

Staff has been in contact with customers from the Jacksonville area since the Commission opened the investigation. On January 11, 2021, Staff received a notification via e-mail from a customer that the area lost dial tone services on either the evening of December 24, 2021, or the morning of December 25, 2021 (See Attachment A). Per the customer, several people reported the outage and they were told by the Company that the issue was either a cable issue, a problem in the remote terminal, or that no one else had reported an outage. The customer did state that the power fluctuated a few times but they never lost power and the land lines were without service. They regained service on December 26, 2021, but it was intermittent until December 27, 2021, at which time the dial tone remained stable.

CenturyLink Docket No. UM 2206
February 14, 2022
Page 3

Staff discussed this outage with CenturyLink and their response was, due to the backup batteries in the remote terminal needing replacement, when the power fluctuated the remote terminal lost power and was not able to regain power until a CenturyLink technician went to the remote terminal and manually turned the power back on. CenturyLink also stated that they ordered new batteries and they were supposed to arrive in December 2021 but, due to shipping delays, they are now slated to arrive in February 2022.

On December 13, 2021, Staff sent CenturyLink a six-step cable plant restoration process which if completed would bring the cable plant to “like new” conditions. CenturyLink’s response to Staff recommendations was they felt that work completed during the summer of 2021 (hardening pairs in three separate pedestals) brought their plant back to standard and it is now stable. CenturyLink also stated they believe the issue is the backup batteries and once replaced, the telephone services will then remain stable.

On January 26, 2022, Staff issued a set of Information Request (IRs) in the docket requesting a wide range of information on the Company’s service to the Jacksonville area.¹ Those IRs touched on both the number and type of customer service issues experienced in the area since 2014 and steps that the Company has taken to remediate those issues. The initial due date for the IRs was February 9, 2022. Staff received a request for an extension from the Company because the IRs requested information dating back to 2014. Staff granted an extension until February 11, 2022, which the Company stated would provide them with adequate time. Staff received responses to a number of those IRs on February 11, 2022. Staff is not satisfied with the detail provided in these IRs, and notes that the Company has still not provided information dating back to 2014 about service issues in Jacksonville despite being granted an extension.

Staff reviewed the Company’s IRs and has developed a deeper understanding of how the Company addresses service issues in this area. In its IR responses, the Company described that it has only taken two steps to resolve these service issues in Jacksonville. The customers in Jacksonville have been experiencing these service issues since at least 2016, and the Company only took these steps in 2021. The steps were (1) hardening of cable plant inside certain pedestals, and (2) the replacement of backup batteries in the remote terminal.² Staff is not satisfied with these steps because their response described that they only hardened the cable plant in three separate pedestals. The cable plant is the cable that provides dial tone to the customers, and the pedestals house the cable that comes above ground so they can hook services up to

¹ See Attachment B, Confidential Attachment C.

² See Attachment B, Response 5.

CenturyLink Docket No. UM 2206
February 14, 2022
Page 4

the customers. If the cable plant is not hardened correctly, it means that there will still be outages coming out of that pedestal, and customers will not have phone service. By only hardening three pedestals, the Company has only fixed the service issues for three out of over 60 pedestals, meaning customers will likely continue to experience outages until the Company hardens all of its pedestals. Staff is also concerned that the Company still does not have backup batteries, but the Company has told Staff that they are awaiting the delivery of batteries to address this concern. Staff is planning to continue to investigate these service issues during a site visit on March 8, 2022, and through additional requests for information from the Company. As a next step in the investigation, Staff is developing additional requests for information from the Company to determine how to adequately solve the service issues in Jacksonville.

During the course of this investigation, it has come to Staff's attention that CenturyLink customers in a different part of rural Oregon have been experiencing serious safety and reliability issues with the utility as well. On January 31, 2022, the Commission's Emergency Preparedness Manager Lisa Gorsuch was contacted by the Eastern Region Coordinator of the Oregon Office of Emergency Management, Tim Seymour. Mr. Seymour communicated that a CenturyLink customer in Ritter, Oregon – a rural city in northeastern Oregon – was experiencing dead landlines and dead emergency backup batteries in the telephone posts in their area.³ The customer asked that the issue be escalated to solve the immediate safety and reliability issue of not having phone service from CenturyLink, but also asked that Mr. Seymour's agency ask the Commission to look into the "ongoing deterioration of phone services to our region." The matter was referred to the Commission's Consumer Services section.

Like Jacksonville, this is an area that does not have cellphone service, so no landline service creates the potential for an emergency for those customers. Staff is concerned that another rural city in Oregon that is in a wholly different part of the state is also experiencing the same service and reliability issues with the Company. Staff's first round of IRs described above explored the Company's response to service outages generally, and Staff will continue to update the Commission on whether the investigation's scope needs to be expanded beyond the Jacksonville area as more information emerges.

Staff will meet with CenturyLink representatives on March 8, 2022, to complete a physical inspection of the current cable plant and make recommendations as needed.

³ See Attachment D.

CenturyLink Docket No. UM 2206
February 14, 2022
Page 5

Conclusion

Staff is conducting a physical inspection of the cable plant on March 8, 2022, to further investigate the Company's approach to service issues. Staff will continue to work with the Company to adequately resolve these service issues. Additionally, Staff will continue to monitor service issues in other areas of the State.

PROPOSED COMMISSION MOTION:

This is an information only report with no recommendation for the Commission.

CenturyLink.Investigation.Docket.No.UM2206

BARTHOLOMEW Joseph * PUC

From: Priscilla Weaver <priscilla@saltmarshranch.com>
Sent: Tuesday, January 11, 2022 12:41 PM
To: BARTHOLOMEW Joseph * PUC
Cc: REP Marsh; Kathy Horner
Subject: Docket Number UM 2206-

Good afternoon Joseph and happy new year!

Not sure of the protocol, but I wanted to update your records on the final outage of 2021 on our beleaguered CenturyLink land lines that you and your colleagues are investigating.

Sometime during the night of Christmas Eve or in the early morning of Christmas Day (Dec 25), our land lines went out. Several people called it in and we were told that it was a cable issue, a problem in a remote terminal, or that no one else had reported an outage.

We did have a snowfall on Christmas Day and a few times the lights flickered, but we never lost power, only the land lines. Whether one of the power blips caused the phones to shut down, I cannot say.

Our land lines were out all day on Christmas, with service coming back on the morning of December 26. We then had intermittent service that and into the morning of December 27. Once again we were lucky that no one needed to use 911 during the outage.

That was our last outage for 2021. We have not had any outages so far in 2022.

Please let me know if you need further details.

Thanks for the work you and your colleagues are doing to get us help.

Priscilla Weaver
541-899-1672

February 11, 2022

Via Huddle E-Filing



Oregon Public Utility Commission
P.O. Box 1088
Salem, OR 97308-1088
Puc.filingcenter@state.or.us

RE: UM 2206 – Investigation Regarding the Provision of Service in Jacksonville, Oregon and Surrounding Areas

Attached for filing are CenturyLink/Lumen responses to Staff data requests numbers one through seven in the above captioned docket. CenturyLink/Lumen provides this information as confidential pursuant to OAR 860-001-0070 and ORS 192.345 through 192.478. The information supplied contains trade secrets that, if disclosed, are likely to result in competitive disadvantage to the company.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Peter Gose".

Peter Gose
Regulatory Affairs Director

Attachments

14530 NW 63rd Street
Parkville, Missouri 64152-8703
Tel: 816.759.2895
Peter.Gose@Lumen.com

1. Please explain, and provide any supporting internal correspondence or documents, how the company decides when and how to implement needed investments to improve service to the customers located on Little Applegate Road in Jacksonville, Oregon (LAR Customers).

RESPONSE: Lumen regional operations personnel monitor network integrity. As service impacting issues arise that require remediation, regional operations personnel assess the condition of the network, causes of service impacting issues, and use their professional judgment based on training and expertise to determine how best to remediate the issues. Please refer to response to Staff Data Request #5 for information regarding specific outcomes in the LAR.

2. Who are the decision makers, name, job title and location, with regards to making capital investment to improve service to the LAR Customers.

RESPONSE: Stephanie Herron, Vice President Network Implementation, Warren, Ohio

3. If no capital investments were deemed required to improve service to the LAR Customers, please explain why.

RESPONSE: Investments to stabilize service for customers in the Little Applegate Road area were identified and implemented in 2021. See response to Staff Data Request #5.

4. Please provide a quality of service report, by month, from January 2014 to the present, for the local exchange providing service to the LAR Customers. Please include all statistics including those representing service outages, total number of LAR Customers served, percentage of LAR Customers affected by the outage.

RESPONSE: See supplied file: CONFIDENTIAL DR4-220207 Jacksonville RSQ ATC TRR.xlsx. Data for this response is provided from January 2019 through December 2021 as that is the only information readily available without the performance of special studies and extensive data retrieval methods. This data is maintained at the wire center level and as such statistics specific to LAR Customers are not broken out.

5. Please provide a listing, by month, by year, beginning in 2014, for each capital investment, identifying equipment type, date of original equipment order, date of installation, and installed cost made to improve the local exchange and service connections (loops/other) to improve service to the LAR Customers.

RESPONSE: August/September 2021: Pedestal and cable rehabilitation and replacement for segment in area prone to contribute to outages. Installed cost \$5,897.60.

December 2021: New battery string order placed in amount of \$3,479.04 not inclusive of installation costs. Supply chain issues have delayed receipt of material.

6. Please provide a list of all communications provided to the LAR Customers where the Company acknowledges service outages and timing of investments to improve service.

RESPONSE: Company personnel, including regional operations staff and government affairs personnel have provided certain LAR Customers with personal mobile phone numbers for assistance at any time during a service outage. Apart from reference to pedestal and cable hardening, Lumen personnel have mentioned to certain LAR Customers that Lumen successfully bid on portions of the area to improve service under the Rural Digital Opportunity Fund (RDOF). Conversations respecting RDOF contained no specific reference to timing of future investments and cannot until such time as Lumen receives final approvals from the FCC.

Email dated Tuesday, 9/21/2021, between Rep. Pam Marsh, Tre Hendricks, and LAR residents Kathy Horner and Pamela Weaver.

7. Please list every service outage in the Jacksonville area since 2016 through current and include the date, cause, number of customers affected, and the duration of the outage.

RESPONSE: Lumen objects to this request because it is overly broad and unduly burdensome and to fully answer it would require a special study – the request seeks information that Lumen does not maintain in the ordinary course of business. In addition, Commission rules do not require maintenance of the requested information. Lumen notes that under OAR 860-023-0055 (9)(d) no record retention requirement exists for service interruption notification. Nevertheless, Lumen provides file CONFIDENTIAL DR7-Outage.xlsx

Attachment C is confidential

BARTHOLOMEW Joseph * PUC

From: CONWAY Bryan * PUC
Sent: Monday, January 31, 2022 9:04 AM
To: KOHO Lori * PUC
Cc: GORSUCH Lisa * PUC; BARTHOLOMEW Joseph * PUC; Goatcher Jill D; HELLEBUYCK Bruce * PUC
Subject: RE: CenturyLink phones down in area without cell service.

Yes, this should go to Consumer Services and a copy to Bruce, Jill Goatcher and Joe.

From: KOHO Lori * PUC <lori.koho@puc.oregon.gov>
Sent: Monday, January 31, 2022 9:02 AM
To: CONWAY Bryan * PUC <Bryan.CONWAY@puc.oregon.gov>
Cc: GORSUCH Lisa * PUC <Lisa.Gorsuch@puc.oregon.gov>
Subject: FW: CenturyLink phones down in area without cell service.

Bryan,

This is a complaint that is coming through OEM about the non-responsiveness of Lumen to an outage in a remote area. Do you want to track these sorts of things in our normal consumer's complaint system or have it with your discussions with Lumen?

Lori

Lori Koho
503-576-9789

From: GORSUCH Lisa * PUC <Lisa.Gorsuch@puc.oregon.gov>
Sent: Monday, January 31, 2022 8:39 AM
To: SEYMOUR Tim * OMD <Tim.SEYMOUR@mil.state.or.us>; Eric Bush <bushe@grantcounty-or.gov>; KOHO Lori * PUC <lori.koho@puc.oregon.gov>
Cc: Todd McKinley <mckinleyt@grantcounty-or.gov>; JIMENEZ Doug * OMD <doug.jimenez@mil.state.or.us>; CHAPMAN William * DAS <William.CHAPMAN@das.oregon.gov>
Subject: RE: CenturyLink phones down in area without cell service.

Thank you for including us Tim. I will be reaching out to our contacts at CenturyLink about this situation and will be back in touch.

Lisa

Lisa Gorsuch
Emergency Preparedness Manager
ESF 2 and ESF 12 (Communications and Energy)
Oregon Public Utility Commission
201 High ST SE Suite 100 Salem, OR 97301
(503)510-8769 Cell Phone

(254)377-4022 Satellite Phone

lisa.gorsuch@puc.oregon.gov ** NEW EMAIL ADDRESS **



From: SEYMOUR Tim * OMD <Tim.SEYMOUR@mil.state.or.us>
Sent: Monday, January 31, 2022 8:23 AM
To: Eric Bush <bushe@grantcounty-or.gov>; KOHO Lori * PUC <lori.koho@puc.oregon.gov>; GORSUCH Lisa * PUC <Lisa.Gorsuch@puc.oregon.gov>
Cc: Todd McKinley <mckinleyt@grantcounty-or.gov>; JIMENEZ Doug * OMD <doug.jimenez@mil.state.or.us>
Subject: RE: Centurylink phones down in area without cell service.

Eric – thanks for reaching out. I’ve included our OPUC contacts on this thread as well as our OEM Communications Lead Doug Jimenez for awareness.

Lisa or Lori – What’s the appropriate process for escalating this sort of situation? Is this something you can assist Eric (the new Grant County EM) with getting resolved? Or at least get him in touch with the correct people at CenturyLink to get status updates? If this isn’t the correct process for escalating, can you point us in the right direction?

Thanks,
Tim



Tim Seymour, Response & Preparedness Regional Coordinator
Eastern Region
Operations and Preparedness
Oregon Office of Emergency Management
Mobile: 971-719-0977
tim.seymour@state.or.us



From: Eric Bush <bushe@grantcounty-or.gov>
Sent: Monday, January 31, 2022 08:15
To: SEYMOUR Tim * OMD <Tim.SEYMOUR@mil.state.or.us>
Cc: Todd McKinley <mckinleyt@grantcounty-or.gov>
Subject: FW: Centurylink phones down in area without cell service.

Tim,
See the below message from a citizen in one of our more remote communities. I am personally aware of how difficult Centurylink can be with regards to their customer service and this long-term landline outage in an area that has very limited cell capability is unacceptable. Does OEM have a public utility POC that could help understand where Centurylink stands on this situation?

Thanks,
Eric

From: Kay Scheurer Steele <scheurersteele.kay@gmail.com>
Sent: Friday, January 28, 2022 7:52 PM
To: Eric Bush <bushe@grantcounty-or.gov>
Subject: Centurylink phones down in area without cell service.

Hello Mr. Bush,

I'm sorry that my first contact with you is in the context of bringing a problem to your attention. I do want to recognize your arrival to this position and to welcome you as our new Emergency Management Coordinator. It is my hope that as monitor of emergency response capabilities for the county, you may be able to help us to elevate the attention of Centurylink managers to make needed repairs and improvements to our area. There are two problems to address as they relate to emergency preparedness. One immediate, and one that has been ongoing for many years now in our northwest corner of the county. First of all, our landlines are currently dead. Secondly, but not necessarily related, the emergency backup batteries in the telephone posts along County Rd 15 are dead. I am providing for your consideration the content of my filing with the Oregon Public Utility Commission, asking them to look into the ongoing deterioration of phone services to our region.

Thank you for your attention and for any suggestions or help you can provide to improve emergency services in the Ritter area.

Sincerely,
Kay Steele
46822 Ritter Rd
Ritter, OR 97856

*"The current outage of phone service is from near Ritter, Oregon to the end of County Rd 15 at the North Fork of the John Day River. This includes at least 12 full-time residences/ranches stretching over a distance of 10 miles. It may be a larger affected area, but I have no way of checking without driving out from my home more than 10 miles. At least two people have driven to cell reception spots to report this outage. I have gone online and accessed Centurylink's website to make a request for repair. I was transferred to at least 3 different agents without getting their acknowledgement that an outage existed within their system. This is in spite of the fact that their website page posted "an outage is reported in your area." Two other neighbors have been dismissed and left without adequate information to satisfy them that immediate attention to the outage will happen in a timely way. They were told that the earliest a repairman would be dispatched is **February 7th**. This is not acceptable. This long delay represents a serious threat to the safety and health of this community.*

Without landline service, we are without the capability of making or receiving emergency calls. There is no cell tower serving this area, with only a couple spots along the county road where bounced signals can provide cell phone reception. Several residents of the area are seniors with health issues and need to be in communication with their doctors and healthcare providers. Last summer I was able to reach a dispatcher to report my husband's heart attack emergency. If this emergency happened now, I could not travel six miles to reach cell phone reception. The current outage this week occurred in the middle of medical consultations with his doctor to address immediate complications about my husband's health. I was able to reach a party at John Day via satellite-texting. She called our doctor on our behalf and explained we are not able to communicate further until our phone service is repaired. There are several elderly residents who live alone out here and whose safety deserves to be considered. Reliable Centurylink phone service is critical to the area.

The second concern is that Centurylink is not maintaining local landline equipment. It is very serious, and during wildfire season it may be more serious than the current phone service failure. Any time there is a lightning strike that causes a brief glitch in electrical power service, Centurylink phone transmitters close down phone service. This happens multiple times throughout the wildfire season. It requires a technician to drive hours to our area to simply flip a transmission switch. Several times in the past five years I have notified Centurylink that the emergency backup batteries within their ground posts along County Rd 15 are dead. It used to be that when there was a power failure there was a period of time

we could still make phone calls to the power company or to an ODF wildfire dispatch center. In one case, an electrical storm caused a power outage. Consequently, due to dead batteries, we were unable to call for emergency help to extinguish a fire spreading from a lightning-struck Ponderosa. We are a FireWise community. The outbreak of fires in our area, which happen several times a year, requires us to be "first responders" to manage lightning strikes until help can arrive. It also is critical that we can implement our "phone tree" to alert neighbors about imminent dangers of a fire spread. Our homes are a minimum of 1/2 mile apart and as much as 2 miles between ranch homes. Without reliable landline phone service, lives are at risk under wildfire conditions.

Please help us to communicate with Centurylink authorities who are virtually insulated from the public by a bank of unhelpful Chat agents. They are the broken link in a community attempting to maintain a chain of safety. Serious repercussions may occur if we cannot get these issues addressed immediately. They cannot afford to ignore upkeep of their services and equipment any longer.

*Thank you,
Kay Steele
46822 Ritter Rd
Ritter, OR 97856*

(541) 421-3912 (landline - may not be reachable due to phone service outage)"

February 17, 2022

Mailing Address:
PO Box 32, Talent,
OR 97540
Service Address:
9334 Wagner Creek Road,
Talent, OR 97540

Oregon Public Utility Commission
Re: RA1 Qwest Corporation dba CenturyLink QC
Docket No. UM 2206

Dear Hearing Panel,

My husband, James Curtis, and I are sixty-seven years of age and have resided at 9334 Wagner Creek Road outside the city limits of Talent, Oregon for nearly twenty-two years. Our initial service was through Qwest, which later became CenturyLink.

I recently retired as a medical transcriptionist, working from home. My husband, Jim, continues to work part-time as a photographer and printer, also from home. Both our jobs require(d) an internet connection for uploading and downloading audio and visual files. Over the years we've experienced marginal service, never having received the speeds we pay for, despite our calls for tech support or requests for billing charges in line with speeds we actually receive.

As well, our landline is through CenturyLink. We have need for a landline because cell service in our area is sketchy and calls are often dropped. At the moment we are in the midst of a major thinning/logging operation in order to prepare for the coming fire season. We have people working with chainsaws and heavy equipment and need a reliable way to call 911 in case of an emergency.

In the past when we have lost service, we have spent an inordinate amount of time on calls with CenturyLink, usually with little resolution, mainly because our calls get dropped after being put on hold while a customer service representative "checks" what the problem might be. When we have to resort to calling about our connectivity problems (when our landline is working), the automated system encourages us to go to their website and "chat" with a bot but how does one go to a website without an internet connection? It's our belief CenturyLink actively discourages customers from reporting outages by forcing us to jump through several hoops to reach a real person, and being put on hold (sometimes for more than half an hour), only to be disconnected with no call back.

On February 7th of this year and during our thinning operation, we lost our landline as well as our internet. Just before we lost internet we were on a "chat" with CenturyLink to alert them to an outage. We knew the outage was not a problem with any equipment at our home because it never is; rather, it's an area outage, which we tried to explain to customer service. However, the service agent insisted she schedule a tech to come out to our house but noted one couldn't get here until Friday, February 11th, nearly five days later.

By Friday morning February 11th, we did have a limping internet connection again but no landline, so I used my cell phone to call CenturyLink and ask when our landline would be back. The service agent told us maybe by the next day, maybe by Monday. She noted it was an area outage they were working on. Through text messages and cell-delivered emails, we got multiple notifications that the tech would

be out Friday and that someone over 18 years of age needed to be present, masked, and practicing social distancing. Friday, came and went. No tech showed or contacted us.

By Monday morning we still had no landline but our internet seemed to be back to its usual sub-standard speeds. On my way to a dentist's appointment that afternoon, I saw a CenturyLink technician working in Talent. I pulled over and told the technician we had not had a landline for over a week now. He said they were wrapping up a repair (the area outage) and thought all customers had service restored. I told him we did not, so he asked for our phone number and said he would give it to his supervisor to check out. Two hours later our landline was back. We now know it's more effective to track down a tech working in our area rather than call customer service. What kind of business plan is that?

On Tuesday there was a power surge (Pacific Power) and our lights flickered off for a few seconds. We began to notice slow loading of websites on our devices and later an inability to stream. We performed download tests, or tried to but there wasn't enough connectivity to perform one. On Wednesday we were able to run tests, which came back showing 0.15 Mbps download and 0 Mbps upload speeds with an Ethernet connection. Today while waiting for the tech (who never arrived or called) tests showed:

Download	Mbps	Upload	Mbps
	0.09		0.66
	0.36		0.53
	0.58		0.76
	1.28		0.66

Today at approximately 3:30 pm our internet service was restored to nearly what we are paying for (1.5 mbps download) though we have never gotten download speeds greater than what we have today, 1.28 mbps. This speed is only for devices plugged into the Ethernet. Our phones and laptops don't get this speed with wifi. It will be interesting to see how much fluctuation in speed we will be experiencing throughout a day and evening.

To illustrate that this is not an isolated incident, it should be noted that in September of 2020, after another loss of service for nearly a week, my husband began communications with CenturyLink's David Copp who explained that the service line we use splits between many customers, and it is our belief our line is oversold, outdated, and needs an upgrade. However, Mr. Copp stated no upgrades were in the works. Frustrated and feeling ripped off, Jim then filed a complaint with the FCC (Ticket No. 4252932) and later received an email from Robert Matthews at CenturyLink who had reviewed the FCC complaint. He was regretful we had any issues and admits "the area is at capacity and customers may experience slow speeds, packet loss and latency during peak hours." He also goes on to claim, erroneously, that their records "indicate the line is currently provisioned at 100% of the 1.5 mbps speed on a very stable line." We were credited \$26.92 on October 20, 2020.

In conclusion I would like to say that not only do we feel we are being robbed of money, we also feel we are being robbed of our time and piece of mind. In the past week we have been stood up by CenturyLink twice after rearranging our schedules to be home when a technician arrives, each time a no-show. We have lost income and experienced extreme frustration. In a heartbeat, if there were an alternative to CenturyLink we would sign up.

But another thing I'd like to say is that each time I was able to talk to a real person at CenturyLink I made sure they understood the angry person they were talking to was not angry at them personally but

at CenturyLink. I also told them I was pretty sure they aren't being paid enough to have to listen to angry customers day in and day out. I believe CenturyLink's practices are toxic to its customers as well as its employees, and at the end of my interactions with a customer service representative I apologize for my tone and encourage them to find other employment for the sake of their own mental health. Surely, having to listen to, lie to, and hang up on angry customers is unhealthful.

Thank you for taking the time to listen to our experiences with CenturyLink.

Sincerely,

Laura (Laurie) Wenzel
James (Jim) Curtis

UM-2206

The following complaint/information includes the following Century Link customers:

485	Little Applegate Rd.	541-899-9989
495	Little Applegate Rd.	541-899-7820
1201	" "	" " 541-899-3910
1275	" "	" " (and) 541-899-3133
1331	" "	" " 541-899-5308
		541-899-6929

- * We have all had intermittent phone outages since Dec 2021. At some point in January we all had increased days of continuous outages with a few hours of intermittent outages (meaning we had more days and hours of continuous outages than of intermittent outages).
- 1/10/22 (Han) until 1/17/22 we had a continuous outage of service
- 2/10/22 (Lohan) until 2/21/22 we have had a continuous outage and it is continuing today
- 2/18/22 all customers, with the exception of 541-899-9989 and 541-899-5308, started to have intermittent outages. The other 2 numbers, just mentioned, continue to have continuous outages at this time

Customers at 485, 495, 1201, ^{and} 1331
Little Applegate have been submitting ~~and~~
repair tickets since Dec 2021, with no
change in service. In January 2022, ^{and Feb 22} we
all continued to submit repair tickets
In Feb. 2022, Customers at 485 & 495
Little Applegate Rd. Submitted repair
tickets on line & via calling Century
link about 1 to 2 times per week.

- The following is just a few of the repair
ticket numbers and dates repair was
supposed to ~~occur~~ ^{occur} (Combined Customers)!

- Repair ticket #s - 0317039
0380961
0379287

- A few dates repairs
~~can~~ schedules
- 1/15/22
- 1/20/22
- 1/25/22
- 2/01/22
- 2/07/22 Case # 24579480
- 2/14/22
- 541-899-9989 spoke to escalator supervisor 2/18/22 (Repair ticket # 0365740)
- 2/22/22

Customers @ 485 and 495 Little
Applegate Rd. Have requested multiple
times that the technician come to
speak with us, after ORS call us,
This has never happened

485 LHM appended
On 2/08/22 I (541-899-9989) spoke
to an Escalation Supervisor, named Connie,
she documented history and promised
that a field supervisor would call me
on my cell phone, which I provided,
and I never receive a phone call.
During that 2/08/22 call she set up a
repair ticket (#0365740) for 2/15/22.
There was never any change in our service.
It was not repaired.

Priscilla here is some
v Additional information info. you may
(or) may not want to include
We have had phone landline problems
off and on since 2016, but
this most recent occurrence is the
worst.

Since 2016 we have had intermittent
and continuous outages that were
much more brief than current;
we all have sound quality issues, from
static, cutting out during calls, &
fax like sound in background; Strange
messages about it's being "out of
service" (or) "can't make call as dialed,"
and getting disconnected during many calls.

Priscilla, please let me
know if you need more details.

Jacki Yvonne Mound
485 Little Applegate Rd.
541-899-9986
541-916-6275 (cell)

Feb. 21, 2022

From: MENZA Candice * PUC
To: MENZA Candice * PUC
Subject: Docket Number UM 2206-additional complaint and comment
Date: Tuesday, February 22, 2022 10:29:47 AM

From: Priscilla Weaver <priscilla@saltmarshranch.com>
Sent: Monday, February 21, 2022 12:47 PM
To: BARTHOLOMEW Joseph * PUC <Joseph.BARTHOLOMEW@puc.oregon.gov>
Cc: Kathy Horner <redg16@aol.com>; REP Marsh <Rep.PamMarsh@oregonlegislature.gov>; HELLEBUYCK Bruce * PUC <Bruce.HELLEBUYCK@puc.oregon.gov>; Goatcher Jill D <jill.d.goatcher@doj.state.or.us>; CONWAY Bryan * PUC <Bryan.CONWAY@puc.oregon.gov>
Subject: Docket Number UM 2206-additional complaint and comment

Good morning Joseph,

ADDITIONAL COMPLAINT:

A couple of days ago I was contacted by a neighbor at the foot of Little Applegate Road seeking help in yet another subset of CenturyLink failures in our area. I had no idea these folks had been without landline service intermittently since mid-December and without any service since at least February 10. I suggested she write down as much detail as she could in the limited time before the meeting tomorrow/today. Her report is attached. She asked that it be filed as part of the record in this case.

Please let me know if you need to have us make a typed copy of this report and we will do so promptly.

ADDITIONAL COMMENT on behalf of all those living out here, and in response to CenturyLink's behavior as contrasted with their written representations to the Commission:

We are deeply troubled at the cavalier attitude of the decision-makers at CenturyLink in failing to respond at all to this ongoing and long-standing outage, much less to respond promptly. Lives remain at risk out here, yet CenturyLink has chosen, for all intents and purposes, to abandon the people submitting this additional complaint.

We need the Commission's help more than ever.

Thanks.

Priscilla Weaver
6268 Little Applegate Road
Jacksonville OR 97530
541-899-1672



Special Public Meeting UM 2206 Qwest Investigation Regarding Service in Jacksonville, OR Commission Workshop Notice & Agenda

Tuesday, August 30, 2022
1:30 p.m.

[Link to Meeting](#)
Call-in: 971 247 1195
ID: 886 9577 9831
Passcode: 4225205644

The Oregon Public Utility Commission (PUC) is hosting this meeting remotely. The meeting is open to the public and accessible to persons with disabilities. To request accommodation, please email puc.publicmeetings@puc.oregon.gov or call 503-378-6611 at least 48 hours before the meeting.

The PUC may enter into an executive session during any public meeting to consider information exempt from disclosure by law under ORS 192.660(2)(f), or to consult with counsel under ORS 192.660(2)(h). **All executive sessions are closed to the general public.**

Reports, Memos, Presentations

These materials will be linked under the appropriate agenda item below when available.

Questions?

Send an email to puc.publicmeetings@puc.oregon.gov or call 503-378-6611.

Public Comment

The public may provide comment in the following ways:


- **By email** – puc.publiccomments@puc.oregon.gov
- **By Mail** - Oregon Public Utility Commission, Attn: Public Comment, PO Box 1088, Salem OR 97308-1088
- **By Phone** - 503-378-6600 or 800-522-2404 or TTY 800-648-3458 weekdays from 8 a.m. - 5 p.m.


Agenda

Public Comment

1. QUEST CORPORATION:
UM 2206 Investigation Regarding the Provision of Service in Jacksonville, Oregon and Surrounding Areas. Commission Workshop

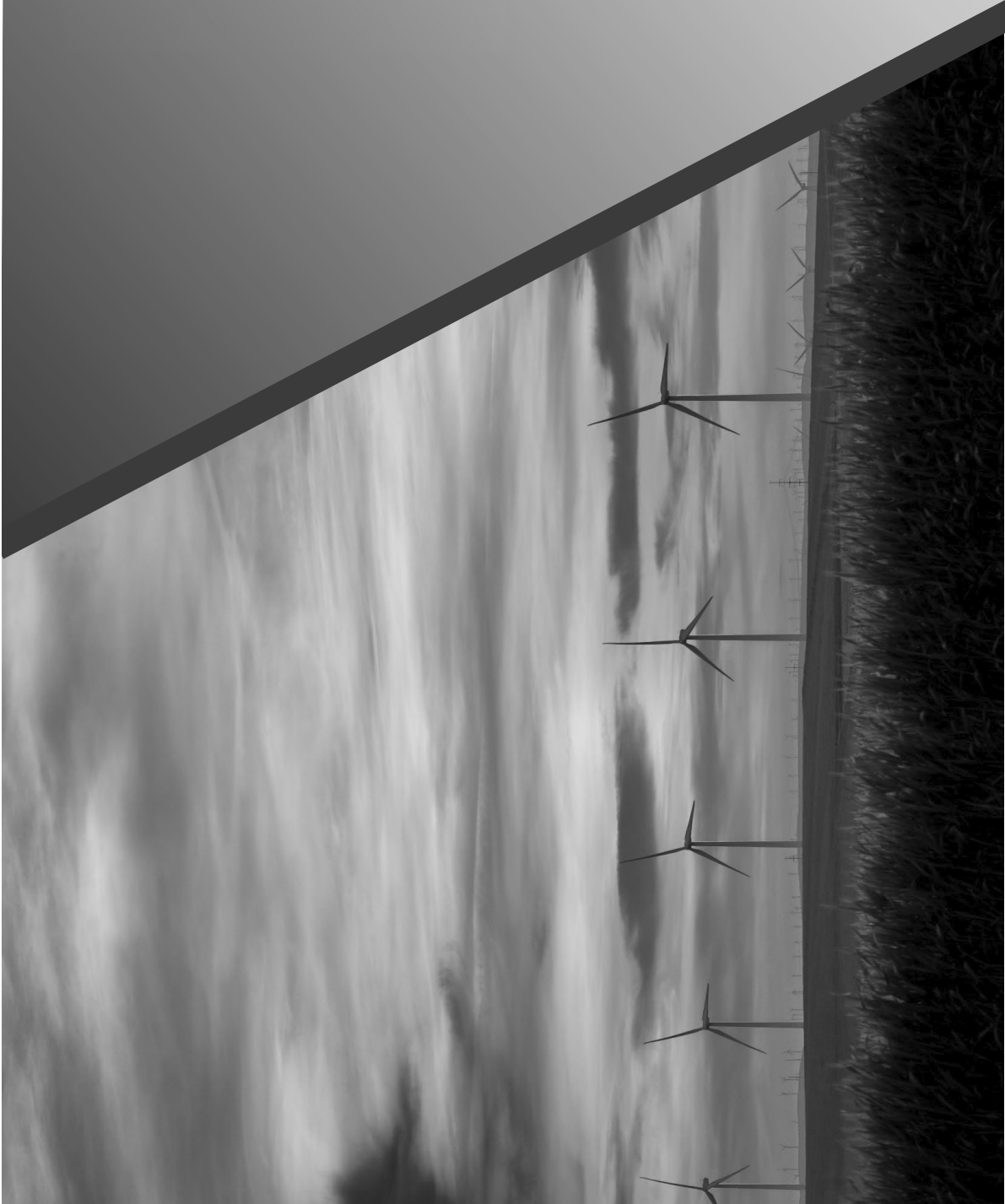
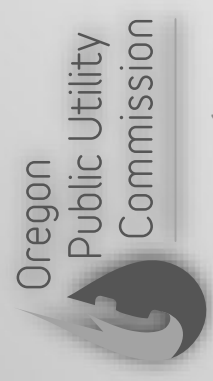
Staff Contact: Joseph Bartholomew, 503-689-4016
Joseph.bartholomew@puc.oregon.gov

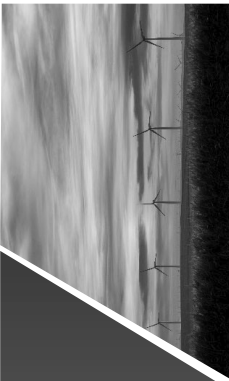
Agenda 

Staff Presentation 

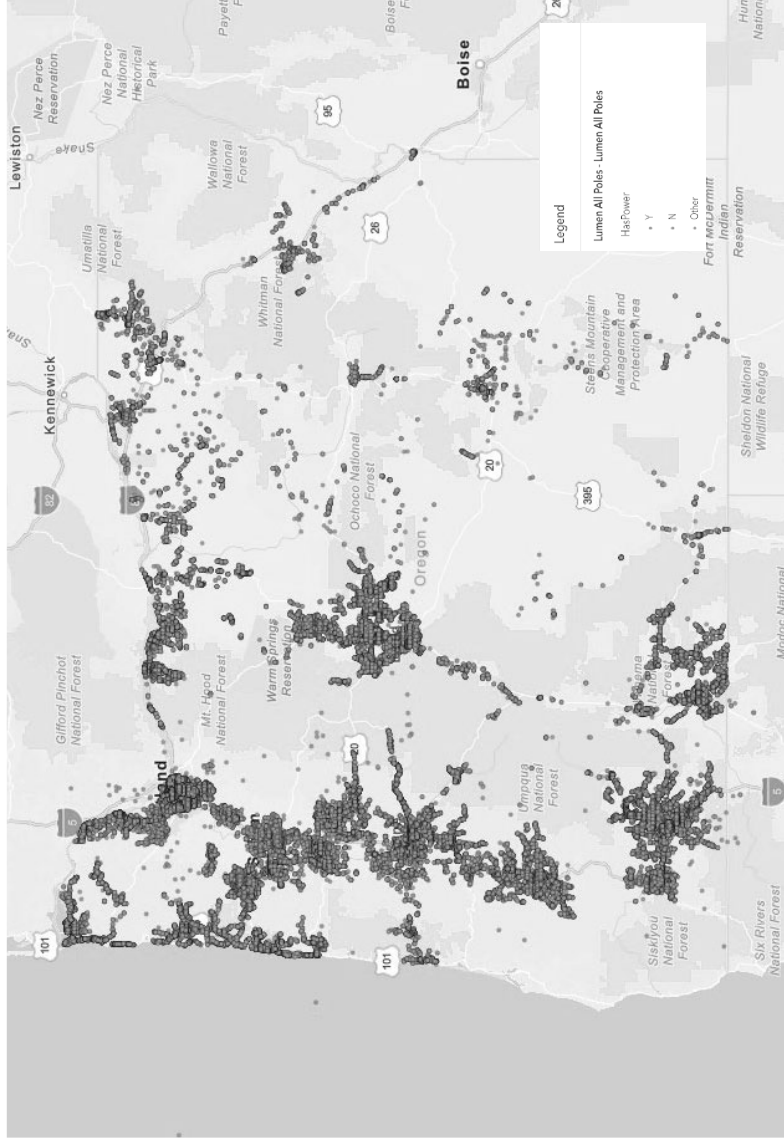
UM 2206 Safety Staff Comments

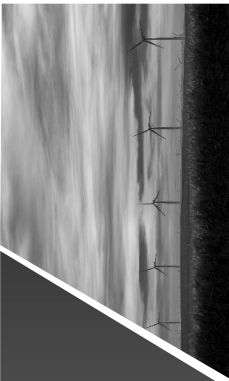
8/30/2022





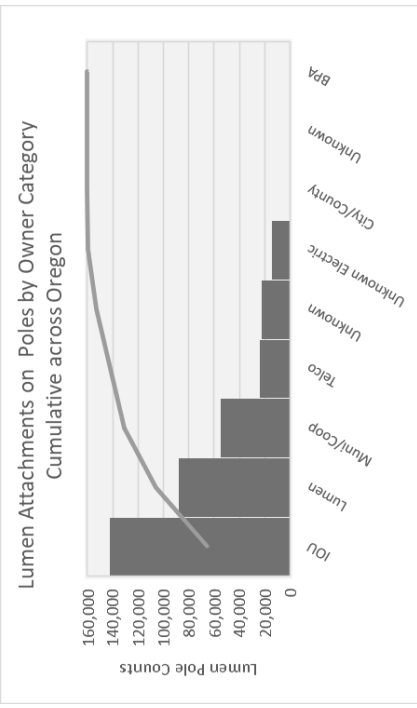
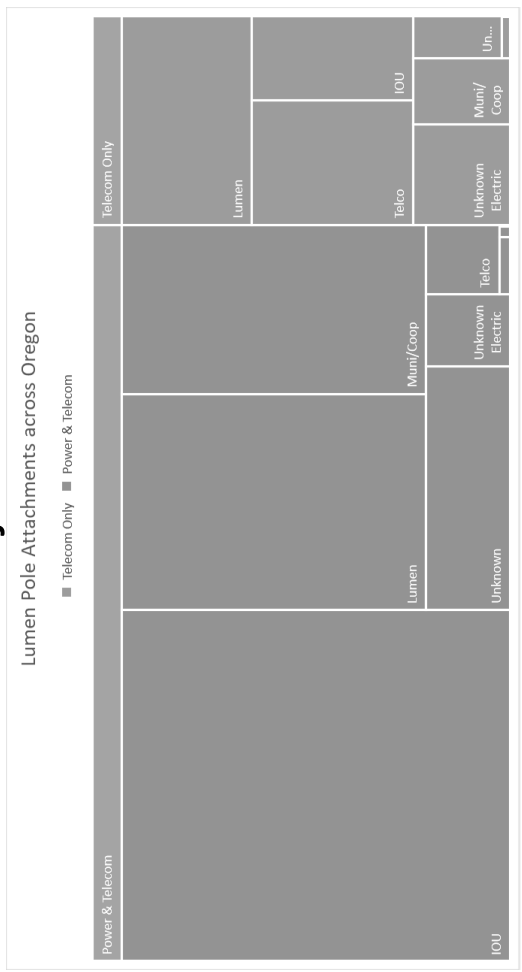
Lumen's Footprint across Oregon

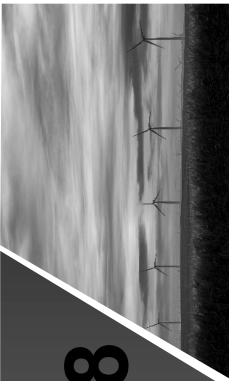




Lumen attachments

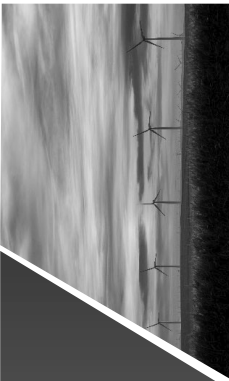
- Across the state Lumen has a very large presence, approx. 350k contacts
- Its primary poles are those owned by electric utilities, with majority being the IOUs
- Lumen also owns a good portion of the poles in the state, some of which are joint with electric and joint with telecom





Requirements in OAR 860-024 & 028

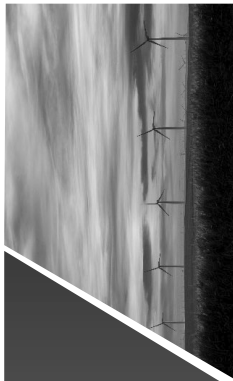
- Since 2008 all operators in the state were required to perform inspection and correction programs, with 10-year inspection cycles and defined approaches for plans of correction, generally expecting that they would be completed within about 2 years
- As of 2018, all operators should have completed their first cycle across the state
- Since summer 2019 OPUC safety staff has been requesting inspection history for audited areas of telecom operators also (previously electric companies were requested to provide such records)
- OPUC safety staff audit operators' programs and convey findings with express requirements regarding corrections
- Audit reports are to be corrected within no more than 180 days unless extensions are requested in writing



Current Audit Report Status

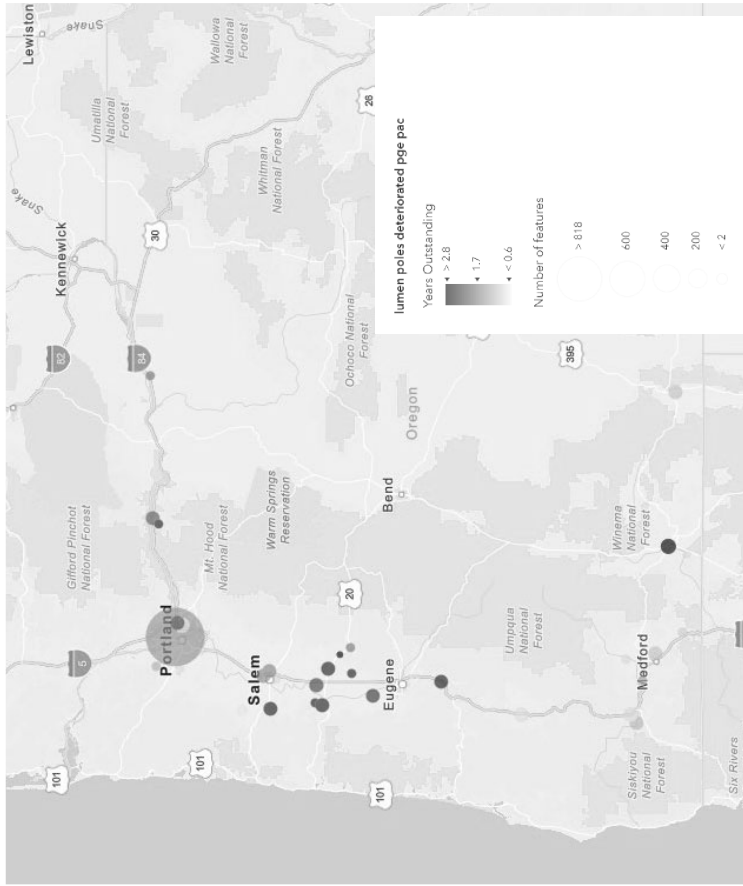
• OPUC safety Staff assembled all open Lumen audit reports; status below

MESC Group Priority Tracking Sheet - Oregon									
Number	Description	Citations Found	Completed	Remaining Corrections	Remaining Pole Transfers	Issue Date	Due Date	Days Past Due	General Location
E19-83PT	PT	169	166		3	11/26/2019	5/26/2020	821	Florence
E20-37PT	PT	95	94		1	5/1/2020	1/4/2021	598	The Dalles
E20-40R	Violations	8	5	3		5/29/2020	2/1/2021	570	Lebanon-Brownsville-Corvallis
E20-59R & PT	V&PT	64	58	4	2	10/23/2020	6/28/2021	423	Hood River - Mosier
E20-66R & PT	V&PT	92	37	15	40	11/20/2020	7/23/2021	398	Portland - Beaverton
E20-70R	Violations	10	3	7		12/2/2020	8/6/2021	384	John Day - Burns
E20-76R	Violations	10	0	10		12/15/2020	8/20/2021	370	Beaverton - TWT
E20-83	V&PT	513	323	6	186	1/9/2021	8/9/2021	381	Portland
E20-92R	Violations	12	6	4		12/29/2020	7/30/2021	391	Bend
E21-02R & PT	V&PT	12	9	3		1/12/2021	8/27/2021	363	Drain - Yoncalla
E21-14R	Violations	8	6	2		3/14/2021	10/12/2021	317	Ashland
E21-19R	V&PT	25	24	1		4/13/2021	11/15/2021	283	Winston-Dillard
E21-31R & PT	V&PT	37	33	3	1	6/4/2021	12/10/2021	258	Astoria-Warrenton
E21-41R	Violations	8	1	7		6/11/2021	12/13/2021	255	Bend
E21-44R	Violations	8	3	5		6/11/2021	12/13/2021	255	Monmouth
E21-52R	Violations	2	0	2		6/30/2021	9/2/2021	357	West Linn
E21-60R	Violations	6	5	1		9/8/2021	3/8/2022	170	Hood River - Odell
E21-74R & PT	V&PT	230	56	9	165	11/24/2021	5/27/2022	90	Klamath Falls
E21-84R & PT	V&PT	31	18	9	4	1/12/2022	7/12/2022	44	Beaverton-Portland
E22-04R	Violations	4	2	2		1/21/2022	7/31/2022	35	Springfield
E22-07R & PT	V&PT	636	315	26	295	2/23/2022	8/26/2022	-1	Leeburg, Walterville, Vida and Eugene
E22-19R & PT	V&PT	37	16	14	7	3/18/2022	9/23/2022	-29	Creswell-Pleasant Hill-Fall Creek-Dexter
E22-23R	Violations	12	1	11		4/15/2022	10/27/2022	-63	Rainier
E22-27R& PT	V&PT	24	1	4	19	4/15/2022	10/27/2022	-43	Rainier
E22-38R & PT	V&PT	22	3	16	3	4/6/2022	10/7/2022	-60	Grants Pass
E22-56R& PT	V&PT	153	51	17	85	4/21/2022	10/24/2022	Complete	Ukiah
E22-47R	Violations	1	1			5/19/2022	11/7/2022	Complete	Ukiah
E22-54R & PT	V&PT	146	28	5	113	6/2/2022	12/5/2022	-102	Jacksonville - Central Point
Summary Status-All Reports		2375	1265	186	924	Percent of Past Due Completed		Average of Past Due Reports	
Summary Status-Due Reports		1344	849	93	402	63%		337	

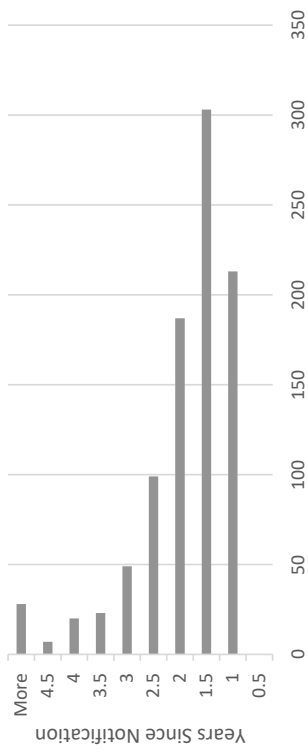


Poles requiring replacement

- OPUC Safety Staff became aware that IOUs had notified foreign pole owners about insufficiently strong poles
- This topic was brought up during AR638 workshops and IOUs were asked to provide lists of notifications and dates



Number of Poles Not Meeting Strength Requirements (owned by Lumen)





Regular Public Meeting Notice & Agenda

Tuesday, September 20, 2022

9:30 a.m.

PUC Hearing Room, 1st Floor

201 High St. SE, Suite 100, Salem, Oregon 97301 [Map](#)

This meeting is open to the public and accessible to persons with disabilities. To request accommodation, please email puc.publicmeetings@puc.oregon.gov or call 503-378-6611 at least 48 hours before the meeting. This room is equipped with Hearing Loop assistive listening technology.

Meetings may be canceled due to inclement weather or other emergencies.

If unable to attend in person, you may:

1. View the meeting live online.
2. **Listen by phone**. Call 866-390-1828 then enter passcode 2252868#.
3. **Comment in writing** before the meeting **or by phone** during portions of the meeting when public comment is allowed – see instructions under “Rulemaking and Regular Agendas – Information”.

The Oregon Public Utility Commission (PUC) may enter into an executive session during any public meeting to consider information exempt from disclosure by law under ORS 192.660(2)(f), or to consult with counsel under ORS 192.660(2)(h). **All executive sessions are closed to the general public.**

Public Meeting Reports

Public meeting reports are linked under each agenda item below when available, generally by the end of the day on the Wednesday before the regular public meeting.

Questions?

Send an email to puc.publicmeetings@puc.oregon.gov or call 503-378-6611

Agenda

General Public Comment

The Commission generally reserves up to 15 minutes at the beginning of each meeting to receive public comments on issues not listed on the agenda. The Commissioners will not engage in a discussion or answer questions.

To assist the Commission in managing public comment, persons wishing to make general public comments in person or by phone should notify the PUC at least 24 hours before the meeting at 503-378-6611 or by email to puc.publicmeetings@puc.oregon.gov.

Public Comment

Consent Agenda (CA)

Items listed below are non-contested matters the Commissioners will consider as a group without public comment or discussion. If you wish to comment on a consent agenda (CA) item, the Commission will consider moving the CA item to the regular agenda for public comment and discussion. Please make this request *no later than noon on the Friday before the meeting* by calling 503-378-6611 or puc.publicmeetings@puc.oregon.gov.

Energy

CA1. PORTLAND GENERAL ELECTRIC:
Docket No. ADV 1422/Advice No. 22-17
Schedule 50 Electric Avenue retail EV charging update.
Effective date: September 21, 2022
Staff contact: Eric Shierman, 971-239-3916
eric.shierman@puc.oregon.gov

CA1 Staff Memo

CA2. CASCADE NATURAL GAS:
Docket No. UF 4333
Requests authority to enter into a revolving credit agreement for a term of up to five years in an amount up to \$125 million.
Staff contact: Matt Muldoon, 971-375-5095
matt.muldoon@puc.oregon.gov

CA2 Staff Memo

CA3. NORTHWEST NATURAL:
Docket No. UM 1027(20)
Reauthorization to defer refunds or collections of Distribution Margin.
Staff contact: Steve Storm, 971-375-5105
steve.storm@puc.oregon.gov

CA3 Staff Memo

CA4. OREGON PUBLIC UTILITY COMMISSION:
Docket No. UM 1432
Establish the Alternative Compliance Payment Rate for 2024 and 2025 Pursuant to ORS 469A.180.
Staff contact: Curtis Dlouhy, 503-510-3350
curtis.dlouhy@puc.oregon.gov

CA4 Staff Memo

CA5. NORTHWEST NATURAL:
Docket No. UM 1496(11)
Reauthorization to defer certain Purchased Gas Adjustment Revenues and Expenses.
Staff contact: Steve Storm, 971-375-5105
steve.storm@puc.oregon.gov

CA5 Staff Memo

CA6. OREGON PUBLIC UTILITY COMMISSION:
Docket No. UM 1631

Request for waiver of net metering aggregation requirement pursuant to OAR 860-039-0065(1)(c).

Staff contact: Ted Drennan, 503-580-6380

CA6 Staff Memo 

CA7. PORTLAND GENERAL ELECTRIC:

Docket No. UM 1827(5)

Requests authorization to defer costs associated with the PGE demand response Water Heater Pilot.

Staff contact: Kathy Zarate, 971-239-7395

kathy.zarate@puc.oregon.gov

CA7 Staff Memo 

CA8. OREGON PUBLIC UTILITY COMMISSION:

Docket No. UM 1930

Criteria for carveout-eligible projects in the Community Solar Program interconnection queues.

Staff contact: Joe Abraham, 503-428-0699

joseph.abraham@puc.oregon.gov

CA8 Staff Memo 

CA9. OREGON PUBLIC UTILITY COMMISSION:

Docket No. UM 1930

Extension of Community Solar Program renewable energy credit reporting deadline for 2021-2022 Program year.

Staff contact: Joe Abraham, 503-428-0699

joseph.abraham@puc.oregon.gov

CA9 Staff Memo 

Telecommunications

CA10. OREGON PUBLIC UTILITY COMMISSION:

Docket No. UM 940

Establishes the gross revenue fee level for telecommunications providers for 2023.

Staff contact: Laurel Anderson, 971-375-5059

laurel.anderson@puc.oregon.gov

CA10 Staff Memo 

CA11. OREGON PUBLIC UTILITY COMMISSION:

Docket No. UM 2235

2022 Annual Certification of Eligible Telecommunications Carriers.

Staff contact: Julie Jent, 503-689-2437

julie.jent@puc.oregon.gov

CA11 Staff Memo 

Rulemaking and Regular Agendas - Information

The Commissioners will individually address each item listed under the Rulemaking Agenda (RM) and Regular Agenda (RA). The process for each agenda item is identified as: (a) *Public Hearing*, (b) *Commissioner Work Session*, (c) *Public Hearing and Commissioner Work Session*, or (d) *Informational Only*, in which comments are limited to invited presenters.

Public comment is allowed for all *Public Hearing* agenda items. Ways to comment:

- **In person** – Fill out an appearance slip and give it to the assistant at the front of the room before the meeting begins.
- **By phone** – Call 866-390-1828 then enter passcode 2252868#. To assist the Commission in managing public comment, please notify the PUC 24 hours in advance that you intend to comment or are available to answer questions by phone (503-378-6611 or puc.publicmeetings@puc.oregon.gov).
- **In writing** – Email written comments to puc.filingcenter@puc.oregon.gov. In the subject line, list the public meeting date, agenda item number (i.e., RM #_, RA #_), and docket number. *Comments received after noon the day before the Public Meeting may not be considered by the Commission.* If you want your comments posted online, please submit them as a Word document.

You may also contact the person listed under a specific agenda item with questions or comments, but Commissioners will not see materials sent to the listed contact person.

Rulemaking Agenda (RM)

RM1. ADMINISTRATIVE HEARINGS DIVISION:

Docket No. AR 653 – Commissioner Work Session

Strengthening Customer Protections Concerning Disconnections.

AHD contact: Sarah Spruce, 971-388-6275 sarah.spruce@puc.oregon.gov

[RM1 Staff Memo](#) 

Regular Agenda (RA)

RA1. LUMEN:

Docket No. UM 1908 - Public Hearing and Commissioner Work Session

Proposed Commission action pursuant to ORS 756.515 to suspend and investigate Lumen's price plan.

Staff contact: Marc Hellman, 971-239-2561

marc.hellman@puc.oregon.gov

[RA1 Staff Memo](#) 

[Priscilla Weaver's Supplemental Comments](#) 

[Rep. Marsh Public Comment](#) 

[Sen. Jeff Golden Comments](#) 

ITEM NO. RA1

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: September 22, 2022**

REGULAR X CONSENT _____ EFFECTIVE DATE _____ N/A _____

DATE: September 14, 2022

TO: Public Utility Commission

FROM: Marc Hellman, Heide Caswell, and Jill Goatcher

THROUGH: Bryan Conway **SIGNED**

SUBJECT: LUMEN:
Docket No. UM 1908
Proposed Commission action pursuant to ORS 756.515 to suspend and investigate Lumen's price plan.

STAFF RECOMMENDATION:

Staff recommends that the Commission modify, through extension, the original four-year term of Lumen's (formerly QWEST CORPORATION, UNITED TELEPHONE COMPANY OF THE NORTHWEST, CENTURYTEL OF OREGON, and CENTURYTEL OF EASTERN OREGON) price plan, that was approved in Order No. 18-359 (Price Plan), for a period not to exceed nine months in order for the Commission to investigate whether the Price Plan is in the public interest according to the criteria set forth in ORS 759.255(2); and if not, what change in provisions are recommended. To address service quality issues experienced by customers in Jacksonville in the near-term, Staff also recommends that the Commission direct Lumen to set up, staff, and report on a 24/7 Dedicated Line for the duration of the investigation.

DISCUSSION:

Issue

Whether further adjustments to or termination Lumen's Price Plan is required by the public interest according to the criteria set forth in ORS 759.255 due to issues that Lumen customers and Staff have reported in Docket No. 2206, Investigation Regarding the Provision of Service in Jacksonville, Oregon, and Surrounding Areas.

Docket No. UM 1908
September 14, 2022
Page 2

Applicable Rule or Law

ORS 756.515(1) provides that whenever the Commission believes that “any service is unsafe or inadequate, or is not afforded, or that an investigation of any matter relating to any public utility or telecommunications utility...the Commission may on motion summarily investigate any such matter, with or without notice.” Upon investigation, without notice or hearing, the Commission may make any findings and orders it deems justified or necessary as provided in Subsection (4).

ORS 759.255 allows a telecommunication utility to petition the Commission for Price Plan under which the Commission regulates the prices the utility charges without regard to the return on investment of the utility. Subsection (2) of the statute states that the Commission must find that the plan is in the public interest before approving the plan. The statute directs the Commission to consider, among other things, four criteria for whether the plan: (1) Ensures prices for telecommunications services that are just and reasonable; (2) Ensures high quality of existing telecommunications services and makes new services available; (3) Maintains the appropriate balance between the need for regulation and competition; and (4) simplifies regulation.

The Commission approved the Price Plan that is currently in effect for Lumen in Order No. 18-359. Under the terms of the stipulation, the Price Plan will automatically renew for another four-year term on September 28, 2022. The terms of the current Price Plan for Commission Review include the following:

- i) The Commission shall review CenturyLink’s performance under the Plan every four years on the basis of the Performance Report described in Section 3(c), any other relevant evidence regarding the competitiveness of the market for suitable services and any other relevant factors.
- ii) The Commission may open an investigation at any time pursuant to ORS 756.515 to determine whether further adjustments to the Plan or termination of the Plan is required by the public interest/ according to the factors set forth in ORS 759.255(2). The Commission may order further adjustments to the Plan or termination of the Plan only after providing CenturyLink with notice and the opportunity for a hearing. In any such investigation and proceeding/ the Joint Parties agree that the Commission should first attempt to identify and require adjustments to the Plan such that the continuation of the Plan is in the public interest before it orders termination of the Plan.

Docket No. UM 1908
September 14, 2022
Page 3

iii) If the Commission orders termination of the Price Plan/ CenturyLink may thereafter pursue any form of price regulation or relief therefrom then permitted under Oregon law, including but not limited to: exemptions from regulation pursuant to ORS 759.052; price listing pursuant to ORS 759.054, 759.056/ and/or 759.195; rate regulation pursuant to ORS 759.175-759.190; another price plan pursuant to ORS 759.255; price cap regulation pursuant to ORS 759.405-759.410, or any other relevant statute.

iv) If the Commission orders early termination of the Price Plan/ the Parties agree that the Commission may also/ in the same proceeding/ adjust CenturyLink's rates to ensure that CenturyLink's rates are just and reasonable/ and the Parties agree not to advocate for rates that are lower than those that were in effect one year prior to the initiation of the proceeding to terminate the Plan. CenturyLink would no longer be able to increase its rates as it was permitted to do under the Price Plan, but CenturyLink would be allowed to decrease its rates subject to any applicable price floor.¹

Analysis

Background

Lumen petitioned the Commission to amend its Price Plan on December 27, 2017. In Order No. 18-359, on September 28, 2018, the Commission approved the Price Plan, stipulation, and supporting testimonies that parties submitted. The initial term of the Plan is four years, and it renews automatically for successive four-year terms unless suspended or modified by the Commission.¹ The Price Plan includes a section for Commission review of the Plan. That section sets out the process for investigation, modification, and suspension of the Plan. Additionally, the terms of the Plan state that the Commission may open an investigation at any time pursuant to ORS 756.515 to determine whether further adjustments to the Plan or termination of the Plan is required by the public interest, according to the factors set forth in ORS 759.255(2). The Commission may order further adjustments to the Plan or termination of the Plan only after providing CenturyLink with notice and the opportunity for a hearing.²

On December 9, 2021, Staff recommended that the Commission open an investigation into Lumen's provision of telephone service in the area of Jacksonville, Oregon and surrounding areas based on historical and ongoing safety and reliability issues that experienced by customers. The Commission approved Staff's recommendation in Order No. 21-470.

¹ See Order No. 18-359 at 2.

² See Order No. 18-359, Appendix A, Proposed Price Plan at 2-3.

Docket No. UM 1908
September 14, 2022
Page 4

On February 14, 2022, Staff gave a report to the Commission on the status of its investigation. In that report, Staff informed the Commission of steps that Lumen had taken to solve the service issues in Jacksonville, and what steps still needed to be taken to make sure that the service issues were adequately addressed. Staff also reported to the Commission that Lumen customers in other parts of rural Oregon had also been experiencing serious safety and reliability issues. The Commission directed Staff to update the Commission on these service quality issues and present options to solve ongoing service quality problems at a Special Public meeting on August 30, 2022.

At the Special Public Meeting, Staff reported on the status of Lumen's service in Jacksonville and the other rural areas experiencing service quality issues. During the Public Meeting, a Lumen customer who has represented the Jacksonville customers, Priscilla Weaver, offered public comments informing the Commission that they continue to experience severe service quality problems that endanger the health and safety of the customers in Jacksonville due to the lack of alternative telephone service or internet in the area. Additionally, Staff presented a report on the safety issues and violations posed by Lumen's facilities, including its poles. Lumen's representative spoke on steps that they are taking to address both the service quality issues and the pole safety violations, and stated they were unaware of the ongoing issues in Jacksonville.

Staff counsel presented the Commission with options it could consider to address the Company's issues with service quality and safety. These options included:

1. Investigating the Company's price plan to see whether further adjustments to the plan or termination of the plan is required by the public interest. One of the criteria that the Commission evaluates the plan for to determine whether the plan is in the public interest is whether the plan "[e]nsures high quality of existing telecommunications services and makes new services available."³
2. Resume work in Docket No. AR 624, revisions to telecommunications company service quality rules.
3. Address safety issues with electric utility attachment to Lumen poles through the Price Plan or fines.

The Commission invited Staff to present a formalized recommendation, which is the purpose of this memo.

Modification of Lumen's Price Plan to Extend the Original Term Period for Investigation
Under the terms of the Price Plan, the Price Plan automatically renews for an additional four-year term on September 28, 2022. Staff recommends that the Commission modify the original term of the Plan for a period not to exceed nine months. This modification

³ ORS 756.515(2)(b).

Docket No. UM 1908
September 14, 2022
Page 5

would allow the Commission time to investigate whether the current Price Plan is in the public interest, while also giving Lumen a time frame wherein they can expect a Commission decision. Additionally, by extending the Price Plan Lumen would be precluded from increasing prices for residential customers. Staff has spoken with the Company and Lumen supports this request for extension thereby modifying the Price Plan.

Under the terms of the Price Plan, the Commission must provide the Company with notice and the opportunity for a hearing before ordering further adjustments to the Plan. This public meeting memo and public meeting provide the Company with the required notice and hearing before this temporary adjustment goes into place, satisfying the term of the Price Plan.

Investigation of Lumen's Price Plan

Based on Staff's investigation and customer complaints throughout Docket No. UM 2206, Staff believes that Lumen is experiencing operational issues with service quality, and safety; and that the Price Plan should be investigated to determine whether it is in the public interest. Staff provides an overview of the service quality and safety issues that justify the Commission's investigation, as well as a recommendation for the scope of the Commission's investigation.

Service Quality Issues Justify an Investigation into the Price Plan

As explained above, historical and ongoing service quality issues were the reason that Staff requested to open an investigation into the service quality in Jacksonville and the surrounding areas. It has been clear to Staff that the service quality issues experienced by Lumen customers are present in multiple wire center locations of Lumen's service territory and are not easily—or permanently—resolved. In the Special Public Meeting, Staff Counsel outlined a history of Lumen and Lumen-owned Company issues with service quality. Current service quality issues experienced by customers present routine danger with being able to call for emergency services, as many of these customers rely solely on their land line service to contact such services. As demonstrated by customer comments, wildfires, and heavy smoke present even greater danger if land line service is not working.

In the time between the Special Public Meeting on August 30 and this memo, the customer representing Jacksonville, Priscilla Weaver, has filed a series of comments in this docket (included herein as Attachment A). In her comments, Ms. Weaver requests immediate action from the Commission to provide interim relief to customers in Jacksonville that are still experiencing an outage in a time of heavy wildfire and smoke danger. On September 1, 2022, Ms. Weaver described how the Company has been unresponsive to customers' reports of outages, including cancelling repair tickets

Docket No. UM 1908
September 14, 2022
Page 6

without responding to the outage. On September 2, 2022, Ms. Weaver described how they had no phone service while engulfed in extreme wildfire danger from a wildfire nearby, with many customers solely relying on their non-functioning landline service to reach 911 in the case of wildfire, health, smoke, or any other emergency. On September 3, 2022, Ms. Weaver described customers in Applegate that had lost service on August 30, and were told that the repair would not take place until September 7.

In summary, Staff remains concerned about the service quality that Lumen is providing to its customers and believes that the Price Plan, in its present form, may no longer be in the public interest.

Safety Issues Justify an Investigation into the Price Plan

Lumen has demonstrated what appears to be a history of non-conformance with OARs related to pole safety and maintenance. Since 2008, operators in Oregon have been required to inspect ten percent of their poles or attachments annually to ensure compliance to OAR 860-024, which reference the National Electric Safety Code. These operators are required to subsequently correct defects or violations to resolve any non-compliance with the rules, the timing of which is included in Division 24 (for self-identified issues). Since many poles are jointly used by power and telecommunications operators, OAR 860-028 describes the process for notification of found violations and the timing for correction or response should an extension be required, which results in a plan of correction that must be approved by other affected parties on or owning the pole. At the end of 2017, the entire state should have been fully Inspected and given the correction timeframe (generally a two-year period, at most). By the end of 2019, many areas should have shown visibly fewer non-compliances with the regulations.

A key deliverable provided by the Commission Safety Staff is periodic audits around the state to determine the level of compliance to the code. The process for these audits is the following: Staff begins by identifying areas inspected more than two years before, and requests maps displaying locations of assets. After the field visit is conducted, Staff requests records for each visited pole and compare records against their field observations. This is then summarized in a report, focusing on evaluating the inspection accuracy as well as the correction accuracy and completeness which is communicated to each operator. Generally, the reports specify corrections are to be completed within 180 days. However, if there is a dispute about the citation, the recipient is advised to submit in writing within 30 days of receipt. Coordination between operators may be required which can create challenges meeting the 180-day deadline. Therefore, recipients are offered the opportunity to request a deadline extension by written submittal.

Docket No. UM 1908
September 14, 2022
Page 7

With that background, the performance delivered by Lumen has resulted in concerns regarding several different aspects. First, Lumen is a substantial owner of poles across the state, with almost 100,000 poles. It also is a large joint user on poles owned by other utilities. Second, it is a large joint user on 250,000 poles that are owned by investor-owned electric utilities.

For those poles Lumen owns, it has an obligation to ensure they are structurally sound. During Docket No. AR 628, Commission Safety Staff requested information from the electric utility regarding their inventory of poles owned by telecommunications companies, including Lumen. It was found that approximately 900 poles had been identified by the electric utility as structurally unsound and that Lumen was notified. In some cases, Lumen had been notified of the issues with their poles as early as 2014, and the electric utilities have still not received a response. OPUC Safety Staff have just received information on these structurally unsound poles, but there appears to be substantially different findings from the same contracting organization, leading to some concern by Staff.

Additionally, further analysis by OPUC Staff audits was completed and Staff determined that Lumen had completed just under two thirds of the required corrections dating back to 2019, and that the average age of outstanding reports was approximately 357 days. Lumen did not request an extension or produce a plan of correction to provide clarity about its intentions to resolve these violations in any of these reports.

Staff believes that the safety issues posed by Lumen's failure to correct or even respond as required by the rules demonstrates that Lumen is not focused on its Oregon operations to the extent necessary to ensure the safety of its customers or in the provision of services. Staff recommends that this issue be investigated as a part of the Price Plan to determine whether the service quality of its poles are in the public interest, and if the Price Plan should be modified or terminated accordingly.

Proposed Scope of Investigation

In summary, based on the service quality and safety issues summarized above Staff recommends that the Commission investigate Lumen's Price Plan to determine whether the plan is in the public interest in its current form, or should be modified or terminated. To be in the public interest, the Price Plan must ensure a high quality of existing service and make new service available to customers.⁴ Based on the UM 2206 investigation, Staff proposes the following scope for the Commission's investigation:

⁴ Id.

Docket No. UM 1908
September 14, 2022
Page 8

1. Investigate the service quality issues reported by customers and identify what company-produced reports should be required to monitor service quality provided to customers.
2. Consider to what extent various pole inspection, maintenance and replacement issues pose a risk to safety or reliability and whether this activity should be an added component to the Price Plan.
3. Develop specific service quality performance benchmarks as needed to capture issues of concern to customers and add them to the Price Plan.
4. Consider to what extent pricing flexibility afforded in the Price Plan should be subject to service quality and other Company performance.
5. Consider how the Price Plan interacts with the Oregon Universal Service Fund.
6. Meet with stakeholders and the Company to collaboratively develop recommendations to modify or terminate the current Price Plan, including revising current reporting requirements.

Immediate Company Action to Address Outages in Jacksonville

Staff agrees with Ms. Weaver's recommendations for near-term solutions to address the service quality issues that present immediate danger to customers in Jacksonville.⁵ Staff recommends that the Commission direct the Company to do the following:

1. Within seven days, Lumen must:
 - a. Establish a 24/7 dedicated number (Dedicated Number) for any customer that is experiencing an outage or service quality issue (Affected Customer) to call, including holidays;
 - b. Ensure that the Dedicated Number is staffed so that immediate initiation of onsite repair results from calls;
 - c. Take other steps as necessary to ensure the Affected Customers' outage/service quality reports will be treated as high priority for immediate resolution;
 - d. Provide notice to each Affected Customer informing them of the new Dedicated Line, how to use it, and what Lumen's response to calls will be.
2. Within 14 days, Lumen shall provide the Commission a report confirming it took the steps laid out in No. 1. The report should include a copy of the notification to Affected Customers and a detailed description of the processes Lumen has put in place for assuring the immediate initiation of repair response when calls are received on the Dedicated Line.
3. The Dedicated Line and expedited response mechanisms will remain in effect until the conclusion of this investigation.

⁵ See Attachment A.

Docket No. UM 1908
September 14, 2022
Page 9

Conclusion

Staff believes that the service quality and safety issues described above justify opening a Commission investigation into whether Lumen's price plan is in the public interest as required by ORS 759.255. To give the Commission time to investigate the Plan, Staff recommends that the Commission modify Lumen's Price Plan to extend the original term of four years to be no longer than four years and nine months. Finally, Staff recommends that the Commission direct Lumen to set up, staff and report on a 24/7 Dedicated Line so that customers have responsive and fast resolution of outage reports in the near-term.

Staff has discussed with Lumen representatives the proposal to extend the original four-year term of the current Price Plan by up to nine months for purposes of investigating the Plan and Lumen supports that recommendation.

PROPOSED COMMISSION MOTION:

1. Modify Lumen's Price Plan to extend the original term of four years to be no longer than four years and nine months;
2. Open an investigation Lumen's Price Plan to determine whether the Price Plan is in the public interest according to the criteria set forth in ORS 759.255(2); and if not, what modifications may enable a finding that such a modified plan is in the public interest; and
3. Direct Lumen to set up, staff, and report on a 24/7 Dedicated Line for the duration of the investigation.

September 18, 2022

Commissioner Megan Decker, Chair
Commissioner Letha Tawney
Commissioner Mark Thompson
Oregon Public Utility Commission

Re: Supplement to original complaint dated November 21, 2021 in UM 2206

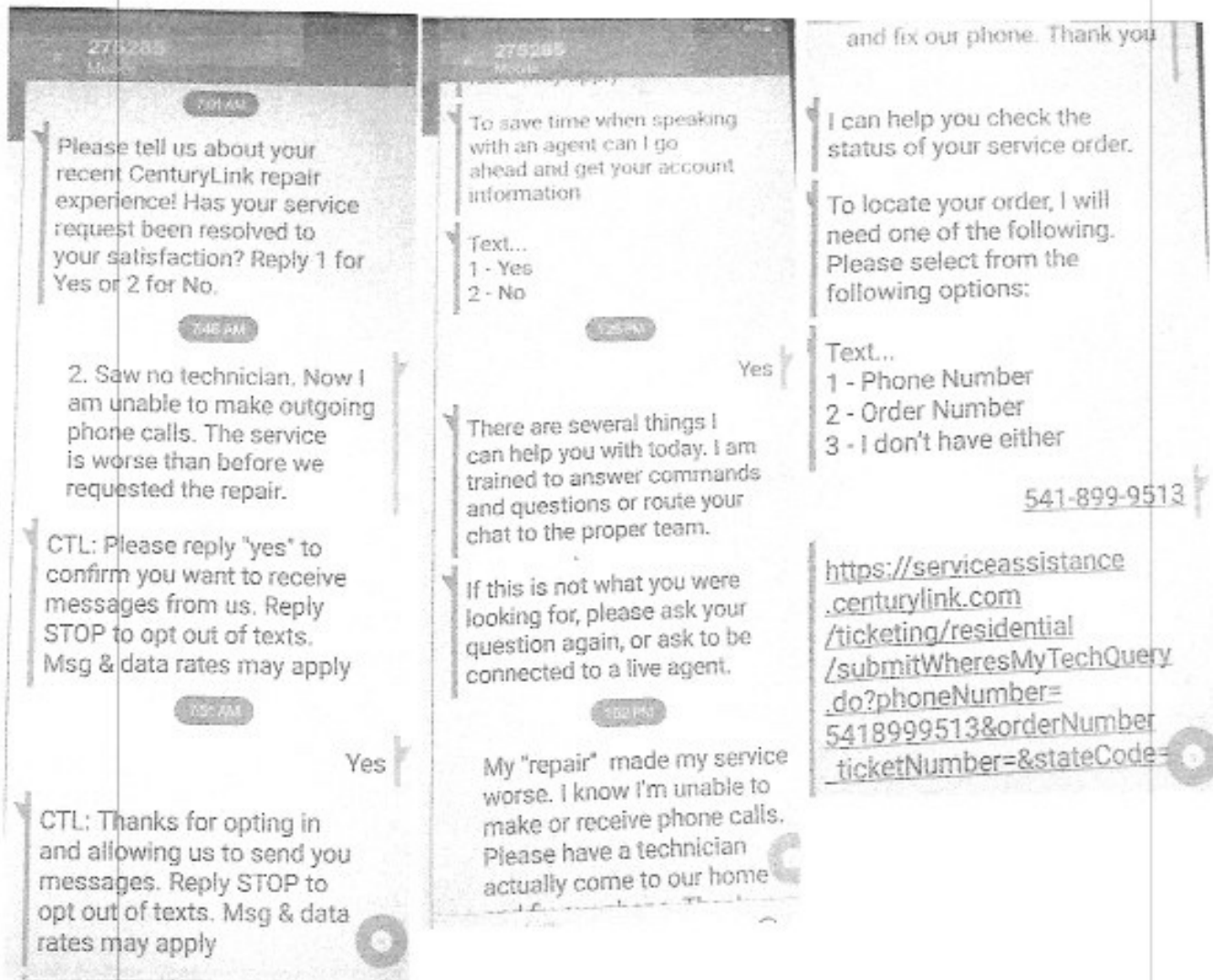
The complainants in this matter file this supplement to their original complaint to urge the PUC to adopt, and immediately implement, the final recommendation on page 8 of the Staff Report dated September 14, 2022, for consideration at the meeting noticed for September 20, 2022, at 9:30 a.m. The recommendation begins with the headline on page 8: *"Immediate Action to Address Outages in Jacksonville."*

Complainants asked for this relief – a direct, staffed telephone number for the CenturyLink/Lumen land line customers in the area addressed in UM 2206, including the areas served by RT 2900 and RT 2600 -- in their original complaint filed ten months ago (see below). In those ten months, over a dozen multi-day outages have occurred and each time, each individual customer is required to spend literally hours trying to get through to either an operator on the general 800 number or in a text "chat," precious hours that could have been devoted to CenturyLink actually repairing their equipment and making their system operational. Every time, the customer is told they cannot report a widespread outage and their only choice is to accept an individual repair ticket for a technician to come to their address, not to the various terminals implicated in a widespread outage. Every time they are told they must be home. Every time they are told a \$99 charge will apply if it is the customer's fault. Yadda, yadda, yadda.

There are dozens of examples of this ridiculously inefficient and dangerously slow way of reporting what is always an area wide outage. We attach but one example to this supplement, that of customers Hadden & Sartorio at 4035 Little Applegate Road, telephone 541-899-9513. Earlier this week, when their incoming phone calls dropped after a few words, they obediently contacted the general 800 number, patiently waited through all the stock language that does not apply to our repeated outages, and accepted a repair ticket. They stayed home all day on the assigned date, but no one showed up. To make matters worse, their outgoing calls also began to drop off. If a CenturyLink technician showed up somewhere to investigate their repair ticket, it only made matters worse. And so, early Friday morning (Sept 17), they initiated a "chat" with CenturyLink online. Their attempt to get the message across follows. Among other things, it took nearly an hour before the operator told them he couldn't help them because he was an internet technician, not a phone technician!

Page 1 of 8

Requiring CenturyLink/Lumen to provide a direct reporting line as outlined in the Staff Recommendation is fully warranted and long overdue. We respectfully request that the order be entered forthwith.



Visit this link to view your order information

If you'd like additional assistance, please select from the following options, or just type your next question:

Text...

- 1 - My appointment is past due
- 2 - I need to make a change
- 3 - Where's my modem
- 4 - I need the technician to return
- 5 - I did not schedule an appointment
- 6 - Agent
- 7 - All done!

4

Let's pull up your account details.

Please enter one of the following: Your account number, telephone number, or email address.

Thank You. Give me a moment while I pull up your account.

I understand you are inquiring about making an appointment.

What can I help you with today:

Text...

- 1 - I want to order new products or services
- 2 - I am moving to another address
- 3 - I need to schedule a repair of existing service

3

Please wait while I check for an available Agent. Typically, response is within a few minutes.

Okay

Hi. Thank you for contacting CenturyLink. While I am pulling your account information, could you please help me with your alternate callback number?

your alternate callback number and account number?

541-941-2226

account number?

5418999513

Can you please tell me your service/billing address?

4015 Little Apple Gate Rd
Jacksonville OR 97530

Thank you for the details.

Nice to meet you. What can I do for you today?

A tech supposedly made a repair to our phone service yesterday. Today our service is worse and are now unable to make outgoing or receive incoming calls. Our previous problem was only that occasional calls got dropped now our service is worse than before our supposed repair. Nice to meet you today

I apologize, I mostly handle queries about internet issues. Can I get one of my tech experts to help you with this issue?

Yes, this is crazy this has always been a phone issue!

Original complaint to which the foregoing is a supplement:

November 21, 2021

Commissioner Megan Decker, Chair
Commissioner Letha Tawney
Commissioner Mark Thompson
Oregon Public Utility Commission

Re: Critical CenturyLink land line telephone issue in rural southern Oregon

Dear Commissioners Decker, Tawney, and Thompson:

We write as two of the approximately 60-80 households on Little Applegate and Yale Creek Roads near Jacksonville, Oregon. We need your help getting us reliable and consistent land line phone service so that we can access 911 in emergencies.

People's lives out here are at stake. Because we have only our CenturyLink land lines to reach 911 as described below, we are in an unusually vulnerable, perhaps unique, telecommunication "desert." Our land lines are ancient and unreliable and prone to multiple-household outages. To make matters worse, there is no battery backup during power outages. When outages are due to broken equipment, CenturyLink's repair response is slow and unpredictable, often taking many hours to initiate and then days stretching into months to complete. Every outage is a potential human disaster as we wait for our land line service to be restored ... again.

This is not hyperbole or hysteria. We have had ten widespread outages so far this year (listed below), one lasting for 4+ days, another for 8+ days! For us, this is a life and death matter, with a recent close call described below. Without your intervention, CenturyLink will not upgrade our lines nor restore the backups and safeguards that would lessen the risk of catastrophe for lack of access to 911.

HOW THE PUC CAN HELP US NOW

The permanent "fix" for our old copper land lines is replacement with fiber optic cable. For now, we ask you to exercise your authority over land lines by requiring CenturyLink to take the following steps to minimize outages and to provide prompt and effective repairs:

1. Restore the backup battery/generator safeguards that CenturyLink allowed to go dormant for failure to replace or maintain them. These are essential backup when an outage is due to an electrical power failure. CenturyLink's failure to keep this basic safeguard in place is knowing and puts our community at continuing, preventable risk.

Page 4 of 8

2. Restore the remote monitoring capability that was removed or allowed to become inoperable. It is our understanding that this system automatically alerts the land line provider when our phones go out so that repairs can be undertaken promptly. We need this automatic notification system because CenturyLink also will not provide us with a 24/7 dedicated phone line direct to the department at CenturyLink used for widespread outages and that has the authority to initiate immediate repair.

We further ask the PUC to put in place an ongoing monitoring or oversight mechanism to which we can turn if CenturyLink does not meet its obligations under the foregoing two points. Until fiber optic can be laid, we remain at the whim of CenturyLink's corporate priorities, which do not include maintaining reliable land line service. To the extent the PUC has issued fines to CenturyLink for failure to maintain in the past, the fines have not been effective.

JUSTIFICATION:

OUR LIVES DEPEND ON OUR LAND LINES

No cell service through towers. We are located in a small river valley with no good sight lines (geography). Our numbers are small compared to the larger, more lucrative markets (economics). For these reasons, there are no towers to provide us with direct cell phone service.

Broadband not robust enough to support cell service. Other than a few of us lucky enough to get in on the nascent StarLink satellite service still in the testing stage, none of us have access to internet/broadband strong enough to support cell service, much less 24/7 service. There is no fiber optic cable and the existing satellite services often hover around 1Mbs. You read that correctly – one. That leaves us at the mercy of our antiquated land lines.

Time-consuming, inefficient and ineffective reporting mechanism. When our land lines go out, and because we cannot reach 911, someone in the household other than the person having a heart attack or a stroke or respiratory failure or not as mortally injured in a car accident must drive a minimum of 12 and from some homes up to 25 minutes to the hamlet of Ruch. Ruch has a fire station and we usually are able to make cell phone calls tin Ruch. Emergencies cannot wait, of course, for the hour it takes to make the 911 call and have help arrive. We are a tragedy waiting to happen, and a few weeks ago it almost did.

A frighteningly close call. The early morning of October 24, our neighbor Sandy E, who lives near the intersection of Little Applegate and Yale Creek Roads, experienced respiratory distress/failure. She was able to call 911 only because her land line happened to be working that day. It was determined an ambulance would take too long, so she was airlifted and taken to intensive care in Medford. Just one day later, October 25, our land lines went down because of faulty CenturyLink equipment. If Sandy's emergency had occurred that day, she would likely have died waiting for help that could not be summoned.

Was this really a close call? You bet. In fact, both our county's Citizen Alert Emergency Notification service and our local fire department have begun sending alerts when our phones are down, knowing almost none of us can call for help.

CENTURYLINK HAS NOT MET ITS OBLIGATIONS TO MAINTAIN ITS LAND LINES

The newest old copper cables carrying our land line signals were laid in the mid 1970s and a significant portion date back to the 1950s. CenturyLink has chosen not to upgrade this decaying system, nor do they provide us with either prompt or effective maintenance. Instead, CenturyLink has chosen to direct its energies to shedding its COLR obligations.

When our land lines went out the day after Sandy's life-threatening emergency, it took CenturyLink over four days to repair one card and one cable. Luckily, no one needed 911 during that time. Crisis avoided, but just barely.

Our longest outage so far this year, from August 30 through September 7, occurred because three broken green telephone "boxes" along Little Applegate Road took also took four days to repair. During those days, our lines went off and on unpredictably.



After the crews left on the Friday before Labor Day, the system could not be successfully restarted. It took another four+ days with no phone service – until the Tuesday after Labor Day – before they figured out how to hook up the system correctly. To put this in context, those three boxes had been broken, laying on their sides exposed to rain and wind and snow, covered only haphazardly with orange bags, since at least January, eight months earlier.

WE DO NOT HAVE A WAY TO QUICKLY REPORT OUTAGES AND INITIATE REPAIRS

As noted above, a remote (i.e., where we live) automatic reporting mechanism to alert the provider when an outage occurred is no longer operable in our area. Until at least four of us realize our phones are out and each drive down to Ruch and each call the general "hotline" for individual (e.g., the cat ate the phone cord in the kitchen) outages, CenturyLink doesn't even

know we have an issue, much less that it is, by definition, urgent. Precious hours are lost because the "hotline" will not accept the word of one customer that the problem is widespread. Nor will the hotline allow us to report our neighbors' outages to prove it is widespread and warrants immediate action.

We need the automatic monitoring system hooked back up or re-installed, or else we need a direct line, 24/7, to the department with authorization to initiate repairs immediately.

WHAT ABOUT RDOF AND OTHER BROADBAND INITIATIVES?

We are aware of the federal funding being made available to ameliorate rural broadband coverage issues. We plan to seek assistance from the appropriate federal authorities to make sure CenturyLink does not use taxpayer money to provide broadband "service" to our area that will not work within our geographic constraints. From our limited access to the inner workings of the RDOF contracting process and CenturyLink's statements to us about their intentions, we already have concerns.

However, and to be clear, our request to you at this time is limited to direct relief for our land lines right now. If the federal/state partnerships and/or interfaces for federal funding of broadband as a declared "essential service" become available to us, we will update this request as appropriate. But our need for access to 911 cannot wait for the federal activities to wind their way through the system to eventual implementation.

Thank you for your consideration of this request and for your service to all the people of Oregon. We stand ready to provide whatever additional information we can and to assist you in your deliberations in any way we can.

Priscilla Weaver
6268 Little Applegate Road
Jacksonville OR 97530
541-899-1672
priscilla@saltmarshranch.com

James and Kathleen W. Horner
4600 Little Applegate Road
Jacksonville OR 97530
541-899-5648
redg16@aol.com

**2021 OUTAGES TO DATE ON LITTLE APPLGATE AND YALE CREEK ROADS
NEAR JACKSONVILLE, OREGON**

January 27-28 "major cable break"
March 6 possibly due to power outage, but no backup
March 15 working on the three "boxes," but not fixed
June 10 cause unknown to us
June 28-29 "cable issue"
August 3-4 cause unknown to us
August 30- Sept 7 "box" repair plus inability to re-connect system
Sept 30 cause unknown to us
Oct 25-29 "cable issue and bad card in the remote terminal"
November 9 cause unknown to us

Notes: We do not have a headcount for exactly how many homes were without service for each outage but we know each outage was multiple. Nor do we know exactly how many homes have CenturyLink land lines; no other provider has land lines in this area. Some of the outages may have been triggered by rain getting into CenturyLink's unmaintained equipment or by electric power failures for which a functioning battery/generator backup could have taken over.

From: [DECKER Megan * PUC](#)
To: [COLLINS Kristi * PUC](#)
Subject: FW: Century Link -- abandonment of responsibilities
Date: Tuesday, September 20, 2022 8:59:38 AM

-----Original Message-----

From: Rep Marsh <Rep.PamMarsh@oregonlegislature.gov>
Sent: Monday, September 19, 2022 6:39 PM
To: GRANT Michael * PUC <Michael.GRANT@puc.oregon.gov>; DECKER Megan * PUC <Megan.DECKER@puc.oregon.gov>; THOMPSON Mark * PUC <Mark.R.THOMPSON@puc.oregon.gov>; TAWNEY Letha * PUC <Letha.TAWNEY@puc.oregon.gov>
Cc: FREEMAN Robin * PUC <Robin.FREEMAN@puc.oregon.gov>; BARTHOLOMEW Joseph * PUC <Joseph.BARTHOLOMEW@puc.oregon.gov>
Subject: Century Link -- abandonment of responsibilities

Dear Commissioners,

Today is Day 21 in a row without landline service for residents of the Applegate. Because I've been in the middle of many conversations about the company, I regularly hear from Century Link customers in other areas of the state who are also frustrated by prolonged outages and poor (or no) customer support. The Applegate is a poster child for Century Link's service failures, but the issues repeat themselves in communities across the state.

On Tuesday morning the Public Utility Commission will consider staff recommendations that reflect months of frustration with the company's refusal to provide the basic services that they are obligated by law to supply as a carrier of last resort.

While I support the staff recommendations, it is clear to me that the company's intransigence reflects Century Link's disdain for its COLR obligation. Service failures continue despite financial support allocated through the universal service fund. Century Link just doesn't want to serve landline customers. But the PUC's study of COLR clearly indicated that landlines continue to be critical in many areas of the state. That is very much the case in the Applegate, where cell phone and broadband services are sketchy at best.

Century Link will continue to obfuscate and delay any PUC direction until it begins to affect the bottom line. Accordingly, I urge the Public Utility Commission to immediately fine Century Link an amount equivalent to one quarter worth of its OUSF support. This should get the company's attention; moreover, it is absurd for the state to issue OUSF subsidies to a company that has consistently failed to perform.

As in many areas of the state, landline service in the Applegate isn't a luxury. Functioning telephones and the ability to call for help can be (and often are) matters of life and death. Century Link needs a clear message from the PUC that it will be held accountable.

Many thanks for your consideration of this request.

Best,
Pam

From: [DECKER Megan * PUC](#)
To: [COLLINS Kristi * PUC](#)
Subject: FW: Century Link neglect of its Applegagte Service Area
Date: Tuesday, September 20, 2022 8:59:44 AM

-----Original Message-----

From: Sen Golden <Sen.JeffGolden@oregonlegislature.gov>
Sent: Tuesday, September 20, 2022 6:55 AM
To: PUC PUC.PublicComments * PUC <PUC.PUBLICCOMMENTS@puc.oregon.gov>;
puc.commission@puc.oregon.gov
Cc: PUC PUCHearings * PUC <PUC.HEARINGS@puc.oregon.gov>; TAWNEY Letha * PUC
<Letha.TAWNEY@puc.oregon.gov>; mark.thompson@puc.oregon.gov; DECKER Megan * PUC
<Megan.DECKER@puc.oregon.gov>
Subject: Century Link neglect of its Applegagte Service Area

September 20, 2022

To the OPUC Commissioners—

I believe you're in receipt of an email dated September 19 from my colleague Representative Pam Marsh concerning the failure of Century Link to restore landline service to the Applegate Valley for three weeks now. She aptly describes the critical nature of that service and the need to have it restored promptly—far more promptly than has been the case here—and recommends measures that would likely motivate the company to restore service. I agree completely with her recommendation, and ask you to take swift action to implement it and/or any other measure that would expedite restoration of service.

When a potentially life-and-death utility service is allowed to remain down for this length of time (in the absence of disaster circumstances that make repairs difficult), and when the utility company in question receives support from the OUSF, we are not meeting our obligation to Oregon citizens. I ask you to take decisive action to make sure landline service is restored to this area at the soonest possible moment, and further action to make sure that Century Link fully and promptly meets basic responsibilities and standards in all of its service areas from this point forward.

Thank you for your consideration and your service to our state.

Senator Jeff Golden
Oregon Senate District 3

CASE: UM 1908
WITNESS: JOE BARTHOLOMEW

**PUBLIC UTILITY COMMISSION
OF
OREGON**

STAFF EXHIBIT 105

**Exhibits in Support of Testimony
[Redacted]**

November 23, 2022

ORDER NO. **17 175**

ENTERED **MAY 16 2017**

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1836

In the Matter of

QWEST CORPORATION, dba
CENTURYLINK QC,

Service Quality Performance Plan for Held
Orders, Repair Clearing, and Trouble Reports.


ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

This order memorializes our decision, made and effective at our May 16, 2017 Regular Public Meeting, to adopt Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

Dated this 16 day of May, 2017, at Salem, Oregon.


Lisa D. Hardie
Chair


Stephen M. Bloom
Commissioner




Megan W. Decker
Commissioner

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

ORDER NO. 17 175


ITEM NO. 1



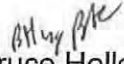
**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 16, 2017**

REGULAR X CONSENT _____ EFFECTIVE DATE _____ TBD _____

DATE: April 18, 2017

TO: Public Utility Commission

FROM: Stephen Hayes 

THROUGH: Jason Eisdorfer, Bryan Conway, and Bruce Hellebuyck   

SUBJECT: QWEST CORPORATION: Service Quality Performance Plan for Held Orders, Repair Clearing and Trouble Reports.

STAFF RECOMMENDATION:

Staff recommends that the Commission require Qwest Corporation dba Centurylink QC (Qwest) to submit a service quality performance plan to meet the Commission's minimum service quality standards for held orders for lack of facilities, repair clearing times and trouble reports within 45 days.

DISCUSSION:

Issue

Whether the Commission should require Qwest to submit a service quality performance plan to meet the Commission's minimum service quality standards.

Applicable Law

The Commission establishes minimum service quality standards to ensure safe and adequate services for all telecommunications carriers pursuant to Oregon Revised Statute (ORS) 759.450. Under Section (5) of this statute, the Commission is required to direct a telecommunications carrier, utility or competitive provider that is not meeting the minimum service quality standards to submit a plan for improving performance to meet the standards. The Commission is further required to review and approve or disapprove the plan.

ORDER NO. 17 175

Qwest Corporation Performance Plan
April 18, 2017
Page 2

Qwest is currently regulated under a Price Plan, which simplifies regulation, while maintaining the appropriate balance between regulation and competition. The Price Plan was approved by the Commission in Order No. 14-346 dated October 3, 2014 (Docket UM 1354). The Commission found that the current Price Plan "provides CenturyLink QC with pricing flexibility in more competitive markets, but installs price cap or customer notification protection for market segments with fewer options." One of the Price Plan's objectives is to "ensure that the quality of existing telecommunications services will stay at or above current levels."

Oregon Administrative Rule (OAR) 860-023-0055 provides the statutorily required retail service quality standards for large telecommunications utilities and also mirrors much of the relevant statute ORS 759.450. The relevant standards are:

1. **Provisioning and Held Orders for Lack of Facilities** per OAR 860-023-0055(4) (At least 90 percent of commitments for service must be met; Held orders for lack of facilities must not exceed the larger of two per wire center per month or five per 1,000 inward orders. Primary held orders for lack of facilities in excess of 30 days past the initial commitment date must not exceed 10 percent of total monthly held orders due to lack of facilities within the utility's Oregon service territory.
2. **Trouble Reports** per OAR 860-023-0055(5) Monthly trouble report rate may not exceed two or three per 100 working access lines per wire center more than three times during a sliding 12-month period, depending on number of access lines per wire center.
3. **Repair Clearing Time** per OAR 860-023-0055(6) 90 percent of all trouble reports within 48 hours of report for each repair center, with a weekend exception; use best efforts to complete out-of-service restorations for business customers; use best efforts to complete out-of-service restorations for residential customers who either have a medical necessity or no access to an alternative means of voice or E-911 communications.

The remaining service quality standards address: Provisioning, Blocked Calls, Access to Representatives, Interruption of Service Notification, Customer Access Line Testing, Customer Access Lines and Wire Center Switching Equipment, Special Service Access Lines, and Large Telecommunications Utility Interconnectivity.

ORDER NO. 17 175

Qwest Corporation Performance Plan
April 18, 2017
Page 3

Analysis

Background

There has only been one previous service quality performance plan required by the Commission under 759.450(5). The Commission found at its June 19, 2001 public meeting that a telecommunications utility (Qwest) was required to file a plan to improve its business office access performance. This resulted in the Commission adopting an MOU between Staff and Qwest on July 24, 2001, and approval of Qwest's Performance Plan.¹

In addition to submitting monthly reports, Staff routinely works to support improvement in service quality. For example, Staff works to promote service quality improvement by conducting onsite visits of central offices and outside plant facilities and conducting field reviews of complaints indicative of reliability problems. Further, Staff shares information collected from Consumer Services and from field observations with Company officials. Staff processes monthly service quality information provided by companies as required by OAR 860-0023-0055 up to 45 days after the month end and posts selected information on the Commission website.²

In some cases, Staff has also worked to relax some service quality standards as warranted. For example, Staff supported and the Commission approved a decrease in the 48-Hour Repair Metric from 95 percent to 90 percent complete within 48 hours and allowed for a weekend exemption along with some added safety-net protections.³

Finally, Staff conducted an all-provider service quality workshop on January 15, 2015, with the goal raising awareness and improving service quality. Staff took further steps to assist Qwest on May 12, 2016 by requesting and conducting a meeting with its company representatives regarding deteriorating service quality.

In summary, Staff has been working with Qwest for over a year in an attempt to improve service quality on several metrics. On April 7, 2016, Staff sent a pre-performance plan letter of warning to Qwest and met with Company officials to discuss assigning more resources to resolving service quality issues. (Attachment No. 1). Initially Staff felt that Qwest was making progress, but its efforts have not corrected the underlying issues.

¹ Commission Order No. 01-689, Docket UM 1026.

² Link to Qwest's latest service quality report information.

³ Link to Qwest's latest service quality report information.

ORDER NO. **17 175**

Qwest Corporation Performance Plan
April 18, 2017
Page 4

Failure to Meet Service Quality Measurement Standards

Qwest has failed to meet the following service quality standards for a prolonged period of time:

I. Held Orders For Lack of Facilities Over 30 Days (Attachment No. 2)

- Primary held orders for lack of facilities in excess of 30 days past the initial commitment date must not exceed 10 percent of total monthly held orders due to lack of facilities within the utility's Oregon service territory. Qwest has failed to meet this standard every month for the last 12 months.

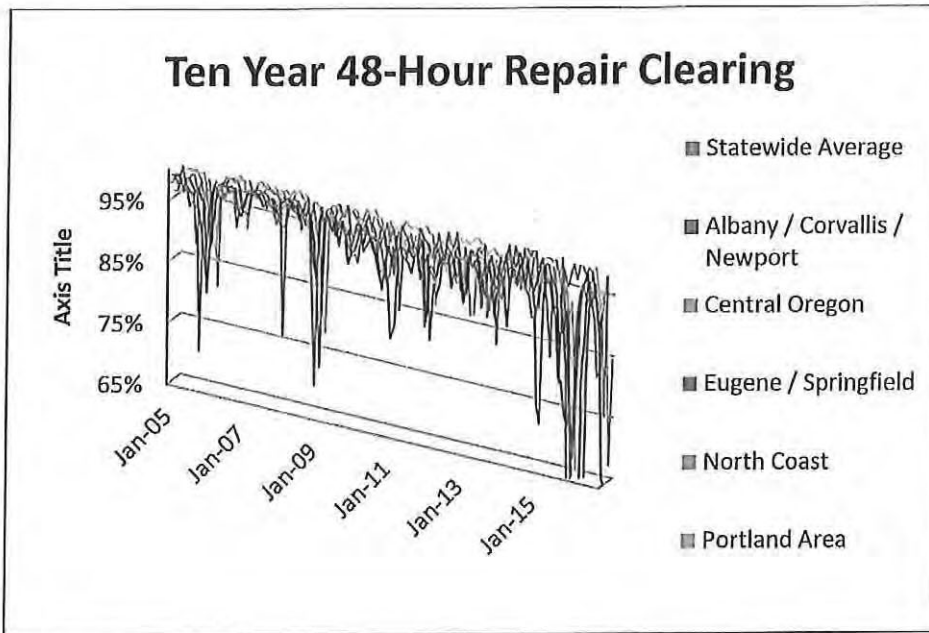
II. Trouble Report Standard (Attachment No. 3)

- A utility's monthly trouble report rate may not exceed two or three per 100 working access lines per wire center more than three times during a sliding 12-month period, depending on number of access lines per wire center. Qwest has failed to meet this standard for the Jacksonville wire center five months out of the last twelve and for the North Plains wire center, Qwest has failed to meet the standard in six months out of the last twelve.

III. Repair Clearing Time Standard (Attachment No. 4)

- Ninety percent of all trouble reports must be cleared within 48 hours. Qwest's performance has failed to meet this standard for 16 months out of the past 24 months in at least one repair center.
- The utility must use best efforts to complete out-of-service restorations for businesses and residential customers who either have a medical necessity or no access to an alternative means of voice or E-911 communications. The Consumer Services Division received 74 complaints from such customers between January 1, 2016 and March 4, 2017, which indicates the Company may not be employing best efforts to clear repairs.

As shown in the 10-Year 48-Hour Repair Clearing Graph below some results since January 2015 have been worse than any result in the past 11 years.



Qwest's most recent retail service quality results are available on the Commission website.⁴

Jacksonville Area – Case Study

The Jacksonville area provides an example of chronic repair problems and the time it took Qwest to remedy the problem presented a potential public safety concern.

Beginning in January 2014, the Commission's Consumer Services Division began receiving complaints from a relatively concentrated area south of Jacksonville, Oregon. Seven complaints were received in 2014. Eleven complaints were received in 2015. The complaints generally indicated that the customers' phones worked only intermittently or had very poor sound quality.

Due to the complaints and service quality measurements, Staff conducted an onsite inspection of the Jacksonville central office and the remote terminals in the area where the complaints originated, but that inspection did not reveal any problems. As part of a central office inspection, Staff typically accompanies a technician who is running tests or in the process of repairing someone's services. Staff accompanied a technician during its inspection in Jacksonville and during the repair, Staff discussed service quality concerns with three residents who were in the area. All three residents reported very similar issues. The technician suggested that the problem might be in the F2 pairs (i.e.,

⁴ <http://www.puc.state.or.us/telecom/squality/large/qwest.pdf>

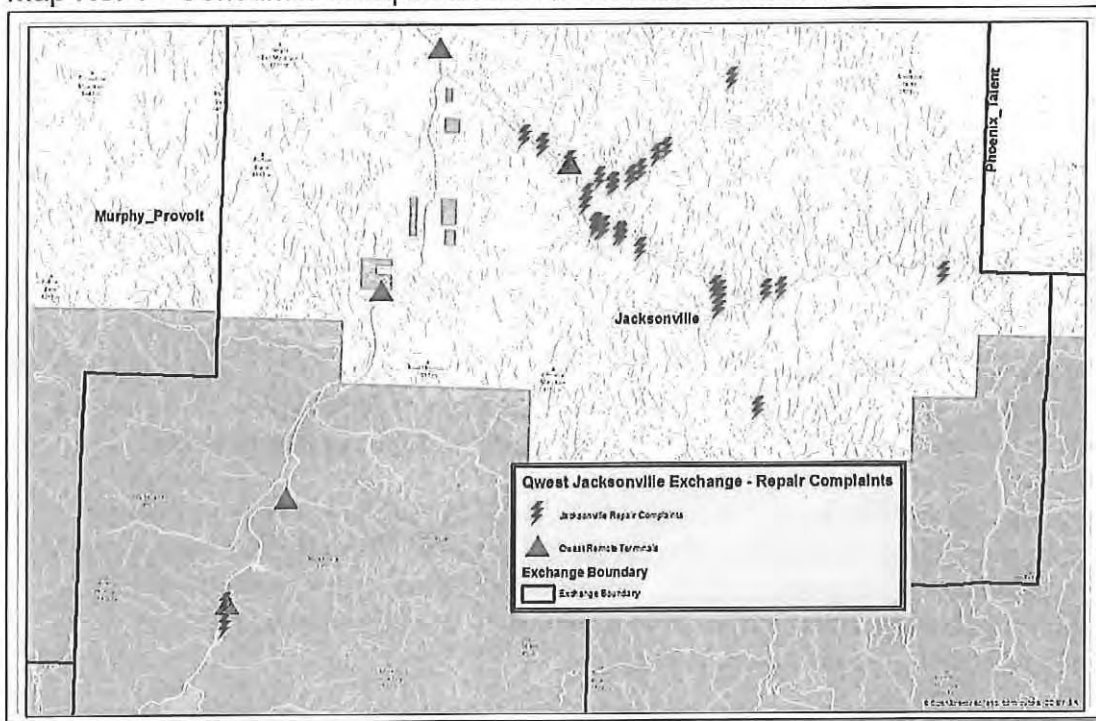
ORDER NO. 17 175

Qwest Corporation Performance Plan
April 18, 2017
Page 6

facilities between the central office and the remote terminal). The problem did not appear to be in the facilities between the nearest remote terminal and the residence or the wire or telephones belonging to the customer.

Additionally, on December 9, 2016, Consumer Services received another 24 complaints of a similar nature. Over the course of the investigation started by Consumer Services thirty-five customers made complaints; some of those making more than one complaint. Based on the severity of number of complaints regarding poor service, I recently notified the manager of the Office of Emergency Management that there were chronic repair issues in this area and asked that he alert the responsible 9-1-1 dispatch center.

Map No. 1 - Consumer Complaints for Qwest Jacksonville Area



A performance plan ensures the Company's commitment to restore reliable service to areas like Jacksonville are completed and durable. A concentration of Jacksonville 2016-17 complaints are shown in Map No. 1 represented by purple lightning bolts. The remote terminals are the green triangles. It appears that some customers are experiencing service quality problems lasting for months.

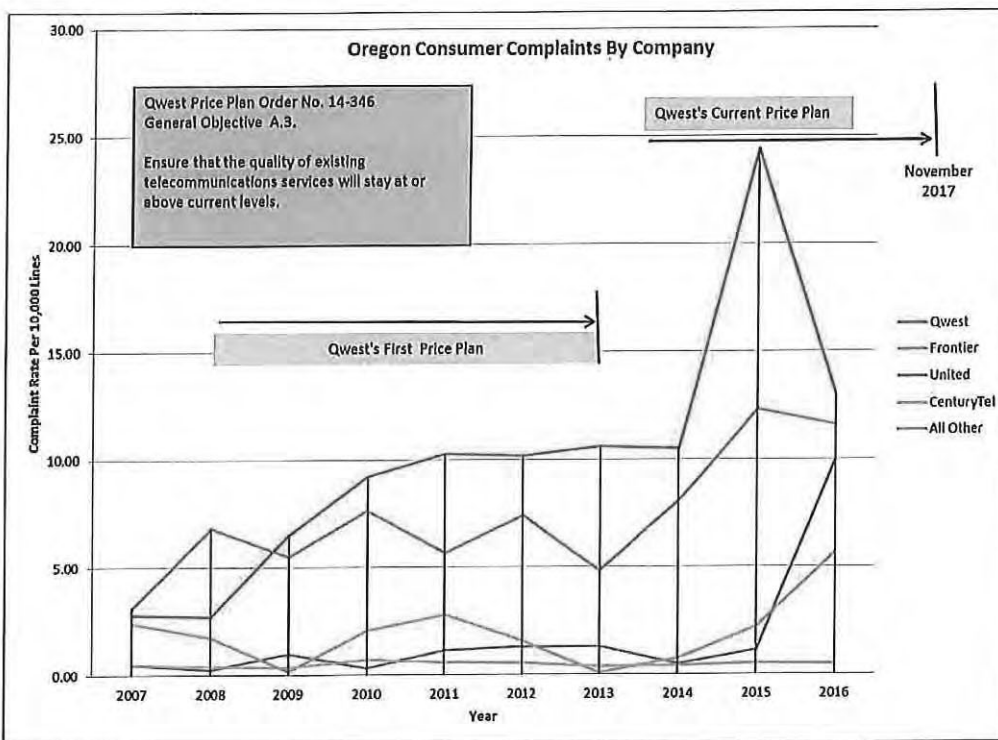
While it is not necessarily indicative of a missed service quality metric, it appears that Qwest is receiving an increased number of complaints filed with our Consumer Services

ORDER NO. 17 175

Qwest Corporation Performance Plan
April 18, 2017
Page 7

section. A performance plan may help focus Qwest's attention on the service quality complaints at this critical time as it wrestles with increase complaints generally and its acquisition of Level 3 Communications.

Chart No. 1 - Comparison of ILEC Complaints filed with Consumer Services per ten-thousand lines. These are a sub-set that does not include deregulated services or complaints that are not related to service quality; for example billing complaints were not included.



Qwest's statewide complaints filed with Consumer Services have escalated during the second Price Plan; exceeding the rate experienced by other companies.

Conclusion

Staff concludes that Qwest has persistently failed to meet three service quality standards, for held orders, repair clearing times and trouble reports and that informal efforts and outreach to the Company have not rectified the issue. ORS 759.450(5) states that the Commission shall require a telecommunications utility that is not meeting the minimum service quality standards to submit a plan for improving performance.

ORDER NO. 17 175

Qwest Corporation Performance Plan
April 18, 2017
Page 8

Staff concludes that it is necessary for Qwest to be required to submit such a plan for Commission consideration.

PROPOSED COMMISSION MOTION:

Require Qwest Corporation dba Centurylink QC (Qwest) to submit a service quality performance plan to meet the Commission's minimum service quality standards for held orders for lack of facilities, repair clearing times and trouble reports within 45 days.

Qwest.ServiceQuality.PerformancePlan

ORDER NO. 17 175

Attachment 1
Page 1



Oregon

Kate Brown, Governor

Public Utility Commission

201 High St SE Suite 100

Salem, OR 97301

Mailing Address: PO Box 1088

Salem, OR 97308-1088

Consumer Services

1-800-522-2404

Local: 503-378-6600

Administrative Services

503-373-7394

April 7, 2016

Philip Grate
Director Regulatory Affairs
Qwest Corporation
1600 7th Avenue, Room 1506
Seattle, Washington 98191

Dear Mr. Grate:

The Oregon Public Utility Commission (Commission) is required by ORS 759.450 to both establish minimum retail service quality standards (MSQ Standards) and to require telecommunication utilities, among other entities, that do not meet these standards to submit a plan for improving performance to meet the established standards (Performance Plan). Because certain MSQ Standards are not being met, as discussed below, Staff provides this notification that it intends to request that the Commission order CenturyLink (Qwest or Company) to submit a Performance Plan related to Repair Clearing Time if changes in performance are not forthcoming.

Repair Clearing Time. OAR 860-023-0055(6) requires large telecommunications utilities to calculate the percentage of trouble reports cleared within 48 hours of receiving a report for each repair center, or alternatively, the large telecommunications utility may use certain weekend exceptions to calculate the percentage for trouble reports cleared for those reports that are received between 12 pm on Friday until 5 pm on Sunday. The Rule establishes that the objective service level for repair clearing time is at least 90 percent of all trouble reports must be cleared within 48 hours of receiving a report for each repair center, or alternatively, for reports received between 12 pm on Friday and 5 pm on Sunday, the large telecommunications utility may use certain weekend exceptions to calculate the percentage for trouble reports cleared. Specifically, 90 percent of all trouble reports received between 12 pm Friday and 5 pm Saturday must be cleared by the following Monday for each repair center, and 90 percent of all trouble reports received between 5 pm Saturday and 5 pm Sunday must be cleared by 5 pm the following Tuesday for each repair center. Refer to the table for the most current data.

ORDER NO. 17 175

Attachment 1
Page 2

Qwest Repair Clearing Time

Repair Center	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16
Albany / Corvallis / Newport	97.9%	100.0%	97.0%	95.9%	97.1%	92.1%	93.2%	86.6%	90.4%	81.5%	51.2%	88.3%
Central Oregon	99.5%	99.6%	100.0%	100.0%	99.6%	100.0%	97.6%	99.6%	98.1%	96.1%	98.1%	100.0%
Eastern Oregon	98.9%	97.5%	98.5%	98.3%	98.7%	92.7%	94.1%	92.3%	97.8%	92.5%	87.5%	86.6%
Eugene / Springfield	91.5%	98.7%	98.6%	96.3%	95.6%	93.4%	94.2%	87.9%	92.0%	75.1%	68.1%	80.5%
North Coast	95.2%	90.7%	83.3%	98.2%	93.7%	78.3%	100.0%	85.5%	92.0%	58.7%	54.2%	47.9%
Portland Area	91.0%	95.4%	94.3%	97.1%	95.8%	91.1%	85.9%	89.8%	82.3%	61.7%	74.8%	85.3%
Salem Area	94.8%	86.2%	94.8%	98.3%	95.1%	92.4%	95.3%	90.4%	92.7%	80.0%	58.4%	87.3%
Southern Oregon	94.7%	94.4%	96.1%	94.6%	96.4%	96.3%	84.4%	84.8%	80.5%	80.9%	88.8%	80.0%
STATEWIDE AVERAGE	93.8%	96.7%	96.2%	96.9%	96.5%	93.3%	91.1%	81.2%	81.0%	75.8%	73.8%	77.6%

OAR Standard: Through January 2014 - 95% -- Beginning February 2014 - 90%

DO NOT MEET STANDARD

Commission Staff has been working with Qwest since August 2015 to bring carrier Inquiry response times into compliance. The Company engaged in this effort and implemented measures to bring the response times down closer to standard. The Company provided information about how it was working to bring performance back into standard in its monthly service quality reports, but those mitigation efforts have not alleviated the out of standard results. Accordingly, Staff requests that the Company meet with Staff on April 26 in the afternoon to explain why Staff should not request the Commission place the Company on a Performance Plan pursuant to ORS 759.450(5). At this meeting, in order to assist Staff in understanding the measures the Company proposes and has proposed to remedy, Staff requests that the Company be prepared to provide a detailed explanation of how the calculations are made for Repair Clearing Time. Staff requests a full, detailed explanation of how the Company accepts calls for and produces a trouble report and under what circumstances it would not produce a trouble report. Staff further requests that the Company be prepared to explain how it has implemented the safety net procedures implemented in the AR 575 rulemaking docket that relaxed this metric beginning in January 2014.

Staff appreciates in advance the Company's willingness to meet and discuss mitigating the out-of-standard service quality metric.

Sincerely,



Bryan Conway
Administrator
Telecommunications and Water Division
Oregon Public Utility Commission
PO Box 1088
Salem, Oregon 97308-1088

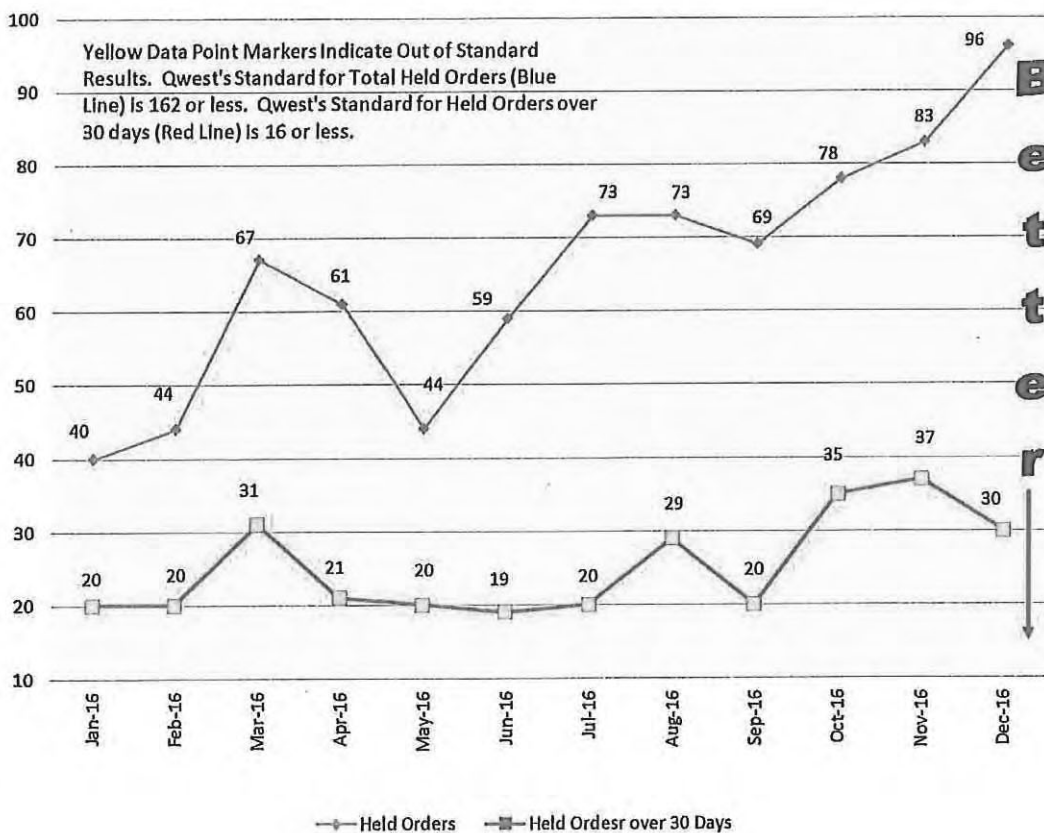


Qwest Service Quality Information

Held Access Line Service Orders Held for Lack of Facilities *

Month	Total	Standard	>30 Days	Standard
Jan-16	40	162	20	16
Feb-16	44	162	20	16
Mar-16	67	162	31	16
Apr-16	61	162	21	16
May-16	44	162	20	16
Jun-16	59	162	19	16
Jul-16	73	162	20	16
Aug-16	73	162	29	16
Sep-16	69	162	20	16
Oct-16	78	162	35	16
Nov-16	83	162	37	16
Dec-16	96	162	30	16

* Lack of facilities would include, for example, the lack of capacity at the serving central office or a lack of local cable plant.



This chart has been expanded from the normal 12-month rolling view of the trouble report rate measurements to a 24-month view. The expanded view helps to show how long two wire centers, North Plains and Jacksonville, have been undergoing chronic service quality problems. This view also shows that while some wire centers have an occasional miss of the service quality threshold Qwest is generally successful in remedying the problem so that the wire center is not considered as failing to meet the standard. The green highlight in the month columns indicates a miss of the threshold while a yellow highlight in the month columns indicates that a problem in the wire center has failed to meet standard during a 12-month period. Additional explanatory notes follow the table.

Table with columns: Wire Center, MO > 5.00, MO > 3.00, Jan-15, Feb-15, Mar-15, Apr-15, May-15, Jun-15, Jul-15, Aug-15, Sep-15, Oct-15, Nov-15, Dec-15, Jan-16, Feb-16, Mar-16, Apr-16, May-16, Jun-16, Jul-16, Aug-16, Sep-16, Oct-16, Nov-16, Dec-16, 24-Mth Median TRR.

This chart has been expanded from the normal 12-month rolling view of the repair clearing time measurements to a 24-month view. A yellow highlight indicates that a problem in the wire center has failed to meet the Commission's standard. The expanded view reveals chronic service quality problems that prompted staff to warn Qwest in April 2016. This view also shows that Qwest appears to be improving in this area recently. Additional explanatory notes follow the table.

Repair Center	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	
Albany / Corvallis / Newport	96.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
Central Oregon	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
Eastern Oregon	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
Eastern Oregon	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
North Coast	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
Portland Area	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
Salem Area	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
Southern Oregon	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
STATEWIDE AVERAGE	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%

ORR Standard: Through January 2014 - 85% - Beginning February 2016 - 80%

Repair Center	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	
ALBANY / CORVALLIS / NEWPORT	96.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	
CENTRAL OREGON	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
EASTERN OREGON	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
NORTH COAST	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
PORTLAND AREA	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
SALM AREA	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%	97.0%
STATEWIDE AVERAGE	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%	96.5%

The wire centers served by the eight repair centers are shown in the table to the left. Failures occur from time to time and it tends to be seasonal. One problem with the failure to meet the repair clearing standard shown in this table is that some measurements since September 2015 are worse than other missed standards in the previous eleven years. This is depicted in the Graph on page 5. The other problem is that one of the reasons Qwest gave staff for the misses was not weather but the company's emphasis on installing unregulated services.

An unfolding problem is that in December 2016 Qwest began declaring force majeure for weather related events. This meant that they could exclude some trouble reports from the 48-hour clearing time measurements. This could explain part of the improvement in the measurements. It also means that Qwest can stop issuing service guarantee credits to customers. The service guarantee was required to ensure that service quality would meet or be better than the levels prior to the approval of the Price Plan in October 2014.

Staff agrees that there were some days in December when the snow and ice made it unsafe and difficult to repair service. However, Consumer Services reports that CenturyLink declared a force majeure event for 60 days in some areas. This extended force majeure event seems unwarranted, but the criterion for determining the length of a force majeure exception is not clearly documented. Staff encourages the company to propose some clear guidelines for when, and for how long, exceptions like force majeure can be applied in the future. The FM in the December 2016 column indicates the month where force majeure started.

The table includes a statewide average row. This is somewhat helpful but it is not recognized as a standard. Staff's experience is that whenever service quality measurements are aggregated the results do not accurately reflect what is going on at the granular level. Consequently staff does not advocate rolling up the measurements into an aggregate. The State-wide average row in the table illustrates how aggregated results can mask more negative results.

ORDER NO. 17 175



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Philip E. Grate
State Regulatory Affairs Director
Public Policy

June 29, 2017

Via eFiling Only

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Re: Docket UM 1836

Order No. 17-175 in Docket UM 1836 adopts Staff's recommendation that Qwest Corporation dba CenturyLink QC (Qwest) be required to submit within 45 days a service quality performance plan to meet the Commission's minimum service quality standards.

Attached please find Qwest's Service Quality Performance Plan. Please direct questions about the plan to me.

Sincerely,

A handwritten signature in black ink that reads "Philip E. Grate".

Philip E. Grate

PEG/cmb
Attachment

Qwest Corporation dba CenturyLink QC
Oregon Service Quality Performance Plan
June 29, 2017

Order No. 17-175 in Docket UM 1836 adopts Staff's recommendation that Qwest Corporation dba CenturyLink QC (Qwest) be required to submit within 45 days a service quality performance plan to meet the Commission's minimum service quality standards.

This document serves as Qwest's Service Quality Performance Plan.

ORS 759.450 subsection (2) requires "minimum service quality standards that relate to the provision of retail telecommunications services" and "apply to all telecommunications carriers."

However under subsection (8) and federal law, the minimum service quality standards do not apply to:

- voice service provided by cable television companies;
- voice service provided by nomadic VOIP providers;
- radio communications service;
- radio paging service;
- commercial mobile radio service;
- personal communications service;
- cellular communications service;
- telephone cooperatives.

In practice, the minimum service quality standards promulgated pursuant to ORS 759.450 are limited to three classes of telecommunications carriers:

- large telecommunications utilities, as defined in OAR 860-023-0001(2);
- small telecommunications utilities, as defined in 860-034-0010(3)(a); and
- competitive telecommunications providers, as defined in ORS 759.005(1), but only those that maintain more than 1,000 access lines on a statewide basis.¹

¹ OAR 860-032-0012.

Qwest Corporation dba CenturyLink QC
Oregon Service Quality Performance Plan
June 29, 2017

As of June 30, 2016 these three classes of carriers provided retail telecommunications services to 13.5% of Oregon's retail voice subscriptions.² A year later, June 29, 2017, these carrier classes likely serve roughly 12.5% of Oregon's voice subscriptions.

At the end of 2001, Qwest served 1.354 million access lines in Oregon. Fifteen years later, at the end of 2016, Qwest served 0.396 million access lines. The loss of 1.058 million access lines—78% of the 2001 total—is a constant and compelling reminder of the intense competition Qwest faces. Qwest does not need service quality standards to motivate it to provide the best quality service possible.

From March 2015 to March 2017, CenturyLink has added a net additional 110 technicians and 4 Supervisors to its workforce in Oregon. During that same timeframe, we've also dramatically increased our customer facing contractor headcount with over 50 active contractors. We are in process of hiring additional technicians to meet demands of forecasted load in all regions of Oregon. In the past year, 399 Oregon technicians have received Instructor-Led training with the vast majority receiving training in Basic Installation & Repair of telephone service.

In its memo, Staff recommends that the Commission require Qwest to submit a service quality performance plan to meet the Commission's minimum service quality standards for: (I.) held orders for lack of facilities; (II.) repair clearing times; and (III.) trouble reports. Following is Qwest's plan for addressing each.

² Voice Telephone Services as of 06/30/16. Released 04/17. State-Level Subscriptions (Excel)

Qwest Corporation dba CenturyLink QC
Oregon Service Quality Performance Plan
June 29, 2017

I. Held Orders For Lack of Facilities Over 30 Days

The Commission's standard for held orders greater than 30 days limits the total number of primary held orders for lack of facilities in excess of 30 days past the initial commitment date to 10 percent of the total monthly held orders for lack of facilities within the carrier's Oregon service territory.³ Of the 37 states where CenturyLink (Qwest's parent company) operates local telephone companies, 32 impose no standard for held orders greater than 30 days. Of the 32 states, 16 eliminated previous held order rules. Of the five CenturyLink states that have a 30-day held-order standard, Oregon's is, arguably, the most onerous. See Attachment A.

A careful review of Qwest's held orders from January 2016 through March 2017 revealed that several orders were incorrectly reported as primary orders held in excess of 30 days. The Corrected data is found in Attachment B. As reported to the Commission before correction, the 15 months of data show that on average primary held orders for lack of facilities greater than 30 days were 38% of total monthly held orders for lack of facilities within Qwest's service territory. After correction the monthly average fell to 16%.

Qwest's plan for meeting the Commission's standard is as follows:

- Qwest has developed an automated report that enables its Oregon managers to actively monitor all delayed held orders to better facilitate completion of held orders before the 30 day deadline.

³ OAR 860-023-055(4)(b)(B)(ii), OAR 860-032-0012(4)(b)(B)(ii), OAR 860-034-0390(4)(b)(B)(ii).

Qwest Corporation dba CenturyLink QC
Oregon Service Quality Performance Plan
June 29, 2017

- Qwest has modified the automated logic it uses to compute and report to the Commission Held Orders For Lack of Facilities Over 30 Days in order to more accurately calculate Qwest's results for this metric.
- Qwest discovered and corrected a weakness in its processes and procedures that prevented its Oregon managers from identifying held orders for regulated voice service bundled with other services. Under the processes and procedures before correction, managers were unaware of held orders for regulated voice service because the orders were bundled with other services.
- Qwest will review held order activity monthly to monitor compliance with processes and procedures, ensure that mitigation efforts are effective, apply insights gained to better manage future held orders and make necessary corrections.

II. Trouble Report Standard

The Commission's standard requires that the monthly trouble report rate, after approved trouble report exclusions, does not exceed:

(A) For wire centers with more than 1,000 access lines: two per 100 working access lines per wire center more than three times during a sliding 12-month period.

Qwest Corporation dba CenturyLink QC
Oregon Service Quality Performance Plan
June 29, 2017

(B) For wire centers with 1,000 or less access lines: three per 100 working access lines per wire center more than three times during a sliding 12-month period.⁴

In the year 2000 during the docket to implement ORS 752.450⁵ Sprint (now United Telephone of the Northwest dba CenturyLink), CenturyTel (now dba CenturyLink), USWC (now Qwest Corporation dba CenturyLink QC), GTE (Now Frontier), AT&T, and the Oregon Telecommunications Association argued that the proposed standard on trouble reports was too stringent in comparison to the then current national standards.⁶ That remains the case. 23 of the 37 CenturyLink states have no standard for trouble reports. By repeal, rescission, deregulation, rule change, waiver or other means, 18 of those 23 states eliminated standards that had been in place. Of the 14 CenturyLink states that still have a standard, Oregon's is the most onerous. See Attachment C.

North Plains wire center

The count of North Plains wire center access lines has fallen from a total of approximately 2,900 working access lines at the end of 2001 to 1,030. At the current rate of decline, the access line count in the North Plains wire center will fall below 1,000 lines in a matter of months. At that point the minimum standard applicable to North Plains trouble reports will change from 2 per 100 access lines per month to 3 per 100 access lines per month. Over the past 24 months ending

⁴ OAR 860-023-055(5)(b), OAR 860-032-0012(5)(b), OAR 860-034-0390(5)(b).

⁵ AR 375.

⁶ AR 375, Order No. 00 – 303, entered 6-8-00, page 26.

Qwest Corporation dba CenturyLink QC
Oregon Service Quality Performance Plan
June 29, 2017

April 2017, the North Plains wire center has averaged 1.94 trouble tickets per 100 access lines per month.

Qwest's plan for meeting the Commission's standard in the North Plains wire center is as follows:

- In order to assess possible causes of trouble reports in the North Plains wire center, management dedicated a cable technician and supervisor to review trouble tickets since January 2017 and then inspect and test the plant associated with the tickets. The cable technician and supervisor identified some minor, correctable plant deficiencies including pedestal splicing, gravel and grading, rebuild of some splices and some drop replacements. Qwest will continue to monitor the plant for appropriate corrections.
- Qwest has implemented a process where a location experiencing more than 2 trouble tickets in a 90 day period will be flagged for dispatch of a "chronic" tech to review, test and assess any systemic issues.

Jacksonville wire center

The count of Jacksonville wire center access lines has fallen from a total of approximately 3,800 working access lines at the end of 2001 to roughly 1,050. At the current rate of decline, the access line count in the Jacksonville wire center will fall below 1,000 within the year. At that point the minimum standard applicable to Jacksonville trouble reports will change from 2 per 100 access lines per month to 3 per 100 access lines per month. Over the past 24 months ending

Qwest Corporation dba CenturyLink QC
Oregon Service Quality Performance Plan
June 29, 2017

April 2017, the Jacksonville wire center has averaged 2.61 trouble tickets per 100 access lines per month.

Qwest has determined that a principal source of trouble tickets in the Jacksonville wire center is a few cross boxes and Digital Loop Carrier systems that fail recurrently as a result of problems with feeder cable stability and some electronics failures. Aware of these problems, Qwest conducted several maintenance activities in 2016 and 2017, including:

- All Digital Loop Carrier sites associated with high trouble ticket counts were given extensive power routines. Rectifiers were upgraded and changed out. Replacement batteries were installed.
- T-1 App cases were changed out and updated
- All span lines were tested and tagged
- Existing cable was rehabbed above ground
- Replaced 2000 feet of 600 pair cable at Hwy 238 and Forest Creek Rd
- Replaced 400 feet of 50 pair cable at 13000 Upper Applegate
- Replaced 300 feet of 50 pair cable at 1200 Little Applegate

Qwest's plan for meeting the Commission's standard in the Jacksonville wire center is as follows:

Qwest Corporation dba CenturyLink QC
Oregon Service Quality Performance Plan
June 29, 2017

- To reduce troubles caused by Digital Loop Carrier failures, Qwest recently replaced one Digital Loop Carrier with more robust equipment that is more tolerant of feeder cable instability.
- Replacement of a second Digital Loop Carrier with more robust equipment is underway.
- Qwest is sourcing additional systems and parts to be used to replace additional Digital Loop Carriers.
- Qwest is exploring the possibility of entering into a leasing arrangement that would allow it to use fiber in the area that is owned by another company. Qwest would use the fiber to backhaul from some of Qwest's Digital Loop Carriers to the Jacksonville and Medford central offices.

III. Repair Clearing Time Standard

The Commission's standard requires that each repair center clear 90% of all trouble reports within 48 hours of receiving a report. The standard allows, as an alternative, for those reports that are received between 12 pm on Friday and 5 pm on Sunday, the carrier may use a weekend exception to calculate the percentage for trouble reports cleared.⁷

In 2000 during the docket to implement ORS 752.450⁸, Staff proposed and the Commission adopted a more stringent standard than the then existing standard. Staff's proposed standard required 95% of trouble reports to be cleared within 48 hours. Also in 2000 the Commission expanded the then current statewide reporting requirement to a number reported for each repair

⁷ OAR 860-023-055(6)(b), OAR 860-032-0012(6)(b), OAR 860-034-0390(6)(b).

⁸ AR 375.

Qwest Corporation dba CenturyLink QC
Oregon Service Quality Performance Plan
June 29, 2017

center.⁹ In 2014 the Commission amended the standard “to alleviate compliance problems with weekend repair reporting requirements related to repair intervals and to align the service standard more closely with the standards in Washington and Idaho.”¹⁰

26 of the 37 CenturyLink states impose no standard for troubles cleared. 19 of those 26 states eliminated previously existing standards. Of the 11 CenturyLink states that still have a standard for troubles cleared, Oregon’s is the most onerous; Oregon’s standard applies to all trouble tickets, not just out of service trouble tickets. The other 10 CenturyLink states that have a clearance standard apply it to out of service trouble tickets only. See Attachment D.

Qwest’s plan for meeting the Commission’s standard is to implement a daily trouble ticket call to be held with those repair centers whose results indicate the standard may be missed. During those calls:

- Management will review all pending tickets for assignment, timeliness and any necessary oversight.
- Management will review any missed tickets for missed reason, gaps in proactive engagement on pending tickets, coding compliance and any systemic identified issues.
- Attendees will include Operations, Forecasting (balances incoming work with available resources) and Dispatch (tactical assignment/handling of tickets to technicians).

⁹ AR 375, Order No. 00 – 303, entered 6-8-00, pages 26-27.

¹⁰ AR 575, Order No. 14-016, entered January 21, 2014.

Qwest Corporation dba CenturyLink QC
Oregon Service Quality Performance Plan
June 29, 2017

- During field work crew meetings managers will review the status of clearance in 48 hours performance; ensuring keen awareness of tickets, timeframes to restore, and customer impact.

QWEST
OREGON SERVICE QUALITY PERFORMANCE PLAN
ATTACHMENT A

MINIMUM STANDARDS FOR HELD ORDERS GREATER THAN 30 DAYS

State	Standard	Measured By	Standard
OR	Allowable % of Primary Held Orders > 30 Days	State	10%
TX	Service Installation Orders Completed in 30 Days	Exchange	99%
GA	Installation Regular service orders completed in 30 Working Days if construction is required	State	85%
MT	Offered in 180 Days	State	100%
PA	Non-Designed, Primary Orders held for over 20 days	State	90%
AL	<i>AL Communications Reform Act of 2005</i>		
AR	<i>Deregulated - All exchanges declared competitive 3/2014.</i>		
AZ	No standard		
CA	No standard		
CO	<i>Deregulated - HB 1313 5/2014</i>		
FL	<i>Deregulated Effective July 1, 2011</i>		
IA	No standard		
ID	No standard		
IL	No standard		
IN	<i>The retail service quality standards were repealed on 9/1/10.</i>		
KS	No standard		
LA	<i>Eliminated by Rule Change April 2013</i>		
MI	<i>HB 4314, effective date 06-14-11</i>		
MN	No standard		
MO	No standard		
MS	<i>Deregulated: May 1, 2015</i>		
NC	<i>Market Regulation (HB 1180; Effective 04/2012)</i>		
ND	No standard		
NE	No standard		
NJ	No standard		
NM	No standard		
NV	<i>Deregulated - HB 518 in 2007</i>		
OH	<i>Rescinded 01-01-08</i>		
OK	<i>Deregulated Effective 3/9/12</i>		
TN	<i>Market Regulation as of September 26, 2011</i>		
SC	No standard		
SD	No standard		
UT	<i>Obtained rule waiver effective 07/15/13.</i>		
VA	<i>Deregulated May 2016</i>		
WA	<i>Repealed May 2015</i>		
WI	<i>New legislation (2011 Wisconsin Act 22), effective 6/9/11, deregulated local service.</i>		
WY	No standard		

**QWEST
OREGON SERVICE QUALITY PERFORMANCE PLAN
ATTACHMENT B
RECALCULATION OF HELD ORDERS GREATER THAN 30 DAYS**

Month Jan-16 Feb-16 Mar-16 Apr-16 May-16 Jun-16 Jul-16 Aug-16 Sep-16 Oct-16 Nov-16 Dec-16 Jan-17 Feb-17 Mar-17

Formulas

Total Inward Orders	(a)	13,280	12,554	14,637	13,000	12,352	13,898	12,736	14,636	15,845	13,929	13,054	15,012	12,966	10,910	11,687
Total POTS held orders for lack of facilities as reported to the OPUC	(b)	40	44	67	61	44	59	73	73	69	78	83	96	91	89	72
Total POTS held orders as a percent of total inward orders	(c = b / a)	0.3%	0.4%	0.5%	0.5%	0.4%	0.4%	0.6%	0.5%	0.4%	0.6%	0.6%	0.6%	0.7%	0.8%	0.6%

Primary held orders for lack of facilities in excess of 30 days past the initial commitment date as originally filed with the OPUC	(d)	13	17	31	21	20	19	20	29	20	35	37	30	38	34	23
Percent total held orders for lack of facilities that are primary held orders for lack of facilities in excess of 30 days past the initial commitment date as originally filed with the OPUC	(e = d / b)	33%	39%	46%	34%	45%	32%	27%	40%	29%	45%	45%	31%	42%	38%	32%

Primary held orders for lack of facilities in excess of 30 days past the initial commitment date as corrected after review	(f)	8	10	10	6	7	6	9	16	8	17	17	22	9	8	8
Percent total held orders for lack of facilities that are primary held orders for lack of facilities in excess of 30 days past the initial commitment date as corrected after review	(g = f / b)	20%	23%	15%	10%	16%	10%	12%	22%	12%	22%	20%	23%	10%	9%	11%

QWEST
OREGON SERVICE QUALITY PERFORMANCE PLAN
ATTACHMENT C
MINIMUM STANDARDS FOR TROUBLE REPORTS

State	Description	Assessment Level	Standard
OR	Trouble Reports Per 100 Access Lines (<= 1000 lines)	Miss > 3 Months in sliding 12mo period	3
OR	Trouble Reports Per 100 Access Lines (> 1000 lines)	Miss > 3 Months in sliding 12mo period	2
WY	Non-Designed Trouble Report Rate	Wire Center; Miss > 3 Consecutive Months	5
TX	Customer Trouble Reports Per 100 Access Lines (>10k access lines)	Exchange; Miss >3 Consecutive Months	3
TX	Customer Trouble Reports Per 100 Access Lines (<10k access lines)	Exchange; Miss >3 Consecutive Months	6
GA	Trouble Reports per 100 lines	Exchange	4
MN	Trouble Reports per 100 Access Lines per Month	Exchange	6.5
AZ	Non-Designed Trouble Report Rate per 100 access lines	State	3
IL	Trouble reports per 100 lines	State	6
PA	Customer Trouble Reports Per 100 Access Lines	State; Miss >3 Consecutive Months	5.5
KS	Customer Trouble Reports per 100 Access Lines (> 10k access lines)	State; Miss > 3 Consecutive Months	6
KS	Customer Trouble Reports per 100 Access Lines (Between 1k and 10k access lines)	State; Miss > 3 Consecutive Months	8
KS	Customer Trouble Reports per 100 Access Lines (< 1k access lines)	State; Miss > 3 Consecutive Months	10
NE	Non-Designed Trouble Report Rate	Wire Center; 6 month average	<8
NJ	Customer Trouble Reports per 100 Access Lines	State	8
NM	Non-Designed Trouble Report Rate per 100 access lines	State Annual	5
SC	Trouble Reports Per 100 Access Lines (< 7.5k access lines)	State Monthly	7
SC	Trouble Reports Per 100 Access Lines (> 7.5k access lines)	State Monthly	5
WA	Non-Designed Trouble Report Rate	State Monthly	4
AL	AL Communications Reform Act of 2005		
AR	Deregulated - All exchanges declared competitive 3/2014.		
CA	No standard		
CO	Deregulated - HB 1313 5/2014		
FL	Deregulated Effective July 1, 2011		
IA	No standard		
ID	No standard		
IN	The retail service quality standards were repealed on 9/11/10.		
LA	Eliminated by Rule Change April 2013		
MI	HB 4314, effective date 06-14-11		
MO	No standard		

**QWEST
OREGON SERVICE QUALITY PERFORMANCE PLAN
ATTACHMENT C
MINIMUM STANDARDS FOR TROUBLE REPORTS**

State	Description	Assessment Level	Standard
MS	Deregulated: May 1, 2015		
MT	Waiver		
NC	Market Regulation (HB 1180; Effective 04/2012)		
ND	(not addressed in rules)		
NV	Deregulated - HB 518 in 2007		
OH	Rescinded 01-01-08		
OK	Deregulated Effective 3/9/12		
SD	No standard		
TN	Market Regulation as of September 26, 2011		
UT	Obtained rule waiver effective 07/15/13.		
VA	Deregulated May 2016		
WI	New legislation (2011 Wisconsin Act 22), effective 6/9/11, deregulated local service.		

QWEST
OREGON SERVICE QUALITY PERFORMANCE PLAN
ATTACHMENT D
MINIMUM STANDARDS FOR TROUBLE REPORT CLEARANCE

ST	Description	Assessment Level	Standard
OR	All Troubles Cleared within 2 Business Days / 48 Hrs	Repair Center	90%
GA	Out-of-Service cleared in 24 hours (excluding unusual repairs)	State	100%
TX	Out of Service Trouble Reports Cleared Within 8 Working Hours (quarterly)	Rate Center Quarterly	90%
WY	Out of Service Non-Designed Troubles Cleared Within 24 Hrs	Wire Center	90%
IA	Out of Service Cleared within 72 Hours	State	99%
IL	Out-of-Service cleared in 30 hours	State	95%
SC	Out of Service Trouble Reports Cleared Within 24 Hours	State	85%
ID	OOS Cleared in 48 Hrs (Excluding Weekends & Extenuating Circumstances)	State	80%
MN	Out of Service Cleared within 24 Hours Excluding Force Majeure	State Annual	95%
AZ	Out of Service Cleared w/in 24 Hours Excl. Force Majeure	Statewide; 3-month period	85%
NM	OOS Non-Designed Troubles Cleared in 24 Hours	State Annual	85%
AL	AL Communications Reform Act of 2005		
AR	Deregulated - All exchanges declared competitive 3/2014.		
CA	No standard		
CO	Deregulated - HB 1313 5/2014		
FL	Deregulated Effective July 1, 2011		
IA	No standard		
ID	No standard		
IN	The retail service quality standards were repealed on 9/1/10.		
KS	Repealed May 2015		
LA	Eliminated by Rule Change April 2013		
MI	HB 4314, effective date 06-14-11		
MO	No standard		
MS	Deregulated: May 1, 2015		
MT	Waiver		
NC	Market Regulation (HB 1180; Effective 04/2012)		
ND	(not addressed in rules)		
NV	Deregulated - HB 518 in 2007		
OH	Rescinded 01-01-08		
OK	Deregulated Effective 3/9/12		

QWEST
OREGON SERVICE QUALITY PERFORMANCE PLAN
ATTACHMENT D
MINIMUM STANDARDS FOR TROUBLE REPORT CLEARANCE

ST	Description	Assessment Level	Standard
PA	No standard		
SD	No standard		
TN	Market Regulation as of September 26, 2011		
UT	Obtained rule waiver effective 07/15/13.		
VA	Deregulated May 2016		
WA	Repealed May 2015		
WI	New legislation (2011 Wisconsin Act 22), effective 6/9/11, deregulated local service.		


ITEM NO. 3



PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: July 25, 2017

REGULAR CONSENT EFFECTIVE DATE Upon Approval

DATE: July 12, 2017

TO: Public Utility Commission

FROM: Stephen Hayes 

THROUGH: Jason Eisdorfer, Bryan Conway, and Bruce Hellebuyck  

SUBJECT: QWEST CORPORATION: (Docket No. UM 1836) Service Quality Performance Plan, Commission Review and Determination.

STAFF RECOMMENDATION:

Staff recommends that the Commission approve the filed performance plan of Qwest Corporation dba CenturyLink (Qwest or Company) with the performance review period to begin August 1, 2017 and end January 31, 2018, allowing the Company until March 15, 2018 to report its results for January 2018.

DISCUSSION:

Issue

Whether the Commission should approve Qwest's performance plan laying out how the Company will bring its performance under specific retail service quality metrics into compliance within six months.

Applicable Rule or Law

The Commission establishes minimum service quality standards to ensure safe and adequate services for all telecommunications carriers pursuant to Oregon Revised Statute (ORS) 759.450. Under Section (5) of this statute, the Commission is required to direct a telecommunications carrier, utility or competitive provider that is not meeting the minimum service quality standards to submit a plan for improving performance to meet the standards. The Commission is further required to review and approve or disapprove the plan.

UM 1836 Qwest Performance Plan
July 12, 2017
Page 2

Oregon Administrative Rule (OAR) 860-023-0055 provides the statutorily required retail service quality standards for large telecommunications utilities and also mirrors much of the relevant statute ORS 759.450. The relevant standards are:

1. **Provisioning and Held Orders for Lack of Facilities** per OAR 860-023-0055(4) (At least 90 percent of commitments for service must be met; Held orders for lack of facilities must not exceed the larger of two per wire center per month or five per 1,000 inward orders; Primary held orders for lack of facilities in excess of 30 days past the initial commitment date must not exceed 10 percent of total monthly held orders due to lack of facilities within the utility's Oregon service territory).
2. **Trouble Reports** per OAR 860-023-0055(5) (Monthly trouble report rate may not exceed two or three per 100 working access lines per wire center more than three times during a sliding 12-month period, depending on number of access lines per wire center).
2. **Repair Clearing Time** per OAR 860-023-0055(6) (90 percent of all trouble reports within 48 hours of report for each repair center, with a weekend exception; use best efforts to complete out-of-service restorations for business customers; use best efforts to complete out-of-service restorations for residential customers who either have a medical necessity or no access to an alternative means of voice or E-911 communications).

On May 16, 2017 the Commission required Qwest by Order No. 17-175 to submit a service quality performance plan to meet the minimum service quality standards for held orders for lack of facilities, repair clearing times and trouble reports within 45 days.

Analysis

Background

Qwest timely filed its Service Quality Performance Plan ("Performance Plan") on June 29, 2017.

Previously only one other performance plan has been required. On June 19, 2001, Qwest was required to file a plan to improve its business office access performance. This resulted in the Commission adopting an MOU between Staff and Qwest on July 24, 2001 and approval of Qwest's Performance Plan.

UM 1836 Qwest Performance Plan
July 12, 2017
Page 3

Staff notes that the Company, in its Performance Plan, states that it doesn't need service quality requirements.¹ This isn't helpful because the relevant statute clearly identifies specific metrics for which the Commission must create standards. In its filing, the Company takes considerable effort to criticize Commission standards. Staff does not respond directly to Company claims here because they are not germane to the matter before the Commission, which is whether to approve or disapprove the Performance Plan, given the current standards.

The Required Commission Performance Plan Review

Staff finds that Qwest has submitted a Performance Plan that may result in remedying the retail service quality standard deficiencies. The Company provides enough information to indicate that it has taken steps and has plans that have the potential to return its service quality metric results to meeting Commission established standards. Staff's opinion is not unqualified in major part because the Company does not make clear how it will allocate the additional resources it identifies in its plan (110 technicians and 4 supervisors) between regulated and unregulated customers and facilities to correct problems. The Performance Plan does not correct or identify how the company will address the resource allocation dilemma that the company faces, and that may prevent it from being successfully implemented.

While the Performance Plan is intended to remedy compliance with three specific metrics; held orders for lack of facilities; repair clearing times; and trouble reports, Staff will continue to monitor all other metrics during the Performance Plan review period and take any necessary action to remedy deficiencies.

Performance Plan Action Items

In the operations management area, to meet the Commission's held order for lack of facilities standard the Company has developed a report that will assist managers to monitor delays in held orders and make adjustments prior to the 30-day deadline. The Company also identified some modifications and corrections to programs, processes, and procedures that will assist managers and create more accurate service quality results for Commission service quality reports.

Remedial work and staffing has been introduced in areas where trouble report rates are in danger of missing the Commission standard. Specific corrections and actions are detailed for the North Plains and Jacksonville wire centers.

The Company's plan to correct repair clearing time deficiencies involves active management engagement with repair centers where results indicate the standard may

¹ In the Matter of Qwest Corporation dba Centurylink QC, Service Quality Performance Plan, Qwest Compliance Filing, June 29, 2017, at 2, Docket UM 1836.

UM 1836 Qwest Performance Plan
July 12, 2017
Page 4

be missed. All functional areas involved with clearing trouble tickets will be involved in assessment and in improving awareness.

Performance Plan Review Period Considerations

The Performance Plan provides a plan to meet the Commission's minimum service quality standards for held orders for lack of facilities, repair clearing times and trouble reports. The success or failure of the plan will be evaluated with compliance as the goal.

Because the service quality performance results have a significant consequence the timeframe for measurement of the Company's results should be established. All companies are allowed to report monthly service quality results up to forty-five days after the end of each data-month. For example, the April data month is due on June 15th. In part as a result of the data month reporting delay the statutorily required six-month performance plan time frame for the company to remediate its service quality to meet standards may need to be defined or otherwise set by the Commission to allow for the normal course of reporting to reflect the success or failure of the Company's performance plan.

Staff proposes that the six month statutory performance plan review period begin the next full month after the Commission approves the Performance Plan. If successfully implemented, the Company's Performance Plan should allow for the Company's reported results for January 2018 to be consistent with the relevant service quality standards. This provides a standard timeframe for measuring whether or not the Company has met the goals of its Performance Plan.

Staff further notes that the trouble report rate goal will be evaluated based on Qwest's performance during the six month review period. Normally the trouble report standard is reached only when three or fewer months out of the sliding 12-month period have exceeded the threshold. Assuming the starting month for the six month performance plan review period begins in August and that the Company's performance plan brings the Jacksonville wire center trouble report rate below the threshold for all six months, the Company might not technically come into full compliance with Commission rules until 12 months have passed after the start of the Performance Plan period. Staff will review performance based on the assumption that if the Company has three or fewer months within the performance plan review period that are out of compliance, the Company will be considered to be on track to meet the Commission's trouble report rate standard for the full twelve month period.

Staff proposes allowing the Company up to forty-five days to report its results for the sixth month of the Performance Plan review period. Staff plans to set up regular calls

UM 1836 Qwest Performance Plan
July 12, 2017
Page 5

with Qwest representatives to obtain information on the Company's progress toward meeting the Performance Plan goals. Alternatively, the Commission could include in its order a requirement for additional reporting pursuant to OAR 860-023-0055(3), "The Commission may require a large telecommunications utility to submit additional reports on any item covered by this rule."

Conclusion

Staff concludes that Qwest has submitted a plan that may result in remedying the retail service quality standard deficiencies.

Staff further concludes that it would be beneficial for the Commission to establish the objective measurement of Company progress by setting the beginning and ending month of the six-month performance plan review period, and the due date for final reporting.

PROPOSED COMMISSION MOTION:

Approve Qwest Corporation's service quality performance plan and set the performance plan review period to begin August 1, 2017 and end January 31, 2018. The Company has until March 15, 2018 to report its results for January 2018.

UM1836.Qwest.Service.Quality.Performance.Plan.Submission

ORDER NO. **18 198**

ENTERED **MAY 30 2018**

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1836

In the Matter of

QWEST CORPORATION, dba
CENTURYLINK QC,

Extension of Approved Service Quality
Performance Plan.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

This order memorializes our decision, made and effective at our May 29, 2018 Regular Public Meeting, to adopt Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

Made, entered, and effective **MAY 30 2018** .


Megan W. Decker
Chair



Stephen M. Bloom
Commissioner



A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

ORDER NO. 18 198

ITEM NO. 1

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 29, 2018

REGULAR CONSENT EFFECTIVE DATE Upon Approval

DATE: April 20, 2018

TO: Public Utility Commission

FROM: Stephen Hayes 

THROUGH: Jason Eisdorfer, Bryan Conway, and Bruce Hellebuyck 

SUBJECT: QWEST CORPORATION: (Docket No. UM 1836) Extension of Approved Service Quality Performance Plan

STAFF RECOMMENDATION:

Staff recommends that the Commission effectively extend the previously approved performance plan of Qwest Corporation dba CenturyLink (Qwest or Company) with the second six-month performance plan to begin June 1, 2018 and end November 30, 2018, allowing the Company until January 15, 2019 to report its results for November 2018.

DISCUSSION:

Issue

Whether the Commission should extend Qwest's existing performance plan, by allowing the Company to execute another six month performance plan to bring specific retail service quality metrics into compliance.

Applicable Rule or Law

The Commission establishes minimum service quality standards to ensure safe and adequate services for all telecommunications carriers pursuant to Oregon Revised Statute (ORS) 759.450. Under Section (5) of this statute, the Commission is required to direct a telecommunications carrier, utility or competitive provider that is not meeting the minimum service quality standards to submit a plan for improving performance to meet the standards. The Commission is further required to review and approve or disapprove the plan. If the carrier, utility or provider does not meet the goals of its improvement

ORDER NO. **18 198**

UM 1836 Qwest Performance Plan
April 20, 2018
Page 2

plan within six months, the Commission may assess civil penalties against the carrier, utility or provider.

Oregon Administrative Rule (OAR) 860-023-0055 provides the statutorily required retail service quality standards for large telecommunications utilities and also mirrors much of the relevant statute ORS 759.450. The relevant standards are:

- 1. Provisioning and Held Orders for Lack of Facilities per OAR 860-023-0055(4)** (At least 90 percent of commitments for service must be met; Held orders for lack of facilities must not exceed the larger of two per wire center per month or five per 1,000 inward orders; Primary held orders for lack of facilities in excess of 30 days past the initial commitment date must not exceed 10 percent of total monthly held orders due to lack of facilities within the utility's Oregon service territory).
- 2. Trouble Reports per OAR 860-023-0055(5)** (Monthly trouble report rate may not exceed two or three per 100 working access lines per wire center more than three times during a sliding 12-month period, depending on number of access lines per wire center).

Analysis

Background

On May 16, 2017 the Commission required Qwest by Order No. 17-175 to submit a service quality performance plan to meet the minimum service quality standards for held orders for lack of facilities, repair clearing times and trouble reports within 45 days. Qwest timely filed its Service Quality Performance Plan ("Performance Plan") on June 29, 2017.

On July 27, 2017, Order No. 17-288, the Commission approved the plan submitted by Qwest to bring three of its service quality metrics into compliance with the standards.

- 1. Provisioning and Held Orders for Lack of Facilities per OAR 860-023-0055(4)** (At least 90 percent of commitments for service must be met; Held orders for lack of facilities must not exceed the larger of two per wire center per month or five per 1,000 inward orders; Primary held orders for lack of facilities in excess of 30 days past the initial commitment date must not exceed 10 percent of total monthly held orders due to lack of facilities within the utility's Oregon service territory).

ORDER NO. 18 198

UM 1836 Qwest Performance Plan
April 20, 2018
Page 3

2. **Trouble Reports** per OAR 860-023-0055(5) (Monthly trouble report rate may not exceed two or three per 100 working access lines per wire center more than three times during a sliding 12-month period, depending on number of access lines per wire center).
3. **Repair Clearing Time** per OAR 860-023-0055(6) (90 percent of all trouble reports within 48 hours of report for each repair center, with a weekend exception; use best efforts to complete out-of-service restorations for business customers; use best efforts to complete out-of-service restorations for residential customers who either have a medical necessity or no access to an alternative means of voice or E-911 communications).

Performance Plan Progress Review

Repair Clearing Time – Under the first performance plan, the Company achieved marked improvement in the repair clearing time metric; bringing it within Standard by the end of the performance plan six-month review period. This metric remained with-in standard for all eight repair centers from June 2017 through January 2018 the last month reported. Staff views this as a major result. The two remaining metrics needing to be brought into compliance are: held orders for lack of facilities; and trouble reports.

Held Orders - This metric has two components: (1) Held Orders not meeting the six-day minimum service initiation requirement and (2) Held Orders held over 30-days. Qwest has not been out of compliance with the standard for the first category, Held Orders but made progress never-the-less in bringing down that measurement from 89 in February 2017, to 23 in January 2018. And, in September 2017, the Company brought the Held Orders Over 30-days within standard to just four (4). There is a perverse result at work making it harder to achieve the standard for Held Orders Over 30-days when the performance on the other component improves significantly because the standard is a percent of the Held Order measurement; an issue that requires consideration, which Staff intends to address in a future rulemaking. For example, in January 2018, the held order component was 23 which made a result over 2.3 out of standard for held orders over 30 days. Qwest's January 2018 result was four held orders over 30 days which according to rule is an out-of-standard result.

Trouble Reports - Qwest had success in bringing the two initial outlier wire centers within standard for trouble reports. However, two other wire centers are now out of compliance with the standard: Adair and Junction City. The Company has 82 Oregon wire centers, 81 of which report service quality results. Consequently it is not uncommon for one or two wire centers to experience difficulties during a particular month. To be considered out of standard the wire center has to miss the rule's

ORDER NO. **18 198**

UM 1836 Qwest Performance Plan
April 20, 2018
Page 4

threshold for four (4) months out of a twelve (12) month sliding time period; the relevant period for the initial performance plan is February 2017 – January 2018.

The Required Commission Performance Plan Review

In an effort to reduce regulatory burden Staff's proposal does not ask the Commission to require Qwest to submit a new performance plan. Since Qwest has achieved marked improvement, Staff requests that the Commission consider the existing performance plan with the following objective; bring two service quality metrics into compliance with Commission service quality standards:

1. **Provisioning and Held Orders for Lack of Facilities** per OAR 860-023-0055(4) (At least 90 percent of commitments for service must be met; Held orders for lack of facilities must not exceed the larger of two per wire center per month or five per 1,000 inward orders; Primary held orders for lack of facilities in excess of 30 days past the initial commitment date must not exceed 10 percent of total monthly held orders due to lack of facilities within the utility's Oregon service territory).
2. **Trouble Reports** per OAR 860-023-0055(5) (Monthly trouble report rate may not exceed two or three per 100 working access lines per wire center more than three times during a sliding 12-month period, depending on number of access lines per wire center).

Staff's review of Qwest's Performance Plan yields similar results to its initial review:

1. Qwest previously submitted a Performance Plan that may result in remedying the retail service quality standard deficiencies if allowed more time to work.
2. The Company's previously submitted Performance Plan provided enough information to indicate that it has taken steps and has plans that have the potential to return its service quality metric results to meeting Commission established standards. This is evidenced by the progress achieved to date.
3. Staff's opinion is not unqualified in major part because the Company does not make clear how it will allocate the additional resources it identifies in its plan (110 technicians and 4 supervisors) between regulated and unregulated customers and facilities to correct problems. However, the Company has made progress.
4. The Performance Plan does not correct or identify how the company will address the resource allocation dilemma that the company faces, and that may prevent it from being successfully implemented.

Consistent with its review of Qwest's initial performance plan Staff clarifies that while the Performance Plan is intended to remedy compliance with two specific metrics; held

ORDER NO. 18 198

UM 1836 Qwest Performance Plan
April 20, 2018
Page 5

orders for lack of facilities and trouble reports, Staff will continue to monitor all other metrics during the Performance Plan review period and take any necessary action to remedy deficiencies. Staff encourages the Company to review the elements of its plan and make improvements that will be sufficient to bring its service quality metrics into compliance. The existence of a performance plan shouldn't prevent any company from taking steps to improve its service quality performance.

Conclusion

Staff concludes that Qwest has made progress toward the goal of improving its retail service quality under the terms of its first six-month performance plan. And an additional amount of time could help Qwest to remedy the remaining retail service quality standard deficiencies. Under these circumstances and given the nature of the compliance issues, Staff does not recommend that the Commission pursue civil penalties for failure to meet the remaining metrics.

However, the Commission must require a performance plan when a utility fails to meet service quality performance standards. Staff has conferred with the Company, which is willing to undertake a second six-month plan with the same performance improvement terms for Held Orders Over 30-days and for Trouble Reports.

Staff further concludes that it would be beneficial for the Commission to establish the objective measurement of Company progress by setting the beginning and ending month of the six-month performance plan review period, and the due date for final reporting.

PROPOSED COMMISSION MOTION:

Require Qwest to complete a second six month performance plan with approval of a plan with the same performance improvement requirements for Held Orders Over 30-days and for Trouble Reports to begin June 1, 2018 and end November 31, 2018, allowing the Company until January 15, 2019 to report its results for the plan.

UM1836.Extend.Qwest.Service.Quality Performance Plan



CARRIER OF LAST RESORT (COLR)

Report to the 2020 Legislature

September 15, 2020
Robin Freeman, Director of Policy



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September 15, 2020

REPORT ON HOUSE BILL 3065 (2019) CARRIER OF LAST RESORT OBLIGATION

Executive Summary

The requirement that a telecommunications provider be designated as a carrier of last resort (COLR) has helped ensure that all Oregonians have access to voice telephony. COLR obligations were created to ensure that, when an incumbent local exchange carrier (ILEC) was granted the exclusive right to serve a designated service territory, the ILEC would provide service to all customers within that service territory.

In HB 3065 (2019), the Legislature directed the PUC to investigate the continuing relevance of the COLR obligations. Today, many customers can obtain voice telephony through a variety of technologies from numerous providers.

Following a nine-month public process that included broad public engagement and five workshops, the PUC has concluded its investigation and presents the following findings:

Finding #1: Communications are of Vital Importance to Oregonians.

In an era with many service providers and diverse communication options, the ability to communicate is often taken for granted. The COVID-19 pandemic and the tragic wildfires that have recently swept Oregon are an acute and important reminder that the ability to communicate is of vital importance to Oregonians.

Finding #2: Landline Voice Telephony Remains Important to Many Oregonians

Despite dramatic changes to the telecommunications industry, landline voice telephony remains important to many Oregonians. Even with the increase in cellular and other calling options, approximately 250,000 residential customers have retained landlines due to the lack of competitive options, service quality issues, health concerns, or personal choice.

Finding #3: COLR Obligations for Landline Voice Telephony Remain Relevant Today

Competition has not eliminated the need for a COLR. The lack of a requirement that competitive providers serve remote or high-cost areas, as well as the unreliability of non-terrestrial voice telephony, leave many customers, particularly in rural areas, without service alternatives. Eliminating the COLR obligation statewide would risk leaving a material number of Oregonians behind.

Finding #4: COLR Policies Could be Updated to Reflect Competition

Oregon has taken numerous steps to update voice telephony regulation to reflect competition, and could make additional changes to update COLR requirements. With the presence of competitive providers, the possibility exists that, for some urban parts of the state, ILECs could be relieved of the COLR obligations with minimal impacts to customers.

Finding #5: Numerous Challenges and Complications Face COLR Reform

Information and regulatory barriers face COLR reform. The data about competitive services is hard to collect and generally proprietary. In addition, the Federal Communications Commission (FCC) generally regulates competitive providers and technology, limiting Oregon's ability to ensure customer protections.

**Finding #6: The Legislature Should be Cautious with COLR Reform &
Finding #7: Complementary Programs Must be Considered as Part of COLR Reform**

The Legislature should be cautious with COLR reform, and must consider any reforms in conjunction with other programs that support universal voice telephony. These include state and federal Universal Service Funds and Oregon Lifeline, which subsidize the cost of voice telephony in high-cost areas and provide monthly bill credits to low-income Oregonians, respectively.

Finding #8: Promoting Universal Broadband Access Promotes Universal Voice Service

Meeting the broader policy goal of universal access to broadband would effectively moot the need for a COLR obligation for voice telephony, as broadband service can provide both information and voice services. More than a quarter of Oregonians live in areas that are unserved, underserved, or have older technologies that will not be able to meet the digital demands of the very near future.

Finding #9: There are Numerous Challenges to Achieving Universal Broadband Access

Many challenges exist with unifying the treatment of providers that are subject to different regulations but increasingly providing homogeneous services towards a goal of ubiquitous broadband access. In the absence of direct regulatory authority, Oregon can explore the use of recent actions to promote broadband development and other incentives to move toward universal access to broadband in the state.

Table of Contents

BACKGROUND	1
Oregon PUC	1
House Bill 3065 (2019)	1
HB 3065 Report	2
PUC PUBLIC PROCESS	3
Initial Outreach	3
Workshop Series	3
Public Input	5
UNDERSTANDING THE REGULATORY FRAMEWORK	6
COLR Obligations for Voice Telephony	6
Incumbent Local Exchange Carriers (ILECs)	7
PUC Regulation	8
Supporting Programs	9
Competition	11
Broadband Internet Access	12
INDUSTRY TRENDS, TECHNOLOGIES, AND POLICY DRIVERS	15
IMPACTS OF POTENTIAL COLR RELIEF	18
Stakeholder Comments	19
Customer Survey	22
Public Comments	32
STAKEHOLDER RECOMMENDATIONS	34
FINDINGS AND DISCUSSION	38
Finding #1: Communications are of Vital Importance to Oregonians	39
Finding #2: Landline Voice Telephony Remains Important to Many Oregonians	39
Finding #3: COLR Obligations for Landline Voice Telephony Remain Relevant Today	40
Finding #4: COLR Policies Could be Updated to Reflect Competition	41
Finding #5: Numerous Challenges and Complications Face COLR Reform	42
Finding #6: The Legislature Should be Cautious with COLR Reform	43
Finding #7: Complimentary Programs Must Be Considered as Part of COLR Reform	44
Finding #8: Promoting Universal Broadband Access Promotes Universal Voice Service	45
Finding #9: There are Numerous Challenges to Achieving Universal Broadband Access	46

Appendix A: Examples of Promotions for the Customer Survey

Appendix B: Glossary of Terms and Acronyms



September 15, 2020

REPORT ON HOUSE BILL 3065 (2019) CARRIER OF LAST RESORT OBLIGATION

Background

The Oregon PUC

The PUC's mission is to ensure that Oregon utility customers have access to safe, reliable and high-quality utility services at just and reasonable rates. We perform quasi-judicial functions involving robust analysis and independent decision-making through deliberative, litigated processes. Our agency also exercises discretion to interpret and incorporate executive and legislative priorities into rules, utility planning, and customer programs.

Our agency is led by a full-time, three-member Commission appointed by the Governor and confirmed by the Senate. With approximately 80 subject-matter experts in utility operations and regulatory policy, we regulate three electric utilities, three natural gas utilities, and numerous telecommunications utilities and water utilities.

We implement a variety of statutory directives, review detailed technical information, adjudicate legal disputes, and engage with a wide array of stakeholders and policymakers in the energy, telecommunications, and water sectors across the state.

House Bill 3065 (2019)¹

In House Bill (HB) 3065, the Legislature directed the PUC to establish a public process to investigate the continuing relevance of the COLR obligation on telecommunication providers. The Legislature asked us to focus on developing industry trends, technologies, and policy drivers, and to examine whether they impact existing regulatory system administered by the PUC for ensuring adequate and reasonable access for residential customers to telecommunication services in all areas of the state.

In its directive, the Legislature asked whether changes to the exiting regulatory system could accommodate developing industry trends and support new policy objectives without compromising residential customers' access to reliable and safe service at reasonable rates on a nondiscriminatory manner. The Legislature requested that we focus specifically on:

- Customers whose individual circumstances and needs may impact their access to and usage of telecommunications services, including low-income customers

¹ <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB3065/Enrolled>

- Residential customers with access at their home to fewer than two of the following land-based service alternatives:
 - Telecommunication services provided by a facilities-based competitive local exchange carrier
 - Voice service offered via interconnected VoIP, or
 - Voice service offered by a cellular communications service; and
- The comparability of voice service offered by wireless internet service providers (WISP) and satellite providers

HB 3065 also instructed the PUC to make determinations on the need for changes to the existing regulatory system and incentives that would be in the best interests of residential customers and the general public, including development of implementation plans to make changes within its current statutory authority and recommendations to the Legislature.

HB 3065 Report

This report fulfills the final directive of HB 3065 to report to the interim committees of the Legislature related to economic development, business, and general government by September 15, 2020. We have concluded our investigation, and submit our findings below.

We divide our report into five sections. We begin with a description of the public process used for this investigation, and summarize our efforts to maximize public participation. We also describe our workshop format, along with a short summary of the HB 3065 workshops.

Next, we organize our report around the key subjects that were the focus of the workshops:

1. *Understanding the Regulatory Framework.* We provide a basic review of the regulatory framework governing the COLR requirement to help provide the context to better understand the potential consequences of changes to this obligation.
2. *Industry Trends, Technologies, and Policy Drivers.* We discuss the numerous changes to the telecommunications industry that have given rise to questions about the continuing relevance of COLR obligations.
3. *Impacts of Potential COLR Relief.* We address the impacts of potential COLR relief as informed by our stakeholders, as well as the public.
4. *Stakeholder Recommendations.* We summarize the recommendations filed by the stakeholders to our public process.

Finally, drawing from information obtained during the public process, we conclude with our findings and discussion of the continuing relevance of COLR obligations.

PUC Public Process

To help ensure broad participation and to promote a robust dialogue on the continuing relevance of the COLR obligation, we used innovative and non-traditional practices in the HB 3065 public process. We began with broad outreach to stakeholders—both those familiar and new to the PUC’s work—to help determine a meaningful and successful public process.

Initial Outreach

From the outset, we recognized the need to involve stakeholders early to obtain their input on how best to conduct this public process. We held individual meetings with many key stakeholders shortly after the 2019 Legislative Session concluded. These stakeholders included Representatives Pam Marsh and E. Werner Reschke, who co-sponsored HB 3065, as well as the Oregon Citizens’ Utility Board (CUB), telecommunications providers and industry groups, as well as non-traditional stakeholders including representatives from local governments, rural communities, emergency providers, low-income advocates, and tribal governments. In all we held more than 24 in-person meetings, and conducted additional outreach through email and by telephone.

During this outreach, we sought input on the following questions:

- What would a successful PUC process look like to your organization?
- Should the scope be broader than the COLR obligation?
- What’s the best process for the PUC to educate, inform, and engage itself and its stakeholders around the questions asked by HB 3065?
- Are there process hazards we should avoid?
- What existing resources could benefit the PUC and other stakeholders during or prior to this investigation?
- What other stakeholders should be engaged?

Workshop Series

Based on the information shared during the interviews with stakeholders, we chose an informal public process and designed a series of workshops to align with the framework set forth in HB 3065. To promote robust participation, we worked to expand outreach to involve non-traditional PUC stakeholders. We created a list of more than 150 potential stakeholders to participate in the workshops and discussions, and made special efforts to engage low-income and under-served populations in the investigation by working in partnership with American Association of Retired Persons (AARP), National Association for the Advancement of Colored People (NAACP), the tribal nations of Oregon, Oregon Farm Bureau, Legislative Commission on Tribal Services, various consumer advocacy groups, among others. Stakeholders, who were vital to the success of this project, played an

important role by helping inform the discussions and providing input on their perspectives of COLR and the telecommunications industry and customer needs.

COLR Workshops 1 and 2: Understanding the Regulatory Framework

The first two workshops were held on January 21 and February 18, 2020 at the PUC's offices in Salem. The meetings were focused on defining the scope and purpose of the investigation, and ensuring all participants had baseline knowledge of telecommunications and the COLR obligation to effectively participate in the investigation. To assist in that effort, we prepared a COLR Whitepaper to provide a foundational framework of COLR obligations.² During the workshops, we also undertook a group exercise to develop a matrix to identify the various communications providers and the applicable regulatory requirements.

COLR Workshop 3: Industry Trends and Policy Drivers

Due to the COVID-19 pandemic, we adjusted the remaining workshop schedule and used webinar and video conferencing technology to ensure the safety of everyone participating. The third workshop was held May 14, 2020, and featured presentations on industry trends, technologies, and policy drivers. The presenters included groups representing large ILECs, small ILECs, consumer groups, government, and non-ILEC communication service providers. These presentations provided insights into the differences each group faces with the consideration of changes to the COLR obligation.

COLR Workshop 4: Impacts of Potential COLR Relief

In place of a fourth workshop, stakeholders were encouraged to submit written responses to a series of questions designed to better understand the impacts of potential COLR relief. Although no specific proposals were addressed during this process, potential options for COLR relief could include relaxing, reassigning, or eliminating the COLR obligation, or making other regulatory changes. Our questions to the stakeholders focused on whether COLR relief could be provided without compromising residential customers' access to reliable and safe service at just and reasonable prices in an adequate and nondiscriminatory manner.

COLR Workshop 5: Changes to the Existing Regulatory System and Incentives

The final workshop was held August 13, 2020, where stakeholders discussed in detail their recommendations that were submitted in writing earlier that month.

² A copy of the PUC White Paper is available at the following link:
<https://www.oregon.gov/puc/utilities/Documents/PUC-COLR-White-Paper.docx.pdf>

Public Input

We recognized the need for robust customer participation from across the state to inform this report, and provided various ways for the public to comment on their telecommunications service needs, as well as the availability and quality of those services at their residence. We worked diligently to ensure Oregonians were informed of their opportunity to comment on these issues, and partnered with various organizations such as NAACP, AARP, government agencies, state legislators, media outlets, school districts, among others, to promote the opportunities to comment as noted below.

One method used was a Customer Survey focusing on the public's voice telephony needs and availability of competitive services. We developed the survey with input from participants to our HB 3065 Public Process, and promoted it through statewide media outlets, numerous organizations, and PUC stakeholders. To ensure widespread participation, we also partnered with numerous organizations and stakeholders, including: Oregon Cable Telecommunications Association (OCTA), CUB, League of Oregon Cities, Oregon Counties Association, Business Oregon, AARP, Community Action Partnership of Oregon (CAPO), Oregon Environmental Justice Task Force, OPAL Environmental Justice Oregon, Northwest Energy Efficiency Alliance, Oregon Tribal Governments, Oregon Legislature, various school districts, among others. Appendix A includes a few examples of promotions by some of these partners, which expressed the importance of this information and provided a link to the survey.³ Ultimately, over 2,600 Oregonians responded to the survey.

We also hosted two Commission public comment hearings. Originally planned to be in-person in Jacksonville, Ontario, and Florence, the hearings were rescheduled and held on May 28, 2020, via webinar and June 9, 2020, via conference call to ensure public safety during the COVID-19 pandemic. The PUC used two different conference formats to ensure access by everyone regardless of their understanding and availability of technology options or lack of internet connection.

The PUC also provided opportunities throughout this process for the public to provide comment via our website or email.

³ To make the web-based survey accessible to customers without access to the internet, we provided an option for customers to call the PUC's Consumer Services Division, whereby they could provide responses to the Consumer Services staff.

Understanding the Regulatory Framework

The current regulatory framework is complex, due to the telecommunications sector’s long and intricate history of legal, technological, and commercial evolution. While a complete account of this history is outside the scope of this report, a basic review of relevant aspects is necessary to understand the COLR obligation and the potential consequences of changes to this requirement.⁴

COLR Obligations for Voice Telephony

COLR obligations were created to ensure that, when a utility service provider was granted an exclusive service territory, the utility would provide service to all customers within that territory. The COLR designation includes the obligation to extend facilities where necessary to provide service, and prohibits the utility from withdrawing service without regulatory approval. COLR obligations have been applied to all utility sectors, including telecommunications, energy, and water, and help ensure access to critical services for all end users, regardless of their location or ability to receive service from another provider.

The COLR obligation at issue in this investigation comes from ORS 759.500 *et seq.*, which allows telecommunications utilities to acquire exclusive service territories. The allocation of territories helped eliminate unnecessary and uneconomical duplication of utility facilities and ensure rates remain just and reasonable. An “allocated territory”—generally referred to as a local exchange for telecommunications—means “a geographic area for which the Public Utility Commission has allocated to no more than one person the authority to provide local exchange telecommunications service, the boundaries of which are set forth on an exchange map filed with and approved by the commission.”⁵ There are currently 267 allocated telephone exchanges in Oregon.⁶

The COLR obligations are specifically identified in ORS 759.506(1). That provision requires an entity allocated an exclusive service territory to provide “local exchange telecommunications service,” and to all customers in a nondiscriminatory manner. The term “local exchange telecommunications service” is a combination of two concepts. First, “local exchange” means service provided within the boundaries of the allocated service territory.⁷ Second, “telecommunications service” means the transport of voice communications, and

⁴ Like its history, the terminology used in telecommunications is complex, and ever evolving. We have tried to minimize the use of technical terms, and have defined them when necessary. To assist the reader, we have developed a glossary of terms and acronyms used in this report that is attached as Appendix B.

⁵ See ORS 759.500(1). Although the PUC has some statutory authority to exempt a provider from the COLR obligations, it may do so only with respect to property with four or more single-family dwellings. See ORS 759.506(3).

⁶ A map of the exchanges is available at: <https://www.oregon.gov/puc/utilities/Documents/COLR-Map.jpg>.

⁷ See ORS 759.005(3).

all services provided in connection with such service, without regard to the facilities used to provide the service.⁸

Based on that definition, the COLR obligation is limited in application and scope. First, it applies only to entities granted exclusive service territories. Second, the obligation requires only that these entities provide basic voice telecommunications service (which we will refer to in this report as **voice telephony**). Such service must, however, be provided to all customers on a non-discriminatory basis.

Incumbent Local Exchange Carriers (ILECs)

Entities that obtained allocated service territories are generally referred to as incumbent local exchange carriers (ILECs).⁹ Thirty-three different ILECs have been allocated territory under Oregon law. These include investor-owned utilities, cooperatives, and municipalities.

CenturyLink, which traces its origins back to the Bell telephone system and now includes affiliates from the former carrier Sprint/United, is the largest ILEC in Oregon. It serves approximately 334,802 access lines in 155 local exchanges along the Interstate 5 and Interstate 84 corridors, as well as central and eastern Oregon.

Northwest Fiber, dba Ziplly Fiber, is Oregon's second largest ILEC, and traces its roots back to GTE, which took the name Verizon in 2000, and was purchased by Frontier in 2010. Ziplly Fiber purchased Frontier's operations in Oregon, Washington, Idaho and Montana earlier this year, and serves approximately 101,000 access lines in 54 exchanges located primarily in west Portland, northeastern Oregon, and the southern coast.

In addition to these two large carriers, many smaller ILECs provide service to more rural areas of the state. Some of these entities are under common ownership or control, while others are cooperative associations or government providers that are exempt from many aspects of PUC regulation. In all, these smaller ILECs serve approximately 46,712 access lines in 58 local exchanges across Oregon.

PUC Regulation

⁸ See ORS 759.005(8) and OAR 860-032-0001(12). Basic voice telecommunications service traditionally was provided using copper wires. Today, companies may deliver voice telephony using more advanced technology (*i.e.*, fiber lines) over which companies may also deliver advanced services (*i.e.*, broadband). However, regardless of the technology used, the COLR obligation remains limited to basic voice telecommunications service.

⁹ ILECs (as well as competitive local exchange carriers discussed below) are also commonly referred to as landline carriers,

Although the PUC designates allocated service territories for all ILECs, it provides rate and service oversight only for investor-owned ILECs (not cooperatives or government-owned providers). The PUC's enabling statutes provide that, in serving this function, the agency:

[S]hall represent the customers of any public utility or telecommunications utility and the public generally in all controversies respecting rates, valuations, service and all matters of which the commission has jurisdiction. In respect thereof the commission shall make use of the jurisdiction and powers of the office to protect such customers, and the public generally, from unjust and unreasonable exactions and practices and to obtain for them adequate service at fair and reasonable rates.¹⁰

The PUC's primary function is that of an economic regulator to ensure that customers of investor-owned utilities receive safe and reliable service at just and reasonable rates. Ratemaking involves an exercise of PUC discretion to balance the interests of the utility investor and the customer. The PUC has historically performed this function through cost-of-service regulation, which endeavors to set rates sufficient for the utility to have the opportunity to recover reasonable operating costs, including the cost of capital.

Once rates are set, the utility must charge those rates on a non-discriminatory basis. For residential customers, the PUC traditionally required rates for voice telephony to be based on statewide average pricing, which generally requires the utility to charge all residential customers the same rate regardless of where they live in the utility's various service territories.

Cost-of-service regulation is not the only way the PUC regulates utility rates, however. In response to the changing telecommunications landscape, the Legislature in 2002 authorized the PUC to adopt alternative forms of regulation in the form of a price plan,¹¹ and currently both CenturyLink and Ziplly Fiber operate under price plans.¹² Generally, these price plans allow the utilities to raise their prices for residential voice telephony up to an established cap; for business and other services, a price plan gives the ILECs pricing flexibility with no cap. The PUC is also authorized to waive numerous statutory provisions in order to reduce the regulatory burden on the utilities, but does *not* give the PUC the authority to waive COLR obligations.

The PUC also regulates the quality of service provided by investor-owned ILECs (but not for cooperatives or government providers). Oregon law requires these ILECs to provide safe and adequate service on a nondiscriminatory basis,¹³ and the PUC has adopted

¹⁰ ORS 756.040.

¹¹ ORS 759.255. In the 1990's, the Oregon Legislature had previously authorized the use of price caps as an alternative form of regulation. *See* ORS 759.425-445.

¹² Frontier and Citizens, Order No. 18-303, amended by Order No. 19-038, (Docket UM 1895) and Qwest, CenturyTel and United, Order No. 18-359 (Docket UM 1908).

¹³ ORS 759.035 (imposing the duty to furnish adequate and safe service at reasonable rates); ORS 759.450(1) (imposing minimum service quality standards).

minimum service quality standards for voice telephony to ensure safe and adequate service.¹⁴

Retail telecommunications service quality standards address a number of aspects of service quality. Examples of these standards are requirements related to technical measurements affecting voice quality, timeliness of installation and repair commitments, number of trouble reports, and representative telephone answer time.

Supporting Programs

In addition to the COLR obligation, other programs support Oregonians' access to voice telephony. These policies and programs are directed at both the provider and the end user.

Federal and State Universal Service Funds

The PUC and the FCC administer state and federal universal service fund (USF) programs that provide subsidies to further the goal that service be accessible to everyone. The FCC currently operates four universal service programs:

- Connect America Fund (formally known as High-Cost Support) for rural areas
- Lifeline for low-income consumers, including initiatives to expand phone service for residents of Tribal lands
- Schools and Libraries (E-rate)
- Rural Health Care

Based on a similar principle of promoting service to all, in 1999 the Oregon Legislature directed the PUC to create a state universal service fund to ensure basic telephone service is available at a reasonable and affordable rate.¹⁵ The PUC has defined “basic telephone service” to mean “retail telecommunications service that is single party, has voice grade or equivalent transmission parameters and tone-dialing capability, [and] provides local exchange calling.”¹⁶

Both state and federal programs are funded through a surcharge on retail telecommunications services. Contributors to the funds are allowed to, but are not required to, recoup their contributions from customers up to the level of contribution. The fund contributions are then distributed to service providers. A service provider must be designated as an “eligible telecommunications carrier” (ETC) in order to receive federal and state USF support. The PUC presides over and approves ETC designations for both funds, which have similar but slightly different eligibility criteria.

¹⁴ ORS 759.450(2) (requiring the PUC to adopt minimum service quality standards).

¹⁵ ORS 759.425.

¹⁶ OAR 860-032-0190.

To receive funds from either program, an ETC must be willing to serve throughout the area for which funds are provided and advertise the service.¹⁷ This requirement is similar to but not identical to a COLR obligation. For example, there is no requirement that service be provided on a non-discriminatory basis. In addition, the FCC has designated census blocks in many service areas where providers, notably those that are price-cap regulated like CenturyLink and Ziplly Fiber, no longer need to provide voice service to obtain federal USF. All of Oregon's 33 ILECs and two landline competitive providers—Douglas Fastnet and Comspan—are certified as ETCs and receive USF support.¹⁸

Both USF programs are expanding their focus beyond voice telephony and adapting to provide support for broadband infrastructure. Through Senate Bill 1603 (2020)¹⁹, the Legislature recently amended the Oregon USF to expand the funding surcharge to also apply to retail cellular and VoIP services. The Legislature also established a broadband fund, and directed the PUC to annually transfer up to \$5 million to the Oregon Business Development Department to establish a program for providing grants and loans for broadband service infrastructure projects.

Oregon Lifeline

Another supporting program to ensure access to basic telecommunications services is Oregon Lifeline, a federal and state program administered by the PUC that reduces the monthly cost of a telephone (or broadband service) for qualifying low-income Oregon households. These combined programs typically provide a discount up to \$12.75 per month for qualifying recipients for voice service or broadband service with participating companies. In response to the COVID-19 pandemic, the Legislature recently provided the PUC additional funds to temporarily increase those discounts to \$19.25 per month for voice and \$21.25 per month for broadband service. Eligible customers also have the option to receive, instead of these monthly discounts, a company provided cellular phone and subsidized data service.

Oregon has established a separate funding source to pay the state's portion of the Oregon Lifeline Program. ORS 759.685 allows the PUC to collect "an amount not to exceed 35 cents per month against each paying retail subscriber who has telecommunications service, or who has interconnected voice over internet protocol service * * * [.]". Currently, the surcharge is \$0.10 per month, and is used to support not only Oregon Lifeline but also the PUC's Telecommunications Device Access Program and Oregon Relay to help provide

¹⁷ These areas may differ from the local exchange areas served by ILECs, such as by wire center or census block.

¹⁸ Some wireless companies also operate under ETC designations for the Oregon Lifeline Program, as discussed below, which correlate to the low-income portion of the federal USF program. In Oregon, the eligible telecommunications provider (ETP) status is analogous to an ETC designation, and is required for a company to receive Oregon Lifeline assistance funding.

¹⁹ <https://olis.oregonlegislature.gov/liz/2020S1/Downloads/MeasureDocument/SB1603/Enrolled>.

equipment and services to enable telecommunications service for persons who are deaf, deaf-blind, hard of hearing, or have a speech impaired disability.

Companies who wish to participate in the Oregon Lifeline program must be certified as ETPs, as noted above, and carry the same service obligations as ETCs.

Competition

It is no longer the case that customers located in a designated territory are exclusively served by ILECs via traditional landline service. With regulatory changes and technological advancements, many customers can choose different products and service providers to meet their communication needs. In addition, customer needs are expanding beyond voice telephony, as high speed access to the internet is becoming a necessity for more and more aspects of Oregonians' daily lives.

Alternative Providers

For many Oregonians, ILECs are not the only option for voice services. Before we briefly describe these other providers and technology options, we highlight that there is not a common regulatory framework governing these various competitive providers and the services they provide. We describe some of those difference below, but for convenience developed a regulatory framework matrix that helps clarify which providers are subject to various regulations, from COLR to USF to public safety requirements. The matrix is available at: <https://www.oregon.gov/puc/utilities/Documents/COLR-Matrix.pdf>

Competitive Local Exchange Carriers (CLECs)

In the Telecommunications Act of 1996, Congress sought to promote competition by requiring the large ILECs to provide access to parts of their network on a resale basis to enable competitors to provide voice telephony. Those competitors, which are referred to as competitive local exchange carriers (CLECs), purchase these “unbundled network elements” (UNEs) to provide services to end users that compete with the services provided by the ILECs. Some CLECs have built their own physical networks.

CLECs are authorized to provide competitive services in the large ILEC's service territory on an exchange-by-exchange basis, and are subject to limited regulatory oversight. The PUC does not regulate the price, terms, or conditions by which CLECs provide voice telephony, but these providers must follow the terms of their certificate, PUC rules, and laws applicable to competitive providers. These include the requirement to offer service throughout the designated exchange(s), but there is no obligation to provide service on a non-discriminatory basis.

Cellular, Cable Television, Satellite, and Fixed Wireless

Technology advances have enabled entities other than ILECs and CLECs to provide voice service. Most significantly, cellular providers use wireless technology to offer voice and information services. Cable television (CaTV) providers also have gained the ability to offer voice services to their customers, and advances in Internet Protocol (VoIP) calling and rising technologies (such as satellite and fixed wireless) have allowed additional competitive choices for many customers.²⁰

States and their utility commissions have limited authority over these competitive providers, which are primarily regulated at the federal level. Where CaTV companies provide voice service, they are subject to the PUC's authority as described above; primarily, however, they are regulated by franchise agreements, city and county ordinance, the FCC, and federal and state law. Cellular carriers, satellite and fixed WISPs are primarily regulated by the FCC.

Broadband Internet Access

Although this investigation is focused on the COLR obligations to provide voice telephony, our examination would not be complete without recognizing the fact that, given the increasing role of the internet in virtually all aspects of modern society, customer demands are shifting away from voice telephony towards modern communications networks capable of providing broadband internet access.

Broadband is an inexact term, but is commonly used to describe high-speed internet access via wide bandwidth data transmission that can simultaneously transport multiple signals and traffic types. The FCC's benchmark for reliable high-speed internet is derive having download speeds of at least 25 megabits per second (Mbps) and upload speeds of at least 3 Mbps. Broadband can be delivered via multiple technologies, including fiber, fixed wireless, digital subscriber line (DSL), cable, or satellite.

Efforts to expand broadband availability are primarily focused on extending infrastructure to homes and small businesses, particularly in rural areas. While providers have deployed broadband to many urban and suburban areas, many rural areas remain unserved or underserved. The FCC maintains a map showing the number of Oregon's fixed residential broadband providers that provide service at 25/3 Mbps. The map, which is available at <https://go.usa.gov/xfwcn>, reveals the digital divide between urban and rural parts of the state.

Oregon's efforts to expand broadband are challenged by the absence of state regulatory jurisdiction over broadband. The FCC has assigned broadband under the category of "advanced telecommunications capability" and preempted states from regulating the service. Although broadband is offered by many ILECs in their service territories, the PUC's regulatory authority is limited to voice telephony and does not extend to their provisions of broadband services, even when bundled with voice telephony.

²⁰ For more information, see page 8 of the COLR White Paper cited in footnote 2.

Despite this limitation, Oregon has taken numerous steps to help expand broadband access. The Legislature has made broadband access a state goal. ORS 759.016(1) provides, in part:

[t]hat it is the goal of this state to promote access to broadband services for all Oregonians in order to improve the economy in Oregon, improve the quality of life in Oregon communities and reduce the economic gap between Oregon communities that have access to broadband digital applications and services and those that do not, for both present and future generations * * *.

In December 2018, Governor Brown issued Executive Order 18-31 to create the Oregon Broadband Office within the Oregon Business Development Department.²¹ The order finds that “broadband constitutes critical infrastructure for the prosperity of all Oregonians, especially Oregon’s rural and underserved communities,” and directs the Oregon Broadband Office to, among other things, “[a]dvocate for the adoption of public policies that remove barriers to and support broadband infrastructure deployment to close the continuing digital divide.”²² The Legislature subsequently passed House Bill 2173(2019) to place the Oregon Broadband Office into statute.

In addition, this summer the Legislature allocated \$10 million of monies received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 to support the Oregon Rural Broadband Capacity Program run by Business Oregon. The funds are intended to support infrastructure construction and emergency response projects to provide increased broadband access for telework, telehealth, and K-12 distance learning applications in unserved and underserved areas in response to the COVID-19 public health emergency. Moreover, as noted above, the Legislature also enacted SB 1603 to require that up to \$5 million annually from the Oregon USF be used to support broadband infrastructure build-out.

The federal government is also taking action to promote broadband in rural parts of the country. The FCC has created the Rural Digital Opportunity Fund (RDOF) to provide \$20.4 billion in funding to help bring high speed fixed broadband service to rural homes and small businesses.²³ This October the FCC will conduct its Phase I auction to cover census blocks entirely unserved by voice and broadband with download speeds of at least 25/3Mbps. The FCC will later conduct a Phase II auction to cover census blocks that are partially served, as well as locations not funded from the Phase I auction.

²¹ Executive Order 18-31 is available at:

https://www.oregon.gov/gov/Documents/executive_orders/eo_18-31.pdf.

²² ORS 285A.166;

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2173/Enrolled>.

²³ More information can be found about the RDOF at: <https://www.fcc.gov/auction/904/factsheet>.

Industry Trends, Technologies and Policy Drivers

During the third COLR Workshop, stakeholders gave presentations on telecommunications industry trends, technologies, and policy drivers. The presenters included groups representing large ILECs, small ILECs, consumer groups, government, and non-ILEC communication service providers. These presentations provided insights into the differences each group faces in considering of changes to the COLR obligation.

The primary industry trend over the last decade and more is the contraction of the number of landline customers served by ILECs. Most notably, the number of residential landline customers in Oregon has declined by two-thirds between 2008 and 2018.²⁴ Much of the line losses seen by the landline telecommunications sector can be attributed to the dramatic increase in cellular services and usage by Oregonians since the late 1990s. In 1999, there were fewer than one million cellular phones in Oregon, but that number had risen to 3.7 million by 2018.²⁵ Other advances in technology, including use of CaTV and VoIP,²⁶ have provided additional competitive options for voice telephony.

As competitive options increased, residential customers began to shift away from using landlines with many eventually opting to cut the cord and go without landline service of any kind. In 2018, 63 percent of residential households in Oregon had no landline service.²⁷ Despite these residential line losses, there continues to be approximately 250,000 residential landlines in Oregon, and the number of business landlines has remained relatively unchanged, largely staying between 600,000 and 700,000 lines between 2008 and 2017.²⁸ Moreover, while many Oregonians have demonstrated a preference for cellular and other competitive options, the remaining landline customers have expressed continued reliance on their landline service for reasons that include lack of access to reliable cellular service, reliance on special landline services, and customer preference for landline service.

The addition of cellular carriers, CaTV, VoIP providers, satellite, and other technologies has added competition for the voice telephony services that represent the basis of COLR. However, the PUC's own 2019 Local Telecommunications Survey²⁹ found that the telecommunication market remains moderately concentrated and not competitive and

²⁴ Citizens' Utility Board. "COLR Public Proceeding – Workshop #3 Presentation." May 14, 2020.

²⁵ *Id.*

²⁶ There are wide ranging views on what constitutes VoIP service. VoIP is used to describe a variety of voice services that employ an internet protocol. Some providers call their service VoIP to avoid regulation and payment of interconnection charges. The FCC has largely left the question of what constitutes VoIP question untouched. Services requiring VoIP phone or specialized VoIP compatible customer premise equipment may be considered voice service. However, a technical classification depends on analysis on a case by case basis.

²⁷ CenturyLink. "Industry Trends and Policy Drivers Affecting Carriers of Last Resort: Presentation to the Oregon Public Utilities Commission." May 14, 2020.

²⁸ OPUC. "Local Telecommunications Competition Survey." January 2019.

²⁹ <https://www.oregon.gov/puc/forms/Forms%20and%20Reports/2019-Competitive-Provider-Report.pdf>

customers' options in most areas are limited, especially for residential service.³⁰ The survey also concluded that the cellular industry is even more competitively imbalanced between rural and urban areas than the landline industry.

The declines in Oregon's residential landline sector have not been uniform throughout the state nor throughout the industry. The state's large ILEC providers have been hardest hit by the declines in residential customers over the last decade, in large part because the majority of their historic customers have been located in more urban and suburban areas of the state where access to competing carriers and technologies, including cellular and VoIP, are highest. By contrast, small telecom utilities and cooperatives have seen their lines losses level off since the early 2010s. Overall, in stark contrast to 20 years ago when competition was first introduced to Oregon's telecom industry, competitive providers serve more business and residential landlines customers than ILECs.³¹ ILECs retain a majority share of residential landlines with 58 percent of market, while competitive providers serve 42 percent.³²

The net impact of the decline in landline customers has been a loss of revenue to the ILECs. Revenues have dropped by approximately 60 percent from their peak for the state's two large ILECs, while declining by 47 percent for small telecom utilities and 23 percent for cooperatives.³³ And as the percentage of remaining residential landline customers shifts towards being served by small telecom utilities and cooperatives, landline services are increasingly reliant on state and federal support with 52 percent of cooperative and 62 percent of small utility revenues coming from the combination of state and federal high-cost support funds.³⁴ The loss of revenue has presented further challenges for traditional voice landline service because, as the market has contracted, a greater relative percentage of rural customers in high-cost areas has increased and raised overall costs of voice telephony.

The increase in competitive choices has not been uniform across Oregon. The rural-urban divide in telecommunication service has been present in the industry since the very beginning of a telecommunications industry in Oregon and represents a primary basis for the creation of COLR—that is, to ensure that voice telephony would be provided in rural areas. But, as the focus of telecommunications shifts to broadband internet access and the services it enables, the urban/rural division in access to quality service has only grown in importance. This importance is further underlined by the COVID-19 pandemic, which has shifted commerce, education, and community onto the internet and made quality broadband service critical.

³⁰ OPUC. "Local Telecommunications Competition Survey." January 2019.

³¹ CenturyLink. "Industry Trends and Policy Drivers Affecting Carriers of Last Resort: Presentation to the Oregon Public Utilities Commission." May 14, 2020.

³² The Commission's 2019 Telecommunications Competition Survey.

³³ *Id.*

³⁴ *Id.* By comparison, state and federal support account for 5 percent of the large ILECs' revenues.

The 2020 Oregon Statewide Broadband Assessment and Best Practices Study found that more than a quarter of Oregonians lived in areas of the state that are unconnected, unserved, underserved, or have older technologies that will not be able to meet the digital demands of the very near future.³⁵ The study found that broadband service provided by fiber and cable technologies, most commonly found in urban and suburban areas of Oregon, enjoyed broad satisfaction from surveyed customers for both the speed and reliability of the services they provide. By contrast, DSL and satellite broadband services, which are more common in Oregon's rural areas where access to other types of broadband technologies is limited, suffered by comparison; a majority of customers surveyed reported that the services were not fast enough and had occasional or frequent reliability problems.³⁶ The broadband study found a 22.5 percentage point gap between the percentage of Oregon's urban and rural households served by current broadband that meets the FCC's benchmark—64.1 percent versus 41.6 percent. The overall conclusion of the study was that this digital divide would not narrow in the foreseeable future without public action to address the competitive market limitations and failures present in the broadband internet sector.

Similar to other telecommunication sectors, the cellular industry has seen a massive shift in towards data usage and away from standard voice telephony. Cell sites have increased by 44 percent over the period from 2008 to 2018 to 350,000 in the U.S. At the same time, cellular data usage has increased by almost 50 times, increasing by 82 percent from 2017 to 2018 alone.³⁷ This growth has placed significant pressure on the cellular industry to invest in infrastructure and technology in areas of high usage to meet the rapidly growing demand. The installation of 5G technology will expand the capacity of the wireless industry to handle smartphone data consumption in dense urban areas. However, investments in 5G in more rural areas of Oregon are not expected in the foreseeable future because of the limited range of the technology and high cost. As a result, the rural-urban digital divide is only likely to increase further in the coming years as a result of competitive market forces.

³⁵ Strategic Network Group. "Oregon Statewide Broadband Assessment and Best Practices Study." January 2020.

³⁶ *Id.*

³⁷ CTIA (wireless trade association) Comments, HB 3065 COLR Public Meetings. March 17, 2020.

Impacts of Potential COLR Relief

The most challenging directive in HB 3065 was to examine the impacts of potential COLR relief. The Legislature asked us to address whether COLR relief could be provided “without compromising residential customers’ access to reliable and safe service at just and reasonable prices in an adequate and nondiscriminatory manner.” In answering this question, the Legislature specifically identified three areas of inquiry:

- The impacts to customers whose individual circumstances and needs may impact their access to and usage of telecommunications services, including low-income customers.
- The impacts to residential customers with access at their domicile to fewer than two of the following terrestrial based service alternatives:
 - Telecommunications services provided by a facilities-based competitive local exchange carrier;
 - Voice service offered via interconnected Voice over Internet Protocol; or
 - Voice service offered by a cellular communications service
- The comparability of voice service offered by wireless Internet service providers and satellite providers.

A large part of the difficulty lies in the data needed to assess whether Oregonians have access to alternatives, and whether those alternatives are comparable. The data needed to inform the potential impacts to residential customers of COLR relief is difficult to collect, and is subject to becoming stale in a short period of time.

As noted, Oregon’s jurisdiction, and in turn the PUC’s authority over telecommunications services, is generally limited to regulation of voice telephony provided by ILECs and the certification of CLECs, ETCs, and ETPs. This authority allows the PUC to obtain from the providers extensive information about the ILECs’ operations, including the location of network infrastructure and facilities to provide voice telephony, as well as the status of landline competition in the local exchange markets.³⁸

Obtaining information as to the availability of competitive services offered by cellular, CaTV, broadband, WISP, and satellite providers is not within the PUC’s authority. These providers are under no obligation to share such information, which they consider to be under no obligation to share such information, which they consider to be proprietary and highly confidential. Many of the providers do provide broad coverage maps, but these maps generally lack specificity and do not necessarily guarantee service to every customer located within the indicated service areas. For example, the availability and quality of non-terrestrial based services (*i.e.*, cellular and satellite) is highly dependent upon geography,

³⁸ The PUC reports to the Legislature on the status of competition within the local exchange markets every two years. The most recent report is available at: https://www.oregonlegislature.gov/citizen_engagement/Reports/2018-PUC-Competitive%20Provider%20Report.pdf

vegetation, weather, and other factors. It is difficult to determine whether specific services are actually available in various parts of Oregon without more granular information than broad coverage maps provide.

This information barrier is further challenged by the transitory nature of the data. Even if granular data could be obtained as to the availability of competitive voice services provided by cellular, CaTV, broadband, WISP, and satellite providers, the information would merely reflect a snapshot of current competitive conditions. Due to evolving market conditions and the entry and exit of providers, the presence of competitive alternatives today does not necessarily guarantee that an option available in a particular community today will exist in the future.

In an effort to overcome these obstacles of data access and currency, we sought information on the impacts of potential relief using three methods. First, we sought input from stakeholders active in our public process. Second, we developed a Customer Survey to gain input directly from customers. Third, we held two public comment hearings and welcomed public input throughout the process.

Stakeholder Comments

Stakeholders active in the PUC's COLR process provided written comments on a series of nine questions in order to inform the PUC about the impacts of COLR relief and the competitive landscape for voice telephony throughout Oregon, both geographically and demographically. The first two questions focused on what measures could be employed to protect customers from negative impacts if COLR relief were granted. The remaining questions requested that stakeholders provide any third-party research or data sources and studies documenting:

- The incidence of telecommunications competition for residential customers throughout Oregon
- The relative comparability of voice service offered by wireless Internet service and satellite providers
- The urban-rural and urban-urban service disparities and coverage holes in cellular coverage
- Landline dependency in low population density areas
- Drivers for adoption of non-wireline providers of voice telephony, particularly by low-income households and senior citizens

We received comments from CenturyLink, Zply Fiber, CUB, GVNW Consulting, and the League of Oregon Cities (LOC).

Comments on Mitigating Impacts of COLR Relief

All respondents had significant comments regarding what the impacts might be from COLR relief and how they could be mitigated. Both CenturyLink and Ziplly Fiber contended that there is ample competition from competitive providers in their exchanges and, as a result, that COLR relief would not result in any meaningful loss of access to voice telephony in their service territories. CenturyLink asserted that satellite service is ubiquitous in Oregon, claiming it to be functionally equivalent to landline service. According to CenturyLink, satellite providers can provide voice service to customers in areas that are high cost to serve at a fraction of the cost that ILECs can; CenturyLink acknowledged that customer rates for satellite service might be higher than their existing ILEC rates, but noted that ILECs rates are unsustainably low due to price plan caps.

Highlighting the general divide in perspectives between the large ILECs and other stakeholders, CUB noted that there are multiple reasons why traditional voice telephony customers may lack access to viable alternatives, including an inability to pay higher costs from competitive options and a lack of knowledge about alternatives to traditional ILEC voice service. COLR relief in these areas, CUB contends, would risk negative impacts for at-risk communities since voice telephony is essential to participation in modern society and access to essential public and private services. GVNW made similar comments, noting that existing state programs would be insufficient to protect customers from a loss of service in areas where there is limited competition if COLR relief were granted statewide.

CenturyLink noted that customers could be protected by phasing any COLR relief in over a period of years while supporting the transition with a combination of incentives for broadband deployment, rebalancing rates in high-cost areas (i.e., raising ILEC rates to reflect the high cost of serving those areas), and providing subsidies for low-income customers where appropriate. Ziplly Fiber provided similar comments, noting that the PUC could geographically target COLR relief—by reviewing specific exchanges with only one ETC and not granting COLR relief for those exchanges—and also consider prioritizing Oregon USF subsidies for those exchanges. Ziplly Fiber also recommended that the PUC should conduct a study to identify the prevalence of Oregon Lifeline customers seeking services from COLR-obligated telecommunications carriers as a first step towards identifying how public programs might mitigate any negative impacts from a transition away from COLR obligations.

All five stakeholders' written comments also emphasized the need for increased funding to help Oregonians access both voice telephony and broadband internet service, as well as educating consumers about service options. In addition, LOC noted that service provider participation in the Oregon Lifeline programs should be broadened to include other service providers like wireless and satellite in order to make up for any loss of access to ILEC service in areas that receive COLR relief. CUB also noted that ILEC should not be eligible for OUSF in areas where they are granted COLR relief since the ILECs are no longer obliged to provide the service.

Overall, these stakeholders noted that increased funding should be directed towards transitioning access from voice telephony to broadband (over which voice telephony can be provided), in areas and for demographics that are lagging behind more urban and

wealthier portions of the state since internet access is rapidly becoming the essential service that Oregonians need. GVNW commented that the recent allocation of money through SB 1603 and the federal CARES Act to improve broadband access in rural and high-cost regions of Oregon is a step in the right direction, and that time and further study might show how much the digital divide has been narrowed as a result of these funds. Depending upon the impact of the recent influx of funding for the expansion of broadband internet service, GVNW notes that additional funding might be necessary to meaningfully narrow the divide before COLR relief could be granted in areas suffering from more limited competition.

Comments on Competitive Service Availability and Comparability

The five stakeholders had more limited comments on studies and data sources about Oregon consumer access to different kinds of voice services and the reasons why consumers use the services they do. This, in and of itself, is a key data point because it confirms that there is relatively limited data available regarding Oregon consumer access to different types of voice services and how access might change in the face of any future COLR relief.

Two important reports cited by CUB were the PUC's own Local Telecommunications Competition Survey and Annual Report and the 2020 Oregon Statewide Broadband Assessment and Best Practices Study, prepared for the Oregon Business Development Department. CUB emphasized the relative importance of having access to quality voice telephony by listing several scholarly studies that assessed the complicated and expensive challenge of expanding internet access to households currently without broadband access, as well as a report on how self-isolation during the COVID pandemic was severely inhibited for low-income households because of their relative lack of broadband internet access.

Ziply Fiber noted that their testimony in their two recent price plan proceedings before the PUC, dockets UM 1677 and UM 1895, might provide useful data regarding competitive alternatives for traditional voice service in their service territory. CenturyLink referenced earlier, general data they had provided showing broad industry trends in the state and highlighting the transition towards a more competitive market structure and a loss of ILEC market share.

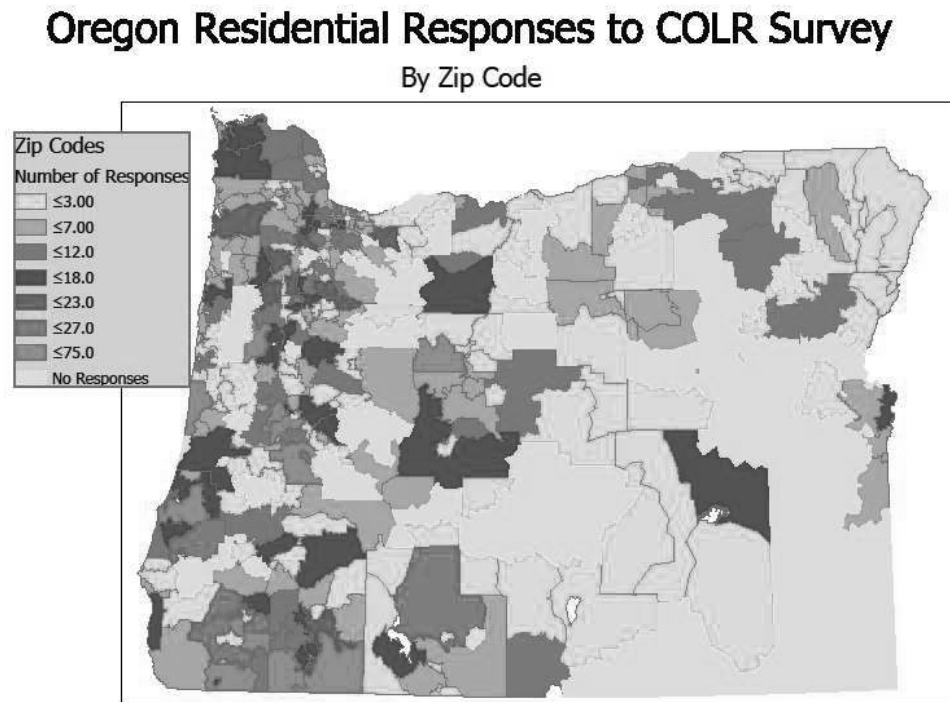
LOC provided a number of links to non-Oregon-specific resources highlighting the relative importance of quality access to broadband, the need to educate consumers about their voice and information services options, how competition in these areas is not symmetric across the country, and the implications of having a digital divide resulting in unequal access to broadband.

Customer Survey

To obtain information directly from customers on the potential impacts of COLR relief, we developed a survey that sought information about voice telephony, cellular and broadband

service, and other topics pertaining to telecommunications. The web-based survey, which had 41 questions, ran from March 11, 2020 to July 15, 2020.

We received a robust response from more than 2,600 Oregonians from all 36 Oregon counties. As explained below, the survey did not seek to obtain statistically significant results, and responses were not evenly distributed among Oregon’s regions or demographics. To help track results, survey respondents were asked to provide the county and zip code in which they reside. This map shows the number of responses we received by zip code:



Overall, 49 percent of the respondents reported living in rural areas, 24 percent in small towns, 14 percent in suburban areas, and 13 percent in urban areas. The largest age group was 65 and over, which comprised 45 percent of all respondents. For household income, 59 percent of respondents reported income between \$50,000 and \$200,000, while 36 percent reported a household income of \$50,000 or less.³⁹

Methodology

This survey used convenience sampling. Convenience sampling is a specific type of non-probability sampling that relies on data collection from population members who are conveniently available to participate in a study. This sampling method involves getting participants wherever you can find them and typically wherever is convenient. In

³⁹ Non-responses or categories representing less than 1 percent were omitted from these calculations.

convenience sampling, no inclusion criteria are identified prior to the selection of subjects. All subjects are invited to participate.

Due to the use of this convenience sampling methodology, the results of the survey are highly vulnerable to selection bias, a high level of sampling error and outside influences beyond the control of the PUC. For this reason, the findings of this survey are not meant to be interpreted as statistically significant or representative of the population of Oregon.

Overall Results

The survey revealed four high-level results. First, there is a strong desire among certain demographics to retain traditional landline voice telephony. Roughly 42 percent of all survey respondents indicated access to traditional landline voice service was either important or very important.

Second, the important respondents placed on traditional landline voice telephony varied by geography, income, and age. Respondents living in unincorporated rural areas—particularly those with lower incomes—were more likely to find access to landline voice telephony very important as compared with those who reported living in urban or suburban areas. Individuals 65 years of age and older were the most likely to indicate that access to landline voice service was very important.

Third, although the survey indicated a high level of desire for access to cellular and broadband services, only 59 percent and 50 percent of survey respondents, respectively, indicated they were either somewhat satisfied or very satisfied with the quality and availability of cellular and broadband service in their area.

Finally, the survey showed that increased use of telecommunications and information services during the COVID-19 pandemic had negatively impacted service to customers. The survey also showed that 80 percent experienced disruptions with internet service, 39 percent had disruptions with cell service, and 16 percent had disruptions with landline services.

General Use and Availability of Services

The survey asked participants about the use and availability of various communication services. Specifically, the survey focused on landline telephone, cellular, broadband, satellite, and fixed wireless voice service.⁴⁰

⁴⁰ To help distinguish traditional landline service from other services, and to solicit information on residential service, the survey defined landline service as:

A telephone service which requires a physical connection to a telecommunications network, typically by copper wires, shielded cable or by fiber optic cable.

Landline Telephone Service

Of all respondents, 43 percent have a telephone at their residence; 42 percent reported it was either important or very important to have access to a landline; and 39 percent reported it was not important

Of those with a landline:

- 45 percent were either somewhat satisfied or very satisfied with their landline telephone service
- 61 percent indicated that they are very unlikely to drop their landline and switch exclusively to cell service in the next six months
- 57 percent either agree or strongly agree with “I rely on my landline for daily communication”
- 55 percent either agree or strongly agree with “I chose to have a landline telephone because cell phone service in my area can be unreliable”
- 26 percent indicated that their top reason for having a landline was that it was the “only telephone service available”

Cellular Phone Service

Of all respondents, 96 percent own a cell phone, and 91 percent reported it was important or very important to have access to cell service.

Of those with a cell phone:

For the purposes of this survey we are seeking data on residential service. Please do not count landlines for which you pay a business rate. Using your residential service to telecommute is considered a residential service.

In addition, the survey included a follow up question asking respondents if their landline telephone required a broadband connection. If respondents indicated *yes*, then their service was deemed VoIP rather than traditional landline service. Respondents who indicated that they likely had VoIP service were also omitted from the landline telephone service calculations. The survey provided the following definitions for cellular service and internet service:

Cell Phone Service:

A mobile phone (or smart phone) with access to a cellular radio system so it can be used over a wide area, without a physical connection to a network.

Internet Service:

A residential service that provides an always on, high-speed connection to the internet by an Internet Service Provider (ISP). This can include DSL, Cable Modem, Fiber, Fixed Wireless, Cellular and Satellite services. Examples of ISPs include but are not limited to; Comcast, CenturyLink, Frontier, Hughesnet, Viasat, Verizon Wireless, T-Mobile, AT&T, Sprint and Spectrum. There are many other companies that might also provide high-speed broadband in your area.

- 65 percent were either somewhat satisfied or very satisfied with their cell phone service
- 49 percent were either somewhat satisfied or very satisfied with their cell phone reception within their residence; 26 percent were not at all satisfied
- 59 percent were either somewhat satisfied or very satisfied with the quality and availability of cell phone service in their area

Broadband

Of all respondents, 84 percent reported they currently have broadband internet at their residence, and 98 percent indicated that access to the internet was either important or very important.

Of those with broadband access:

- 37 percent reported their internet was provided via satellite, 26 percent via cable modem, and 14 percent via Digital Subscriber Line (DSL)
- Faster internet options were far more prevalent in the Portland Metro—22 percent from the Portland Metro indicated having fiber-to-the-home
- 48 percent were either somewhat satisfied or very satisfied with their internet service; 42 percent were either somewhat dissatisfied or very dissatisfied
- 50 percent were somewhat satisfied or very satisfied with the quality and availability of internet in their area

Satellite and Fixed Wireless Voice Service

Of all respondents, 16 percent reported they or someone they know has had an experience with voice service from a satellite provider, and 13 percent reported that they or someone they know has had an experience with voice service from a fixed wireless provider.

- Of those having experience with satellite, 40 percent reported it was not comparable at all to traditional landline voice service; another 40 percent reported it is somewhat comparable
- Of those having experience with fixed wireless, 30 percent reported it was not comparable at all to traditional landline voice service; 38 percent reported it is somewhat comparable

Impacts from the COVID-19 Pandemic

The survey asked about whether the COVID-19 pandemic had impacted use of telecommunications services.

- 80 percent experienced outages or interruptions with internet service; 39 percent experienced outages or interruptions in cell service; 16 percent experienced outages or interruptions in landline services
- 62 percent reported their telecommunications services have met their needs during the pandemic; 34 percent reported that their telecommunications services have failed to meet their needs
- 47 percent were unable to perform necessary tasks during the pandemic because of the quality of their telecommunications services

Regional Differences

The survey revealed different preferences and perceptions among different regions in the state. For this analysis, we placed respondents into six geographic regions:

Central Oregon	Oregon Coast	Eastern Oregon	Portland Metro	Southern Oregon	Willamette Valley
Crook	Clatsop	Baker	Clackamas	Douglas	Benton
Deschutes	Columbia	Grant	Multnomah	Jackson	Lane
Gilliam	Coos	Harney	Washington	Josephine	Linn
Hood River	Curry	Malheur			Marion
Jefferson	Lincoln	Morrow			Polk
Klamath	Tillamook	Umatilla			Yamhill
Lake		Union			
Sherman		Wallowa			
Wasco		Wheeler			

	Central Oregon	Oregon Coast	Eastern Oregon	Portland Metro	Southern Oregon	Willamette Valley	Total
Responses	257	349	197	518	533	827	2681
Area							
Urban	6%	3%	3%	34%	5%	13%	13%
Suburban	4%	2%	2%	39%	5%	15%	14%
Small Town	29%	32%	51%	7%	24%	24%	24%
Rural	61%	63%	44%	19%	67%	48%	49%
Age (years)							
18 to 24	1%	1%	1%	1%	1%	1%	1%
25 to 29	1%	2%	2%	2%	2%	2%	2%
30 to 34	3%	3%	5%	5%	2%	4%	4%
35 to 44	9%	12%	18%	12%	10%	15%	13%
45 to 64	37%	36%	40%	32%	39%	35%	36%
65 or over	49%	46%	35%	48%	46%	44%	45%
Income							
< \$25k	12%	10%	13%	12%	18%	11%	13%
\$25k-50k	21%	31%	24%	19%	25%	21%	23%
\$50k-100k	39%	38%	38%	32%	35%	39%	37%
\$100k- \$200k	23%	18%	22%	29%	16%	25%	23%
>\$200,000	5%	3%	2%	8%	6%	5%	5%

Central Oregon

- 61 percent rural, 29 percent small town; 49 percent were 65+, 37 percent were 45-64, 9 percent were 35-44
- 33 percent reported an income below \$50,000; 88 percent reported to own a residence
- 41 percent reported to have a landline telephone
- 56 percent agree or strongly agree with “I rely on a landline for daily communication.”
- 71 percent with a landline indicated they agree or strongly agree with “I chose to have a landline telephone because cell phone service in my area can be unreliable.”
- 36 percent are somewhat unsatisfied or very unsatisfied with the quality and availability of landline service in their area

Oregon Coast

- 63 percent rural, 32 percent small town; 46 percent were 65+, 36 percent were 45-64, 12 percent were 35-44
- 41 percent reported an income below \$50,000. 86 percent reported to own a residence
- 47 percent (highest) reported to have a landline telephone
- 70 percent with a landline indicating that they agree or strongly agree with “I rely on a landline for daily communication.”
- 74 percent with a landline indicating that they agree or strongly agree with the statement “I chose to have a landline telephone because cell phone service in my area can be unreliable.”
- 44 percent reported landline access is either important or very important.
- 39 percent (highest) are somewhat unsatisfied or very unsatisfied with the quality and availability of landline service in their area.

Eastern Oregon

- 51 percent small town, 44 percent rural; 35 percent were 65+, 40 percent were 45-64, 18 percent were 35-44
- 38 percent reported an income below \$50,000; 85 percent reported to own a residence
- 44 percent reported to have a landline telephone
- 54 percent with a landline indicating that they agree or strongly agree with “I rely on a landline for daily communication.”
- 76 percent (highest) with a landline indicating that they agree or strongly agree with “I chose to have a landline telephone because cell phone service in my area can be unreliable.”
- 39 percent reported access to landline is important or very important
- 36 percent are somewhat unsatisfied or very unsatisfied with the quality and availability of landline service in their area

Portland Metro

- 39 percent suburban, 34 percent urban; 48 percent were 65 +, 32 percent were 45-64, 12 percent were 35-44
- 8 percent (highest) reporting an income of \$200,000+; 18 percent (highest) reporting to rent
- 37 percent (lowest) reporting to have a landline
- 59 percent (lowest) with a landline indicating that they agree or strongly agree with “I rely on a landline for daily communication.”

- 37 percent (lowest) with a landline indicating that they agree or strongly agree with “I chose to have a landline telephone because cell phone service in my area can be unreliable.”
- 44 percent (highest) reporting access to landline telephone service is not important

Southern Oregon

- 67 percent rural, 24 percent small town; 46 percent were 65+, 39 percent were 45-64, 10 percent were 35-44
- 43 percent reported an income below \$50,000; 87 percent reported owning a residence
- 46 percent (second highest) reporting to have a landline
- 73 percent (highest) with a landline indicating that they agree or strongly agree with “I rely on a landline for daily communication.”
- 72 percent with a landline indicating that they agree or strongly agree with “I chose to have a landline telephone because cell phone service in my area can be unreliable.”
- 46 percent (highest) reported access to landline is either important or very important
- 39 percent (highest) reported that they have a landline because it is the only telephone service available

Willamette Valley

- 48 percent rural, 24 percent small town; 44 percent were 65+, 35 percent were 45-64, 15 percent were 35-44.
- 32 percent reported an income below \$50,000; 84 percent reported to own a residence
- 43 percent reported to have a landline telephone
- 61 percent with a landline indicated that they agree or strongly agree “I rely on a landline for daily communication.”
- 42 percent reported landline access is either important or very important

Importance of Access to Landline Telephone Service

Survey respondents were asked to rate how important it is for them to have access to different telecommunications services. While there was near universal agreement about the importance of access to cellular and internet services—91 percent of respondents for cell phone service and 98 percent of respondents for internet service indicated access to these services is either important or very important—there were larger differences for landline telephone service. Only 42 percent of respondents indicated that access to landline telephone service was either important or very important.

This table provides a breakdown of the importance of landline access by region, area description, age, and income.⁴¹

Response %	Importance of Access to Landline Telephone Service			
	Very Important	Important	Somewhat Important	Not Important
Region				
Portland Metro	25%	15%	15%	43%
Valley	24%	17%	20%	37%
Coast	30%	14%	20%	33%
Southern Oregon	32%	13%	18%	35%
Central Oregon	22%	17%	16%	43%
Eastern Oregon	23%	16%	25%	35%
Area				
Urban	23%	11%	19%	44%
Suburban	20%	16%	19%	44%
Small Town	18%	17%	21%	42%
Rural	33%	16%	17%	32%
Age (years)				
18 to 24	5%	15%	30%	50%
25 to 29	16%	2%	16%	67%
30 to 34	16%	6%	21%	56%
35 to 44	13%	13%	20%	53%
45 to 64	25%	15%	19%	39%
65 or over	31%	17%	18%	31%
Income				
< \$25k	32%	13%	18%	32%
\$25k – 50k	29%	16%	20%	33%
\$50k – 100k	23%	17%	19%	40%
\$100k – 200k	20%	12%	20%	45%
>\$200k	28%	9%	17%	45%

Satisfaction with Quality and Availability of Services

Respondents were asked to rate their satisfaction the quality and availability of services in their area. Of those who responded, 64 percent stated that they were either somewhat satisfied or very satisfied with the landline telephone service in their area while 59 percent stated that they were either somewhat satisfied or very satisfied with the cell phone service in their area. Despite the nearly universal agreement about the importance of

⁴¹ Values may not sum to 100 percent as a small percentage of responses were left blank.

access to internet service, only 50 percent stated that they were either somewhat satisfied or very satisfied with the quality and availability of internet service in their area.

This table provides a breakdown of respondent’s satisfaction with the quality and availability of landline telephone service.⁴²

	Satisfaction with Quality and Availability of Landline Telephone Service			
	Very Satisfied	Somewhat Satisfied	Somewhat Dissatisfied	Very Dissatisfied
Region				
Portland Metro Valley	38%	31%	15%	16%
Coast	30%	33%	17%	20%
Southern Oregon	24%	37%	19%	20%
Central Oregon	27%	36%	13%	24%
Eastern Oregon	25%	39%	11%	24%
	28%	35%	16%	21%
Area				
Urban	35%	32%	14%	20%
Suburban	41%	35%	11%	14%
Small Town	32%	37%	14%	17%
Rural	25%	34%	18%	23%
Age (years)				
18 to 24	27%	27%	40%	7%
25 to 29	21%	43%	7%	29%
30 to 34	16%	41%	18%	24%
35 to 44	21%	35%	16%	28%
45 to 64	27%	34%	17%	22%
65 or over	33%	35%	14%	18%
Income				
< \$25k	21%	29%	20%	30%
\$25k – 50k	29%	38%	15%	19%
\$50k to 100k	29%	34%	16%	22%
\$100 – 200k	31%	35%	17%	18%
>\$200k	36%	37%	10%	17%

Public Comments

Through comments provided during our public comment hearings and throughout this process, many Oregonians emphasized the need, and for some, preference for landline

⁴² These results exclude respondents who indicated N/A as a response, or left the response blank.

voice telephony. Echoing many respondents in our survey, these commenters reported living in areas with few competitive options for voice service, and service reliability issues with those options that were available. These commenters found that voice telephony provided by ILECs to be the most dependable—and secure—communication choice, and recommended against any action that might lead to the discontinuation of this needed and trusted service.

Other commenters, especially those who participated in our public comment hearings, voiced strong opposition to wireless technology on the basis of health risks. These commenters were particularly concerned with the roll-out of 5G mobile technology, which promises a ten-fold increase in data transmission rates compared to current 4G networks by using a higher transmission frequency through numerous small cell antennas. The commenters claimed that the deployment of this technology will increase radiation levels and endanger all Oregonians.

The 5G opponents also cited numerous medical papers and journals citing biologic harm to human health—even at levels below the FCC’s standards for radiation (which they also noted have not been updated in 20 years). They added that the Legislature recognized the potential harm of microwave radiation when it passed SB 283 (2019), requiring the Oregon Health Authority to review non-industry peer reviewed science on the impacts of microwave radiation on children in the classroom.⁴³ Some reported personally suffering from illnesses brought on by microwave poisoning, and explained the hardships and efforts to live in areas without cell coverage to protect their health.

Due to these health risks, the 5G opponents urged the PUC to retain all COLR policies to ensure the continued availability of landline voice telephony. They also urged that we work with state and federal policy makers to increase the capabilities of existing landline networks to promote a safe, secure, and affordable future using wired technology.

The PUC also received comments seeking the improvement of broadband access in rural Oregon. One member of the public who lives in Sherwood, Oregon, submitted a case study of his neighborhood to help demonstrate the need for increased broadband access to ensure all Oregonians have high speed access to the internet. Even though Sherwood is located in Washington County and part of the Portland Metropolitan Area, this case study shows that only two of his six neighbors had fixed-wire broadband service under the FCC’s 25/3 Mbps benchmark for fixed services:

- House 1: No service available: no Fiber or DSL.
- Houses 2 – 4 : DSL available: 1 Mbps download, 0.4 Mbps upload
- Houses 5 – 6 : Fiber available: 1000 Mbps download, 35 Mbps upload⁴⁴

This Sherwood resident also states that cellular coverage is very poor in his neighborhood and insufficient to provide broadband access. He provided the following service speeds measured with Ookla, a standard speed test often referenced by regulators:

- AT&T : 3.68 Mbps / 0.00 Mbps

⁴³ <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB283/Enrolled>

⁴⁴ This commenter highlights the asymmetry of connection speed (35 Mbps upload performance and 1000 Mbps download), noting that this asymmetry is common in rural areas.

- T-Mobile: no service (despite 4G LTE reported on coverage map)
- Verizon: 0.26 Mbps / 1.53 Mbps

He also reported that broadband access via WISP and satellite are not possible alternatives. He explained that line-of-sight to a provider tower is not available and not achievable due to the adverse topology of his neighborhood. He added that, although HughesNet offers satellite internet service and that there is a subscriber in the neighborhood, the subscriber reports poor speeds and intermittent connectivity.

The Sherwood resident concludes that COLR-type obligations should be preserved with a wider remit to support broadband deployment, and that the state should take steps to enable accelerated rural broadband deployment at lower cost via enabling access to existing conduit. He acknowledges, however, the PUC's limited authority to regulate broadband service.

Stakeholder Recommendations

In a final set of comments, discussed in a Commission workshop on August 13, 2020, stakeholders provided written recommendations for how the PUC should respond to the COLR legislation. We asked commenters to address the following questions:

- What are the key trends and policy directives regarding COLR and how do they impact whether COLR relief is warranted?
- What would implementing COLR relief look like?
- Would COLR relief impact an ILEC's core network and interconnection to that network or service to non-residential customers?
- Would COLR relief impact telecommunication platforms that enable alternative telecommunication service?
- Would COLR relief impact safety and reliability?
- What changes to existing laws, rules, and policies would be required to implement COLR relief?

In response, six stakeholders submitted recommendations, with CenturyLink and Ziplly Fiber filing joint recommendations. The other five stakeholders that submitted comments were CUB, GVNW, LOC, OCTA, and the City of Corvallis.

All stakeholders recommended relatively cautious approaches to COLR relief. None recommended unmitigated elimination of all COLR obligations.

CenturyLink and Ziplly Fiber, the two entities experiencing the greatest negative impacts from COLR obligations, were the most aggressive in recommending COLR relief. They justified their position by noting that industry trends have made the COLR obligation, in its current form, economically untenable for the state's large ILECs. They argued that the regulatory compact that supported the COLR obligation has been broken for nearly 25 years, due to the presence of competition, and that applying the COLR obligation to ILECs that serve fewer customers than competitive providers in many regions of the state is increasingly unfair. With other carriers authorized to provide service in their service territories, CenturyLink and Ziplly Fiber question the continuing legal validity of COLR obligations premised on a grant of allocated service territory, noting that ORS 759.500(1) defines "allocated territory" as a geographic area for which "no more than one person [has] the authority to provide local exchange telecommunications service."

CenturyLink and Ziplly Fiber also argued that current COLR policies are detrimental to the industry, as well as to low-income and rural telecommunication consumers. They argue that regulation that maintains uneconomically low prices in high-cost of service areas stagnates the telecommunication service market by discouraging both new competition that cannot compete with artificially low prices and new investments in technology and infrastructure to improve the quality of service.

CenturyLink and Ziplly Fiber did not provide specific recommendations for COLR relief, but instead focused on putting Oregon on a pathway to ease these restrictions for the large ILECs. These two ILECs touched on various potential areas for relief, from eliminating the obligation where competitive options exist, to having another competitive provider assume the COLR obligation, to making further modifications to the regulatory framework such as increased ability for variable pricing. CenturyLink and Ziplly Fiber's industry trend arguments in favor of granting COLR relief was not squarely addressed by any other commenters.

CenturyLink and Ziplly Fiber emphasized that granting COLR relief does not have to result in a loss of service for customers located in high-cost areas with limited competition. Allowing increased rates for stand-alone voice service in high-cost/low-competition areas, increasing subsidies, or a combination of the two will, according to the large ILECs, help make serving these areas economically sustainable and help increase the availability of competition, allowing COLR relief to expand into these areas. In addition, service for new customers could be determined by assessing customer access to competitive services, the affordability of providing service, and access to explicit subsidies targeted at customers based on need and location.

CenturyLink and Ziplly Fiber also stated that COLR relief would not result in the wholesale abandonment of ILEC service to exchanges in the state nor would it have an impact on competitor services that rely on existing ILEC network infrastructure. Instead, the large ILECs argued that COLR relief would result in a paring back of service to core network assets in areas where an alternative provider assumed COLR responsibility.

CUB acknowledged that the telecommunications industry has changed significantly over the last two decades and is poised to change further in the coming years. As a result, CUB agrees that policy changes are needed to continue to provide reasonable regulatory oversight to the industry and provide adequate consumer protections. But, rather than recommending changes to the COLR obligation at this time, CUB's recommendations focused on the need for further investigation before COLR relief is implemented, highlighting the uncertainty that continues to surround how telecommunication markets might change in response to the removal of a COLR obligation as well as what solutions might effectively mitigate any negative impacts. CUB's comments argued that the COLR investigation should continue by focusing on closing the data gap in relation to three questions identified in HB 3065:

- The number and geographic locations of customers whose individual circumstances may impact access to telecommunications services
- The number and geographic locations of customers with access to fewer than two terrestrial-based service alternatives
- The comparability of wireless internet service providers and satellite providers

CUB also noted that the PUC should study the market impacts that result from the recent passage of SB 1603, which allocates additional funding to Oregon USF for the expansion of broadband internet access in the state.

GVNW also expressed concern that little is known about how many people would be impacted by potential COLR relief and to what degree. GVNW renewed its recommendation that the PUC either wait until data can be provided quantifying the impact of removing the COLR obligation, or study the market impacts from the CARES Act and SB 1603 funding for the expansion of rural broadband internet service over the next 24 months before making recommendations on moving forward with COLR relief. Alternatively, GVNW recommended that any COLR relief be granted only for ILECs with more than 50,000 customers.

OCTA's limited comments focused on their position that ILECs that receive COLR relief for an area of Oregon no longer be eligible to receive funds through OUSF, Lifeline, or OTAP because each program ties their funding to an ILEC's commitment to service all requesting customers within the area. CenturyLink and Ziplly Fiber did acknowledge that eliminating the COLR obligation would mean that an ILEC would no longer be eligible to receive OUSF support for locations in which the COLR obligation no longer existed. OCTA did not make a recommendation on whether statutes should be changed to address this funding issue, but other stakeholder comments did highlight that provider participation in these programs would need to be broadened, not narrowed, in order to mitigate the expected negative impacts to low-income and other at-risk consumer groups from any COLR relief reductions in service.

No stakeholder expressed significant concerns about COLR relief impacting public safety and reliability. So long as other telecommunication services were available and made affordable for Oregon consumers, CenturyLink and Ziplly Fiber did not anticipate any impacts to safety and reliability for Oregonians and their public services as a result of a phased COLR relief program.

LOC's comments focused on the need to change the definition of telecommunications to include broadband internet as an essential service, because voice telephony is no longer sufficient to be an effective participant in current and future society. As the telecommunications industry shifts, LOC recommended that the PUC explore measures to ensure that existing network infrastructure is not hastily abandoned and that service providers have the funds necessary to continue to maintain and upgrade equipment so that service quality improves throughout the state. LOC would like to see future PUC regulatory structures focused on prioritizing service quality, investing and incentivizing access to service so that all have internet connectivity, and providing educational resources to consumers so they can make informed choices.

The City of Corvallis' comments acknowledged that existing COLR regulation is increasingly out-of-step with the broader industry as voice-only telephony service becomes antiquated, but also noted that voice service continues to be important to many low-income, rural, and other at-risk customers who deserve effective consumer protections. In order to address this challenge, Corvallis recommended that broader telecommunication regulatory reform is needed and that the PUC should champion changing telecommunication regulation to be focused on the services being provided rather than the technologies being used. More immediately, Corvallis recommends that additional funding be raised and allocated to

incentivize service expansion and competition and that all telecommunication providers contribute to USF and OUSF and be eligible for low-income subsidies. The City of Corvallis argued that the traditional COLR obligation could be removed once all the customers in an area have access to broadband internet or it could be voluntarily transferred to wireless service providers. Corvallis also acknowledged that these recommendations may be inconsistent with recent FCC rulings.

Findings and Discussion

In HB 3065, the Legislature directed the PUC to investigate the continuing relevance of COLR obligations for voice telephony. Once, customers were served exclusively by ILECs. Today, voice telephony can be obtained through means of landline, wireless, cable, fixed WISP, or internet-based providers from a variety of carriers. These changes in the voice telephony landscape have raised questions whether COLR policies remain necessary in areas where competition has given users a choice of carriers and technologies, and whether COLR obligations, if necessary, should continue to be borne solely by ILECs.

Increases in competition have led some states to modify or eliminate COLR requirements,⁴⁵ a path that Oregon's large ILEC carriers believe Oregon should follow. Both CenturyLink and Zply Fiber contend that the regulatory compact is broken, and seek changes to eliminate this obligation in areas where they believe that competition and new technologies have removed the need for a COLR requirement. Smaller ILECs seek no changes to the status quo, arguing that any changes to COLR policies should be limited to large ILECs.

Other stakeholders, including CUB, GVNW, LOC, and the City of Corvallis, urge caution. Citing uncertainty about the potential impacts of COLR relief, these stakeholders recommend further investigation before moving forward with COLR relief, recommending that the PUC either wait until data can quantify the impact of removing the COLR obligation, or until the market impacts from the CARES Act and SB 1603 funding for the expansion of rural broadband internet service are understood over the next 24 months.

Although the Legislature's request focuses on COLR's legacy purpose of helping ensure all Oregonians have access to voice telephony, it also raises the broader policy issue of whether a COLR-type requirement should be created to help ensure broadband internet access. As society becomes increasingly dependent on the internet, customer needs are shifting away from traditional voice telephony and towards broadband access. This shift is reflected in our Customer Survey, where 98 percent of respondents reported that access to the internet was important or very important, and only 42 percent reporting the same for voice landline service.

Access to voice telephony and the internet are inter-related and mutually supporting. The COLR obligation for voice telephony helped create and maintain the underlying network that first brought internet access to many Oregonians. Moreover, policies and programs such as universal service funds used to support COLR obligations are expanding their focus beyond voice telephony and now are also providing support for broadband internet access. Broadband internet access, in turn, supports access to voice telephony, which now can be provided via VoIP.

⁴⁵ The National Regulatory Research Institute (NRRI), which supports the work of state regulatory commissions, provided an overview of actions taken by other states with respect to COLR obligations in its July 2016 report entitled *Carrier of Last Resort: Anachronism or Necessity?* And available at the following link: <https://www.oregon.gov/puc/utilities/Documents/COLR-NRRI-White-Paper.pdf>

In light of these interrelationships, we respond to the Legislature’s inquiry with findings that address both COLR’s legacy role to ensure access to voice telephony, as well as the potential adaptation of COLR and other policies to support broadband access to modern communications networks.

Finding #1: Communications are of Vital Importance to Oregonians

Throughout this process, all involved recognized the importance of the ability for Oregonians to communicate. This importance was heightened by the COVID-19 pandemic, which was noted by many stakeholders in their comments and addressed in and made part of our Customer Survey.

The unprecedented and catastrophic wildfires that hit Oregon the week before this report was due added an acute and heartbreaking reminder of the need for the ability to communicate. In an era where there are so many diverse mediums that individuals can use to communicate, we often take this ability for granted. But as we have seen, the ability to utilize these various options may be limited under certain circumstances—tragically at times when communications are most crucial.

In light of these events that will continue to impact Oregon beyond 2020, we felt it necessary and prudent to explicitly find that communications are of vital importance to Oregonians.

Finding #2: Landline Voice Telephony Remains Important to Many Oregonians

Despite the increase in cellular and other calling options and the significant reductions in the number of landline customers over the past two decades, there continues to be approximately 250,000 residential landlines in Oregon. In our Customer Survey, 43 percent of respondents reported having a landline in their home, with 61 percent of those respondents indicating they are very unlikely to drop their landline and switch exclusively to cell service in the next six months.

There are many reasons these customers maintain a landline, but primarily their reasons relate to the lack of competitive options, service quality, health concerns, or personal choice. In our survey, 26 percent of respondents indicated that their top reason for having a landline was that it was the “only telephone service available,” and 55 percent reported they had a landline because cell phone service in their area was unreliable. Our survey also showed a strong desire among certain demographics—particularly rural, low income, and the elderly—to retain traditional landline voice telephony. In public comments, some residents indicated a strong desire for landline service due to health concerns related to cellular service.

Although we recognize that our Customer Survey and public comment process do not provide statistically significant data, our COLR process revealed few alternatives for gathering the data necessary to understand whether those who rely on landline voice telephony supported by the COLR obligation truly have access to comparable alternatives.

Finding #3: COLR Obligations for Landline Voice Telephony Remain Relevant Today

Competition has increased options for voice telephony, but has not eliminated the need for a COLR. If COLR requirements were abandoned, a certain—but unknown—number of Oregon residents might not have access to voice telephony. Others would lose access to their preferred wireline voice telephony. Based on the limited data available to the PUC, we conclude that eliminating the COLR obligation statewide would risk leaving a material number of Oregonians behind.

Competitive business models do not ensure all customers are served. Competitive business models are based on an unregulated service provider's desire to enter a market. Generally, these competitive providers target high density population areas, and are under no obligation to serve remote or high-cost areas. We have witnessed this in the local landline market, where our 2019 Local Telecommunications Survey showed there is robust competition for higher revenue-generating business customers but few competitive choices for residential customers. Indeed, more than a quarter of respondents to our Customer Survey reported that landline service was the "only telephone service available." With no COLR obligations, many customers living in rural and other areas that are high cost to serve may have no access to voice telephony.

In addition, cellular, satellite, and WISP telephony are not yet full substitutes for landline service. The availability and quality of cellular services is negatively impacted by geography, vegetation, weather, and other factors. While 96 percent of respondents to our Customer Survey reported owning a cell phone, 26 percent were not at all satisfied with the quality and availability of cell phone service in their area. Moreover, while the use and reliability of satellite and WISP telephony has improved in recent years, few are familiar with these technologies. Of the small minority with experience with satellite and WISP service, 40 percent and 30 percent, respectively, reported they were not comparable at all to wireline phone service.

Moreover, it is important to note that, even in areas where robust voice telephony competition exists, most of the competitive providers are subject to little regulatory oversight, and may not have any obligations to continue to provide service to a customer. Similar to the decisions of what markets to enter, decisions on what markets to exit are based on economic choices that are generally not affected by any COLR-type obligation. Simply put, there are little to no safeguards to ensure the continuity of service to all customers currently receiving competitive services.

Finally, the elimination of COLR obligations might deprive some Oregonians of access to wireline-based voice telephony that they prefer due to health concerns related to cellular networks.

Finding #4: COLR Policies Could be Updated to Reflect Competition

Oregon has responded to the introduction of competition in voice telephony in several ways. Most notably, in 2002, the Legislature authorized the PUC to adopt an alternative form of regulation for ILECs, and currently both CenturyLink and Zippy Fiber operate under

price plans that allows these carriers greater ability to react to changing market conditions and reduce regulatory burdens on the carriers. In addition, other amendments to statutes governing ILECs have eased or eliminated regulatory oversight. Under ORS 759.195, ILECs may file a price list containing the price and terms for certain services, and the price list or any revision of the price list become effective upon filing with no action by the PUC. Under ORS 759.052(2), the PUC may exempt a telecommunications service from regulation, upon a finding that price and service competition exists.

Although these policy changes have helped update the regulatory compact, it is undeniable that ILECs, which assumed the COLR obligations in exchange for allocated service territory, are no longer sole providers of voice telephony. In fact, they are no longer the dominate provider in many areas of the state. Oregon-wide, the number of residential landline customers in Oregon has declined by two-thirds between 2008 and 2018. With these losses, cellular and cable voice providers now serve more business and residential voice lines than ILECs. ILECs only retain a majority share of residential landlines with 58 percent of market, while competitive providers serve 42 percent. ILEC revenues have correspondingly dropped—by 60 percent from their peak for CenturyLink and Zply Fiber, by 47 percent for small investor-owned ILECs, and by 23 percent for cooperatives.

In areas of the state where the presence of competitive providers is strong, such as some urban areas, it is possible that ILECs could be relieved of the COLR obligations with minimal impacts to consumers' access to voice telephony. Just under 40 percent of respondents to our Customer Survey reported it was *not* important to have access to landline service. The Legislature could explore changes to the COLR obligation where it can be found, based on robust and reliable data, that sufficient competition exists to ensure access to voice telephony that is comparable in terms of quality and price.

Similarly, an ILEC could be relieved of the obligation where a competitive provider assumes the role of a COLR. Some stakeholders discussed the possibility of transferring the COLR obligation in a particular area to a competitive provider. Others advocated for a technology-neutral COLR obligation that would ensure access to modern communication networks. These suggestions reflect both a willingness to consider updates to the COLR obligation for traditional voice telephony, and a concern that relying solely on competition, without any obligation to provide some form of reliable, accessible communications service to all Oregonians, could leave some parts of the state and some Oregonians behind. Jurisdictional hurdles to the concept of transferring COLR obligations are discussed below.

Complementary approaches other than adjusting the COLR obligation could also be considered. Large ILECs have argued that adapting price plans to allow customer rates in high cost areas to come closer to the cost of serving those areas would improve competition and relieve some burden on ILECs. Interactions between such changes and the allocation of funding ILECs receive to support system investments and low-income access in those areas would be important to consider.

Finding #5: Numerous Challenges and Complications Exist Facing COLR Reform

Whatever form of COLR relief is considered, numerous challenges and complications exist. At the outset, the data needed to decide whether sufficient comparable competitive services exists in particular areas is difficult to collect, and is subject to becoming stale in a short period of time. The PUC has little to no ability to obtain proprietary information from unregulated competitive providers as to the specific availability of services provided. Moreover, as noted, the availability and quality of non-terrestrial based services is highly dependent upon geography, vegetation, weather, and other factors, and is difficult to determine whether specific services are actually available in various parts of Oregon without a granular review. Even if such data were obtained, it would merely reflect a snapshot of current conditions; evolving market conditions could impact the continuity of competitive services.

In addition to information barriers, regulatory and jurisdictional barriers limit Oregon's ability to impose COLR obligations on other providers. The state has jurisdiction over intrastate voice telephony and, through the PUC, regulates ILECs, including the assignment as a COLR. The state also has the ability to condition COLR obligations on providers receiving Oregon USF support (but not those only receiving federal USF). The PUC does have some regulatory authority over CLECs, and does impose obligations to offer service in designated areas, but these obligations do not match the COLR obligations imposed on ILECs.

The state has little to no regulatory authority to impose COLR obligations on other competitive telecommunications providers. The FCC generally regulates cellular, satellite, and WISP providers, and has claimed jurisdiction over internet access as an "advanced telecommunications service." In addition to federal regulation, local governments also generally regulate cable providers through franchise and other agreements.

Finding #6: The Legislature Should be Cautious with COLR Reform

All stakeholders, including CenturyLink and Ziplly Fiber, recommended relatively cautious approaches to COLR reform, with none recommending unmitigated removal of all COLR obligations. Many stakeholders, including CUB, contend that it is premature to provide any form of COLR relief until there is more firm and specific data on the availability of alternative and comparable service for all Oregonians.⁴⁶ Others, like GVNW, recommended the Legislature pause any discussion of COLR relief until more information is known about the impacts of the recent allocation of money through SB 1603 and the federal CARES Act to improve broadband access in rural and high-cost regions of Oregon.

⁴⁶ We highlight that the FCC approved a new broadband data collection framework on July 16, 2020, which will provide additional data to inform policymakers.

<https://www.federalregister.gov/documents/2020/08/18/2020-16356/establishing-the-digital-opportunity-data-collection-modernizing-the-fcc-form-477-data-program>

We too recommend a cautious approach. If the Legislature would like to advance regulatory updates to address competition while protecting the public interest, one path forward would be to provide the PUC authority to waive COLR obligations during consideration of a large ILEC's price plan. As noted, the price plan statute, codified in ORS 759.255, authorizes the PUC to adopt rates for ILECs without regard to cost of service. Section (5) of that statute provides the PUC with authority to waive certain statutory provisions to reduce regulatory burdens as part of a price plan, but not those related to COLR obligations.⁴⁷

Through a minor amendment to ORS 759.255(5), the Legislature could allow the PUC to consider, in the context of a price plan, whether a public interest showing has been made to justify a waiver of a COLR obligation under ORS 759.506(1) for specified service areas. This would allow an ILEC to propose, as part of a price plan, to be relieved of COLR obligations for a requested area. The filing would be processed as a contested case, thus allowing the PUC Staff, consumer groups, and other interested parties to participate and negotiate informally or litigate through the filing of written testimony and evidentiary hearings.

Under this scenario, the PUC would ultimately determine whether a sufficient showing has been made to provide any COLR relief requested by the ILEC. To maintain the protections that the COLR obligations provide, the ILECs would need to provide robust, reliable evidence that affected customers would have sufficient competitive and comparable alternatives to ensure any COLR relief would be in the public interest.

We acknowledge this showing may present challenges for the ILECs to demonstrate given the difficulty, discussed above, with regard to the accessibility of this information. State and federal efforts to generate improved public data would help support a transition to COLR reform.

Finding #7: Complimentary Programs Must be Considered as Part of COLR Reform

As the Legislature considers potential modifications to COLR obligations, it is important to recognize that other programs support and reinforce the goal to ensure the availability of voice telephony. In addressing any modification to COLR requirements, these other programs, directed at both the provider of telecommunications services and the end user, would also need to be considered.

Both the state and federal governments administer state universal service fund programs to help subsidize the provision of service to rural areas, low-income consumers, residents of Tribal lands, schools and libraries, and rural health care providers. As noted, small ILECs

⁴⁷ORS 759.255(5) provides: "If the commission approves a plan under subsection (1) of this section, the commission may waive, in whole or in part, compliance by the telecommunications utility with ORS 759.120 (Form and manner of accounts prescribed by commission), 759.125 (Records and accounts prescribed by commission), 759.130 (Closing date of accounts), 759.135 (Depreciation accounts), 759.180 (Hearing on reasonableness of rates) to 759.205 (Conformance of rates charged with schedule), 759.215 (Public access to schedules), 759.220 (Joint rates and classifications), 759.285 (Charging rates based on cost of property not presently providing service) and 759.300 ("Stocks" defined) to 759.393."

are increasingly reliant on these funding mechanisms to recover the rising costs to serve customers and to ensure services in rural areas are reasonably comparable to urban areas of the state.

Oregon has the authority to set contribution amounts to help ensure adequate support for high cost service areas.⁴⁸ As COLR and other policies evolve, modifications to Oregon USF support could be focused on ensuring that funds are provided on a per high-cost line basis. Moreover, if COLR relief is provided, an ILEC should be ineligible to receive any universal support for services for areas they are no longer required to serve.⁴⁹

Another supporting program to ensure access to basic telecommunications services is Oregon Lifeline, a federal and state government program that reduces the monthly cost of a telephone (or broadband service) for qualifying low-income Oregon households. The designation of a COLR to a particular service area, or the availability of competitive telecommunications services, does not necessarily mean that the service is accessible to low income Oregonians. Particularly if the state moves toward exclusive reliance on competitive business models in some areas, Oregon Lifeline and other programs should also be reviewed to ensure accessibility of those services.

Finding #8: Promoting Universal Broadband Access Promotes Universal Voice Service

As our society becomes increasingly dependent on the internet, customer needs have generally shifted away from voice telephony and towards broadband. Today, high-speed internet access is becoming a necessity for work, education, commerce, social engagement, entertainment, and other aspects of society. This reliance has been heightened during the COVID-19 pandemic, when vastly more Oregonians have been spending their days on-line. This shift is reflected in our Customer Survey, where 98 percent of respondents reported that access to the internet was important or very important. For many, voice is but one of many services provided by a broadband network.

COLR obligations are currently designed to promote access to voice telephony, and only indirectly support the transition to broadband. COLR obligations ensure investments are made and facilities are maintained to provide voice telephony, but do not necessarily promote development of broadband infrastructure. Universal service funds are used to support these COLR obligations, and while many ILECs have used USF funds to build

⁴⁸ The Oregon USF surcharge rate that is currently capped by statute at 6 percent.

⁴⁹ We also note that funding for high cost service areas could potentially be addressed by revisiting the PUC's policy of statewide average pricing. This policy, which requires an ILEC charge all customers similar rates across all service territories, helps ensure that telecommunications services are reasonably comparable in quality and price in all areas of the state. Such changes, however, could result in requiring high-cost customers to pay more of the cost to serve them.

networks capable of providing broadband internet access, others have used the funds primarily to maintain legacy voice networks.⁵⁰

Examining the continuing relevance of COLR obligations is complicated by the fact that our state and our nation have not fully completed the transition to universal broadband. Meeting the broader policy goal of universal access to broadband internet access would effectively moot the need for a COLR obligation for voice telephony, as broadband service can provide both information and telecommunications services, including voice.

Work is needed to promote broadband access, because many areas of Oregon lack adequate access to broadband. As noted, the 2020 Oregon Statewide Broadband Assessment and Best Practices Study found that a quarter of Oregonians live in areas that are unconnected, unserved, underserved, or have older technologies that will not be able to meet the digital demands of the very near future. Most of these Oregonians live in rural areas of the state, where customer access to and satisfaction with broadband lag behind urban areas.

Ideally, telecommunications and information services policies, including COLR, would be unified and aligned to promote infrastructure investment in broadband service. Such efforts could include designating broadband as part of the universal service goals, updating policies to focus on broadband service rather than technology used to provide the service, establishing a common regulatory framework for all providers of broadband service, and linking the receipt of state and federal universal service support and other funds to obligation to support and advance broadband internet access. A complicated jurisdictional landscape, however, presents barriers to achieving these goals.

To help promote broadband access, many stakeholders and public commenters also recommended that Oregon adopt a COLR-like obligation for broadband carriers. The obligation would be similar to the current COLR obligations for voice telephony, where a broadband provider would be granted an exclusive service territory and that carrier would be required to deliver service to all those that request it. To accelerate rural broadband deployment at lower cost, these proposals would require that broadband competitors be granted access to existing conduit, and require non-discriminatory interconnection to allow competitors the ability to extend existing broadband service from remote sites to adjacent properties in need of connection. Although a COLR-like requirement for broadband might benefit Oregonians, again, a complicated jurisdictional landscape presents barriers.

Finding #9: There are Numerous Challenges to Achieving Universal Broadband Access

Many challenges exist with unifying the treatment of providers that are subject to different regulations but increasingly providing homogeneous services towards a goal of ubiquitous broadband access. As noted, Oregon's regulatory authority is primarily limited to voice

⁵⁰ As noted, the 2020 Legislature recently expanded Oregon USF funding sources and have directed up to \$5 million annually be directed to broadband development.

telephony provided by ILECs. Broadband is currently classified as an “advanced telecommunications service” and subject to exclusive jurisdiction of the FCC. Compounding this limitation is the fact that federal broadband policy currently favors market competition over regulation, which does not guarantee service to all customers.

Without some action by the FCC providing states greater authority to regulate broadband access, it is questionable whether Oregon could create a territory allocation scheme for broadband carriers and assign COLR obligations to those carriers granted territory. The commenters recognized these limitations in making their recommendations, noting that many proposed actions favored by local policy makers would likely be at odds with the FCC.

Despite these challenges, Oregon has taken numerous steps to help promote broadband access through the creation of Oregon Broadband Office and the recent allocation of CARES monies to support new broadband infrastructure. In addition, through SB 1603, the Legislature expanded the funding base for the Oregon USF, and directed that up to \$5 million be transferred to the Oregon Business Development Department for broadband service infrastructure projects. In the absence of direct regulatory authority, Oregon can continue to explore the use of these and other incentives to move toward universal access to broadband in the state.



September 15, 2020

Appendix A: Examples of Customer Survey Promotions

The screenshot shows two examples of survey promotion. On the left is a website for Monroe School District with a link to a survey. On the right is a social media post titled "The Oregon Public Utility Commission (PUC) Survey" dated June 4, 2020. The post includes the following text:

COMMISSION WANTS TO HEAR FROM OREGONIANS ABOUT THEIR TELECOMMUNICATIONS SERVICE

The Oregon Public Utility Commission (PUC) has launched a survey to learn what Oregon residents think of available telecommunications services. Residential telephone and cellular service customers are encouraged to take this survey to provide input about the quality of service received and whether there is access to appropriate telecommunications services for individuals and communities to thrive.

To take the survey, visit: <https://oregonpuc.org>

The survey is intended to provide a voice to Oregon residents using telephone and cell services. The results will help inform a report that is due to the Oregon State Legislature as part of an investigation required by House Bill 3065, which passed in the 2019 legislative session. This bill directed the PUC to establish a public process to investigate the continuing relevance of the "carrier of last resort" or COLR obligation on the state's telecommunications providers given the recent changes in technology and policy in the industry. The COLR obligation requires telephone companies to provide access to telephone service in their designated service territory without discrimination.

For additional information on the COLR investigation, visit: <http://www.oregonpuc.org/colr>

At the bottom of the social media post are icons for Facebook, Twitter, Email, and a lock icon.

The screenshot shows a website for State Senator Arnie Roblan. It features a "VIEW ONLINE" button and a headline: "Commission Wants To Hear From Oregonians About Their Telecommunications Service". Below the headline is a short article:

The Oregon Public Utility Commission (PUC) has launched a survey to learn what Oregon residents think of available telecommunications services. Residential telephone and cellular service customers are encouraged to take this survey to provide input about the quality of service received and whether there is access to appropriate telecommunications services for individuals and communities to thrive.

To take the survey, visit: <https://oregonpuc.org>

The survey is intended to provide a voice to Oregon residents using telephone and cell services. The results will help inform a report that is due to the Oregon State Legislature as part of an investigation required by House Bill 3065, which passed in the 2019 legislative session. This bill directed the PUC to establish a public process to investigate the continuing relevance of the "carrier of last resort" or COLR obligation on the state's telecommunications providers given the recent changes in technology and policy in the industry. The COLR obligation requires telephone companies to provide access to telephone service in their designated service territory without discrimination.

The screenshot shows the AARP Oregon website with the tagline "Keeping Oregonians informed, engaged and active". It features a photo of an older man reading a book at a desk with a laptop. Below the photo is a headline: "Oregon Public Utility Commission Seeks Input" dated June 23, 2020. The text below the headline reads:

The Oregon Public Utility Commission has launched a survey to learn what Oregonians think of

Help Out Your Public Utility Commission

How is Oregon's phone service?

Oregon Public Utility Commission (PUC) @PUCOregon · May 11

Calling all Oregon residential telephone and cellular service customers: Tell us about the quality of your service and whether you have access to the services you need. Take our survey at arcg.io/1CHbz #PUCOregon

OREGONTODAY.NET

HOME SCHOOLS NEWS+ EXPERTS SPORTS EVENTS+ MEDIA CALENDAR

Survey on Telecommunications Service in Oregon, May 12

The Oregon Public Utility Commission (PUC) has launched a survey to learn what Oregon residents think of their telecommunications service. Customers who utilize service provided by providers are encouraged to take the survey to provide input about the quality of service received. An internet form is accessible through the website arcg.io/1CHbz and is available for individuals and communities to utilize. To take the survey visit arcg.io/1CHbz. The survey is intended to provide a voice to the Oregon residents using telephone and cell service, and Oregon Public Utility Commission. The results will help inform a report that will be filed with the Oregon Legislature as part of the investigation requested by House Bill 3065. The report, which passed in the 2017 legislative session, directed the PUC to establish a public process to investigate the continuing evolution of the "market of last resort" in Oregon and provide for the rate of telecommunications services given the steady changes in technology and price in the industry. The OUC is also investigating the impact of broadband access to telephone services in rural, mountain and otherwise less-served communities. The PUC is seeking customer input of all communications services in Oregon to help inform the report and the public process.

Commission Wants To Hear From Oregonians About Their Telecommunications Service

The Oregon Public Utility Commission (PUC) has launched a survey to learn what Oregon residents think of available telecommunications services, including telephone and cellular services customers are encouraged to take the survey to provide input about the quality of service received and whether their service is appropriate. Telecommunications services for individuals and communities to utilize.

The survey is intended to provide a voice to Oregon residents using telephone and cell services. The results will help inform a report that is due to the Oregon State Legislature as part of an investigation requested by House Bill 3065, which passed in the 2017 legislative session. The bill directed the PUC to establish a public process to investigate the continuing evolution of the "market of last resort" in Oregon and provide for the rate of telecommunications services given the steady changes in technology and price in the industry. The OUC is also investigating the impact of broadband access to telephone services in rural, mountain and otherwise less-served communities. The PUC is seeking customer input of all communications services in Oregon to help inform the report and the public process.

Gorge Country Media

Y102 KLCR 1400

Commission Launches Survey to Hear What Oregon Residents Think About Their Telecommunications Service

High-Speed Internet Access in Rural Areas Slowing
 Mountain Communities Face Challenges in Broadband
 Governor Signs Order to Accelerate Forest Health and Safety Planning
 Workers' Growth Fuelled by Investment in Clean Technology in Willamette Valley

AOC

PUC Seeks Input from Oregonians About Their Telecommunications Service

The Oregon Public Utility Commission (PUC) has launched a survey to learn what Oregon residents think of available telecommunications services, including telephone and cellular services customers are encouraged to take the survey to provide input about the quality of service received and whether their service is appropriate. Telecommunications services for individuals and communities to utilize.

The survey is intended to provide a voice to Oregon residents using telephone and cell services. The results will help inform a report that is due to the Oregon State Legislature as part of an investigation requested by House Bill 3065, which passed in the 2017 legislative session. The bill directed the PUC to establish a public process to investigate the continuing evolution of the "market of last resort" in Oregon and provide for the rate of telecommunications services given the steady changes in technology and price in the industry. The OUC is also investigating the impact of broadband access to telephone services in rural, mountain and otherwise less-served communities. The PUC is seeking customer input of all communications services in Oregon to help inform the report and the public process.



September 15, 2020

Appendix B – Glossary of Terms & Acronyms

AARP	American Association of Retired Persons
CAPO	Community Action Partnership of Oregon
CARES Act	Coronavirus Aid, Relief, and Economic Security Act of 2020
CaTV	Cable TV
CLEC	Competitive Local Exchange Carrier
COLR	Carrier of Last Resort
CUB	Oregon Citizens’ Utility Board
DSL	Digital-Subscriber Line
ETC	Eligible Telecommunications Carrier
ETP	Eligible Telecommunications Provider
FCC	Federal Communications Commission
GVNW	GVNW Consulting
HB	House Bill
ILEC	Incumbent Local Exchange Carrier
LOC	League of Oregon Cities
Mbps	Megabits Per Second
NAACP	National Association of the Advancement of Colored People
NEEA	Northwest Energy Efficiency Alliance
OCTA	Oregon Cable Telecommunications Association
ORS	Oregon Revised Statutes
PUC	Oregon Public Utility Commission
RDOF	Rural Digital Opportunity Fund
UNE	Unbundled Network Elements
USF	Universal Service Fund
VoIP	Voice Over Internet Protocol
WISP	Wireless Internet Service Provider

Oregon Public Utility Commission

Specialist: WOLF, CHARLA

Name: [REDACTED] Commercial:
Language:

Addresses: [REDACTED] (LOC) (INVOLVED)

E-mail: [REDACTED] **DOCKET #**

Phones: [REDACTED] (RESI) (INVOLVED)

Contacts: [REDACTED] (OTHR) ()
[REDACTED] (OTHR) ()
[REDACTED] (AKA) (OTHER PARTY)

Subject: LEGISLATIVE/COMMISSION REFERRAL

Comments: 11/22 email rv'd by dr - ok/no chngs

COMPANY REVERSAL	CATEGORY COMPLX	STAFF UNRS	SAVINGS DET.	CLASS OPEN/MODE	TYPE BY	SUBTYPE CLOSE/MODE	FORMAL BY
0031 T QWESTC No UM 2206	REGU No	No		RCOM 11/22/2021/TELE	RCSE cwolf	RSRP 1/14/2022/INET	cwolf

Call Taken (date): 11/22/2021 By: mdpfenni
Open Date: 11/22/2021 Opened By: cwolf

Disconnect Notice Due: **Disconnected:** **Out of Service:**

11/21/2021 CODE DETAIL

REGULATED - COMPLAINT - SERVICE - REPAIR

[REDACTED] wrote a letter to the Commissioners and various legislators requesting the telephone service in Applegate be dependable. They have had many outages over the years. She states there is no cell service in the area. The landline is their only connection to emergency services.

11/21/2021 12:53:00 PM EMAIL FROM CUSTOMER

From: [REDACTED]
Sent: Sunday, November 21, 2021 12:53 PM
To: DECKER Megan * PUC <Megan.DECKER@puc.oregon.gov>; TAWNEY Letha * PUC <Letha.TAWNEY@puc.oregon.gov>; THOMPSON Mark * PUC <Mark.R.THOMPSON@puc.oregon.gov>
Cc: FREEMAN Robin * PUC <Robin.FREEMAN@puc.oregon.gov>; REP Marsh <Rep.PamMarsh@oregonlegislature.gov>; [REDACTED]
Subject: Critical CenturyLink land line issue in southern Oregon

Analyst: cwolf

Open Date: 11/22/2021

Commissioners Decker, Tawney, and Thompson,

Attached is a letter outlining an urgent and ongoing problem with our land lines that places lives in danger in a portion of rural Jackson County for lack of reliable 24/7 access to 911.

As outlined in our request for relief, we respectfully seek your assistance in ameliorating this situation as much as possible and as quickly as feasible.

Thank you for your consideration.

Respectfully,

A large black rectangular redaction box covers the signature and name of the sender.

cc: Representative Pam Marsh

encl.

November 21, 2021
Commissioner Megan Decker, Chair
Commissioner Letha Tawney
Commissioner Mark Thompson
Oregon Public Utility Commission

Re: Critical CenturyLink land line telephone issue in rural southern Oregon

Dear Commissioners Decker, Tawney, and Thompson:

We write as two of the approximately 60-80 households on Little Applegate and Yale Creek Roads near Jacksonville, Oregon. We need your help getting us reliable and consistent land line phone service so that we can access 911 in emergencies.

People's lives out here are at stake. Because we have only our CenturyLink land lines to reach 911 as described below, we are in an unusually vulnerable, perhaps unique, telecommunication "desert." Our land lines are ancient and unreliable and prone to multiple-household outages. To make matters worse, there is no battery backup during power outages. When outages are due to broken equipment, CenturyLink's repair response is slow and unpredictable, often taking many hours to initiate and then days stretching into months to complete. Every outage is a potential human disaster as we wait for our land line service to be restored...again.

Analyst: cwolf

Open Date: 11/22/2021

This is not hyperbole or hysteria. We have had ten widespread outages so far this year (listed below), one lasting for 4-+ days, another for 8-+ days! For us, this is a life and death matter, with a recent close call described below. Without your intervention, CenturyLink will not upgrade our lines nor restore the backups and safeguards that would lessen the risk of catastrophe for lack of access to 911.

HOW THE PUC CAN HELP US NOW

The permanent "fix" for our old copper land lines is replacement with fiber optic cable. For now, we ask you to exercise your authority over land lines by requiring CenturyLink to take the following steps to minimize outages and to provide prompt and effective repairs:

1. Restore the backup battery/generator safeguards that CenturyLink allowed to go dormant for failure to replace or maintain them. These are essential backup when an outage is due to an electrical power failure. CenturyLink's failure to keep this basic safeguard in place is knowing and puts our community at continuing, preventable risk.
2. Restore the remote monitoring capability that was removed or allowed to become inoperable. It is our understanding that this system automatically alerts the land line provider when our phones go out so that repairs can be undertaken promptly. We need this automatic notification system because CenturyLink also will not provide us with a 24/7 dedicated phone line direct to the department at CenturyLink used for widespread outages and that has the authority to initiate immediate repair.

We further ask the PUC to put in place an ongoing monitoring or oversight mechanism to which we can turn if CenturyLink does not meet its obligations under the foregoing two points. Until fiber optic can be laid, we remain at the whim of CenturyLink's corporate priorities, which do not include maintaining reliable land line service. To the extent the PUC has issued fines to CenturyLink for failure to maintain in the past, the fines have not been effective.

JUSTIFICATION:

OUR LIVES DEPEND ON OUR LAND LINES

No cell service through towers. We are located in a small river valley with no good sight lines (geography). Our numbers are small compared to the larger, more lucrative markets (economics). For these reasons, there are no towers to provide us with direct cell phone service.

Broadband not robust enough to support cell service. Other than a few of us lucky enough to get in on the nascent StarLink satellite service still in the testing stage, none of us have access to internet/broadband strong enough to support cell service, much less 24/7 service. There is no fiber optic cable and the existing satellite services often hover around 1Mbs. You read that correctly - one. That leaves us at the mercy of our antiquated land lines.

Analyst: cwolf

Open Date: 11/22/2021

Time-consuming, inefficient and ineffective reporting mechanism. When our land lines go out, and because we cannot reach 911, someone in the household other than the person having a heart attack or a stroke or respiratory failure or not as mortally injured in a car accident must drive a minimum of 12 and from some homes up to 25 minutes to the hamlet of Ruch. Ruch has a fire station and we usually are able to make cell phone calls tin Ruch. Emergencies cannot wait, of course, for the hour it takes to make the 911 call and have help arrive. We are a tragedy waiting to happen, and a few weeks ago it almost did.

A frighteningly close call. The early morning of October 24, our neighbor [REDACTED], who lives near the intersection of Little Applegate and Yale Creek Roads, experienced respiratory distress/failur e. She was able to call 911 only because her land line happened to be working that day. It was determined an ambulance would take too long, so she was airlifted and taken to intensive care in Medford. Just one day later, October 25, our land lines went down because of faulty CenturyLink equipment. If [REDACTED] emergency had occurred that day, she would likely have died waiting for help that could not be summoned. Was this really a close call? You bet. In fact, both our county's Citizen Alert Emergency Notification service and our local fire department have begun sending alerts when our phones are down, knowing almost none of us can call for help.

CENTURYLINK HAS NOT MET ITS OBLIGATIONS TO MAINTAIN ITS LAND LINES

The newest old copper cables carrying our land line signals were laid in the mid 1970s and a significant portion date back to the 1950s. CenturyLink has chosen not to upgrade this decaying system, nor do they provide us with either prompt or effective maintenance. Instead, CenturyLink has chosen to direct its energies to shedding its COLR obligations.

When our land lines went out the day after [REDACTED] life-threatening emergency, it took CenturyLink over four days to repair one card and one cable. Luckily, no one needed 911 during that time. Crisis avoided, but just barely.

Our longest outage so far this year, from August 30 through September 7, occurred because three broken green telephone "boxes" along Little Applegate Road took also took four days to repair. During those days, our lines went off and on unpredictably.

After the crews left on the Friday before Labor Day, the system could not be successfully restarted. It took another four+ days with no phone service – until the Tuesday after Labor Day – before they figured out how to hook up the system correctly. To put this in context, those three boxes had been broken, laying on their sides exposed to rain and wind and snow, covered only haphazardly with orange bags, since at least January, eight months earlier.

WE DO NOT HAVE A WAY TO QUICKLY REPORT OUTAGES AND INITIATE REPAIRS

As noted above, a remote (i.e., where we live) automatic reporting mechanism to alert the provider when an outage occurred is no longer operable in our area. Until at least four of us realize our phones are out and each drive down to Ruch and each call the general "hotline" for individual (e.g., the cat ate the phone cord in the kitchen) outages, CenturyLink doesn't even know we have an issue, much

Analyst: cwolf

Open Date: 11/22/2021

less that it is, by definition, urgent. Precious hours are lost because the "hotline" will not accept the word of one customer that the problem is widespread. Nor will the hotline allow us to report our neighbors' outages to prove it is widespread and warrants immediate action.

We need the automatic monitoring system hooked back up or re-installed, or else we need a direct line, 24/7, to the department with authorization to initiate repairs immediately.

WHAT ABOUT RDOF AND OTHER BROADBAND INITIATIVES?

We are aware of the federal funding being made available to ameliorate rural broadband coverage issues. We plan to seek assistance from the appropriate federal authorities to make sure CenturyLink does not use taxpayer money to provide broadband "service" to our area that will not work within our geographic constraints. From our limited access to the inner workings of the RDOF contracting process and CenturyLink's statements to us about their intentions, we already have concerns.

However, and to be clear, our request to you at this time is limited to direct relief for our land lines right now. If the federal/state partnerships and/or interfaces for federal funding of broadband as a declared "essential service" become available to us, we will update this request as appropriate. But our need for access to 911 cannot wait for the federal activities to wind their way through the system to eventual implementation.

Thank you for your consideration of this request and for your service to all the people of Oregon. We stand ready to provide whatever additional information we can and to assist you in your deliberations in any way we can.

[REDACTED]

[REDACTED]

[REDACTED]

11/22/2021 10:37:00 AM EMAIL TO CUSTOMER - FROM COMMISSIONER DECKER

From: DECKER Megan * PUC <Megan.DECKER@puc.oregon.gov>

Sent: Monday, November 22, 2021 10:37 AM

To: [REDACTED]; TAWNEY Letha * PUC

<Letha.TAWNEY@puc.oregon.gov>; THOMPSON Mark * PUC

<Mark.R.THOMPSON@puc.oregon.gov>

Analyst: cwolf

Open Date: 11/22/2021

Cc: FREEMAN Robin * PUC <Robin.FREEMAN@puc.oregon.gov>; REP Marsh <Rep.PamMarsh@oregonlegislature.gov>; [REDACTED]; CONWAY Bryan * PUC <Bryan.CONWAY@puc.oregon.gov>; GRANT Michael * PUC <Michael.GRANT@puc.oregon.gov>; DOUGHERTY Michael * PUC <Michael.DOUGHERTY@puc.oregon.gov>
Subject: RE: Critical CenturyLink land line issue in southern Oregon

Thank you for sharing your concerns with us. We understand that these ongoing issues are extremely challenging for you and your neighbors, and please know that our team is already hard at work looking into why you are continuing to have issues. You can expect to hear more from our Consumer Services division soon, though of course we will also be initiating outreach to the company from a leadership level.

Megan Decker
Chair, Oregon Public Utility Commission
503-689-5773 / megan.decker@puc.oregon.gov
she/her/hers

11/22/2021 10:44:00 AM EMAIL TO CLQ - FROM BRYAN CONWAY

From: CONWAY Bryan * PUC <Bryan.CONWAY@puc.oregon.gov>
Sent: Monday, November 22, 2021 10:44 PM
To: Gose, Peter J <Peter.Gose@lumen.com>; FREEMAN Robin * PUC <Robin.FREEMAN@puc.oregon.gov>; BOYLE Phil * PUC <Phil.BOYLE@puc.oregon.gov>; Ridderbusch, Samantha <Samantha.Ridderbusch@lumen.com>
Cc: GRANT Michael * PUC <Michael.GRANT@puc.oregon.gov>
Subject: RE: Update on Applegate area service interruption

Mr. Gose - We received an update from the customers in the area you addressed in September. Can you provide an update and on what additional actions you have taken? Are you aware of the issues raised in this letter? What plans do you have to repair or upgrade the infrastructure in this area?

I would appreciate hearing back on your plans to repair the infrastructure by 11/30/21.

Sincerely,

Bryan Conway (he, him, his)
Director, Utility Program
Oregon Public Utility Commission
201 High Street SE | Salem, OR 97301 | P.O. Box 1088, 97308-1088 | Voice:971.239.9875
Bryan.Conway@puc.oregon.gov

11/22/2021 10:52:00 AM EMAIL FROM CLQ

From: Gose, Peter J <Peter.Gose@lumen.com>
Sent: Monday, November 22, 2021 10:52 AM

Analyst: cwolf

Open Date: 11/22/2021

To: CONWAY Bryan * PUC <Bryan.CONWAY@puc.oregon.gov>; FREEMAN Robin * PUC <Robin.FREEMAN@puc.oregon.gov>; BOYLE Phil * PUC <Phil.BOYLE@puc.oregon.gov>; Ridderbusch, Samantha <Samantha.Ridderbusch@lumen.com>
Cc: GRANT Michael * PUC <Michael.GRANT@puc.oregon.gov>
Subject: RE: Update on Applegate area service interruption

Mr. Conway,

I will investigate and report back. Given the shortened holiday week, some of the resources I would ordinarily contact may be away and it may take until November 30th to get a response to you. In your message today you posed a question as to awareness of issues raised in a letter. I am familiar with the correspondence shared by Ms. [REDACTED] and Ms. [REDACTED] several weeks back. Would there be chance be newer correspondence that I have not seen? Thanks and I will be in touch soon.

Peter Gose
Regulatory Affairs Director
Government Affairs and Public Policy
14530 NW 63rd St. Parkville, MO 64152
tel: 816-759-2895 | cell: 303-324-5678
peter.gose@lumen.com

11/22/2021 10:52:00 AM EMAIL FROM PETER/LUMEN - REPLY

From: Gose, Peter J <Peter.Gose@lumen.com>
Sent: Monday, November 22, 2021 10:52 AM
To: CONWAY Bryan * PUC <Bryan.CONWAY@puc.oregon.gov>; FREEMAN Robin * PUC <Robin.FREEMAN@puc.oregon.gov>; BOYLE Phil * PUC <Phil.BOYLE@puc.oregon.gov>; Ridderbusch, Samantha <Samantha.Ridderbusch@lumen.com>
Cc: GRANT Michael * PUC <Michael.GRANT@puc.oregon.gov>
Subject: RE: Update on Applegate area service interruption

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Peter Gose
Regulatory Affairs Director
Government Affairs and Public Policy
14530 NW 63rd St. Parkville, MO 64152
tel: 816-759-2895 | cell: 303-324-5678
peter.gose@lumen.com

11/22/2021 12:44:00 PM EMAIL TO PETER GOSE/LUMEN - FROM CONWAY

Analyst: cwolf

Open Date: 11/22/2021

From: CONWAY Bryan * PUC <Bryan.CONWAY@puc.oregon.gov>
Sent: Monday, November 22, 2021 12:44 PM
To: Gose, Peter J <Peter.Gose@lumen.com>; FREEMAN Robin * PUC <Robin.FREEMAN@puc.oregon.gov>; BOYLE Phil * PUC <Phil.BOYLE@puc.oregon.gov>; Ridderbusch, Samantha <Samantha.Ridderbusch@lumen.com>
Cc: GRANT Michael * PUC <Michael.GRANT@puc.oregon.gov>
Subject: RE: Update on Applegate area service interruption

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I would appreciate hearing back on your plans to repair the infrastructure by 11/30/21.

Sincerely,

Bryan Conway (he, him, his)
Director, Utility Program
Oregon Public Utility Commission
201 High Street SE | Salem, OR 97301 | P.O. Box 1088, 97308-1088 | Voice:971.239.9875
Bryan.Conway@puc.oregon.gov

11/22/2021 4:30:00 PM EMAIL FROM CONWAY (SEPT EMAIL BETWN GOSE AND REPRESENTATIVES)

From: Gose, Peter J
Sent: Wednesday, September 8, 2021 12:22 PM
To: Rep.PamMarsh@oregonlegislature.gov; jeffgolden10@gmail.com; bryan.conway@puc.oregon.gov; robin.freeman@state.or.us; BOYLE Phil * PUC <Phil.BOYLE@puc.oregon.gov>
Subject: Update on Applegate area service interruption

TO: Representative Pam Marsh
Senator Jeff Golden
Bryan Conway
Robin Freeman
Phil Boyle

FROM: Peter Gose

Cc: Tre Hendricks
Samantha Ridderbusch

RE: Service Concerns in Applegate / Jacksonville areas

Analyst: cwolf

Open Date: 11/22/2021

On Monday, September 9th, we received a message from Rep. Marsh forwarding an email from two CenturyLink subscribers ([REDACTED] and [REDACTED]) respecting service concerns in the Applegate area. We have investigated this issue and provide the following report.

1. As Ms. [REDACTED] and Ms. [REDACTED] correctly point out, CenturyLink did indeed have a third-party contractor working in the area beginning Monday 8/30/2021. That work was completed on Friday 9/3/2021.
2. The purpose of the work was to proactively maintain and improve various sections of a cable serving the serving area that had experienced multiple outages last winter.
3. The intermittent nature of the phone service in the area as described by Ms. [REDACTED] and Ms. [REDACTED] would have been the result of circuits being disconnected and reconnected during the work being performed to harden the outside plant facilities to improve reliability. The copper network used to the serve the area is prone to moisture damage and the work was intended to address that issue.
4. Upon completion of the work, no alarms were found and dial-tone was present.
5. At some point a trouble ticket was called in for this area which indicated the presence of "downed lines." A technician was dispatched to look for any aerial cable that might have been brought down. Finding none, that ticket was closed.
6. On Monday 9/6/2021 a multiple outage ticket was created. On the morning of 9/7/2021 a technician was dispatched to investigate. The technician isolated the trouble to a faulty splice on two cable spans that were part of the proactive maintenance conducted the previous week. The splicing error was corrected, and all voice service was restored at approximately 12:15 pm on 9/7/2021. With regard to reporting outages, whether isolated or widespread, customers may call 1-800-244-1111 at any time, and we encourage them to do so immediately when service is impacted. In summary we are pleased to report that service in the area is working and we are optimistic that having conducted the preventive maintenance, service interruptions will be avoided in the months ahead. If you have further questions, please reach out to us.

Thank you.

Peter Gose
Regulatory Affairs Director
Government Affairs and Public Policy
14530 NW 63rd St. Parkville, MO 64152
tel: 816-759-2895 | cell: 303-324-5678
peter.gose@lumen.com

11/23/2021 10:07:00 AM EMAIL TO [REDACTED] - UPDATE

From: WOLF Charla * PUC

Sent: Tuesday, November 23, 2021 10:07 AM

To: [REDACTED]

Analyst: cwolf

Open Date: 11/22/2021

Subject: FW: Critical CenturyLink land line issue in southern Oregon

Hi [REDACTED]:

Thank you for your letter outlining your concerns with CenturyLink's service and repair issues. PUC staff has reached out to CenturyLink's management requesting information regarding the ongoing service issues. When we hear back from CenturyLink, I will be in touch to go over their response and any future plans.

Have a wonderful Thanksgiving.

Kind regards,

Charla Wolf
Sr. Compliance Specialist
Consumer Services
Oregon Public Utility Commission
503-378-6600
1-800-522-2404
Charla.wolf@puc.oregon.gov

1/14/2022 9:21:00 AM EMAIL TO [REDACTED] - DOCKET INFO

From: WOLF Charla * PUC
Sent: Friday, January 14, 2022 9:21 AM
To: [REDACTED]
Subject: Jacksonville Outage

Hi [REDACTED]:

I tried to call you but reached your voicemail. I did not leave a message, but decided to email you instead. I wanted to make sure you knew that a docket was opened regarding the outages in Jacksonville and you can follow it online. The docket is UM 2206. You can follow the docket by going to our website www.oregon.gov/puc. Under the heading Utilities and Stakeholders please click eDockets. The next page will bring up Dockets; you will want to mark By Docket Number. Put in UM 2206 and you will find the actual docket which includes the letters you have written to the Commission.

Please let me know if you have any questions.

Kind Regards,

Charla Wolf
Sr. Compliance Specialist

Analyst: cwolf

Open Date: 11/22/2021

Consumer Services
Oregon Public Utility Commission
503-378-6600
1-800-522-2404
Charla.wolf@puc.oregon.gov

1/14/2022 10:58:00 AM EMAIL FROM [REDACTED] - TO CLOSE

From: [REDACTED]
Sent: Friday, January 14, 2022 10:58 AM
To: WOLF Charla * PUC <Charla.WOLF@puc.oregon.gov>
Subject: Re: Jacksonville Outage

Thanks so much, Charla. We will follow!

2/14/2022 9:22:00 AM EMAIL TO [REDACTED] - 2/22 MEETING

From: WOLF Charla * PUC
Sent: Monday, February 14, 2022 9:22 AM
To: [REDACTED]
Subject: OPUC Public Meeting/CenturyLink - Feb 22

Good morning [REDACTED]:

I want to make sure you are aware there is a public meeting regarding Jacksonville outages on February 22nd.

You can find the agenda here: <https://www.oregon.gov/puc/news-events/Pages/default.aspx>

Once you open the agenda 2/22/22, you can link to watch the meeting or call-in to listen. The agenda also explains how to make public comments.

Let me know if you have any questions.

Kind regards,

Charla Wolf
Sr. Compliance Specialist
Consumer Services
Oregon Public Utility Commission
503-378-6600
1-800-522-2404
Charla.wolf@puc.oregon.gov

Analyst: cwolf

Open Date: 11/22/2021

5/15/2022 5:44:00 PM EMAIL FROM CUSTOMER

From: [REDACTED]
Sent: Sunday, May 15, 2022 5:44 PM
To: BARTHOLOMEW Joseph * PUC <Joseph.BARTHOLOMEW@puc.oregon.gov>
Cc: Pam (Rep) Marsh <pam.marsh@gmail.com>; peter.gose@lumen.com; Susan Shaffer <flyingpigranch206@gmail.com>; [REDACTED]
Subject: UM 2206 CenturyLink land lines

Joseph,

The so-called "permanent" batteries that were supposed to partially alleviate the problems with our landline service did not even pass the one-week mark. As noted in Susan Shaffer's note to me below, we had a power glitch shortly before 11:00 this morning, May 15, and the phones went out. Even though the power outage was momentary, as of 5:30 this afternoon, the phones are still out and there is no sign of repair vehicles on our road for either the batteries or whatever underlying failures may also be at play.

The response of the call center, that repairs would not even be scheduled for three more days, is appalling.

Please add this incident to the open investigation.

We respectfully request that the PUC immediately impose meaningful sanctions on CL at a sufficiently punitive level to force them to live up to their legal obligation to provide us with safe and reliable land line service, including 24/7 WORKING backup batteries, remote monitoring, and an effective reporting mechanism as set forth earlier in this matter.

Thank you for your prompt attention and assistance.

[REDACTED]

Subject: CL phones out

We, too, had a short 10-sec power outage around 10:50 am today. I just got off the phone with CL, reported ours out as well as an area-wide outage, but was told that ONLY IF others call in would it then be sent up to a "Jeopardy Manager" who would then determine it was, indeed, an area-wide outage. PLEASE CONTACT CL IF YOUR PHONE IS OUT.

While we were talking, she said her system was showing "multiple cable failures at the C.O. (corporate office)". She gave me Ticket #0123816 and said the soonest my service call could be scheduled was for Weds, 5/18, 8:15-4:15.

Informed her there were supposed to be PERMANENT backup batteries installed last week so we would NOT have phone outages every time our power went out. You can see how well that project went, and it hasn't even been a week.

Analyst: cwolf

Open Date: 11/22/2021

Forever Frustrated,

5/16/2022 7:19:00 AM EMAIL FROM JOSEPH BARTHOLOMEW TO BRIAN CONWAY

From: BARTHOLOMEW Joseph * PUC <Joseph.BARTHOLOMEW@puc.oregon.gov>
Sent: Monday, May 16, 2022 7:19 AM
To: HELLEBUYCK Bruce * PUC <Bruce.HELLEBUYCK@puc.oregon.gov>; Goatcher Jill D <jill.d.goatcher@doj.state.or.us>
Cc: CONWAY Bryan * PUC <Bryan.CONWAY@puc.oregon.gov>; DOUGHERTY Michael * PUC <Michael.DOUGHERTY@puc.oregon.gov>
Subject: FW: UM 2206 CenturyLink land lines

Good morning,

Please see email below with yet another outage in Jacksonville. Peter is on the email below so I will follow up with him and see if we can get this fixed ASAP, thanks.

Joseph Bartholomew
Oregon Public Utility Commission
Senior Telecommunication/Water Analyst
201 High St SE. Suite 207
Salem, OR 97301
503-689-4016
Joseph.bartholomew@puc.oregon.gov

5/16/2022 9:27:00 AM EMAIL FROM BRIAN CONWAY TO CONSUMERS

From: CONWAY Bryan * PUC <Bryan.CONWAY@puc.oregon.gov>
Sent: Monday, May 16, 2022 9:27 AM
To: BARTHOLOMEW Joseph * PUC <Joseph.BARTHOLOMEW@puc.oregon.gov>; HELLEBUYCK Bruce * PUC <Bruce.HELLEBUYCK@puc.oregon.gov>; Goatcher Jill D <jill.d.goatcher@doj.state.or.us>; PUC CONSUMER PUC * PUC <puc.consumer@puc.oregon.gov>
Cc: DOUGHERTY Michael * PUC <Michael.DOUGHERTY@puc.oregon.gov>; NOTTINGHAM Melissa * PUC <Melissa.NOTTINGHAM@puc.oregon.gov>
Subject: RE: UM 2206 CenturyLink land lines

Thanks Joe - Can you make sure these types of communications get to consumer services? You might want to ask Ms. [REDACTED] to add them to any email she sends to you. Consumers may not need to follow up because this is a repeated event, but it should be documented so we can respond to No. of complaints questions.

Thanks.

Bryan

Analyst: cwolf

Open Date: 11/22/2021

Attachments to Case:

11/22/2021 3:22:40 PM - Letter from Customer

From: BARTHOLOMEW Joseph * PUC <Joseph.BARTHOLOMEW@puc.oregon.gov>
Sent: Monday, December 13, 2021 6:07 PM
To: Gose, Peter J <Peter.Gose@lumen.com>
Cc: HELLEBUYCK Bruce * PUC <Bruce.HELLEBUYCK@puc.oregon.gov>
Subject: Copper Cable Plant Restoration

Good afternoon Peter,

As discussed here are some good steps to remediate copper plant to an almost like new condition. I didn't specify Applegate Road in the subject as this method can be used anywhere there are issues with copper plant.

1. Send a couple of techs out to verify cable pairs and update cut sheets to minimize down time.
2. Find all above ground pedestals
3. If the cable in the pedestal is an in and out F1, then dig down on the cable on each side and do a sheath opening until you find good clean pairs with no corrosion. Then piece in a new cable to complete two underground splices, put a marker ball at each splice location and direct bury the cable eliminating the pedestal.
4. If the pedestal has both F1 and F2 cables in it, then dig down on each cable in the pedestal and do a sheath opening until you find good clean pairs with no corrosion. Splice and piece in each cable that is in the pedestal with new cable, bring it into the pedestal and splice/terminate back all working pairs.
5. Make sure the cables and pedestals are grounded and the resistance of the cable to ground is stable (the techs ONX or JDSU equipment will tell them if the ground is stable or not). This will not apply to step 2 as underground splices are bonded to each other not grounded.
6. If you are completing step 3 and the pedestal is damaged in any way, replace it.

The biggest issues with these steps is going to be your cut sheets for this area as you said on the call that the cable has been spaghetti spliced and is no longer straight spliced. That being said, it is imperative that you send good techs to complete step 1 as without accurate cut sheets you will end up with several outages just like you did when the third party contractor went out to re-splice/harden pairs in the pedestals. The steps laid out above takes some really good planning prior to implementation but when done correctly, your outages will be minimal during the restoral process and should be close to none after the process is complete for many more years (other than outside influence causing an outage). Not sure if these steps make sense to you so if you would like to set up some time to discuss I am more than willing to do so, thanks.

Joseph Bartholomew
Oregon Public Utility Commission
Senior Telecommunication/Water Analyst
201 High St SE, Suite 207
Salem, OR 97301
503-689-4016
Joseph.bartholomew@puc.oregon.gov



BARTHOLOMEW Joseph * PUC

From: CONWAY Bryan * PUC
Sent: Monday, January 31, 2022 9:04 AM
To: KOHO Lori * PUC
Cc: GORSUCH Lisa * PUC; BARTHOLOMEW Joseph * PUC; Goatcher Jill D; HELLEBUYCK Bruce * PUC
Subject: RE: CenturyLink phones down in area without cell service.

Yes, this should go to Consumer Services and a copy to Bruce, Jill Goatcher and Joe.

From: KOHO Lori * PUC <lori.koho@puc.oregon.gov>
Sent: Monday, January 31, 2022 9:02 AM
To: CONWAY Bryan * PUC <Bryan.CONWAY@puc.oregon.gov>
Cc: GORSUCH Lisa * PUC <Lisa.Gorsuch@puc.oregon.gov>
Subject: FW: CenturyLink phones down in area without cell service.

Bryan,

This is a complaint that is coming through OEM about the non-responsiveness of Lumen to an outage in a remote area. Do you want to track these sorts of things in our normal consumer's complaint system or have it with your discussions with Lumen?

Lori

Lori Koho
503-576-9789

From: GORSUCH Lisa * PUC <Lisa.Gorsuch@puc.oregon.gov>
Sent: Monday, January 31, 2022 8:39 AM
To: SEYMOUR Tim * OMD <Tim.SEYMOUR@mil.state.or.us>; Eric Bush <bushe@grantcounty-or.gov>; KOHO Lori * PUC <lori.koho@puc.oregon.gov>
Cc: Todd McKinley <mckinleyt@grantcounty-or.gov>; JIMENEZ Doug * OMD <doug.jimenez@mil.state.or.us>; CHAPMAN William * DAS <William.CHAPMAN@das.oregon.gov>
Subject: RE: CenturyLink phones down in area without cell service.

Thank you for including us Tim. I will be reaching out to our contacts at CenturyLink about this situation and will be back in touch.

Lisa

Lisa Gorsuch
Emergency Preparedness Manager
ESF 2 and ESF 12 (Communications and Energy)
Oregon Public Utility Commission
201 High ST SE Suite 100 Salem, OR 97301
(503)510-8769 Cell Phone

(254)377-4022 Satellite Phone
lisa.gorsuch@puc.oregon.gov ** NEW EMAIL ADDRESS **



From: SEYMOUR Tim * OMD <Tim.SEYMOUR@mil.state.or.us>
Sent: Monday, January 31, 2022 8:23 AM
To: Eric Bush <bushe@grantcounty-or.gov>; KOHO Lori * PUC <lori.koho@puc.oregon.gov>; GORSUCH Lisa * PUC <Lisa.Gorsuch@puc.oregon.gov>
Cc: Todd McKinley <mckinleyt@grantcounty-or.gov>; JIMENEZ Doug * OMD <doug.jimenez@mil.state.or.us>
Subject: RE: Centurylink phones down in area without cell service.

Eric – thanks for reaching out. I’ve included our OPUC contacts on this thread as well as our OEM Communications Lead Doug Jimenez for awareness.

Lisa or Lori – What’s the appropriate process for escalating this sort of situation? Is this something you can assist Eric (the new Grant County EM) with getting resolved? Or at least get him in touch with the correct people at CenturyLink to get status updates? If this isn’t the correct process for escalating, can you point us in the right direction?

Thanks,
Tim



Tim Seymour, Response & Preparedness Regional Coordinator
Eastern Region
Operations and Preparedness
Oregon Office of Emergency Management
Mobile: 971-719-0977
tim.seymour@state.or.us



From: Eric Bush <bushe@grantcounty-or.gov>
Sent: Monday, January 31, 2022 08:15
To: SEYMOUR Tim * OMD <Tim.SEYMOUR@mil.state.or.us>
Cc: Todd McKinley <mckinleyt@grantcounty-or.gov>
Subject: FW: Centurylink phones down in area without cell service.

Tim,
See the below message from a citizen in one of our more remote communities. I am personally aware of how difficult Centurylink can be with regards to their customer service and this long-term landline outage in an area that has very limited cell capability is unacceptable. Does OEM have a public utility POC that could help understand where Centurylink stands on this situation?

Thanks,
Eric

From: [REDACTED]
Sent: Friday, January 28, 2022 7:52 PM
To: Eric Bush <bushe@grantcounty-or.gov>
Subject: Centurylink phones down in area without cell service.

Hello Mr. Bush,

I'm sorry that my first contact with you is in the context of bringing a problem to your attention. I do want to recognize your arrival to this position and to welcome you as our new Emergency Management Coordinator. It is my hope that as monitor of emergency response capabilities for the county, you may be able to help us to elevate the attention of Centurylink managers to make needed repairs and improvements to our area. There are two problems to address as they relate to emergency preparedness. One immediate, and one that has been ongoing for many years now in our northwest corner of the county. First of all, our landlines are currently dead. Secondly, but not necessarily related, the emergency backup batteries in the telephone posts along County Rd 15 are dead. I am providing for your consideration the content of my filing with the Oregon Public Utility Commission, asking them to look into the ongoing deterioration of phone services to our region.

Thank you for your attention and for any suggestions or help you can provide to improve emergency services in the Ritter area.

Sincerely,

[REDACTED]

*"The current outage of phone service is from near Ritter, Oregon to the end of County Rd 15 at the North Fork of the John Day River. This includes at least 12 full-time residences/ranches stretching over a distance of 10 miles. It may be a larger affected area, but I have no way of checking without driving out from my home more than 10 miles. At least two people have driven to cell reception spots to report this outage. I have gone online and accessed Centurylink's website to make a request for repair. I was transferred to at least 3 different agents without getting their acknowledgement that an outage existed within their system. This is in spite of the fact that their website page posted "an outage is reported in your area." Two other neighbors have been dismissed and left without adequate information to satisfy them that immediate attention to the outage will happen in a timely way. They were told that the earliest a repairman would be dispatched is **February 7th**. This is not acceptable. This long delay represents a serious threat to the safety and health of this community.*

Without landline service, we are without the capability of making or receiving emergency calls. There is no cell tower serving this area, with only a couple spots along the county road where bounced signals can provide cell phone reception. Several residents of the area are seniors with health issues and need to be in communication with their doctors and healthcare providers. Last summer I was able to reach a dispatcher to report my husband's heart attack emergency. If this emergency happened now, I could not travel six miles to reach cell phone reception. The current outage this week occurred in the middle of medical consultations with his doctor to address immediate complications about my husband's health. I was able to reach a party at John Day via satellite-texting. She called our doctor on our behalf and explained we are not able to communicate further until our phone service is repaired. There are several elderly residents who live alone out here and whose safety deserves to be considered. Reliable Centurylink phone service is critical to the area.

The second concern is that Centurylink is not maintaining local landline equipment. It is very serious, and during wildfire season it may be more serious than the current phone service failure. Any time there is a lightning strike that causes a brief glitch in electrical power service, Centurylink phone transmitters close down phone service. This happens multiple times throughout the wildfire season. It requires a technician to drive hours to our area to simply flip a transmission switch. Several times in the past five years I have notified Centurylink that the emergency backup batteries within their ground posts along County Rd 15 are dead. It used to be that when there was a power failure there was a period of time

we could still make phone calls to the power company or to an ODF wildfire dispatch center. In one case, an electrical storm caused a power outage. Consequently, due to dead batteries, we were unable to call for emergency help to extinguish a fire spreading from a lightning-struck Ponderosa. We are a FireWise community. The outbreak of fires in our area, which happen several times a year, requires us to be "first responders" to manage lightning strikes until help can arrive. It also is critical that we can implement our "phone tree" to alert neighbors about imminent dangers of a fire spread. Our homes are a minimum of 1/2 mile apart and as much as 2 miles between ranch homes. Without reliable landline phone service, lives are at risk under wildfire conditions.

Please help us to communicate with Centurylink authorities who are virtually insulated from the public by a bank of unhelpful Chat agents. They are the broken link in a community attempting to maintain a chain of safety. Serious repercussions may occur if we cannot get these issues addressed immediately. They cannot afford to ignore upkeep of their services and equipment any longer.

Thank you,

[REDACTED]

[REDACTED] *(landline - may not be reachable due to phone service outage)"*