



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

October 20, 2022

via E-mail

Public Utility Commission of Oregon
Attn: Filing Center
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Salem, OR 97308-1088
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Re: UM 1908– Response to Potential Modification of Order No 22-340

In response to the Public Utility Commission’s notice and opportunity to comment on a potential modification to Order No. 22-340, provided in ALJ Moser’s memorandum of October 11, 2022, Oregon Public Utility Commission Staff’s (Staff) submits the following comments.

The Commission proposed modification of the second sentence of the second paragraph of Order No. 22-340 to read:

Lumen must address all tickets and make repairs in a manner that results in a consistent and functional dial tone and ability to reliably make and receive calls, or provide the customer with a functionally equivalent substitute service at no additional customer cost, within 48 hours of creation of the ticket until the service issues in the area are remedied.

Staff appreciates the additional clarity this language would provide and believes that the language could be further clarified by addressing the following two issues. First, Staff submits that the phrase “functionally equivalent substitute service” should be further defined. Second, Staff submits that any modification to the order should address the potential for customer-side issues to delay or prevent repairs.

In Order No 20-431 the Commission directed Qwest/CenturyLink to provide “voice service alternatives” to customers impacted by the 2020 Holiday Farm and Alameda wildfires.¹ In that instance the utility provided satellite telephones as a voice service alternative. There, the Parties stipulated to providing customers who received satellite phones as a voice service alternative with a 90 minutes of talk time over the course of a year with an additional 60 minutes of talk time per week.² Absent such a stipulation, Staff submits that “functionally equivalent substitute service” should provide customers with the same access to services as provided under Lumen’s current tariffs.

¹ Order No. 20-431

² Order No. 20-486, Appendix A, p.6.

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Based on customer comments provided in UM 2206, now consolidated into UM 1908, it appears that Lumen is unable to identify, or believes it has corrected, a service quality issue when the issue is still reported as not fixed by the customer. Staff understands that one potential reason for this is customer-premise side issues and that such issues may delay or prevent Lumen from correcting a service quality issue within 48 hours. Seeing potential for a factual dispute over whether a reported service quality issue has been adequately addressed by Lumen, Staff proposes that if the utility encounters customer-side problems it should be required to document them and provide the documentation to the Commission. One such method may include having the utility connect to the customer's network interface device (NID) and call a pre-determined number, such as consumer services. Staff is open to discussing other forms of documentation but asserts that documentation of customer-side issues should be in a form that is independently verifiable.

Based on these concerns Staff proposes the following:

Until the Commission finds that the following remedy is no longer needed to protect the safety and health of Commission specified locations, Lumen must address all tickets and make repairs in a manner that results in a consistent and functional dial tone and ability to reliably make and receive calls, or otherwise provide documentation of a customer-premise side issue preventing such dial tone and the ability to receive and make calls, and if the former, provide the customer with a functionally equivalent substitute service, as defined by Lumen's current tariffs, at no additional customer cost, within 48 hours of creation of the ticket ~~until the service issues in the area are remedied.~~

Sincerely,

/s/ Natascha Smith

Natascha Smith
Assistant Attorney General
Business Activities Section

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