

I, Priscilla Weaver, submit this public comment in Consolidated Docket No. 1908/2206 in response to Order No. 23-475 setting January 5, 2024, as the deadline for public comments on the September 2 and 3, 2023, outages in the rural Jacksonville and Applegate areas.

Was Lumen in compliance with Orders 22-340 and 22-422, including the requirement of a dedicated outage reporting system, as Staff concluded in its report dated December 1, 2023, and filed on January 4, 2023? I submit Lumen was not in compliance.

The rural Jacksonville area cannot receive the safe and reliable land line service to which we are entitled by law unless Lumen is both aware of a new outage and initiates prioritized repair. This two-part necessity is at the heart of Orders 22-340 and 22-422 (the "Jacksonville Orders"):

1. Lumen must have an effective outage reporting system – the "dedicated line" – so that repairs will be recognized as widespread and will receive "high priority for immediate resolution" (Order No. 22-340), and
2. Lumen must make the repair within 48 hours.

The Commission signaled its unequivocal intent to levy fines for violations of these provisions.

As indicated in my prior comments, I accept that the second prong of the Orders – the actual repair time for the September 2 and 3, 2023, outages -- was probably complied with, although the first outage on September 2, 2023, may not have been resolved for all customers or somehow got entwined with the second, force majeure outage.

What is clear, however, and what Staff got wrong in their report, is Lumen's failure to comply with the first prong of the Orders – the dedicated outage reporting system. Staff says, "the Company complied with all applicable requirements when addressing the September 2 and 3, 2023, outages" (p. 3). The timeline in the record confirms otherwise.

January 9, 2023. I reported on Lumen's failure to comply with the outage reporting system requirement during an outage beginning January 4, 2023 (Comment filed in UM 1908/2206).

May 28, 2023. Susan Shaffer and I both filed a comment relating to multiple violations of the dedicated line requirement associated with a May 28, 2023, outage.

September 2 and thereafter. Numerous customers reported on the two Labor Day weekend outages, including our experiences with the rooster operator in the Philippines and violations of the reporting requirements.

September 12, 2023. As I reported in a written comment filed September 20th and in oral comment at the September 21st public hearing, on September 12th I learned in an unsolicited phone call from the Lumen manager of the overseas call center what had actually been going

on behind the scenes since the first Jacksonville Order was entered a year earlier. The Lumen manager told me Lumen only prioritized our calls to the extent of putting us first in line to talk to someone. The operators did nothing to flag our reports. Instead, it was not until 6-7 tickets accumulated that the Lumen system recognized a multiple outage triggering prioritized repair.

In plain English, Lumen never set up the required outage reporting system, at least not for outages starting overnight or on weekends or holidays. The Emperor Lumen had no clothes.

How do we know this is true? Because it was not until I – a sheep farmer from rural Oregon – explained to the telecommunications behemoth at the September 21, 2023, public meeting how they could set up such a system, and under the resulting pressure from the Commissioners, that Lumen on October 4, 2023, belatedly came into seeming compliance with the critical first prong of the Jacksonville Orders. (See Resp. to Commission-directed Inquiries & Post-Incident Report, filed Oct. 23, 2023, esp. pp. 8-10).

Now it is January 5, 2024, a full year after the PUC first became aware of Lumen's non-compliance with the first prong of the Orders. Only the Commission's announced intent to levy substantial fines for each violation of the 48-hour repair prong of the Jacksonville Orders has kept our phones more operational than they have been since at least 2014. If Lumen is not sanctioned for their year-long violation of the essential repair triggering mechanism in the Orders, Lumen will once again be emboldened to ignore their obligations as they have done for the last 10 years.

At a bare minimum, Lumen should be fined \$50,000 for each of the three outages in 2023 (January, May, and September) for which there is undisputed evidence in the record of non-compliance with the outage reporting system requirements. Doing so would send a message that Lumen may not this time thumb its nose at a Commission Order.

To be sure, this fine would allow Lumen to avoid the larger "each day" "each customer" fine that could be imposed consistent with the Jacksonville Orders for the full year (Sept. 22, 2022-Oct. 4, 2023) during which we now know Lumen never had a dedicated outage reporting system in place that would ensure "high priority for immediate resolution." But the smaller fine of \$150,000 would at least be a step in the right direction.

Respectfully, if wearily, submitted,



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