

**BEFORE THE PUBLIC UTILITY COMMISSION**

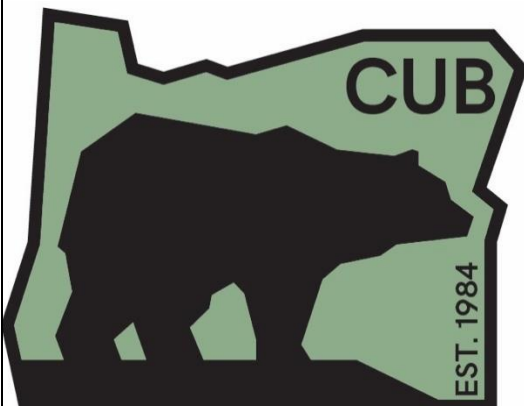
**OF OREGON**

**UM 1908, UM 2206**

In the Matters of )  
)  
LUMEN TECHNOLOGIES )  
)  
Proposed Commission Action Pursuant to )  
ORS 756.515 to Suspend and Investigate )  
Price Plan (UM 1908), and )  
)  
QWEST CORPORATION, )  
)  
Investigation Regarding the Provision of )  
Service in Jacksonville, Oregon and )  
Surrounding Areas (UM 2206). )  
)  
Price Plan Investigation. )  
\_\_\_\_\_ )

**OBJECTIONS  
OF THE  
OREGON CITIZENS' UTILITY BOARD**

October 24, 2023



**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1908, UM 2206**

In the Matters of

LUMEN TECHNOLOGIES

Proposed Commission Action Pursuant to  
ORS 756.515 to Suspend and Investigate  
Price Plan (UM 1908), and

QWEST CORPORATION,

Investigation Regarding the Provision of  
Service in Jacksonville, Oregon and  
Surrounding Areas (UM 2206).

Price Plan Investigation

OBJECTIONS OF THE OREGON  
CITIZENS' UTILITY BOARD

**I. INTRODUCTION**

Pursuant to OAR 860-0010350(8), the Oregon Citizens' Utility Board (CUB) submits its objections to the Stipulation entered into by Lumen Technologies, Inc. (Lumen or the Company) and Staff of the Public Utility Commission of Oregon (Staff), (collectively, the Stipulating Parties) on October 10, 2023. In these objections, CUB affirms its opposition to the Stipulation and provides context for its rationale to oppose the Stipulation Parties Stipulation and proposed Price Plan. CUB's opposition focuses on the Stipulation's proposal to suspend the orders made as a result of the Jacksonville service quality investigation in this docket.

## II. STANDARD OF REVIEW

Under OAR 860-001-0350, the Public Utility Commission of Oregon (Commission) may adopt, reject, or propose to modify a stipulation. If the Commission proposes to modify a stipulation, the Commission must explain the decision and provide the parties sufficient opportunity on the record to present evidence and argument to support the stipulation.<sup>1</sup>

In reviewing a stipulation, the Commission determines whether the overall result of the stipulation results in fair, reasonable, and just rates. The Commission reviews settlements on a holistic basis to determine whether they serve the public interest and result in just and reasonable rates. A party may challenge a settlement by presenting evidence that the overall settlement results in something that is not compatible with a just and reasonable outcome.<sup>2</sup>

Where a party opposes a settlement, the Commission reviews the issues pursued by that party, and considers whether the information and argument submitted by the party suggests that the settlement is not in the public interest, will not produce rates that are just and reasonable, or otherwise is not in accordance with the law. To support the adoption of a settlement, the stipulating parties must present evidence that the stipulation is in accord with the public interest, and results in just and reasonable rates.<sup>3</sup>

---

<sup>1</sup> *In re Northwest Natural Gas Company, dba NW Natural, Request for a General Rate Revision, Advice 20-19, Schedule 198 Renewable Natural Gas Recovery Mechanism*, Docket Nos. UG 435, ADV 1215, and UG 411, OPUC Order No. 22-388 at 6 (Oct. 24, 2022).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

### **III. ARGUMENT**

To be clear, CUB does not oppose the entirety of the Stipulation. CUB objects to the Stipulation on the basis that it is not in the public interest. As described more thoroughly in CUB's concurrently filed Testimony in Opposition to the Stipulation, despite the Stipulating Parties' erroneous contention, the Joint Stipulation as filed is not in the public interest, namely because it removes the protections in place from Order No. 22-340, as modified by 22-422, and as affirmed by Order No. 23-109 (the Jacksonville Orders). CUB's opposition to the Joint Stipulation focuses on the fact that Lumen has not put a remedy in place to fix the pattern of service quality issues in Jacksonville and surrounding areas. In order to ensure that the Price Plan is in the public interest, CUB respectfully requests that the Commission modify the Stipulation to keep the Jacksonville Orders in place and require the Company to file monthly Trouble Ticket (TT) and Repair Clearing Time (RCT) reports in UM 1908, and identify the wire centers serving the Protected Customers in each monthly report.

### **IV. CONCLUSION**

CUB files these objections on the merits of the terms of the Stipulation to comply with the procedural requirements in OAR 860-001-0350(8). Since a procedural schedule to hear CUB's objections has already been designated in this proceeding, CUB will reserve its substantive arguments for the evidentiary hearing, briefing, and oral argument. In order to satisfy its mandate to approve a Price Plan in the public interest, keep the Jacksonville Orders in place and require the Company to file monthly Trouble

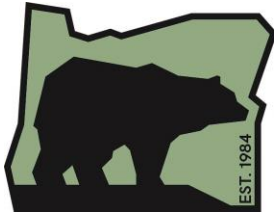
Ticket (TT) and Repair Clearing Time (RCT) reports in UM 1908, and identify the wire centers serving the Protected Customers in each monthly report.

Dated this 24<sup>th</sup> day of October 2023.

Respectfully submitted,

/s/ Jennifer Hill-Hart

Jennifer Hill-Hart, OSB #195484  
Oregon Citizens' Utility Board  
610 SW Broadway, Ste. 400  
Portland, OR 97205  
T. (503) 227-1984  
E. [jennifer@oregoncub.org](mailto:jennifer@oregoncub.org)



# Oregon Citizens' Utility Board

610 SW Broadway, Suite 400  
Portland, OR 97205

(503) 227-1984  
[www.oregoncub.org](http://www.oregoncub.org)

October 24, 2023

## *Via Electronic Filing*

Public Utility Commission of Oregon  
201 High St SE, Suite 100  
Salem, Oregon 97301-3398

### **Re: Docket No. UM 1908 –Confidential Testimony of John Garrett on Behalf of Oregon Citizens' Utility Board**

To Whom It May Concern:

Please find enclosed the Confidential Testimony and Exhibits of John Garrett (CUB/100) in Docket No. UM 1908.

Please note that CUB's testimony and exhibits contain protected information that is being handled in accordance with Modified Protective Order No. 22-352. The confidential portions of CUB's filing have been encrypted with 7-zip software and are being transmitted electronically to the Commission and qualified persons.

Please do not hesitate to contact me via email if you have any questions or need other materials.

Sincerely,

*/s/Jennifer Hill-Hart*

Jennifer Hill-Hart, OSB #195484  
Policy Manager  
Oregon Citizens' Utility Board  
610 SW Broadway, Ste. 400  
Portland, OR 97205  
T. 503.227.1984  
E. [jennifer@oregoncub.org](mailto:jennifer@oregoncub.org)

## UM 1908 – CERTIFICATE OF SERVICE

I hereby certify that, on this 24<sup>th</sup> day of October, 2023, I served the **Confidential Opening Testimony of the Oregon Citizens' Utility Board** in docket UM 1908 upon the Commission and each party designated to receive confidential information pursuant to Order 22-352 through a secure, encrypted attachment to an e-mail.

### CUB

JOHN GARRETT (C)  
OREGON CITIZENS' UTILITY BOARD  
610 SW BROADWAY STE 400  
PORTLAND OR 97205  
john@oregoncub.org

JENNIFER HILL-HART (C)  
OREGON CITIZENS' UTILITY BOARD  
610 SW BROADWAY STE 400  
PORTLAND OR 97205  
jennifer@oregoncub.org

### STAFF

JOE BARTHOLOMEW (C)  
PUBLIC UTILITY COMMISSION OF  
OREGON  
PO BOX 1088  
SALEM OR 97308-1088  
joseph.bartholomew@puc.oregon.gov

NATASCHA SMITH (C)  
Oregon Department of Justice  
BUSINESS ACTIVITIES SECTION  
1162 COURT ST NE  
SALEM OR 97301  
natascha.b.smith@doj.state.or.us

Dated this 24<sup>th</sup> day of October, 2023

Sincerely,

*/s/ Jennifer Hill-Hart*

Jennifer Hill-Hart, OSB  
#195484  
Policy Manager  
Oregon Citizens' Utility Board  
610 SW Broadway, Ste. 400  
Portland, OR 97205  
T. 503.227.1984  
E. jennifer@oregoncub.org