



Oregon

Kate Brown, Governor

Public Utility Commission

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October 20, 2020



BY EMAIL

United Telephone Company of the Northwest, dba CenturyLink

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RE: Advice No. 20-06

At the public meeting on October 20, 2020, the Commission adopted Staff's recommendation in this matter docketed as ADV 1176. The Staff Report and a receipted copy of the sheets in your advice filing are attached.

Nolan Moser
Chief Administrative Law Judge
Public Utility Commission of Oregon
(503) 378-3098

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: October 20, 2020**

REGULAR _____ CONSENT X EFFECTIVE DATE November 1, 2020

DATE: October 1, 2020

TO: Public Utility Commission

FROM: Malia Brock

THROUGH: Bryan Conway, Michael Dougherty, and Bruce Hellebuyck **SIGNED**

SUBJECT: UNITED TELEPHONE COMPANY OF THE NORTHWEST:
(Docket No. ADV 1176/Advice No. 20-06)
Adds tariff language pursuant to 47 CFR §9.16(b)(1) and (2), pertaining to Kari's Law.

STAFF RECOMMENDATION:

Staff recommends that the filed tariff be allowed to go into effect for service on or after November 1, 2020.

DISCUSSION:

Issue

Whether to allow the revised tariff filed by United Telephone Company of the Northwest (United) to go into effect with service on and after November 1, 2020.

Applicable Law

Telecommunications utilities are required under ORS 759.175 to submit tariff filings to the Commission whenever they intend to change their rates, terms, or conditions of service. On September 28, 2018, with Order No. 18-359, the Commission approved a Price Plan applicable to Qwest and its affiliate, United, as allowed by ORS 759.255.

United is regulated under a Price Plan pursuant to ORS 759.255 and Order No. 18-359 in Docket No. UM 1908. Section (8)(a)(i) of the Price Plan requires tariff changes to be filed at least thirty days prior to their effective dates, and Section (8)(b) provides customer notice requirements of price increases and changes to the terms or conditions

of service. Requirements in (8)(b) state that United will provide 30-day notice to customers subscribing to the service, including business customers under contract or with term commitments.

Analysis

United originally filed on August 19, 2020, to propose the following revisions to its PUC No. 4 Tariff, 4th Revision, Index Page 1, Section 8, 1st Revised Page 2, Section 8, 1st Revised Page 3 and Section 8, Original Page 5.

On September 9, 2020, United filed an amendment to extend the original requested effective of September 23, 2020 until November 1, 2020, in order to provide all of its customers with the 30-day notice requirement of the Price Plan.

This filing adds language pursuant to 47 CFR §9.16(b)(1) and (2), pertaining to Kari's Law. Specifically, these revisions add language related to requirements that equipment manufactured after February 16, 2020 be configured to allow callers to dial "911" directly without first dialing an access code. Where applicable, features or calling options that allow configurations that require an access code before reaching the telephone company's network must not be configured as such for 911 calls.

Kari's Law is named in honor of Kari Hunt, who was killed by her estranged husband in a motel room in Marshall, Texas in 2013. Ms. Hunt's 9-year-old daughter tried to call 911 for help four times from the motel room phone, but the call never went through because she did not know that the motel's phone system required dialing "9" for an outbound line before dialing 911.

Congress responded by enacting Kari's Law in 2018. Kari's Law requires direct 911 dialing and notification capabilities in multi-line telephone systems (MLTS), which are typically found in enterprises such as office buildings, campuses, and hotels. The statute provides that these requirements take effect on February 16, 2020, two years after the enactment date of Kari's Law. In addition, Kari's Law and the federal rules implementing regulations apply only with respect to MLTS that are manufactured, imported, offered for first sale or lease, first sold or leased, or installed after February 16, 2020. This filing is consistent with federal requirements.

Conclusion

Staff finds that the filing complies with the requirements of the Price Plan and Oregon statutes.

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October 1, 2020
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PROPOSED COMMISSION MOTION:

Allow United Advice No. 20-06 to go into effect for service rendered on and after November 1, 2020.

United.20-06.Kari'sLaw

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Advice No: 20-06

Issued: August 19, 2020

Issued by: United Telephone Company of the Northwest d/b/a CenturyLink

OR2020-13

Effective: November 1, 2020

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Filing Center
SEP 09 2020

CONNECTION WITH CUSTOMER PROVIDED EQUIPMENT

GENERAL REGULATIONS

- FCC registered or grandfathered customer-provided terminal equipment, protective circuit, and communications systems (CPE) may be used with facilities furnished by the Company for telecommunication service subject to the following paragraphs of this section of the tariff. In all cases CPE will be so constructed, maintained, and operated as to:
 - work satisfactorily with the facilities of the Company,
 - not interfere with any service offered by the Company,
 - not endanger the safety of Company employees or the public, or
 - not damage, or require change, or alteration to the facilities of the Company.
 - **comply with 47 CFR §9.16(b)(1) and (2) as described more fully in this Section 8 (N)**
under Connection of FCC Registered Equipment. (N)
 - Upon notice from the Company that the CPE is causing or likely to cause a hazard or interference, the customer shall make changes necessary to remove or prevent such hazard or interference.
 - The Company shall not be responsible for the installation, operation, or maintenance of any CPE. Telecommunications service is not represented as being adapted to the use of CPE. Where CPE is connected to Company facilities, the responsibility of the Company shall be limited to:
 - furnishing facilities suitable for telecommunications service, and,
 - the maintenance and operation of such facilities as is proper for telecommunications service.
- For this reason, the Company will NOT be responsible for:
- the through transmission of signals generated by CPE, or the
 - quality of, or defects in, such transmission, or
 - the reception of signals by CPE.
- The Company will not be responsible if changes in the Company's facilities, operations, or procedures require modification or alteration to CPE or renders CPE obsolete. The Company will give at least ninety (90) days notice in writing if such changes can reasonably be expected to occur.
 - The Company will not be responsible for any loss or damage, nor for any impairment or failure of the service resulting from the use of facilities of customers and not caused solely by the negligence of the Company.

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CONNECTION WITH CUSTOMER PROVIDED EQUIPMENT

GENERAL REGULATIONS (cont'd)

- **The customer will defend and indemnify the Company, its affiliates, agents and contractors from all third party claims, liabilities, fines, penalties, costs and expenses, including reasonable attorneys' fees, arising from or related to customer's, customer's end user's or customer's third-party provider(s)' acts, omissions (including the failure to purchase or implement features that enable the receipt and transmission of direct-dial "911" calls or multi-line telephone system notifications), or failures of connectivity that impede, prevent or otherwise make inoperable the ability of the customer or its end users to directly dial "911" or to receive or transmit multi-line telephone system notifications, as required by law, in the United States.**
- The Company will not be liable for damages arising out of injuries to persons or property from voltages or currents transmitted over the facilities of the Company caused by CPE.
- The customer indemnifies and saves the Company harmless against claims for infringements of patents arising from combining CPE or using it in connection with facilities of the Company, and against all other claims arising out of any act or omission of the customer in connection with facilities provided by the Company.
- To assure continued compatibility of network control signals and the switching equipment involved, network control signaling shall be performed by equipment furnished, installed, and maintained by the Company unless the CPE meets the requirements of Part 68 of the FCC Rules and Regulations.
- Where any CPE is used in violation of any provision of this tariff, the Company will promptly notify the customer of the violation and take such immediate action as is necessary for the protection of its services.
- The customer shall discontinue such use of the CPE and shall confirm in writing to the Company within two (2) days, that such use has ceased or that the violation has been corrected.

Failure to discontinue such use or correct the violation and to give the required written confirmation to the Company within the two day period, shall result in termination of the customer's service until such time as the customer complies with the provisions of this tariff.
- CPE may be connected with telecommunications service only if it is grandfathered or registered in accordance with Part 68 of the FCC Rules and Regulations or is connected by means of registered protective circuitry.
- The customer must provide all electrical power necessary for the operation of CPE and associated lines to the point of connection.
- All customer provided PBX and Key telephone systems together with its premises wiring must be grandfathered or registered in accordance with Part 68 of the FCC Rules and Regulations.
- Customer-provided key telephone instruments may not be connected to Company facilities either directly or indirectly through protective circuitry.
- It is the Company's policy to implement any changes in Part 68 of the Rules and Regulations of the Federal Communications Commission on the effective date stated by that body. Related tariff changes required will be filed without unnecessary delay.

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CONNECTION WITH CUSTOMER PROVIDED EQUIPMENT

CONNECTION OF FCC REGISTERED EQUIPMENT (Cont'd)

Multi-Line Telephone Systems (MLTS) connected to the Company's network which were manufactured, imported, sold, leased, or installed after February 16, 2020 must be configured pursuant to 47 CFR §9.16(b)(1) and (2) to:

- **allow an end user to directly initiate a "911" call from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit 9, regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls, and**
- **provide MLTS notification to a central location at the facility where the system is installed or to another person or organization regardless of location, if the system is able to be configured to provide the notification without an improvement to the hardware or software of the system.**

MLTS notification must (1) be initiated contemporaneously with the 911 call, provided that it is technically feasible to do so; (2) not delay the call to 911; and (3) be sent to a location where someone is likely to see or hear it.

Customers who connect multi-line telephone systems to the Company's facilities must agree to defend and indemnify the Company for acts and omissions resulting in non-compliance, as described under General Regulations of this Section 8.

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