

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2397

In the Matter of

OREGON CITIZENS' UTILITY BOARD,

Request For Penalties and Show Cause
Order Against Lumen Technologies, Inc.

ORDER

DISPOSITION: MOTION FOR PENALTIES AND SHOW CAUSE ORDER
DENIED; CONTESTED CASE PROCESS ESTABLISHED

I. INTRODUCTION AND PROCEDURAL HISTORY

On June 5, 2025, Staff of the Public Utility Commission of Oregon filed a report in docket UM 1908 recommending that the Commission require Lumen Technologies Inc, dba CenturyLink, to submit a service quality performance plan. On July 10, 2025, the Commission adopted Staff's recommendation with modifications, also requiring Staff to report back regarding concerns raised by the Oregon Citizens' Utility Board (CUB) regarding Lumen's performance in the Jacksonville service area.¹

On July 8, 2025, CUB filed a motion for penalties and a show cause order against Lumen Technologies² for an alleged violation of Commission Order No. 22-340 and Order No. 22-422 (Jacksonville Orders).^{3,4} CUB requested expedited consideration of its motion. On June 8, 2025, Lumen filed an opposition to CUB's request for expedited consideration of the motion, and CUB filed a reply to Lumen's opposition.

¹ *In the Matter of Lumen Technologies, Service Quality Performance Plan*, Docket No. UM 1908, Order No. 25-216 (June 11, 2025).

² Lumen Technologies is the parent company for Qwest Corporation, dba CenturyLink, the entity serving the Jacksonville and Little Applegate area of Oregon. For the purposes of this Order, Lumen and CenturyLink are referred to collectively as "Lumen."

³ *In the matter of Lumen Technologies, Proposed Commission Action Pursuant to ORS 756.515 to Suspend and Investigate Price Plan/Investigation Regarding the Provision of Service in Jacksonville Oregon and Surrounding Areas*, Dockets UM 1908/UM 2206.

⁴ CUB filed this motion in the combined dockets UM 1908 and UM 2206. On July 9, 2025, this motion was docketed as UM 2397.

On July 9, 2025, Administrative Law Judge (ALJ) Sarah Spruce issued a bench request directing Lumen to provide all the customer contact logs for the 24/7 dedicated customer service line required by Order No. 22-340. That same day, ALJ Spruce issued a memorandum establishing deadlines to respond to the motion.

On July 11, 2025, Lumen filed an update on the status of the dedicated customer service line. On July 18, 2025, Lumen and Staff filed responses to CUB's motion, and Lumen filed a response to the bench request. On July 25, 2025, CUB filed a reply to the responses of Lumen and Staff.

On August 5, 2025, the Commission adopted Staff's recommendation in docket UM 1908 that the Commission address any violations of Commission orders related to service quality as part of docket UM 2397.⁵

II. MOTION

1. CUB Motion

CUB asserts that Lumen has violated the Commission's directive in the Jacksonville Orders and Order No. 24-041⁶ to establish and maintain a 24/7 dedicated service line for Jacksonville customers and protected customers as defined in Lumen's price plan. CUB states that it received an affidavit from Priscilla Weaver, a resident of the area covered by the Jacksonville Orders, stating that the community had experienced four widespread service outages within ten days. CUB maintains that the dedicated line was out of service during these outages, including on June 14 and June 19, 2025, when Ms. Weaver called to report outages. Rather than reaching a customer service representative directly, the call went to an automated verification process.

CUB argues that the legislature has vested the Commission with authority to supervise and regulate public utilities and telecommunication utilities in Oregon, as well as the authority to levy penalties against telecommunication utilities under ORS 759.990. CUB argues that Lumen's failure to comply with the dedicated service line requirement of the Jacksonville Orders and the inability to prioritize resolving outages for Jacksonville area customers are alone sufficient reason to issue penalties. CUB contends that Lumen should be required to show whether it was violation of the dedicated service line requirements from June 10 through June 19, 2025, and should be fined for each violation,

⁵ *In the Matter of Lumen Technologies, Proposed Commission Action Pursuant to ORS 756.515 to Suspend and Investigate Price Plan*, Docket No. UM 1908/*In the Matter of Qwest Corporation, Investigation Regarding the Provision of Service in Jacksonville Oregon and Surrounding Areas*, Docket No. UM 2206 , Order No. 25-299 (Aug. 6, 2025).

⁶ Docket Nos. UM 1908/UM 2206, Order No. 24-041 (Feb. 9, 2024) (adopting a stipulation establishing CenturyLink's price plan).

per customer and per day. CUB maintains that it is unknown how many other protected customers were unable to use the dedicated service line and asserts that Lumen should be required to demonstrate why it should not receive penalties for each day it was in violation of the Jacksonville Orders for all protected customers.

CUB asserts that Lumen has repeatedly disregarded Oregon law and Commission rules and orders. CUB maintains that it is fair to require Lumen to explain and demonstrate whether it is in compliance with state laws and Commission rules and that this explanation can help inform Staff's investigation regarding performance plan matters. CUB urges the Commission to grant its motion pursuant to the Commission's duty to protect customers and the public from unjust and unreasonable exactions and practices and to ensure adequate service at fair and reasonable rates.

2. *Lumen Reply*

Lumen asserts that it has not violated the requirements of the Jacksonville Orders regarding the dedicated service line or any associated service responses. Lumen maintains that it has met its obligations regarding the requirements of the Jacksonville Orders. Lumen notes that a 2023 Staff report concluded that the company was complying with its obligations and did not recommend any actions against Lumen.⁷ Lumen states that the customer interface for its service line was not working as intended for approximately three hours on June 19, 2025, due to a routing change malfunction that caused a nationwide internet outage. Lumen maintains that during this time, calls to the dedicated service line may have been sent to the general customer service queue. Lumen states that a large number of customers called in a short period of time to report outages and that some of these calls may not have been properly routed to customer service representatives.

Lumen contends that, with the exception of the three-hour window on June 19, 2025, the dedicated service line was operational. Lumen states that there were also a "small number of instances" where customers calling the dedicated service line were asked to input their account number rather than their phone number.⁸ Lumen asserts that this occurred when there was more than one account associated with the number the customer was calling from. Lumen maintains that it identified and fixed the issue within 24 hours of receiving Ms. Weaver's concerns about the dedicated service line.

Lumen asserts that it corrected each of the four outages reported by Ms. Weaver within 24 hours, which is less time than the 48-hour timeframe established in Order No. 22-340.

⁷ Lumen Response to CUB Motion at 5, *citing* Docket UM 1908, Staff Report and Recommendation at 2 (Jan. 1, 2024).

⁸ Lumen Response to CUB Motion at 5.

Lumen maintains that it is completing a large fiber project in the Jacksonville area and fiber has already been placed in the Little Applegate area. Lumen states the fiber infrastructure will significantly enhance the reliability of services and reduce the likelihood of future outages.

Lumen maintains that it is not in violation of the Jacksonville Orders, Order No. 24-041, any Oregon law, or Commission rule, and there is no reason to issue a show cause order. Lumen states that in the interest of cooperation and transparency, however, that it would agree to prepare and submit a post incident report similar to the report it filed in response to Order No. 23-356.

3. *Staff Reply*

Staff states that under ORS 759.990(6), the Commission may impose penalties of up to \$50,000 for each violation of a Commission order. Staff maintains that there is nothing in the price plan or stipulation adopted in Order No. 24-041 that would alter the Commission's authority to levy a penalty. Staff asserts that ORS 183.745 requires notice and the opportunity for a hearing to levy penalties. Staff contends that if civil penalties are pursued under ORS 759.990(6), Staff or another party should file a complaint in this docket and establish an evidentiary record. Staff contends that none of Lumen's alleged violations are based on "minimum service quality standards" request by ORS 759.450, and a performance plan is not required prior to pursuing penalties.

4. *CUB Response*

CUB reiterates that Lumen has failed to maintain the dedicated customer support line as required by the Jacksonville Orders and Order No. 24-041. CUB asserts that Lumen violated the dedicated service line requirement of the Jacksonville Orders at least three times. CUB maintains that Ms. Weaver called on June 14 and June 19, 2025, and another Lumen customer Susan Shaffer called on July 2, 2025, and each call forwarded to the general reporting line rather than the dedicated customer service line. CUB contends that Lumen did not provide any documentation or an affidavit supporting the assertion that the line was only non-operational for a three-hour period on June 19, 2025.

CUB asserts that neither Ms. Weaver nor Ms. Shaffer were given high priority for immediate resolution, because their calls were routed to the general reporting line. CUB maintains that there is no evidence besides Lumen's word that it resolved the issues within the 48-hour timeline. CUB also asserts that Lumen's call logs no longer include the descriptions of service issues as required by Order No. 23-109. CUB maintains that the reports as provided do not adequately demonstrate that trouble tickets are actually being resolved before being closed.

CUB contends that that under ORS 759.990, the Commission can issue an order levying penalties against Lumen without a hearing. CUB asserts that, contrary to the argument of Staff, ORS 183.745 does not apply to the Commission. CUB argues that the Commission has addressed a similar motion for a show cause order in docket UT 125, in which Staff requested a show cause order against Qwest Corporation. CUB maintains that in docket UT 125, the Commission granted Staff's request following a response from Lumen and a reply from Staff.⁹ CUB maintains that the situation in this docket is similar to that in docket UT 125 and that the record contains enough information for the Commission to issue an order for Lumen to show cause.

III. RESOLUTION

We decline to levy penalties against Lumen at this time and deny CUB's request for a show cause order. We find insufficient evidence on the limited record before us to support immediate penalties or a show cause order against Lumen. We do, however, have significant concerns regarding Lumen's compliance with our orders in light of the information provided by CUB and Lumen customers, and conclude that further investigation is warranted. We agree with Staff that the appropriate first step is in the filing of a complaint, followed by a contested case process.

Consistent with the recommendation we adopted at the public meeting on August 5, 2025, we direct that any investigation of Lumen for potential violations of the Jacksonville Order or any other Commission order continue as part of this docket UM 2397. We direct the Administrative Hearings Division to establish a procedural schedule in this docket, beginning with a deadline for Staff to file a complaint.

⁹ CUB Reply to Lumen's Response to Motion at 9-10 (Jul. 25, 2025), *citing In the Matter of Qwest Corporation, Application for an Increase in Revenues*, Docket No. UT 125, Order No. 02-0192 at 11 (Mar. 26, 2002).

IV. ORDER

IT IS ORDERED that:

1. The motion of Oregon Citizens' Utility Board for penalties and a request for a show cause order are denied; and
2. The Administrative Hearing Division is directed to establish a procedural schedule in this docket.

Made, entered, and effective Aug 21 2025.



Letha Tawney
Chair



Les Perkins
Commissioner

COMMISSIONER POWER WAS UNAVAILABLE FOR SIGNATURE

Karin Power
Commissioner

