BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1908, UM 2206

IN THE MATTER of
LUMEN TECHNOLOGIES

INTERVENOR PRISCILLA WEAVER'S OBJECTION TO MOTION TO EXTEND SUSPENSION

I do not object to the Commission modifying Order No. 24-401 to extend the time deadline for completion of the RDOF build.

To the extent the motion seeks to continue suspending the Jacksonville Orders, I object. For starters, the Commission never entered an Order suspending the Jacksonville Orders, so there is no suspension to extend. The suspension was not self-executing. To the contrary, the Commission laid out a process – "formal notice," Commission review of the build plans at a public meeting, and monthly status reports for additional review -- as prerequisites to the Commission suspending the Jacksonville Orders. (Order No. 24-401, p. 25).

CenturyLink chose instead to ignore Order No. 24-401 entirely, including no formal notice, no public meeting, no consideration by the Commission, no amendment to Order No. 24-401, and no monthly reports. CenturyLink simply behaved as though the Jacksonville Orders could be suspended by a routine phone call to Staff. It would be appropriate for the Commission to deny the extension and keep the Jacksonville Orders fully enforceable throughout the delayed construction, given CenturyLink's disregard for Order 24-401.

In other circumstances, this might look like procedural nitpicking. Not in this case. CenturyLink has a well-documented history in this docket and elsewhere of reverting to past

bad behavior as soon as a Performance Plan or an Order is lifted, or restrictions are eased, and CenturyLink is no longer under scrutiny from Staff or the Commissioners.

Guess what? No sooner had CenturyLink gotten enforcement of the Jacksonville Orders unilaterally suspended by circumventing the process than they let their dedicated reporting and prioritized repair system lapse as well. Within weeks one of my neighbors called in an outage to the dedicated line, was re-routed to the regular outage reporting operators, sent back to the "specialty team", rerouted back, and eventually given a repair date five days out. So much for "high priority repairs."

This requirement is far from pro forma or a technicality. The timeline on this basic safeguard demonstrates that CL will not conform to the rules unless it is kept on a tight leash. I apologize if this is tedious, but the safety of my community is once again at unjustified risk:

Sept. 23, 2022, PUC issued Order 22-340 requiring a dedicated customer service line that places a high priority (i.e., within 48 hours) on repairs in the rural Jacksonville area.

Sept. 2023, with ample evidence of repeated non-compliance for the prior year (see, e.g., my summary of comments filed 9/20/2023, and the roadmap for an effective outage and repair reporting system that I presented at the public meeting on September 21, 2023), the PUC by Order No. 23-356 directed CenturyLink to create no later than October 23, 2023, a reporting and prioritization plan that would finally ensure prompt repairs in compliance with the Jacksonville Orders.

October 23, 2023: CL submitted the required description of its new system, which included a 24/7 dedicated line, CenturyLink's "most seasoned offshore agents" and domestic operators trained to transmit repair orders on a high priority basis (using "an alert" to "field operations" to ensure prompt repair, i.e., within 48 hours), and allow customers to report multiple addresses with outages -- the same things that were supposed to have happened continuously since September 2022.

October 2023: In the same month, buried among 20+ pages of single-spaced text and pricing and "metrics" charts in CenturyLink's and Staff's Stipulation submitted in the Price Plan prong of this docket, is a different, toothless "dedicated line" system CenturyLink wanted the PUC to adopt going forward. None of the critical items the Commission described in the September 21 meeting or in Order No. 23-356 were included. When we objected to this part of the

Stipulation, CenturyLink said it was an oversight and the critical parts were meant to be there. Perhaps.

February 5, 2024, entry of Order No. 24-401, accepting CenturyLink's and Staff's Stipulation and agreeing to suspend and then terminate the Jacksonville Orders, conditioned on amending the Stipulation's language about the dedicated line to be sure it met the standards called for in Order No. 23-356 and CenturyLink's October 23, 2023, promises about its beefed-up reporting/repair prioritization process. (Once the Stipulation was amended, Order No. 24-113 amended Order No. 24-401 to confirm the meaningful outage reporting/repair system was part of the deal).

Order No. 24-401 as amended is crystal clear about the critical role of a consistently operational dedicated reporting and prioritized repair mechanism: "the stipulating parties highlight the dedicated customer service line" as justification for eliminating enforcement of the Jacksonville Orders during the RDOF build. (p.16). In exchange, CenturyLink is required to "treat as high priority for resolution" "trouble tickets opened through the dedicated line." (p. 20). Lest that not be specific enough, Order No. 24-401 incorporated CenturyLink's "commit[ment] to retaining the dedicated line with the process outlined in its post-incident report filed on October 23, 2023." (p. 20).

And to be absolutely certain CenturyLink would get the message, Order No. 24-401 emphasized that "This is critical, and a point of compliance we prioritize," (p. 20), i.e., the "requirement to continue to prioritize intake and repairs for protected customers." (p. 23) by treating "trouble tickets opened through the dedicated line as a high priority for resolution" (codified in Order No. 24-113, Attachment A, Stipulation par. 11 (c)(iv).

Even if the Commission decides not to sanction CenturyLink for ignoring the process for triggering the suspension, surely as a matter of substance, CenturyLInk has forfeited its right to have that suspension extended given its unwillingness to obey the prerequisites and priorities set out in Order No. 24-401. I am not asking the Commission to retract its acceptance of the

Stipulation or to withdraw the promise of the eventual termination of the Jacksonville Orders, although either or both remedies/sanctions would be fully justified.

But I am asking the Commission to enforce Order No. 24-401 as amended and -- as a sanction for violating that order and a meaningful incentive for CenturyLink to comply while they finish the RDOF build -- deny the motion to extend the suspension of the Jacksonville Orders and confirm their enforcement mechanisms, including fines.[1]

As for the construction delay, I am not able to assess whether a huge telecommunications company should be excused for not being able to find 5 dozen poles, especially when the subcontractors in our area are using existing electrical poles and wires on which to hang the fiber optic cable. There is no indication that any ground, rock, or gravel, needs to be "plowed through." (CenturyLink Motion Amend p. 3). Perhaps the monthly reports would have shed light on this mystery had they been filed.

It is worrisome that there has been no activity, either stringing cable or pounding in poles, on significant portions of Little Applegate Road and Yale Creek Road (and perhaps other areas I do not routinely pass by). I urge the Commission to require CenturyLink to include in its monthly reports a list of (1) the street addresses to which the fiber cable will extend at the street, (2) the addresses at which CenturyLink also will bring the fiber from the street to the homes, and (3) the addresses which will have neither fiber cable at the road nor into their homes. No need to include resident/customer names or even phone numbers that would trigger the need for filing under seal. Only in this way is it possible to evaluate whether the

[1] We were lucky that the outage in December turned out to be short, but that luck does not provide a justification for CenturyLink's failure to live up to their end of the bargained-for Stipulation.

promise of fiber is being kept and it is just managerial issues that are at play, or whether the delay is another step at avoiding accountability for keeping our land lines operational.

Respectfully submitted,

P Weaver

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