Oregon Citizens' Utility Board

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June 9, 2025

Via electronic filing

Public Utility Commission of Oregon
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RE: CUB's Comments on Staff's Report for the June 10, 2025, Public Meeting

Dear Chair Tawney, Commissioner Perkins, and Commissioner Power:

First, I apologize for the lateness of these filed comments. I had only just learned of this issue for the Public Meeting and had a short amount of time to work on these comments today. I am prepared to give a high-level overview of them at the Public Meeting knowing you may not have been able to review these prior to the meeting. CUB believes it is important to get these in the written record.

CUB writes these comments in support of the Oregon Public Utility Commission (PUC) Staff's recommendation to direct Lumen Technologies Inc., dba CenturyLink (Lumen or Company) to develop a performance plan. We also believe now is the time to direct the Company to do more. CUB respectfully asks that the Commission direct the Company to meet the requests of CUB in our Response to Lumen's Motion to Amend to come into compliance with the Commission's Order No. 24-041.[1] CUB also requests that the Commission issue penalties to the company for its ongoing violations of the Commissions' safety and service quality rules as outlined below.

Brief Timeline Overview[2]

As CUB outlines in our Prehearing Brief in the Commission's Hearing Relating to Order Nos. 22-340 and 22-422 (the Jacksonville Orders), the Commission has been attempting to work with

[1] *See* UM 1908 - *CUB's Response to Lumen's Motion to Amend,* at 9-10 (Jan. 14, 2025), available at: https://edocs.puc.state.or.us/efdocs/HAC/um1908hac334244113.pdf.

[2] For brevity, rather than repeat the long history of the Commission's investigation of Lumen's historical and ongoing safety and reliability issues here, see CUB's summary and references at UM 1908 - CUB's Response to Lumen's Motion to Amend at 4.

Lumen to meet the Commission's service quality standards since at least 2014.[3] In 2017, after investigating service quality issues and working with Lumen to try to remedy them, PUC Staff found that the Jacksonville region provided an example of the "chronic repair problems and the time it took Qwest to remedy the problem presented a potential public safety concern," and the Commission directed the Company to develop a performance plan.[4] The Company's response was to say it didn't have service quality issues and proceeded to criticize the Commission's rules.[5] In April 2018 when PUC Staff found that while the Company had made improvements, deficiencies still remained, and directed the Company to file an updated compliance report by January 15, 2019.[6] This report was never filed.

In November 2021, a Lumen customer alerted PUC Staff of the ongoing outages and chronic repair issues that threatened herself and her neighbors who live in remote, high-fire risk area without reliable cell phone coverage.[7] One month later, the Commission directed PUC Staff to open an investigation into the service quality issues in the Jacksonville area finding the 2017 Performance Plan had not resolved the ongoing issues of the past seven years.

In our Closing Brief in opposition to the Stipulation and Price Plan put forth by PUC Staff and the Company, CUB predicted that the Stipulation would put Jacksonville area customers, the Commission, and intervenors like CUB back into a position of reactivity where customers must be harmed over a long period of time before corrective action may be taken against the Company—putting the burden on everyone but the Company.[8] Importantly, CUB accurately predicted that the Stipulated Price Plan's provisions which intended to incentivize the Company for better service quality by tying in service quality metrics to the ability to increase pricing, were not sufficient. Specifically, CUB stated:

> "The efficacy of the Stipulated Price Plan is uncertain and at the Company's leisure—a strategy proven to harm Jacksonville customers time and time again. Unfortunately, the

[3] UM 1908- Hearing on Orders - CUB's Opening Brief, 3-9 (Dec. 13, 2022), available at: https://edocs.puc.state.or.us/efdocs/HBC/um1908hbc14552.pdf.
[4] *Id.* at 3 (quoting *In the Matter of Qwest Corporation, United Telephone Company of the Northwest, CenturyTel of Oregon, and CenturyTel of Eastern Oregon, Joint Petition for Approval of Price Plan Pursuant to ORS 759.255 and Partial Exemption Pursuant to ORS 759.052,* Docket No. UM 1908, Staff/100, Bartholomew/4; Staff/105, Bartholomew/1-15 (Nov. 23, 2022), available at: https://apps.puc.state.or.us/edockets/edocs.asp?FileType=HTB&FileName=um1908htb172110.pdf&DocketID=21077&numSequence=86).
[5] *Id.* (*In the Matter of Qwest Corporation dba Centurylink QC, Service Quality Performance Plan, Staff Report for May 16, 2017 Public Meeting,* Staff Report for the July 25, 2017 Public Meeting, 5 (July 12, 2017), available at: https://edocs.puc.state.or.us/efdocs/HAA/um1836%28reg1.pdf%29haa1657.pdf).
[6] UM 1836 – Order 18-198, Appendix A at 5 (May 30, 2018), available at: https://apps.puc.state.or.us/edockets/orders.asp?OrderNumber=18-198.
[7] UM 1908 – Staff/105, Bartholomew/98-101.
[8] UM 1908, UM 2206 – Closing Brief of the Oregon Citizens' Utility Board, 5 (Dec. 22, 2023), available at: https://edocs.puc.state.or.us/efdocs/HBC/um1908hbc325807054.pdf.

> Stipulation puts Jacksonville area customers, the Commission, and intervenors like CUB back into a position of reactivity where customers must be harmed over a long period of time before corrective action may be taken against the Company—putting the burden on everyone but Lumen. The Stipulating Parties failed to show that Price Plan would equivalently incent Lumen relative to the Jacksonville Orders under various service quality incidents."[9]

CUB does not raise this issue as an "I-told-you-so". Our concern has always been for the safety of customers. Recall that Lumen had an outage in its Jacksonville service territory one day and the next while its phones were back on, a customer had to call 911 and be airlifted from her rural community to a hospital.[10] Lumen's solution to service quality in that area has been fiber, which customers are still waiting for years later.[11]

Per the Jacksonville Orders, the Company is supposed to file public-facing redacted call logs from the toll-free, 24/7 dedicated customer support line in UM 1908 every two weeks, and it is CUB's understanding the Company is supposed to file unredacted versions in Huddle, as well. CUB reached out to the parties today to verify that it is still the expectation and request that the Company point us to where any Commission Order says otherwise. CUB acknowledges that this may have been an oversight and brings it up here largely to acknowledge we are unable to determine the percentages of clear time for the Jacksonville area without access to that information. When CUB raised this issue in our filing in response objecting to the Company's motion to end the Jacksonville Orders, the Company followed up with filing only the redacted reports up to January 31, 2025, but none have been filed since then nor has any indication been made by the Company that there were not any reports to file.

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[9] *Id.*

[10] UM 1908 - CUB's Response to Lumen's Motion to Amend at 8 ("The early morning of October 24, our neighbor [S.E.], who lives near the intersection of Little Applegate and Yale Creek Roads, experienced respiratory distress/failure. She was able to call 911 only because her land line happened to be working that day. It was determined that an ambulance would take too long, so she was airlifted and taken to intensive care in Medford. Just one day later, October 25, our land lines went down because of faulty CenturyLink equipment. If [S.E.'s] emergency had occurred that day, she would likely have died waiting for that help that could not be summoned.")

[11] At the August 30, 2022, Special Public Meeting, Commissioner Tawney asked Lumen representative Peter Gose when Lumen expected to bring fiber to homes of its customers in the Jacksonville area and Gose replied "they've requested what they call a RFS Ready for Service date of late second quarter, early third quarter of 2023." *See* UM 1908 - *Hearing on Orders--Staff's Opening Testimony of Joe* Bartholomew, Staff/100/Bartholomew/17 (Nov. 23, 2022)); *see also* Special Public Meeting video for August 30, 2022, available at: https://oregonpuc.granicus.com/player/clip/1007?view_id=2&redirect=true.

CUB's Request to the Commission

CUB supports PUC Staff's recommendation to issue a performance plan within 45 days, or, frankly, as soon as possible. CUB also has the following requests of the Commission:

1) Suspend the Company's filing in UP 433, and any other Company filing, until the Commission issues a ruling that it is satisfied that the Company has come into compliance with the Commission's telecommunications safety and reliability rules;
2) Direct PUC Staff to review the Company's Commission rule violations since the first Jacksonville Order was issued in September 2022, or at a minimum, back to the date of the Commission's Order adopting the Price Plan Stipulation in February 2024, Order No. 24-041;
3) Direct PUC Staff to calculate the total fines that could be issued to the Company based upon those violations pursuant to the Commission's authority in ORS 756.990, Oregon statutes and rules, and its Orders;
4) Direct Staff to make a recommendation as to the appropriate amount of fines that should be issued on the Company for the continuing violation and disregard of Commission rules, and consider appropriate amount of penalties; and
5) Direct the Company to meet the requests identified by CUB in our January Response to Lumen's Motion to Amend.[12]

CUB believes this proposal is fair, appropriate, and within the Commission's authority. Washington has a similar statute to Oregon that provides the Commission may issue penalties for each violation of the law and each day a utility is in violation, which constitutes a new offense and an additional penalty. This proposal is inspired by what the Washington Utilities and Transportation Commission Staff proposed in response to the Company's offenses, resulting in a recommendation of a $15.5 million fine against the Company for ongoing violations.[13]

For over a decade PUC Staff have had to chase down the Company and try to get it to comply with Commission rules, without any meaningful success. The Price Plan Stipulation's performance-based pricing plan has not resulted in incentivizing the Company to improve its service quality. As CUB pointed out in our Response to Lumen's Motion to Amend last January, the Company isn't even following the terms of its own Stipulation and the Commission's Order.

Telecommunication utilities, like Lumen, are required by law to provide safe and reliable service to their customers. And it is the Commission's job to make sure the Company is following the law. The Company has been allowed to flout Oregon law for years. CUB remains to be seriously

[12] UM 1908 - CUB's Response to Lumen's Motion to Amend at 9-10.
[13] UTC staff recommends more than $15.5 million in penalties against CenturyLink (April 1, 2025), available at: https://www.utc.wa.gov/news/2025/utc-staff-recommends-more-155-million-penalties-against-centurylink.

concerned about the safety of the Company's customers, especially going into the wildfire season where customers like those in the Jacksonville area rely on their landline service as their sole communication source. These are literally a lifeline for many customers in rural, remote areas, including those in high fire risk zones. Someone could die – this is not hyperbole.[14] As the Commission found in 2019, many Oregonians do not have alternative reliable communication services to landlines, particularly those in rural areas.[15]

CUB respectfully pleads with the Commission to hold the Company accountable for over a decade of indifference to its customers and direct the Company to develop a timely performance plan, ask staff to come up with a proposal for issuing penalties, and direct the Company to show how it is in compliance with the Jacksonville Orders, as requested in CUB's January Response filing. Now is the time to hold the Company accountable. Again, my apologies for these last-minute comments but if you have time to read them, I hope you find them helpful.

Thank you for your consideration.

Sincerely,

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[14] AT&T wants to kill landlines. Here's what it means for places with bad cell service, *Fast Company* (Feb. 7, 2024), available at: https://www.fastcompany.com/91024641/death-of-phone-landline-att-what-it-means-for-rural-areas-with-no-cell-service.

[15] Oregon Public Utility Commission, *REPORT ON HOUSE BILL 3065 (2019) CARRIER OF LAST RESORT OBLIGATION*, 39 (Sept. 15, 2020).