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.	)	OREGON CITIZENS' UTILITY BOARD REPLY TO LUMEN'S OPPOSITION RESPONSE TO CUB'S REQUEST FOR EXPEDITED CONSIDERATION INCLUDED IN CUB'S MOTION FOR IMMEDIATE PENALTIES AND SHOW CAUSE ORDER **EXPEDITED CONSIDERATION REQUESTED**

I. REPLY

The Oregon Citizens' Utility Board (CUB) files this Reply to Lumen Technologies'/Qwest Corporation's (Lumen or the Company) Opposition response (Opposition) (filed July 8, 2025) to CUB's Motion for Immediate Penalties and Show Cause Order (Motion) which was filed and shared with parties before 5 pm on July 7, 2025 in Docket Nos. UM 1908 and UM 2206. CUB respectfully requests this Reply be considered in the Commission's decision given the expedited request and short time necessary to turn around this Reply.

In its Opposition, the Company argues that the Commission cannot make an expedited decision because Oregon law requires it to submit a performance plan to address its failure to meet Commission service quality standards. However, CUB's request for immediate penalties is

based upon the Commission's directive that the Company must maintain a functioning dedicated service line, pursuant to Commission Order No. 22-340 and Order No. 22-422 (Jacksonville Orders), and Order No. 24-041 (Price Plan Order) (collectively, the "Orders") requirements to keep an active dedicated line for Jacksonville protected customers, while the Jacksonville Orders are still in place. Which they are. The Commission does not need a rule to enforce this provision of the Jacksonville Orders.

CUB respectfully requests the Commission issue an Order granting CUB's requests in its Motion. *At a minimum,* residents in the Company's Jacksonville-area service territory could be more than prejudiced if they *again* do not have access to the dedicated service line meant to expedite their calls—particularly if there is another active wildfire. The Commission does not need a rule to enforce the Jacksonville Orders. The Commission should grant CUB's Motion in an expedited manner because the safety of Lumen's customers continues to be at risk.

II. ARGUMENT

A. Lumen's failure to have a functioning dedicated customer service line is in violation of the Jacksonville Orders.

In its Opposition, the Company argues that because the Commission ordered it to file a performance plan addressing service quality issues by July 25, 2025, and that this is required under Oregon law, therefore the Commission should not make a decision on CUB's Motion until the Commission makes a decision on the Company's upcoming proposed performance plan. CUB disagrees. The Jacksonville Orders have not been suspended and the Company is subject to those directives, including keeping the dedicated service line operational.[1] As CUB

[1] Order No. 24-041, 24 (Feb. 9, 2024) ("we note that the Jacksonville Orders would not be suspended until CenturyLink has commenced the RDOF build."); *see* Order No. 22-422, 9 (Oct. 28, 2022) and *see* Order No. 22-340, 1-2 ("The Commission intends to level penalties for violations of this order for each instance in amounts not to exceed $50,000. For example, failure to have the 24/7 dedicated customer support line operational and functional as specified in this order by Wednesday, September 28, 2022, will result in a violation, and each

noted last January, Lumen did not follow the Commission's procedure, nor its own commitment in the Stipulation and as such, the Jacksonville Orders have not been suspended.[2] While Lumen indicated in its Notice of Withdrawal of Motion [to Amend], it would bring a filing to obtain a Commission determination that the RDOF project has commenced and the Jacksonville Orders are suspended, it has not yet done so.[3]

B. Oregon law does not require the Commission to consider a performance plan for violation of a Commission Order to have a functioning dedicated customer service line.

Lumen is correct in that Oregon law provides that the Company must submit a performance plan for not meeting service quality standards, and CUB agrees this must be done. Failing to meet the Commission's minimum service quality standards is not novel issue for this Company.[4] The Commission has been clear in its Orders that it will levy penalties against the Company when it is in violation of the Jacksonville Orders, even specifically giving the example of failing to have a functioning dedicated line:

> The Commission intends to level penalties for violations of this order for each instance in amounts not to exceed $50,000. For example, failure to have the 24/7 dedicated customer support line operational and functional as specified in this order by Wednesday, September 28, 2022, will result in a violation, and each subsequent day this does not occur will result in a separate violation.[5]

subsequent day this does not occur will result in a separate violation…" and "…Lumen must..[e]stablish a 24/7 dedicated number…[e]nsure the number…").

[2] *See* CUB's Response to Lumen's Motion to Amend, 2 (citing Order No. 24-041 at 24-25 and the Stipulation at Appx. A, 4, ¶ 14).

[3] Lumen's Notice of Withdrawal of Motion, 1 (Jan. 17, 2025).

[4] The long history of the Commission's investigation of Lumen's historical and ongoing safety and reliability issues here, including past performance plan filings: *see* CUB's Comments on Staff's Report for the June 10, 2025, Public Meeting, 1-2 (June 9, 2025); Priscilla Weaver's Submission Regarding Written Testimony (Nov. 23, 2022); CUB's Opening Brief at 3-9 (Dec. 13, 2022); Staff's Opening Testimony of Joe Bartholomew (Staff/100-105) (Nov. 23, 2022); and Staff's Opening Testimony of Melissa Nottingham (Staff/200-203) (Nov. 23, 2022); *see also* UM 2206 - *In the Matter of QWEST CORPORATION, Investigation Regarding the Provision of Service in Jacksonville, Oregon and Surrounding Areas,* Opened at the Request of Staff on Dec. 2, 2021.

[5] Order No. 22-340, 1-2

The law does *not* require that the Company submit a performance plan for violation of a Commission Order. Importantly, this is not the first time the dedicated line has not worked.[6]

III. CONCLUSION

As CUB's Motion shows, the Company did not have a functioning dedicated service line for *at least* two times over two days that Ms. Weaver tried to call to report an outage, which was confirmed by Lumen's own employee. The Company is required to track the call logs to its dedicated line. Lumen has been put on notice that if it is in violation of the Commission's Jacksonville Orders, the Commission could levy fines against the Company for failing to have a functioning dedicated line. The Company should have this information at the ready. Further, CUB gave the parties to the service list notice yesterday morning that the Motion required expedition because the dedicated service line was not working in the Jacksonville area during outages that occurred during an active wildfire and that expedition is necessary for the safety of at least that community given Oregon is in wildfire season and that community has frequently had wildfires in the summer.

The Company has violated the Commission's Orders. What we know is *at least* Ms. Weaver could not access the line before and after an active wildfire. Oregon is in the middle of wildfire season. At a minimum, residents in the Company's Jacksonville-area service territory could be *more* than prejudiced if they *again* do not have access to the dedicated service line meant to expedite their calls—particularly if there is another active wildfire. The Commission has tried many avenues to get the Company to take its actions and the Commission's directives seriously. It is time to issue penalties and hope that this finally gets the Company to take the Commission Orders and the safety of its customers seriously.

[6] Priscilla Weaver's comments re: Lumen compliance concerning outages (Jan. 1, 2024).

Dated this 8th day of July 2025.

Respectfully submitted,

/s/Jennifer Hill-Hart

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