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September 16, 2025

Via electronic filing

Public Utility Commission of Oregon
Attn: Filing Center
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RE: UM 2399/UM 1908 - CUB's Comments on Staff's Report on Lumen's Performance Plan

Dear Chair Tawney, Commissioner Perkins, and Commissioner Power:

Thank you for the opportunity to comment on Lumen's proposed Performance Plan and Staff's Report recommending adoption. CUB is intrigued by some of the proposals offered by the Company but believes the Company should provide more specifics as to how its plan addresses the issues causing Lumen's failure to meet service quality rules. At the same time, and while it sounds like Lumen is already executing some of its proposals, CUB believes it is urgent that this plan be put into effect upon Commission decision at the Public Meeting. Accordingly, CUB would not object to the Performance Plan offered by the Company with the adoption of the recommendations CUB proposes below.

CUB's Recommendations

Accept Staff's recommendation to approve Lumen's proposed performance plan with the following conditions, pursuant to its authority under OAR 860-023-0055(3) and its broad authority to act in the public interest.[1]

- Lumen install the Air-Line V1600 LTE-to-Analog service and batteries to customers in all wire centers where the Company has failed to continuously meet or improve its compliance with the minimum service quality standards pursuant to OAR 860-023-0055(6). The Company will pay all charges, fees, and costs associated with installation and continued use of this service and its equipment.

- Every 2 weeks Lumen must file a report in this docket and UM 1908:

    - on its non-protected customer service line(s) in the same manner and using the same metrics as it uses for its protected customer reporting. If the Company cannot

[1] *See* UM 2399 - Staff Report for the September 16, 2025, Public Meeting, 2 (filed Sept. 10, 2025).

do *all* of this reporting right now, ask the Company to explain what it can do and give the Company a timeline to file the full reports, and file what they can starting 2 weeks from the Commission's decision;

- on its progress on addressing service quality issues pursuant to OAR 860-023-0055 by wire center;
- on its progress on its labor commitments as detailed in the bullet above and/or as directed by the Commission, with details on labor deployment to address minimum service quality issues (where have they been deployed, when, what was the issue addressed, and how it was resolved); and
- Direct the Company to file a report:
  - indicating in which parts of its service territory, by wire center, it has given customers offers to leave its landline services or other services, offering a $500 incentive, or other incentive;
  - identify the incentive and attach a generic copy of the associated correspondence with the customer;
  - identify when it started making this offer to its customers in Oregon, by wire center; and
  - provide an accounting of how many customers have been given this offer in the last 5 years, and the number of customers who have accepted the offer for the last 5 years, by month, and by wire center.

- File monthly progress reports on its fiber investment progress in its service territories by wire center and specifically for the service territories where its protected customers are located.
- Direct Lumen to direct and implement its labor resources, including contractors,[2] to first address the service quality territories of those customers served by wire centers where the Company is not in compliance with OAR 860-023-0055, further prioritizing these resources to those wire centers serving Lumen's protected customers under the current Price Plan. The Company should direct its contractors to respond to these issues if it cannot provide this prioritized response with its own staff.

Comments on Lumen's Proposed Performance Plan

Order No. 25-116

On June 11, 2025, the Commission issued Order No. 25-116, adopting PUC Staff's recommendation directing Lumen to submit a Performance Plan for its ongoing violations of *minimum* service quality

[2] UM 1908 - *In the Matter of LUMEN TECHNOLOGIES, INC., Service Quality Performance Plan*, CenturyLink's Service Quality Performance Plan, Attach. A at 14 ("CenturyLink has emphasized that when its own workforces cannot cover an extra shift or on-call slot, it will utilize qualified contractor technicians.")

standards, pursuant to ORS 759.450.[3] In Staff's Report, they identified that from January 2021 to present, Lumen has failed to meet the service quality standards for its Qwest and CenturyTel service providers, and has failed to meet the Commission's *minimum* service quality standards[4] for its company United since June 2019.[5] Staff identifies that Lumen has not been in compliance with the Commission's Repair Clearing Time rules requiring that the Company clear "at least 90 percent of all trouble reports within 48 hours of receiving a report for each repair center."[6] Staff provided charts of the ongoing noncompliance in its report.[7]

General thoughts

There are elements of Lumen's proposed performance plan that CUB is intrigued by and believes could address at least some of the Company's chronic service quality issues. The Air-Line V1600 LTE-to-Analog, the deployment of contractors where its own workforce cannot address the issue in a timely manner, and that it will provide satellite services to those where the Air-Line service are not available.[8]

CUB wonders how much of the Company's plan is business-as-usual, rather than additional work to realistically meet its minimum service quality requirements. As Lumen stated, "the same technicians who work on fiber installations and repairs are also responsible for copper network installations and repairs".[9] CUB would like to see more detail from the Company, distinguishing how it is prioritizing the wire centers with ongoing noncompliance with the Commission's minimum service quality rules.

CUB notes that Lumen's proposed performance plan filing spends a significant amount of time asking the Commission to consider amending the Commission's service quality rules. This is not surprising given it has chosen, as a business decision, not to address the issues causing the service quality problems. CUB objects to this request—how is it good policy to essentially reward the Company for its noncompliance? And CUB responds that further reducing the *minimum* service quality requirements is directly contrary to the Carrier of Last Resort obligations Lumen has to its customers.

Lumen Labor Commitments

Step 1: Identify & Record Incidents

While CUB appreciates that the Company is dedicating resources to addressing theft, vandalism, and force majeure events, and it is important to restore these customers' service in a timely

[3] *See 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 UM 1908, Order No. 25-216 (June 11, 2025).
[4] *See* OAR 860-023-0055.
[5] Order No. 25-216, Appx. A at 3.
[6] *Id.* at 2; *see also* OAR 860-023-0055(6).
[7] Order No. 25-216, Appx. A at 4-5.
[8] Lumen Performance Plan, Attach. A at 12 ("If any challenges arise (e.g., gaps in LTE coverage), the Company will utilize contingency plans (such as satellite alternatives) to ensure customers are not left without service. By the end of Q4 2025, this proactive use of technology will be a significant contributor to CenturyLink's improved performance metrics.")
[9] *Id.* at 5.

manner, those incidents are not directly germane to the issue at hand. As Mr. Bartholomew indicated at the June 10, 2025, Public Meeting, those are force majeure events exempted from meeting the minimum service quality requirements under OAR 860-023-0055.[10] Any force majeure event service quality issues are *in addition* to the standards required by the Commissions' rules. Accordingly, this proposed step is not a strategy for compliance with the Commission's minimum service quality rules.

Step 6: Repairs Over Installations

While CUB appreciates this step, we wonder if it is actually a meaningful solution as proposed. In this section, the Company states that customer outages will take precedence over new installations, but in the same section it states that new installations have been in a steady decline.[11] However, CUB appreciates that Lumen is committing to prioritizing customer outages over new installations, and requests that the Company prioritizes those outages in wire centers where it is not meeting minimum service quality requirements.

Steps 2-5: Lumen Staffing Priorities

Lumen's proposed Performance Plan indicates it will amp up its staffing as a solution to its chronic noncompliance with the Commission's minimum service quality rules. CUB appreciates that Lumen is proposing to increase its staffing, despite its previous statements that it does not have the resources to do so.[12] CUB requests that the Commission direct Lumen to direct these resources to its telecom/landline customers, by the wire center where they are not in compliance with the minimum service quality rules, and further prioritizing the issues in its protected customer service territories, as determined by the Company and Staff's Stipulation in the current Price Plan, approved by the Commission in Order No. 24-113. CUB further requests that the Company regularly provide updates on these enhanced labor commitments by wire center, at least every two weeks. CUB appreciates the fact that the Company has committed to utilizing contractors[13] where it does not have the in-house workforce, and asks the Commission to direct the Company to prioritize its contractors to address the service quality issues in its service territory where the Company is not compliant with the minimum service quality rules, and report on its progress at least every two weeks, by wire center.

Step 6: Air-Line V1600 Deployment

CUB is intrigued by the Air-Line deployment solution. CUB acknowledges that people are moving away from landlines, some likely feeling forced into that decision due to poor service quality, and

[10] OAR 860-023-0055 (1)(h)(D) (Force Majure events include: "[u]ncontrollable events, such as explosion, fire, floods, frozen ground, tornadoes, severe weather, epidemics, injunctions, wars, acts of terrorism, strikes or work stoppages, and negligent or willful misconduct by customers or third parties, including but not limited to, outages originating from introduction of a virus onto the provider's network."); and (2) ("The service quality objective service levels set forth in sections 4 through 8 of this rule apply only to normal operating conditions and do not establish a level of performance to be achieved during force majeure events.)

[11] Lumen Performance Plan, Attach. A at 12-13.

[12] *See* Lumen's oral comments at PUC June 10, 2025 Public Meeting, available at: https://oregonpuc.granicus.com/player/clip/1502?view_id=2&redirect=true.

[13] *Supra* fn. 8.

that a transition away from landlines is necessary. But this transition must be affordable and reliable for customers. CUB requests that the Commission direct the Company to develop a plan to offer the Air-Line service and batteries—at its own cost—to those customers in wire centers where the Company has not been meeting the minimum service quality rules. And, true to Lumen's offer for contingency plans, like providing satellite alternatives, and at its own cost, where challenges (like gaps in LTE coverage) prevent or stymie customer use of Air-Line service.

Conclusion

Remember, these are business decisions by the Company. As it stated at the June 10, 2025, Public Meeting on Staff's recommendation to direct the Company to issue a performance plan, " The service quality rules do not provide for a service quality exemption in rural areas or other geographic location. The Company's Carrier of Last Resort obligations do not provide for exemptions for rural areas, or any geographic location. It is not surprising that the Company is losing customers given its failure to meet minimum service quality rules in its service territory for over a decade.[14] For years, the Company has stated the solution is fiber build out, emphasizing its Rural Development Opportunity Fund awards as the first step, including in its Stipulation for the current Price Plan. As we learned this summer, Lumen has chosen to default on those awards, including in the Jacksonville area, saying it will use BEAD funds and its own dollars. Its own dollars that the Company repeatedly stated it could not afford throughout the Price Plan proceeding. CUB believes its recommendations are necessary to ensure the Company is actually responding to the issues causing its chronic noncompliance with the Commission's service quality rules.

Thank you for your consideration.

Sincerely,

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