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July 8, 2025

VIA E-MAIL TO

Public Utility Commission of Oregon
Filing Center
201 High Street SE, Suite 100
Salem, Oregon 97301-3398

Re: Docket No. UM 1908 – In the Matter of Lumen Technologies, Service Quality Performance Plan.

Attention Filing Center:

Attached for filing in the above-referenced docket, please find the Opposition of Qwest Corporation to the Request for Expedited Consideration Included in CUB's Motion for Immediate Penalties and Show Cause Order.

Please contact this office with any questions.

Sincerely,

Cole Albee

Cole Albee
Paralegal
McDowell Rackner Gibson PC

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

UM 1908 / UM 2206

In the Matter of LUMEN TECHNOLOGIES, Service Quality Performance Plan, and QWEST CORPORATION, Investigation Regarding the Provision of Service in Jacksonville, Oregon and Surrounding Areas (UM 2206)	**OPPOSITION OF QWEST CORPORATION TO THE REQUEST FOR EXPEDITED CONSIDERATION INCLUDED IN CUB'S MOTION FOR IMMEDIATE PENALTIES AND SHOW CAUSE ORDER**

Qwest Corporation ("CenturyLink" or the "Company"), on behalf of itself and several of its operating companies, files this Opposition to the request for expedited consideration included in the "Motion for Immediate Penalties and Show Cause Order," filed on July 7, 2025, by the Oregon Citizens' Utility Board ("CUB").

I. Introduction

CUB requests "an immediate order leveling $200,000 in penalties" against CenturyLink.[1] Further, CUB requests "[w]ithin one week of the Commission's Order on this Motion,"[2] that the Commission direct the Company to demonstrate compliance with service quality orders and file additional reports with the Commission. The allegations in CUB's Motion are based on factual assertions supported by a witness affidavit filed with the Motion.[3]

[1] CUB seeks relief against Lumen Technologies, Inc. and "Lumen." Qwest Corporation is, in fact, the CenturyLink Incumbent Local Exchange Carrier ("ILEC") that serves Jacksonville, thus, the Commission's review of CUB's pending motion should focus on Qwest Corporation ("CenturyLink" herein).
[2] CUB Motion for Immediate Penalties and Show Cause Order at 10 (July 7, 2025) (*hereinafter*, "CUB's Motion").
[3] *Id.*, Attachment A, Affidavit of Priscilla Weaver.

CenturyLink respectfully objects to CUB's request for expedited consideration for two reasons. First, CUB's request does not provide sufficient time for the Company to adequately respond to CUB's Motion. CUB argues that CenturyLink's response to CUB's Motion, including its request for immediate imposition of $200,000 in penalties against the Company, should be due on Friday, July 11, 2025. CenturyLink did not receive CUB's Motion and supporting affidavit until 5:01 PM on Monday, July 7, 2025. CenturyLink expects it will dispute the factual allegations underlying CUB's Motion. Adequately responding to CUB's allegations will require the Company to investigate and assess factual information and data responsive to CUB's claims. It is unreasonable for CenturyLink to be required to respond by Friday to allegations that CUB identified for the first time in its filing served on CenturyLink after the close of business on Monday.

CenturyLink is willing to meet with Commission Staff and CUB to discuss Lumen's actions in response to a recent outage described in CUB's Motion. The Company began addressing the issues immediately upon becoming aware of them, and is cognizant of the need to expeditiously resolve issues with its dedicated customer service line as soon as possible. CenturyLink strongly disagrees with CUB's assertions that the Company has failed to take action to remedy technical issues that CenturyLink personnel have discussed with affected customers. A requirement to prepare expedited legal pleadings to respond to a newly-filed motion will not resolve technical challenges any faster, and, in fact, may distract company resources already devoted to problem-solving, and to development of the service quality performance plan to be filed with the Commission by July 25, 2025.

Second, CUB will not be prejudiced if CenturyLink responds to its Motion within ten (10) days, as is the standard timeframe in Commission proceedings absent a showing of

extraordinary circumstances. CUB's request for ORS 759.990 penalties is not ripe for consideration before the Company submits its service quality performance plan due at the Commission on July 25, 2025 (per a Commission order in this docket made effective on June 10, 2025). By requiring a performance plan, the Commission is actively addressing the service quality issues raised in CUB's Motion in the manner contemplated by Oregon statutes and Commission rules. CUB's request for ORS 759.990 penalties is thus premature, and its Motion does not require expedited treatment. Notably, CUB's Motion fails to acknowledge the legal requirements regarding service quality performance plans and the imposition of penalties, both of which are explicitly addressed in statute (ORS 759.450) and Commission rules (OAR 860-023-0055).

II. The Commission ordered CenturyLink to file a performance plan addressing service quality issues by July 25, 2025.

On June 10, 2025, the Commission ordered CenturyLink (Order No. 25-216 in this docket) to "submit a service quality performance plan to meet the Commission's minimum service quality standards within 45 days."[4] CenturyLink will submit its service quality performance plan ("Performance Plan") no later than the due date of July 25, 2025. The Commission ordered that the Performance Plan address similar issues to those identified in CUB's Motion. In particular, the Commission directed that the Performance Plan is to "review [the Company's] compliance with our safety and service quality rules and Order No. 24-041, including addressing specific recommendations raised by [CUB] in its comments" filed prior to the Commission's order. Pursuant to Order No. 25-216, the Performance Plan will address compliance with: (a) OAR 860-023-0055 (the "retail service quality standards for large

[4] Order No. 25-216, App. A at 1 (June 10, 2025).

telecommunications utilities");[5] (b) OAR 860-023-0055(6) (rules on "clearing time for all trouble reports");[6] (c) OAR 860-023-0055(6)(b) (percentage of "trouble reports cleared within 48 hours");[7] and (d) the Commission's Order No. 24-041[8] (establishing requirements for CenturyLink to "maintain a 24/7 dedicated customer service line" and "treat trouble tickets opened through the dedicated line as a high priority for resolution[.]").[9]

The forthcoming Performance Plan will thus address, based on the Commission's direction, the same issues regarding service quality and compliance with the Jacksonville orders[10] that CUB requests be litigated on an extremely expedited basis. CenturyLink respectfully urges the Commission to allow the Company to complete its compliance with Order No. 25-216 as scheduled later this month rather than initiate duplicative litigation on a expedited basis addressing the same compliance issues, as requested in CUB's Motion.

III. Oregon law requires Commission consideration of CenturyLink's Performance Plan and Commission notice and an opportunity for a hearing before the Commission imposes ORS 759.990 penalties.

Oregon law makes clear that the Commission should not consider CUB's request for imposition of penalties against CenturyLink prior to CenturyLink's submission of a service quality performance plan, such as the one the Commission ordered CenturyLink file in this docket. ORS 759.450 provides that the Commission "shall require" a telecommunications utility "that is not meeting the minimum service quality standards to submit a plan for improving performance to meet the standards."[11]

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[5] Order No. 25-216, App. A at 3.
[6] *Id.*
[7] *Id.*
[8] *Id.* at 1 (Commission orders Performance Plan to address compliance with Order No. 21-041).
[9] *See* Order No. 21-041 at 20 (Feb. 9, 2024).
[10] The "Jacksonville Orders" refer to Commission orders in this docket and *In the Matter of the Investigation Regarding the Provision of Service in Jacksonville, Oregon and Surrounding Areas*, Docket UM 2206, which was consolidated into Docket UM 1908.
[11] ORS 759.450(5). The requirements of the statute are reflected in the Commission's rules at OAR 860-023-0005(14).

That is exactly what the Commission ordered when it required submission of the Performance Plan in Order No. 25-216. The statute further provides that the Commission must "review and approve or disapprove the plan,"[12] and if the utility does not meet the "goals of its improvement plan within six months or if the plan is disapproved by the commission, penalties may be assessed against the carrier[.]"[13] Any such penalties "shall be assessed according to the provisions of ORS 759.990."[14] The Commission's rules provide that if the Commission believes a utility has violated a service standard, "the Commission must give the large telecommunications utility notice and opportunity to request a hearing."[15]

The Commission's approach to investigating the alleged service quality issues identified in Order No. 25-216 follows the process delineated in Oregon law and the Commission's rules. Consideration of ORS 759.990 penalties is not appropriate until after CenturyLink's Performance Plan has been submitted and either approved or disapproved by the Commission. As noted above, the Performance Plan must address specific service quality measures, and also compliance with Order No. 21-041 (which established the requirement for a 24/7 service quality line focused on customers in the Jacksonville area). If the Commission determines that the Performance Plan will not be approved (or if the Performance Plan is approved but does not meet its goals after six months), the Commission could move forward with the imposition of penalties, including those contemplated in the Jacksonville orders.[16] If the Commission seeks penalties, it

[12] *Id.*
[13] *Id.*
[14] *Id.*
[15] OAR 860-023-0055(14)(b).
[16] *See, e.g.,* the Jacksonville Order where the Commission stated its intention "to level penalties for violations of this order for each instance in amounts not to exceed $50,000." Order No. 22-340 at 1 (Sept. 23, 2022).

must provide the Company notice of the violations and proposed penalties, and an opportunity for a hearing based on the Commission's notice.[17]

Under the law and rules, CUB's request for an "immediate order" imposing penalties is premature because: (a) imposition of penalties requires the Commission provide CenturyLink notice and an opportunity for hearing before imposition of penalties; and (b) the Commission has not yet received CenturyLink's Performance Plan, which CenturyLink will file by July 25, 2025. CUB's requested relief thus would not be accelerated by granting expedited consideration of its Motion. The expedited schedule requested by CUB, however, would prejudice the Company's ability to present complete responses to the allegations included in CUB's Motion.

IV. Conclusion

For all the reasons stated, CenturyLink requests the Commission deny CUB's request for expedited consideration of its Motion For Immediate Penalties And Show Cause Order.

Respectfully submitted this 8th day of July 2025.

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[17] OAR 860-023-0055(14)(b): "[I]f the Commission believes that a large telecommunications utility subject to this rule has violated one or more of its service standards, the Commission must give the large telecommunications utility notice and an opportunity to request a hearing."