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 MOTION FOR IMMEDIATE PENALTIES AND SHOW CAUSE ORDER **EXPEDITED CONSIDERATION REQUESTED**

I. MOTION FOR PENALTIES AND SHOW CAUSE ORDER

Pursuant to OAR 860-001-0420, and as more detailed below, the Oregon Citizens' Utility Board (CUB) moves for the Oregon Public Utility Commission (Commission) to require Lumen Technologies (Lumen or the Company) to:

1) immediately pay penalties for violations of 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 and accordingly, failure to treat those trouble tickets as a high priority for resolution, as authorized by ORS 759.990;
2) show cause why the Company is not in violation of the Orders, state law, and Commission safety and reliability rules;
3) and any other remedy the Commission deems appropriate or necessary.

As discussed further below, CUB respectfully requests the Commission issue an expedited decision given the public health and safety risks resulting from Lumen's noncompliance. CUB requests that Responses to this Motion be due no later than July 11, 2025, and Reply due no later than July 14, 2025.

II. INTRODUCTION

The Company's Oregon customers protected by the Jacksonville Orders live in an area prone to wildfires. Recently these customers experienced an active wildfire in the midst of multiple land line outages.[1] At least one customer was unable to access the dedicated customer support line (dedicated line) just one day *before* and one day *after* the active wildfire started, and accordingly, was denied an expedited response from the Company.[2] These customers are "protected" because they have been identified by Stipulation and Commission Order to be households without other reliable communication devices.[3] Oregon's wildfire risk will continue to grow as the summer progresses and the landscape becomes drier. An expedited decision on this Motion is vital for *all* protected customers.

An expedited decision is necessary because not only have the Jacksonville customers been at risk, the 4,100 protected customers statewide are also at risk.[4] The dedicated customer line is not reliable and arguably not operational which is putting the safety of the Company's protected customers at risk and the fact Oregon is in the middle of wildfire season accelerates that danger. Accordingly, CUB respectfully requests that the Commission expedite its decision

[1] Oregon Public Broadcasting, *Upper Applegate Fire prompts evacuations, grows over 300 acres*, June 18, 2025, available at: https://www.opb.org/article/2025/06/18/upper-applegate-fire-evacuations-300-acres-wildfire-oregon/.
[2] *See* Attachment A to this Motion – Pricilla Weaver Affidavit : Emergency situation regarding CenturyLink/Lumen land lines near Jacksonville (June 28, 2025) (Weaver Affidavit).
[3] UM 1908 - Stipulation, Attachment A at 1-2 (Oct. 10, 2023).
[4] UM 1908 – Order No. 24-041, 9 (Feb. 9, 2024) ("The stipulating parties estimate that there are approximately 4,100 customers that would be considered protected customers, including the approximately 100 customers currently covered by the Jacksonville Orders.").

on this Motion for the health and safety of these Oregonians who are meant to be protected, not neglected.

III. BACKGROUND

On June 11, 2025, the Commission issued Order No. 25-216 adopting Staff's recommendations that the Commission direct the Company to develop a service quality performance plan within 45 days for failure to be in compliance with the Commission's minimum service quality standards, and directing Staff to review Lumen's compliance with the Commission's safety and service quality rules and the Price Plan Order, and address CUB's recommendations. [5] Staff was directed to present its findings and recommendations at a future public meeting.

On June 28, 2025, Priscilla Weaver, resident of the rural Little Applegate community and Lumen customer, sent CUB a Affidavit explaining her community was in an emergency situation given the dangerous situation Lumen continues to put her and her small rural community in with its persistent, unreliable service.[6] The Affidavit explained that her community recently experienced four widespread outages in ten days, *including* after a wildfire broke out where Lumen's Jacksonville protected customers live.[7] In the Price Plan Order, the Commission directed Lumen to maintain a 24/7 dedicated customer support line for the "protected customers", continuing the protections put in place for customers in the Jacksonville Orders.[8] During these widespread outages and wildfire the dedicated line was down. Instead, when Ms. Weaver called the dedicated line on June 14 and June 19—the day after a wildfire

[5] UM 1908 – Order No. 25-216, 1 (June 11, 2025); *see* CUB's Comments on Staff's Report for the June 10, 2025 (June 9, 2025).
[6] *See* Weaver Affidavit .
[7] *Id.*
[8] *Id.*; Order No. 24-041 at 20.

broke out in her community—she was required to go through an automated verification process, rather than a direct line to a customer service representative trained on how to assist protected customers.[9] Per Ms. Weaver, this failure of the dedicated line was confirmed by Lumen's own Peter Gose when he called the line.[10]

While CUB anxiously awaits the outcome of Staff's review, the recent outage situation and the fact that Lumen has once again failed to meet its commitment to keeping its dedicated line in operation as the Commission also ordered, CUB believes immediate action by the Commission is necessary. The Commission acknowledged that the dedicated line was "critical to the stipulation and a point of compliance we prioritize."[11] The Commission further explained that "we expect that if the company revises its dedicated line process substantially from the process outlined in the October 23 report that it will promptly provide an explanation for the change in this docket."[12] Further, the information provided by Lumen will assist Staff in its recommendations to the Commission in the Company's rule violation matter discussed above.

Rather than explain the decade long saga of Lumen's non-compliance with Commission rules and Orders again, and the many opportunities for them to come into compliance, CUB references several of its prior filings in this docket and the record in this docket as support for CUB's request for expedited consideration and immediate action by the Company.[13] The Commission has repeatedly warned Lumen it may be subject to fines for violations of its Orders in this docket—the Company is well-aware of this potential action by the Commission.[14]

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[9] Weaver Affidavit at 1.
[10] *Id.* at 2.
[11] Order No. 24-041 at 20.
[12] *Id.*
[13] *See* CUB's summary and references in CUB's Response to Lumen's Motion to Amend, 4 (January 14, 2025).
[14] *See* UM 1908 - 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.

Lumen's customers' lives continue to be at risk due to the Company's chronic and willful disregard for Oregon law, Commission rules, and the directives of this Commission, but most importantly, its shocking indifference to the health and safety of its most vulnerable customers.

IV. ARGUMENT

A. The Commission has the authority to issue immediate penalties against Lumen for violating the Jacksonville Orders and the Price Plan Order.

The Oregon legislature vested the Commission with the authority to protect utility "customers, and the public generally, from unjust and unreasonable exactions and practices and to obtain for them adequate service at fair and reasonable rates."[15] Per the Commission's implementing statutes, "[t]he commission is vested with power and jurisdiction to supervise and regulate every public utility and telecommunications utility in this state, and to do all things necessary and convenient in the exercise of such power and juris jurisdiction."[16]

In addition to those powers expressly granted by the Commission's statutes, it "is well settled that an agency has such implied powers as are necessary to enable the agency to carry out the powers expressly granted to it."[17] The Commission's express and implied powers are extremely broad. The Commission "has been granted the power to investigate utilities and to make whatever orders it deems justified or required by the results of its investigations.[18] The Commission has been granted the broadest authority—commensurate with that of the legislature itself—for the exercise of its regulatory function."[19]

[15] ORS 756.040.
[16] ORS 756.040(2).
[17] *Pac. Nw. Bell Tel*., 116 Or. App. at 309-10.
[18] ORS 756.515.
[19] *Pac. Nw. Bell. Tel.* at 309, n.5.

Additionally, the legislature gave the Commission the authority to issue penalties against a telecommunications utility for up to $50,000 per violation each time that Company is in violation of Oregon law and Commission Orders.[20] While requests for penalties are not taken lightly, they are appropriate when a telecommunication utility fails…and fails…and fails to provide its signature duty of providing adequate and safe service.[21]

This would not be the first time Qwest's offenses have been considered for penalties. At its September 7, 2004, public meeting, the Commission opened Docket No. UM 1168 to investigate the failure of Qwest Corporation (Qwest) to file interconnection agreements with the Commission under the Telecommunications Act of 1996 (Act). Staff proposed a penalty of $25,000 per minor violation and $50,000 per major violation, pursuant to Oregon law. Qwest and Commission Staff (Staff) reached a Stipulation, to which no intervening party objected or filed testimony. The Commission approved the Stipulation, and fines Qwest $1,050,000 for failing to file agreements as required in OAR 860-016-0020(3). Here, the failure to maintain the dedicated line, particularly during an active wildfire, is a safety violation and failure to comply with the Commission's orders, making Lumen's noncompliance worthy of penalties. [22]

As attested to by Ms. Weaver, the dedicated line process was not in operation for the two days she called to report outages. The Company's noncompliance with keeping its dedicated line functioning and as a result, not prioritizing the resolution of a protected customer's call, are reason alone to issue penalties. At a minimum, the Commission should issue penalties against the Company for the two times it failed to have a functioning dedicated

[20] ORS 759.990(6).
[21] *See* ORS 759.035.
[22] *See In the Matter of PUBLIC UTILITY COMMISSION OF OREGON STAFF Investigation into Qwest Corporation*, Docket No. 1168, Order No. 05-783 (June 17, 2005).

line for Ms. Weaver, and the resulting failure to issue prioritized trouble ticket reports, for a total of $200,000.

B. The Commission has the authority to issue an order requiring Lumen to show cause why it is not in violation of the Orders, Oregon law, and Commission rules.

CUB is concerned there are other Jacksonville-area customers who were also unable to call the dedicated service line before and during last month's wildfire and the outages in that service territory. We believe the Company should show how it was or was not in violation of the Orders during the June 10-19 outages as reported by Ms. Weaver.[23] If the Company cannot show how it did not have any violations beyond Ms. Weaver's experiences, it should be fined $50,000 for each violation, per customer, per day the Company was not in compliance, as anticipated by the Jacksonville Orders.

Unfortunately, it is unknown how many other protected customers were unable to access the dedicated line. Not only did the Commission make it clear that it would issue penalties for non-compliance with the Orders, Lumen promised in the Price Plan Stipulation it would keep the dedicated service line functioning for *all* protected customers statewide.[24] Given Ms. Weaver's experiences, CUB is concerned that *all* protected customers are not getting through the dedicated line and as a result are not receiving expedited treatment as ordered. Perhaps those customers are also getting routed to another customer service line whose trouble tickets are not recorded in the Company's dedicated line call log filings, including other Jacksonville customers. And given the need for trouble ticket reporting under the rules, CUB expects the Company is already tracking this information for both its dedicated line calls and other customer service lines.

[23] Weaver Affidavit at 1.
[24] Order No. 24-041 at 19; Stipulating Parties/100, Beitzel-Gose/10.

Accordingly, the Company should be required to show why it should not receive additional penalties for each day the Company was in violation of the dedicated line requirements in the Orders, for *all* protected customers, from the date the Price Plan Order was issued to at least the date of the Commission's Order on this Motion. Further, pursuant to its authority in OAR 860-032-0012(3), CUB requests the Commission require the Company to file regular reports in the dedicated line format, from all other Lumen's Oregon telecommunication customer service lines, since Price Plan Order was issued. The Company should be required to be wholly transparent about its actions or nonactions, pursuant to its duty to provide safe and reliable service.[25]

Lumen has repeatedly disregarded Oregon law, Commission rules, and Commission Orders, at the expense of customers who pay their bills each month in exchange for reliable service. Commission Staff have been tasked with a lot of work in reviewing Lumen violations per the Commission's directive in Order No. 25-216. At a minimum, it is only fair that the Company also be required to explain and show how it is or is not in compliance with Oregon law and Commission rules related to the safety and service quality of the Company's services and the Orders. Importantly, this can help inform Staff's recommendations in its investigation on the performance plan matter.

The Commission should grant CUB's Motions pursuant to its duty to protect customers, and the public generally, from unjust and unreasonable exactions and practices and to obtain adequate service for them at fair and reasonable rates. Lumen is not—and has not—been providing safe and reliable service, nor are customers paying fair and reasonable rates if the Company is not holding up its end of the bargain. If the Company believes it has, it can make

[25] CUB appreciates that Lumen has caught up on its call log reporting with its recent July 3, 2025, filings, and that it has filed an RDOF update, which we hope will continue to be provided monthly as the Commission ordered.

that argument in Response to this Motion and as required by a Commission Order to Show Cause.

As supported by the arguments in this Motion and consistent with the broad grant of authority as discussed above, the Commission should direct the Company to show that it has not been in violation of the Orders and Commission safety and service quality rules, and why it should not be issued additional penalties.[26]

V. CONCLUSION

We must remember that if the phones are out, 911 is out. Ms. Weaver reminds us of the close call her neighbor had when, during a period of chronic phone outages, the phones thankfully happened to be working the day she needed to call 911.[27] *Lumen* created the "protected customer" class in acknowledgment of the reality that these customers do not have a reliable alternative communication device in addition to their landlines. The record is *bursting* with evidence that Lumen is a chronic violator of Oregon law, Commission rules, and Commission Orders. For these reasons, particularly because the wildfire season has already started in the Jacksonville community, and in accordance with ORS 756.040 and ORS 759.990, CUB requests that the Commission grant its Motion for Immediate Penalties and Show Cause Order, with expedited consideration requested.

In the first Jacksonville Order (Order No. 22-340), the Commission stated it "intends to level penalties for violations of this order for each instance in amounts not to exceed $50,000",

[26] *See In re TelexFree,* Docket CP 1556, Order 14-184, 1 (May 28, 2014*)* and *In re DPI Teleconnect, LLC,* Docket CP 1235, Order 04-398, (July 15, 2004).

[27] *See* Weaver Affidavit at 2; *see also* 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.")

as is authorized by ORS 759.990.[28] As such, CUB respectfully requests the Commission:

1. Issue an immediate order leveling $200,000 in penalties against the Company for its violation of the Orders, specifically:
    a. its failure to have a functional 24/7 dedicated customer support line[29] (dedicated line) for *at least* the two days the dedicated line was not working as attested to by Lumen customer Priscilla Weaver,[30] at $50,000 for each violation, in the amount of $100,000;[31] and accordingly,
    b. its failure to treat the potential trouble tickets from those calls as a high priority for resolution, given the dedicated service was not made available, at $50,000 for each violation, for a total of $100,000.
2. Within one week of the Commission's Order on this Motion, direct Lumen to show:
    a. how it was not in violation of each provision of the Jacksonville Orders and the Price Plan Order during June 10-19 outages in the Jacksonville area;
    b. that its dedicated line is functional for all protected customers and how the Company will ensure this problem will not occur again in the future;
    c. why it should not receive additional penalties for each day the Company was in violation of the dedicated service line requirements in the Orders, for each protected customer, from the date they were issued to the date of filing this Motion; and
    d. file reports in the dedicated line format, from all other Lumen's Oregon telecommunication customer service lines, since Price Plan Order was issued.
3. Issue any other remedy the Commission deems appropriate.

Pursuant to OAR 860-001-0420 (6), CUB requests expedited consideration of the motion including request to shorten the time for responses and, if applicable, replies. CUB sought to confer with all parties of record to this proceeding. As of this filing, Priscilla Weaver indicated

[28] *Id.* at 2.
[29] Order No. 24-041 at 20; UM 1908 - Order No. 22-340 at 1-2, 8-9 (Sept. 23, 2022);
[30] *See* Weaver Affidavit .

she supports the Motion, Lumen opposes the Motion, and CUB has not received any objections to this motion from other parties.

Dated this 7th day of July 2025.

Respectfully submitted,

/s/Jennifer Hill-Hart

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ATTACHMENT A

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June 28, 2025

Jennifer Hill-Hart
Citizens Utility Board
Portland, OR

Re: Emergency situation regarding CenturyLink/Lumen land lines near Jacksonville

If I understand the result of the recent public meeting, CUB is pursuing relief against Lumen for substantive violations of service metrics. Those of us in the isolated rural areas near Jacksonville are deeply distressed that the schedule for the PUC to address Lumen's violations stretches out through the summer. To cut to the chase, we are in an emergency situation out here and we need your help in obtaining relief right now.

Wildfire has already struck the Jacksonville CenturyLink land line service area this summer. Once again Lumen's customers' lives were put at risk. Over a 10-day period, here's what happened:

June 10, 2025, multiple-line/widespread outage in the Jacksonville service area
June 14 another widespread outage
June 17 third widespread outage
June 18 phones operational, but "Upper Applegate Fire" broke out, many CenturyLink customers notified they had to evacuate
June 19 fourth widespread outage

What creates the emergency now is the complete absence of the Dedicated Line reporting system that is supposed to protect us with highly prioritized repairs.

I personally reported the June 19 outage and, as best I can recall, the one on June 14. Others tried to report as well. In both cases, I dialed the Dedicated Line (844-304-5337), and a robot answered. The robot would not even initiate my report unless I dug out my CenturyLink account number because the number I called from (cell number) didn't match the number I was reporting on (my dysfunctional land line). Of course, it didn't match; I could not call from my dead phone - duh.

Once I located my account number, instead of initiating a prioritized repair as required by the Orders, the robot transferred me to what apparently was the holding pen for the general reporting line, where I waited and waited and waited for 20, 30, 40 minutes and longer.

As you and the Commission know, the Jacksonville Orders were entered in significant part because of the near-miss our neighbor Sandy Edwards experienced one day before an extended land line. This time our phones were out on both the day before and the day after a deadly fire broke out, just when we needed to be notified to evacuate.

What is so galling about Lumen's cavalier behavior is that it flies directly in the face of the unequivocal language of the Jacksonville Orders. When the Commission accepted the looser repair requirements of the new Price Plan, they did so in the naive hope that the "Dedicated Reporting Line" would continue to adequately protect vulnerable customers statewide: the 24/7 Dedicated Line with "high priority" for repairs "is critical to the stipulation and a point of compliance we prioritize." Order 22-041 at p. 20. Without the Dedicated Line, there is no protection, plain and simple.

Now that Lumen has apparently cancelled the Dedicated Line system, we get no higher priority than city folks. Our fourth outage, while the fire was still burning, lasted throughout the night and part of the next morning. Lumen obviously did not prioritize it.

If necessary, the Commission can confirm my experience with Lumen's Peter Gose. When I could not get through to report on the 19th, I emailed Mr. Gose, begging him to get our land lines restored. Mr. Gose also tried the Dedicated Line. As I understand what he told me, he also got the robot and the interminable hold.

With prioritized reporting and prioritized repair gone, we are at serious risk of missing evacuation notifications for the rest of the 2025 fire season. The only way to get Lumen's attention is to get another Order requiring them to put the dedicated line system back up and running as ordered, 24/7, and to impose fines right now and make them payable right now, not in August or sometime next year!

There are ample violations to support fines without even considering the performance matrix: at least 20 days of no Dedicated Line (since June 10) for each of at least 100 customers covered by the Jacksonville Orders and Order No. 24-401. A fine of 20 days x 100 customers x $50,000 might be enough to get Lumen to restore prioritized repairs and keep the line operating. Nothing else works against their disregard for their customers' lives and safety.

It's worth a try, isn't it? This time the fire hit the vulnerable customers in the Jacksonville area. Who's next around the state? Can you file something that will be heard quickly before the next wildfire strikes? Thanks for your help.

I hereby declare that the above statement is true to the best of my knowledge and belief. I understand it is made for use as evidence in court and is subject to penalty for perjury.

Priscilla Weaver

Priscilla Weaver