



JOAN S. KELSEY
Attorney at Law LLC

March 7, 2009


Public Utility Commission of Oregon
Attn: Filing Center
P.O. Box 2148
Salem, OR 97308-2148

Re: Docket No. UM 1416; Petition to Intervene

Dear Clerk:

Enclosed are an original and one copy of a Petition to Intervene in the docket referenced above.

Very truly yours,


Joan S. Kelsey

Enclosure

Copy:
Mayor Hollingsworth and City Council, City of Lincoln City
UM 1416 Service List

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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 1416

In the Matter of)	
)	
EMBARQ CORPORATION and)	CITY OF LINCOLN CITY
CENTURYTEL, INC.)	PETITION TO INTERVENE
)	
Joint Application for Approval of Merger)	
between the two companies and their)	
regulated subsidiaries)	
<hr style="border: 0.5px solid black;"/>)	

Pursuant to ORS 756.525(2) and OAR 860-012-0001, the City of Lincoln City through its attorney of record hereby petitions the Public Utility Commission for permission to intervene as a party in the joint application for merger by Embarq Corporation (Embarq) and CenturyTel Inc.

Petitioner City of Lincoln City (city) is a municipal corporation and public safety agency. The governing body of the city, the City Council, all city government offices and buildings, and a majority of the city population of approximately 7400 are served by Embarq.

Embarq provides telephone service city-wide to the city, including 911 service that has been shown to be inadequate. Due to the risk that failure of 911 service presents to public safety, petitioner requests status as a party in this proceeding in order to address this public safety concern.

1 With regard to the proposed merger between Embarq and Century Tel, petitioner has two
2 concerns and questions arising from the following:

3 1. On December 21, 2008 at approximately 4:30 a.m., Lincoln City experienced a
4 catastrophic failure of its 911 system, nearly all local telephone service, all long distance and
5 DSL digital. The failure included Verizon cellular, the most prevalent cell service in the area. It
6 did not affect AT&T cellular.

7 2. DSL email and internet was restored at about 2:30 P.M. Local phone service and 911
8 service were restored at about 5:30 P.M. Local long distance was restored sometime on
9 December 22. Long distance was spotty until sometime on December 23.

10 3. The information is that similar failures occurred in Tillamook County, Sheridan,
11 Willamina and Carlton.

12 Embarq informed the City of Lincoln City that the problem arose from a power outage at
13 their main switch in Sheridan, combined with failure of the system to switch to the back-up
14 generator. This highlighted two problems with the telephone system:

15 1. The connection between the coast and Sheridan, and between Sheridan and the
16 world, is dependent on a ten (10) mile section of fiber that extends between Sheridan and Grand
17 Ronde. If this connection is severed, telephone service in Lincoln City, Tillamook County and
18 elsewhere is and will be, at best, local only service.

19 2. If the Sheridan-coast connection is severed, or if the switch goes down, the only
20 911 service that will exist is for those areas that have emergency stand-alone (ESA) service.
21 Emergency stand-alone means that 911 calls will be handled by local switches without the
22 enhanced address information. The city staff and City Council of Lincoln City believe that
23 during the December 21, 2008 outage there was essentially no functioning 911 ESA service in

1 the city and public safety was severely compromised. Embarq maintains some of the area had
2 ESA service.

3 Embarq has furnished information to petitioner on the number of switches and lines that
4 will and will not have ESA in the future. Petitioner may be able to provide that information to
5 the Commission; however, Embarq considers the information confidential and proprietary. At
6 best, about 27% of the lines in the Lincoln City area will not have ESA. In a typical day in
7 Lincoln City, that means that roughly thirty 911 calls will not be completed. During a
8 widespread emergency, that number will be much greater.

9 Embarq has not furnished the city with any information on the proposed merger or how
10 the merger might affect this service or address these concerns. Petitioner requests to intervene in
11 this matter in order to participate as a party and assist the Commission in addressing the
12 following:

13 1. Will the merger, if approved, contain any provision for redundancy between
14 Lincoln City and the main switch in Sheridan, including sufficient financial capability and
15 scheduled commitment to establish that redundancy?

16 2. Does the CenturyTel-Embarq obligation to provide 911 service include an
17 obligation to provide emergency stand-alone 911 service, and will the merger enhance or
18 diminish what service exists today?

19 The Oregon coast faces great risks from catastrophic storms, tsunamis, earthquakes, and
20 even wildfires. Local jurisdictions and other public safety agencies like petitioner spend a great
21 deal of money in preparing for these natural disasters, but very little of that preparation has
22 practical meaning without telephone and adequate 911 service.

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CERTIFICATE OF FILING AND SERVICE
UM 1416

I hereby certify that on this day I filed the foregoing **PETITION TO INTERVENE** with the Public Utility Commission by mailing an original and one copy in a sealed envelope, first-class postage prepaid, addressed as follows and deposited in the U.S. Mail at Tillamook, Oregon:

Public Utility Commission of Oregon
Attn: Filing Center
P.O. Box 2148
Salem OR 97308-2148

I hereby certify that on this day I served the foregoing **PETITION TO INTERVENE** on the parties named below by mailing a true copy thereof in a sealed envelope, first-class postage prepaid, addressed as follows and deposited in the U.S. Mail at Tillamook, Oregon:

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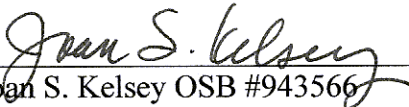
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DATED this 7th day of March, 2009.


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Attorneys for Petitioner

CERTIFICATE OF FILING AND SERVICE
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DATED this 7th day of March, 2009.

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