ITEM NO. RA3

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: September 21, 2023

REGULAR X **CONSENT** ____ **EFFECTIVE DATE** _____

DATE: September 18, 2023

TO: Public Utility Commission

FROM: Russ Beitzel, Joseph Bartholomew, and Melissa Nottingham **SIGNED**

THROUGH: Bryan Conway and Marc Hellman

SUBJECT: LUMEN dba CENTURYLINK:
(Docket No. UM 1908/UM 2206)
Report on Recent Outages in Jacksonville and recommended PUC action

STAFF RECOMMENDATION:

Staff recommends the Commission direct CenturyLink[1] to provide a post-incident assessment by October 21, 2023.

DISCUSSION:

Issue

Whether Lumen complied with applicable orders during the September 2nd and 3rd outages, and whether the Company should be required to take additional actions to ensure customer safety.

Applicable Rule or Law

A telecommunications utility is obligated to afford safe and adequate services. Under ORS 759.506(1), a telecommunications utility with allocated territory is obligated to "[p]rovide adequate and safe service to the customers of this state."

[1] Formerly known as Qwest Corporation, United Telephone Company of the Northwest, CenturyTel of Oregon, and CenturyTel of Eastern Oregon.

OAR 860-023-0005 provides: “Each energy utility, large telecommunications utility, and intrastate toll service provider must have and maintain its entire plant and system in such condition that it will furnish safe, adequate, and reasonably continuous service.”

Under ORS 756.040(1), the Commission’s general powers and duties include the obligation to obtain for the customer of telecommunications utility “adequate service at fair and reasonable rates.” To this end, “[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 jurisdiction.” ORS 756.040(2).

Order No. 22-340, as modified by Order No. 22-422 and affirmed in Order No.23-109, requires the utility to address all tickets and make repairs to the within 48 hours of the creation of the ticket. The Order additionally requires the Company to provide a customer support line to the customers in the Jacksonville/Little Applegate area which allows reporting of service issues for multiple addresses.

Analysis

Background

On December 14, 2021, at the Oregon Public Utility Commission Public Meeting, the Commission adopted Staff’s recommendation in Docket No. UM 2206 under Order No. 21-470 to open an investigation into the un-reliable telephone services provided by CenturyLink for Jacksonville, Oregon and surrounding areas. UM 2206 was latter consolidated with UM 1908. Staff received numerous complaints in the UM 1908 docket regarding an outage impacting customers in the Little Applegate/Jacksonville area. Because of the history of service quality issues and role of landlines in protecting health and safety of the community, Staff was compelled to investigate these complaints further to ensure compliance with applicable Commission orders.

September Assessment

On Saturday, September 2, 2023, Staff and Consumer Services began receiving multiple emails from customers residing in the Little Applegate area of Jacksonville. Customers reported an outage beginning on September 2, and a subsequent outage on September 3. Customers whose service was restored after the September 2nd outage

were again without telephone service. Order No. 22-340,[2] requires the company to allow customers to report multiple outages, and Lumen must address each outage ticket within 48 hours.[3]

Customers had several complaints including commitment times provided by the company exceeding 48 hours and customers being unable to report multiple outage tickets for neighbors when contacting the dedicated phone line. Customers reported that Lumen employees were not aware of any other outages in the area, could not explain the extended commitment dates, and were unaware the September 3 outage was due to catastrophic damage to equipment.

Attachment A provides redacted summary of the customer complaints received by Consumer Services. The table demonstrates when the outage began, the commitment date provided by Lumen, the restoration date, if the customer attempted to report multiple outages, and if the company was aware of an outage in the area. If the customer did not provide the information to Consumer Services, it is marked as unknown. If the customer was part of both outages, a semi-colon differentiates between the September 2 and September outages. Consumer Services began working with Lumen to address these complaints as they were received.

On September 6, 2023, Lumen, and Staff met to discuss the outages that occurred starting September 2, 2023. Staff received information on two separate outages occurring on September 2, 2023, and the September 3, 2023, respectively.

September Outages
The first outage began the afternoon of September 2, 2023, and was reported by a customer directly to a Lumen repair technician. The technician began troubleshooting the issue and narrowed the cause to out of balance Terminal (T1) spans in the Jacksonville central office. The technician contacted Lumen's switching surveillance group, and attempted to remotely restore the T1 spans. The remote restoration was not successful, and the technician manually reset the T1 spans, and service was restored around 8:00 pm, September 2, 2023.

The September 3, 2023 outage was the result of vehicle accident near the intersection of Oregon Hwy 238 and Pair-A-Dice Ranch Road west of Jacksonville. The vehicle struck and destroyed a telecom cabinet.[4] The cabinet houses feeder cables from the central office to the customers on Upper and Little Applegate Road and surrounding

[2] *See e.g.*, UM 1908, Priscilla Weaver's Comments, S.S. Comments, J.S. Comments, K.W.H. Comments, Sept. 2-7, 2023.
[3] *See e.g.*, UM 1908, C.B. Comments, H.D & A.D. Comments, C.F. Comments, Sept. 2-7, 2023.
[4] See photos of damage in Attachment B.

areas. Technicians first isolated the T1 span cables and placed temporary splices for those circuits. The next step was to identify working pairs and begin splicing operations of working circuits on the cables damaged by the vehicle. A new cabinet was installed and the work of making permanent repairs to the temporary splices was completed. Due to the extent of the damage and the complexity of the repairs, intermittent service disruptions were unavoidable as temporary splices were removed and cut over to the permanent fix.

On Wednesday afternoon, September 6, 2023, Lumen's corporate communications posted information regarding the outages on Twitter/X and Facebook. As of Thursday, September 7, 2023, Lumen's local field operations group reported that all customers were restored and repairs complete.

On September 8, 2023, Consumer Services was notified by a customer in the area, the telephone service was not restored on the 7th and remained out of service. A new outage ticket was issued on the 8th at 1:50 pm with a commitment date of September 13th. The customer reported the telephone service, to his knowledge, was not operational since September 2, 2023. On September 11, 2023, Lumen investigated the customer's outage and reported the "system was busy at the switch." Although a technician was dispatched to the customer's home, ultimately, the issue was resolved by a technician at the Central Office. The customer reported the phone service was operational on September 11th at 2:22pm.

Only the September 3 outage persisted for over 48 hours. Under OAR 860-023-0055(h), uncontrollable events, including negligent or willful misconduct by third parties, constitute "Force Majeure."[5] Staff does not believe that the Commission intended the 48 hour repair time frame articulated in Order No. 22-340 to apply in a force majeure situation.

Conclusion

Staff found that any Lumen non-compliance with Order No. 22-340 is excused by force majeure. Nevertheless, Staff is concerned with how this outage was communicated to the public, the repair timelines provided to customers, and with reports that the dedicated customer line was not working as intended with respect to customers being allowed to report outages for multiple addresses. Since the safety of this community is so directly tied to its landline service, Lumen has a heightened requirement to communicate with its customers and provide avenues for its customers to communicate with the Company. In this vein Staff believes that a post-incident assessment is appropriate to pinpoint the hurdles to effective customer communication and identify

[5] OAR 860-023-0055.

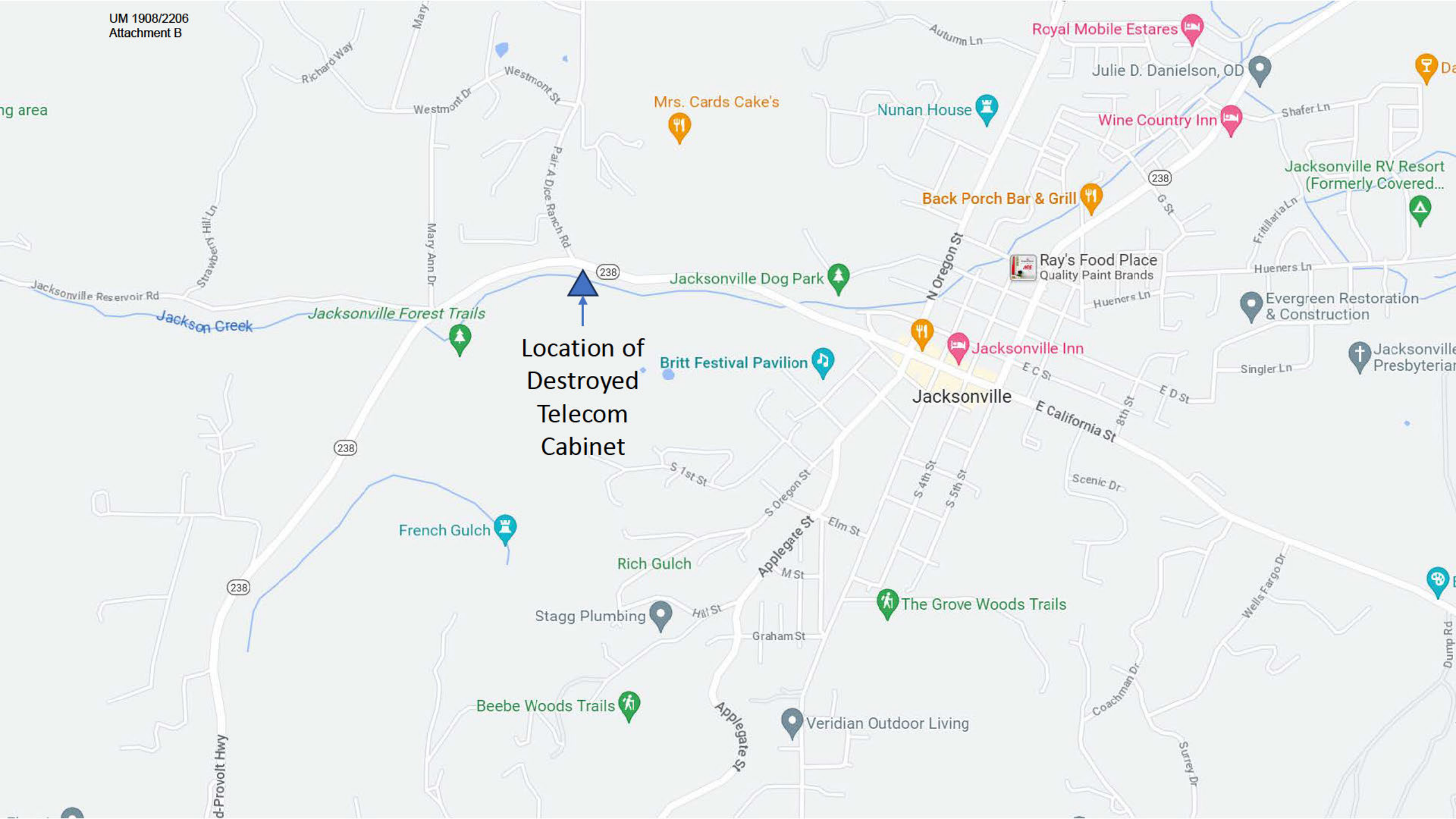
strategies for mitigating those hurdles during future outages. Specifically, the Company should address the following:

- Were customers allowed to report an outage for multiple addresses to the dedicated support line? If not, what caused the issue?
- Were customers communicated with on a timeline and in a manner consistent with Lumen policies?
- What challenges were experienced in attempting to disseminate outage information to customers? How can these challenges be addressed or overcome?

PROPOSED COMMISSION MOTION:

Direct Lumen to provide a post-incident assessment reviewing communication challenges and recommending improvements to benefit customers by October 21, 2023.

Lumen Outage Complaints Submitted to Consumer Services (redacted)

Customers	Date of Outage(s)	Commitment(s) Date Provided	Restoration Date(s)	Denied Ability to Report Multiple Outages	Co. Aware of Outage(s)
1	9/2/2023	9/6/2023	9/4/2023	Unknown	Company Unaware
2	9/2/2023; 9/7/2023	9/4/2023	9/3/2023	Yes - both outages	Company Unaware
3	9/2/2023; 9/7/2023	Unknown	9/3/2023; 9/7/2023	Unknown	Unknown
4	9/2/2023	Unknown	9/4/2023	Unknown	Unknown
5	9/2/2023; 9/7/2023	9/3/2023; 9/11/2023	9/3/2023; 9/7/2023	Yes - both outages	Unknown
6	9/2/2023; 9/7/2023	9/5/2023; Unknown	9/3/2023; 9/7/2023	Unknown	Unknown
7	9/2/2023; 9/7/2023	9/5/2023; 9/12/2023	9/4/2023; 9/7/2023	Unknown	Unknown
8	9/2/2023; 9/7/2023	Unknown	9/3/2023; 9/7/2023	Unknown	Company Unaware
9	9/2/2023; 9/7/2023	9/6/2023;9/12/2023	9/3/2023; 9/7/2023	Unknown	Company Aware
10	9/2/2023; 9/7/2023	9/6/2023; 9/11/2023	9/4/2023;9/7/2023	Unknown	Company Unaware
11	9/2/2023	9/6/2023	9/4/2023	Unknown	Company Unaware
12	9/2/2023	9/6/2023	9/4/2023	Unknown	Company Unaware
13	9/2/2023	Unknown	9/4/2023	Unknown	Unknown
14	9/2/2023; 9/7/2023	Not provided by company.	9/3/2023; 9/7/2023	Unknown	Unknown
15	9/2/2023	9/7/2023	9/4/2023	Unknown	Unknown
16	9/2/2023; 9/7/2023	9/8/2023 (both outages)	9/3/2023; 9/7/2023	Unknown	Unknown
17	9/2/2023; 9/7/2023	Unknown	9/3/2023; 9/7/2023	Unknown	Unknown
18	9/2/2023	9/4/2023	9/4/2023	Unknown	Company Unaware
19	9/2/2023	9/3/2023	9/4/2023	Unknown	Unknown
20	9/2/2023; 9/7/2023	9/5/2023; 9/11/2023	9/3/2023; 9/7/2023	Unknown	Unknown
21	9/2/2023	9/12/2023	9/11/2023	Unknown	Unknown
22	9/7/2023	Unknown	9/7/2023	Unknown	Unknown
23	9/7/2023	9/11/2023	9/7/2023	Unknown	Unknown
24	9/7/2023	9/10/2023	9/7/2023	Unknown	Company Unaware
25	9/7/2023	Unknown	9/7/2023	Unknown	Unknown
26	9/2/2023; 9/7/2023	Unknown	9/3/2023;9/7/2023	Unknown	Unknown
27	9/2/2023; 9/7/2023	9/6/2023; Unknown	9/4/2023;9/7/2023	Unknown	Company Unaware
28	9/7/2023	9/12/2023	9/7/2023	Unknown	Company Aware

UM 1908/2206
Attachment B