

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Formal Complaint
Regarding the Services Provided by the
Qwest Corporation d/b/a CenturyLink in
Minnesota, on Behalf of the Communications
Workers of America

ISSUE DATE: September 17, 2024

DOCKET NO. P-421/C-20-432

ORDER FINDING BREACH OF
SERVICE QUALITY RULES AND
ESTABLISHING REMEDIES

PROCEDURAL HISTORY

On April 23, 2020, the Communications Workers of America (CWA) filed allegations that Qwest Corporation d/b/a CenturyLink QC (CenturyLink) had failed to meet service quality standards set forth in Commission rules.

On May 1, 2020, following negotiations with CenturyLink, CWA petitioned to withdraw its complaint.

On May 18, 2020, the Commission sent letters to both CenturyLink and CWA acknowledging that CWA had fulfilled the requirements for withdrawing its complaint—but directing the parties to document the service quality issues that prompted CWA’s complaint and how those issues have been resolved.

On August 18, 2020, CWA petitioned the Commission to pursue an expedited investigation of CenturyLink’s service quality.

Thereafter the Commission received comments from CenturyLink, the Minnesota Department of Commerce (Department), and the Minnesota Office of the Attorney General—Residential Utilities Division (OAG). In particular, on August 30, 2021, the Department and the OAG filed joint reply comments alleging service quality lapses and making two procedural recommendations. The parties recommended that the Commission consider referring the matter to the Office of Administrative Hearings to develop the factual record. And if the Commission found a knowing and intentional violation of the Commission’s rules, these parties recommended that the Commission consider referring the matter to the Minnesota Office of the Attorney General to pursue civil penalties.

The parties pursued settlement negotiations and filed periodic reports on the status of those negotiations.

On August 16, 2022, CWA, the Department, and the OAG recommended referring the matter to the Minnesota Office of Administrative Hearings to convene a series of public hearings regarding CenturyLink's service quality.

On January 30, 2023, finding that negotiations had reached an impasse, the Commission referred the matter to the Office of Administrative Hearings for a contested-case proceeding before an administrative law judge (ALJ).¹

In the summer of 2023, the ALJ held public hearings in Hibbing, Marshall, Thief River Falls, and Owatonna, as well as two public hearings virtually.

By December 1, 2023, the ALJ had received direct, rebuttal, and surrebuttal testimony from CenturyLink, the Department, and the OAG.

On January 4, 2024, CenturyLink, the Department, and the OAG filed a stipulation narrowing the range of disputed issues.

By February 7, 2024, the ALJ had received initial briefs, reply briefs, and proposed findings and recommendations from CenturyLink, the Department, and the OAG.

On March 13, 2024, the ALJ filed her Findings of Fact, Conclusions of Law, and Recommendations (ALJ's Report).

By April 22, 2024, the Commission had received exceptions to the ALJ's Report from CenturyLink and the OAG, and replies to those exceptions from the Department and the OAG. The Commission had also received more than 60 written public comments throughout the course of the docket.

On June 20, 2024, the Commission met to consider the matter and the record closed under Minn. Stat. § 14.61, subd. 2.

FINDINGS AND CONCLUSIONS

I. Summary

In this order, the Commission finds that CenturyLink has violated Minn. R. 7810.3300, 7810.5000, and 7810.5800, and prescribes remedies for these violations. But the Commission declines to refer this matter to the Office of the Attorney General for civil penalties.

II. Jurisdiction

The Commission has broad authority over public utilities;² in particular, the Commission has authority to investigate telephone service quality, whether based on an outside complaint or on

¹ Notice of and Order for Public Hearing and Contested Case Hearing (January 30, 2023).

² See, for example, Minn. Stat. § 216A.05.

its own initiative.³ If the Commission finds that any service is inadequate, the Commission may make orders respecting the act, omission, practice, or service that is just and reasonable.⁴

When the Commission finds that an investigation has left significant factual issues unresolved, the Commission refers the investigation to the Office of Administrative Hearings to develop the factual record via a contested case proceeding under Minn. Stat. Chap. 14.⁵ Contested-case proceedings offer a thorough, efficient, and transparent method to develop a robust record and fully explore all relevant issues, helping the Commission to reach a sound decision.

III. CenturyLink

In 2000, Qwest Communications International, Inc., purchased Minnesota’s largest telephone company, U.S. West, and in 2011 it merged with CenturyLink. In 2020, the company changed its name to Lumen Technologies but still operates in Minnesota as Qwest Communications d/b/a CenturyLink QC.

CenturyLink serves approximately 233,000 customer lines in Minnesota—roughly 21 percent of all landlines in the state. While CenturyLink offers high-speed broadband service over fiber-optic cables, it also offers “plain-old telephone service” (POTS)—that is, voice signal delivered over approximately 66,000 miles of copper cable extended in twisted pairs of lines, plus nearly 10,000 cross box locations. As of 2020, five percent of Minnesota households relied exclusively on landline service for telecommunications.⁶ CenturyLink estimates that its POTS equipment should be able to operate for 25 to 50 years, but water may cause buried cables to deteriorate prematurely. To maintain its system, a telephone company may engage in proactive rehabilitation designed to anticipate where problems are likely to occur and remediate them first. Alternatively, a company may engage in break/fix maintenance, whereby the company waits for a problem to cause a service outage or impairment before fixing it. Citing the Department, the ALJ found that the best practice within the telecommunications industry is to pursue proactive rehabilitation, not break/fix maintenance.⁷ In contrast, CenturyLink favors break/fix maintenance, and reduced its budget for proactive rehabilitation between 2019 and 2021. While technician workloads increased through 2021, CenturyLink eliminated field technician positions.

In addition, CenturyLink declines to perform certain maintenance projects if they will not generate sufficient revenues within five years to recoup the project’s costs.⁸

³ Minn. Stat. § 237.081, subd. 1 and 1a.

⁴ Minn. Stat. § 237.081, subd. 4(2)-(3).

⁵ Minn. Stat. § 237.081, subd. 2(c).

⁶ ALJ’s Report, Finding 22 (citing a report of the federal Center for Disease Control and Prevention).

⁷ ALJ’s Report, Finding 16.

⁸ To clarify, CenturyLink states that projects that do not meet the five-year payback standard may be funded out of a local expense budget—but CenturyLink does not have such a budget. ALJ’s Report, Finding 18.

While many CenturyLink customers may have the option to choose to receive telecommunications service via broadband service provider or cell phone company, not all customers have this option—and it is difficult to identify where exactly broadband and cellular service companies provide service.

IV. Allegations

A. Complaints

This proceeding began when CWA filed a complaint alleging that CenturyLink had failed to meet service quality standards set forth in Commission rules.

In addition to that complaint, members of the public also raised concerns over CenturyLink's service quality. The Commission received 120 written comments from current and former CenturyLink customers, as well as from members of the public who attended public meetings. And from January 2021 to June 2023, the Commission's Consumer Affairs Office received 530 complaints from CenturyLink customers. These comments contain reports of phone service that is regularly interrupted, slow repairs, efforts that fail to fix the issue, and more. Many comments came from elderly customers—many who live alone and have medical issues—or from their children.

Along with these consumer complaints, the Commission received complaints from business users. For example, Val-Ed Joint Venture, LLP dba 702 Communications is a competitive local exchange carrier (CLEC) in Kent, Minnesota, that serves customers through leasing the use of telecommunications lines from CenturyLink. The CLEC stated that it received a complaint from a customer and determined the problem arose from CenturyLink's equipment. After filing the relevant repair request, CenturyLink repeatedly failed to make the necessary repairs—and ultimately informed the CLEC that it would not be advantageous for CenturyLink to incur the costs necessary to fix the issue.

Northeast Minnesota Emergency Communications Board (ECB) reported experiencing prolonged outages that affect public access to emergency services from 911 calls. According to ECB, CenturyLink's system for informing Public Safety Answering Points (PSAP) of outages is too vague. ECB reported that the volunteer fire department for the City of Hovland (population 80) was forced to staff its fire hall for 141 hours between 2017 and 2022 to ensure that residents would have access to a functioning phone to call for emergency medical assistance. It also reported that in Cook County, seven outages were reported in 2017, and 29 in 2022—and that one resident could not receive service for 20 days.

The Minnesota Department of Public Safety's Emergency Communication Networks (DPS) provides a network supporting emergency 911 calling service to more than one hundred 911 centers in Minnesota. Minnesota contracts with CenturyLink to provide 911 service. According to DPS, service interruptions can prevent PSAPs from receiving complete customer information, leaving them unable to respond in an emergency. While DPS provides hundreds of thousands of dollars every year for this service, DPS concluded that CenturyLink had failed to perform basic system enhancements and upgrades.

B. Stipulation Narrowing Range of Complaints

On January 3, 2024, CenturyLink, the Department, and the OAG filed a stipulation narrowing the range of disputed issues to a determination of whether CenturyLink violated Minn R. 7810.3300 (Maintenance of Plant and Equipment), 7810.5000 (Utility Obligations), or 7810.5800 (Interruptions of Service); and if so, identifying an appropriate remedy. These claims are addressed below.

V. Minnesota Rules, parts 7810.3300 and 7810.5000 – Maintenance; Utility Obligations

A. Introduction

Minn. R. 7810.3300 directs each telephone utility to implement a program designed to permit the utility to operate its system efficiently and in a manner sufficient to provide safe and adequate service:

Each telephone utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe and adequate service. Maintenance shall include keeping all plant and equipment in good state of repair consistent with safety and adequate service performance. Broken, damaged, or deteriorated parts which are no longer serviceable shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found by preventive routines or fault location tests to be in unsatisfactory operating condition. Electrical faults, such as leakage or poor insulation, noise, induction, cross talk, or poor transmission characteristics, shall be corrected to the extent practicable within the design capability of the plant affected.

Minn. R. 7810.5000 directs each telephone utility to provide service to the public in its service area that meets or exceeds the standards set forth in its Commission-approved tariffs—including the duty to continually review the utility’s operations to ensure that it can furnish adequate service:

Each telephone utility shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the commission. Such service shall meet or exceed the standards set forth in this chapter. Each telephone utility has the obligation of continually reviewing its operations to assure the furnishing of adequate service. Each telephone utility shall maintain records of its operations in sufficient detail as is necessary to permit such review and such records shall be made available for inspection by the commission upon request at any time within the period prescribed for retention of such records. Each utility shall make measurements to determine the level of service for each item included in these rules. Each utility shall provide the commission or its staff with the measurements and summaries thereof for any of the items included herein on request of the commission or its staff. Records of these

measurements and summaries shall be retained by the utility as specified by the commission.

Where a telephone utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the commission.

B. Department Position

The Department defines “adequate service” as nearly continuous telephone access without repeated disruptions. While some service quality rules judge a utility’s performance based on company-wide averages, the Department argues that the broad concept of safe and adequate service must be determined on an individual basis, taking into account the number of service quality complaints and whether the provider takes reasonable steps to address the underlying problem. The Department developed its definition based on prior telecommunications rulings, plus a statement of CenturyLink’s director of network operations acknowledging that a customer experiencing multiple disruptions a year was not receiving adequate service.

Applying this definition, the Department claims that CenturyLink has failed to provide adequate service to at least 4,460 of the 233,000 customer lines the company serves in Minnesota. Furthermore, the Department argues that CenturyLink has failed to adequately maintain its system, citing two arguments.

First, the Department argues that CenturyLink has failed to perform adequate proactive maintenance for a network of its size and age. While CenturyLink chooses to install fiber optic cables in the most densely populated parts of its service territory, it continues to serve the majority of the area using copper wires. Because this type of equipment is approaching the end of its useful life, customers are experiencing problems with increasing frequency. And by relying on break/fix maintenance rather than proactive rehabilitation, CenturyLink ensures that problems will impinge upon customer service with increasing frequency.

Second, the Department argues that when service problems arise, CenturyLink is slow to repair them. CenturyLink’s data reveals that between January 2019 and June 2023, 77 percent of its service quality problems resulted from deteriorating or failing plant and equipment. Since 2019, CenturyLink has only pursued half of the projects that its service technicians have identified as potential rehabilitation projects to remedy the problems.

For example, the Department reviewed CenturyLink’s “100 Pair Cable Live Tracking Report.” (A standard component of POTS outside plant, a 100-pair cable is a length of cable containing 100 pairs of copper wires.) While the company identified few problematic cables—and repaired fewer still—the Department identified 210 100-pair cables that were responsible for ten or more trouble tickets. For 75 percent of these cables, a CenturyLink technician had found deterioration that likely contributed to the service problems. The Department argues that CenturyLink should investigate these 210 cables for possible rehabilitation. Indeed, CenturyLink’s own director of network operations conceded that the listed cable groups that had generated 29 or 31 troubles over a 12-month period had not performed adequately.

C. OAG Position

The OAG largely concurs with the Department, emphasizing two additional points.

First, the OAG argues that the text of Minn. R. 7810.3300 clearly articulates the level of service quality the Commission requires. The rule directs CenturyLink to “adopt and pursue a maintenance program . . . to permit the rendering of safe and adequate service.” The rule also requires the company to “keep . . . all plant and equipment in a good state of repair consistent with safety and adequate service performance,” to “repair... or replace...” equipment that is “broken, damaged, or deteriorated,” and to correct “electrical faults, such as leakage or poor insulation, noise, induction, cross talk, or poor transmission.” Finally, the OAG notes that the rule requires CenturyLink to “maintain records of its operations in sufficient detail as is necessary to permit . . . review” of those operations. The OAG argues that CenturyLink has failed to comply with these requirements.

According to the OAG, CenturyLink acknowledges that it does not maintain documentation for purposes of a predictive maintenance program, nor has it developed reports to analyze trouble report rates. Instead, the company reports that all the information it requires is contained within its system for dispatching technicians—a system that does not authorize an investigation until it receives three or more complaints from customers served by a proximate collection of copper cables. While this system collects reports of problems, the OAG concludes that the company does nothing to learn from its reports to systematically improve service—and thus fails to “continually review . . . to assure the furnishing of adequate service.”

Second, lacking adequate service quality data from CenturyLink, the OAG collected some of its own. OAG witness Brian Lebens gathered and filed 93 pages of photographs of CenturyLink equipment in the Twin Cities metropolitan area in a broken, damaged, or deteriorating condition—for example, revealing exposed wires and cracked pedestals wrapped in plastic as a stopgap measure to shield them from the weather.⁹ In addition, the OAG cited public testimony about broken equipment, an open pit, and frequent problems with water. According to OAG, decaying equipment not only provides inadequate service, it can also pose a risk to children and animals.

The OAG argues that the dilapidated state of CenturyLink’s plant reflected the company’s choice to ignore maintenance projects that would not generate sufficient revenues to recoup their costs within five years, and the company’s failure to fund “local expense budgets” that might supplement its maintenance budget.

D. CenturyLink Position

CenturyLink asks the Commission to deny the request to find the company in violation of Minn. R. 7810.3300 or 7810.5000.

As an initial matter, CenturyLink argues that the Commission’s service quality rules—dating from the 1970s—are no longer appropriate to the contemporary landline telephone business.

⁹ Exs. OAG-4-9 (Lebens Surrebuttal and Schedule 6).

According to the company, only about a third of Minnesota households subscribe for landline service—and only about five percent rely exclusively on that service. The other 95 percent have the option of receiving service via cable companies, CLECs, fixed wireless providers, and satellite service providers.

Moreover, CenturyLink argues that many of the Commission’s rules use vague terms and refrain from setting measurable compliance standards—in effect, deferring to each telephone company to determine the appropriate level of service quality to provide. In the current case, CenturyLink interprets “safe and adequate service ... to mean not posing a danger and capable of carrying voice service.”¹⁰ Where a rule does not establish more specific requirements, the company argues, the matter is left to management’s discretion. In particular, CenturyLink argues that it is inappropriate to read “safe and adequate service” to mean continuous service, as the word “continuous” does not appear in the rule.¹¹

Likewise, CenturyLink says that Minn. R. 7810.5000 does not provide specific metrics to meet. As a proxy for fulfilling the obligations of this rule, the company points to Minn. R. 7810.5900, which directs a telephone company to maintain its system such that it receives no more than 6.5 trouble reports per month for each 100 telephones. Because CenturyLink has been able to meet this standard, and its trouble report rate has not increased over time, the company argues that this demonstrates that it has maintained its POTS system adequately.

Moreover, while CenturyLink acknowledges that it faces challenges with finding people with the skills to work on copper-based networks, the company also states that its number of technicians has increased.

CenturyLink claims that it directs its technicians to prioritize work on its POTS network; for example, the company says that it has already repaired the damaged equipment depicted in the OAG’s photographs. CenturyLink explains that it identifies projects for maintenance as follows:

- Technicians identify conditions that are unsafe and cannot be corrected immediately.
- Technicians identify potential projects through the Plant Maintenance Request tool.
- Technicians may also identify and immediately address maintenance needs through the submission of a “demand ticket.”
- CenturyLink also receives calls from third parties reporting alleged problems with service or equipment; this may result in CenturyLink establishing a demand ticket.

But CenturyLink acknowledges that not every alleged problem will trigger a maintenance project. CenturyLink states that it funds rehabilitation projects through its capital budget, its transformation budget, and its local expense funds—but the company acknowledges that it does not track all rehabilitation funding.

¹⁰ CenturyLink Exceptions, at 11 (April 2, 2024).

¹¹ *Id.*, at 10-11.

E. ALJ's Report

The ALJ concluded that the rules require a telephone utility to provide telephone service that meets or exceeds the standards in Minn. R. ch. 7810, to continually review its operations for the purpose of assuring it is furnishing “adequate service,” and to maintain records documenting that it has complied. After analyzing prior decisions and dictionary definitions, the ALJ concluded that the rules direct each telephone company to satisfy each customer’s need for telephone service. And because telephone service is essential, the rules effectively require a telephone utility to provide its customers with nearly continuous telephone access. Beyond that, the ALJ concluded that adequacy must be judged on an individual basis, based on the volume of service issues and whether the provider takes reasonable steps to address underlying problems.

The ALJ found that while CenturyLink’s overall statewide network is performing satisfactorily, two percent of CenturyLink’s landline customers are not receiving adequate service. The ALJ concluded that compliance with Minn. R. 7810.5900 would not be sufficient to demonstrate compliance with the rest of the Commission’s service quality rules. Further, the ALJ found that CenturyLink made minimal and insufficient efforts to complete proactive maintenance efforts. The ALJ concurred with the Department that CenturyLink devotes inadequate resources to perform proactive rehabilitation work and lacks procedures to comprehensively and systematically evaluate the performance of its POTS network in a timely fashion. According to the ALJ, CenturyLink’s prioritization of POTS repairs was not an acceptable substitute for the proactive maintenance necessary to meet the minimum requirements of Minn. R. 7810.3300 and 7810.5000.

VI. Minnesota Rules 7810.5800 – Interruptions of Service

A. Introduction

Minn. R. 7810.5800 states that each telephone utility must make reasonable efforts to prevent service interruptions, and when interruptions do occur, must reestablish service with the shortest possible delay—in particular, clearing 95 percent of all out-of-service troubles within 24 hours of the reported outage:

Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall reestablish service with the shortest possible delay. The minimum objective should be to clear 95 percent of all out-of-service troubles within 24 hours of the time such troubles are reported. In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.

Every telephone utility shall inform the commission, as soon as possible, of any major catastrophe such as that caused by fire, flood, violent wind storms, or other acts of God which apparently will

result in prolonged and serious interruption of service to a large number of customers.

B. Department Position

The Department argues that CenturyLink is in violation of this rule, noting that CenturyLink's own data reveals that the company has not met the 95 percent objective in years. The Department acknowledges that the COVID-19 pandemic may have played a role in depressing CenturyLink's performance in restoring service, but observes that the company's compliance with this rule has continued to deteriorate. For example, the Department notes that Cook County residents experienced approximately 100 service outages between September 2018 and August 2023, prompting customers to travel to the local fire station when they needed help because they could not rely on their phone service.

The Department suggests that CenturyLink's declining performance was caused by its decision to lay off some of its Minnesota field technicians, resulting in an increased workload assigned to each of the remaining technicians since 2021. The Department finds little reason to expect improvement in the company's service quality in the absence of Commission intervention.

C. OAG Position

Again, the OAG generally concurs with the Department's assessment.

According to the OAG, between January 2021 and June 2023 the Department and the Commission's Consumer Affairs Office recorded 530 complaints, 46 percent pertaining to service outages—both the occurrence of outages and CenturyLink's failure to address the problems in a timely manner. The OAG cites examples of customers who languished without service for days, county emergency service providers who were repeatedly inconvenienced by outages, and homeowners who experienced repeated service interruptions only to have a technician report the company will never pay to fix their problem. According to the OAG, CenturyLink is allowing frequent and prolonged service disruptions in some of the state's remotest areas among some of Minnesota's most vulnerable customers and those most reliant on landline services.

Finally, the OAG argues that CenturyLink knows what the Commission's service quality rules require and knows that the company is failing to meet the rules' standards—as evidenced by the fact that CenturyLink has repeatedly asked the Commission to vary its rules. The Commission has repeatedly denied this request, emphasizing the importance of maintaining adequate service quality.¹²

¹² See Docket No. P-421/AM-14-256, *In the Matter of the CenturyLink, Inc. Petition for Rulemaking to Revise Service Quality Rules*; Docket No. P-421/AM-14-255, *In the Matter of the Petition of CenturyLink, Inc. for a Variance to Minnesota Rules, Part 7810.5800*; Docket No. P-421/M-21-381, *In the Matter of the Petition for a Rulemaking Regarding Minnesota Rules Chapter 7810*.

D. CenturyLink Position

CenturyLink says that it makes a good faith effort to meet the objective of Minn. R. 7810.5800.

CenturyLink interprets Minn. R. 7810.5800 to require a telephone utility to clear at least 95 percent of out-of-service complaints within 24 hours, and otherwise to re-establish service as soon as possible. But changes in the market for copper-wire landline service have resulted in changes in the level of resources available for maintaining landline service.

CenturyLink states that it directs its technicians to prioritize the restoration of voice landline service over other tasks such as installing new service or repairing broadband service for internet connections.

CenturyLink acknowledges the challenges it has faced restoring service within 24 hours of receiving a complaint, but insists that this problem cannot be solved by hiring more technicians. The company emphasized the challenges of —

- assigning technicians to jobs based on their location, skill set, and existing workload,
- finding new technicians when trade schools no longer teach students about copper-based networks, and
- financially supporting a maintenance team to cover its entire service area even as it has fewer customers receiving landline voice service over copper wires.

E. ALJ's Report

The ALJ found that CenturyLink had failed to fulfill the regulatory requirement to restore service to 95 percent of customers within 24 hours of receiving a complaint of service interruption—and, indeed, had failed to even come reasonably close to doing so. The ALJ stated that “CenturyLink’s argument that it cannot find enough qualified technicians is particularly ironic, given that it laid off about half of its technician workforce at almost the same time its performance dropped.”¹³ Accordingly, the ALJ found that these facts demonstrate a violation of Minn. R. 7810.5800 and a failure to provide adequate service.

VII. Remedies

A. Investigate and Rehabilitate Deficient Plant and Equipment

1. Department Proposal

The Department identified approximately 4,460 customers that had experienced four or more troubles leading to trouble tickets since 2019, and identified 210 100-pair cables that are arguably the source of many of the problems. The Department proposed that the Commission order CenturyLink to review and rehabilitate all of this plant and equipment, and specifically the 210 100-pair cables, within 24 months of the final order in this matter.

¹³ ALJ’s Report, Finding 95.

The Department also proposed that the Commission order CenturyLink to file quarterly reports on its progress on a customer-by-customer basis.

2. OAG Proposal

In addition to supporting the Department's proposal to make whole the 4,460 customers, the OAG recommends that CenturyLink fix, replace, or remove all deficient plant and equipment identified in photographs filed by the OAG.

3. CenturyLink Position

CenturyLink objects that this proposed remedy applies a standard—four or more reports of troubles—that is not set forth in Commission rules while ignoring the fact that it has maintained its system with no more than 6.5 troubles per month per 100 lines—a standard that is in Commission rules.

In addition, CenturyLink argues that the record contains no evidence about the cost or efficacy of the proposed remedy. The company argues that, of the 4,460 customers identified by the Department as having experienced poor service, most live in urban areas where customers have alternatives to relying on the POTS network to receive telecommunications services. This leads CenturyLink to question the efficiency of being compelled to make substantial additional investments to shore up this legacy technology, draining resources that might otherwise finance the expansion of newer technology.

4. ALJ Recommendation

The ALJ recommended approving the Department's and the OAG's recommendations.

The ALJ concluded that the Commission has authority to adopt the proposed remedies. Specifically, she found that Minn. Stat. §§ 237.02; 237.081, subd. 4(2)-(3); and 237.461, subd. 1, grant the Commission authority to order a contested case hearing to evaluate a telephone company's service quality, and thereafter to order a telephone company to fix problems with POTS facilities that are responsible for inadequate service. Moreover, the ALJ found that the Department's and the OAG's recommendations represented a reasonable approach to remedying the documented shortcomings in service quality.

B. Narrow Scheduling Period for Repairs

1. Department and OAG Proposal

Customers complain that CenturyLink may schedule field technicians to arrive at a customer's premises at any time within a given workday—and even then, the technicians may not arrive. The Department and the OAG propose that the Commission order the company to reduce its repair appointment windows from eight hours to four hours.

2. CenturyLink Position

CenturyLink objects that the Department and the OAG are again trying to impose a standard that goes beyond the requirements of Commission rules.

Moreover, the company argues that this proposal would be impractical. Implementing this change would require Minnesota-specific adjustments of CenturyLink’s multi-state system for optimizing maintenance projects, adding complexity to each technician’s assignments. According to CenturyLink, this would ultimately reduce the efficiency of the company’s maintenance operations. In addition, shorter appointment periods would result in more missed appointments, not fewer, which would only increase customer frustration.

3. ALJ Recommendation

The ALJ reasoned that, where the company has failed to provide a customer with adequate service, the company should not compound the burden by requiring affected customers to bear an inordinate period waiting for a technician to arrive to fix the problem. Accordingly, the ALJ concurred with the Department and the OAG that CenturyLink should schedule repair appointments within a four-hour period.

C. Implement a Preventative “Plant Pride” Program

1. Department and OAG Proposal

The Department and OAG propose that the Commission require CenturyLink to implement a preventative “Plant Pride” program modeled on similar efforts in New York and Pennsylvania. According to the Department, these programs allow technicians to formally propose conducting additional maintenance for a given matter and require the company to promptly review the proposal. This practice has reduced the number of customer complaints in each state.

Specifically, the Department and OAG propose that CenturyLink do the following:

- Modify its existing procedures for tracking proactive rehabilitation projects, or create new procedures, to “resolve” any proposal for plant rehabilitation received from field technicians within 90 days. In this context, “resolve” means repair, replace, take other appropriate action or, after consulting with CWA, explicitly decline to act.
- When CenturyLink decides how to proceed regarding a technician’s proposal, inform the field technician about the decision.
- Convene quarterly meetings with CenturyLink’s director of network service operations for Minnesota, applicable regional leaders, and CWA’s area/district leadership to review all proposals.
- Educate field technicians about “Plant Pride” procedures and inform them of the results of each proposal. Provide this communication at the garage level—by, for example, providing dedicated space to post these results. And encourage CWA’s area/district leaders to educate their members on a regular basis about these new procedures and champion robust participation.

2. CenturyLink Position

CenturyLink opposes the imposition of remedies developed in other jurisdictions that emerged outside the context of the Commission's rules.

In addition, CenturyLink argues that the Commission lacks the authority to insert itself between the company and its collective bargaining units. Given that the record does not address the amount of interaction CenturyLink and the CWA already have, the company argues that there are insufficient grounds to require additional interactions.

3. ALJ Recommendation

The ALJ finds that the Plant Pride proposal falls within the scope of the Commission's authority to regulate telephone companies and their service quality; indeed, the ALJ finds the proposal to be a modest extension of CenturyLink's current practices. And finding the Plant Pride proposal to be a reasonable method to promote ongoing service quality, the ALJ recommended that the Commission approve it.

D. Ignore Five-Year Payback Period for Maintenance Projects

1. Department and OAG Positions

The Department and the OAG propose that the Commission order CenturyLink to evaluate maintenance projects without regard to whether the company could recoup its investment within five years.

2. CenturyLink Position

CenturyLink clarifies that it established a five-year payback threshold only regarding potential transformation projects. The company claims that it may perform maintenance projects, even those that do not provide for recovering costs within five years, when paid for out of a local expense budget and assigned through its construction maintenance system. That said, CenturyLink emphasizes the need to use prudence in investing in its legacy POTS network, because these investments drain resources that might otherwise be spent pursuing the statutory goal of promoting broadband service.

3. ALJ Recommendation

Noting that the requirements of the Commission's service quality rules are not made contingent on a company's cash flow, the ALJ recommends that the Commission prohibit CenturyLink from sidelining maintenance projects merely when they fail to satisfy a five-year payback criterion.

E. Consider Whether CenturyLink Should be Subject to Civil Penalties

1. Department Position

Minn. Stat. § 237.461 states in relevant part as follows:

Subd. 2. Civil penalty. A person who knowingly and intentionally violates a provision of this chapter or rule or order of the commission adopted under this chapter shall forfeit and pay to the state a penalty, in an amount to be determined by the court, of at least \$100 and not more than \$5,000 for each day of each violation.

* * *

Subd. 4. Civil penalty proceeds deposited in treasury. The civil penalties provided for in this section may be recovered by a civil action brought by the attorney general in the name of the state. Amounts recovered under this section must be paid into the state treasury.

On July 1, 2021, the Department filed comments recommending that the Commission authorize an investigation into CenturyLink's service quality and consider pursuing penalties:

If the Commission determines that there is sufficient cause to find that CenturyLink has violated any rule, the Commission should establish a proceeding to determine the number of violations and the number of days of violation for referral of the matter to the office of the Attorney General to pursue civil penalties in district court.¹⁴

2. CWA Position

The CWA initiated this action against CenturyLink to protest the company's failure to maintain its service quality, notwithstanding the concerns raised by its own technicians. CWA asks the Commission to find that CenturyLink has violated the Commission's service quality rules and to order the company to take remedial steps. But CWA has not asked the Commission to pursue civil penalties, as compelling CenturyLink to pay a fine to the state would leave the company with even fewer resources to finance maintenance projects.

3. OAG Position

While noting that CenturyLink's service quality failures could subject the utility to civil liability,¹⁵ the OAG does not ask the Commission to pursue that option at present—largely for the reasons cited by the CWA. But the OAG clarifies that it stands ready to consider civil penalties as circumstances evolve.

4. CenturyLink Position

CenturyLink opposes any referral for civil penalties. First, the company argues that it is following the Commission rules. But even if violations were found, CenturyLink argues that the record has not demonstrated any lapse was done knowingly and intentionally. Indeed, none of

¹⁴ Department comments (July 1, 2021).

¹⁵ OAG Reply Brief and Proposed Findings of Fact and Conclusions of Law (February 7, 2024)

the parties addressed the issue of civil penalties until the ALJ addressed the matter in the ALJ's Report.

Instead, CenturyLink asks the Commission to defer any consideration of civil penalties until after 1) the Commission clarifies its interpretation of the rules in dispute; 2) the Commission finds the company in violation of any such further articulation of how the Commission interprets these rules; 3) the Commission orders a remedy; and 4) the company willfully and intentionally flouts the order.

5. ALJ Recommendation

Following the contested case proceeding, the ALJ joined the Department in recommending that the Commission consider whether CenturyLink's violation of Minn. R. 7810.5800 is knowing and intentional. The ALJ concluded that when CenturyLink sought (and failed to receive) a variance from the requirements of Minn. R. 7810.5800 in 2016, the company demonstrated both knowledge of the rule's requirements and of the company's failure to comply.

VIII. Commission Action

A. Adoption of Administrative Law Judge's Report in General

In preparing her report, the ALJ convened five public hearings, conducting formal evidentiary hearings, reviewed the testimony and exhibits of expert witnesses offered by three different parties, and reviewed voluminous comments submitted by the public. The ALJ received and reviewed initial and reply briefs from the parties, as well as their proposed findings of fact and conclusions of law.

Based on this record, the ALJ made some 132 findings of fact, nine conclusions of law, and eight recommendations based on those findings and conclusions. In particular, the ALJ recommended finding that CenturyLink is in violation of Minn. R. 7810.3300, 7810.5000, and 7810.5800.

The Commission has itself examined the record, considered the ALJ's Report, considered the exceptions to that report, and heard oral argument from the parties. Based on the entire record, the Commission finds that the ALJ's Report is well reasoned, comprehensive, and thorough—with two qualifications, discussed below. On all other issues, the Commission accepts, adopts, and incorporates the ALJ's findings, conclusions, and recommendations to the extent they are consistent with the decisions made herein.

Specifically, the Commission finds that CenturyLink failed in its duty to provide safe and adequate service under Minn. R. 7810.3300 and Minn. R. 7810.5000, when deficient outside plant and equipment caused customers to experience multiple service disruptions over an approximately four-and-a-half-year period.

The Commission rejects the theory that a telephone company provides "safe and adequate service" so long as the company's equipment causes no injuries and is capable of providing voice service. The question of how frequently a company is able to provide landline voice service, and the quality of that service, also bears on the issue of adequacy. Given that many of CenturyLink's customers rely their landline telephone service for access to emergency 911

assistance, the Commission concludes that safe and adequate service must entail nearly continuous service.

And the Commission rejects the theory that its service quality rules are so vague as to be unenforceable. For example, Minn. R. 7810.3300 directs a telephone company to “adopt and pursue a maintenance program ... to permit the rendering of safe and adequate service.” The rule also requires a company to “keep ... all plant and equipment in a good state of repair consistent with safety and adequate service performance,” to “repair... or replace...” equipment that is “broken, damaged, or deteriorated,” and to correct “electrical faults, such as leakage or poor insulation, noise, induction, cross talk, or poor transmission.” And the rule requires a company to “maintain records of its operations in sufficient detail as is necessary to permit ... review” of those operations. The record of this case demonstrates that CenturyLink has failed to comply with each of these provisions.¹⁶

Service lapses will occur even under the best maintenance regime designed to maintain safe and adequate service. But the evidence reveals that service lapses on CenturyLink’s system were not an unavoidable happenstance; rather, they are the foundation of CenturyLink’s maintenance plan. This practice is inconsistent with Commission rules.

Finally, the Commission finds that CenturyLink failed to comply with Minn. R. 7810.5800 when it failed to restore 95 percent of service outages within 24 hours, failed to make all reasonable efforts to prevent interruptions of service for its customers, and failed to reestablish service with the shortest possible delay.

B. Adoption of Administrative Law Judge’s Report as Revised

The Commission will adopt two aspects of the ALJ’s Report with modifications. In that report, the ALJ analyzed whether CenturyLink had violated Minn. R. 7810.5800, which states in part as follows:

Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall reestablish service with the shortest possible delay. The minimum objective should be to clear 95 percent of all out-of-service troubles within 24 hours of the time such troubles are reported....

The ALJ concludes that CenturyLink has not met the rule’s minimum standard, or even come reasonably close. The ALJ acknowledges the argument that the word “objective” can imply that the prescribed standard is not mandatory—but concludes that the “minimum objective” only makes sense when the term “objective” refers to an obligation. Thus the ALJ rendered the following finding and conclusion:

The Administrative Law Judge finds that CenturyLink is in violation of Minn. R. 7810.5800 because the company has not come reasonably close to meeting the minimum standard set forth in the

¹⁶ See ALJ’s Report, Findings 35–46.

rule. Although typically an “objective” would not be mandatory given the plain meaning of the word, a fair reading of the rule indicates that restoring service to 95 percent of customers within 24 hours is a “minimum” requirement, or a floor on CenturyLink’s performance. Much of CenturyLink’s argument addressing Minn. R. 7810.5800 relates to why the company has not met or come reasonably close to meeting the standard. The rule, however, does not provide any exemptions for the geographic and workforce shortage barriers that the company has identified. CenturyLink’s argument that it cannot find enough qualified technicians is particularly ironic, given that it laid off about half of its technician workforce at almost the same time its performance dropped. As such, CenturyLink’s noncompliance with Minn. R. 7810.5800 is at least partially a self-inflicted injury.

* * *

Conclusion of Law 8: The Department and Office of the Attorney General demonstrated by a preponderance of the evidence that CenturyLink violated Minn. R. 7810.5800 by failing to restore 95 percent of service outages within 24 hours.

The Commission understands the appeal of focusing on CenturyLink’s failure to meet the clear standard of restoring service within 24 hours 95 percent of the time. But this focus shifts attention away from CenturyLink’s larger shortcomings: First, the Commission finds insufficient evidence that the company is making “all reasonable efforts to prevent interruptions of service” and to reestablish service “with the shortest possible delay”—*even when a disconnection means that a customer can no longer reach emergency services*. Second, the record reveals that CenturyLink not only fails to meet the reconnection standard, it also fails to make any improvement toward that standard.

To better reflect the nature and depth of these concerns, the Commission will adopt Finding 95 and Conclusion of Law 8 modified as follows:

Finding 95: ~~The Administrative Law Judge finds that CenturyLink is in violation of Minn. R. 7810.5800 because the company has not come reasonably close to meeting the minimum standard set forth in the rule. Although typically an “objective” would not be mandatory given the plain meaning of the word, a fair reading of the rule indicates that restoring service to 95 percent of customers within 24 hours is a “minimum” requirement, or a floor on CenturyLink’s performance.~~ Based on the record, the Commission finds that it is clear the utility has failed to make “all reasonable efforts to prevent interruptions of service” and to reestablish service “with the shortest possible delay.” Meeting these standards is particularly critical to 911 service, and the downward trajectory relative to meeting the 95 percent objective is particularly troubling. Much of CenturyLink’s argument addressing Minn. R. 7810.5800 relates to why the company

has not met or come reasonably close to meeting the standard. The rule, however, does not provide any exemptions for the geographic and workforce shortage barriers that the company has identified. CenturyLink's argument that it cannot find enough qualified technicians is particularly ironic, given that it laid off about half of its technician workforce at almost the same time its performance dropped. As such, CenturyLink's noncompliance with Minn. R. 7810.5800 is at least partially a self-inflicted injury.

* * *

Conclusion of Law 8: The Department and Office of the Attorney General demonstrated by a preponderance of the evidence that CenturyLink violated Minn. R. 7810.5800 by failing to ~~restore 95 percent of service outages within 24 hours~~ make all reasonable efforts to prevent interruptions of service and to reestablish service with the shortest possible delay.

C. Remedial Steps

1. Commission Authority Over Service Quality

The Legislature grants the Commission broad authority over telephone companies¹⁷ and authorizes the Commission to establish the appropriate levels of service quality.¹⁸ When, following a contested case, the Commission finds the service lacking, the Legislature directs the Commission to issue just and reasonable orders in response.¹⁹

CenturyLink argues that enforcing the service quality standards is no longer appropriate and undermines the company's efforts to fulfill the legislative policy goals set forth at Minn. Stat. § 237.011—including the goal to maintain just and reasonable rates and encouraging economically efficient deployment of infrastructure for higher speed telecommunication services. The Commission evaluates this claim within a broader context.

Minn. Stat. § 237.011 states in relevant part as follows:

The following are state goals that should be considered as the commission executes its regulatory duties with respect to telecommunication services:

- (1) supporting universal service;
- (2) maintaining just and reasonable rates;

¹⁷ Minn. Stat. § 237.02.

¹⁸ Minn. Stat. § 237.011, subd. 5.

¹⁹ Minn. Stat. § 237.081.

(3) encouraging economically efficient deployment of infrastructure for higher speed telecommunication services and greater capacity for voice, video, and data transmission...;

(5) maintaining or improving quality of service...; [and]

(7) ensuring consumer protections are maintained in the transition to a competitive market for local telecommunications service....

Thus, the Legislature sets forth multiple goals, including the goals cited by CenturyLink—as well as the goals of maintaining and improving quality of service, and ensuring that customer protections are maintained even as the telecommunications market changes. To some extent, the pursuit of one goal will conflict with the pursuit of the others; trade-offs are inevitable. To this end, the Legislature specified that the “goals ... should be considered *as the commission executes its regulatory duties* with respect to telecommunication services...”²⁰ It is the Commission’s role to establish the appropriate trade-offs among the competing objectives.

CenturyLink complains that the Commission has not changed its service quality rules; indeed, they are the same rules that CenturyLink agreed to obey when it voluntarily entered the Minnesota market and assumed all the attendant business risks. CenturyLink is free to argue—and has argued—that the Commission should change its standards for landline service quality. The Commission has considered CenturyLink’s arguments, but ultimately rejected them due to concerns that “[u]nder lower service quality conditions, the health and safety of people, particularly those more reliant on landline service, could be jeopardized.”²¹

To summarize: As a matter of law, the Legislature has entrusted the Commission with the responsibility to make the appropriate judgment about balancing competing goals—include the goal of promoting service quality. As a matter of fact, the current case vindicates the Commission’s past judgments about the need to protect landline service quality.

2. Commission Authority Over Remedies

The Commission has authority to adopt the remedies recommended by the ALJ. The Legislature has declared that Minnesota’s telephone service providers must operate “under terms and conditions the commission finds to be consistent with ... the provision of affordable telephone service at a quality consistent with commission rules, and the commission's rules.”²² Moreover, the Commission’s rules may be “enforced by ... criminal prosecution, action to recover civil

²⁰ Minn. Stat. § 237.011 (emphasis added).

²¹ *In the Matter of the Rulemaking to Consider Possible Amends. to Minnesota Rules, Parts 7810.4100 Through 7810.6100 in the Matter of the CenturyLink, Inc. Petition for Rulemaking to Revise Serv. Quality Rules*, Docket No. P-421/AM-14-256, Order Closing Rulemaking Proceeding and Initiating Stakeholder Workgroup Process, at 17 (May 2, 2016).

²² Minn. Stat. § 237.16, subd. 1(b).

penalties, injunction, action to compel performance, and other appropriate action.”²³ The ALJ recommends that the Commission exercise its statutory and regulatory authority to promote service quality in CenturyLink’s service area. The Commission will do precisely that.

That said, the Commission adopted its service quality rules “to establish reasonable service standards to the end that adequate and satisfactory service will be rendered to the public.”²⁴ In the same spirit, the Commission adopts these remedial measures not to punish CenturyLink, but to help ensure that adequate and satisfactory service will be rendered to the public.

3. List of Remedial Steps

Having reviewed evidence of lapses in CenturyLink’s service quality, the Commission expects the utility to redouble its efforts to achieve the prescribed standards. In addition, the Commission will adopt the ALJ’s recommendations prescribing appropriate measures to remedy some specific problems demonstrated in the record.

a. Plant Accruing Four or More Trouble Tickets

The Department identified certain outside plant and equipment that had, between January 2019 and June 2023, accrued four or more trouble tickets due to their deteriorated condition.²⁵ The ALJ recommended requiring CenturyLink to review and rehabilitate this equipment within 24 months. While CenturyLink argued that these measures would be unwarranted and unreasonable, the extensive record of this case demonstrates ongoing problems with certain equipment. Accordingly, the Commission will adopt this recommendation; and to facilitate oversight of this process, the Commission will also direct the company to file quarterly reports on its progress, on a customer-by-customer basis.

b. 100-Pair Cables

The Department identified 210 100-pair cables that appear to be associated with a disproportionate share of trouble tickets.²⁶ Again, the extensive record of this case demonstrates ongoing problems with this plant in particular. The Commission will direct CenturyLink to review these cables, and rehabilitate them as appropriate, within 24 months.

c. Obviously Dilapidated Plant

The OAG filed voluminous photographs of CenturyLink equipment in a dilapidated state.²⁷ During the Commission’s hearing the company stated that it had already rehabilitated the specific equipment depicted in the photographs. The Commission appreciates CenturyLink’s attention to this matter, but its statements were uncorroborated in the record. In an abundance of

²³ Minn. Stat. § 237.461, subd. 1.

²⁴ Minn. R. 7810.0200.

²⁵ Ex. DOC-5 at 19-20 (Webber Rebuttal).

²⁶ Ex. DOC-5 at 15-16 (Webber Rebuttal); Ex. DOC-2 at 8-9 (Gonzalez Rebuttal).

²⁷ Exs. OAG-4-9 (Lebens Surrebuttal and Schedule 6).

caution, the Commission will direct CenturyLink to promptly repair all equipment that affects its service and that is similar to the equipment depicted in the OAG's photographs.

d. Five-Year Pay-Back Criteria

CenturyLink articulated a policy to reject certain maintenance projects that would not generate sufficient revenues within five years to recoup their costs—although the company emphasizes that this policy applies only to transformation projects. On their face, the Commission's rules do not prescribe a service quality level contingent on a utility's cash flow—and nothing in the record persuades the Commission to read such a limitation into the rules. Accordingly, the Commission will direct CenturyLink to discontinue its practice of sidelining maintenance projects that fail to satisfy the five-year payback threshold.

e. Four-Hour Repair Window

The Department and the OAG relayed frustrations that, on top of bearing the burdens of poor service quality, customers discovered that CenturyLink field technicians would refuse to schedule appointments within a reasonably precise timeframe. Given CenturyLink's failure to restore service within the timeframes set forth in Minn. R. 7810.5800, the ALJ supported the parties' recommendation to require the company to schedule repairs within a four-hour period.

CenturyLink opposed this proposal, arguing that a shortage of workers would make implementation difficult. In response, the ALJ remarked that —

CenturyLink's argument that it cannot find enough qualified technicians is particularly ironic, given that it laid off about half of its technician workforce at almost the same time its performance dropped. As such, CenturyLink's noncompliance with Minn. R. 7810.5800 is at least partially a self-inflicted injury.²⁸

The Commission concludes that scheduling repairs within a four-hour period best balances the interests of the customers with the interests of the utility. Accordingly, the Commission will adopt the ALJ's recommendation.

f. Plant Pride

The Department and the OAG proposed that CenturyLink adopt a preventative "Plant Pride" program modeled on successful efforts to enhance telephone service quality in New York and Pennsylvania. CenturyLink argues that this proposal needlessly intrudes on managerial discretion. But the company also concedes that it has failed to comply with the prescribed level of service quality, which leaves this Commission in search of a more effective approach. Among other things, the program lets technicians report maintenance problems they find, and requires CenturyLink to report to those technicians within 90 days about how the company—in consultation with the CWA—managed the problem. This proposal offers a proven technique for harnessing the insights of knowledgeable utility employees in the interest of promoting service

²⁸ ALJ's Report, Finding 95.

quality. Further, the Commission concurs with the ALJ that this proposal falls within the scope of the Commission's statutory authority. Accordingly, the Commission will direct CenturyLink to implement the "Plant Pride" program as set forth in the ordering paragraphs.

g. Reporting

Finally, the Commission will monitor CenturyLink's progress in improving its service quality. To this end, the Commission will direct the company to file a report within six months documenting its progress in fulfilling all of the requirements of this order. This report will help the Commission determine if additional remedial measures are warranted. But the Commission will decline to require additional reporting at this time.

D. Civil Penalties

As noted above, Minn. Stat. § 236.461 provides for the Minnesota Attorney General to pursue civil penalties against anyone who knowingly and intentionally violates Minn. Stat. ch. 237 or any rule or order arising under those statutes.

The Department and the ALJ recommend that the Commission consider whether CenturyLink's failure to comply with the Commission's service quality rules, after having failed to secure a variance from the Commission in 2016, demonstrates that the company's conduct has been knowing and intentional—and thus subject to penalties.

The Commission has considered the merits of asking the Attorney General to pursue these penalties but has not yet elected to take this action. At hearing, CenturyLink indicated a willingness to work with the parties and redouble its efforts to improve its service quality—evidenced by the company's report that it had already remedied the damaged equipment photographed by the OAG. The Commission looks forward to additional progress.

The Commission will so order.

ORDER

1. The Commission finds that Qwest Corporation d/b/a CenturyLink QC is in violation of Minn. R. 7810.3300, 7810.5000, and 7810.5800.
2. The Commission adopts the Findings of Fact, Conclusions of Law, and Recommendations of the Administrative Law Judge with the following substitutions:

A. Finding 95:

The Administrative Law Judge finds that CenturyLink is in violation of Minn. R. 7810.5800 because the company has not come reasonably close to meeting the minimum standard set forth in the rule. Based on the record, the Commission finds that it is clear the utility has failed to make "all reasonable efforts to prevent interruptions of service" and to reestablish service "with the shortest

possible delay.” Meeting these standards is particularly critical to 911 service, and the downward trajectory relative to meeting the 95 percent objective is particularly troubling. Much of CenturyLink’s argument addressing Minn. R. 7810.5800 relates to why the company has not met or come reasonably close to meeting the standard. The rule, however, does not provide any exemptions for the geographic and workforce shortage barriers that the company has identified. CenturyLink’s argument that it cannot find enough qualified technicians is particularly ironic, given that it laid off about half of its technician workforce at almost the same time its performance dropped. As such, CenturyLink’s noncompliance with Minn. R. 7810.5800 is at least partially a self-inflicted injury.

B. Conclusion of Law 8:

The Department and Office of the Attorney General demonstrated by a preponderance of the evidence that CenturyLink violated Minn. R. 7810.5800 by failing to make all reasonable efforts to prevent interruptions of service and to reestablish service with the shortest possible delay.

3. Regarding the outside plant and equipment serving customers who have experienced four or more deteriorated plant trouble tickets between January 2019 and June 2023, as identified by the Department,²⁹ CenturyLink must review and rehabilitate this equipment within 24 months.
4. Regarding the 210 100-pair cables that the Department identified as driving troubles, CenturyLink must review and rehabilitate these cables within 24 months.
5. CenturyLink must make repairs promptly to all equipment that affects its service and is similar to the depictions in the OAG’s photographs.³⁰
6. CenturyLink must end its practice of declining to complete maintenance projects for failure to satisfy a five-year payback threshold.
7. CenturyLink must schedule repair appointments within a period of no more than four hours.
8. CenturyLink must implement a preventative “Plant Pride” program as follows:
 - A. CenturyLink must modify its existing procedures or create new procedures to resolve all plant rehabilitation reports received from field technicians within 90 days. For purposes of this order, “resolve” means the repair, replacement, or a reasonable alternative resolution, including the possibility of no action, as

²⁹ Ex. DOC-5 at 19-20 (Webber Rebuttal)

³⁰ Exs. OAG-4-9 (Lebens Surrebuttal and Schedule 6).

determined by CenturyLink in consultation with the Communications Workers of America.

- B. For each report, CenturyLink must tell the field technician who initially submitted the report how the report was resolved.
 - C. CenturyLink's director of network service operations for Minnesota and applicable regional leaders must meet with the Communications Workers of America's area/district leadership on a quarterly basis to review all reports from the quarter.
 - D. CenturyLink must educate field technicians about any new "Plant Pride" procedures and keep them informed of the results through communication at the garage level, including through dedicated space to post local results (i.e. before and after photos).
9. Within six months, CenturyLink must file a report documenting its progress in fulfilling the requirements of this order.
10. This order takes effect immediately.

BY ORDER OF THE COMMISSION



Will Seuffert
Executive Secretary



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CERTIFICATE OF SERVICE

I, Leesa Norton, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission
ORDER FINDING BREACH OF SERVICE QUALITY RULES AND
ESTABLISHING REMEDIES

Docket Number **P-421/C-20-432**

Dated this 17th day of August, 2024

/s/ Leesa Norton

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Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_20-432_Official Service List
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