

In the Matter of a Formal Complaint regarding the services provide by the Qwest Corporation, d/b/a CenturyLink in Minnesota, on behalf of the Communications Workers of America (CWA)

PUC Docket No. P-421/C-20-432

Has CenturyLink violated the following Minnesota Rules: 7810.3300 (Maintenance of Plant and Equipment), 7810.5000 (Utility Obligations), or 7810.5800 (Interruptions of Service)?

1. Find that CenturyLink is in violation of Minn. R.: *(ALJ, Department, OAG)*

[If Decision Option 1 chosen, Decision Options 1a, 1b, and/or 1c must be chosen as well.]

- a. 7810.3300
- b. 7810.5000
- c. 7810.5800

[OR]

[Commissioner Tuma offers the following new and revised Decision Options:]

Tuma Revised 1: Adopt the ALJs Findings of Fact, Conclusions of Law and Recommendations except as modified herein.

[If Decision Option Tuma Revised 1 is chosen, Decision Options Tuma New 1a and/or Tuma New 1b must be chosen as well.]

Tuma New 1a: Modify ALJ Finding 95 as follows:

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, 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.

Tuma New 1b: Conclusion of Law #8

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.

[OR]

2. Find that CenturyLink is in substantial compliance with Minn. R. 7810. (*CenturyLink*)

Tuma Modified 11. Find that because CenturyLink ~~failed to secure a variance from Minn. R. 7810.5800, its subsequent~~ customers in Cook County MN experienced persistent 911 service disruptions from 2019 to 2021, Century Link knew or must have known of its violation of, and intended to violate Minn. R. 7810.5800 since at least January 2022 and refer the matter of Cook County 911 service to the Attorney General to [pursue/consider] an enforcement action to recover civil penalties under Minn. Stat. § 237.461 based on the violations indicated by DOC Exhibits 7 and 8 from January 2022 and ongoing, or for some alternative period based on additional discovery.