



CenturyLink™

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September 18, 2020

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

**Re: 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 (CWA)
Docket No. P-421/C-20-432**

Dear Mr. Seuffert:

Enclosed for filing are Qwest Corporation dba CenturyLink QC's Comments
regarding the above-referenced matter.

Very truly yours,

/s/ Jason D. Topp

JDT/bardm

Enclosure

cc: Service List

200 South 5th Street, Suite 2200
Minneapolis, MN 55402

www.centurylink.com

**STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

Katie Sieben	Chair
Valerie Means	Commissioner
Joseph K. Sullivan	Commissioner
Matthew Schuerger	Commissioner
John Tuma	Commissioner

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CERTIFICATE OF SERVICE

Dianne Barthel hereby certifies that on the 18th day of September, 2020, she e-filed a true and correct copy of the annexed filing by posting it on www.edockets.state.mn.us. Said document was also served on the service list via e-mail as designated with the Minnesota Public Utilities Commission.

/s/ Dianne Barthel
Dianne Barthel

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Patricia	Beety	pbeety@lmc.org	League of Minnesota Cities	145 University Ave W Saint Paul, MN 55103	Electronic Service	No	OFF_SL_20-432_C-20-432
Gary	Carlson	gcarlson@lmc.org	League Of Minesota Cities	145 University Avenue West St. Paul, MN 55103	Electronic Service	No	OFF_SL_20-432_C-20-432
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_20-432_C-20-432
Brent	Christensen	bchristensen@mnta.org	Minnesota Telecom Alliance	1000 Westgate Drive, Ste 252 St. Paul, MN 55117	Electronic Service	No	OFF_SL_20-432_C-20-432
John	Coffman	john@johncoffman.net	AARP	871 Tuxedo Blvd. St. Louis, MO 63119-2044	Electronic Service	No	OFF_SL_20-432_C-20-432
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-432_C-20-432
Ron	Elwood	relwood@mnlsap.org	Mid-Minnesota Legal Aid	2324 University Ave Ste 101 Saint Paul, MN 55114	Electronic Service	No	OFF_SL_20-432_C-20-432
Craig	Johnson	cjohnson@lmc.org	League of Minnesota Cities	145 University Ave. W. Saint Paul, MN 55103-2044	Electronic Service	No	OFF_SL_20-432_C-20-432
Jeff S	Lacher	jlacher@cwa-union.org	Communications Workers of America	7600 Parklawn Ave Ste 412 Minneapolis, MN 55435	Electronic Service	No	OFF_SL_20-432_C-20-432
Susan L.	Naughton	snaughton@lmc.org	League Of Minnesota Cities	145 University Avenue West St. Paul, MN 551032044	Electronic Service	No	OFF_SL_20-432_C-20-432

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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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_C-20-432
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-432_C-20-432
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-432_C-20-432

**STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

Katie Sieben	Chair
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**IN THE MATTER OF FORMAL COMPLAINT
REGARDING THE SERVICES PROVIDED BY
THE QWEST CORPORATION, D/B/A
CENTURYLINK IN MINNESOTA, ON BEHALF
OF THE COMMUNICATIONS WORKERS OF
AMERICA (CWA)**

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

QWEST CORPORATION DBA CENTURYLINK QC'S COMMENTS

Qwest Corporation d/b/a CenturyLink QC ("CenturyLink") submits these comments in response to the Commission's Notice of Comment Period issued August 24. The Commission requested comment on the following issues:

- Does the complaint by CWA include the statute, rule, tariff, or Commission order alleged to have been violated; the facts constituting the alleged violation; and the relief sought by complainant, as required by Minn. Rules 7829.1700, subpart 1?
- Does the Commission have jurisdiction over the matters alleged in the complaint?
- Are there reasonable grounds to investigate the allegation?
- Are there other issues or concerns related to this matter?

Contrary to the CWA's rhetoric, CenturyLink has prioritized the health of its Minnesota network. Following the merger with Level 3, CenturyLink dedicated funding over the last two years to plant maintenance and prioritizes projects by customer impact. As a result, Minnesota has some of the lowest trouble rates within CenturyLink's service territory and sufficient funds have been allocated to maintain the Minnesota network.

These comments will address the adequacy of the complaint, the jurisdiction of the Commission and argues that reasonable grounds do not exist to proceed further with this docket.

Background

In February 2020, CenturyLink began a three-month process under its labor agreement to reduce its technician headcount in Minnesota. On April 22, the Communications Workers of America (“CWA”) filed a complaint alleging that Qwest Corporation dba CenturyLink QC (“CenturyLink”) was violating service quality rules. On April 30, after CenturyLink indicated it would not be following through with all of the technician cuts it had announced at that time, the CWA filed a letter with the Commission that this decision “will address most of the concerns we identified in our Letter of Complaint on April 23” and withdrew the complaint. In July, CenturyLink started a new three-month process of reducing Minnesota technician headcount, which coincides with annual reduction in work volumes over the winter months. On August 18, the CWA filed another letter that alleges that the service quality issues they raised originally are still a problem. This course of events suggests that the CWA’s real concern is the reduction in technician headcount rather than the issues raised in its complaint.

It is critical that CenturyLink adjust its workforce to meet market demand and remain financially strong. CenturyLink believes it is well-positioned to maintain its network after it implements the planned headcount reductions at the end of the month. Today, fewer than 20% of the households in Minnesota that can receive voice services from CenturyLink choose to do so. This trend is forecast to continue as more households choose the mobility of a wireless phone over wired voice service.

CenturyLink makes its work volume projections based on an extensive history and data. The headcount reductions in process are based on extensive experience:

- Work volume has decreased 25.9% in the last 5 years;
- Technician headcount has decreased 17.3% during the same period;
- In 2021, work volume is forecast to decline another 7% YoY, or 30.9% less than in 2015;
- Average headcount in 2021 is expected to be 33.5% lower than in 2015;
- While 2021 headcount is expected to be slightly lower than the forecast decline in work volume,
 - CenturyLink will be leveraging seasonal hiring much more than in past years, and
 - CenturyLink is experiencing 5% improvement in productivity since implementation of new Google-based technician routing this year.

While it makes sense that a union would be concerned about maintaining as many jobs as possible for its members, the regulatory process is an inappropriate vehicle for trying to force an outcome in a labor relations issue. The CWA's allegations are as unfounded today as they were back in April. The Commission has ample opportunity to monitor CenturyLink's performance after these headcount reductions take place and should focus on CenturyLink's performance rather than its number of employees. The CWA complaint does not meet the requirements for a formal complaint and does not adequately raise issues that merit a Commission investigation.

I. The CWA letter does not meet the requirements for a formal complaint and does not provide a reasonable basis for investigating this matter.

The Commission asks: "Does the complaint by CWA include the statute, rule, tariff, or Commission order alleged to have been violated; the facts constituting the alleged violation; and the relief sought by complainant, as required by Minn. Rules 7829.1700, subpart 1?"

The letter from the CWA falls short of meeting the requirements for several reasons. It does not include signatures from enough subscribers, and it does not identify specific violations of Commission rules. Instead, it makes generalized and vague allegations without providing sufficient support such that CenturyLink can respond.

A. The CWA Letter does not meet the foundational requirements for a formal complaint because it was not made by 100 subscribers or five percent of customers.

The August 18, 2020 letter from Mr. Jeff S. Lacher of the CWA (“CWA Letter”) does not meet the requirements for a formal complaint under Minn. R. 7812.2210, Subp. 17.A:

After giving notice to the CLEC, the commission may investigate any matter brought forth under its own motion or raised in a complaint against a CLEC of a possible violation of this chapter. A complaint may be brought by a telephone company; by a telecommunications carrier; by the department; by the OAG-RUD; by the governing body of a political subdivision; or by no fewer than five percent or 100, whichever is the lesser number, of the subscribers or spouses of subscribers of the CLEC.

The CWA Letter does not contain a complaint from five percent or 100 subscribers.

B. The CWA Letter does not provide sufficient information to identify actual violations of Commission rules.

The CWA Letter identifies some Commission rules and provides facts it alleges relate to those rules but does not provide a basis for the Commission to conclude that CenturyLink has violated them. These comments will review each allegation in the letter:

1. One repair interval does not suggest violations of Minn. R. 7810.5800 and 5900.

The CWA Letter describes one incident where a customer was given a repair date seven days after the customer called in the ticket and states that such a repair interval is “typical.”¹ He alleges that this information demonstrates a violation of Minn. R. 7810.5800 and 5900. It does not.

Minn. R. 7810.5800 states: “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 CWA Letter’s

¹ CWA Letter, 2. “One Technician explained that in response to a request for service made on July 30, customers were provided with an earliest possible repair appointment date of August 6 -- a full seven days later. Other technicians verified that this lag time is now typical.”

description does not clarify whether this repair involved a voice service over which the Commission has jurisdiction or whether it involved an out of service condition making the rule apply. Even if the repair was for an out of service voice customer, the recitation of the facts do not demonstrate whether or not the delay was the “shortest possible” or say anything about CenturyLink’s objective of restoring 95% out of service within 24 hours. The CWA Letter provides insufficient detail for CenturyLink to even investigate the allegation to determine whether the claims are accurate.

CenturyLink has sought for several years to alter the 95% out of service standard because it believes the rule interferes with the maintenance and installation of the services most important to Minnesota consumers (broadband) in favor of the service that Minnesota consumers are abandoning (voice). Nonetheless, it does have an objective of completing repair of 95% of out of service conditions within 24 hours. CenturyLink complies with its obligations under the rules and its year to date calculation using the methodology under its expired Alternative Form of Regulation Plan is close to the 95% figure.

Minn. R. 7810.5900 requires (1) the company be able to receive customer trouble reports within 24 hours, (2) maintain an accurate record of trouble reports made by its customers and (3) have an objective to maintain service so that the customer trouble report rate is no greater than 6.5 per 100 telephone lines per month per exchange.²

² Minn. R. 7810.5900: Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.

Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.

The “evidence” provided by the CWA does not address any of these issues. CenturyLink is able to receive trouble reports 24 hours a day *and 7 days a week*. It maintains records of trouble reports and its trouble report rate is well less than 1 per 100 lines.

2. CenturyLink has made no changes to policies related to responding to emergency outages outside of normal working hours.

The CWA Letter alleges that CenturyLink has made changes in policies related to responding to emergency outages.³ CenturyLink has made no changes in its policies to respond to emergency outages and regularly does so regardless of the hour when they occur.

CenturyLink is in communication with the Commission and the Department of Commerce for significant outages that impact large number of customers or 911 service. The process was last changed in any meaningful way in 2012.

CenturyLink is at a loss to understand the basis for this claim other than a change it has made where it has stopped paying certain technicians a significant annual sum for being available to answer the phone. That issue is a labor relations issue that should be addressed elsewhere.

3. CenturyLink provides buried wireline service consistent with its tariffs.

The CWA Letter provides commentary about a “new practice” of refusing to provide buried service wire in situations where the customer is unwilling to pay the uneconomic costs

It shall be the objective to so maintain service that the average rate of all customer trouble reports in an exchange is no greater than 6.5 per 100 telephones per month. A customer trouble report rate of more than 8.0 per 100 telephones per month by repair bureau on a continuing basis indicates a need for investigative or corrective action.

³ CWA Letter, 2. “The Company has abandoned its long-established policy that provided a procedure to ensure that technicians are available to respond to individual customers’ emergency outages that occur outside of normal working hours. The process simply was to have some technicians “on-call” for a week or more at a time who remained available for after-hours urgent repair calls (e.g., for those with medical needs, etc.) There is no longer a rotation or even a volunteer list maintained by the Company of available technicians for this purpose. Rule 7810.5900 requires the Company to not only receive trouble reports 24 hours daily, but also, “to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer...””

associated with providing this service.⁴ CenturyLink's tariff provisions authorize such charges and they have been in place for years. This issue was litigated in Minnesota Courts nearly twenty years ago.⁵ Current tariff provisions authorize such charges when the customer is beyond a certain distance from CenturyLink facilities⁶ or construction would be uneconomic.⁷

4. CenturyLink's network is well-maintained.

The CWA Letter alleges that CenturyLink is not maintaining its network and that it is in a state of disrepair.⁸ The Letter attaches a number of pictures of a plant that has been damaged and alleges that those pictures and normal prioritizing of repair work constitutes a violation of Minnesota rules.

CenturyLink responded to these allegations in June and its response then applies today. Its network is healthy. In 2019, the trouble report rate was less than 1 per 100 lines on a state-wide basis and has held steady near that level for several years. 2020 data is consistent with

⁴ CWA Letter, 2. "It appears CenturyLink has instituted a new practice whereby it refuses to provide buried wireline service to residents who are unwilling to accept exorbitant costs being shifted to the customer. The costs vary based on depth and length of the wire drops. The length is a product of the location of server terminal (location of terminals determined by CenturyLink), and the trenching depth required by the municipality. Many municipalities such as Rogers and Maplewood, have depth requirements of as much as 42" for which CenturyLink charges \$3.25/ft. to trench and \$9.25 for boring. According to a Company memo, "If a drop is placed for a new order and it will cost over \$1250, we will likely have to send a tech out to pick up the drop and disconnect the customers service.'"

⁵ *In re the Request for Service In Qwest's Tofte Exchange*, 666 N.W.2d 391 (Minn. App. 2003) (reversing commission decision based on tariff language).

⁶ See e.g. *Exchange and Network Services Tariff of Qwest Corporation dba CenturyLink QC* ("CenturyLink QC Tariff"), § 4.1.B.17.

⁷ See generally *CenturyLink QC Tariff*, § 4.1.

⁸ Administrative Rules 7810.3300 Maintenance of Plant and Equipment, requires CenturyLink to keep "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." Exhibit B is a collection of photos of deteriorating telecom plant plainly visible from the street. While outside observers are forced to imagine the state of the infrastructure hidden from public view, CenturyLink Technicians have direct knowledge and have reported instructions from CenturyLink managers to avoid replacing subpar, damaged, or immersed cables as a cost-saving measure, despite clear indications that the cables need replacement. This is contrary to the mandate of 7810.3300, "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."

Minnesota Administrative Rules 7810-4900 requires the Company to conduct traffic studies and ensure "sufficient equipment and an adequate operating force are provided during the busy hour, busy season."

prior years. To put that number in perspective, Minnesota Rules set forth a standard of 6.5 troubles per 100 lines on an exchange basis.

Minnesota has some of the lowest trouble rates within CenturyLink's service territory which is a testament to the quality of work the CWA technicians perform and the continued focus on ensuring CenturyLink identifies and addresses network deficiencies. In addition, CenturyLink has invested in proactive maintenance programs and routinely addresses smaller maintenance issues its frontline technicians bring forward. Finally, CenturyLink has invested robustly in fiber to the home and other network upgrades that modernize the network and prevent problems that would otherwise appear with an older network.

Random photographs of damaged pedestals provide little insight into the state of CenturyLink's network. CenturyLink pedestals are damaged regularly by a variety of sources including cars backing into them, construction activities, snowplows, animals in remote areas and many other random events. A technician who identifies such issues is required to report them so that the company can follow up and repair them. CenturyLink did so when it identified the plant provided by Mr. Lacher in June and will do so again assuming technicians followed that process with the damaged plant. CenturyLink invites Mr. Lacher to identify the locations of that plant so CenturyLink can make sure it gets repaired. This is an ongoing process that is necessary to maintain any network.

5. CenturyLink tracks complaints in compliance with Commission rules.

The CWA Letter's final allegation is that CenturyLink does not maintain records of customer issues and alleges that such a failure may be a violation of Minn. R. 7810.5800 and 5900.⁹

⁹ CWA Letter, 3.

Minn. R. 7810.5800 mentions nothing about tracking complaints and does not appear to relate to this allegation.¹⁰ Rule 5900 states in relevant part:

Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.

CenturyLink complies with this obligation. Every customer repair ticket includes the following information:

1. **Appropriate identification of the customer:** *Customer name, address, wire center, Billing Account Number (BAN), main telephone number.*
2. **Or service affected:** *Market code (Residence, Business, etc.).*
3. **The time, date:** *Trouble report Receive Date/Time, dispatch (if applicable) arrival date/time.*
4. **And nature of the report:** *Service affecting, service outage, features issue, long distance, billing, cause of the trouble, etc.*
5. **The action taken to clear trouble or satisfy the complaint:** *Technician narrative of cause of trouble and how corrected.*
6. **And the date and time of trouble clearance or:** *Trouble clearance date/time.*
7. **Other disposition:** *Specific disposition/found codes used to categorize location/disposition of trouble.*

CenturyLink also tracks complaints filed by state agencies or other outside groups that are resolved by our Consumer Advocacy Group.

The Commission reviewed CenturyLink's complaint tracking process with respect to Telephone Assistance Plan reporting requirements in Docket No. 17-196. CenturyLink filed six

¹⁰ Minn. R. 7810.5800 provides:

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.

quarterly reports outlining each complaint, customer inquiry and request for service. Those filings continued until March of this year. The Commission took no further action with respect to the issue.¹¹ CenturyLink tracks customer trouble reports, maintains data on its trouble report rate and maintains records in compliance with the rules with respect to each complaint.

II. Commission jurisdiction.

The Commission has jurisdiction over CenturyLink's service quality for voice services. It does not, however, have the freedom to resolve a complaint that does not meet its rules or resolve a labor dispute. If the Commission were to proceed, it would need to do so under its own motion and would need to focus on service quality rather than specify the number of employees CenturyLink should hire. The CWA Letter does not provide a sound basis for doing so.

III. There are not reasonable grounds to investigate this matter.

The CWA's approach of timing Commission complaints with announced force reductions should be treated for what it is – an effort at putting pressure on CenturyLink to retain more technicians than it believes it needs. This Commission should not put itself in a position to manage headcount.

CONCLUSION

The CWA appears to have taken on a strategy of attempting to influence workforce decisions by alleging service quality or other rules violations before the Commission. The Commission should of course investigate legitimate service quality issues but the facts in this case do not match up with the concern. CenturyLink has provided ample information in response to each issue the CWA raises.

¹¹ See Commission Orders and Compliance Filings, *In the Matter of the Commission Inquiry into CenturyLink's Compliance with TAP Statutes and Rules*, MPUC Docket No. P-421/CI-17-796.

The CWA does not list the relief it seeks other than an “investigation.” Of course, the relief it really seeks is to maintain more technician positions in Minnesota. The Commission should reject becoming a tool for one side in labor relations issues and decline to proceed further with this issue.

Dated this 18th day of September, 2020.

QWEST CORPORATION dba
CENTURYLINK QC

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