

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

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

**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

AFFIDAVIT OF BRIAN FANCIULLI

STATE OF WISCONSIN)
) ss.
COUNTY OF LA CROSSE)

I, Brian Fanciulli, being first duly sworn upon oath, state as follows:

1. I am the Senior Director for Field Operations, and I am responsible for the operation of the local network in Minnesota.

2. I submit this affidavit in response to several allegations made in the comments filed by the Minnesota Department of Commerce (DOC) and the Minnesota Office of Attorney General (OAG) filed in this docket on July 1, 2021.

3. The Comments filed by the DOC and OAG leave the impression that CenturyLink has underinvested in its network and that Minnesota customers are receiving poor service. Based on my 27 years in the telecommunications industry, the trouble report is the best indicator of the strength and quality of a telecommunications network. While creating and maintaining a state-wide network is an enormous and complex undertaking, CenturyLink's trouble report rate demonstrates the value of our investments in Minnesota and that those investments have led to strong performance of the network.

A. Investing in the Network

4. CenturyLink's investments in the network are documented by the affidavits of Adam Anderson and Kenneth W. Buchan.

5. Deployment of fiber to expand CenturyLink's broadband capabilities directly improves the reliability and resilience of voice service. For example, fiber is far less susceptible to background noise like crosstalk, which can be present on copper lines, and power influence, which causes hums and static on copper lines in the vicinity of commercial power. By moving copper-based services, including voice, to fiber, CenturyLink is improving its voice service by upgrading the infrastructure used to deliver the service.

B. Maintaining an Adequate Workforce

6. CenturyLink strives to maintain a workforce in line with workload.

7. **[NOT PUBLIC DATA BEGINS**

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C. Maintaining Facilities

11. I have reviewed the pictures submitted to the Commission of facilities, mostly pedestals, allegedly in need of repair.

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14. The pictures submitted to this record do not, by themselves, demonstrate the need for, or urgency of, a repair.

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ENDS]

This concludes my affidavit.

A handwritten signature in black ink, appearing to read 'Brian Fanciulli', written over a horizontal line.

Brian Fanciulli

Subscribed and sworn to before me
this 30th day of August, 2021.

Notary Public

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Exhibit 2

**STATE OF MINNESOTA
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AFFIDAVIT OF KENNETH W. BUCHAN

STATE OF LOUISIANA)
) ss.
PARISH OF OUACHITA)

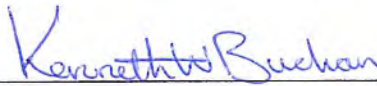
Kenneth W. Buchan, being first duly sworn on oath, deposes and states as follows:

1. I am a Senior Manager Regulatory Finance for CenturyLink. My department is responsible for financial regulatory reporting to state agencies and the Federal Communications Commission.
2. CenturyLink maintains one network in Minnesota. Neither capital investments nor expenses can be meaningfully separated into “broadband” on the one hand or “voice” on the other.
3. Attached as Exhibit KB-1 to this affidavit are the total network maintenance expenditures attributed to services provided in Minnesota for the years 2018-2020. These expenses are separate from capital investments which are for assets with a useful life of longer than one year. They include the full array of costs associated with maintaining our Minnesota network.

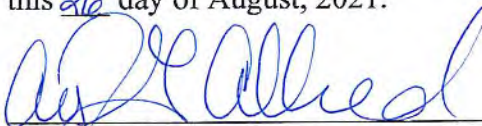
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4. Column B of the exhibit shows the total amount spent on the Minnesota network. Column C shows the portion of that total amount attributed to intrastate services pursuant to FCC rules.

This concludes my affidavit.


Kenneth W. Buchan

Subscribed and sworn to before me
this 26th day of August, 2021.


Notary Public



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**STATE OF MINNESOTA
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MPUC Docket No. P-421/C-20-432

AFFIDAVIT OF ADAM E. ANDERSON

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Adam E. Anderson, being first duly sworn on oath, deposes and states as follows:

1. My title is Director of Field Operations with responsibility for Network Implementation in Minnesota.
2. CenturyLink spends significant amounts in capital to maintain and expand its network.

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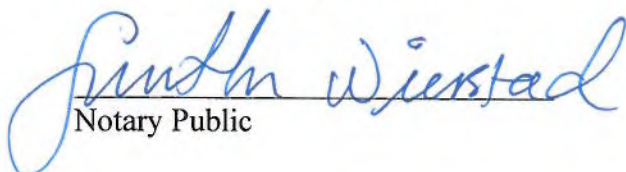
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This concludes my affidavit.

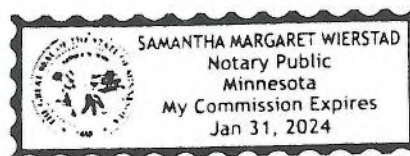


Adam E. Anderson

Subscribed and sworn to before me
this 27 day of August, 2021.



Notary Public



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

AFFIDAVIT OF VICTORIA HUNNICUTT

STATE OF WYOMING)
) ss.
COUNTY OF PLATTE)

I, Victoria Hunnicutt, being duly sworn, states as follows:

1. My title is Government Affairs Director of Public Policy and Compliance with CenturyLink.
2. In my position with CenturyLink, I ensure the integrity of retail service quality reporting to the best of my ability. I work with Information Technology (IT) organizations within the Company to ensure the data set and calculations reconcile with state rules across the CenturyLink region. Once the tickets and orders are closed, this detail is pulled, unmodified, into the reporting system and is used in the metric calculations.
3. The reporting process, in part, includes performance monitoring and providing the metric results produced in discovery. Minnesota Commission rules do not specify how to calculate metric performance. A number of the metrics stipulated in Minnesota are very similar across the remaining, regulated states and are, effectively, industry standards. The Trouble Report Rate (TRR) and Out-of-Service (OOS) are prime examples of metrics calculated in the same manner across multiple states. Further, the OOS performance metric calculation in reports

filed under CenturyLink’s Alternative Form of Regulation Plans (AFOR) which were submitted to the Commission annually and reviewed by the Department remain unchanged for decades. In other words, no report coding changes have been made to the calculations since the sunset of the AFOR.

A. OOS 24 Hours

4. In its comments, the Department states “the way CenturyLink reports its data may underestimate how long customers wait for repairs. . . . The CWA asserts, ‘The Company liberally defined repair commitments ‘met’ if the repair happens on the day it is initially *scheduled*, notwithstanding the fact that the day the repair is scheduled is rarely within 24 hours of the customer call.’”¹

5. The Department’s position is mistaken and misleading as it conflates two, separate and distinct metrics. The OOS metric quantifies the number of service outage tickets restored in the stipulated 24-hour window as compared to the total number of service outage tickets. Each ticket comprising the numerator is calculated down to the hour and minute based upon the difference between start date/time (when the ticket is opened) and the end date/time (when service is restored and the ticket is closed). If the difference between these two times is less than or equal to 24 hours, the numerator is incremented; if the difference is greater than 24 hours, the ticket is deemed a “miss” and no change to the numerator is made. The OOS calculation has no inputs associated with Company commitments. To be clear, if CenturyLink does not offer a repair appointment within 24 hours and the outage is not cleared within 24 hours, the ticket is considered a miss with respect to the OOS metric calculation.

6. The DOC states: “Customers, unaware of the PUC rules and regulations, are encouraged to accept the ‘earliest possible’ appointment for repair at dates and times well

¹ Department Comments, 17.

beyond 24 hours from the call reporting the outage. The Company's records do not reflect this."² This criticism is unfounded. As described above, the earliest date available and offered for repair is not used to calculate the time to repair customer OOS troubles. The date and time the ticket was opened is when the 24-hour clock starts. Therefore, if a customer calls in to report a service outage and the earliest appointment is greater than 24 hours, CenturyLink records the ticket as a miss for the OOS metric. CenturyLink has made no material changes to its method for tracking performance over the last 20 years and CenturyLink has filed performance results in this manner with the Commission.

B. Updated Metrics - Call Wait Times

7. CenturyLink has two, separate customer service organizations: Business Office and Repair. The Company's call hold times performance results prior to the pandemic (beginning, in earnest, March 2020) were meeting or beating the stipulated target. Due to the mandated quarantines coupled with limited in-home internet access for the Company representatives, the Company experienced a substantial decrease in call center representatives. The Company worked to provide computers and adequate access to the internet. By July 2020, the Repair call center performance showed significant improvement. The Company's Repair call wait time was meeting and beating the metric target by the end of September.

8. The Business Office, which has an inherent penalty of loss of potential customers due to long wait times, is still working to bring performance back to pre-pandemic levels. In addition to the mandated quarantine and issues associated with representatives spontaneously having to work from home, a system change was implemented which further complicated the ability to attain pre-pandemic performance results.

² Department Comments, 17.

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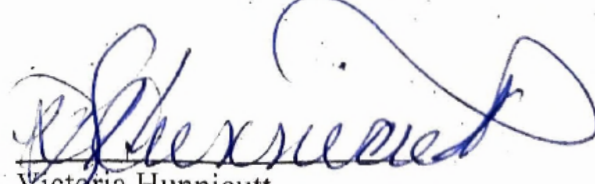
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C. Trouble Report Rate


9. The Trouble Report Rate (TRR) metric demonstrates the robust nature and overall health of a company's facilities which is why, I believe, all remaining regulated states continue to employ this metric. Per the obligations associated with TRR (7810.5900 CUSTOMER TROUBLE REPORTS), CenturyLink maintains an "accurate record of trouble reports made by its customers." The Company's records include, but are not limited to, "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."

10. The Company's objective is to "maintain service that the average rate of all customer trouble reports in an exchange is no greater than 6.5 per 100 telephones [access lines] per month." CenturyLink's TRR performance results consistently demonstrate this objective is not only being met but exceeds the metric target by a large margin on a monthly basis year over year. Further, the statewide performance result is generally below 1.0 month by month.

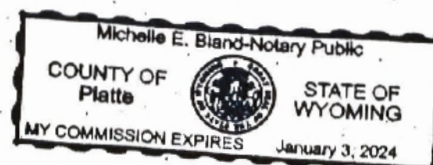
This concludes my affidavit.


Victoria Hunnicutt

Subscribed and sworn to before me
this 30th day of August, 2021.



Notary Public



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

AFFIDAVIT OF SCOTT BELKA

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

I, Scott Belka, being duly sworn, state as follows:

1. My title is Manager Customer Service and one of my responsibilities is to manage the Consumer Advocacy Group (CAG) that has responsibility for responding to complaints submitted by government agencies or escalated to my organization.

2. The comments filed by the Office of the Attorney General (OAG) and Department of Commerce (DOC) express concerns about (1) the timeliness of CenturyLink's responses to complaints and (2) the records CenturyLink keeps related to complaints. This affidavit verifies facts associated with each of those concerns.

A. CenturyLink has responded to nearly every complaint within 5 days and updates the customer as necessary every 14 days.

3. One of the concerns expressed in the comments filed by the OAG and DOC related to the timeliness of the responses provided by CenturyLink. Essentially, there were two

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alleged rule violations: not responding within 5 days and not updating the customer every 14 days based on their interpretation of Minn. R. 7810.1100.¹

4. I reviewed [NOT PUBLIC DATA BEGINS [REDACTED] NOT PUBLIC DATA ENDS] total complaints responded to between January 1, 2020 and July 31, 2021 related to voice service. Of those [NOT PUBLIC DATA BEGINS [REDACTED] NOT PUBLIC DATA ENDS] complaints, we responded within 5 days [NOT PUBLIC DATA BEGINS [REDACTED] NOT PUBLIC DATA ENDS] of the time.

5. The comments also allege that CenturyLink does not update the customer every 14 days. I did identify [NOT PUBLIC DATA BEGINS [REDACTED] NOT PUBLIC DATA ENDS] complaints where a contact was not made every 14 days. Those cases fell into the following categories:

[NOT PUBLIC DATA BEGINS [REDACTED] NOT PUBLIC DATA ENDS]

We had not implemented a reminder system to require updates every 14 days. Because most of the complaints at issue are filed by government agencies, we had difficulty squaring the

¹ 7810.1100 COMPLAINT PROCEDURES.

Subpart 1. Personnel available to hear inquiries and complaints.

The utility shall establish such procedures whereby qualified personnel shall be available during regular business hours to receive and, if possible, resolve all customer inquiries, requests, and complaints.

Subp. 2. Investigation of complaints.

If any complaint cannot be promptly resolved, the utility shall contact the customer within five business days and at least once every 14 calendar days thereafter, and advise the customer regarding the status of its investigation until: the complaint is mutually resolved; or the utility advises the customer of the results of its investigation and final disposition of the matter; or the customer files a written complaint with the Public Utilities Commission or the courts.

Subp. 3. Notification to Public Utilities Commission of complaint.

When the Public Utilities Commission forwards a customer complaint to the utility, the utility shall notify the commission within five business days regarding the status or disposition of the complaint.

requirement to communicate with the customer when the communications regarding the complaint were generally with state agencies.

6. In many cases, an update every 14 days did not seem necessary. For example, one customer wanted a temporary cable buried and we informed staff that we would do so after the ground thawed. It did not seem necessary to update the customer every 14 days throughout winter that the ground was still frozen.

7. Nonetheless, in light of the positions taken by the OAG and DOC, we have instituted a requirement that the customer be contacted every 14 days regardless of whether there is new information to be shared during that time period.

B. CenturyLink maintains records consistent with state requirements.

8. The second area of concern raised by the OAG and DOC relates to complaint records. CenturyLink's obligations in that regard are set forth in Minn. R. 7810.1200:

Each utility shall keep a record of all complaints received by it from its customers which shall be classified as directed by the Public Utilities Commission. The record shall show the name and address of the customer, the date and nature of the complaint, and its disposition and date thereof. The utility shall keep records of the customer complaints in such a manner as will enable it to review and analyze its procedures and actions.

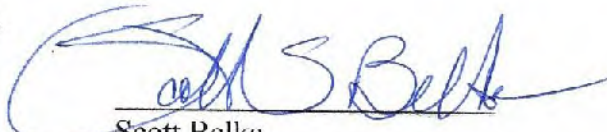
9. CenturyLink complies with these requirements as follows:

- We keep a record of "all complaints." To my knowledge the Commission has never defined the term "complaint" so we have defined the term as matters referred to my office due to complaints by government agencies or escalations to company executives. We have communicated this classification to the Commission and have not received instruction to define the term more broadly.
- The Commission has never directed CenturyLink to classify complaints in a particular manner, so I believe we comply with the requirement that complaints be "classified as directed by the Public Utilities Commission."
- We produced 785 pages of customer complaint records in discovery. Our complaint records meet the requirements of including "the name and address of the customer, the date and nature of the complaint, and its disposition and date thereof."

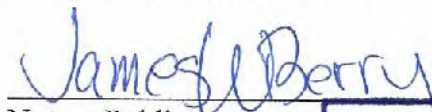
10. CenturyLink maintains complaint records and I review them regularly with Company officials. CenturyLink meets the obligation to "keep records of the customer complaints in such a manner as will enable it to review and analyze its procedures and actions."

11. Even if the Commission directed CenturyLink to consider a broader array of trouble reports "complaints," I believe CenturyLink complies with its obligations to maintain appropriate records. Customer care records include "the name and address of the customer, the date and nature of the complaint, and its disposition and date thereof." Such records are maintained in a manner that enable the company to review and analyze its procedures and actions."

This concludes my affidavit.


Scott Belka

Subscribed and sworn to before me
this 25th day of August, 2021.


Notary Public

