

BEFORE THE STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Formal Complaint
Regarding the Services Provided by the Qwest
Corporation d/b/a CenturyLink in Minnesota,
on behalf of the Communication Workers of
America (CWA)

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

REPLY COMMENTS OF
COMMUNICATIONS WORKERS OF AMERICA - District 7

Hooman Hedayati
Strategic Research Associate for Telecommunications Policy
Communications Workers of America
501 3rd St NW
Washington, DC 20001
hhedayati@cwa-union.org
(202) 434-1198

Jeff Lacher
Staff Representative
Communications Workers of America – District 7,
AFL-CIO
7600 Parklawn Ave., Ste. 412
Minneapolis, MN 55435

August 30, 2021

I. INTRODUCTION

In response to the notice of extended reply comment period issued by the Commission on July 27, 2021, the Communications Workers of America - District 7 (“CWA”) submits the following Reply Comments In the Matter of the Formal Complaint Regarding the Services Provided by the Qwest Corporation d/b/a CenturyLink in Minnesota, on behalf of the Communication Workers of America (CWA).¹

II. BACKGROUND

On April 23, 2020, the CWA filed a formal complaint with the Commission over CenturyLink’s dilapidated plant condition, failure to meet service quality and consumer protection rules, and its plan to eliminate almost half of the Technicians it employs to maintain communications services to the Twin Cities region.² CWA withdrew its complaint after CenturyLink committed to address CWA’s concerns relating to the company’s planned infrastructure investments and retention of a sufficient workforce in Minnesota.³ Unfortunately, those promises did not materialize and CWA filed a second complaint within weeks after CenturyLink issued a “new” involuntary notice of force adjustment for essentially the same workforce as their earlier notice.⁴ CWA’s second complaint identified additional standards that it believed CenturyLink was violating and urged the Commission to immediately investigate CenturyLink’s failure to meet its obligations.⁵ After a series of comments over procedural and

¹ See Notice of Extended Reply Comment Period, In the Matter of the Formal Complaint Regarding the Services Provided by the Qwest Corporation d/b/a CenturyLink in Minnesota, on behalf of the Communication Workers of America (CWA) (issued July 27, 2021).

² See Complaint Letter from Jeff Lacher to the Minnesota Public Utilities Commission, PUC Docket No. P-421/M-20-432, Document No. 20204-162321-01 (received April 23, 2020).

³ See Letter from Jeff Lacher to the Minnesota Public Utilities Commission, PUC Docket No. P-421/M-20-432, Document No. 20204-162752-01 (received May 1, 2020).

⁴ See Complaint Letter from Jeff Lacher to the Minnesota Public Utilities Commission, PUC Docket No. P-421/M-20-432, Document No. 20208-165981-01 (August 18, 2020).

⁵ *Id* at 3.

jurisdictional issues, the Commission issued a Second Notice of Comment Period and invited the parties to conduct their own investigation of CenturyLink's service quality.

III. CWA INVESTIGATION CONFIRMS CENTURYLINK DISINVESTMENT IN COPPER PLANT

In response to this proceeding and the recent CenturyLink petition for rulemaking regarding Minnesota rules Chapter 7810 in Docket No. P-421/M-21-381, and as part of its ongoing obligation to its members, CWA conducted an investigation of the conditions of CenturyLink's plant and equipment. The investigation included reviewing FCC broadband data and focus group panels with CenturyLink technicians and customer service representatives regarding the external condition of the plant in Minnesota and the company's handling of customer service calls, in addition to collection of additional CenturyLink plant photos that were readily observable from public streets and sidewalks.

CenturyLink has failed to maintain its physical copper plant, negatively affecting vulnerable, low-income, elderly, and customers in rural communities who do not have alternative landline providers. CWA's investigation in docket no. P-421/M-21-381 revealed that CenturyLink has failed to deploy fiber to at least 46 percent of its coverage area in Minnesota, leaving the majority of its coverage area exposed to a deteriorating plant that continues to rely on decade-old copper cables. Competition alone will not ensure that all Minnesota residents and businesses have access to quality basic local exchange services. Many CenturyLink customers do not have reliable and affordable alternatives to CenturyLink's basic local exchange service and continue to rely on CenturyLink for voice service, including 911 emergency service.

Much of CenturyLink's infrastructure in Minnesota still relies on the same copper cables that were installed in the 1980s. As technology changed, CenturyLink and its predecessors failed to invest in next-generation fiber networks. While CWA welcomes CenturyLink's decision to

transition to next-generation fiber networks, the deployment is not being done rapidly or equitably among its residential customers. The Commission should deny CenturyLink the opportunity to abandon those customers who still have to rely on its copper cables without adequate or alternative wireline options. The Commission should require CenturyLink to fully comply with the Commission's service quality standards and reiterate an unambiguous regulatory signal that until CenturyLink has completed the transition of its operations from the legacy public switched telephone network (PSTN) to fiber, it must continue to maintain its copper network on which its customers in most areas of the state still depend for their essential communications services.

1. Centurylink reduced its Minnesota workforce by 52 percent in the last four years

CenturyLink's failure to equitably upgrade its Minnesota infrastructure is closely correlated with the decline in the number of trained, career employees in the field. According to CWA's analysis, the size of the CWA-bargained workforce at CenturyLink declined by 780 people (52 percent) in four years, shrinking from 1,506 in December 2016, to 1,195 in September 2018, to 717 in January 2021. CWA members report that there is no longer a routine maintenance crew doing preventative work. CWA technicians also report hearing of plans to sharply reduce technician workforces in Rochester and Minneapolis and to eliminate technicians in Sibley, Nicollet, and Le Sueur counties, requiring any maintenance work to be covered by technicians in Northfield.

2. Documentation of CenturyLink's Minnesota plant

As part of our on-going obligation to our members and communities that they serve, CWA conducted an investigation of CenturyLink's facilities in 2020 and again in April 2021. The investigation focused on the condition of the outside plant readily observable from public

streets and sidewalks and includes photographic documentation of serious problems that cause connection problems for customers and expose workers and the public to unsafe conditions. Some of these photographs were included in CWA's previous filings in this docket. CWA provided updated April 2021 photographs showing the continuation of the deterioration in its comments in docket P-421/M-21-381, which CWA also includes in this filing. In addition to CWA, DOC's comments also included photographic evidence of damaged pedestals by CenturyLink customers that were submitted through the DOC/AARP customer survey.⁶

The persistence of obvious network issues, like those documented here, indicates the need for increased investment in the network, adequate staffing, and CenturyLink's compliance with the Commission's service quality rules. The following photographs illustrate damaged terminals and pedestals with exposed wires or damaged terminals and pedestals covered with plastic bags that were only meant to be a temporary fix as they will deteriorate with exposure to the elements. Exposed wires can be damaged by weather or animals. Damaged wires often cause service outages and are a public safety concern due to their ease of accessibility from the ground.



Location: 1975 Long Lake Rd, New Brighton, MN 55112

March 2020	October 2020	April 2021
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⁶ See DOC Comments, Attachment 18.



Location: 2332 14th St NW, New Brighton, MN 55112

August 2020	April 2021
	

Location: 1241 Theodore Wirth Parkway, Minneapolis

August 2020	April 2021

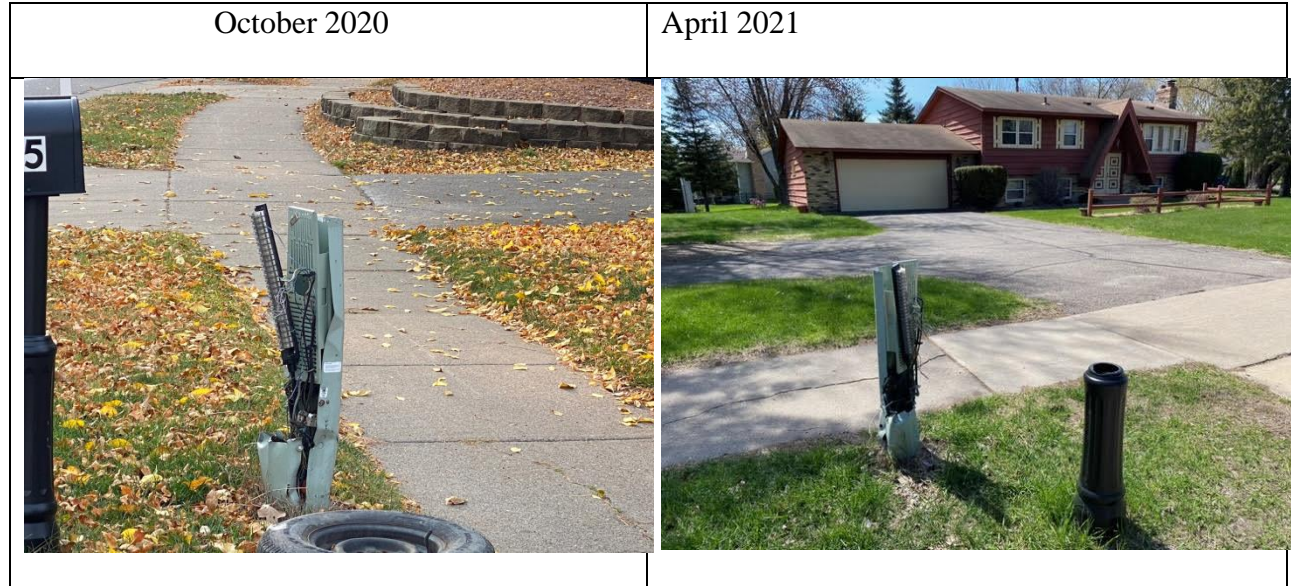


Location: 1200 Co Rd. 42 Burnsville

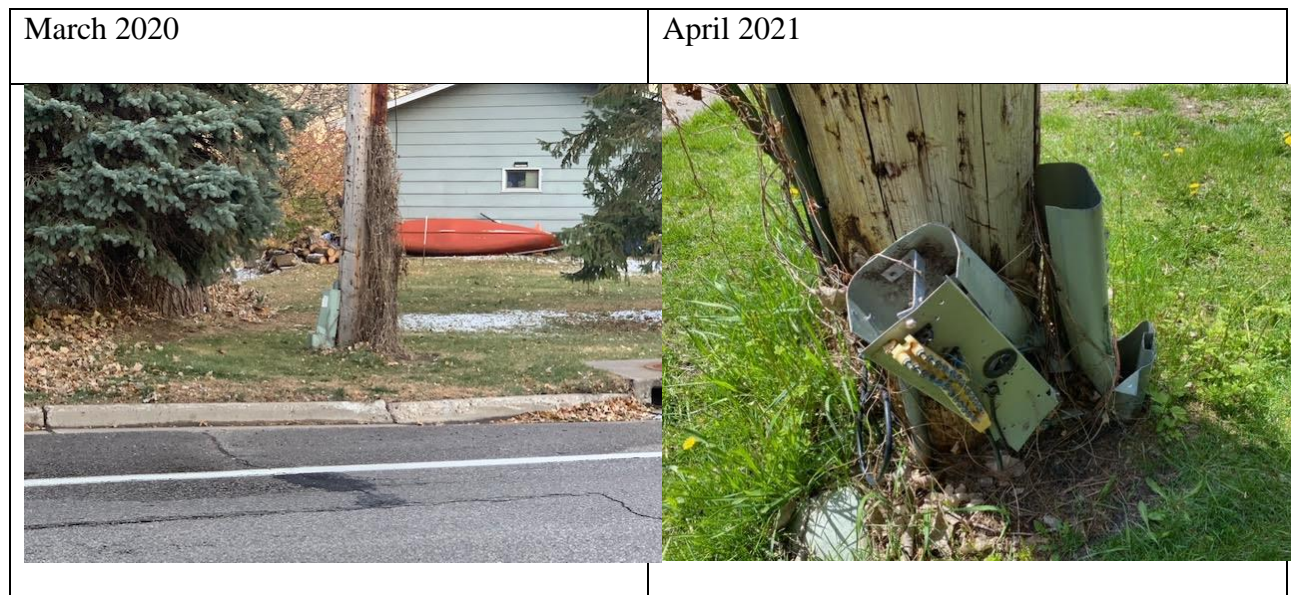
April 2021



Location: 1355 Long Lake Rd, New Brighton, MN 55112



Location: 1748 Long Lake Rd, New Brighton, MN 55112



Location: 966 McKnight Rd S, St Paul, MN 55119 - March 2020



S Owasso Blvd & Rice St
Roseville, MN 55113

April 2020



CenturyLink incorrectly blames the deteriorating condition of the plant on its technicians and customers by stating that:

“[w]e depend on our technicians to identify pedestals in need of repair and have a reporting process in place for situations in which technicians notice damage that needs to be addressed. Yet, according to [the Company’s] records, with one exception, no technician has reported these issues to CenturyLink. Instead, they appear to have submitted them to the OAG and the [Department] as part of this investigation. Such an approach is contrary to the technician’s obligations to the company and, more importantly, does not allow CenturyLink to repair the issue”⁷

CWA agrees with the OAG that CenturyLink’s obligation to keep its plant in good condition falls solely on CenturyLink.⁸ CWA technicians have frequently reported damages to superiors or noted them in their logs.

IV. CALL CENTER CUSTOMER SUPPORT REPRESENTATIVES CONFIRM LONG RESPONSE TIMES

CenturyLink does not operate a call center in Minnesota. However, CWA members working at call centers in Iowa and Nebraska that answer incoming calls from Minnesota corroborate the DOC and OAG findings of extended customer service response time delays including CenturyLink’s failure to answer 90% of repair calls and other calls within 20 seconds.⁹ CWA believes this failure is mainly due to inadequate staffing of trained and experienced customer service representatives. The number of CWA-represented customer service representatives has continuously decreased in recent years. Call center representatives report that lack of hiring, insufficient training, and low starting wages are some of the most important reasons causing low customer service experience and long delays by customers. Customer service representatives also experience unreasonable quotas and pressures from supervisors to resolve issues and close cases. This often results in temporary resolutions, follow-up calls, and frequent technician dispatches that may not have been necessary if the customer service representatives were allowed to take as much time as necessary to resolve issues.

⁷ See OAG comments at 21; See also OAG Exh. A, CenturyLink Response to OAG IR No. 021 (June 11, 2021).

⁸ *Id.*

⁹ See DOC Comments at 12. See also OAG Comments at 24-26.

CWA members also report that Customer service representatives are not specialized in specific functions and are trained to handle all incoming consumer calls. This lack of specialization casts doubt on the purpose of CenturyLink's automated answering system, which requires customers to go through several different prompts that ask customers whether their calls are related to billing, payments, discontinuation of services, products and services, or repair or technical support. CWA believes it is possible the automated answering system is used by CenturyLink as a delay tactic.

When customers are able to connect to a representative, they often express frustration about the long hold times. Even though repair calls are required to be answered by live agents 24 hours a day, customers complain that the automated IVR system at times informs them, incorrectly, that call centers are closed after-hours and on weekends, requesting the customer to call back at a later time. CWA members also complain of too few supervisory staff available to assist first level support personnel with their questions, which could result in much longer hold times or frequent call-backs. At times, former call center representatives who are also customers of CenturyLink contact their former colleagues in hopes of getting a resolution to their problem as they also experience obstacles getting through to a live agent on the customer service line. CWA call center members also report a rise in the frequency of unnecessary technician dispatches from CenturyLink's offshore call center representatives who have to adhere to stricter time quotas.

CenturyLink customer contacts through the website's chat function are initially handled through the automated Watson AI system used by CenturyLink. It could take several minutes or longer during busy periods for a customer to be connected to a live chat representative if the AI system is not able to handle the customer's question.

V. DOC AND OAG INVESTIGATIONS CONFIRM CWA ALLEGATIONS AND POINT TO FURTHER VIOLATIONS OF COMMISSION RULES

The Department of Commerce (“DOC”) and the Office of Attorney General’s (“OAG”) analysis of the documents provided through information requests confirm CenturyLink’s noncompliance with many of the Commission rules.¹⁰ The DOC and OAG investigations confirm CWA’s allegations of CenturyLink noncompliance, cite additional rules that CenturyLink may be violating, explain how CenturyLink’s recent network investment has not gone to improving landline services, and provide recommendations on how to ensure compliance with the rules.¹¹ Both DOC and OAG investigations found evidence that CenturyLink is not meeting the requirements of the following Minnesota Rules:

Minn. R. 7810.5800 (Interruptions of Service)
Minn. R. 7810.5900 (Customer Trouble Reports)
Minn. R. 7810.3300 (Maintenance of Plant and Equipment)
Minn. R. 7810.4900 (Adequacy of Service)
Minn. R. 7810.5000 (Utility Obligations)
Minn. R. 7810.6000 (Protective Measures)
Minn. R. 7810.1100 (Complaint Procedures)
Minn. R. 7810.5200 (Answering Time)
Minn. R. 7810.1200 (Record of Complaint)

The OAG’s investigation also indicates violations of Minn. R. 7810.5500 (Transmission Requirements) and Minn. R. 7810.2800 (Delay in Initial Service or Upgrade).¹² CWA urges the

¹⁰ See Comments of Department of Commerce, PUC Docket No. P-421/M-20-432 (July 1, 2021) [hereinafter DOC Comments]; See also Comments of the Office of the Attorney General—Residential Utilities Division (July 1, 2021) [hereinafter OAG Comments].

¹¹ *Id.*

¹² See DOC summary of recommendations at DOC at 24; See also OAG summary of recommendations at OAG at 37.

Commission to adopt DOC and OAG recommendations. We also offer several recommendations for further improvement.

1. Tracking of Customer Complaints

Both DOC and OAG recommend the Commission clarify its definition of a complaint so that CenturyLink does not undercount customer complaints. More specifically, CWA urges the Commission to adopt the DOC recommendation for CenturyLink to provide detailed procedures for improving complaint collection and tracking, for the Commission to accept public comment, and implement improvements within 60 days of Commission approval.¹³

2. Landline infrastructure and workforce investment

In response to CenturyLink's failure to invest in its landline infrastructure, the OAG recommends the Commission "require CenturyLink to keep its existing landline infrastructure in good condition and continue to provide quality services to the Company's landline customers until the Company makes broadband service available and affordable for all of its customers."¹⁴ CWA agrees and urges the Commission to require CenturyLink to set aside sufficient funds for landline repairs and maintenance before the Minnesota subsidiary transfers any earnings from its Minnesota operations to the national parent company. Furthermore, CenturyLink should be required to reverse recent workforce reductions and hire a sufficient number of well-trained local employees dedicated to landline repair and maintenance operations. The Commission should require CenturyLink to stop outsourcing work to subcontractors, which CWA views as a tactic designed to undercut wages and quality standards. CenturyLink should be required to develop a staffing plan and a quarterly report to the Commission of the percentage of total technician time spent on POTS-only and non-POTS maintenance.

¹³ DOC Comments at 24.

¹⁴ OAG Comments at 38

More specifically, CWA supports DOC's recommendation for a service improvement plan open to public comments that describes in detail practicable steps to track interruptions of service and to achieve compliance with Minn. R. 7810.5800 and R. 7810.3300.

OAG recommends CenturyLink to notify the Commission "every time its out-of-service clearing rate falls below 70 percent in any month for any wire center" and "any time its customer trouble report rate exceeds 8.0 in any month for any wire center."¹⁵ CWA supports this recommendation but further recommends that the Commission require CenturyLink to also include the length of each out-of-service and trouble-report ticket. This will allow the Commission to identify whether CenturyLink prioritizes more recent customers to the detriment of customers whose resolution deadline has already been missed in order to falsely improve its compliance rate.

3. Preventative maintenance

DOC recommends a proactive maintenance plan to identify, monitor, evaluate, anticipate, and address maintenance issues, provide written instructions to customers on how to report plant concerns, and file detailed quarterly reports with the Commission. DOC also recommends monthly meeting of CenturyLink personnel responsible for proactive maintenance plans to review, evaluate, and determine necessary action.¹⁶ CWA supports DOC's recommendations and further recommends creation of a dedicated team of technicians responsible for landline preventative maintenance and creation of a central reporting database for field technicians to report maintenance issues.

4. Customer response time

¹⁵ OAG Comments at 15.

¹⁶ DOC Comments at 25.

DOC recommends the Commission require detailed monthly reporting of answering time service levels, including “the number of calls dropped prior to connecting with an agent, and the shortest, longest, and average length of wait time before the calls were dropped.”¹⁷ The OAG recommends that CenturyLink notify the Commission every month that a customer wait time exceeds 60 seconds and provide the actual wait time and the reason for the call.¹⁸ CWA supports these efforts and further recommends that CenturyLink be required to categorize the length of calls lasting between 1-20 seconds, 20-60 seconds, 1-5 minutes, 5-30 minutes, 30-60 minutes, 1-2 hours, and over two hours. Additionally, CenturyLink should report the number of calls dropped prior to connecting with an agent during the above time periods. This will ensure that CenturyLink does not sacrifice customers on hold for long periods by prioritizing new callers to improve its compliance rate.

5. Penalties for violations

CWA also supports consideration of referral for penalties under Minnesota Statutes, section 237.461 if CenturyLink continues to violate Commission rules. Without financial penalties, CenturyLink may not have the economic motivation to comply with Commission standards.

VI. CONCLUSION

DOC and OAG investigations corroborate CWA’s allegation of CenturyLink noncompliance with several Commission service quality standards. Competition alone will not ensure that all Minnesota residents and businesses have access to quality basic local exchange services. Many CenturyLink customers do not have access to alternative wireline providers and

¹⁷ DOC Comments at 25.

¹⁸ OAG Comments at 27.

the Commission's enforcement of existing service quality rules will ensure that customers in areas that CenturyLink has deemed uneconomical for fiber investments will not be left behind. While the Minnesota Commission does not currently regulate broadband, the broadband service provided by CenturyLink rides on the same "last mile" facilities as its phone service, which is regulated. The Commission should adopt the DOC, OAG, and CWA recommendations and reiterate an unambiguous regulatory signal that CenturyLink must continue to maintain its copper network on which its customers in most areas of the state still depend for their essential communications services.

Respectfully submitted,



Jeff Lacher
Staff Representative
Communications Workers of America – District 7,
AFL-CIO
7600 Parklawn Ave., Ste. 412
Minneapolis, MN 55435
office: 952-926-9000
cell: 716-491-2839
jlacher@cwa-union.org

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