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

Docket No. P421/C-20-432

**COMMENTS OF THE MINNESOTA
DEPARTMENT OF COMMERCE**

INTRODUCTION

In August, the Minnesota Department of Commerce, the Communications Workers of America, and the Office of the Attorney General—Residential Utilities Division (collectively, “Intervenors”) recommended that the Public Utilities Commission refer this matter to the Office of Administrative Hearings for a series of public hearings to solicit comments from CenturyLink consumers, local officials, and other stakeholders regarding service quality deficiencies that they have experienced.¹

The Department’s ongoing investigation into CenturyLink’s performance has exposed serious service quality deficiencies. CenturyLink’s outside plant performance continues to deteriorate in violation of relevant Commission service quality rules related to plant investment, maintenance, and repair. Notably, the Department’s findings are consistent with customer complaints tracked by the Commission’s consumer affairs office since June 2022, which have been efiled in this proceeding.

¹ Intervenor Letter (Aug. 16, 2022) (eDocket No. 20228-188384-01).

While there are numerous other service quality concerns yet to be addressed, given the findings on outside plant deficiencies, the Commission should adopt the service quality remedies applicable to CenturyLink's outside plant described in the Department and OAG-RUD's August 2021 joint filing.² In the alternative, if the Commission concludes that further record development is necessary, the Department continues to recommend that the Commission refer this matter to OAH for public hearings as discussed in the Intervenor Letter.

ARGUMENT

CenturyLink is not maintaining outside plant and equipment consistent with its obligation to provide adequate service. The Commission's rules generally require CenturyLink to adopt and pursue a maintenance program that facilitates the provision of adequate service. The rules further require CenturyLink to keep all plant and equipment in a good state of repair.³ In applying the rules, where they do not set an objective standard, "the Commission must determine in its own discretion if the service provided is or is not adequate."⁴ The impact of the rules is twofold. First, CenturyLink must engage in reasonable proactive maintenance practices to avoid escalating outages as its plant reaches the end of its service life. Second, when outages do occur, CenturyLink is obligated to timely resolve them. Despite these obligations, the company has failed to maintain its plant and equipment consistent with adequate service by several measures, resulting in harm to CenturyLink's customers, including many elderly and vulnerable customers who rely on dependable landline service.

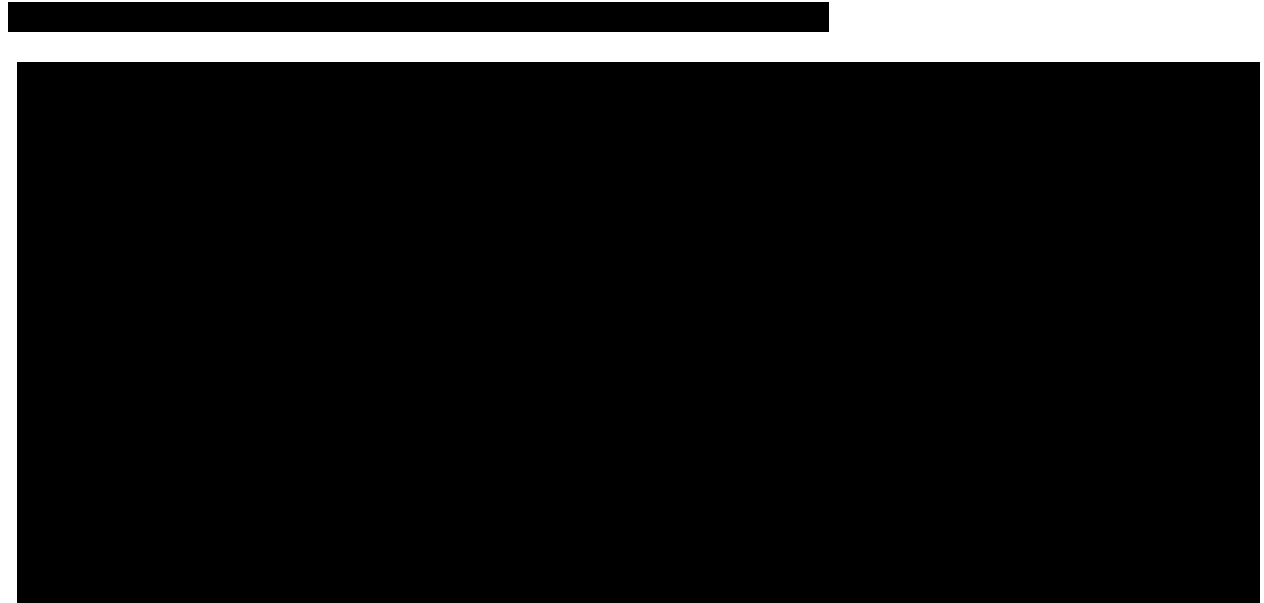
² DOC & OAG-RUD Joint Recommendations (Aug. 30, 2021) (eDocket No. 20218-177572-01).

³ Minn. R. 7810.3300 (2021).

⁴ *In re Compl. Regarding United Telephone Company's Quality of Service*, Docket No. P-430/C-90-636, ORDER INITIATING INVESTIGATION at 2 (June 10, 1991) (eDocket No. 371640).

A. CenturyLink’s Repair and Installation-Related Complaints Have Significantly Increased Since 2019.

CenturyLink’s own metrics—relying on a dubious complaint definition⁵—show that repair complaints have steadily increased. CenturyLink reported [NOT PUBLIC DATA BEGINS . . .

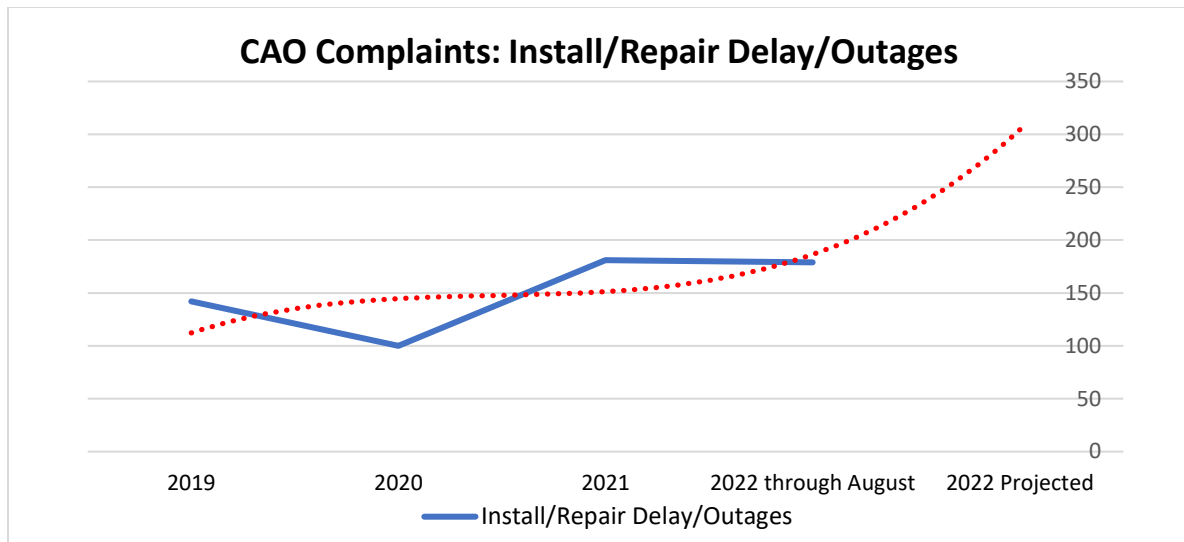


. . . NOT PUBLIC DATA ENDS].⁶ Repair and installation-related complaints tracked by the Commission also have increased. Between 2019 and 2021, repair and installation-related complaints increased 33%. This year, through August, the Commission had already received about 180 repair and installation-related complaints and was on pace to see approximately 270 total complaints.⁷ At this rate, the Commission will receive a nearly 88% increase in complaints from CenturyLink customers compared to 2019.

⁵ CenturyLink does not classify all instances where a customer contacts the company to complain about a service outage as a “complaint.” Instead, CenturyLink only classifies customer concerns that must be internally escalated or are referred from a government agency as “complaints.” *See* Belka Affidavit ¶ 9 (eDocket No. 20218-177576-01).

⁶ Department Information Request No. 49.

⁷ CAO Complaint Data, Docket No. 20-432. $(179/8)*12=268$



In the Department’s view, the escalating volume of repair and installation-related complaints is not consistent with CenturyLink’s obligation to keep all plant and equipment in a good state of repair.⁸ To the extent that CenturyLink has established a proactive maintenance program, it is clearly not being implemented in a manner that adequately addresses the problem.

B. CenturyLink is Not Timely Resolving Reported Outages.

Compounding the problem of growing repair and installation-related complaints, CenturyLink is not timely restoring service once customers report outages. Commission rules require CenturyLink to “reestablish service with the shortest possible delay” and set a minimum objective of clearing 95% of all out-of-service troubles within 24 hours of receiving a report.⁹ CenturyLink is not close to meeting this objective.

Even using its own “complaint” definition, CenturyLink has only closed [NOT PUBLIC DATA BEGINS . . . [REDACTED] . . . NOT PUBLIC DATA ENDS] within 24 hours since 2019.¹⁰ In fact, the company’s own data shows that it takes an average of [NOT PUBLIC

⁸ Minn. R. 7810.3300.

⁹ Minn. R. 7810.5800.

¹⁰ DOC Information Request No. 25.

DATA BEGINS . . . [REDACTED] . . . NOT PUBLIC DATA ENDS] to resolve a reported outage. The most common delay length is **[NOT PUBLIC DATA BEGINS . . . [REDACTED] . . . NOT PUBLIC DATA ENDS]**. Although non-compliant throughout the entire period shown, CenturyLink's performance deteriorated most significantly in **[NOT PUBLIC DATA BEGINS . . . [REDACTED]**

[REDACTED]

[REDACTED]

...**NOT PUBLIC DATA ENDS**]. For non-repair and installation-related complaints, the typical delays are longer. CenturyLink has only closed [**NOT PUBLIC DATA BEGINS . . .** ██████████ ██████████ . . . **NOT PUBLIC DATA ENDS**] since 2019. The average amount of time it takes CenturyLink to resolve non-repair complaints, moreover, exceeds [**NOT PUBLIC DATA BEGINS . . .** ██████████ . . . **NOT PUBLIC DATA ENDS**].¹¹

As this data shows, CenturyLink is not close to resolving 95% of out-of-service reports within 24 hours. These outages—commonly lasting [**NOT PUBLIC DATA BEGINS . . .** ██████████ ██████████ . . . **NOT PUBLIC DATA ENDS**]¹²—are inconsistent with any reasonable interpretation of the Commission’s requirement that service be reestablished “with the shortest possible delay.”¹² Minnesota consumers depend on reliable telephone service to conduct their everyday affairs and to seek assistance in emergency situations. Lengthy delays that might be acceptable in other commercial contexts (e.g., buying a sofa) are not reasonable in the context of a critical service. While Minn. R. 7810.5800 only sets an “objective” for CenturyLink, the significant discrepancy between the goals articulated by the rule and the company’s actual performance underscores its current maintenance efforts are wholly inadequate.

C. CenturyLink Has Repeatedly Violated the Commission’s Trouble Rate Rule.

Commission rules require CenturyLink to track customer trouble reports. A trouble report is any oral or written report relating to a physical defect or to difficulty or dissatisfaction with the operation of telecommunications facilities.¹³ The rules further provide that CenturyLink should strive to maintain a monthly trouble rate of no more than 6.5 per 100 telephones for each exchange and that a trouble rate exceeding 8.0 troubles indicates a need for investigative or corrective

¹¹ DOC Information Request Nos. 25, 33.

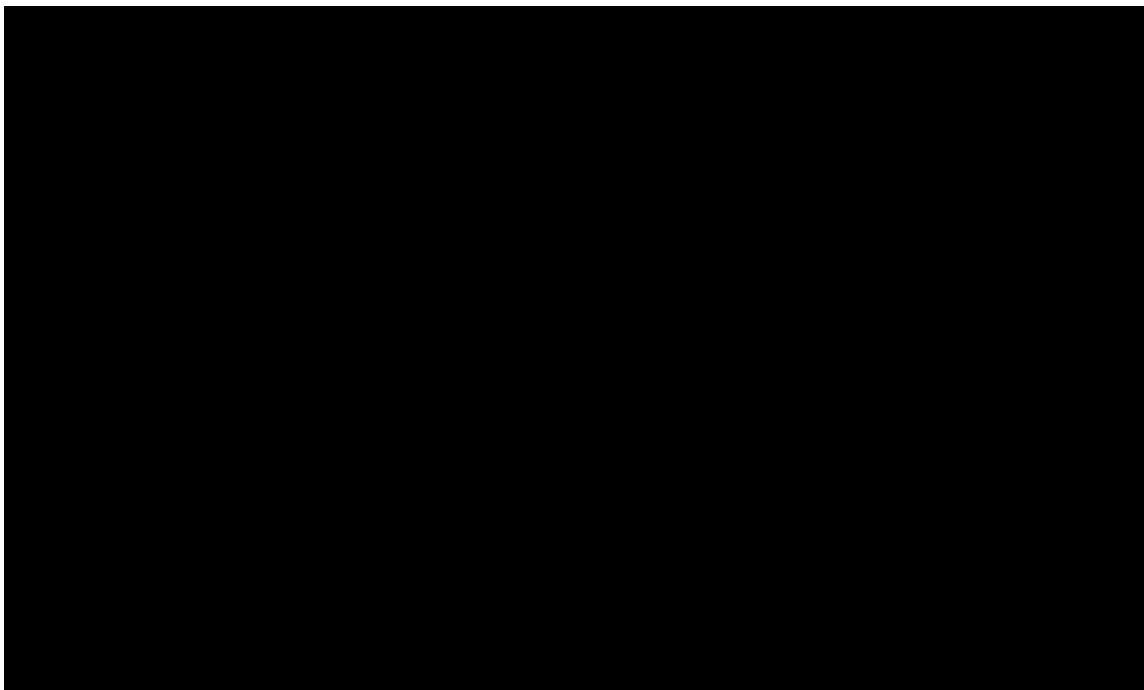
¹² Minn. R. 7810.5800.

¹³ Minn. R. 7810.0100, subp. 13.

action.¹⁴ Here, CenturyLink has exceeded the 6.5 standard [NOT PUBLIC DATA BEGINS . . .
[REDACTED] . . . NOT PUBLIC DATA ENDS] and the 8.0 standard [NOT PUBLIC DATA BEGINS
. . . [REDACTED] . . . NOT PUBLIC DATA ENDS] across all of its Minnesota exchanges since 2019.¹⁵

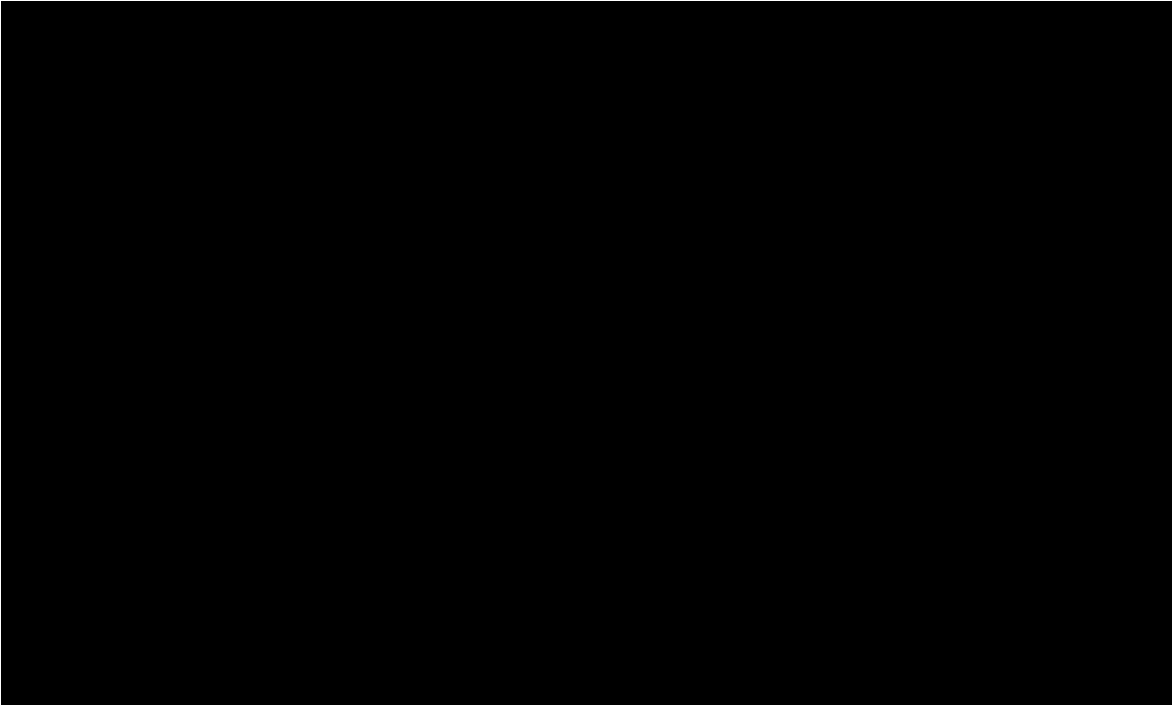
As shown in the graphs below, CenturyLink has primarily failed to meet the Commission's objective in rural telephone exchanges. These locations also are where Minnesotans are less likely to have a variety of providers to choose from and are more likely to be more dependent on landlines if cellular coverage is less reliable. In the most notable example, CenturyLink has failed to meet the 8.0 standard in the [NOT PUBLIC DATA BEGINS . . . [REDACTED]

[REDACTED]



¹⁴ Minn. R. 7810.5900.

¹⁵ DOC Information Request No. 35.



... **NOT PUBLIC DATA ENDS**].¹⁶ In the Department’s view, the number of exchanges that have exceeded the 6.5 and 8.0 standards “on a continuing basis,” in this instance the last three years, “indicates a need for investigative or corrective action.”¹⁷

D. CenturyLink is Dedication Fewer Resources to Maintain Its Outside Plant as Its Performance Deteriorates.

Even as CenturyLink struggles to timely resolve repair and installation-related complaints, the company is dedicating fewer resources—both in terms of staffing and financial investment—to maintaining its outside plant. CenturyLink currently has **[NOT PUBLIC DATA BEGINS ...**

... NOT PUBLIC DATA ENDS].¹⁸ The company similarly spent **[NOT PUBLIC DATA**

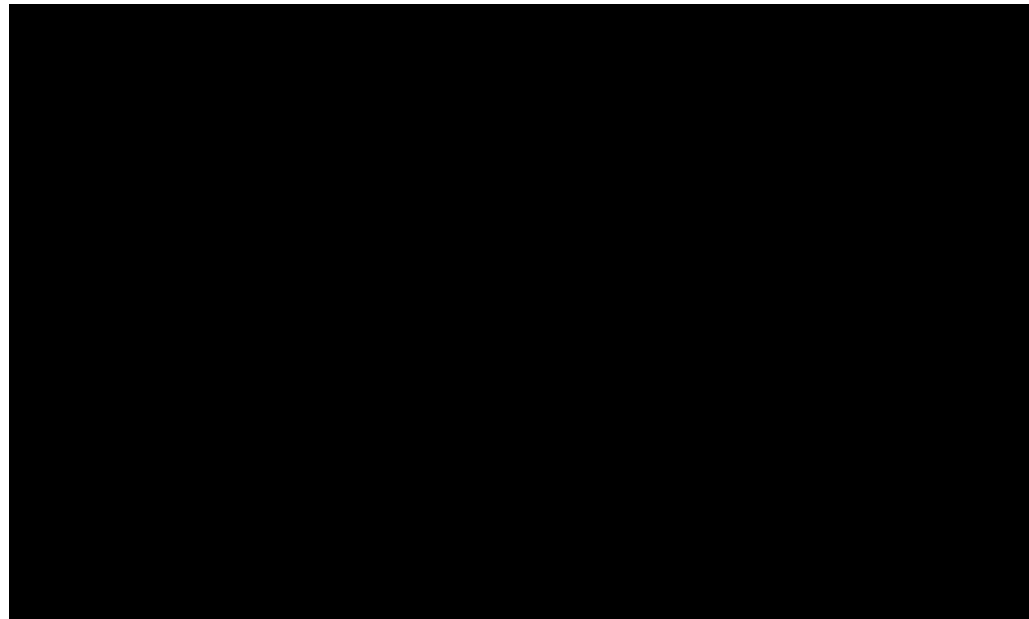
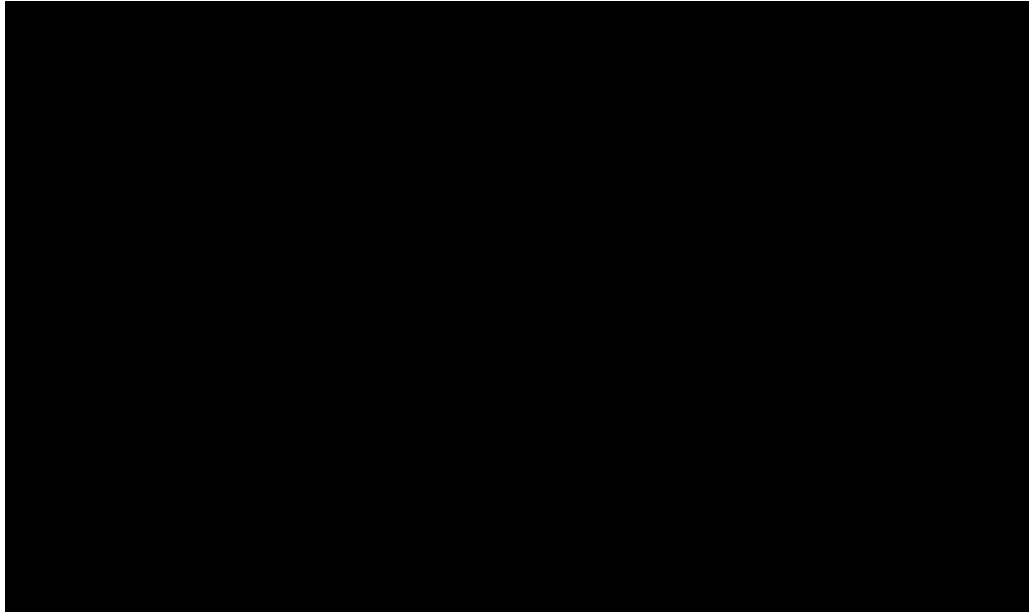
¹⁶ DOC Information Request No. 35.

¹⁷ Minn. R. 7810.5900.

¹⁸ DOC Information Request No. 40.

BEGINS . . .

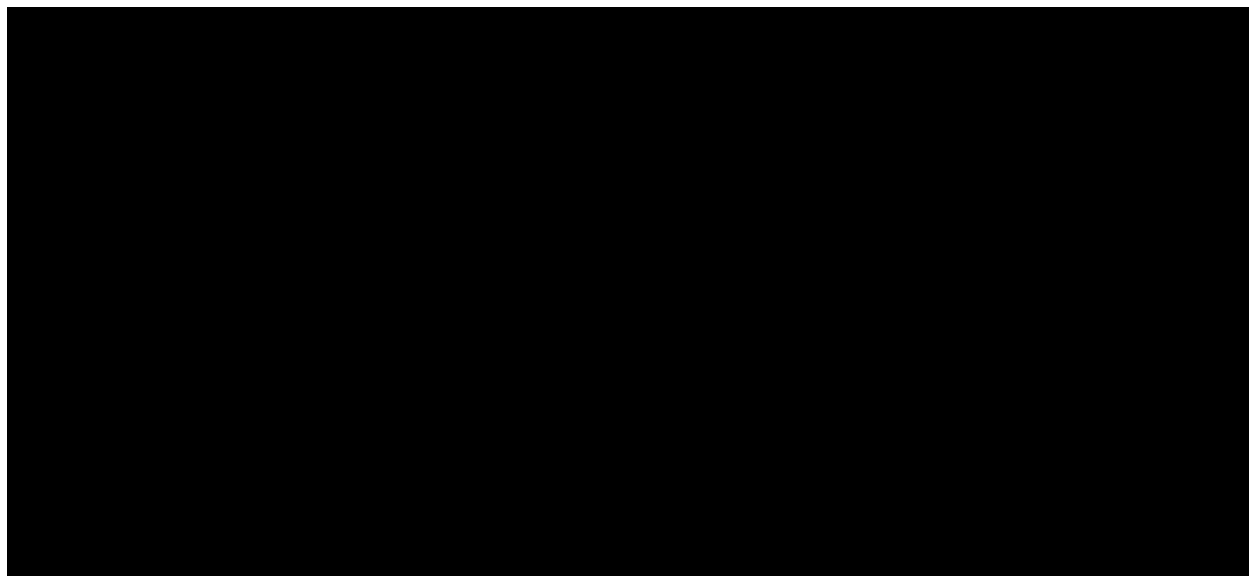
.¹⁹



. . . NOT PUBLIC DATA ENDS]. The impact of declining financial resources and staffing cuts in the face of a growing volume of plant problems seems to be a predictable one.

¹⁹ DOC Information Request Nos. 40, 41.

CenturyLink's remaining staff is struggling to cover all the work punctuated by more missed appointments as shown in the graph below. **[NOT PUBLIC DATA BEGINS . . .**



. . . NOT PUBLIC DATA ENDS]. Dedicating fewer financial resources and less staff in the face of growing problems does not constitute “a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe and adequate service.”²¹

RECOMMENDATIONS

Given the severity of CenturyLink's outside plant deficiencies, the Department recommends that the Commission adopt the Department and OAG-RUD's August 2021 joint recommendations applicable to the plant and maintenance problems discussed above. Specifically, the Commission should require:

1) Minn. R. 7810.3300 (Plant and Equipment Maintenance).

- a) Within 90 days of the Commission's Order, CenturyLink shall file a proactive maintenance plan to identify, monitor, evaluate, anticipate, and address:

²⁰ DOC Information Request No. 33.

²¹ Minn. R. 7810.3300.

instances of temporary lines, above-ground lines awaiting burial, other exposed lines, broken or damaged pedestals, flooded facilities, broken or damaged poles, or other outside plant concerns, including those reported by customers or that reasonably can be anticipated. The proactive maintenance plan shall include information regarding the training of CenturyLink employees and contractors regarding the process for identifying and reporting outside plant concerns. The plan will be subject to a review and comment period by interested parties.

b) CenturyLink shall notify customers in writing of their ability to report plant concerns and include this information on its website and in any published telephone directory. The notice, website information, and the manner it is displayed in the telephone directory shall be submitted for review and comment.

c) CenturyLink shall employ sufficient operations and engineering personnel to assure the furnishing of safe and adequate telephone service.

d) CenturyLink personnel responsible for the proactive maintenance plan shall meet monthly to review and evaluate identified plant issues, and determine what actions are necessary to address the reported issues, including remediation, repair, or replacement of equipment, increases of parts and equipment inventory, and increases of permanent and contract staff levels. Issues that involve impacts to service or safety to the public will take priority.

e) CenturyLink shall provide a quarterly report that: (1) affirms that the monthly meetings identified above have occurred; (2) lists the plant issues identified or addressed in that quarter; (3) lists when the issue was reported or determined, and how CenturyLink learned of the issue; (4) lists the determination of remediation, repair, or

replacement action to be taken; and (5) lists when any action was taken. The quarterly reports shall continue until CenturyLink obtains Commission approval to discontinue the reports.

2) Minn. R. 7810.5800 (Interruptions of Service). Within 45 days of the Commission's Order in this matter, CenturyLink shall submit a service restoration improvement plan, which describes in detail practicable steps to achieve compliance. The plan shall explicitly state when the 24-hour repair period begins and when the service is recorded as restored and shall detail how CenturyLink will train personnel to use the new procedures. After Commission approval of the service restoration improvement plan, CenturyLink shall implement the plan within 60 days, unless CenturyLink receives Commission approval of a different implementation schedule. After the service restoration plan is implemented, CenturyLink shall file a monthly report on its service restoration on a per exchange basis. Such reporting shall continue until the Commission finds that CenturyLink is satisfactorily complying with its service restoration performance obligation.

3) Minn. R. 7810.5900 (Customer Trouble Reports). CenturyLink shall notify the Commission any time the Company's trouble report rate exceeds 8.0 in month for any wire center via efilings in Docket No. 20-432.

In the alternative, if the Commission declines to adopt these recommended remedies, the Department believes that public hearings are warranted to further develop the record and allow Minnesota consumers to share their experiences. As explained in the Intervenor Letter, the Commission should order no less than six hearings across CenturyLink's service area to solicit comments regarding the nature, extent, and causes of the company's service quality deficiencies. In addition to the data that the Department, the OAG-RUD, and the Commission's consumer

affairs office have already collected, the Department believes that public hearings will help the Commission fashion an appropriate remedy to sufficiently protect consumers.

CONCLUSION

For the reasons discussed above, to avoid further delay with respect to outside plant deficiencies, the Department respectfully requests that the Commission adopt the Department and OAG-RUD's August 2021 joint recommendations applicable to the identified plant and maintenance problems; or alternatively, order hearings across CenturyLink's service area. With respect to other areas of concern raised in this proceeding, those matters remain unresolved and in the event the Commission does not order hearings, the parties can separately petition the Commission on how to proceed.

Dated: December 9, 2022

Respectfully submitted,

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