

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYLINK COMMUNICATIONS,
LCC,

Respondent.

DOCKET UT-181051

COMPLAINANT WASHINGTON
UTILITIES AND
TRANSPORTATION COMMISSION
STAFF'S RESPONSE TO PUBLIC
COUNSEL'S MOTION FOR
PARTIAL SUMMARY
DETERMINATION

I. INTRODUCTION

1. Utilities and Transportation Commission Staff agrees with Public Counsel's Motion for Partial Summary Determination ("Mot."), and requests that the Commission summarily determine that CenturyLink Communications, LLC ("CenturyLink") is liable for the December 2018 9-1-1 outage. As Public Counsel demonstrates, CenturyLink had contractual obligations to ensure the 9-1-1 system remained functional, which it did not satisfy. There are no genuine issues of material fact, and summary determination is appropriate.

II. STATEMENT OF FACTS

2. For the purposes of Public Counsel's motion, there are only undisputed facts. First, the contract at issue is in the record.¹

3. Second, it is undisputed that 9-1-1 calls failed in December of 2018 when a network operated by CenturyLink ceased to function due to a packet storm.² Because this

¹ Rosen, Exh. BR-4C.

² Turner, Exh. SET-1TC at 24:13-24:17; Webber, Exh. JDW-1CT 17:18-24:19.

network was used to route calls from CenturyLink’s ESINet I to Comtech’s³ ESINet II, the packet storm caused a substantial 9-1-1 outage in Washington State.⁴

III. ARGUMENT

4. Public Counsel is correct that the contract entered into between CenturyLink, the Washington Military Department, and Comtech required that CenturyLink provide “network” and “transport” to “provide the citizens of Washington State with a modern internet protocol system that will allow the 911 system to accept information from a wide variety of communication devices from consumers in emergencies.”⁵ Amendment M to the contract, which provided for a phased transition of 9-1-1 services from CenturyLink to Comtech, did not relieve CenturyLink of this responsibility during the time of the outage.⁶

5. Accordingly, “CenturyLink, as a matter of law, is responsible for the December 2018 outage and the violations identified in the Complaint.”⁷

IV. CONCLUSION

6. The Commission should grant Public Counsel’s motion, and determine that CenturyLink is liable for the December 9-1-1 outage as a matter of law.

DATED this 17th day of November 2022, at Olympia, Washington.

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³ TeleCommunication Systems, Inc. d/b/a Telecommunications Corp. is generally referred to as “Comtech” by the parties.

⁴ Turner, Exh. SET-1TC at 24:13–24:17; Webber, Exh. JDW-1CT 17:18–24:19.

⁵ Rosen, Exh. BR-4C at 15.

⁶ Rosen, Exh. BR-4C.

⁷ See Public Counsel’s Motion for Partial Summary Determination ¶ 26