

EXHIBIT 16

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

Docket UT-181051

Washington Utilities & Transportation Commission v. CenturyLink Communications, LLC

RESPONSE OF PUBLIC COUNSEL TO CENTURYLINK
DATA REQUEST NO. 2

Request No: 2
Directed to: Public Counsel
Date Received: January 12, 2022
Date Produced: January 27, 2022
Prepared by: Stephanie Chase; Nina Suetake
Witnesses: Stephanie Chase

DATA REQUEST NO. 2.

At page 9 of her Direct Testimony (Exhibit SKC-1T), Ms. Chase states “Public Counsel believes that CenturyLink should be held accountable for its involvement in the 9-1-1 outage and recommends that the Commission impose the full statutory penalty of \$26,865,000.”

- a. Does Public Counsel believe that Comtech should be held accountable for its involvement in the December 2018 9-1-1 outage in Washington? Fully explain why or why not.
- b. Does Public Counsel believe that Commission Staff should have named Comtech as a defendant in this complaint or in a parallel complaint? Fully explain Public Counsel’s position. Produce any communications between Public Counsel and Commission Staff concerning the decision to include (or not include) Comtech as a defendant.
- c. What steps has Public Counsel taken to ensure that Comtech is held accountable for its involvement in the December 2018 9-1-1 outage in Washington? What steps does Public Counsel intend to take?

RESPONSE:

Objection. The request seeks information that calls for a legal conclusion and is irrelevant to the proceeding. The request may also seek information that is protected by the attorney work product doctrine. Without waiving these objections, Public Counsel provides the following response.

The response in each subpart below is in answer to the corresponding subpart in CenturyLink’s Data Request 2 above.

- a. Public Counsel believes that the scope of this docket is limited to “whether CenturyLink violated any statutes or Commission rules resulting in the December 2018 network outage,” per paragraph 15 of the Commission’s Order 03 granting

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To: Adam Sherr, CenturyLink Communications, LLC
Re: Docket UT-181051
Public Counsel Response to CenturyLink DR 2
January 27, 2022

- the petition to intervene (August 9, 2021). The Commission's Order 03 further states that Comtech's participation "will not broaden the scope of the proceeding to address [Comtech's] or any other nonregulated entity's liability or contractual obligations." Whether Comtech "should be held accountable" is beyond the scope of the proceeding, and Public Counsel has not addressed whether Comtech should bear any responsibility.
- b. Commission Staff possesses prosecutorial discretion with respect to complaint proceedings. The Commission brought a complaint against CenturyLink and identified the scope of the proceeding as "whether CenturyLink violated any statutes or Commission rules resulting in the December 2018 network outage," per paragraph 15 of the Commission's Order 03 granting the petition to intervene (August 9, 2021). Public Counsel has no communications between itself and Commission Staff related to the decision to include or not include Comtech as a defendant.
 - c. Public Counsel is a statutory party to Commission proceedings, meaning we "represent and appear for the people of the state of Washington" (RCW 80.01.100). We do not bear the burden of proof. In this case, we are responding to the complaint. Public Counsel has sought extensive discovery from all parties, including CenturyLink and Comtech, to understand the events leading up to and through the 9-1-1 outage. We have presented evidence, based on our analysis of the circumstances in this case, via Brian Rosen's testimony, my testimony, and that of our customer witnesses.