

**Exh. BF-1T
Docket UT-210902
Witness: Bridgit Feeser**

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

**CENTURYLINK COMMUNICATIONS
LCC d/b/a LUMEN TECHNOLOGIES
GROUP; QWEST CORPORATION;
CENTURYTEL OF WASHINGTON,
INC.; CENTURYTEL OF INTER
ISLAND, INC.; CENTURYTEL OF
COWICHE, INC.; UNITED
TELEPHONE COMPANY OF THE
NORTHWEST,**

Respondents.

DOCKET UT-210902

TESTIMONY OF

BRIDGIT FEESER

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Penalties

August 25, 2022

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- Exh. BF-2 Oct. 12, 2021, CenturyLink Response to UTC Staff Informal Data Request in Docket U-200281
- Exh. BF-3 Feb. 22, 2022, CenturyLink Response to UTC Staff Informal Data Request in Docket UT-210902

1 I. INTRODUCTION

2

3 **Q. Please state your name and business address.**

4 A. My name is Bridgit Feeser, and my business address is 621 Woodland Square Loop
5 SE, Lacey, Washington, 98503. My business mailing address is P.O. Box 47250,
6 Olympia, Washington, 98504-7250. My business email address is
7 Bridgit.feeser@utc.wa.gov.

8

9 **Q. By whom are you employed and in what capacity?**

10 A. I am employed by the Washington Utilities and Transportation Commission
11 (Commission) as the Assistant Director in the Consumer Protection Section of the
12 Consumer Protection and Communications division.

13

14 **Q. How long have you been employed by the Commission?**

15 A. I have been employed by the Commission since May 2016.

16

17 **Q. Please state your qualifications to provide testimony in this proceeding.**

18 A. I have a bachelor's degree from Evergreen State College and have taken investigator
19 training through the Washington State Learning Center. I have approximately eight
20 years of experience conducting investigations and over six years of experience
21 overseeing investigative work performed by consumer protection investigators. As
22 the Consumer Protection Assistant Director, I supervise the compliance investigation
23 team, manage investigations related to the business practices of regulated utility or

1 transportation companies, and make decisions regarding whether to issue staff
2 recommendations to the commission about issuing penalties for non-compliance with
3 Washington laws, rules, and company tariffs.

4
5 **Q. Have you testified previously before the Commission?**

6 A. No.

7
8 **II. SCOPE AND SUMMARY OF TESTIMONY**

9
10 **Q. What is the scope and purpose of your testimony?**

11 A. I discuss the appropriate penalty for the Lumen companies' disconnection or
12 suspension of service to 923 customers while Governor Inslee's Proclamation 20-
13 23.2 was in effect. That proclamation prohibited all energy, telecommunications, and
14 water providers in Washington State from disconnecting residential customers
15 service due to nonpayment between March 23, 2020, and Sept. 30, 2021. The
16 Commission has already determined that the Lumen companies violated WAC 480-
17 120-172(3)(a) by disconnecting or suspending those customers.

18
19 **Q. Please summarize your recommendations.**

20 A. Staff recommends the Commission impose a penalty of \$1,000 per violation for each
21 of the 923 violations of WAC 480-120-172(3)(a).

1 **Q. Have you prepared any exhibits in support of your testimony?**

2 A. Yes. I prepared Exhibits BF-2 and BF-3.

3 • Exh. BF-2 is the Lumen companies' October 12, 2021, response to a Staff
4 informal data request.

5 • Exh. BF-3 is the Lumen companies' February 22, 2022, response to a Staff
6 informal data request.

7

8 **III. DISCUSSION**

9

10 **Q. Are you familiar with the events underlying the complaint filed in this docket?**

11 A. Yes.

12

13 **Q. Would you please summarize your understanding of those events?**

14 A. As part of ongoing work concerning the effects of the COVID pandemic, Staff
15 discovered through data requests that the Lumen companies had discontinued service
16 to a number of customers while Proclamation 20-23.2 was in effect. Staff was able to
17 clarify that the Lumen companies discontinued service to 180 customers through a
18 process that they refer to as disconnection and to 743 customers through a process
19 they refer to as suspension, meaning they discontinued service to 923 customers in
20 total while the Proclamation was in effect.

21

22 **Q. Are you familiar with the Staff investigation that produced the complaint in this**
23 **docket?**

1 A. Yes.

2

3 **Q. What did you review in becoming familiar with that investigation?**

4 A. I reviewed staff's investigation report, a data request sent to telecommunication
5 companies in Docket U-200281, the Lumen companies' response to the data request,
6 a data request sent to CenturyLink in Docket U-210902, the Lumen companies'
7 response to that data request in Docket U-210902, and the investigation file.

8

9 **Q. Are you familiar with the Commission's policy statement on how it enforces the**
10 **public service laws?**

11 A. Yes, I am familiar with the policy statement issued in Docket A-120061.

12

13 **Q. Does the Commission set out a list of the factors it considers when deciding on**
14 **an appropriate penalty in that policy statement?**

15 A. Yes. It listed 11 non-exclusive factors in the policy statement

16

17 **Q. What are those factors?**

18 A. In order, they are:

- 19 (1) how serious or harmful the violation is to the public;
20 (2) whether the violation is intentional;
21 (3) whether the company self-reported the violation(s);
22 (4) whether the company was cooperative and responsive;

- 1 (5) whether the company promptly corrected the violations and remedied the
2 impacts;
- 3 (6) the number of violations;
- 4 (7) the number of customers affected;
- 5 (8) the likelihood of recurrence;
- 6 (9) the company's past performance regarding compliance, violations, and
7 penalties;
- 8 (10) the company's existing compliance program; and
- 9 (11) the size of the company.
- 10

11 **Q. How serious or harmful were the violations at issue to the public?**

12 A. The violations are both serious and harmful to the public. Proclamation 20-23.2 was
13 issued to keep vital services accessible to Washington customers who may be facing
14 financial difficulties during the pandemic. Regardless of how the Company identifies a
15 customer's status, suspended or disconnected, the Company removed access to
16 telecommunication services from its customers at a time when the Governor determined
17 that public health and safety required access to those services.

18

19 **Q. Were these violations intentional?**

20 A. CenturyLink claims that the disconnections were unintentional, which Staff finds
21 credible in the absence of evidence demonstrating otherwise. CenturyLink has
22 repeatedly stated, however, that it believes it was allowed to suspend customers' service

1 despite Proclamation 20-23.2, which supports a finding that CenturyLink acted
2 intentionally when it discontinued service by suspension.

3

4 **Q. Did the Lumen companies self-report these violations?**

5 A. No. Staff discovered the violations during ongoing work concerning the effects of
6 the COVID pandemic. It was during this work that Lumen admitted to suspending
7 and disconnecting customers' service while Proclamation 20-23.2 was in effect, but
8 claimed suspending service was not included in the Proclamation.

9

10 **Q. Were the Lumen companies cooperative and responsive during Staff's**
11 **investigation?**

12 A. Staff found the Company was cooperative and mostly responsive. The Company was
13 five days late in providing its supplemental response. The Company requested an
14 extension for two of the questions in one of the data requests and its responses were due
15 on Feb. 17, 2022. The Company said they missed the due date and apologized for the
16 delay. The Company provided the data responses on Feb 22, 2022.

17

18 **Q. Did the Lumen companies promptly correct the violations and remedy the**
19 **impacts created by those violations?**

20 A. Staff is aware that the Lumen companies corrected other issues related to the
21 proclamation, such as refunding improperly corrected fees, but Staff is not aware of
22 the Lumen companies correcting the disconnections and suspensions.

23

1 **Q. How many violations did the Lumen companies commit?**

2 A. 923 violations of WAC 480-120-172(3)(a).

3

4 **Q. How many customers did those violations affect?**

5 A. 923 customers.

6

7 **Q. Are these violations likely to recur?**

8 A. Staff is not aware of any steps that CenturyLink has taken to prevent future similar
9 violations.

10

11 **Q. Please describe the Lumen companies' past performance regarding compliance,
12 violations, and penalties.**

13 A. The Lumen companies have been the subject of many informal consumer complaints
14 filed with the commission in recent years. The Commission filed complaints against
15 the Lumen companies in Dockets UT-132234, UT-140597, UT-171082, UT-181051,
16 UT-190209, UT-200982, and UT-210811.

17

18 **Q. Does Lumen have an existing compliance program?**

19 A. Staff is not aware of any existing compliance program.

20

21 **Q. Please describe the size of the Lumen companies.**

22 A. CenturyLink Communications LLC d/b/a Lumen Technologies Group reported gross
23 intra-state annual revenue of \$21,427,128 in 2021. For that same year, Qwest

1 Corporation reported gross intra-state annual revenue of \$204,469,909; CenturyTel
2 of Washington, Inc. reported gross intra-state annual revenue of \$24,949,175;
3 CenturyTel of Inter Island, Inc. reported gross intra-state annual revenue of
4 \$3,118,417; CenturyTel of Cowiche, Inc. reported gross intra-state annual revenue of
5 \$463,224; and United Telephone Company of the Northwest reported gross intra-
6 state annual revenue of \$8,526,174. Collectively, then, the Lumen companies reported
7 a total of \$262,954,027 in intrastate revenues last year.

8
9 **Q. Given your analysis of the penalty factors, what penalty does Staff recommend**
10 **that the Commission impose on the Lumen companies for the violations at**
11 **issue?**

12 A. Staff recommends a \$923,000 penalty.

13
14 **Q. Why does Staff conclude that is the appropriate penalty amount?**

15 A. Staff weighed the penalty factors from the Commission's enforcement policy
16 statement and determined that six of the factors, specifically factors 1 (how serious
17 or harmful the violation is to the public), 2 (whether the violation is intentional), 6
18 (the number of violations), 7 (the number of customers affected), 8 (the likelihood of
19 recurrence), and 11 (the size of the company) indicated a significant penalty was
20 appropriate.

21 Factors 4 (whether the company was cooperative and responsive) and 5
22 (whether the company promptly corrected the violations and remedied the impacts)
23 indicated some mitigation might be warranted.

1 But on the whole, Staff concluded that factors (1), (2), (6), (7), (8) and (11)
2 were the most important factors for setting a penalty because the Company removed a
3 vital service from 923 of its customers during a time when the Governor determined that
4 public health and safety required access to those services. Staff concludes that a penalty
5 of \$923,000 is appropriate.

6

7 **Q. Does this conclude your testimony?**

8 A. Yes.