

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYLINK COMMUNICATIONS,
LLC 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 UE-240078

AMENDED POST-HEARING BRIEF OF COMMISSION STAFF [PROPOSED]

October 14, 2024

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ROBERT W. FERGUSON
Attorney General

/s/ *Liam Weiland*, WSBA No. 57197
Assistant Attorney General
Office of the Attorney General
Utilities & Transportation Division
P.O. Box 40128
Olympia, WA 98504-0128
(360) 570-3400

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I. INTRODUCTION

I Since July 2020, Commission Staff have investigated CenturyLink's¹ compliance with WAC 480-120-133, which requires that telecommunications companies meet certain standards in the operation of customer service call centers. On multiple occasions during these investigations, Staff found CenturyLink to be in violation of this rule and provided technical assistance to aid the Company's compliance efforts. In December 2022, Staff sent CenturyLink a request for information that would establish the Company's continued compliance with the rule. Over the course of the following fourteen months, Staff made repeated attempts to obtain this information from the Company, but only received severely delayed and incomplete responses and often received no response at all to its inquiries. CenturyLink's partial responses to this data request established that it had violated WAC 480-120-133(2)(c) on at least nine additional occasions. The Commission's underlying complaint in this case seeks penalties for these violations, as well as 234 violations of WAC 480-07-175(2)(b) for CenturyLink's failure to provide a timely and complete response to Staff's request for information. That CenturyLink committed these violations is not in dispute. The only questions at issue in this case are (1) for how many days was the Company in violation of WAC 480-07-175(2)(b) and (2) what is the appropriate per-violation penalty amount? The Commission should conclude that CenturyLink committed 234 violations of WAC 480-07-175(2)(b) and impose the maximum of \$1,000 for each of the total 243 violations.

¹ This brief refers to the respondents collectively as "CenturyLink" or "the Company."

II. BACKGROUND

2 WAC 480-120-133 imposes several requirements on telecommunications companies
doing business in Washington regarding the Company's response time for customer calls to
business office or repair centers placed during regular business hours. Specifically, a
company's automated answering system must either provide the customer the option to
speak with a live representative or transfer the caller to a live representative within the first
60 seconds of the recorded message.² Additionally, each month, the average time until a
live representative answers a call must not exceed 60 seconds from the time the caller selects
the option to speak to a live representative.³

3 As early as June 2021, Commission Staff began receiving consumer complaints
regarding CenturyLink's response times to customer calls.⁴ Staff investigated these
complaints and recorded 12 violations of WAC 480-120-133(2)(c). In July 2021, Staff
instructed the Company that it was out of compliance with the rule and to make all
necessary corrections and admonished the Company that further violations may result in
enforcement action, including monetary penalties.⁵

4 Staff conducted a follow-up investigation in January 2022 to determine if
CenturyLink had corrected these violations.⁶ As a result of this follow-up investigation,
Staff recorded 22 violations of WAC 480-120-133(2)(c).⁷ Staff notified the Company and
provided technical assistance in lieu of recommending that the Commission pursue
penalties, but again informed the Company that further violations would result in

² WAC 480-120-133(2)(b).

³ WAC 480-120-133(2)(c).

⁴ Prabakaran, Exh. SP-2 at 8.

⁵ *Id.* at 101.

⁶ Prabakaran, Exh. SP-1T at 3:14-18.

⁷ Prabakaran, Exh. SP-14 at 6.

enforcement action. Staff also informed CenturyLink that it would conduct another follow-up investigation in December 2022.⁸

5 On December 29, 2022, Staff mailed the Company a data request letter, signed by then Executive Director and Secretary Amanda Maxwell, to the mailing address on file with the Commission.⁹ The letter requested documentation related to the Company's compliance with the provisions of WAC 480-120-133, in particular the monthly call data for the average time it takes a live representative to answer a call from the time the caller selected the appropriate option to speak to a live representative. The letter requested this data for both CenturyLink's business office and repair center for the timeframe of September 1, 2021, through November 30, 2022 and provided a due date of January 12, 2023.¹⁰

6 CenturyLink did not respond to this letter. Staff sent CenturyLink an email on February 22, 2023 with the original letter attached and asked about the status of its response.¹¹ The Company responded that day and stated that it had not received the letter due to staffing changes, but would work on its response as quickly as possible.¹² Staff sent CenturyLink another follow-up email on March 16, 2023, before the Company finally provided a partial response to the letter on March 30, 2023.¹³ However, the document CenturyLink provided did not contain a complete response to the information requested. The Company did not provide the monthly call data relevant to WAC 480-120-133(2)(c) for its repair call center for the timeframe of September 1, 2021 through November 30, 2022. Nor did the Company provide the data for the business office for September 1, 2021 through

⁸ *Id.*

⁹ Prabakaran, Exh. SP-3.

¹⁰ *Id.*

¹¹ Prabakaran, Exh. SP-4.

¹² Prabakaran, Exh. SP-5.

¹³ Prabakaran, Exh. SP-6.

March 30, 2022. The Company stated that the provided data was that which was “readily available.”¹⁴

7 On May 8, 2023, Staff emailed CenturyLink and informed the Company that its March 30 response was incomplete and requested the missing data.¹⁵ Over the following four months, Staff reached out to the Company on at least six occasions, by email and telephone, repeatedly informing CenturyLink that Staff had still not received a complete response to the data requested in its December 2022 letter.¹⁶

8 In an email sent on September 19, 2023, Staff repeated its request and informed the Company that, due to the length of time for which the data request had remained open, the timeframe for the requested information was extended to also include January 1, 2022, through August 31, 2023.¹⁷ The Company sent its first supplemental response to Staff on October 4, 2023. However, this response was also incomplete; the response still did not include the monthly data relevant to WAC 480-120-133(2)(c) for its repair call center for the timeframe of September 1, 2021 through March 30, 2022, nor for the extended timeframe of December 1, 2022 through August 30, 2023. The Company also did not provide the data for its business office for December 1, 2022 through August 30, 2023. Nor did the Company explain why it still had not provided the missing data.¹⁸ Staff’s subsequent email asking why the Company had not provided all the requested data went unanswered.¹⁹

9 With the aid of its legal counsel, Staff made one last attempt to obtain the data on February 8, 2024.²⁰ The Company sent its second supplemental response on February 15,

¹⁴ Prabakaran, Exh. SP-7.

¹⁵ Prabakaran, Exh. SP-8.

¹⁶ Prabakaran, Exh. SP-1T at 7:7-22.

¹⁷ Prabakaran, Exh. SP-9.

¹⁸ Prabakaran, Exh. SP-10.

¹⁹ Prabakaran, Exh. SP-11 at 2.

²⁰ Prabakaran, Exh. SP-12.

2024. This response was still missing data for the repair call center for the timeframe September 1, 2021 through March 30, 2022. The Company stated that the missing data was lost when CenturyLink migrated customer care operations platforms in January 2022.²¹ The partial data the Company did provide established that the average time it took for a live representative at the Company's business office to answer a call once the caller selected the option to speak to a live representative far surpassed the 60-second standard contained in WAC 480-120-133(2)(c) for at least the nine-month period from March 2022 through November 2022. During that period, the Company's average response time ranged from 86 seconds to 291 seconds.²² The Commission subsequently filed the underlying complaint in this case on March 13, 2024, seeking penalties for the nine violations of WAC 480-120-133(2)(c) and 234 violations of WAC 480-07-175(2)(b), for failing to provide a timely and complete response to Staff's request for information.

III. LEGAL STANDARD

11 The Commission alleges that CenturyLink committed violations of two Commission rules, WAC 480-120-133(2)(c) and WAC 480-07-175(2)(b). WAC 480-120-133(2)(c) states that, for telecommunications companies utilizing an automated answering system to respond to customer calls, "[e]ach month, the average time until a live representative answers a call must not exceed sixty seconds from the time a caller selects the appropriate option to speak to a live representative." WAC 480-07-175(2)(b) states that, when the Commission requests a public service company provide documents via a letter signed by the Secretary, "[t]he public service company must provide the required documents, or any objections to providing

²¹ Prabakaran, Exh. SP-13.

²² Prabakaran, Exh. SP-14 at 8-9.

those documents, to the commission within ten business days of the date the commission serves the letter or other writing unless the commission specifies a different deadline.”

12 Violations of these rules renders a public service company liable for penalties of up to \$1,000 per violation:

Any public service company which shall violate or fail to comply with any provision of this title, or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every violation of any such order, direction or requirement of this title shall be a separate and distinct offense, and in case of a continuing violation every day's continuance thereof shall be and be deemed to be a separate and distinct offense.²³

13 In determining the appropriate penalty amount per violation, the Commission applies a non-exclusive list of 11 enforcement factors. These are: (1) how serious or harmful the violation is to the public; (2) whether the violation is intentional; (3) whether the company self-reported the violation(s); (4) whether the company was cooperative and responsive; (5) whether the company promptly corrected the violations and remedied the impacts; (6) the number of violations; (7) the number of customers affected; (8) the likelihood of recurrence; (9) the company's past performance regarding compliance, violations, and penalties; (10) the company's existing compliance program; and (11) the size of the company.²⁴

IV. DISCUSSION

14 The Commission should impose Staff's recommended penalty amount of \$243,000 because (1) CenturyLink committed 243 distinct violations of Commission rules, and (2) the circumstances surrounding these violations, particularly the Company's conduct during Staff's investigation, warrant the maximum penalty amount of \$1,000 per violation.

²³ RCW 80.04.380.

²⁴ *In re Enforcement Policy of the Wash. Utils. & Transp. Comm'n*, Docket A-120061, Enforcement Policy at 7-9 (January 7, 2013) (Enforcement Policy Statement).

A. CenturyLink Committed 243 Violations of Commission Rules

1. Nine violations of WAC 480-120-133(2)(c).

15 There is no dispute that CenturyLink committed nine violations of WAC 480-120-133(2)(c) for the months March 2022 through November 2022. The rule requires that telecommunications companies maintain a monthly average live representative response time of 60 seconds or less. The data CenturyLink provided to Staff establishes that the Company's average monthly response time at its business office far exceeded the 60-second standard each month during that nine-month period.²⁵

2. 234 violations of WAC 480-07-175(2)(b).

16 Staff sent the underlying data request in this case on December 29, 2022.²⁶ Consistent with WAC 480-07-175(2)(a), this data request was signed by the Commission's secretary and mailed to the Company at the address on file with the Commission via the United States Postal Service. Due to staffing issues, CenturyLink stated that it did not receive the letter until February 22, 2023, when Staff sent a follow-up email with the original letter attached.²⁷ Because the Company did not receive actual notice of the request until that date, Staff did not begin recording violations of WAC 480-07-175(2)(b) until March 8, 2023, ten business days after February 22.²⁸ Staff recorded a violation for every business day that passed until February 15, 2024, when the Company provided its final incomplete response to the data requested on December 29, 2022 and stated the remaining data was lost. Although Staff did not consider this to be a complete response and CenturyLink did not provide a formal objection laying out the factual basis for the

²⁵ Prabakaran, Exh. SP-7.

²⁶ Prabakaran, Exh. SP-3.

²⁷ Prabakaran, Exh. SP-4 and SP-5.

²⁸ Prabakaran, Exh. SP-14 at 12. WAC 480-07-175(2)(b) states that "[t]he public service company must provide the required documents, or any objections to providing those documents, to the commission within ten business days of the date the commission serves the letter."

unavailability of the remaining data consistent with the requirements of WAC 480-07-175(2)(c), due to the Company's statement that it could not provide all requested information, Staff elected to cease recording violations on this date and pursue penalties.

17 Staff's count of violations is accurate and there is no legitimate basis on which to reduce it. CenturyLink does not dispute that it never provided a timely complete response during this timeframe, nor did it object to or otherwise request a waiver of its obligation to timely respond to Staff requests for information. In the testimony of Peter Gose, the Company argues that Staff overestimated the number of violations because (1) its March 30, 2023 response was fully responsive to Staff's request, and (2) Mr. Gose provided further information via a phone conversation with Staff on June 8, 2023.²⁹

18 Mr. Gose admits that the March 30 response was not complete, but states that the response should be credited because CenturyLink could not provide information that was unavailable to it. There are a few different problems with this argument. First, the Company's response does not communicate that it did not have actual access to the missing information. The Company stated in its response that the information presented "is that which is readily available."³⁰ This indicated to Staff that the Company could obtain the missing information with more time. Second, the Company's response was incomplete regardless of whether or not it had access to all of the requested information. Given the requirements of WAC 480-120-133(2)(c) and Staff's numerous prior investigations into the Company's compliance with the rule, CenturyLink was aware that the Commission expected it to track the requested information and had in fact made similar requests for prior months in earlier investigations.³¹ That the Company failed to keep track of data

²⁹ Gose, Exh. PJG-1T at 14:10-23, 15:1-8.

³⁰ Prabakaran, Exh. SP-7.

³¹ See Prabakaran, Exh. SP-2 at 26.

establishing its compliance with Commission rules does not excuse it of its obligations under WAC 480-07-175. Finally, while Staff understands there might be circumstances in which data becomes lost, under WAC 480-07-175(2), the appropriate course of action in such a case is to request an extension to provide the missing information, or otherwise provide an objection in lieu of the missing information. CenturyLink did neither.

19 Staff's June 8, 2023 phone conversation with Mr. Gose also does not make Staff's violation count inaccurate. CenturyLink has not provided evidence to indicate, nor does it assert, that it provided any of the missing information during that conversation. Even if it had, a phone conversation plainly does not satisfy the requirements of WAC 480-07-175(2)(b), requiring the actual production of the required documents for Commission inspection.

20 Staff accurately counted CenturyLink's violations of WAC 480-07-175(2)(b) and did so in good faith, beginning the count 10 days after the Company had actual notice of Staff's data request on March 8, 2023 and terminating the count on February 15, 2024 once it became clear that the remaining data was lost. This is despite the fact that the Company's response was initially due on January 12, 2023 and that CenturyLink never objected to the request on the basis that it had lost the requested data. CenturyLink did not provide a complete response to Staff's request for the duration of that time period and therefore there is no legitimate reason to dispute Staff's finding the Company committed 234 violations of WAC 480-07-175(2)(b).

B. The Maximum Penalty is Warranted

1. The Company's conduct.

21 Staff's requested penalty is appropriate when considered in light of the circumstances of the violations and Company conduct at issue here. The Company was

given ample opportunity to avoid Staff's penalty assessment in this case. Beginning in July 2021, and on multiple occasions afterward, Staff recorded violations of WAC 480-120-133(2)(c), declined to impose penalties, instead offering technical assistance related to the Company's compliance, warned that further violations would result in this penalty assessment, and informed the Company that it would be sending future data requests to ensure its compliance. Not only did the Company fail to come into compliance with WAC 480-120-133(2)(c) during this period, but, when Staff sent its forewarned data request, it was met with complete disregard by the Company. Staff was forced to spend 14 months of its scarce time and resources attempting to obtain the requested information before finally pursuing the penalties at issue here. These circumstances warrant the \$1,000 per violation penalty amount.

2. Commission enforcement factors.

22 The first enforcement factor asks how serious or harmful the violation is to the public. This factor weighs in favor of harsh penalties because of the magnitude and severity of the violations at issue here. First, the data provided by the Company demonstrates that it did not come close to meeting the 60-second requirement under WAC 480-120-133(2)(c) for the months at issue, with monthly average response times taking as long as 291 seconds.³² The Company continued to incur these blatant violations after Staff provided technical assistance on multiple occasions and repeatedly warned the Company that further violations would result in penalties. This is not a situation where Staff is nickel and diming the Company for petty regulatory violations; Staff was forced to take action and pursue harsh penalties after the Company made clear that it would not make a good faith effort to bring its response times down into an acceptable range. Second, the Company's lack of

³² Prabakaran, Exh. SP-14 at 8-9.

participation with Staff's investigation constitutes a further serious harm to the public. The Company's lack of participation in the investigation process impeded Staff's ability to efficiently conduct an investigation to ensure consumers are treated fairly and consistently according to Commission laws and rules. CenturyLink's conduct during Staff's investigation goes far beyond the occasional missed deadline or incomplete response, but is fairly characterized as a repeated pattern of total disregard towards Staff's requests for information and therefore complete indifference towards the public's interest in its cooperation.

23 In the testimony of witness Gose, the Company argues that this factor cannot weigh in favor of the harshest penalties, citing two prior CenturyLink cases—Dockets UT-181051 and UT-210902—in which the Commission imposed lesser penalties for violations CenturyLink asserts were more harmful.³³ These cases are inapposite, however, as neither indicate that the severity of harm was a determinative factor in the setting of the per-violation penalty amount. In Docket UT-181051, the Commission imposed a \$100 penalty for each of the Company's 13,000 violations related to the December 2018 911 outage.³⁴ However, the Commission also imposed a \$1,000 penalty for 15 other violations in that case.³⁵ In Docket UT-210902, the Commission initially imposed a \$1,000 penalty for each of the Company's 923 violations of its service disconnection rules.³⁶ However, on administrative review, the Commission found that Enforcement Policy Factor 8, the

³³ Gose, Exh. PJG-1T at 8:20-9:6.

³⁴ *Wash. Utils. & Transp. Comm'n v. CenturyLink Communications, LLC*, Docket UT-181051, Final Order 08 at 21 ¶ 86 (June 9, 2023).

³⁵ *Wash. Utils. & Transp. Comm'n v. CenturyLink Communications, LLC*, Docket UT-181051, Final Order 08 at 21 ¶ 86 (June 9, 2023).

³⁶ *Wash. Utils. & Transp. Comm'n v. CenturyLink Communications, LLC et al.*, Docket UT-210902, Order 04 at 13 ¶ 43 (June 29, 2023).

likelihood of recurrence, weighed in favor of mitigation and thus mitigated the assessed penalty down to \$750 per violation.³⁷ No such mitigating circumstances exist in this case.

24 The second enforcement factor asks whether the violations were intentional. As previously stated, CenturyLink failed to come close to meeting the standard of WAC 480-120-133(2)(c) 17 months after Staff first admonished the Company and provided technical assistance. Moreover, the Company on multiple occasions ignored Staff's follow-ups after receiving actual notice of Staff's request for information. When the Company did respond to Staff's inquiries, its responses were months late and incomplete. The Company had the option to request an extension or object to the data request, but instead it chose to disregard it. This conduct was intentional.

25 The third and fourth factors ask whether the Company self-reported the violations and whether the Company was cooperative and responsive, respectively. In the response testimony of Peter Gose, the Company admits that it did not self-report the violations at issue and acknowledges that the Company provided delayed responses to Staff's requests for information.³⁸ The facts supporting Staff's allegations that CenturyLink violated WAC 480-07-175 establish this factor as a matter of fact and therefore both of these factors weigh in favor of harsher penalties.

26 The fifth enforcement factor asks whether the Company promptly corrected the violations and remedied the impacts. At least 17 months elapsed between when the Company had actual notice of its violations of WAC 480-120-133(2)(c) in July 2021 and when it came into compliance with the rule in December 2022. This length of time, during which Staff provided technical assistance and warned the Company on multiple occasions

³⁷ *Wash. Utils. & Transp. Comm'n v. CenturyLink Communications, LLC et al.*, Docket UT-210902, Order 05 at 7-8 (October 23, 2023).

³⁸ Gose, Exh. PJG-1T at 12:11-17.

that further violations would result in penalties, may not be characterized as “prompt.”

Regarding the violations of WAC 480-07-175(2)(b), Staff attempted to obtain the information requested in its original data request for 14 months before filing the complaint in this case. The Company’s lack of cooperation with Staff’s investigation has still not been remedied.

27 The sixth factor assesses the number of violations. CenturyLink committed a total of 243 violations in this case. This factor also weighs in favor of harsher penalties.

28 The seventh factor assesses the number of customers affected. This is the only factor that does not weigh in favor of harsher penalties. However, neither does it weigh in favor of a lower penalties. In addition to the fact that the violations of WAC 480-07-175 do not implicate customer-facing behavior by the Company, there is no way to accurately estimate the number of customers affected by the Company’s delayed response times to customer calls. This factor therefore should only weigh neutrally.

29 The eighth factor assesses the likelihood of recurrence. The Commission considers whether a company has “changed its practices” or committed repeat violations when looking at this factor.³⁹ There are several reasons why Staff believes that the violations at issue here are likely to recur. Although the data provided by the Company showed that it saw a dramatic reduction in the monthly wait times for calls placed to its business office between November 2022 (116 seconds) and December 2022 (8 seconds), it has not explained what caused this drop, nor explained what steps it has put into place to ensure it will remain in compliance with WAC 480-120-133(2)(c) moving forward. Similarly, due to the length of time for which Staff’s data request remained open in this case, the fact that CenturyLink admittedly lost a portion of the requested data, and the fact that CenturyLink does not track

³⁹ Enforcement Policy Statement at 9 ¶ 15.

all of the relevant data that would establish its compliance with the other subsections of WAC 480-120-133(2),⁴⁰ Staff has serious concerns about the Company's ability to timely respond to future data requests. Because CenturyLink has not established how it has changed its practices to comply with Commission rules and because of its history of violations of WAC 480-120-133(2)(c) prior to this action, this factor weighs in favor of harsher penalties.

30 The ninth factor assesses the company's past performance regarding compliance, violations, and penalties. Staff laid out CenturyLink's recent and lengthy history of Commission penalties and other enforcement actions in the testimony of witness Prabakaran.⁴¹ Witness Gose argues in his testimony that the cases Staff identified do not concern the regulations at issue here and thus do not weigh in favor of maximum penalties.⁴² However, the Commission's assessment of this factor is not limited to the violations Staff identified here. The Commission's Enforcement Policy Statement specifically states that it will "deal more harshly with companies that have a history of non-compliance, repeated violations of *the same or other regulations*, and previous penalties."⁴³ Even if the Commission were to so limit its assessment of this factor, the record in this case indicates that CenturyLink does have a history of the violations at issue here. Staff began recording CenturyLink's violations of WAC 480-120-133(2)(c) as early as June 2021. On multiple occasions, Staff informed the Company of its violations and stated it would offer technical

⁴⁰ For example, WAC 480-120-133(2)(b) states: "The automated system must provide a caller with an option to speak to a live representative within the first sixty seconds of the recorded message, or it must transfer the caller to a live representative within the first sixty seconds." The Company stated in one of its partial responses the Staff's data request that its systems do not track the average time from the beginning of a call until the automated system provides the option to speak with a live representative. Prabakaran, Exh. SP-10.

⁴¹ Prabakaran, Exh. SP-T at 17-19.

⁴² Gose, PJG-1T at 17:6-11.

⁴³ Enforcement Policy Statement at 9 ¶ 15.

assistance in lieu of imposing penalties before the Commission commenced this case and sought penalties for the violations that occurred in 2022.

31 The tenth factor assesses the Company's existing compliance program. Witness Gose testified that the Company is now in compliance with WAC 480-120-133(2)(c) and has taken corrective actions to ensure that it timely responds to Staff's requests for information in the future.⁴⁴ However, Staff is not aware of any existing compliance procedures the Company undertook to come into compliance with WAC 480-120-133(2)(c). Nor is it clear that the steps the Company says it has put in place to comply with WAC 480-07-175 will lead to consistent improvement in the future, particularly in light of the fact that the Company admittedly does not track all data necessary to establish its compliance with the provisions of WAC 480-120-133(2)⁴⁵ and has lost a portion of the data that it does track after being explicitly informed that the Commission would request that information. There is thus no basis on which the Commission may deem the Company's existing compliance programs adequate.

32 The eleventh factor assesses the size of the Company. CenturyLink, LLC alone reported gross intra-state annual revenue of \$17,619,947.63 in 2022.⁴⁶ The penalty Staff requests here is therefore not disproportionate to the Company's revenues.

33 All but factor seven, the number of customers affected, operate in favor of the harshest penalties, and that factor weighs only neutrally. Because 10 out of the 11 enforcement factors weigh in Staff's favor, the Commission should impose Staff's requested penalty of \$1,000 per violation.

⁴⁴ Gose, PJG-1T at 17:15-18.

⁴⁵ See *supra* n.34.

⁴⁶ Prabakaran, SP-1T at 19:13.

V. CONCLUSION

34 The Commission should impose Staff's requested penalty of \$243,000 for two reasons. First, there is no legitimate basis on which to challenge Staff's assessment of the number of violations CenturyLink committed in this case. There is no dispute that the Company committed the nine violations of WAC 480-120-133(2)(c) alleged in the complaint. Nor is there a dispute that the Company did not provide a complete response to Staff's request for information for the 234 business days between March 8, 2023 and February 15, 2024. Second, the circumstances surrounding the violations at issue here establish that a penalty amount of \$1,000 per violation is appropriate. Ten out of the Commission's 11 enforcement factors are met here, thereby supporting Staff's request that the Commission impose a penalty amount of \$1,000 per violation. Moreover, Staff provided the Company ample warning and opportunities to cooperate and come into compliance before assessing penalties in this case. The Company instead chose to ignore these warnings and Staff's requests for information and therefore the maximum amount of penalties is warranted.

DATED October 16, 2024.

Respectfully submitted,

ROBERT W. FERGUSON
Attorney General

/s/ *Liam Weiland*, WSBA No. 57197
Assistant Attorney General
Office of the Attorney General
Utilities & Transportation Division
P.O. Box 40128
Olympia, WA 98504-0128
(360) 570-3400