

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Public Safety and Homeland Security) PS Docket No. 14-72
Bureau Inquiry into Circumstances)
of Major 911 Outage Centered in)
Washington State on April 9-10, 2014)

REPLY COMMENTS OF THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

The Washington Utilities and Transportation Commission (“WUTC”)¹ submits the following reply comments in response to the Federal Communications Commission's (“Commission”) Public Notice seeking comment in the matter of the circumstances of a major 911 outage centered in the state of Washington on April 9 and 10, 2014.²

On April 10, 2014, between approximately midnight and 8:00 a.m., the CenturyLink Emergency Services Internet Protocol Network in the state of Washington³ experienced a complex outage caused by a technical error in a call router, which prevented the system from properly processing calls. During the outage period, approximately 770 calls to 911 were delivered to the Public Safety Answering Points (PSAPs) and approximately 4,500 calls to 911 failed in the state of Washington.

¹ The WUTC has authority to “participate in proceedings before federal administrative agencies in which there is at issue the authority, rates or practices for transportation or utility services affecting the interests of the State of Washington, its businesses and general public.” Wash. Rev. Code § 80.01.075.

² *Public Safety and Homeland Security Bureau Inquiry Into Circumstances of Major 911 Outage Centered in Washington State on April 9-10, 2014*, PS Docket No 14-72, Public Notice, DA 14-676 (rel. May 16, 2014).

³ In March 2012, 911 service in the state transitioned from a legacy 911 system to the CenturyLink Emergency Services Internet Protocol Network (“ESINet”) product.

The WUTC has jurisdiction over the rates, services, facilities, and practices of telecommunications companies operating within the state of Washington.⁴ CenturyLink provides facilities for 911 services throughout the state. Although the WUTC has deregulated many of CenturyLink's services in Washington because they are competitive in nature, 911 services are not treated as competitive and remain in CenturyLink's tariff.⁵ The WUTC accordingly reviews tariffs that CenturyLink files with the WUTC for service over dedicated 911 facilities and regulates the service CenturyLink provides under those tariffs. In addition to reviewing the tariffs offering 911 services, the WUTC regulates service quality,⁶ requires reporting during major outages,⁷ regulates the E-911 obligations of local exchange companies,⁸ and mandates compliance with network performance standards that include specific requirements for E-911 facilities.⁹ When the WUTC finds that a telecommunications company has violated laws or rules enforced by the WUTC, the WUTC may take enforcement action, including assessing penalties.¹⁰

The WUTC also plays a role in the funding of emergency services. State law requires telecommunications carriers to collect an E-911 excise tax from their customers to fund emergency services.¹¹ Under this law, the WUTC is tasked with setting annually the E-911 excise tax level.¹²

⁴ Wash. Rev. Code § 80.01.040.

⁵ *In the Matter of the Petition of the CenturyLink Companies – Qwest Corporation; CenturyTel of Washington; CenturyTel of Inter Island; CenturyTel of Cowiche; and United Telephone Company of the Northwest, to be Regulated Under an Alternative Form of Regulation Pursuant to RCW 80.36.135*, WUTC Docket UT-130477, Order 04, Final Order Approving Settlement Agreements and Establishing Alternative Form of Regulation (Jan. 9, 2014), ¶¶ 44 & 83.

⁶ *E.g.*, Wash. Rev. Code § 480-120-439.

⁷ Wash. Admin. Code § 480-120-412.

⁸ Wash. Admin. Code § 480-120-450.

⁹ Wash. Admin. Code § 480-120-401.

¹⁰ *E.g.*, Wash. Rev. Code § 80.04.380 and Wash. Rev. Code § 80.04.405.

¹¹ Wash. Rev. Code § 82.14B.030.

¹² The current E-911 excise tax is twenty-five cents per month per line. *In the Matter of Determining the Enhanced 911 Excise Tax*, WUTC Docket UT-131629, Order 01, Order Determining the State Enhanced 911 Excise Tax (Oct. 10, 2013).

On April 10, 2014, the WUTC opened an investigation into the April E-911 outage in Washington.¹³ The WUTC investigation encompasses the cause of the outage, CenturyLink's emergency preparedness and response, restoration efforts, and communication with the public in the state of Washington. In the course of its investigation, WUTC staff has been working closely with the staff of the Washington State Military Department ("Military Department") and the Commission staff assigned to the Commission Inquiry.

CenturyLink filed comments on June 16, 2014, in this Commission proceeding. At this time, because those comments contain factual assertions that are at issue in the WUTC investigation the WUTC cannot reply to them. We intend to address them in our ongoing proceeding, which we expect to complete in August, 2014. At that time, the WUTC will make its findings available to the Commission and the public. The WUTC appreciates the attention the Commission is giving to this important matter. The WUTC intends to continue to work closely with Commission staff and the Military Department to address the critical issues of reliability and resiliency, network operations, and governance issues of Washington State's next-generation 911 network.

Respectfully submitted this 26th day of June 2014,



Steven V. King
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¹³ WUTC Docket UT-140597. Documents filed in this docket are available electronically at <http://www.utc.wa.gov>.