

**BEFORE THE WASHINGTON  
UTILITIES & TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

v.

QWEST CORPORATION D/B/A CENTURYLINK QC

---

DOCKET UT-190209

**REBUTTAL TESTIMONY OF SUSAN M. BALDWIN  
ON BEHALF OF  
PUBLIC COUNSEL**

---

**EXHIBIT SMB-11T**

FEBRUARY 13, 2020

**DOCKET UT-190209**

**REBUTTAL TESTIMONY OF SUSAN M. BALDWIN**

**Exhibit SMB-11T**

**TABLE OF CONTENTS**

	<u>PAGE</u>
I. INTRODUCTION / SUMMARY	1
II. CENTURLINK RESPONSE TESTIMONY	2
A. Overview of CenturyLink Response Testimony	2

## I. INTRODUCTION / SUMMARY

1       **Q.     Are you the same Susan Baldwin who filed response testimony on January 9,**  
2               **2020 on behalf of the Public Counsel Unit of the Attorney General’s Office of**  
3               **Washington (“Public Counsel”)?**

4       A.     Yes.

5       **Q.     What is the purpose of your testimony at this time?**

6       A.     On behalf of Public Counsel, I am responding to the testimony of Philip E. Grate<sup>1</sup>  
7               and Random Mills,<sup>2</sup> filed on January 9, 2020, on behalf of Qwest Corporation  
8               d/b/a CenturyLink QC (“CenturyLink”).

9       **Q.     Please summarize your testimony and recommendations.**

10      A.     I continue to recommend that the Commission impose the maximum penalty of  
11             \$220,000 on CenturyLink. I base this recommendation on: (1) my detailed  
12             analysis and evaluation of events surrounding and including the 911 outage that  
13             occurred on July 12, 2017, which I describe in my response testimony; (2) my  
14             review of CenturyLink’s response testimony; and (3) my review of CenturyLink’s  
15             responses to Public Counsel’s discovery.

16                     The penalty is necessary so that CenturyLink bears responsibility for the  
17             outage. As I stated in my initial testimony, the penalty will signal to present and  
18             future 911 providers that they, too, are accountable to regulators and  
19             policymakers, residents, and businesses in Washington to provide safe, reliable  
20             911 service. I further recommend that 911 providers be required to submit  
21             Network Outage Reporting System (NORS) reports to the Commission.

---

<sup>1</sup> Response Testimony of Philip E. Grate, Exh. PEG-1T.

<sup>2</sup> Response Testimony of Random Mills, Exh. RM-1T.

## II. CENTURYLINK RESPONSE TESTIMONY

### A. Overview of CenturyLink Response Testimony

1       **Q.     Please identify the witnesses submitting response testimony on behalf of**  
2       **CenturyLink.**

3       A.     Mr. Grate is a government affairs director for CenturyLink,<sup>3</sup> and Mr. Mills is a  
4       senior voice engineer employed by Intrado Life & Safety, Inc. (f/k/a West Safety  
5       Services, Inc.) (“Intrado”).<sup>4</sup>

6       **Q.     In your view, do you and CenturyLink’s witnesses agree on the general facts**  
7       **of the outage (e.g., the duration, the number of failed wireline and wireless**  
8       **calls, the fact that a switch upgrade caused the outage)?**

9       A.     Yes.<sup>5</sup>

10      **Q.     What is the primary difference between your assessment of the outage and**  
11      **CenturyLink’s assessment of the outage?**

12      A.     We diverge regarding whether the outage violates the applicable rules and statute,  
13      and also the implications of the Commission’s promulgation of WAC 480-120-450  
14      in Rulemaking Docket No. 25 UT-990146. CenturyLink argues that applicable rules  
15      do not apply because the Commission did not explicitly address the responsibilities  
16      for those local exchange carriers (LECs) who provide enhanced 911 (“E911”) call  
17      routing and data management services or Next Generation 911 (“NG911”) service  
18      during the rulemaking.<sup>6</sup> However, silence by the Commission regarding its  
19      oversight of new technology that is used to provide 911 service does not equate to

---

<sup>3</sup> Grate, Exh. PEG-1T, at 1.

<sup>4</sup> Mills, Exh. RM-1T, at 1.

<sup>5</sup> See, e.g., Grate, Exh. PEG-1T, at 2:21-3:4.

<sup>6</sup> See *Id.*, at 3:6-12, and 7:22-8:10.

1 a determination by the Commission that it is either disinterested in or precluded  
2 from such oversight.

3 CenturyLink contends further that the relevant rule “[R]equires all LECs  
4 [local exchange carriers] to deliver 911 calls to the selective router. The calls in  
5 question here were in fact delivered to that point but failed due to a maintenance  
6 issue further into the network.”<sup>7</sup> As I explain below, I disagree with  
7 CenturyLink’s view that the Commission’s rules absolve CenturyLink from  
8 responsibility for the 911 outage.

9 **Q. Please explain further.**

10 A. Ultimately, of course, it is the Commission that is best positioned to assess  
11 whether CenturyLink’s interpretation of the Commission’s rules has merit, but in  
12 my view, CenturyLink is “splitting hairs” and in so doing, ignores the seemingly  
13 clear intent of the Commission to ensure that consumers have safe, adequate and  
14 reliable 911 service. The fact that the calls were delivered to the selective router  
15 and then failed downstream of that router, in my view, is an interesting but  
16 ultimately irrelevant fact.<sup>8</sup> Above all, CenturyLink was responsible for providing  
17 adequate and reliable 911 service, and they failed to do so in this instance.

---

<sup>7</sup> *Id.* at 3:8-10.

<sup>8</sup> See Grate, Exh. PEG-1T at 7:16-22, stating: “The failure occurred in West’s 911 call routing system downstream of the NG911 selective router. But that failure did not violate WAC 480-120-450(1) because WAC 480-120-450(1) does not prescribe standards applicable to 911 call routing and database management services downstream of the NG911 selective router.”

1       **Q.     According to CenturyLink, the Commission was presented with the**  
2               **opportunity to define 911 more explicitly and expansively when it established**  
3               **rules.<sup>9</sup> Should that put an end to the question of CenturyLink’s**  
4               **responsibilities in this case?**

5       A.     No. The Commission has previously and unambiguously pointed to the  
6               importance of reliable 911 service to public health, safety and welfare,<sup>10</sup> and,  
7               therefore, it is reasonable to assume that the Commission, in promulgating rules,  
8               has the same objective. In my view, to accomplish this, the Commission is  
9               entitled to interpret its rules in a manner that holds the incumbent local exchange  
10              carrier (ILEC) responsible for a failure of 911 service and is not limited by a  
11              technical demarcation point, such as this particular router.

12       **Q.     Please respond to CenturyLink’s position regarding the magnitude of the**  
13               **penalty that should apply if the Commission chooses to impose a penalty.**

14       A.     According to CenturyLink, even if the Commission were to find a violation,  
15               CenturyLink asserts that, at most, two violations occurred -- namely a single  
16               maintenance error and the one failed call that originated with CenturyLink in its  
17               capacity as an originating service provider.<sup>11</sup> CenturyLink’s reasoning is  
18               unpersuasive. It is undisputed that 222 calls failed to reach 911 service; that is  
19               why, as I explain in my response testimony, the penalty should be \$220,000.

---

<sup>9</sup> *Id.* at 3:8-10.

<sup>10</sup> *Wash. Utils. & Transp. Comm’n v. Qwest Corp.*, Docket UT-140597, Order 03: Final Order Approving Settlement Agreement, ¶ 9 (Feb. 22, 2016).

<sup>11</sup> *Grate*, Exh. PEG-1T, at 10:7-15.

1       **Q.     Please summarize your rebuttal testimony as it pertains to Mr. Grate’s**  
2       **assertions.**

3       A.     I recommend that the Commission reject CenturyLink’s attempt to evade  
4       responsibility for the July 2017 outage. I recommend that the Commission reject  
5       CenturyLink’s attempt to sidestep its responsibility for the outage by invoking a  
6       narrow interpretation of the scope of the rulemaking process and Commission  
7       rule.

8       **Q.     Please respond to the testimony of Mr. Mills, but first describe his role in the**  
9       **outage.**

10      A.     Mr. Mills states that he was “the technician at Intrado that immediately noticed  
11      the incident and started reverting the changes back to resolve the 911  
12      interruption,” and that he “worked with [its] switch vendor to find a solution to  
13      the issue.” He also “participated in drafting the Reason for Outage (RFO)  
14      document provided to CenturyLink.”<sup>12</sup> Mr. Mills explains how the error occurred,  
15      and his description of events<sup>13</sup> is consistent with my description in my response  
16      testimony.<sup>14</sup> However, we diverge in the determination of the appropriate  
17      consequence for CenturyLink of the events. He asserts that, “[T]he rule would be  
18      violated if calls did not reach the selective router, but the rule does not address a  
19      situation where the calls fail after reaching the selective router. As a simple matter  
20      of fact, all affected calls reached the selective router during the 911  
21      interruption.”<sup>15</sup>

---

<sup>12</sup> Mills, Exh. RM-1T, at 2:10-14.

<sup>13</sup> *Id.*, at 2:15-3:17.

<sup>14</sup> Baldwin, Exh. SMB-1CT, at 6:16-7:20.

<sup>15</sup> Mills, Exh. RM-1T, at 4:14-17.

1                   As I explain above, this interpretation ignores the purpose of the 911 rules  
2                   as a means to protect consumers.

3           **Q.    How do you respond to Mr. Mills’ discussion of the enhancements to the**  
4           **functioning of the 911 network that resulted from the switch upgrade?**

5           A.    Of course, well-functioning 911 networks are important. However, even taking at  
6           face value his assertion that the replaced switches were “aging, end-of-life  
7           hardware with no future support available,”<sup>16</sup> that enhancement does not justify  
8           an outage. In my view, whether the investment in new 911-related equipment was  
9           prudent should be irrelevant to the scope of this proceeding.

10          **Q.    What is your understanding of Mr. Mills’ view of the relationship between**  
11          **the switch upgrade and the outage?**

12          A.    Mr. Mills observes that if the switch upgrade had not occurred, then the outage  
13          also would not have occurred.<sup>17</sup> If Mr. Mills is implying that the enhancement to  
14          the 911 system justified the outage, I am not persuaded that this is a mitigating  
15          factor. This is not an “either-or” situation. Of course, 911 systems should be  
16          upgraded if and as needed (with such determinations subject to independent  
17          assessments), but the wisdom of upgrading the 911 system is not the issue in this  
18          case. Upgrades need to be well-planned, and the process for making the changes  
19          should be sufficiently robust to ensure that the integrity of the system is fully  
20          maintained during the changeover. The integrity of the 911 system is an  
21          overriding public safety priority – if an upgrade is needed, all those involved in its  
22          implementation should take all of the necessary steps to make sure that system’s

---

<sup>16</sup> *Id.*, at 6:4-6.

<sup>17</sup> *Id.*, at 6:17-18.



1 integrity and operability is preserved throughout the upgrade process. The notion  
2 that holding CenturyLink accountable for the 911 failure would “discourage”<sup>18</sup>  
3 reasonable upgrade projects should be resoundingly dismissed as a tactic to scare  
4 regulators from exercising their oversight of 911.

5 **Q. Does Mr. Mills raise the prospect of other related dire outcomes presumably**  
6 **linked to the Commission holding CenturyLink accountable for the**  
7 **undisputed 911 outage?**

8 A. Yes. Mr. Mills continues in a similar vein, stating:

9 Had Intrado instead decided to maintain its legacy [REDACTED] switches,  
10 there would have been no ongoing manufacturer support for this  
11 dated and end-of-life equipment. Consequently, any issues with the  
12 [REDACTED] switches after end-of-life would have resulted in a  
13 significantly longer time of repair and outage restoration, which  
14 presents an indefensible threat of harm to public safety.<sup>19</sup>

15 Again, the question is not whether CenturyLink should have been  
16 permitted to modernize equipment associated with 911 or whether the system  
17 would have been less robust without the change. The fact that things could have  
18 been worse (had the old equipment been retained) is also irrelevant. In the final  
19 analysis, even if the decision to upgrade 911 technology is completely prudent  
20 and necessary to maintain adequate service, the adverse consequences of failing to  
21 implement the change without disruption to the 911 system remains  
22 CenturyLink’s responsibility. Neither Mr. Grate nor Mr. Mills has provided any  
23 new information that would alter my recommendation that the Commission  
24 impose a penalty of \$220,000 on CenturyLink.

---

<sup>18</sup> Mills, Exh. RM-1T, at 6:20.

<sup>19</sup> *Id.*, at 7:1-5.

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

2        A.    Yes.