

WUTC DOCKET: 181051
EXHIBIT: JHJ-17CT (R)
ADMIT W/D REJECT
Exh. JHJ-17CT
Docket UT-181051
Witness: Jacque Hawkins-Jones
CONFIDENTIAL

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

**CENTURYLINK
COMMUNICATIONS, LLC.,**

Respondent.

DOCKET UT-181051

CROSS-ANSWERING TESTIMONY OF

JACQUE HAWKINS-JONES

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

PSAP Communication and Penalty Recommendation

August 31, 2022

CONFIDENTIAL PER PROTECTIVE ORDER IN DOCKET UT-181051

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Exh. JHJ-18 ValleyCom Response to UTC Questionnaire

1 **I. INTRODUCTION**

2

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

4 A. My name is Jacque Hawkins-Jones, and my business address is 621 Woodland
5 Square Loop S.E., Lacey, Washington, 98503. My business mailing address is P.O.
6 Box 47250, Olympia, Washington, 98504-7250. My business email address is
7 Jacque.Hawkins-Jones@utc.wa.gov.

8

9 **Q. Are you the same Jacque Hawkins-Jones who filed testimony in this docket with**
10 **the Washington Utilities and Transportation Commission (Commission) on**
11 **behalf of Commission staff (Staff) on December 15, 2021?**

12 A. Yes.

13

14 **Q. Have you prepared an exhibit in support of your testimony?**

15 A. Yes. I prepared the following exhibit:
16 Exh. JHJ-18 is ValleyCom’s Response to UTC Questionnaire regarding the
17 December 2018 911 outage in Washington state.

18

19 **II. SCOPE AND PURPOSE OF TESTIMONY**

20

21 **Q. Please summarize what you will be addressing in your testimony.**

22 A. My testimony responds to the testimony of CenturyLink Communications, LLC
23 (CLC) witness Stacy Hartman’s analysis of the Commission’s penalty enforcement

1 factors, and provides additional information regarding Public Safety Answering
2 Points (PSAP) that were served by CenturyLink¹ at the time of the December 2018
3 outage.

4 5 III. DISCUSSION

6 7 A. Follow-up PSAP Communication

8
9 **Q. In your previous testimony, you stated that you performed follow up**
10 **communication with PSAPs still under CenturyLink management during the**
11 **December 2018 outage. And in that testimony, you identified four PSAPs that**
12 **experienced a disruption during the outage timeframe. Is that correct?**

13 A. Yes. The four PSAPs were ValleyCOM, NORCOM, South Sound 911 – Puyallup,
14 and the Colville Tribal Police.

15
16 **Q. Did you provide exhibits as a part of that testimony?**

17 A. Yes. A copy of the email communication from each of the listed PSAPs was
18 included as an exhibit in my previous testimony.² However, upon further review,
19 Staff found that ValleyCOM's responses to Staff's questions were inadvertently left

¹ As used in my cross-answer testimony, "CenturyLink" refers to CenturyLink Communications LLC d/b/a Lumen Technologies Group (CLC) and its affiliates Qwest Corporation d/b/a CenturyLink QC (Qwest), CenturyTel of Washington, Inc., CenturyTel of Inter Island, Inc., CenturyTel of Cowiche, Inc., and United Telephone Company of the Northwest.

² Hawkins-Jones, Exh. JHJ-15.

1 out and only the email response from the PSAP was provided.³ I have provided the
2 omitted response as an exhibit to my current testimony.⁴

3

4 **Q. Please describe ValleyCOM’s responses to Staff’s questions about the December**
5 **2018 outage.**

6 A. ValleyCOM experienced multiple issues during the December 2018 outage,
7 including being unable to make long distance 10-digit phone calls. It also was unable
8 to make or transfer calls to other PSAPs, including NORCOM, South Sound 911,
9 and Washington State Patrol Bellevue/Tacoma, and was not able to call back some
10 911 hang-ups.⁵ Additionally, ValleyCOM said its biggest issue during the outage
11 “was lack of communication from CenturyLink.”⁶ The only communication it
12 received from CenturyLink was from trouble tickets.

13

14 **Q. Do you agree with CLC Witness Stacy Hartman’s statement that the 15**
15 **CenturyLink-served PSAPs did not experience a major outage?**⁷

16 A. No. Based on the CenturyLink-served PSAP’s responses to Staff’s questionnaire,
17 PSAPs served by CenturyLink were impacted by the December 2018 outage, with
18 the exception of the Spokane Regional Emergency Communications PSAP.⁸

19

³ Hawkins-Jones, Exh. JHJ-15 at 1.

⁴ Hawkins-Jones, Exh. JHJ-18.

⁵ Hawkins-Jones, Exh. JHJ-18 at 1. *See also id.* at 1 (stating that NORCOM reported that it was “not receiving 911 calls, both landline and wireless.”).

⁶ Hawkins-Jones, Exh. JHJ-18 at 3.

⁷ Hartman, Exh. SJH-1TC at 49:1-6.

⁸ Hawkins-Jones, Exh. JHJ-15; Hawkins-Jones, Exh. JHJ-16; Hawkins-Jones, Exh. JHJ-18.

1 **B. Penalty Recommendation**

2

3 **Q. Do you agree with Witness Hartman’s application of the Commission’s penalty**
4 **factors to the violations alleged in this case?⁹**

5 A. No. I disagree with Witness Hartman’s analysis of the Commission’s penalty
6 enforcement factors.¹⁰ In formulating its penalty recommendation, Staff explicitly
7 considered the Commission’s enforcement policy and the consideration of the
8 Commission’s factors directly informed Staff’s penalty recommendation. I
9 recommend that the Commission agree with the penalty factor analysis described in
10 my initial testimony.¹¹

11

12 **Q. Please explain.**

13 A. Witness Hartman’s application of the Commission’s enforcement factors is biased
14 and overly favorable to CLC. Staff still does not believe that CLC recognizes the
15 gravity of the outage and the critical importance of ensuring continuous availability
16 of 911 service.

17

18 **Q. Are there any specific enforcement factors you would like to address based on**
19 **Witness Hartman’s testimony?**

20 A. Yes. For instance, in her analysis of the first factor, how serious or harmful the
21 alleged violations were to the public, Witness Hartman still claims that “no 911 calls

⁹ Hartman, Exh. SJH-1TC at 54:8 – 63:17.

¹⁰ *In the Matter of the Enforcement Policy of the Washington Utilities and Transportation Commission*, Docket A-120061, Policy Statement (Jan. 7, 2013).

¹¹ Hawkins-Jones, Exh. JHJ-1CT at 14:10 – 18:18.

1 destined to CenturyLink-served PSAPs failed as a result of the December 2018
2 network outage.”¹² However, Witness Hartman fails to address the responses by four
3 PSAPs still served by CenturyLink at the time of the outage, which stated they were
4 not able to receive or transfer 911 calls during the outage timeframe, among other
5 issues.¹³

6 Regarding the second factor, whether the violation was intentional, Staff
7 reasserts that the December 2018 outage was foreseeable and preventable.¹⁴ The
8 Commission has previously explained in a prior 911 outage docket that:

9 ...the Commission’s policy states, “[a] company that willingly and
10 intentionally violates a Commission requirement may be dealt with
11 more severely than a company that unknowingly committed a
12 violation.” In determining whether a violation is intentional, the
13 Commission considers whether the company has ignored Staff’s
14 technical assistance, previously violated the same requirement, is
15 hiding or obscuring facts, or demonstrably knew of and failed the
16 correct the violation. A higher penalty may be appropriate in such
17 circumstances to reinforce the importance of complying with
18 regulatory obligations and to provide a greater incentive for a
19 company not only to correct its behavior but to modify its attitude
20 toward complying with the law.¹⁵

21
22 While TSYS is currently the 911 provider in Washington, that should not relieve
23 CLC of the responsibility for the events that took place leading up to and during the
24 December 2018 outage.¹⁶ Additionally, CLC is still a Commission-regulated
25 company in Washington and, given its prior violations, a substantial penalty would

¹² Hartman, Exh. SJH-1TC at 55:1-3.

¹³ Hawkins-Jones, Exh. JHJ-15; Hawkins-Jones, Exh. JHJ-18.

¹⁴ Webber, Exh. JDW-1CT at 6:9-7:1.

¹⁵ *Wash. Utils. & Transp. Comm’n v. Qwest Corporation d/b/a CenturyLink QC*, Docket UT-140597, Order 03, 7, ¶ 18 (Feb. 22, 2016).

¹⁶ See Webber, Exh. JDW-38C at 23 (

1 provide a greater incentive to correct its overall behavior and attitude toward
2 compliance. As noted in Witness Webber’s testimony, CenturyLink knew about the
3 vulnerability created by the enabled IGCCs and failed to address the possibility of a
4 similar packet storm on the Green network outage prior to the December 2018
5 outage.¹⁷ Furthermore, as I explained in my initial testimony, the first and second
6 factors were particularly significant to my revised penalty recommendation, because
7 of the importance of 911 service, the seriousness of the violations and potential for
8 harm, and the foreseeability of the Green network outage.¹⁸

9
10 **Q. Are there other factors you would like to address based on Witness Hartman’s**
11 **testimony?**

12 **A.** Yes. I will just address a few.

13 **Factor three – Whether CenturyLink self-reported the outage.** As confirmed by
14 CLC, CenturyLink did not report the outage because it claims that none of the
15 CenturyLink served PSAPs experienced a “Major Outage” during the December
16 2018 outage.¹⁹ However, Witness Hartman fails to address the responses from the
17 four CenturyLink served PSAPs discussed above, which indicate that they also
18 experienced service disruptions during the December 2018 outage.

19 **Factor four – Whether CLC was cooperative and responsive.** Witness Hartman
20 distorts how cooperative CLC was with Staff during the investigation in this case.
21 Staff had to ask numerous times for call data showing a complete picture of the

¹⁷ Webber, Exh. JDW-33CT at 27:10-19; *id.* at 37:1-7.

¹⁸ Hawkins-Jones, Exh. JHJ-1CT at 18:1-14.

¹⁹ Hartman, Exh. SJH-1TC at 49:1-9; *id.* at 56:1-9.

1 number of incoming 911 calls and the outcome of those calls.²⁰ It was only after
2 further requests during this proceeding that CLC provided the call data needed for
3 Staff to accurately compile the number of unsuccessful 911 calls during the time of
4 the outage.²¹

5 **Factor seven – The likelihood of recurrence.** Although I agree with the reasoning
6 quoted by Witness Hartman from Order 03 in Docket UT-190209, the quote does not
7 fully reflect the policy rationale related to the Commission’s imposition of penalties.
8 Order 03 states:

9 Penalties also punish unlawful behavior. Again, however, Staff and Public
10 Counsel complain only about the results of the malfunction that occurred
11 during CenturyLink’s switch migration project in Washington, not any
12 particular aspects of the project planning or implementation. Punishment is
13 not appropriate for an unforeseeable event that the Company took all
14 reasonable measures to minimize, detect, and quickly remedy.²²

15
16 Unlike the outage referenced above, Staff has identified the specific action CLC
17 should have taken to prevent the December 2018 Green network outage. As
18 explained by Staff Witness Webber, following the Red network outage in February
19 2018, CLC should have locked the IGCCs on its Green network, which would
20 have prevented the 911 outage in December 2018.²³

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

22 **A. Yes.**

²⁰ Webber, Exh. JDW-1CT at 47:8-11. *See also* Webber, Exh. JDW-6C at 11 (“It appears that the [call data] file provided in September 2019 was inadvertently missing data. Because the file was produced 2 years ago, and because there has been no follow-up by Staff since that time, CLC is not clear as to how the errors occurred, and is unable to replicate the September 2019 spreadsheet.”).

²¹ Webber, Exh. JDW-1CT at 45:7 – 48:14.

²² *Wash. Utils. and Transp. Comm’n v. Qwest Corporation, d/b/a CenturyLink QC*, Docket UT-190209, Order 03, 13, ¶ 31 (June 25, 2020)(emphasis added).

²³ Webber, Exh. JDW-33CT at 27:10-19; *id.* at 37:1-7.