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Via Email and Overnight delivery

Mr. Steven King, Executive Director and Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

**Re: Docket No. UT-140597
911 Outage
July 2, 2014 San Juan Cable Cut**

Dear Mr. King:

CenturyLink is writing in response to the July 22, 2014 letter from the San Juan Island County Council to Chairman Danner regarding the July 2, 2014 incident in which two of CenturyLink's fiber optic cables were cut by a contractor working for OPALCO. The Council says that "[w]hile it may be expedient if not convenient for some to blame the contractor for this incident, we do not." The letter goes on to criticize CenturyLink's network design, network oversight, and its response, repair, and communication actions in connection with the cut.

The letter from the Council makes a number of misstatements. The Council ignores that there was negligent, if not willful, damage to CenturyLink's clearly-marked facilities. The Council claims that CenturyLink should have had supervisors on site for the excavation, but ignores the clear responsibilities of those involved in the construction project, and the fact that the State Dig Law does not require the facility owners to be present on site. Indeed, given that the Council knows that the 4th of July weekend is critical to Island businesses¹, it is puzzling that any construction or excavation around sensitive communications facilities was even allowed during this time period.

Those on the excavation site could have avoided the damage and the resulting outage by the exercise of reasonable and ordinary care. The fiber was accurately marked. The OPALCO contractor excavated within only a few feet of the CenturyLink pedestal. Any excavation so

¹ Last November when the submarine cable was severed, one of the Council members said "good thing this didn't happen on July 2". This year there was an incident that was entirely out of CenturyLink's control, on July 2, and the Council appears to be seeking to fulfill that prophecy and blame CenturyLink for the outage.

near the pedestal should have been done via hand-digging or potholing, not with a back hoe. Yet, the contractor used a backhoe and severed the two clearly marked cables. It is not “convenient” to blame the contractor, it is simply accurate.

The Council makes no mention of how quickly CenturyLink restored service after the outage. Upon receiving central office alarms indicating a service failure, CenturyLink immediately began trouble shooting the issue, and mobilizing a response team. While splicing to restore service was underway, CenturyLink was able to cut over services to the newly constructed backup radio link between Friday Harbor and Mt. Constitution thus restoring some services before the fiber was repaired. One CenturyLink employee on San Juan Island began working on the repair immediately, while another splicing technician was located on Orcas Island and took the ferry to San Juan Island, arriving only a few hours after the damage occurred. OPALCO also contributed personnel to assist in the repair. Services were fully restored by midnight that day – on an outage that the excavator’s reasonable and ordinary care would have prevented.

In specific response to the numbered paragraphs in the Council’s letter, CenturyLink states as follows:

- (1) The Council states that CenturyLink failed to make improvements in its system to achieve redundancy. The misstatements here are especially obvious and troubling, since anyone can watch the video recording of the July 7, 2014 Council meeting and hear for themselves the information that CenturyLink provided.² In fact, CenturyLink has a radio path between Friday Harbor and Mt. Constitution, and was able to cut traffic over to that path while the splicing was being done – this restored intra-island calling as well as 911. The other radio path, between Mt. Constitution and Bellingham, is pending both Canadian and FCC approval. CenturyLink’s representative at the Council meeting told the Council that one backup Ethernet radio route was already in place, that a fiber path had been established between Mt. Constitution and East Sound, and that the radio between Mt. Constitution and Bellingham was pending approval. None of that information is included in the Council’s letter to the Commission.
- (2) The Council states that CenturyLink failed to provide adequate oversight of its infrastructure. The letter goes on to claim that CenturyLink should have had personnel on-site to supervise the digging activity. This is simply incorrect. CenturyLink complied with the Dig Law; the excavator did not. The Council’s expectation that CenturyLink have someone on site through the entire job is both impractical and not required. Excavators are responsible for following the Dig Law, and sound excavation practices. Facilities owners are not expected or required to police compliance. Had the contractor, and the OPALCO supervisor over the excavation taken basic, reasonable, required steps there would have been no cut in the first place. It is also unclear why the

² <http://www.avcaptureall.com/Sessions.aspx#session.8ddc6eae-20b4-4718-a6ad-59ccc84d760f>

excavator notified CenturyLink of the damage only after first notifying Councilman Jarman, Rock Island, and the Sheriff's office.

- (3) The Council claims that CenturyLink failed to adequately notify public officials of the outage. The Council would have liked someone to walk over to its offices with the information. However, since Councilman Jarman was already on site at the damage, as well as sending angry e-mails to CenturyLink, it is pretty clear that the Council knew what was happening, so the need to walk over to the Council chamber is unclear.

With regard to other notices, once again the Council is misinformed. CenturyLink's office was locked because it contains critical central office equipment – it is not open to the public. Further, all staff were away from the office dealing with the outage. An informational note was placed on the door, and communications were issued via press release, Twitter, and other media. Notifications were sent to the State Emergency Management Department and the local PSAPs immediately after CenturyLink learned of the outage.

- (4) Finally, the Council complains about lack of notice to the business community. The Council does not say what CenturyLink should have done, but rather blames CenturyLink for a "poor communication infrastructure" "perpetrated" on the San Juan Islands. This is simply absurd. No carrier can or does build a network that is immune to outages – especially outages caused by third parties. As noted above, CenturyLink posted notices at its offices, and issued media alerts to keep consumers informed.

CenturyLink is concerned that the Council's letter inappropriately blames CenturyLink for an outage over which it had no control, and which it promptly and competently repaired. The Council's inability to assign responsibility properly for the damage to CenturyLink's facilities is disturbing, and the approach of continuously blaming and criticizing CenturyLink is counterproductive to a cooperative working environment. CenturyLink urges the Commission to read the Council's letter in the context of the information set forth here, and to refuse to be swayed by inflammatory and inaccurate accusations.

Sincerely,



Lisa A. Anderl

LAA/jga

cc: San Juan County Council, Rick Hughes, Chairman
Senator Kevin Ranker
Representative Jeff Morris
Representative Kristine Lytton