

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYTEL OF INTER ISLAND,
INC. D/B/A CENTURLINK,

Respondent.

DOCKET UT-132234

ORDER 05

ORDER APPROVING SAN
JUAN COUNTY OUTAGE
COMMUNICATIONS PLAN
AND WASHINGTON STATE
OUTAGE
COMMUNICATIONS PLAN

1 **BACKGROUND.** On November 5, 2013, the voice and data customers of CenturyTel of Inter Island, Inc. d/b/a CenturyLink (CenturyLink or the Company) in the San Juan Islands experienced a service interruption due to a severed underwater cable on the Company’s telecommunications and broadband system. On November 5, 2014, the regulatory staff (Commission Staff or Staff) of the Washington Utilities and Transportation Commission (Commission) filed a complaint against CenturyTel of Inter Island, Inc. d/b/a CenturyLink (CenturyLink). The complaint alleged that CenturyLink has committed 15,935 violations of WAC 480-120-412, the Commission rule related to major outages.

2 On October 20, 2015, the Commission conditionally approved a full settlement agreement (Settlement) and directed the parties to file the San Juan County Emergency Communications Plan and the Washington State Emergency Communications Plan within three months of the effective date of the Order (Order 03).¹ The plans are to be “approved or rejected at a Commission open meeting.”²

¹ Order 03, ¶ 30.

² *Id.*

3 **PARTY REPRESENTATIVES.** Lisa Anderl, Senior Associate General Counsel, Seattle, Washington, represents CenturyLink. Lisa W. Gafken, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Division of the Washington State Attorney General’s Office (Public Counsel). Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, Washington, represents Staff.³

MEMORANDUM

4 In Order 03, the Commission found that the Settlement was “rather vague with respect to the process and timeframes the parties envision for development and approval of the Emergency Communications Plans.”⁴ The Commission shortened the development and submission timeframe from eight to three months from the effective date of Order 03 and directed the parties to file the plans in the original docket for discussion and approval or rejection at an open meeting.⁵

5 Order 03 also required the parties to file, at the same time as the Emergency Communications Plans, a “reasonably detailed register of all meetings, calls, and other ancillary steps taken to develop such plans.”⁶ The Commission imposed this requirement so it could evaluate “the adequacy of the parties’ efforts to develop and implement sufficiently robust Emergency Communications Plans.”⁷ Further, Order 03 directed the parties to consult the Washington Military Department in the meetings that take place in the formulation of the Washington State Communications Plan.⁸

6 **Compliance Filings.** On January 20, 2016, CenturyLink filed the San Juan County Outage Communications Plan, the Washington State Outage Communications Plan (collectively with San Juan County Outage Communications Plan, the Outage

³ In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See*, RCW 34.05.455.

⁴ Order 03, ¶ 30.

⁵ *Id.*

⁶ *Id.*, ¶ 31.

⁷ *Id.*

⁸ *Id.*, ¶ 32.

Communications Plans),⁹ and a register of the process and participants involved in the formulation of these plans. On December 9, 2015, Staff facilitated a meeting in Friday Harbor in San Juan County, which was attended by Staff, Public Counsel, CenturyLink, the Washington Military Department, San Juan County/Town of Friday Harbor Department of Emergency Management, and the San Juan County E911 County Coordinator.¹⁰ On December 15, 2015, Staff facilitated a meeting at the Commission's headquarters in Olympia, Washington, with Staff, Public Counsel, the Washington Military Department, and CenturyLink in attendance.¹¹

7 The participants at these meetings decided that the procedures established for statewide outage communications should also apply to San Juan County, with dissemination information unique to San Juan County included.¹² The goal of the Outage Communications Plans “is for CenturyLink to make information about a major outage of telephone service in Washington [and San Juan County] available to the people who need to know that is as timely and accurate as reasonably possible so that they can plan for and adapt to the effects of the outage.”¹³ The Washington State Outage Communications Plan provides for CenturyLink's use of conventional, social, and monitor medias for alerting customers to widespread state outages.¹⁴ The San Juan County Outage Communications Plan includes specific provisions that address the unique nature of San Juan County and its high dependence on CenturyLink.¹⁵

⁹ In its initial compliance filing on January 20, 2016, CenturyLink states that “the parties agreed that the title of both communications plans should use the word ‘Outage’ rather than ‘Emergency.’” Compliance filing, ¶ 10. CenturyLink explains that the parties decided:

an emergency communications plan was the purview of an emergency management department or division. A local telephone company such as CenturyLink would more properly have an “outage notification” or communications plan because the plan contains procedures to disseminate information to the public, public officials, and news media during an outage (which may or may not constitute an emergency).

Id. As a result, both plans will be referred to in the remainder of this Order as the Outage Communications Plans.

¹⁰ Compliance Filing, ¶ 8.

¹¹ *Id.*, ¶ 9.

¹² *Id.*, ¶ 11.

¹³ Outage Communications Plans at 1.

¹⁴ Washington State Outage Communications Plan at 6.

¹⁵ San Juan County Outage Communications Plan at 2.

8 On March 1, 2016, CenturyLink filed revised Outage Communications Plans, that corrected the reference to the State E911 Coordinator’s Office (initially referred to as the “E911 Unit”, modified to State E911 Coordinator’s Office or SECO). On March 16 and 25, 2016, the San Juan County Department of Emergency Management and State E911 Coordinator's Office, respectively, filed letters supporting Commission approval of the Outage Communications Plans.

9 On April 28, 2016, the Commission held a recessed open meeting to consider whether to approve or reject the San Juan County Outage Communications Plan and the Statewide Outage Communications Plan. At the open meeting, CenturyLink presented the Outage Communications Plans, and Staff recommended that the Commission approve the plans. Representatives from the Public Counsel Unit of the Washington State Attorney General’s Office, the Washington State E911 Coordinator’s Office, and the San Juan County Department of Emergency Management, respectively, spoke in support of the plans.

10 Several revisions were proposed to the State Outage Communications Plan at the open meeting, which CenturyLink accepted. CenturyLink filed a second revised State Outage Communications Plan on April 29, 2016, incorporating the changes.

11 **Discussion and Decision.** A compliance filing does not become effective until the Commission acts on it.¹⁶ Order 03 required the Commission to approve or reject the Outage Communications Plans at an open meeting.¹⁷

12 We have carefully reviewed both Outage Communications Plans and the register detailing the collaborative process involved. All participants are to be commended for their contributions to these plans. The Outage Communications Plans, filed by CenturyLink on January 20, 2016, with revisions filed March 1 and April 29, 2016, are in compliance with Order 03 and should be approved.

¹⁶ WAC 480-07-883(3)(b).

¹⁷ Order 03, ¶ 30.

FINDINGS AND CONCLUSIONS

- 13 (1) The Washington Utilities and Transportation Commission (Commission) is an agency of the State of Washington vested by statute with the authority to regulate public service companies.
- 14 (2) CenturyTel of Inter Island, Inc. d/b/a CenturyLink (CenturyLink) provides telecommunications services, including, but not limited to, basic local exchange service to the public for compensation within the state of Washington.
- 15 (3) On October 20, 2015, the Commission conditionally approved a full settlement agreement (Settlement) and directed the parties to file the San Juan County Emergency Communications Plan and the Washington State Emergency Communications Plan within three months of the effective date of Order 03, for Commission discussion and either approval or rejection at an open meeting.
- 16 (4) On December 9, 2015, Staff facilitated a meeting in Friday Harbor in San Juan County, which was attended by Staff, Public Counsel, CenturyLink, the Washington Military Department, San Juan County/Town of Friday Harbor Department of Emergency Management, and the San Juan County E911 County Coordinator.
- 17 (5) On December 15, 2015, Staff facilitated a meeting at the Commission's headquarters in Olympia, Washington, with Staff, Public Counsel, the Washington Military Department, and CenturyLink in attendance.
- 18 (6) On January 20, 2016, CenturyLink filed the San Juan County Outage Communications Plan, the Washington State Outage Communications Plan, and a register of the process and participants involved in the formulation of these plans.
- 19 (7) The Washington State Outage Communications Plan provides for CenturyLink's use of conventional, social, and monitor medias for alerting customers to widespread state outages.

- 20 (8) The San Juan County Outage Communications Plan includes specific provisions that address the unique nature of San Juan County and its high dependence on CenturyLink.
- 21 (9) The Outage Communications Plans, with revisions filed March 1 and April 29, 2016, comply with Order 03 and should be approved.

ORDER

THE COMMISSION ORDERS THAT:

- 22 (1) The Outage Communications Plans, filed on January 20, 2016, by CenturyTel of Inter Island, Inc. d/b/a CenturyLink, and revised on March 1 and April 29, 2016, are approved.
- 23 (2) The Commission retains jurisdiction over the subject matters and parties to this proceeding to effectuate the terms of this Order.

Dated at Olympia, Washington, and effective May 2, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

PHILIP B. JONES, Commissioner

ANN E. RENDAHL, Commissioner

NOTICE TO PARTIES: This is a Commission Final Order. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 and WAC 480-07-870.