



Colville Business Council
The Confederated Tribes of the Colville Reservation
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VIA EMAIL and U.S. MAIL

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Dear Messrs. Reynolds and Fryling:

The purpose of this letter is to provide the Colville Tribes' comments on CenturyLink's draft "service quality plan," which the Colville Tribes received yesterday afternoon. We understand that you will be submitting this draft plan tomorrow. As we indicated to you during our in-person meeting on the Colville Reservation on September 23, 2011, the late date that Colville Tribes received this document does not allow for meaningful analysis and input by the Tribes prior to the scheduled submission date – a date which was extended substantially beyond the sixty days originally allowed by the Commission's order. CenturyLink had six months to work with the Tribes in the development of this document and promised the Tribes on May 16th that "an initial draft plan" would be shared with the Tribes "in the near future." The Colville Tribes now has one business day to review and comment on the draft. Accordingly, the Tribes' comments in this letter are preliminary and by no means should be considered comprehensive.

Overall, the Colville Tribes rejects any characterization of the document as a "plan" as it fails to provide any "specific and detailed service quality improvement" to address the Colville Tribes' "claims regarding the quality of Qwest and CenturyLink services, including broadband." As further noted in paragraph 263 of the Commission's Order, this plan is intended "as a means to address the service conditions described by the Tribal representatives." The plan provided to us yesterday does not set forth the specific service quality improvements that will be implemented nor does it provide the specific dates within the specified 5 year period by which each of the improvements will be completed.

CenturyLink seems to be relying on footnote 528 of the Commission's Order in explaining in its draft that "CenturyLink does not believe that the Commission is requiring large-scale

improvements to the facilities in these areas, but rather is seeking baseline information to determine if a service quality problem exists, and if so, what plans there are to address it.” During our September 23 meeting, CenturyLink indicated that it considered this paragraph of the Commission’s order to be unclear with respect to what CenturyLink is required to do. Although CenturyLink now claims the requirements of the order are “unclear” it has never sought clarification of any “unclear” parts of the order from the Commission. To claim at this late date that the Order is unclear as an excuse for non-compliance seems insincere at best. Apparently, CenturyLink has unilaterally interpreted “large-scale” improvements to mean any meaningful improvements or possibly any improvements at all. To the contrary, footnote 489 of the Final Order states, “As another condition of our approval of the merger, we require Joint Applicants to file a service quality improvement plan to address, among other things, *the low broadband penetration rates in the Colville Reservation* within 60 days after closing.” (emphasis added).

The draft’s “specific and detailed quality improvement” plan to address the Colville Tribes’ issues apparently consists of purported discussions between CenturyLink and Noa-Net to reallocate federal grant funding that Noa-Net received to extend fiber from Omak to Coulee Dam. No details are provided regarding the date or substance of these conversations, the conversations are speculative at best, they do not commit CenturyLink to do anything, and in any event do not constitute a “plan”.

The draft relies heavily on CenturyLink’s enabling of broadband in Nespelem, one of the communities that CenturyLink agreed to enable in a negotiated condition with the Commission prior to the Commission’s Final Order. The draft claims that this deployment will enable high speed service to a number of tribal offices and instrumentalities in Nespelem. The obligation to enable broadband in Nespelem is entirely separate from the issues to be addressed in the service plan for the Colville Reservation.¹ The draft document, therefore, appears to be relying on a separate and pre-existing obligation regarding Nespelem in an attempt to satisfy the Commission’s order regarding service quality improvement to the entire reservation. In addition, the tribal instrumentalities in Nespelem that CenturyLink identifies already have access to T-1 infrastructure. What the community needs is fiber, a point emphasized in the Tribes’ comments and in paragraph 252 of the Final Order. Even if enabling broadband in Nespelem was relevant to the separate service plan for the Colville Reservation ordered by the Commission, these quality of service issues are not addressed.

Enabling broadband in the community of Keller is mentioned only in passing, and the draft claims that this area would require 15.8 miles of fiber at the cost of \$1.5 million. To the Colville Tribes, \$100,000 per mile seems, at best, wildly inflated. If CenturyLink has received a quote or bid for this installation for this amount it should be shared with the Tribes and the Commission.

¹ See paragraph 264 of Final Order (“Notwithstanding the specific service quality plan we require above, we also expect the statewide broadband plan to include consideration of the benefits and costs of extending broadband service beyond the Nespelem exchange to other Colville Reservation communities.”)

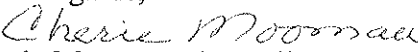
If CenturyLink has not conducted a bidding process resulting in such a quote it should indicate this as well.

The draft also conditions certain service improvements on the ability of CenturyLink to secure a lease and rights-of-way for its Inchelium facility and during our September 23 onsite meeting, CenturyLink implied that any delay in obtaining a new lease is within the Tribes' control. As you know, any lease must be approved by the Department of the Interior. The Tribes requested pricing and infrastructure information from CenturyLink as early as July 21, 2011, and has yet to receive any response. Any delay regarding finalization of the right-of-way arrangements is entirely the fault of CenturyLink and is being used as an excuse to not being in compliance with the Commission's Order.

Finally, the Tribes believed that, at a minimum, the draft would include a specific sum certain that CenturyLink would pledge for broadband investment on the Colville Reservation from the \$80 million the combined company agreed to invest in Washington State. Yet the so-called "plan" provided to us yesterday contains no specific investment commitment whatsoever. Contrary to what CenturyLink officials said during our September 23 meeting, it is entirely within CenturyLink's control to commit funds at this time, not only for the Colville Reservation but for tribal lands generally in Washington State.²

As previously noted, the Colville Tribes has been frustrated throughout this process by the continuing pattern of delay by CenturyLink that has prejudiced the Colville Tribes' ability to thoroughly review, consult, and suggest changes to the draft prior to filing. The Colville Tribes does not believe that the document provided to us yesterday satisfies CenturyLink's obligation to provide a "Plan" to the Commission and reserves the right to provide additional responses to the final plan once it is filed with the Commission.

With Regards,


Cherie Moomaw, Council Member
Colville Business Council

cc: Jeffrey Goltz, WUTC Chairman
Patrick Oshie, Commissioner
Philip Jones, Commissioner
Tim Zawislak, WUTC Staff
Simon Ffitch, WUTC Staff

² Paragraph 247 of the Final Order states, "Only one of these central offices, Nespelem, is on the Colville Reservation, and Joint Applicants have not indicated how much of the total pledged broadband investment will be utilized for deployment on Tribal lands."