

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

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

Respondent.

DOCKET UT-132234

DECLARATION OF SUSIE PAUL IN
SUPPORT OF STAFF'S MOTION FOR
ENFORCEMENT OF SUSPENDED
PENALTY DUE TO VIOLATION OF A
COMMISSION ORDER

I, SUSIE PAUL, hereby declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I am, and at all times hereinafter mentioned have been, a citizen of the United States, over the age of 18, have personal knowledge regarding the matters stated herein, and am competent to testify as a witness.
2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a compliance investigator in the Consumer Protection section. As a compliance investigator, my responsibilities include conducting investigations regarding the business practices of regulated utility or transportation companies.
3. I am familiar with CenturyTel of Inter Island, Inc., D/B/A CenturyLink's (CenturyLink or Company) major service outage in San Juan County that began Nov. 5, 2013. The major outage was due to a severed underwater cable and caused customers to lose voice and data service for ten days.

4. On Nov. 5, 2014, Commission Staff filed a complaint in Docket UT-132234 against CenturyLink for the major service outage.¹
5. On June 26, 2015, the Company, Commission Staff, and the Public Counsel Unit of the Attorney General's Office filed a settlement agreement to resolve the complaint. The parties agreed to the development of a San Juan County Emergency Communications Plan and a Washington State Emergency Communications Plan (Emergency Communications Plans). CenturyLink stated the goal of the Outage Communication Plans is to make information about a major outage of telephone service in Washington 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 effect of the outage.
6. Commission Order 03 in Docket UT-132234 accepted and adopted the Settlement Agreement with conditions. The conditions required CenturyLink to work with stakeholders like the Washington Military Department (WMD) to develop the Emergency Communications Plans and then file them with the Commission. Order 03 also imposed a penalty of \$173,210, but suspended all but \$50,000. However, the Commission stated that it would lift the suspension of penalties upon finding that CenturyLink violated WAC 480-120-412 or any provision of the Emergency Communication Plans in the year after it approved those plans. Order 03 stated that the Commission would approve or reject the Emergency Communications Plans at an open meeting.²
7. Order 04 in Docket UT-132234 clarified that the trigger for lifting the suspended penalty amount would be CenturyLink's committing a violation within a year of approval of the Emergency Communication Plans, not the Commission's finding of a violation within a

¹ See Attachment A for a copy of UT-132234 Complaint against CenturyLink, dated Nov. 5, 2014.

² See Attachment B for a copy of UT-132234, Order 03, dated Oct. 20, 2015.

year of approval.³ The suspended penalty provision was to deter future violations and encourage compliance with WAC 480-120-412 (Major Outages) and the Emergency Communications Plans.

8. CenturyLink filed the Emergency Communications Plans on January 20, 2016, and revised them on March 1, 2016, and April 29, 2016.
9. Commission Order 05, which approved CenturyLink’s Washington State Outage Communications Plan, became effective on May 2, 2016.⁴
10. On November 6, 2016, at 4 a.m., Oregon CenturyLink filed an Oregon PUC outage report stating that The Dalles Switch was not processing toll calls.⁵ The date and time of the incident was recorded as “06-NOV-2016 03:06:00.” The PUC outage reports continued for Oregon, but Washington was not notified. There is a discrepancy about the start time for the outage: in a report sent to the Commission on December 6, 2016, CenturyLink reports the outage began at 2:50.
11. On November 6, 2016, at 8:58 a.m., CenturyLink sent a “Non-Impacting 911 PSAP Outage Notification to Skamania County that states in pertinent part, “You received a 911 PSAP Outage Notification from CenturyLink regarding a network event that may have been causing 911 PSAP, Central Office, and/or ALI impacts in your area. Upon further investigation, CenturyLink does not believe that this network event impacted your facility. If you need addition details or if you would like to discuss this further, please contact CenturyLink’s Public Safety Services Group.”

³ See Attachment C for a copy of UT-132234, Order 04, dated Nov. 17, 2015.

⁴ See Attachment D for the Second Revised Washington State Outage Communications Plan of CenturyLink.

⁵ See Attachment E for PUC_OR Report, Nov. 6, 2016 4:00 AM.

12. On November 6, 2016, at 8:59 a.m., the Washington Military Department (WMD) sent an email report to UTC email notification system of a large scale outage impacting Yakima, Benton, Skamania, and Klickitat Counties, and parts of Oregon. This email was also sent to numerous counties, the UTC DL Telecom-Outage distribution list, and to CenturyLink.⁶
13. Skamania County's Communications E911 Program Manager responded to CenturyLink's email on November 6, 2016 at 9:03 a.m.: "This outage did effect my PSAP. Complete network outage for almost five and a half hours. I am looking forward to the disposition on this."⁷
14. The notification from WMD to CenturyLink should have prompted CenturyLink to act quickly and follow its own procedures in its Communications Plan. Simply put, CenturyLink failed to provide proper notification to Washington of the major outage, even when it was aware of the widespread outage problem, including Washington.
15. On November 6, 2016, at 10:38 a.m., Commission staff sent an email to CenturyLink stating "UTC staff has received verbal and Email information from WMD but no notice directly from CTL to outage notification contact emails or designated staff. Please update information on this outage and contact the UTC outage email and UTC staff with progress."⁸
16. On November 6, 2016, at 11:20 a.m., CenturyLink sent an email to staff stating, "I am requesting RFO and why there was lack of notification."⁹

⁶ See Attachment F for emails from WMD to CenturyLink

⁷ See Attachment G for copy of email between CenturyLink and Skamania County

⁸ See Attachment H for copy of email from Staff to CenturyLink.

⁹ See Attachment I for a copy of email from CenturyLink re a request for outage report.

17. On November 6, 2016, at 2:02 p.m., CenturyLink sent an email to staff that states in part: “...Sorry for the delay. I was up in the mountains when we last talked and I wanted to get a better communications source to find out what was going on. As far as I know we are still working on the problems and it appears to be centered in an OC-192 transport system and a network card in our CTL Wasco central office. We have requested an RFO and are investigating why no formal notification has been sent out. I’m still pursuing and will let you and the others on our distribution list know as soon as we” (sic).¹⁰
18. On November 6, 2016, at 8:34 p.m., WMD sent the following in an email:
- KLICKITAT: ...have you been down all day? 911 and admin?
Have you had any comms with CenturyLink? Are your calls failing over to another PSAP?
CENTURYLINK: what’s going on here? Any idea of restoration time. We have heard little or nothing!¹¹
19. On November 6, 2016, at 9:18 p.m., Klickitat responded: “As of right now or 911 so not work an are (sic) going to Skamania. Our admin lines are up for the moment. Last I was told was possibly around 9 they’d have it fixed. We have been up and down all day. Century Link said it was a 1677 MUX but couldn’t tell me what that meant.”¹²
20. On November 6, 2016, at 9:47 p.m., a CenturyLink employee notified Staff, WMD, and several PSAPs that, “All should again be restored. They have had trouble with a shelf and cards in the CO, but believe all is stable now.”¹³
21. On November 6, 2016, at 10:49 p.m., Skamania County reported: “Skamania is now completely down again.”¹⁴

¹⁰ See Attachment J for a copy of email from CenturyLink related to lack of notification of outage.

¹¹ See Attachment K for a copy of email from WMD to CenturyLink.

¹² See Attachment L for a copy of email from Klickitat Co. to WMD.

¹³ See Attachment M for a copy of email from CenturyLink to WMD.

¹⁴ See Attachment N for a copy of email from Skamania Co.

22. On November 7, 2016, at 6:05 a.m., CenturyLink sent an internal email stating, in part, “I’m seeing impacts to WA PSAPs with this outage in OR (OR.110616.002) – but I don’t see a WA PUC outage report – shouldn’t there be one?...”¹⁵
23. On November 7, 2016, at 7:07 a.m., Skamania County sent an email to WMD, CenturyLink, 911 Outage, Commission staff, and others that stated in part, “We are still completely down and Klickitat is partially down. Last word I received from CenturyLink was at 1:25 a.m. telling me that the cause is an equipment failure in the CO and that they there were searching for replacement parts. No eta to restoral. I will say I find this extremely unacceptable...if not ridiculous.”¹⁶
24. On November 7, 2016, at 7:27 a.m., CenturyLink filed the first WA UTC outage report. The report was filed as an “Update.”¹⁷
25. On November 7, 2016, at 9:49 a.m., Commission staff requested a 10:30 a.m. teleconference to discuss CenturyLink’s outage notification process.¹⁸
26. On November 7, 2016, at 9:54 a.m., CenturyLink sent an email with the following statement to Staff, WMD, 911 Outage Report and CenturyLink staff:¹⁹

All – My apologies on behalf of CenturyLink for the lack of detailed information this continuing outage/issue. We have had a difficult time getting all of the information needed to provide accurate information and status. A fiber terminal out of [T]he Dalles Central Office has been in and out of service for the last 36 hours and is now down hard. The operations folks are working diligently to move all affected services to a new shelf/mux which is taking several hours to accomplish. West reports no misses on 911 calls that were attempted. I will do a much better job at sending updates today as I receive them.

¹⁵ See Attachment O for a copy of CenturyLink log with email asking if there should be a WA PUC Outage Report (CenturyLink agreed to allow Staff to cite this email despite its confidential designation).

¹⁶ See Attachment P for a copy of email from Skamania Co. related to no eta for restoral from CenturyLink.

¹⁷ See Attachment Q for a copy of first PUC Report sent to UTC DL Telecom-Outage.

¹⁸ See Attachment R for a copy of Staff’s Meeting invite to CenturyLink to discuss outage.

¹⁹ See attachment S for a copy email related to the lack of detailed information on outage, dated Nov. 7, 2016.

27. On November 7 at 3:11 p.m., The Goldendale Sentinel asked for a statement to be released about the outage that occurred throughout the Columbia River Gorge.²⁰
28. On November 7, at 3:14 p.m., CenturyLink provided the following to the News Tribune, Seattle Times, apseattle, NWCN, King5, KiroTV, KOMOnews4, q13Fox, and Goldendale Sentinel:

An equipment issue is impacting 911, voice and long distance services for more than 18,000 customers in Klickitat and Skamania counties in Washington. Services previously impacted in Poulsbo, WA have been restored as of 2:20 this afternoon. 911 in other areas has been re-routed. Technicians are working to restore all services as quickly as possible. In case of an emergency, customers should drive to the nearest fire station or emergency facility. We will provide additional information as it becomes available. We apologize for this inconvenience.

29. On November 8, 2016 @ 7:51 a.m. WMD sent an email to CenturyLink, UTC Staff, ATG, and others: In part, the email stated:

“CENTURYLINK: You have failed completely to provide your customers, the PSAPs and the two states information on what has happened and what is being done! You have failed to meet the conditions of the communications plan agreed to by yourselves, the State of Washington and the WUTC. You have placed lives in danger! . . . Immediately provide to all concerned a write-up of EXACTLY what the problem is, EXACTLY who/what is being effected, EXACTLY what is being done to correct the problem, and an estimate of when this will be resolved!²¹

30. The Communications Plan outlines the company’s communications procedures by target audience as follows:

Washington Utilities and Transportation Commission.
CenturyLink communicates available pertinent information about major outages to the WUTC by e-mail distribution of PUC Reports

²⁰ See Attachment T for a copy of CenturyLink’s log of media request and following media update.

²¹ See Attachment U for a copy of email from WMD to CenturyLink re failed conditions of communications plan.

issued by the NEMC²². The NEMC updates the reports frequently until the outage is resolved.

State E911 Coordinator's Office of the Emergency Management Division of the Washington Military Department.

CenturyLink communicates pertinent information about major outages to the State E911 Coordinator's Office by e-mail distribution of PUC Reports issued by the NEMC. The NEMC updates the reports frequently until the outage is resolved.

Public Service Access Points (PSAPs). In compliance with federal regulations, CenturyLink communicates available pertinent telephone service outage information to potentially affected PSAPs by e-mail notification and, when possible, contact by telephone.

31. CenturyLink's Communications Plan includes procedures for notifying the general public in conventional media outlets (radio and television stations, newspapers, local media) and social media outlets (Facebook and Twitter).
32. On December 6, 2016, CenturyLink provided a report of the November 6, 2016 outage that impacted Washington customers.²³ In this report, CenturyLink acknowledged 112,959 Washington customers were without 911 services.

DATED May 5, 2017.

/s/ Susie Paul
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²² NEMC is the acronym for Network Events Management Center.

²³ See Attachment V for Letter to Commission Staff from CenturyLink, dated Dec. 6, 2016.