

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET UT-132234
)	
Complainant,)	COMPLAINT
)	
v.)	
)	
CENTURYTEL OF INTER ISLAND, INC.)	
D/B/A CENTURLINK,)	
)	
Respondent.)	
)	
.....)	

1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its Staff, alleges as follows:

I. BACKGROUND

2 Telecommunications carriers providing service in the state of Washington must comply with Commission rules designed to protect telecommunications consumers in Washington state. Washington Administrative Code (WAC) 480-120-412, the Major Outages rule, requires telecommunication carriers not only to keep the public informed about an outage but to immediately notify and keep informed certain state and local agencies, including those responsible for emergency services. This Complaint arises from allegations of violations by CenturyLink of Inter Island, Inc. d/b/a CenturyLink (“CenturyLink” or “Company”) of the Major Outages rule.

3 In the early morning hours of Tuesday, November 5, 2013, CenturyLink customers on the San Juan Islands experienced a service outage that isolated them from the mainland, disrupted 911 and long-distance service, and limited interisland calling. The cause of the outage was a break in the underwater cable connecting Lopez Island and the main switch on San Juan Island.

4 CenturyLink monitoring systems detected a loss of connection to the Friday Harbor switch at 3:45 a.m. on November 5, and the outage was reported to the Commission at

3:47 a.m. The report to the Commission described the outage as follows: “5831 lines impacted due to toll isolation. Possible maintenance activity.” Further, the report provided an estimated restoral time of 8:00 a.m. that day. CenturyLink knew later that day that the outage actually was due to a severed underwater cable. It was not until Friday, November 8, however, that CenturyLink officially communicated with Commission Staff concerning the actual nature and extent of the outage.

5 On the day of the break, San Juan County Department of Emergency Management (County Department of Emergency Management), which coordinates 911 services, did not receive any information from CenturyLink until after 3:00 in the afternoon. The San Juan Islands experienced a massive 911 outage, and the County Department of Emergency Management received information about it only from indirect and unconfirmed local sources. Finally, at 3:13 p.m., CenturyLink notified the County Department of Emergency Management and the State 911 office that splicers had started working on the fiber cut at 1:30 p.m., and the Company hoped to resolve it soon.

6 In the following days, according to Mr. Cowan, Director of San Juan County Department of Emergency Management, he never received clear information from CenturyLink. The information he did receive was sparse and confusing.

7 CenturyLink customers also reported receiving insufficient information from CenturyLink. Public officials, business owners, and other residents stated at the Commission’s public hearing held December 9, 2013, and in written comments to the Commission that they were unable to get reliable information about what was happening and the status of the repairs. Although CenturyLink issued daily news releases to the media, it was not until about the third day that the Company posted information locally. Then, CenturyLink posted news releases at some business locations in Friday Harbor on San Juan Island but not on any of the other islands. Further, although CenturyLink produced a plan that addressed speaking to the media and external messaging, it did not implement any plan that provided for disseminating information to the public and public officials in the outage area or that was effective for this type of outage.

II. PARTIES

8 The Washington Utilities and Transportation Commission is an agency of the State of Washington, authorized by state law to regulate the rates, services, facilities, and practices of public service companies, including telecommunications companies, under RCW Title 80.

9 CenturyTel of Inter Island, Inc. d/b/a CenturyLink is a telecommunications company providing service in the state of Washington and is a wholly owned subsidiary of CenturyLink, Inc.

III. JURISDICTION

10 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 80.04.110, RCW 80.04.380, RCW 80.36, and WAC 480-120.

11 The Commission has jurisdiction over the Company because CenturyLink is subject to supervision and regulation by the Commission as a telecommunications company under RCW 80.36; and as a public service company under RCW 80.04.010 and RCW 80.04.

IV. CLAIMS AND CAUSES OF ACTION

A. FIRST CAUSE OF ACTION

(Violation of WAC 480-120-412(2), notice to Commission)

12 The Commission, through its Staff, realleges the allegations contained in paragraphs 2 through 11 above.

13 WAC 480-120-412(2) requires telecommunications companies subject to Commission regulation to notify the Commission as soon as possible when a company receives notice of or detects a major outage.

14 CenturyLink violated WAC 480-120-412(2) three times when it failed, for three days, to inform the Commission that the Company had detected a major outage.

B. SECOND CAUSE OF ACTION

(Violation of WAC 480-120-412(3), notice to county and state emergency agencies)

15 The Commission, through its Staff, realleges the allegations contained in paragraphs 2 through 11 above.

16 Pursuant to WAC 480-120-412(3), when a major outage affects any emergency response facility, a company must notify immediately the county E911 coordinator and the state emergency management authorities, and provide periodic updates on the status of the outage.

17 CenturyLink violated WAC 480-120-412(3) ten times when it neglected to
immediately notify the San Juan County Department of Emergency Management and
by failing to provide meaningful periodic updates on the status of the outage from
November 5 to November 15, 2013.

C. THIRD CAUSE OF ACTION
(Violation of WAC 480-120-412(5), implement procedures to disseminate
information to the public and public officials)

18 The Commission, through its Staff, realleges the allegations contained in paragraphs 2
through 11 above.

19 WAC 480-120-412(5) requires telecommunications companies subject to
Commission regulation to implement procedures to disseminate information to the
public, public officials, and the media during major outage recovery efforts.

20 CenturyLink violated WAC 480-120-412(5) by failing to implement procedures
specific to this outage to disseminate information to the public and public officials.

D. FOURTH CAUSE OF ACTION
(Violation of WAC 480-120-412(5), information to public)

21 The Commission, through its Staff, realleges the allegations contained in paragraphs 2
through 11 above.

22 WAC 480-120-412(5) requires telecommunications companies subject to
Commission regulation to disseminate information to the public.

23 CenturyLink violated WAC 480-120-412(5) 15,921 times by failing to communicate
adequately with its customers at each of its 15,921 access lines.

V. APPLICABLE LAW

24 Under RCW 80.04.380, the Commission may penalize a public service company that
violates any rule of the Commission up to \$1,000 for each and every offense. Under
the statute, every violation is considered a separate and distinct offense, and, in the
case of a continuing violation, every day's continued violation is deemed to be a
separate and distinct offense.

VI. REQUEST FOR RELIEF

- 25 Staff requests that the Commission find that CenturyLink committed 15,935 violations of WAC 480-120-412, the Major Outages rule, as set forth in the allegations above.
- 26 Staff further requests that the Commission impose monetary penalties on CenturyLink under RCW 80.04.380 of up to \$1,000 for each violation.
- 27 Staff further requests that the Commission order such other or further relief as is appropriate under the circumstances.

VII. PROBABLE CAUSE

- 28 Based on a review of Staff's report on its investigation of CenturyLink, dated August 2014, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this complaint.

DATED at Olympia, Washington, and effective DATE, 2014.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

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