

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant, v. CENTURYLINK COMMUNICATIONS, LLC, Respondent.	DOCKET UT-181051 COMPLAINT
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1 The Washington Utilities and Transportation Commission (Commission), on its own
motion, and through its staff (Staff), alleges as follows:

I. PARTIES

2 The Commission is an agency of the state of Washington authorized by statute to regulate
the rates, services, facilities, and practices of public service companies, including
telecommunications companies.

3 CenturyLink Communications, LLC (CenturyLink) is a telecommunications company
doing business in the state of Washington.

II. BACKGROUND

4 Washington residents rely on the state’s 911 system to communicate with public safety
officials and to access public safety resources.

5 CenturyLink is a “local exchange company” for purposes of the Commission’s rules,
including WAC 480-120-450.

6 On December 27, 2018, in the early morning, Washington residents began experiencing
interruptions in telecommunications service, including 911 service. Residents attempting
to call 911 encountered a fast busy signal and had their calls dropped.

7 The service interruption affected all Washington residents and public safety answering
points (PSAPs) intermittently for 49 hours and 32 minutes, over two days. The outage
was a “major outage” as defined in WAC 480-120-021.

- 8 At the time of the December outage, Washington's 911 system was in the first of a three-phase process of transitioning 911 service from CenturyLink to TeleCommunication Systems, Inc. d/b/a Comtech Telecommunications Corp., (Comtech) another telecommunications company. The first phase of the transition project involved transferring Washington PSAPs from CenturyLink's network to Comtech's network.
- 9 At the time of the December 27, 2018, outage, CenturyLink still provided service to 15 of the 62 Washington PSAPs. Additionally, during this phase of the transition, Comtech was still dependent on CenturyLink for transport and automatic location identification services related to all 911 calls.
- 10 The December 27, 2018, outage was caused by four malformed packets that were created in a node supplied by Infinera,¹ CenturyLink's vendor. Additionally, CenturyLink failed to configure Infinera's nodes to disable a proprietary internodal management channel, which enabled the malformed packets to be sent to all other connected nodes.
- 11 Using the unconfigured management channel, the malformed packets were sent to all connected CenturyLink nodes repeatedly, causing a steady, continual drain on CenturyLink's network processing resources that resulted in a prolonged service interruption.
- 12 Based on its investigation, Staff determined that CenturyLink's failure to properly configure the Infinera management channel, in combination with the malformed packets, was the root cause of the December 2018 outage, culminating in a feedback loop that consumed the CenturyLink network's processing power and ability to properly route calls.
- 13 CenturyLink's service outage also disrupted services provided to the 47 PSAPs served by Comtech, as Comtech depended on CenturyLink's network to provide service to PSAPs.
- 14 CenturyLink did not notify the 15 PSAPs still receiving CenturyLink service of the December 2018 outage.
- 15 Based on Washington 911 call data, the 2018 outage likely affected up to 24,000 calls placed to 911.

III. JURISDICTION

- 16 The Commission has jurisdiction over this matter pursuant to chapters 34.05 RCW, 80.01 RCW, including RCW 80.01.040 and RCW 80.01.060, chapter 80.04 RCW, including RCW 80.04.110 and RCW 80.04.380, and chapter 80.36 RCW.

¹ A "node" is the location at which data enters and exits a network.

IV. APPLICABLE LAW

- 17 RCW 80.36.080 provides that “service . . . rendered any person, firm or corporation by any telecommunications company shall be rendered and performed in a prompt, expeditious and efficient manner and the facilities, instrumentalities and equipment furnished by it shall be safe, kept in good condition and repair, and its appliances, instrumentalities and service shall be modern, adequate, sufficient and efficient.”
- 18 RCW 80.36.220 provides that “[t]elecommunications companies shall receive, exchange and transmit each other’s messages without delay or discrimination, and all telecommunications companies shall receive and transmit messages for any person. In case of the refusal or neglect of any telecommunications company to comply with the provisions of this section, the penalty for the same shall be a fine of not more than five hundred nor less than one hundred dollars for each offense.”
- 19 WAC 480-120-450(1) provides, “Local exchange companies (LECs) must provide enhanced 9-1-1 (E911) services including: (a) For single line service, the ability for customers to dial 911 with the call and caller’s ELIN [emergency location identification number] transmitted to the E911 selective router serving the location associated with the ERL for that line; (b) For multiline customers, the ability for customers to dial 911 with common signal protocols available which permit the call and caller’s ELIN to be transmitted to the E911 selective router serving the location associated with the ERL for that line; (c) For pay phones served by pay phone access lines (PALs) the ability for customers to dial 911 with the call and the ELIN transmitted to the E911 selective router serving the location of the ERL for that line. The ELIN must be that of the pay phone.”
- 20 Under WAC 480-120-021, “major outage” means “a service failure lasting for thirty or more minutes that causes the disruption of local exchange or toll services to more than one thousand customers; [or] total loss of service to a public safety answering point or emergency response agency.”
- 21 WAC 480-120-412(1) provides, “All companies must make reasonable provisions to minimize the effects of major outages, including those caused by force majeure, and inform and train pertinent employees to prevent or minimize interruption or impairment of service.”
- 22 WAC 480-120-412(2) provides, “When a company receives notice of or detects a major outage, it must notify the commission and any PSAP serving the affected area as soon as possible.”
- 23 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. Every violation is a separate and distinct offense.

V. FIRST CAUSE OF ACTION (RCW 80.36.080)

24 The Commission realleges paragraphs 2 through 15, above.

25 RCW 80.36.080 requires CenturyLink to render prompt, expeditious, and efficient service, to keep its facilities, instrumentalities, and equipment in good condition and repair, and to ensure that its appliances, instrumentalities, and services are modern, adequate, sufficient, and efficient.

26 During the December 2018 outage, CenturyLink committed up to 24,000 violations of RCW 80.36.080 by failing to render prompt, expeditious, and efficient service, to keep its facilities, instrumentalities, and equipment in good condition and repair, and to ensure that its appliances, instrumentalities, and services are modern, adequate, sufficient, and efficient, resulting in up to 24,000 dropped or incomplete 911 calls.

VI. SECOND CAUSE OF ACTION (RCW 80.36.220)

27 The Commission realleges paragraphs 2 through 15, above.

28 RCW 80.36.220 requires CenturyLink to receive, exchange, and transmit other telecommunications companies' messages without delay or discrimination, and shall receive and transmit messages for any person.

29 During the December 2018 outage, CenturyLink committed up to 24,000 violations of RCW 80.36.220 by failing to transmit up to 24,000 calls placed to 911 to another telecommunications company and to PSAPs still receiving CenturyLink service.

VII. THIRD CAUSE OF ACTION (WAC 480-120-412)

30 The Commission realleges paragraphs 2 through 15, above.

31 WAC 480-120-412(2) requires CenturyLink to notify the Commission and any affected PSAP "as soon as possible" after receiving notice of or detecting any major outage.

32 CenturyLink committed 15 violations of WAC 480-120-412(2) by failing to notify the affected PSAPs it served of the December 2018 major outage as soon as possible after receiving notice of or detecting the December 2018 major outage.

VIII. FOURTH CAUSE OF ACTION (WAC 480-120-450)

33 The Commission realleges paragraphs 2 through 15, above.

34 WAC 480-120-450(1) requires CenturyLink to provide E911 service.

35 During the December 2018 outage, CenturyLink committed up to 24,000 violations of WAC 480-120-450(1) by failing to provide E911 service, resulting in up to 24,000 dropped or incomplete 911 calls.

IX. REQUEST FOR RELIEF

36 Staff requests that the Commission impose a penalty of up to \$7,215,000 for 72,015 violations of Commission statutes and rules as follows:

- \$100 for each of the 24,000 violations of RCW 80.30.080
- \$100 for each of the 24,000 violations of RCW 80.36.220
- \$100 for each of the 24,000 violations of WAC 480-120-450(2)
- \$1,000 for each of the 15 violations of WAC 480-120-412

37 Staff further requests that the Commission order such other or further relief as is appropriate under the circumstances.

X. PROBABLE CAUSE

38 Based on a review of Staff's investigation report and all supporting documents, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this complaint.

DATED at Lacey, Washington, and effective December 22, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson

RAYNE PEARSON

Director, Administrative Law Division

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out and return this form to:

Washington Utilities and Transportation Commission
Attention: Mark L. Johnson
P.O. Box 47250
Olympia, WA 98504-7250

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Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired: (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

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Name: _____

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