

**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

ORDER 06

ORDER IMPOSING SUSPENDED  
PENALTIES

**BACKGROUND**

- 1 On November 5, 2013, the voice and data customers of CenturyTel of Inter Island, Inc. d/b/a CenturyLink (CenturyLink or 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 (Staff) of the Washington Utilities and Transportation Commission (Commission) filed a complaint against the Company. The complaint alleged that CenturyLink committed 15,935 violations of WAC 480-120-412, the Commission rule related to major outages.
- 2 The Commission entered Order 03 on October 20, 2015, approving and adopting with conditions the settlement agreement between the Company, Staff, and the Public Counsel Unit of the Washington Attorney General's Office (Public Counsel). Order 03, among other things, assessed a penalty of \$173,210 against CenturyLink and suspended all but \$50,000 for one year following the Commission's approval of the Emergency Communications Plans required under the settlement agreement. The Commission would waive the \$123,210 suspended penalty after this one year period if CenturyLink did not violate WAC 480-120-412 or the provisions of the Emergency Communications Plans during that time. On November 17, 2015, the Commission entered Order 04 clarifying the application of the suspension period, and on May 2, 2016, the Commission entered Order 05 approving the Emergency Communications Plans.

- 3 On May 19, 2017, Staff filed an Amended Motion for Enforcement of Suspended Penalty Due to Violation of a Commission Order (Motion)<sup>1</sup> and supporting declaration of Susie Paul. Staff states that a CenturyLink switch in The Dalles, Oregon, failed on November 6, 2016, resulting in an outage of 911 services to 100,000 customers in Klickitat and Skamania counties in Washington for various lengths of time over a two day period. The Company, however, failed to notify and provide information about the outage to Staff and the Washington Military Department (WMD) until 28 hours after the outage occurred. Staff contends that this prolonged delay was a violation of WAC 480-120-412 and the Emergency Communications Plans the Commission approved in this docket. Because this violation occurred within one year after the Commission entered Order 05 approving the Emergency Communications Plans, Staff requests that the Commission impose the \$123,210 the Commission suspended in Order 03 for CenturyLink's failure to comply with the conditions in that order.
- 4 On May 22, 2017, Public Counsel responded to Staff's original motion to impose the suspended penalty. Public Counsel supports the relief Staff has requested.<sup>2</sup>
- 5 On May 22, 2017, CenturyLink submitted its response to the Motion. The Company does not oppose the Motion and requests that if the Commission grants the Motion, the Company have 30 days to pay the penalty to allow time for processing.
- 6 Lisa Anderl, Senior Associate General Counsel, Seattle, Washington, represents CenturyLink. Lisa Gafken, Assistant Attorney General, Seattle, Washington, represents Public Counsel. Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, Washington, represents Staff.

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<sup>1</sup> Staff filed its original motion on May 5, 2017, and subsequently sought leave to amend the motion. We grant that unopposed request.

<sup>2</sup> Public Counsel states that it is still evaluating the Motion as amended. Because the Motion requests the same relief as the original motion, the Commission construes Public Counsel's response to be applicable to the Motion.

### DISCUSSION AND DECISION

- 7 The Commission grants the Motion. We suspended most of the \$173,210 penalty we assessed in this docket with the expectation that the possibility of paying \$123,210 would be sufficient incentive for the Company to comply with its obligations to inform Staff and WMD of major outages to the 911 system. CenturyLink nevertheless concedes that it violated WAC 480-120-412 and the Emergency Communications Plans less than one year after the Commission approved those plans and thus did not satisfy the conditions under which the Commission suspended the penalty. The Commission would have preferred performance. CenturyLink having failed to perform, however, the Commission imposes the suspended portion of the penalty we assessed in Order 03.
- 8 We remain concerned about CenturyLink's repeated failures to maintain 911 system integrity and provide sufficient notification of major outages. This is the third documented instance in the last four years in which a substantial number of Washington telecommunications customers have been deprived of access to 911 service for a significant period of time. Our citizens rely on this service to report emergencies and immediate need of assistance, and the service's unavailability has the potential to cause severe harm. At a minimum, we expect the Company to promptly notify the Commission and WMD of major outages so that emergency service providers can inform consumers and take additional steps to mitigate the impact of the outage. CenturyLink should expect the Commission to continue to monitor the Company's performance closely and take whatever action is necessary to enforce the Company's 911 obligations.

### ORDER

9 THE COMMISSION ORDERS:

- 10 (1) The Commission imposes against CenturyTel of Inter Island, Inc. d/b/a CenturyLink the \$123,210 portion of the assessed penalty the Commission suspended in Order 03.
- 11 (2) CenturyTel of Inter Island, Inc. d/b/a CenturyLink must pay the \$123,210 penalty no later than June 30, 2017.

- 12 (3) The Commission retains jurisdiction to enforce the terms of the orders in this docket.

Dated at Olympia, Washington, and effective June 1, 2017.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

DAVID W. DANNER, Chairman

ANN E. RENDAHL, Commissioner

JAY BALASBAS, Commissioner