

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,</p> <p style="text-align: center;">Complainant,</p> <p>v.</p> <p>QWEST CORPORATION d/b/a CENTURYLINK QC,</p> <p style="text-align: center;">Respondent.</p>	<p>DOCKET UT-190209</p> <p>COMPLAINT</p> <p>and</p> <p>NOTICE OF PREHEARING CONFERENCE</p> <p>(Set for Thursday, May 23, 2019, at 9:30 a.m.)</p>
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1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its Staff, alleges as follows:

I. OVERVIEW

2 The Commission complains against Qwest Corporation d/b/a CenturyLink QC (CenturyLink) for violations of state laws and Commission rules arising from a 911 service outage affecting Washington residents in July of 2017. On July 12, 2017, Washington residents experienced a widespread, partial outage of the state’s 911 system, which severely disrupted emergency and public safety communications. During a period of nearly three hours, 148 people tried to call 911 a total of 222 times and were not able to get through. Staff seeks an order finding violations and assessing monetary penalties against CenturyLink.

II. PARTIES

3 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.

4 CenturyLink is a telecommunications company doing business in the state of Washington.

III. JURISDICTION

5 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040,
RCW 80.01.070, chapter 80.04 RCW including RCW 80.04.110 and RCW 80.04.380,
chapter 80.36 RCW including RCW 80.36.080, and chapter 480-120 of the
Washington Administrative Code (WAC).

IV. FACTUAL ALLEGATIONS

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

7 At all times relevant to this Complaint, CenturyLink was the exclusive provider of
911 services in Washington state. CenturyLink provided 911 services to Washington
consumers pursuant to a contract with the Washington Military Department.

8 CenturyLink is a "local exchange company" for purposes of WAC 480-120-450.

9 On July 12, 2017, at 5:52 a.m. PDT, CenturyLink's 911 system ceased delivering
some Washington calls to 911 call centers, known as Public Safety Answering Points
(PSAPs), in Washington, resulting in a partial 911 service outage throughout the state.

10 The partial outage left Washington residents without access to fully-functioning 911
services provided by CenturyLink.

11 The cause of the 911 outage was a software change, undertaken by CenturyLink's
vendor, West (formerly Intrado).

12 The vendor owned and operated an emergency call management center (ECMC) in
Englewood, Colorado.

13 CenturyLink routed calls from Washington to 911 through the vendor's ECMC.

14 The 911 outage occurred when the vendor performed a planned software change at
the ECMC, and a configuration file became corrupted. The corrupted file prevented
the delivery of automatic location information (ALI) and voice traffic to Washington
PSAPs.

- 15 The outage was preventable.
- 16 During the outage, CenturyLink's system failed to deliver 222 calls from Washington callers to Washington PSAPs. The calls originated from 8 wireline numbers and 140 wireless numbers.
- 17 The outage lasted nearly three hours, and 911 service was restored at 8:39 a.m.
- 18 The outage affected 29 Washington PSAPs.
- 19 CenturyLink first notified Washington PSAPs of the outage at approximately 3:30 p.m. PDT on July 12th, approximately ten hours after the start of the outage.
- 20 CenturyLink first notified the Commission of the outage on July 14, 2017, two days after the outage.

V. APPLICABLE LAW

- 21 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."
- 22 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."

23 Under RCW 80.04.380, the Commission may penalize a public service company that violates any provision of Title 80 RCW or any rule of the Commission up to \$1,000 for each and every offense. Every violation is a separate and distinct offense.

VI. CLAIMS AND CAUSES OF ACTION

A. FIRST CAUSE OF ACTION

(Violation of RCW 80.36.080 – Rates, services, and facilities)

24 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.

25 During the July 2017 outage, when CenturyLink’s 911 system failed to deliver 222 calls to 911, CenturyLink failed on at least 222 occasions to render prompt, expeditious, and efficient service, to keep its facilities, instrumentalities, and equipment in good condition and repair, and/or to ensure that its appliances, instrumentalities, and services were modern, adequate, sufficient, and efficient.

26 CenturyLink committed 222 violations of RCW 80.36.080.

B. SECOND CAUSE OF ACTION

(Violation of WAC 480-120-450(1) – E911 obligations)

27 WAC 480-120-450(1) requires CenturyLink to provide enhanced 911 (E911) services.

28 During the July 2017 outage, CenturyLink’s 911 system failed to deliver 911 calls, including ALI and voice traffic, to Washington PSAPs on 222 occasions.

29 CenturyLink committed 222 violations of WAC 480-120-450(1).

VII. REQUEST FOR RELIEF

30 Staff requests that the Commission find that CenturyLink committed a total of 222 violations of state laws and Commission rules as set forth in the allegations above.

31 Staff also requests that the Commission impose monetary penalties on CenturyLink under RCW 80.04.380 of up to \$1,000 for each violation.

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

VIII. PROBABLE CAUSE

33 Based on a review of Commission Staff's investigation report and of Commission records, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

IX. NOTICE OF PREHEARING CONFERENCE

34 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

35 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 9:30 a.m. on May 23, 2019, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

36 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence, identify the issues in the proceeding, and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

37 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. See WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the conference, **but strongly prefers written petitions to intervene.** Party representatives must file a notice of appearance with the Commission no later than the

business day before the conference. *See* WAC 480-07-345(2). Parties with more than one representative must identify one individual as the “lead” for purposes of official service. Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

38 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

39 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Jennifer Cameron-Rulkowski
Office of the Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1186
jennifer.cameron-rulkowski@utc.wa.gov

Respondent: Phil Grate
Director, Regulatory Affairs
Qwest Corporation (T156)
1600 - 7th Ave RM 1506
Seattle, WA 98191
phil.grate@centurylink.com

Representative: Lisa Anderl
Qwest Corporation (T156)
1600 7th Avenue RM 1506
Seattle, WA 98191
lisa.anderl@centurylink.com

- 40 Administrative Law Judge Gregory J. Kopta, from the from the Commission's
Administrative Law Division, will preside during this proceeding.
- 41 The Commission will give parties notice of any other procedural phase of the
proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective April 24, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge
Director, Administrative Law Division

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, if limited English-speaking or 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Mark L. Johnson, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired: (Yes) _____ (No) _____

Do you need a certified sign language interpreter?

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (_____) _____