

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

RIVERCOM 911,

Complainant,

v.

FRONTIER COMMUNICATIONS

NORTHWEST INC.

and

QWEST CORPORATION, d/b/a

CENTURYLINK QC

Respondents

Docket No. UT-171016

**FRONTIER'S ANSWER AND**

**AFFIRMATIVE DEFENSES**

**I. INTRODUCTION**

1. Frontier Communications Northwest Inc. (“Frontier”) hereby responds to the (purported) formal complaint of RiverCom 911 (“RiverCom”), dated October 2, 2017. Frontier additionally, in accordance with WUTC rules, files a separate, concurrent motion to dismiss the complaint and asks the Commission to take up that dispositive motion prior to any further proceedings in this docket.

**II. BACKGROUND**

2. Frontier will attempt below to respond to each factual allegation raised by the Complainant; however, because the complaint itself does not comply with WAC 480-07-370, Frontier has answered the allegations by responding to each discrete paragraph of the RiverCom undated letter regarding the outage. Frontier has also moved separately to dismiss the complaint. In accordance with WAC 480-07-370(2)(e), Frontier provides the name and contact information of Respondent:

George Baker Thomson, Jr.  
Associate General Counsel  
Frontier Communications Northwest Inc.  
1800 41<sup>st</sup>. St.  
Everett, WA 98203  
[george.thomson@ftr.com](mailto:george.thomson@ftr.com)

Frontier's admissions and denials and affirmative defenses follow.

### III. ANSWER

3. **Complainant alleges:** "RiverCom 911 is a Public Safety Answering Point (PSAP) located in Wenatchee. RiverCom is the primary PSAP serving all of Chelan and Douglas Counties and as such takes all 9-1-1 calls from wireline and wireless caller in the two county area."

**Frontier response:** Frontier admits that RiverCom 911 operates a PSAP located in Wenatchee. Frontier is without sufficient information to admit or deny the rest of the allegations and therefore denies those allegations.

4. **Complainant alleges:** "On August 23, 2017 at approximately 6:30 PM, RiverCom was notified by Lake Chelan Community Hospital that a resident had called the hospital requesting an ambulance because the resident could not contact 9-1-1 using their Frontier wireline phone. Dispatchers at RiverCom determined that the outage was for Frontier wireline phones in Manson, Chelan, Bridgeport and Mansfield."

**Frontier response:** Frontier is without sufficient information to admit these allegations; therefore, they are denied.

5. **Complainant alleges:** "RiverCom technicians contacted the phone number listed on Frontier's 9-1-1 Public Safety call list for E911 Care and Repair; E911 Customer Care (911 Circuit and 911 CPE Repair 24/7/365). Upon reaching this call center, we were told that the outage was too small for them to handle, they told us that only 200 customers were impacted, and redirected us to call another phone number. The number given is also on the E911 Care and Repair list, this number is listed for "Report Hazardous Conditions/Down Poles etc.. Upon reaching this call center, our technician was told that there was no service technician available and that the repair/restoration would have to wait until the following morning when a repair tech could be dispatched. Our caller asked that the problem be escalated but the request was denied and when we asked to speak with a supervisor we were placed on hold and then informed that the supervisor had confirmed that the problem would have to wait until the following morning when someone could be dispatched to look into the problem, probably at 7:00 AM on August 24th."

**Frontier response:** Frontier is without sufficient information to admit these allegations; therefore, they are denied.

6. **Complainant alleges:** “Our dispatchers were persistent and were able to locate the address of a Frontier Technician in Mansfield. RiverCom sent a Douglas County Sheriff’s Deputy to the home of this Frontier employee and notified him that there was an outage. The employee was able to look into the problem and the outage was resolved at approximately 11:30 PM, August 23.”

**Frontier response:** Frontier admits that a county sheriff’s deputy contacted a Frontier employee at the employee’s home on August 23, 2017, and that the 911 trunk busy condition was resolved at approximately 11:30 p.m. the same day. Frontier is without sufficient information to admit the balance of the allegations contained above; therefore, they are denied.

7. **Complainant alleges:** “RiverCom never received a notification of the outage from Frontier Communications or Century Link Communications. When RiverCom attempted to properly notify Frontier of the problem, we were redirected and ultimately placed into a queue to have the 9-1-1 outage resolved. It was only through the persistence of RiverCom staff that a Frontier employee was located and contacted by Law Enforcement and only then did the problem get the attention that was needed and the outage was resolved.”

**Frontier response:** Frontier admits that RiverCom contacted Frontier regarding a 911 trunk busy condition which was resolved at approximately 11:30 p.m. the same day. Frontier is without sufficient information to admit the balance of the allegations above; therefore, they are denied.

8. **Complainant alleges:** “RiverCom is very concerned with not receiving any notification of the outage, the way the outage was handled by Frontier and or Century Link.”

**Frontier response:** Frontier denies any allegation that may be contained in the sentence above.

#### IV. AFFIRMATIVE DEFENSES

Frontier sets forth the following affirmative defenses:

9. RiverCom’s negligence, whether wholly or contributorily, was responsible for the outage.

10. RiverCom failed to comply with WAC 480-07-370, and therefore its pleading fails to meet the requirements of a formal complaint and should be dismissed.

11. RiverCom fails to state a claim upon which relief can be granted because RiverCom requests no relief.

12. RiverCom's claims against Frontier are barred on the basis that the outage referenced in the complaint was the fault or negligence of another party, or a nonparty.

#### IV. CONCLUSION

Frontier respectfully submits its Answer and Affirmative Defenses to the Commission for its consideration and action in this proceeding, and renews its request that the Commission act on the companion Motion to Dismiss first.

DATED this 23<sup>rd</sup> day of October, 2017.

Frontier Communications Northwest Inc.



---

George Baker Thomson, Jr.  
Associate General Counsel  
1800 41<sup>st</sup> Street  
Everett, WA 98203  
425-261-5844  
[george.thomson@ftr.com](mailto:george.thomson@ftr.com)