



ATTORNEY GENERAL OF WASHINGTON

Public Counsel

800 Fifth Ave • Suite 2000 • MS TB-14 • Seattle WA 98104-3188 • (206) 464-7744

February 13, 2019

SENT VIA WUTC WEB PORTAL

Mark L. Johnson
Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

Re: *WUTC v. Qwest Corp. d/b/a CenturyLink QC*, Docket UT-171082; and
Rulemaking to Consider Possible Changes to Rules in Chapter 480-120 WAC, Relating to Service Obligations of Telephone Companies, Docket UT-180831

Dear Mr. Johnson:

On August 23, 2018, the Commission issued its final order in Docket UT-171082 requiring CenturyLink to keep a record of all requests for local exchange service the Company denies based on lack of facilities.¹ On January 31, 2019, CenturyLink filed a letter requesting to stop tracking service denials, effective March 1, 2019. The requirement to track service denials is germane to the rulemaking being conducted in Docket UT-180831. Public Counsel respectfully requests the Commission deny CenturyLink's request.

The Commission noted in Order 03 that it would initiate the rulemaking taking place now in Docket UT-180831.² The Commission did not unnecessarily delay commencing the rulemaking, nor is the Commission stalling in its progress with the rulemaking. Rather, the rulemaking was timely opened and is progressing reasonably. The Commission specifically noted that it would need more information in order to conduct the rulemaking and ordered CenturyLink to keep a record of all requests for local exchange service that are denied based on lack of facilities.³ The Commission stated, "Such documentation will enable Staff and the Commission to assess the circumstances under and extent to which customers are unable to obtain service from CenturyLink or other carriers in their service territory."

¹ *WUTC v. Qwest Corp. d/b/a CenturyLink QC*, Docket UT-171082, Order 03, Final Order ¶¶ 33, 53 (August 23, 2018).

² *Id.* ¶ 33.

³ *Id.*

Received
Records Management
02/13/19 13:59
State Of WASH.
UTIL. AND TRANSP.
COMMISSION

Public Counsel expressed its concern in UT-171082 that WAC 480-120-349 does not require CenturyLink to keep this type of information. Without this information, it is difficult to know how often CenturyLink has denied service based on a lack of facilities. Tracking this information will allow the Commission and stakeholders to analyze and understand the circumstances in which consumers are unable to obtain service from CenturyLink, and assess the harm that may be occurring from these service denials. The purpose of the current rulemaking is to re-evaluate the line extension rules and clarify companies' responsibilities and obligations. Moreover, the information on service denials will allow the Commission to make fact-based policy decisions in the rulemaking docket, UT-180831.

CenturyLink complains about the difficulty of going back into records and determining what records comply with the Commission's demand for tracking. CenturyLink does not address why it cannot keep a record in the first instance – tracking the service denials as they happen rather than combing records after the fact. The Commission's record keeping requirement in Order 03 is not unreasonable and should be maintained.

The question of whether or not to continue CenturyLink's record keeping obligation was not directly discussed at the first and only rulemaking workshop in Docket UT-180831, which occurred on January 17, 2019. Because the information CenturyLink is required to track under Order 03 is critical to obtaining transparency around service denials for lack of facilities, and understanding these circumstances is fundamental to determining how to amend and clarify company obligations under WAC 480-120-071, CenturyLink's request should be denied.

Public Counsel requests that the tracking ordered by the Commission in Order 03 continue as it provides valuable information.

Sincerely,

/s/ Lisa W. Gafken

LISA W. GAFKEN
WSBA No. 31549
Assistant Attorney General
Public Counsel Unit Chief
(206) 464-6595

/s/ Nina Suetake

NINA SUETAKE
WSBA No. 53374
Assistant Attorney General
Public Counsel
(206) 389-2055