

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET UT-140597
)	
Complainant,)	COMPLAINT
)	
v.)	
)	
QWEST CORPORATION d/b/a)	
CENTURYLINK QC,)	
)	
Respondent.)	
.....)	

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 on April 9-10, 2014. Staff requests an order assessing monetary penalties and requiring CenturyLink to implement certain technical and procedural safeguards designed to prevent reoccurrence of the outage.

II. JURISDICTION

3 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 80.01.070, RCW 80.04.380, and RCW 80.36.080.

III. PARTIES

4 The 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.

5 CenturyLink is a local exchange company doing business in the state of Washington.

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 CenturyLink is the exclusive provider of 911 services in Washington state. At all relevant times, CenturyLink contracted with the Washington Military Department to provide 911 services to Washington consumers.
- 8 CenturyLink is a "local exchange company" for purposes of WAC 480-120-450.
- 9 On April 9, 2014, at 11:54 p.m. PDT, CenturyLink's 911 system ceased routing and/or processing of Washington 911 calls, resulting in a statewide 911 service outage.
- 10 The outage was a "major outage" as defined in WAC 480-120-021.
- 11 The outage was preventable.
- 12 During the outage, CenturyLink's system failed to route 5,840 calls to 911 call centers, known as public safety answering points (PSAPs).
- 13 The outage lasted until 6:06 a.m. on April 10, 2014. The outage duration was six hours and twelve minutes.
- 14 The statewide outage left Washington residents without access to fully-functioning 911 services provided by CenturyLink.
- 15 The outage affected all Washington PSAPs.
- 16 The outage was not confined to Washington. The outage affected PSAPs in six other states: California, Florida, Minnesota, North Carolina, South Carolina, and Pennsylvania.
- 17 CenturyLink failed to deliver timely notice of the outage to Washington PSAPs.
- 18 Personnel at 51 Washington PSAPs learned of the outage from a source other than CenturyLink or Intrado.

- 19 At all relevant times, CenturyLink contracted with Colorado-based Intrado Inc. (vendor) to provide 911 routing and database services.
- 20 No Washington PSAP had a contractual relationship with the vendor.
- 21 The vendor owned and operated two emergency call management complexes, or ECMCs, one in Englewood, Colorado, and one in Miami, Florida.
- 22 CenturyLink designated the Colorado ECMC as Washington's primary ECMC and the Florida ECMC as Washington's backup ECMC.
- 23 CenturyLink routed 911 calls originating in Washington through the Colorado ECMC.
- 24 Software at the vendor's Colorado ECMC administered a pre-set call limit. The software automatically ceased routing 911 calls requiring "centralized automated message accounting" (CAMA) trunks to PSAPs after a counter incremented by calls of that type reached its limit of 40 million calls.
- 25 On April 9, 2014, the Colorado ECMC processed its 40 millionth 911 call requiring a CAMA trunk and thereafter automatically ceased routing Washington 911 calls requiring CAMA trunks to Washington PSAPs.
- 26 The malfunction at the Colorado ECMC had no impact on capabilities at the Florida ECMC.
- 27 The Florida ECMC was capable of processing all 911 traffic that failed at the Colorado ECMC.
- 28 The vendor failed to execute automated "failover," or rerouting, of Washington's 911 traffic to the Florida ECMC when the Colorado ECMC failed.
- 29 Software at the Colorado ECMC began issuing low-level alarms when the outage began.
- 30 Alarms triggered by the outage failed to alert the vendor's and CenturyLink's personnel to the nature and severity of the problem, resulting in a delayed response.

- 31 The vendor executed manual failover, or rerouting, of Washington's 911 traffic from the Colorado ECMC to the Florida ECMC. The vendor completed manual failover at approximately 6:06 a.m., on April 10, 2014.
- 32 Manual rerouting enabled full restoration of Washington 911 services.
- 33 The April 2014 outage harmed Washington residents.

V. APPLICABLE LAW

- 34 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."
- 35 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."
- 36 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."
- 37 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."

38 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 [public safety answering point] serving the affected area as soon as possible.”

39 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.

VI. FIRST CAUSE OF ACTION
(5,840 violations of RCW 80.36.080 – Rates, services, and facilities)

40 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.

41 During the April 2014 outage, CenturyLink failed on 5,840 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.

42 CenturyLink committed 5,840 violations of RCW 80.36.080.

VII. SECOND CAUSE OF ACTION
(5,840 violations of WAC 480-120-450(1) – E911 obligations)

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

44 During the April 2014 outage, CenturyLink’s 911 system failed on 5,840 occasions to provide E911 services.

45 CenturyLink committed 5,840 violations of WAC 480-120-450(1).

**VIII. THIRD CAUSE OF ACTION
(51 violations of WAC 480-120-412(2) – Major outages)**

- 46 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.
- 47 CenturyLink failed to deliver timely notice of the outage to a total of 51 PSAPs.
- 48 CenturyLink committed 51 violations of WAC 480-120-412(2).

IX. REQUEST FOR RELIEF

- 49 Staff requests that the Commission impose monetary penalties on CenturyLink in relief of each cause of action alleged above.
- 50 Staff further requests that the Commission require CenturyLink to implement certain technical and procedural safeguards, designed in consultation with Staff, intended to prevent future outages.
- 51 Staff further requests that the Commission order such other or further relief as is appropriate under the circumstances.

X. PROBABLE CAUSE

- 52 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 Olympia, Washington, and effective February 19, 2015.

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

NOTICE

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The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Steven King, 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: _____

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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:

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