

**BEFORE THE WASHINGTON
UTILITIES & TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Complainant,

v.

THE CENTURYLINK COMPANIES - QWEST CORPORATION; CENTURYTEL OF
WASHINGTON; CENTURYTEL OF INTERISLAND; CENTURYTEL OF
COWICHE; AND UNITED TELEPHONE COMPANY OF THE NORTHWEST

Respondent.

DOCKET UT-240029

**RESPONSE TESTIMONY OF JEAN MARIE DREYER
ON BEHALF OF
WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL
PUBLIC COUNSEL UNIT**

Exhibit JMD-1Tr

Revised May 13, 2024

RESPONSE TESTIMONY OF JEAN MARIE DREYER

EXHIBIT JMD-1TR

DOCKET UT-240029

EXHIBITS LIST

- Exhibit SKC-2 Excel spreadsheets with AGO Consumer Resource Center complaints
- Exhibit SKC-3 Staff Response to Public Counsel’s DRs 3–6
- Exhibit SKC-4 Excel spreadsheet tabulating the numbers of complaints from Exhibit SKC-2.
- Exhibit SKC-5 Excel spreadsheet including a consumer complaint about CenturyLink received by the AGO’s Consumer Resource Center from January 2024.

LIST OF TABLES AND FIGURES

Figure 1 Washington Areas Without Unsubsidized Mobile Broadband 6

Table 1 Complaints Received by UTC’s Consumer Protection Division.....12

1 **Q. Please state your name and business address.**

2 A. My name is Jean Marie Dreyer and my business address is 800 Fifth Avenue, Suite
3 2000, Seattle, Washington 98104.

4 **Q. By whom are you employed and in what capacity?**

5 A. I am a Regulatory Analyst with the Public Counsel Unit of the Washington State
6 Attorney General's Office (Public Counsel). Public Counsel is a statutory party to
7 proceedings before the Washington Utilities and Transportation Commission (UTC or
8 the Commission) under RCW 80.01.100, RCW 80.04.510, and RCW 81.04.500.

9 **Q. On whose behalf are you testifying?**

10 A. I am testifying on behalf of the Public Counsel Unit.

11 **Q. Please describe your professional qualifications.**

12 A. I have a Master of Public Administration degree from the Evans School of Public
13 Policy at the University of Washington. I also have a B.A. in Classics from Whitman
14 College in Walla Walla, Washington.

15 Prior to joining Public Counsel, I worked as a senior health policy analyst at
16 the Washington State Health Care Authority (HCA), based in Olympia, Washington.
17 As a senior health policy analyst, I worked on a variety of state health care policy
18 matters including accountable communities of health (ACHs), alternative payment
19 methodologies, primary care initiatives, and health care cost transparency issues.

20 I joined Public Counsel in April 2024, and am currently working on a variety
21 of utility and transportation matters, including the Avista Corporation Electric and
22 Natural Gas general rate case (Dockets UE-240006 and UG-240007), the 2022 Avista
23 general rate case (Dockets UE-220053, UG-22054 and UE-210854), Avista's 2023

1 Energy Recovery Mechanism (ERM) Annual Review filing (Docket UE-240276), the
2 Puget Sound Energy 2024 general rate case (Dockets UE-240004 and UG-240005), and
3 CenturyLink’s petition for competitive classification filing (Docket UT-240029) as well
4 as several smaller water rate and company complaint cases.

5 I participate in a number of advisory groups on behalf of Public Counsel. I
6 represent Public Counsel on Avista’s Electric and Gas Technical Advisory Committees
7 (TACs), Energy Assistance Advisory Group (EAAG), Equity Advisory Group (EAG),
8 Energy Efficiency Advisory Group (EEAG), Clean Energy Implementation Plan Public
9 Participation Meetings, and Puget Sound Energy’s Conservation Resource Advisory
10 Group (CRAG).

11 Additionally, I have reviewed online training materials from the National
12 Association of State Utility Consumer Advocates on several topics, including revenue
13 requirements, rate setting, and O&M expense analysis. I will complete the National
14 Association of Regulatory Utility Commissioners Rate School this month, May 2024.

15 **Q. Please describe the purpose of your testimony.**

16 A. I am testifying in this proceeding to describe demographic information related to
17 telephone usage and present a summary and specific examples of customer complaints
18 against the CenturyLink Companies-Qwest Corporation, CenturyTel of Washington,
19 CenturyTel of InterIsland, CenturyTel of Cowiche, and United Telephone Company of
20 the Northwest (collectively, CenturyLink or Company) filed with the Washington
21 State Office of the Attorney General. I am also presenting information received from
22 the UTC’s Consumer Protection Division (Staff) about complaints against
23 CenturyLink. Customer experiences are relevant to CenturyLink’s petition for

1 competitive classification because of the UTC’s power and duty to regulate in the
2 public interest.¹ The Commission has noted its “vital role in protecting consumers,
3 including ensuring public safety.”² In addition, “[a]ll regulated telecommunications
4 companies, including those that are competitively classified, remain subject to
5 statutory and Commission rule requirements governing retail service quality, and the
6 Commission does not relinquish its authority to ensure that all regulated companies
7 provide good service quality to their customers.”³ As the Commission is considering a
8 change to the form of regulation under which CenturyLink operates, it is appropriate
9 to consider how consumers have been impacted under their current regulatory scheme
10 and may be impacted under any proposed changes.

11 **Q. Are you sponsoring any exhibits?**

12 A. Yes. I am sponsoring the following exhibits:

- 13 • Exhibit SKC-2, an Excel spreadsheet listing consumer complaints about
14 CenturyLink received by the AGO’s Consumer Resource Center from 2018-
15 2023;
- 16 • Exhibit SKC-3, Data Request response from Staff to Public Counsel Data
17 Requests 3-6;
- 18 • Exhibit SKC-4, an Excel spreadsheet tabulating the numbers of complaints
19 from Exhibit SKC-2.

¹ RCW 80.01.040.

² *In re CenturyLink Companies AFOR Petition*, Docket UT-130477, Order 04 ¶ 55 (Jan. 09, 2014) (hereinafter *AFOR Docket*).

³ *Id.*

- 1 • Exhibit SKC-5, an Excel spreadsheet including a consumer complaint about
2 CenturyLink received by the AGO’s Consumer Resource Center from January
3 2024.

4 **Q. How is CenturyLink currently regulated?**

5 A. CenturyLink is currently operating under an Alternative Form of Regulation (AFOR)
6 order approved by the UTC in Docket UT-130477 in 2014.⁴ Prior to the 2014 AFOR,
7 CenturyLink operated under an earlier AFOR authorized in Docket UT-061625 in
8 2007.⁵

9 **Q. What change does CenturyLink seek to their form of regulation?**

10 A. In their petition filed with the UTC on January 8, 2024, CenturyLink seeks to classify
11 each of the Company’s incumbent local exchange carriers (ILEC) as competitively
12 classified companies under the standards of RCW 80.36.320 and WAC 480-121-061.

13 **Q. What is known about telephone usage in Washington and in the U.S. more
14 broadly?**

15 A. As CenturyLink notes in their Petition, mobile wireless services generally “dominate
16 the voice telephony market.”⁶ The Centers for Disease Control and Prevention’s
17 (CDC) National Center for Health Statistics estimated that in 2020, approximately 65
18 percent of Washingtonians used wireless only services, 18.7 percent mostly used

⁴ *AFOR Docket*. The original AFOR was set to expire on its seventh anniversary, but the UTC extended the operation of the AFOR due to the COVID-19 pandemic in 2020 in Order 07 on June 18, 2020. There were subsequent extensions in Order 08 (June 18, 2021), Order 09 (June 13, 2022), and Order 10 (July 27, 2023).

⁵ *In re Quest Corp. Alternative Form Regulation*, Docket UT-061625, Order 06 (July 24, 2007).

⁶ CenturyLink’s Pet. for Competitive Classification, ¶ 14 (filed Jan. 8, 2024). However, as described in the Response Testimony of David Brevitz, Exh. DB-1CT at 14-16, “universal service” has evolved to be broadband internet access service, not voice telephony.

1 wireless, 9.1 percent were dual users of wireless and landlines, 4.6 percent mostly used
2 landlines, and 3.2 percent only used landlines.⁷ The National Center for Health
3 Statistics also found that around 53 percent of Americans older than 65 have landline
4 service and 29 percent of Americans between ages 45 and 64 have landlines.⁸ Many
5 consumers rely on landlines for telephone service, particularly in emergency situations
6 or when power is lost to connect to emergency services.

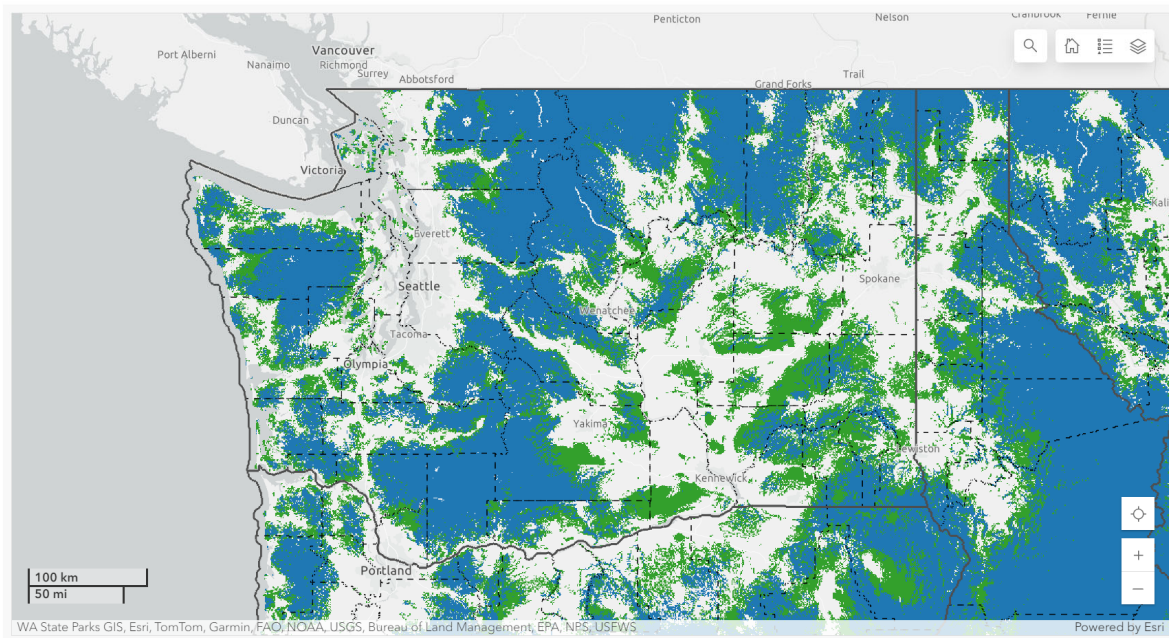
7 Though wireless services are widely used, there are gaps in coverage, which
8 can be difficult to identify. Notably, the Federal Communications Commission (FCC)
9 found that mobile carriers such as T-Mobile, Verizon, and U.S. Cellular overstate the
10 coverage provided by their service maps about 40 percent of the time.⁹ The FCC has
11 also undertaken an effort to map areas that lack accessible 4G or 5G mobile broadband
12 service. Zooming in on the FCC's map of Washington gives a picture of areas where
13 consumers may struggle with signal strength adequate for reliable voice calling.

⁷ U.S. Dept. of Health and Hum. Serv., Ctr. for Disease Control and Prevention, *National Health Interview Survey Early Release Program*, NAT'L. CTR. FOR HEALTH STAT., at 1, Table 1 (Aug. 2021) https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_202108-508.pdf. CenturyLink's Petition includes a typo related to the percentage of landline only users, stating 2.3 percent instead of the CDC's reported 3.2 percent.

⁸ Stephen J. Blumberg, & Julian V. Luke, *Wireless Substitution: Early Release Estimates from the National Health Interview Survey, July-December 2022*, NAT'L CTR. FOR HEALTH STATS., at 1 (May 2023) <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202305.pdf>.

⁹ FCC Rcd., MF-II Coverage Maps Investigation, Staff Report., GN Docket No. 19-367, at 2 (Dec. 4, 2019) <https://docs.fcc.gov/public/attachments/DOC-361165A1.pdf>.

1 **Figure 1 Washington Areas Without Unsubsidized Mobile Broadband¹⁰**



2 As noted above, a significant portion of Washingtonians rely on landline
3 service some or all of the time. Those individuals tend to be older and may rely on
4 their landline because mobile services are unavailable or unreliable at their home or
5 businesses. Figure 1 above shows that many of the areas with less mobile reliability
6 are in rural areas of Washington.

7 **Q. Can you elaborate on why a consumer might want to continue to rely on a**
8 **landline?**

¹⁰ FCC, *5G Fund – Areas Without Unsubsidized Mobile Broadband*, (updated Aug. 30, 2023)
<https://www.fcc.gov/reports-research/maps/5g-fund-fnprm/> (found in Reports & Research by clicking on Maps).

1 A. Yes. As I mentioned above, some consumers may want to use a landline at their home
2 because cell phone service is not available or unreliable in their area.¹¹ A recent story
3 in the Washington Post interviewed Washingtonians in Enumclaw and Longview who
4 have limited cell phone coverage at their residences.¹² In another story, a
5 representative from the AARP noted, “Traditional landlines have provided reliable
6 service for over a century, and while many consumers have adopted new technologies,
7 not all have access to affordable alternatives to landlines.”¹³ Some consumers may be
8 concerned about access to emergency services. Copper-based landlines will continue
9 to operate when power is out to an area, whereas other phone services require reliable
10 back-up power to continue to operate and allow people to access emergency services.¹⁴
11 This is of particular importance during wildfires or other natural disasters when it is
12 imperative that those needed emergency services be able to access them. Other
13 consumers may experience better call quality or can hear more clearly the person with
14 whom they are speaking on a landline.¹⁵ Some consumers may have other systems,
15 such as home alarm systems that also rely on a copper landline.¹⁶

16 **Q. Please describe the sources of the data you are presenting.**

¹¹ Betty Lin-Fisher, *Phone companies want to eliminate traditional landlines. What’s at stake and who loses?*, USA TODAY (Feb. 26, 2024), <https://www.usatoday.com/story/money/2024/02/22/att-phone-companies-eliminate-landlines/72574152007/>.

¹² Heather Kelly, *Landlines are dying out. But to some, they’re a lifeline*, WASH. POST (Mar. 23, 2024), <https://www.washingtonpost.com/technology/2024/03/23/landline-emergencies-home-phones/>.

¹³ Lin-Fisher, *supra* note 11.

¹⁴ Lin-Fisher, *supra*. note 11, See also, Michael Levenson, *Landline users remain proudly ‘old-fashioned’ in the digital age*, N.Y. TIMES (Mar.19, 2024) <https://www.nytimes.com/2024/03/16/business/landline-phones-att.html>.

¹⁵ Lin-Fisher, *supra* note 11.

¹⁶ *Id.*

1 A. Public Counsel is part of the broader Consumer Protection Division within the
2 Washington State Attorney General’s Office. The Consumer Protection Division also
3 includes the Consumer Resource Center, which provides an “informal complaint
4 resolution service” that consumers may access by contacting the Center via phone, an
5 online complaint form, or postal mail.¹⁷ At the end of 2023, I accessed the database
6 and ran a search for complaints referencing CenturyLink or affiliated companies for
7 the years 2018–2023 and exported them into an Excel spreadsheet. I added in county
8 level information, as well as the Washington State Department of Health’s rural and
9 urban county classifications.¹⁸ These complaints are listed in Exhibit SKC-2.

10 I am also presenting information obtained via data request from the UTC’s
11 Consumer Protection Division regarding complaints from consumers involving
12 CenturyLink and its affiliated companies from 2019–2023. Similar to the AGO’s
13 Consumer Resource Center, consumers may file a complaint with the UTC’s
14 Consumer Protection Division via an online form, phone, email, or postal mail.¹⁹ The
15 data request response provided by Commission Staff is Exhibit SKC-3.

¹⁷ Wash. State Att’y Gen., *Consumer Protection Overview*, <https://www.atg.wa.gov/consumer-protection> (last visited Mar. 29, 2024)

¹⁸ Wash. State Dep’t of Health, *Rural and Urban Counties*, (Apr. 2017) <https://doh.wa.gov/sites/default/files/legacy/Documents/Pubs/609003.pdf> (Document number DOH 609-003). In Washington, the Department of Health designates the following counties as rural: Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Franklin, Garfield, Grant, Grays Harbor, Island, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Oreille, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla, Whitman, and Yakima. The following counties are designated urban: Benton, Clark, King, Kitsap, Pierce, Thurston, Snohomish, Spokane, and Whatcom. Counties are also designated as rural or urban by the U.S. Census Bureau. See U.S. Census Bureau, *Urban and Rural, County-level Urban and Rural information for the 2020 Census* (Updated Sept. 2023), <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html>.

¹⁹ Wash. Utils & Transp. Comm’n, *File a Complaint* <https://www.utc.wa.gov/FileComplaint> (last visited Mar. 29, 2024).

1 **Q. Please summarize the data from the AGO’s Consumer Resource Center.**

2 A. There were 1718 complaints referencing CenturyLink or its affiliates filed with the
3 AGO from 2018–2023. Consumers filing complaints who were over age 59 made up
4 41 percent of total complaints, almost double the percentage of their share of
5 Washington’s population.²⁰ Consumers residing in rural counties filed approximately
6 19 percent of the complaints, which is equivalent to their share of Washington’s
7 population.²¹ Complaints from consumers living in rural Washington skewed older
8 however, with consumers over 59 years old filing around 51 percent of the complaints.

9 **Q. Can you provide examples of customer concerns with CenturyLink’s service?**

10 A. Yes. The concerns of rural customers are typified by the following complaint from a
11 customer near Colville, in Stevens County. The customer writes:

12 My Centurylink landline is my only form of communication and
13 emergency contact to 911. I am a 68 year old widow with multiple
14 health issues and complications. [I] live alone over [two] miles from
15 any established road. I have had several occasions over the past year
16 where my home Centurylink service was non functioning for weeks
17 at a time. Most recently I spent days trying to contact and schedule
18 a service call...I am broken hearted at the thought that I might have
19 to leave the home [I] built with my late husband simply because the
20 phone doesn't work.²²

21 Another customer near Belfair, in Mason County, has concerns about service
22 quality and responsiveness of the Company:

²⁰ Wash. Office of Fin. Mgmt., *Estimates of April 1 population by age, sex, race, and Hispanic origin*, (Updated Mar. 28, 2024) <https://ofm.wa.gov/washington-data-research/population-demographics/population-estimates/estimates-april-1-population-age-sex-race-and-hispanic-origin>. I used the state level data by age from 2020 and calculated the percentage of Washingtonians over 60 years old as 22 percent of the total population. See, Chase, Exh. SKC-4.

²¹ U.S. Census Bureau, *Urban and Rural*, (Updated Sept. 2023) <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html> (See, County-level Urban and Rural information for the 2020 Census). According to the U.S. Census Bureau, in 2020, residents of rural designated counties made up 21 percent of Washington’s population.

²² Chase, Exh. SKC-5 (Complaint of Roz Minch, Jan. 12, 2024).

1 Living in a rural area near Belfair, I have always relied on a landline
2 telephone connection for internet as well as emergency services.
3 Cellular service is not available. In August of [2023], my telephone
4 and internet stopped working. I have repeatedly contacted the
5 service provider, Century Link, to repair the service. It is now
6 December and I still do not have a telephone. I have replaced the
7 Century Link internet with service provided by Starlink, at
8 significant additional cost, in order to restore emergency services.
9 Even though Century Link has provided no service, they continue to
10 charge my account for their service.²³

11 Another customer from Port Angeles in Clallam County, also concerned about
12 service quality states:

13 I have been a customer of Century Link for over 40 years at the same
14 address for phone and internet service. My current internet plan is
15 for 12 Mbps. Over the last year the speed we actually receive has
16 declined. We are currently averaging a speed of 3.5 Mbps. I have
17 made several inquiries regarding the issue...On my most recent call
18 I was told I could sign up for a new internet plan for 20 Mbps. The
19 soonest I could sign up would be May 26th as they don't have any
20 technicians in our area. Unfortunately they are the only provider of
21 internet Service for our location. How can they continue to sell a
22 service they do not provide[?] It's like purchasing a gallon of milk
23 and finding out there is only a pint in the container. They are a large
24 corporation, do not care about the service they provide but insist that
25 you sign up for auto pay. They are the only provider that we can use
26 so we have no recourse.²⁴

27 Other customers note the importance of access to CenturyLink's services to
28 operate their business, work from home as an employee, or attend school. One
29 customer stated:

30 We live on Mason Lake. Our Centurylink service went out on
31 3/10/2023 ...There are only two service providers in our rural area,
32 Astound Broadband or Centurylink. Astound has gaps in their
33 service so for many of us Centurylink is our only option. All
34 Centurylink customers on the lake remain without service...The cell
35 phone coverage is very spar[s]e. To have cell service you have a

²³ Chase, Exh. SKC-2 (Complaint of Michael Cornwall, Dec. 11, 2023).

²⁴ *Id.* (Complaint of Shelley Romero, Feb. 2, 2023).

1 booster that is connected to the internet router. No internet, no cell
2 service, security cameras down, no ability to call 911 for
3 emergencies...As a utility employee myself, there is no reason that
4 they haven't come up with a plan, know what parts are needed, what
5 date those parts will be in and what date they can get a crew to
6 restore. Leaving all of us out of service for close to a month now is
7 unacceptable without clear answers and plan to repair with timeline.
8 I work from home and am commuting 80 miles a day. My kids can't
9 do homework. Our son is ...unable to attend his classes without
10 going to the library, drive 15 minutes to a free hot spot (thank you
11 pandemic). Maybe you can get answers as my every other day calls
12 are getting no answers.²⁵

13 **Q. Please summarize the data from the UTC's Consumer Protection Division.**

14 A. From 2019–2023, the UTC's Consumer Protection Division received nearly 1800
15 complaints about CenturyLink.²⁶ Of the complaints reported in Staff's Response to
16 Public Counsel Data Request No. 3, 1302 involve issues with quality of service.²⁷
17 There are also a higher proportion of complaints from rural counties, making up
18 approximately 32 percent of complaints.²⁸ Staff's records about the proportion of
19 complaints about CenturyLink compared to all complaints received by the UTC are
20 important to review as well.

21 //

22 ///

23 ////

24 /////

25 //////

²⁵ Chase, Exh. SKC-2 (Complaints (2021-2023) of Monica McIntyre, Apr. 6, 2023).

²⁶ Chase, Exh. SKC-3 (Staff Response to PC-3 Excel spreadsheet, Staff Response to PC-6 Excel spreadsheet).

²⁷ *Id.* (Staff Response to PC-3 Excel spreadsheet).

²⁸ *Id.* (Staff Response to PC-3 Excel spreadsheet).

1 **Table 1. Complaints Received by UTC’s Consumer Protection Division²⁹**

	2019 Total Complaints	2020 Total Complaints	2021 Total Complaints	2022 Total Complaints	2023 Total Complaints
CenturyLink Communications	169	238	333	486	573
Telecommunications	303	360	453	560	646
All Complaints	897	756	989	1288	1107
Percentages					
CenturyLink/All Complaints	19%	31%	34%	38%	52%
CenturyLink/All Telecommunications	56%	66%	74%	87%	89%

2 This table highlights several important facts. First, the raw numbers of complaints
 3 involving CenturyLink have increased every year for the last five years. Second, the
 4 proportion of complaints about CenturyLink has also increased every year, both when
 5 comparing complaints about CenturyLink to complaints received by the UTC
 6 involving all telecommunications companies or all UTC regulated companies. Third,
 7 complaints about CenturyLink are the majority of complaints about
 8 telecommunications companies, and nearly all of them in 2022 and 2023. Fourth,
 9 consumer complaints about CenturyLink made up over half of the complaints received
 10 by the UTC across all industries in 2023. These are facts that the Commission should
 11 keep in mind as they are reviewing CenturyLink’s petition.

12 **Q. Have you reviewed any information about concerns involving CenturyLink’s**
 13 **service in other states?**

²⁹ *Id.* (Staff Response to PC-6 Excel spreadsheet).

1 A. Yes. I reviewed an order from the Minnesota Public Utilities Commission discussing
2 whether CenturyLink had violated Minnesota’s requirements surrounding service
3 quality.³⁰ I also reviewed an order from the Oregon Public Utilities Commission
4 regarding a price plan and stipulation for service quality for the Jacksonville, Oregon
5 area.³¹ Though the cases involving Minnesota and Oregon are not about service in
6 Washington, there are common issues, as evidenced by the increasing number of
7 complaints about service quality as well as narrative statements above from
8 Washington consumers.

9 Similar to Washington, many rural areas in Minnesota served by CenturyLink
10 lack access to broadband.³² One rural Minnesota county had so many CenturyLink
11 service outages in the last several years, that local volunteer fire departments leave
12 their facilities “unlocked or staff them continuously during telephone service outages,
13 so that affected members of the public can drive to the fire halls and directly contact
14 emergency dispatchers.”³³

15 In the Jacksonville, Oregon area, CenturyLink has had such persistent issues
16 with service quality, that the Company is required to have a dedicated customer
17 support line and address issues within 48 hours of a ticket being created.³⁴

18 CenturyLink’s challenges in serving customers are not limited to Washington.

³⁰ Findings of Fact, Conclusions of Law, and Recommendations, *In re CenturyLink in Minnesota, on Behalf of the Communications Workers of America*, Docket No. P-421/C-20-432, (Mar. 13, 2024) (Minn. Pub. Util. Comm’n) [hereinafter *CenturyLink Minnesota Docket*].

³¹ *In the Matters of In re Lumen Technologies*, Dockets UM 1908 & UM 2206. Order No. 24-041 (Feb 09, 2024) (Pub Util. Comm’n Org.).

³² *CenturyLink Minnesota Docket*, Findings of Fact, Conclusions of Law, and Recommendations, ¶ 24.

³³ *Id.*, ¶ 35.

³⁴ *Lumen Technologies, supra* note 31, at 2.

1 **Q. Does this conclude your testimony?**

2 A. Yes, it does.