

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	DOCKET UT-121986
	)	
Complainant,	)	
	)	COMPLAINT
v.	)	
	)	
QWEST CORPORATION D/B/A	)	
CENTURYLINK QC AND QWEST	)	
COMMUNICATIONS COMPANY LLC	)	
D/B/A CENTURYLINK QCC,	)	
	)	
Respondent.	)	
	)	
.....	)	

1 The Washington Utilities and Transportation Commission (“Commission”), on its own motion, and through its Staff, alleges as follows:

**I. BACKGROUND**

2 Commission statute and rules set forth specific requirements regarding the application of tariffs and billing of customers by telecommunications companies subject to Commission jurisdiction. This Complaint arises from allegations of violations of this statute and rules by Qwest Corporation d/b/a CenturyLink QC and Qwest Communications Company, LLC d/b/a CenturyLink QCC (“CenturyLink”) (formerly “Qwest”).

3 On March 14, 2011, the Commission issued an order authorizing CenturyTel, Inc. to acquire indirect control of Qwest Corporation, Qwest LD Corp. and Qwest Communications Company LLC (“Qwest”).

4 Prior to this acquisition, in 2008, Staff of the Commission completed an investigation of Qwest’s compliance with laws and rules enforced by the Commission (“2008 Investigation”). The 2008 Investigation revealed violations of 10 different rules and one statute. Following this investigation, Staff met with company representatives to

discuss the violations identified in the investigation. From this meeting, Staff understood that Qwest planned to improve its compliance.

- 5 In 2009, Staff initiated a follow-up investigation to determine whether Qwest had improved its compliance with Commission laws, as company representatives committed to do following the 2008 investigation (“2010 Investigation”). Staff found that Qwest continued to violate 7 of the 11 statutes and rules identified as problem areas in the 2008 Investigation, namely: RCW 80.36.130, WAC 480-120-161, WAC 480-120-166, WAC 480-120-172, WAC 480-120-173, WAC 480-120-174, and WAC 480-120-440.
- 6 On April 30, 2010, the Commission issued a formal Complaint in Docket UT-091870 against Qwest, alleging 69 violations of Commission rules, namely: WAC 480-120-161, WAC 480-120-172, WAC 480-120-173, WAC 480-120-174, and WAC 480-120-440. On August 27, 2010, the Commission approved a settlement agreement between Staff and Qwest in which Qwest admitted violations, agreed to pay a \$34,500 penalty, and committed to providing ongoing training and internal process improvements regarding compliance with Washington’s service quality laws and rules.
- 7 In 2012, Staff performed a routine analysis of consumer complaints filed with the Commission between 2010 and 2011 against Qwest (now CenturyLink). This analysis revealed an increase in the number of violations recorded by Staff. Staff initiated a follow-up investigation to determine whether CenturyLink had improved its compliance with Commission statutes and rules. During its investigation, Staff reviewed 144 consumer complaints filed with the Commission against CenturyLink between September 1, 2011, and August 31, 2012. Staff completed its follow-up investigation in September 2013.
- 8 In its investigation, Staff found violations of nine Commission rules and one statute. Staff noted that, for eight of the rules, violations were not found in the 2010 Investigation, or CenturyLink’s compliance with those rules had improved. However, CenturyLink continued to violate RCW 80.36.130 and WAC 480-120-161, which were identified as problem areas in both the 2008 and 2010 Investigations described above.
- 9 The violations alleged below reflect Staff’s findings in consumer complaints filed between January and August 2012. The Staff Investigation Report upon which these violations are alleged is attached hereto and incorporated by reference herein.

10 Under RCW 80.04.380, CenturyLink is subject to penalties of up to \$1,000 for each violation of RCW Title 80 and Commission rules.

## II. PARTIES

11 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, under RCW Title 80.

12 CenturyLink is a telecommunications company subject to regulation by the Commission under RCW Title 80.

## III. JURISDICTION

13 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 80.04.110, RCW 80.04.380, RCW 80.36, and WAC 480-120.

## IV. CLAIMS AND CAUSES OF ACTION

### A. FIRST CAUSE OF ACTION

#### **(Violations of RCW 80.36.130, Published Rates to be Charged)**

14 The Commission, through its Staff, re-alleges the allegations contained in paragraphs 2 through 12 above, and as fully described in the attached Staff Investigation Report.

15 RCW 80.36.130(1) provides, in part: “Except as provided in RCW 80.04.130 and 80.36.150, no telecommunications company shall charge, demand, collect or receive compensation for any service rendered or to be rendered than the charge applicable to such service as specified in its schedule on file an in effect at that time . . .”

16 CenturyLink violated RCW 80.36.130 a total of 2,640,790 times by billing customers improper rates for Access Recovery charges, Federal Access charges, Federal Telecommunications Relay Service Fund charges, and Washington Telephone Relay Service Fund charges during the months of July and August 2012.

17 CenturyLink violated RCW 80.36.130 a total of 3,207 times by billing customers incorrect city and county taxes.

18 CenturyLink violated RCW 80.36.130 seven times by improperly billing Washington Telephone Assistance Program (“WTAP”) customers by failing to issue proper credits or apply discounts.

## **B. SECOND CAUSE OF ACTION**

### **(Violations of WAC 480-120-161, billing)**

19 The Commission, through its Staff, re-alleges the allegations contained in paragraphs 2 through 17 above, and as fully described in the attached Staff Investigation Report.

20 WAC 480-120-161 requires telecommunications companies subject to Commission regulation to provide accurate bills and fair bill payment requirements. In particular, WAC 480-120-161(2)(a) provides that, upon a showing of good cause, a customer may request and the company must allow the customer to pay a bill by a date that is not the normally designated payment date on their bill.

21 WAC 480-120-161(4)(a) provides that telephone bills must be clearly organized and may only include charges for services that have been requested by the customer or other individuals authorized to request such services on behalf of the customer that have been provided by the company.

22 CenturyLink violated WAC 480-120-161 10 times by refusing to change bill due dates at customer request upon a showing of good cause, billing customers incorrectly, and billing for services not provided to customers or not requested by customers.

## **V. APPLICABLE LAW**

23 Under RCW 80.04.380, the Commission may penalize a public service company that violates any provision of RCW Title 80 or any rule of the Commission up to \$1,000 for each and every offense. Under the statute, every violation is considered a separate and distinct offense, and, in the case of a continuing violation, every day’s continued violation is deemed to be a separate and distinct offense.

**VI. REQUEST FOR RELIEF**

- 24 Staff requests that the Commission find that CenturyLink committed 2,644,014 violations of statute and rules enforced by the Commission, as set forth in the allegations above.
- 25 Staff further requests that the Commission impose monetary penalties on CenturyLink under RCW 80.04.380 in the amount of up to \$313,070, as itemized below:
- \$264,000 for violations of RCW 80.36.130 related to the billing of improper rates and charges, as alleged above;
  - \$32,070 for violations of RCW 80.36.130 related to the billing of city and county taxes, as alleged above;
  - \$7,000 for violations of RCW 80.36.130 related to the billing of WTAP customers, as alleged above; and
  - \$10,000 for violations of WAC 480-120-161, as alleged above.
- 26 Staff further requests that the Commission order such other or further relief as is appropriate under the circumstances.

**VII. PROBABLE CAUSE**

- 27 Based on a review of Staff's report of its investigation of CenturyLink, 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 March 19, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS  
Administrative Law Judge