

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYLINK COMMUNICATIONS,
LLC d/b/a LUMEN TECHNOLOGIES
GROUP,

Respondent.

DOCKET UT-240078

COMPLAINT

and

NOTICE OF PREHEARING
CONFERENCE
(Set for April 8, 2024, at 1:30 p.m.)

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

I. PARTIES

2 The Commission is an agency of the state of Washington authorized by statute to regulate
the rates, services, facilities, and practices of public service companies, including
telecommunications companies.

3 CenturyLink Communications, LLC (CenturyLink) is a telecommunications company
doing business in the state of Washington.

II. BACKGROUND

4 Washington Administrative Code (WAC) 480-120-133 imposes several requirements on
telecommunications companies doing business in Washington regarding the company’s
response time for customer calls to the business office or repair center placed during
regular business hours. Specifically, a company’s automated answering system must
either provide the customer the option to speak with a live representative or transfer the
caller to a live representative within the first sixty seconds of the recorded message.
Moreover, each month, the average time until a live representative answers a call must
not exceed sixty seconds from the time the caller selects the option to speak to a live
representative.

- 5 Staff opened an investigation into the adequacy of CenturyLink’s automatic call answering system in January 2022 after receiving several complaints from CenturyLink customers about excessive call wait times and their inability to reach a customer service representative. Staff first attempted to resolve these complaints by providing the Company with technical assistance and requesting it take corrective action to prevent any future violations of WAC 480-120-133.
- 6 On December 29, 2022, Staff sent a data request to CenturyLink via mail to the address listed with the Commission. Staff requested (1) the monthly call data for the average time until the automated system answered calls, (2) the monthly call data for the average time until the automated system provided a caller with an option to speak to a live representative or transferred the caller to a live representative, and (3) the monthly call data for the average time until a live representative answered a call from the time the caller selected the appropriate option to speak to a live representative. Staff requested CenturyLink provide the lists in Excel spreadsheet format, identifying the month and year and indicating the type of call (repair or business office) from September 01, 2021, through November 30, 2022. Staff requested the information be provided no later than January 12, 2023.
- 7 After receiving no response to the data request, Staff followed up with the Company via email on February 22, 2023, attaching the original letter and data request. CenturyLink then informed Staff that it had not received the data request and would work on compiling and sending the requested information to Staff.
- 8 Staff followed up with the Company again via email on March 16, 2023, informing the Company that Staff still had not received the requested information.
- 9 The Company provided its first incomplete response to the December 29, 2022, data request on March 30, 2023. The Company informed Staff that it does not track data on the length of time that passes before its automated answering system answers a call, but that the call is answered as soon as the network completes the connection to the automated system. The Company also stated that it does not track the average time from the beginning of a customer call until the moment at which the automated system provides the caller the option to speak to a live representative. CenturyLink indicated that it does track the monthly call data for the average time until a live representative answers a call from the time the caller selects the appropriate option to speak to a live representative, but only provided the data for its business office for the months of January 2022 through November 2022, stating that this was the data that was “readily available.” That data showed that the monthly average time until a live representative answered a

call from the time the caller selects the appropriate option to speak to a live representative ranged from 83 to 202 seconds for the business office during that period.

- 10 On May 8, 2023, Staff sent follow up questions to the Company via email. Staff requested the missing data regarding the average time it takes a live representative to answer a call for all requested months for both the business office and repair center. Staff also requested the Company explain what measures CenturyLink had implemented since September 2021 to ensure its live representatives answer calls within 60 seconds and asked how many automated lines the Company had for its business office and repair center office in Washington.
- 11 Staff sent several follow-up emails to the Company, but, by September 19, 2023, still had not received data for CenturyLink's repair center regarding live representative answer times, nor information regarding the Company's updated process to ensure a live representative answers calls to the repair center and calls to the business office within 60 seconds. Staff again asked for this information and additionally extended the timeframe for the requested data to include the months of December 2022 through August 2023. Staff requested this information be provided by September 26, 2023.
- 12 On September 21, 2023, Staff granted CenturyLink's request for an extension until October 4, 2023, but only as to the information requested for the extended timeframe of December 2022 to August 2023. CenturyLink provided its second incomplete response on October 4, 2023, but did not provide data for the average time until a live representative answers a call from the time the caller selects the appropriate option to speak to a live representative for the extended timeframe for either its repair center or its business office and still failed to provide the repair center data for the original timeframe, requested on December 29, 2022.
- 13 Staff sent CenturyLink its final follow-up data request on October 26, 2023. Staff asked the Company why it does not track call data regarding the average time its automated system takes to answer calls and the average time before the automated system provides the caller the option to speak to a live representative. Staff also asked why the Company still had not provided the data regarding the average time it takes for a live representative to answer calls for all months requested for both the business office and repair center. Staff informed CenturyLink that it had not provided the repair center call data for September 2021 through March 2022 and for December 2022 through August 2023 and the business office data for December 2022 through August 2023. Staff requested this data by November 2, 2023.

- 14 Staff did not receive a response to its final request until February 15, 2024. The Company stated that it did not interpret WAC 480-120-133(2) to require it to track the requested data and explained how the automatic answering system answers a customer call and provides the option to speak to a live representative after a series of prompts. Regarding the average time for a live representative to answer a call after the caller selects the appropriate prompt, CenturyLink stated that data for the repair center for September 2021 through March 2022 had been lost, but did provide the data for both the repair center and business office for December 2022 through August 2023. The provided average answer times ranged from 2 to 35 seconds for the repair center and from 7 to 16 seconds for the business office.
- 15 With this information, Staff completed its investigation and determined that the Company had violated WAC 480-120-133(2)(c) each month from September 2021 through November 2022.

III. JURISDICTION

- 16 The Commission has jurisdiction over this matter pursuant to chapters 34.05 Revised Code of Washington (RCW), 80.01 RCW, including RCW 80.01.040 and RCW 80.01.060, chapter 80.04 RCW, including RCW 80.04.110 and RCW 80.04.380, and chapter 80.36 RCW.

IV. APPLICABLE LAW

- 17 RCW 80.01.040 provides that the Commission has the power to “[r]egulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation” and to “[m]ake rules and regulations necessary to carry out its other power and duties.”
- 18 RCW 80.04.160 provides:

The commission is hereby authorized and empowered to adopt, promulgate, and issue rules and regulations covering the transmission and delivery of messages and conversations . . . and any and all services concerning the same, or connected therewith; and generally such rules as pertain to the comfort and convenience of the public concerning the subjects treated of in this title.

19 Pursuant to this statutory authority, the Commission has adopted rules governing a telecommunications company's response time for consumer calls placed to its business office or repair center during regular business hours in WAC 480-120-133.

20 These rules provide:

(1) Calls placed to a company's business or repair center during regular business hours must be answered either by a live representative or an automated call answering system. (2) Companies that use an automated answering system must comply with the following requirements: (a) [e]ach month, the average time until the automated system answers a call must not exceed thirty seconds; and (b) [t]he automated system must provide a caller with an option to speak to a live representative within the first sixty seconds of the recorded message, or it must transfer the caller to a live representative within the first sixty seconds. . . . (c) Each month, the average time until a live representative answers a call must not exceed sixty seconds from the time a caller selects the appropriate option to speak to a live representative.

21 WAC 480-120-019 provides that "[t]he commission may enforce the performance requirements set forth in this chapter by imposing administrative penalties under RCW 80.04.405, 80.04.380, or other appropriate penalty statutes."

22 RCW 80.04.070 provides that the Commission "shall have the right, at any and all times, to inspect the accounts, books, papers, and documents of any public service company."

23 Pursuant to this authority, under WAC 480-07-175, the Commission may "require a public service company to provide documents for commission inspection by serving the company with a letter or other writing signed by the secretary or an administrative law judge," in which case, "[t]he public service company must provide the required documents, or any objections to providing those documents, to the commission within ten business days of the date the commission serves the letter or other writing unless the commission specifies a different deadline."

24 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.

V. FIRST CAUSE OF ACTION (WAC 480-120-133(2)(c))

- 25 The Commission realleges paragraphs 2 through 16, above.
- 26 WAC 480-120-133(2)(c) requires that each month the average time until a live representative answers a call must not exceed 60 seconds from the time a caller selects the appropriate option to speak to a live representative.
- 27 CenturyLink committed 9 violations of WAC 480-120-133(2)(c) when it failed to maintain an average time of 60 seconds or less from the time a caller selects the appropriate option to speak to a live representative during the months of March 2022 through November 2022.

VI. SECOND CAUSE OF ACTION (WAC 480-07-175)

- 28 The Commission realleges paragraphs 2 through 16, above.
- 29 WAC 480-07-175 requires public service companies provide documents requested by the Commission within 10 business days unless another deadline is specified by the Commission.
- 30 CenturyLink committed 234 violations of WAC 480-07-175 when it failed to provide all of the information requested by Staff in its letter dated December 29, 2022, from March 9, 2023, until February 15, 2024.

VII. REQUEST FOR RELIEF

- 31 Staff requests the Commission impose a penalty of up to \$243,000 for 243 violations of Commission rules as follows:
- \$1,000 for each of the 9 violations of WAC 480-120-133(2)(c)
 - \$1,000 for each of the 234 violations of WAC 480-07-175
- 32 Staff further requests that the Commission order such other or further relief as is appropriate under the circumstances.

VIII. PROBABLE CAUSE

33 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.

IX. NOTICE OF PREHEARING CONFERENCE

34 The Commission will hear this matter under the Administrative Procedure Act (APA),
particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA
that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW
34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The
Commission's procedural rules, chapter 480-07 WAC, will apply in this proceeding.

35 **THE COMMISSION GIVES NOTICE That it will hold a virtual prehearing
conference in this matter at 1:30 p.m. on April 8, 2024. To participate by phone, call
(253) 215-8782 and enter the Meeting ID: 836 2415 7792# and Passcode 469495 #. To
attend via Zoom, please use the following link: [Click to join meeting](https://utc-wa-gov.zoom.us/j/83624157792?pwd=wqkMW4lmzhG7Bu7JYiIVpW8BsuqWPZ.1).**¹

36 The purpose of the prehearing conference is to consider requests for intervention, resolve
scheduling matters including establishing dates for distributing evidence, identify the
issues in the proceeding, and determine other matters to assist the Commission in
resolving the matter, as listed in WAC 480-07-430.

37 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in
writing at least three business days before the date of the prehearing conference. *See*
WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the
conference, but strongly prefers written petitions to intervene. Party representatives must
file a notice of appearance with the Commission no later than the business day before the
conference. *See* WAC 480-07-345(2). Parties with more than one representative must
identify one individual as the "lead" for purposes of official service. Any party or witness
in need of an interpreter or other assistance should fill out the form attached to this notice
and return it to the Commission. The Commission will set the time and place for any
evidentiary hearings at the prehearing conference, on the record of a later conference or
hearing session, or by later written notice.

¹ <https://utc-wa-gov.zoom.us/j/83624157792?pwd=wqkMW4lmzhG7Bu7JYiIVpW8BsuqWPZ.1>

38 **THE COMMISSION GIVES NOTICE** that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.

39 The names and mailing addresses of all known parties and their known representatives are as follows:

Respondent: Robert Thoms
CenturyLink Communications LLC
120 Lenora St STE 502
Seattle, WA 98121
robert.thoms@lumen.com

Complainant: Washington Utilities and Transportation Commission
621 Woodland Park Loop SE
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Liam Weiland
Assistant Attorney General-Office of the Attorney General
Utilities and Transportation Division
P.O. Box 40128
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liam.weiland@atg.wa.gov

40 The Commissioners of the Washington Utilities and Transportation Commission and Administrative Law Judge Paige Doyle, from the from the Commission's Administrative Law Division, will preside during this proceeding.²

41 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Lacey, Washington, and effective March 13, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael Howard
MICHAEL HOWARD
Director, Administrative Law Division

² Judge Doyle can be reached by email at paige.doyle@utc.wa.gov or by phone at (360) 664-1140.

Inquiries may be addressed to :

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