

**BEFORE THE WASHINGTON
UTILITIES & TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,

Complainant,

v.

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

Respondent.

DOCKET UT-240029

**CROSS-EXAMINATION EXHIBIT OF PETER J. GOSE
ON BEHALF OF THE
WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL
PUBLIC COUNSEL UNIT**

EXHIBIT PJG-__X

Direct Testimony of Peter J. Gose, *WUTC v. CenturyLink*, Docket UT-240078 (filed July 10, 2024).

July 15, 2024

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

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

Respondent.

DOCKET NO.: UT-240078

RESPONSE TESTIMONY

OF

PETER J. GOSE

ON BEHALF OF

CENTURYLINK COMMUNICATIONS, LLC

dba LUMEN TECHNOLOGIES GROUP

July 10, 2024

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I. INTRODUCTION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Peter Gose. My business address is 14530 NW 63rd St., Parkville, Missouri, 64182-8703. My business email address is peter.gose@lumen.com.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

A. I am employed by Lumen Technologies, Inc., parent company of Qwest Corporation; CenturyTel of Washington, Inc.; CenturyTel of Inter Island, Inc.; CenturyTel of Cowiche, Inc.; United Telephone Company of the Northwest; and CenturyLink Communications, LLC. For Lumen Technologies I work as Director of State and Local Government Affairs, with responsibilities for incumbent and competitive local exchange carrier regulatory matters in 26 states, Puerto Rico, and the United States Virgin Islands.

Q. HOW LONG HAVE YOU BEEN EMPLOYED BY LUMEN?

A. I have been employed by Lumen Technologies since March 2021.

Q. PLEASE STATE YOUR QUALIFICATIONS TO PROVIDE TESTIMONY IN THIS PROCEEDING.

A. My employment history spans 35 years of direct and relevant experience in the communications industry. I began my career as a management analyst with the Missouri Public Service Commission (“MoPSC”) where I focused on state and federal telecommunications issues. During my tenure with the MoPSC I was twice loaned to the Federal Communications Commission for special projects. I continued my career with the National Exchange Carrier Association (“NECA”) where I was responsible for interstate

1 access tariff management, interpretation, and training for 14 western states and United
2 States territories. After enactment of the Telecommunications Act of 1996, I transitioned
3 into a consulting role and co-founded QSI Consulting in 1999. Beginning in 2007 I took
4 on the role of Government and Regulatory Affairs Director for Coral Wireless, LLC d/b/a
5 Mobi PCS, which was a facilities-based regional wireless provider serving the entire state
6 of Hawaii. While serving as the Government and Regulatory Affairs Director at Mobi
7 PCS, I also concurrently held responsibilities as Director of Customer Care and as Director
8 of Site Acquisition and Development at various times.

9 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND.**

10 **A.** I received a Bachelor of Science degree from Northwest Missouri State University with
11 dual majors in Finance and Management, and a minor in Economics. I went on to earn a
12 Master of Business Administration degree from Northwest Missouri State University. I
13 also hold a Bachelor of Science degree in Accounting earned from Lincoln University. In
14 2024 I completed an A.A.Sc. degree in Cybersecurity at the Metropolitan Community
15 College of Kansas City.

16 In addition to the aforementioned higher education, I have also participated in training
17 germane to the subject matter of this docket. Specifically, I have completed the National
18 Association of Regulatory Utility Commissioners Annual (“NARUC”) Fundamentals
19 Course in Regulatory Studies and the Practical Regulatory Principles Training taught by
20 the New Mexico State University Center for Public Utilities. I have received training in
21 telecommunications cost separations from Ernst & Young and the United States Telephone
22 Association. Additionally, I completed the Modern Finance Theory for Regulated
23 Industries training sponsored by the University of Missouri. While not specific to utility

1 industry oversight, I have also completed the Federal Bureau of Investigation Citizens'
2 Academy sponsored by the United States Department of Justice.

3 **Q. HAVE YOU TESTIFIED PREVIOUSLY BEFORE THE WASHINGTON**
4 **UTILITIES AND TRANSPORTATION COMMISSION?**

5 **A.** Yes, I have. A copy of my curriculum vitae, which includes a listing of the
6 telecommunications matters in which I have participated, is provided as Exhibit PJG-2.

7

8 **II. SCOPE AND SUMMARY OF TESTIMONY**

9 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

10 **A.** In my testimony I respond to observations made in the testimony of Staff witness Sharmila
11 Prabakaran as they pertain to the Commission's policy statement promulgated in Docket A-
12 120061 on public service law enforcement. I first briefly discuss that Staff named the
13 wrong corporate affiliate in its complaint. I also set forth rationale as to why the
14 Commission should, in its discretion, decline to penalize CenturyLink or, if the
15 Commission chooses to issue penalties, impose penalties of \$100 per violation. My
16 testimony addresses each of the Commission's enforcement factors and describes the
17 additional processes implemented by the company to avoid future delays in responding to
18 Staff data requests. In my testimony, I will not deny that CenturyLink missed on the
19 requirements of WAC 480-120-133(2)(c) nine times. I also will not deny that CenturyLink
20 was delayed in responding to Staff data requests, although I believe Staff is overstating the
21 number of delinquent days because CenturyLink provided the best response it could to the
22 question at issue on March 30, 2023. However, Staff's penalty demands are excessive

1 under the circumstances, especially given the nature of the rule at issue. Further, I'll
2 discuss additional safeguards CenturyLink has implemented to ensure that it reduces its
3 chances of being late to respond to Staff data requests.

4 5 **III. DISCUSSION**

6 **Q. YOU MENTIONED ABOVE THAT COMMISSION STAFF APPEARS TO HAVE**
7 **NAMED THE WRONG COMPANY IN ITS COMPLAINT. CAN YOU EXPLAIN?**

8 **A.** Yes. Staff filed its complaint only against CenturyLink Communications, LLC (“CLC”),
9 which is not an incumbent local exchange carrier (“ILEC”) in Washington, and does not
10 operate business offices or repair centers for purposes of WAC 480-120-133. CLC is
11 regulated by the Commission, but its services are primarily long distance and other non-
12 regulated services. It also has competitive local exchange carrier (“CLEC”) authority, but
13 does not offer residential local voice service to customers in Washington as a CLEC.

14 CLC has five corporate affiliates (Qwest Corporation, CenturyTel of Washington,
15 CenturyTel of Interisland, CenturyTel of Cowiche, and United Telephone of the
16 Northwest) which operate as ILECs. The answer time data provided to Staff and that is the
17 subject of the complaint relates to these five companies (collectively, the “CenturyLink
18 ILECs”). While I am not an attorney, I do not believe the complaint frames the issues
19 against the correct entities. It is beyond my knowledge or the scope of my testimony to
20 address whether the Commission should reject the complaint for this reason. I will
21 nevertheless address Staff’s allegations and Ms. Prabakaran’s testimony as if Staff was
22 making allegations against the CenturyLink ILECs, which I will refer to as “CenturyLink”
23 in the remainder of my testimony.

1 **Q. ARE YOU FAMILIAR WITH THE EVENTS UNDERLYING THE COMPLAINT**
2 **FILED IN THIS DOCKET?**

3 **A.** Yes. In brief summary, Staff issued several rounds of data requests exploring
4 CenturyLink's performance under WAC 480-120-133 (as detailed by Ms. Prabakaran).
5 CenturyLink was delayed in responding to the questions, but provided Staff with the best
6 answers at its disposal given that some data was no longer available. While Staff found
7 very few instances of CenturyLink failing to meet the substantive requirements of the rule
8 (even at the maximum penalty level, Staff seeks just \$9,000 for 9 violations), Staff filed
9 this complaint mainly seeking maximum (\$1,000) penalties for each day it believes
10 CenturyLink was delayed in responding to its numerous sets of overlapping data requests.
11 This balloons Staff's penalty demand to \$243,000.

12 **Q. WHAT IS WAC 480-120-133?**

13 **A.** The rule, adopted 22 years ago, sets parameters for a regulated telephone company's
14 response time for calls to its business office or repair center during regular business hours.
15 It contains 3 subsections with 8 separate requirements. Staff does not allege that
16 CenturyLink violated 7 of the 8 requirements. Instead, Staff focuses on Subsection 2(c),
17 which requires that "[e]ach month, the average time until a live representative answers a
18 call must not exceed sixty seconds from the time a caller selects the appropriate option to
19 speak to a live representative." Staff gathered data related to Subsection 2(c) for 24
20 months, and found CenturyLink to be non-complaint in 9 of those months. CenturyLink is
21 presently compliant with Subsection 2(c), as Staff acknowledges. (Exh. SP-1T, at 14
22 (compliant by December 2022), 16-17 (compliance continued through December 2023)).

1 With full acknowledgement that WAC 480-120-133 is an operative Commission rule and
2 applies to CenturyLink, I will note that CenturyLink provides fewer than 4% of the voice
3 connections in Washington. The overwhelming majority of voice connections are provided
4 by carriers utilizing other technologies (predominantly mobile wireless), and this rule does
5 not apply to those providers.

6 The following graphic, shared with the Commission in my direct testimony in Docket UT-
7 240029, illustrates the dramatic difference in the competitive landscape between 2001 and
8 mid-2022. Competition, and CenturyLink's loss of subscribers, has only increased since
9 mid-2002.

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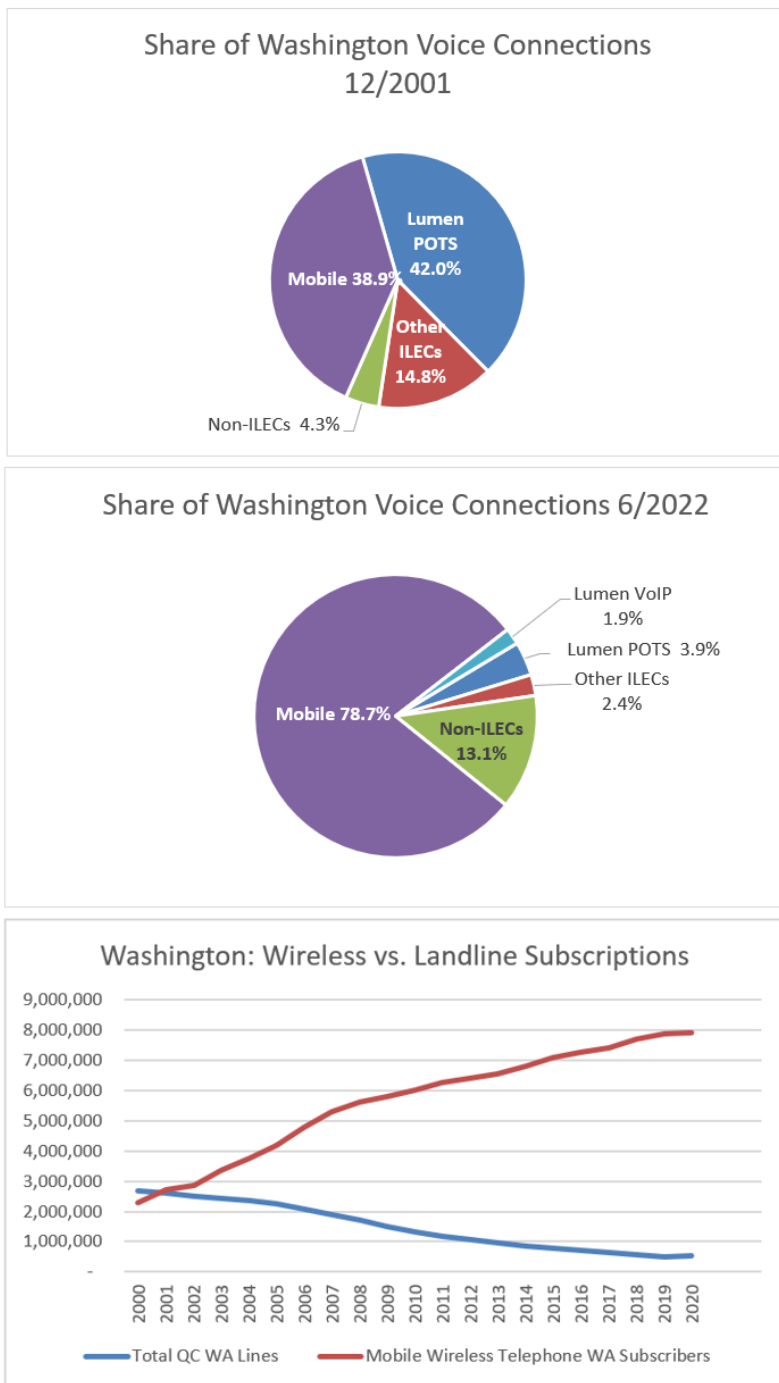
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1 **Graphic 1: Washington Voice Telephone Subscriptions: 2001 and 2022¹**



¹ Note that CenturyLink ILEC access line counts for 2001 do not include Voice over Internet Protocol customers (if any) of the CenturyLink ILECs’ competitively classified affiliates. Those line counts (if any existed) are included among the “Non-ILEC” category.

1 **Q. ARE YOU SHARING THIS DETAIL ABOUT THE COMPETITIVE LANDSCAPE**
2 **IN ORDER TO ARGUE THAT CENTURYLINK IS NOT BOUND BY WAC 480-**
3 **120-133?**

4 **A.** Of course not. I do, however, believe this context is relevant to assessing the
5 reasonableness and importance of rigidly enforcing (here, with maximum penalties sought
6 by Staff) this rule that regulates customer convenience (not safety) and only applies to a
7 tiny minority of the communications services provided to Washington customers.

8 **Q. WILL YOU WALK THROUGH THE COMMISSION'S ENFORCEMENT**
9 **FACTORS AND GUIDELINES?**

10 **A.** Yes.

11

12 **Factor 1 (How Serious or Harmful the Violation is to the Public)**

13 **Q. IN HER DIRECT TESTIMONY STAFF WITNESS PRABAKARAN ASSERTS**
14 **THAT CENTURYLINK'S ANSWER TIME DEFICIENCIES AND DELAYS IN**
15 **RESPONDING TO DATA REQUESTS ABOUT ANSWER TIME PERFORMANCE**
16 **ARE SERIOUS AND HARMFUL TO THE PUBLIC. PLEASE COMMENT ON**
17 **THE COMPANY'S PERSPECTIVE.**

18 **A.** Ms. Prabakaran characterizes CenturyLink's average answer-time violations and delayed
19 data request responses as "serious disregard to the public." (Exh. SP-1T, at 13) Yet there
20 is no explanation as to how the public is harmed, let alone seriously. This is a rule about
21 customer convenience, and not one pertaining to access to critical 911 services or anything
22 else that raises health and safety concerns. In Docket UT-181051 (concerning 13,000

1 failed 911 calls during a December 2018 network outage), Commission Staff sought and
2 the Commission assessed \$100 penalties per identified violation.² More recently, in
3 Docket UT-210902 (concerning service disconnection and suspension in violation of the
4 Governor’s COVID-19 emergency proclamations), the Commission assessed \$750
5 penalties.³ With all due respect, Staff’s penalty demand is disproportional to the violation,
6 and suggests a view that maximum penalties are always appropriate.

7 Staff’s characterization of the violations is somewhat circular. Staff asserts that any
8 violations are, seemingly by definition, serious and harmful. For instance, Ms. Prabakaran,
9 without explaining how any Washington customer was endangered or harmed by
10 CenturyLink’s delayed responses to Staff’s repeated data requests, asserts simply that
11 “Public service companies’ statutory and regulatory duty to timely and completely respond
12 to Commission requests for information is an important piece of the regulatory framework
13 that is in place to protect the public interest.” (Exh. SP-1T, at 14) CenturyLink does not
14 deny that it has an obligation to timely and completely respond to Staff data requests, and
15 that it did not fully perform to those standards here. But if any violation of a rule is *per se*
16 deserving of maximum penalties, the discretion afforded to the Commission – and the
17 specific enforcement guidelines the Commission has set out – are meaningless.

18 While CenturyLink works hard, in an extremely competitive market, to ensure quality
19 customer service, its non-compliance with the average hold time metric in 9 months two
20 years ago should not be viewed as serious and harmful to the public.

² Docket UT-181051, Order 08.

³ Docket UT-210902, Order 05 (reducing penalty due in significant part to remedial measures to prevent recurrence).

1 **Factor 2 (Whether the Violation was Intentional)**

2 **Q. PLEASE ADDRESS MS. PRABAKARAN’S TESTIMONY CONCERNING**
3 **INTENTIONALITY.**

4 **A.** Staff asserts that CenturyLink *intentionally* violated both the answer time rule as well as
5 the obligation to respond to Staff data requests. (Exh. SP-1T, at 14) That is simply untrue.

6 With regard to WAC 480-120-133(2)(c), Staff’s testimony includes no evidence suggesting
7 that CenturyLink willfully or intentionally failed to meet the average time requirement.
8 Staff cites to having provided CenturyLink “technical assistance” (Id.) and points to
9 continued non-compliance for 18 months as a basis for a finding of “intentional”
10 misconduct. This perspective is not accurate.

11 CenturyLink’s occasional inability to comply with this monopoly era rule does not reflect
12 intentionality. Longer hold times can be caused by numerous factors. As an example, the
13 ability for a subscriber to reach a live operator within 60 seconds can be largely dependent
14 on the choices that subscriber makes in the CenturyLink interactive voice response (“IVR”)
15 system. Subscriber selections may add substantial time to the duration of a call and that is
16 entirely out of the control of CenturyLink. Likewise, just as any other business must,
17 CenturyLink must maintain staffing levels accounting for declining subscribership,
18 revenues and resources. Doing so is a delicate balance, as the company aims to provide a
19 high-quality customer experience and comply with Commission rules, but also must staff
20 within its means and avoid underutilization.

21 With regard to WAC 480-07-175, CenturyLink did not intentionally delay its responses. It
22 had no reason to do so, and gained nothing from being late. The company has had a great

1 deal of staffing changes and downsizing (in all departments),⁴ and has from time to time
2 struggled to address every concern and inquiry raised by every public utilities commission
3 in a preferred time frame. Staffing levels are very tight, and this assignment fell through
4 the cracks. On behalf of the company, I sincerely regret that CenturyLink lost sight of
5 these requests. Moreover, throughout the course of a year, I have the opportunities to work
6 with numerous members of the Commission’s Staff and constantly make every effort to be
7 of helpful assistance. The systems CenturyLink must access for responsive data are not set
8 for this type of data extraction, and it took significant effort to pull and analyze the
9 information. Some of the information Staff sought simply did not exist, as indicated in
10 CenturyLink’s initial response: “Due to a migration to a new customer care provisioning
11 system, the information presented below is that which is readily available.” There was
12 obviously some confusion (as between Staff and the company) as these repeated,
13 overlapping requests were issued and re-issued despite CenturyLink indicating (first in
14 March 2023) that it was providing the information it had, and lacked the rest.

15 In response to Staff’s May 2023 round of questions, I personally got on the phone with Ms.
16 Prabakaran on June 8, 2023 (Exh. SP-1T, at 7) to talk through the information Staff was
17 still seeking. Based on that lengthy telephone conversation, I assumed (wrongly, it turns
18 out) that Staff had the information that it needed. It was not until July 31, 2023 that Staff
19 circled back to ask for written responses; those were provided on October 4, 2023.

⁴ CenturyLink’s delinquency in this instance was significantly affected by unanticipated staffing changes. In or around the beginning of October 2023, these requests were assigned to an employee who then left abruptly in November 2023 as part of a company downsizing. The transition was unexpected, and admittedly not as smooth as CenturyLink would have desired. Unfortunately, these requests fell through the cracks. This accounts for the significant delay between Staff’s October 26, 2023 email and February 8, 2024, when Staff followed up again. After that reminder, CenturyLink responded on February 15, 2024. It was, obviously, CenturyLink’s responsibility to manage the fallout from its personnel changes, and I am not asking the Commission to reduce the number of delinquency days to account for these several months. I offer this information only to reinforce that CenturyLink’s slow response was not at all intentional, but a collateral effect of an unexpected employee departure.

1 Hindsight being 20/20, I regret that I did not confirm the details of our conversation in an
2 email or in the form of data request responses. That misunderstanding alone adds 37 days
3 to Staff's calculation of delinquency days (June 8 through July 31, excluding weekends).
4 Nevertheless, Staff has not presented any evidence that the company *intentionally* delayed
5 responding to Staff's questions. Why would the company do so? The data is the data, and
6 CenturyLink is largely compliant with all aspects of the answer time rule.

7
8 **Factor 3 (Whether the Company Self-Reported the Violation) and Factor 4 (Whether**
9 **the Company was Cooperative and Responsive)**

10 **Q. PLEASE DISCUSS FACTORS 3 AND 4.**

11 **A.** I don't believe there is much to discuss here. As Staff points out (Exh. SP-1T, at 15),
12 CenturyLink did not self-report its violations at issue here. As to Factor 4, in the unique
13 context of this complaint, it is largely redundant of the cause of action itself. Staff's second
14 Cause of Action alleges that CenturyLink was non-responsive to Staff data requests; this
15 factor asks the same question. CenturyLink acknowledges that it was delayed in
16 responding to Staff's repeated, overlapping data requests, but disputes the number of days
17 it was delayed. See my discussion of Factor 6 below.

18

1 **Factor 5 (Whether the Company Promptly Corrected the Violations and Remedied**
2 **the Impacts)**

3 **Q. WHAT STEPS TAKE TO REMEDY THE VIOLATIONS IDENTIFIED BY STAFF**
4 **IN ITS COMPLAINT AND TESTIMONY.**

5 **A.** I'll divide my response into two pieces. As to WAC 480-120-133(2)(c), CenturyLink is
6 already compliant with the 60 second average metric, and was in compliance long before
7 Staff filed this complaint. Staff filed this complaint March 13, 2024, and admits that
8 CenturyLink was compliant with the answer time rule by December 2022. (Exh. SP-1T, at
9 14 (“...the Company did not begin to maintain a 60 second or less monthly average
10 response time for calls made to the business office until December 2022.”)). Staff makes
11 no mention in its cursory discussion of Factor 5 that CenturyLink has been compliant with
12 the subject rule for 18 months. (Exh. SP-1T, at 15)

13 As for WAC 480-07-175(2)(b), CenturyLink took the experience underlying this case to
14 heart and instituted additional safeguards to ensure that it maintains timeliness with Staff
15 data requests. As discussed above, CenturyLink is short staffed. One attorney, one
16 paralegal/legal assistant and I are responsible for regulatory affairs for Washington, in
17 addition to numerous other states (as noted above, I have compliance responsibility over 26
18 ILEC and CLEC states). This is not offered as an excuse, but merely as the reality we face
19 with overwhelming competition, diminished revenues and reduced staffing. To improve
20 our compliance with WAC 480-07-175, CenturyLink has this year instituted a new
21 calendaring system, and is setting automated reminders one week ahead of a due date, two
22 days ahead of a due date and on the due date. Staff has continued to issue numerous sets of
23 sometimes lengthy and highly-demanding data requests to the company regarding a variety

1 of subjects, and the company has not been delinquent since implementing these new
2 safeguards. Staff did not mention this in its testimony.

3

4 **Factor 6 (The Number of Violations)**

5 **Q. DO YOU AGREE THAT CENTURYLINK COMMITTED 9 VIOATIONS OF WAC**
6 **480-120-133 AND 234 VIOLATIONS OF WAC 480-07-175?**

7 **A.** No. Staff has significantly overstated the number of delinquent days underlying its claim
8 under WAC 480-07-175. CenturyLink believes that Staff has overstated the number of
9 delinquency days by 65 days. This is for two reasons.

10 First, Staff asserts that CenturyLink was not responsive in its March 30, 2023 responses
11 because its answers were “incomplete.” But CenturyLink provided all of the information it
12 possessed. It indicated in the prefatory language to its response to Data Request 2 that it
13 was providing all of the information that was readily available. (See Exh. SP-10). Due to
14 system migrations from a much older application to a new one with vastly improved
15 capabilities, some of the information Staff sought was no longer available. Staff treats this
16 as a non-response to its question. But CenturyLink could not conjure information that was
17 unavailable. Its explanation that it was not available was a reasonable response, and in fact
18 the only one available for CenturyLink to make. Ms. Prabakaran acknowledges that
19 CenturyLink indicated in its response that it was providing all of the information readily
20 available to it (Exh. SP-1T, at 6), but insists that CenturyLink should be penalized for not
21 providing information it did not have. Properly crediting CenturyLink with having
22 responded to Data Request 2 eliminates 28 of the 234 delinquency days Staff asserts.
23 There were (by my count) 28 weekdays between March 30 and May 8.

1 Second, as I discussed above, I had a lengthy telephone conversation with Ms. Prabakaran
2 on June 8, 2023, and earnestly believed that Staff had all it needed based on that
3 discussion. I did not hear from Staff until July 31. Properly crediting that telephone
4 discussion as responding to Staff's May 8 data requests eliminates another 37 delinquency
5 days (June 8 through July 31). Thus, the correct total number of delinquency was not 234
6 days (as Staff argues), but 169 days. Once again, this number of days is too many (even in
7 light of our strained resources and unexpected employee departure), but it is important for
8 the Commission to have accurate information.

9
10 **Factor 7 (The Number of Customers Affected)**

11 **Q. DOES STAFF KNOW HOW MANY CUSTOMERS (IF ANY) WERE AFFECTED**
12 **BY THE VIOLATIONS OF WAC 480-120-133 AND 480-120-175?**

13 **A.** No, Staff does not even speculate a number, but postulates that “the majority of customers
14 who called the Company’s business office and repair center and selected the option to
15 speak to live representative between March and November 2022 had to wait longer than the
16 monthly 60 second average response time...” (Exh. SP-1T, at 16)

17 With respect, that is not how average metrics (which look at average performance across a
18 month, not individual call performance) or averages themselves work. CenturyLink’s
19 recorded average takes the aggregate of all the seconds of hold time and divides by the total
20 number of calls. There is no way to know from this data how those hold time durations
21 were apportioned by call. Further, this is not a rule that imposes an obligation to meet a
22 prescribed performance metric for each call. Thus, it’s hard to apply this factor in this
23 case. Certainly, some callers waited longer than 60 seconds. Others waited less. There is

1 absolutely no basis to assume *a majority of customers* who called the business office or
2 repair center waited more than 60 seconds. If a small number of customers experienced
3 very long wait times, that would affect the overall average, and might mean that fewer than
4 half of customers experienced hold times exceeding 60 seconds. Regardless, because this
5 subsection of the rule does not impose individual call metrics, this factor seems challenging
6 to apply to this case.

7 Staff fails to mention that *no customers* were affected by CenturyLink’s delayed responses
8 to Staff’s data requests, the violation for which Staff seeks the overwhelming majority of
9 the penalties in this case.

10
11 **Factor 8 (The Likelihood of Recurrence)**

12 **Q. CAN YOU COMMENT ON THE LIKELIHOOD OF RECURRENCE?**

13 **A.** Yes. Staff does not assert that CenturyLink’s 2022 non-compliance with WAC 480-120-
14 133 is likely to recur. Instead, it notes that CenturyLink is in compliance, but expresses
15 unexplained and unjustified wariness “of the Company’s ability to adhere to its regulatory
16 obligations given its history of noncompliance.” (Exh. SP-1T, at 16-17) This half-hearted
17 assertion does not weigh in favor of maximum (\$1,000) penalties.

18 As for WAC 480-07-175, CenturyLink has already put into place corrective actions, as I
19 discuss above. Staff, aware that it has continued to propound lengthy and voluminous data
20 requests on CenturyLink regarding other subjects, did not indicate that CenturyLink has
21 been delinquent on any other data requests. CenturyLink has taken this episode seriously,
22 and is taking reasonable steps to prevent a recurrence.

1

2 **Factor 9 (The Company's Past Performance Regarding Compliance, Violations, and**
3 **Penalties)**

4 **Q. CAN YOU COMMENT ON FACTOR 9?**

5 **A.** Yes. Staff's testimony lists and discusses several cases stretching out over the past decade
6 in which the company was fined by the Commission. CenturyLink of course acknowledges
7 the cases identified, but notes that none concerned WAC 480-120-133 or WAC 480-07-
8 175. Thus, these various cases do not weigh in favor of maximum penalties. If prior
9 unrelated complaints suggest maximum penalties, then the Commission would issue
10 maximum penalties in every enforcement case. That seems at odds with the Commission's
11 own enforcement guidelines and discretion.

12

13 **Factor 10 (The Company's Existing Compliance Plan)**

14 **Q. CAN YOU COMMENT ON FACTOR 10?**

15 **A.** Yes, while Staff claims to be unaware of compliance program (Exh. SP-1T, at 19),
16 CenturyLink has been in compliance with WAC 480-120-133 since December 2022 and
17 has taken remedial actions (discussed above) to prevent delinquency in responding to Staff
18 data requests. Factor 10 weighs in favor of minimum penalties (\$100), at most.

19

1 **Factor 11 (The Size of the Company)**

2 **Q. CAN YOU COMMENT ON FACTOR 11?**

3 **A.** In her testimony, Ms. Prabakaran indicated that CenturyLink reported gross intrastate
4 revenues of \$17.6M in 2022. This total relates to CLC, against whom Staff mistakenly
5 filed this complaint. It does not reflect the revenues of the CenturyLink ILECs, which are
6 not respondents for reasons unknown to CenturyLink.

7 **Q. WHAT IS YOUR RECOMMENDATION TO THE COMMISSION?**

8 **A.** I believe that, if the Commission decides to penalize CenturyLink at all, it should assess
9 \$100 penalties for CenturyLink's 9 violations of WAC 480-120-133 and 169 violations of
10 WAC 480-07-175. While we regret that there were any violations, we believe that Staff
11 has severely exaggerated the seriousness and public harm spawned by these events, and has
12 miscounted the number of delinquency days. CenturyLink has long been compliant with
13 the call answer rule (a rule that seems no longer necessary or appropriate in light of the
14 competitive landscape) and has instituted safeguards to ensure it is timely in responding to
15 Staff inquiries. Maximum penalties would be purely punitive in this case.

16 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

17 **A.** Yes, thank you.

18