

**Exh. SP-14
Docket UT-240078
Witness: Sharmila Prabakaran**

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

**CENTURYLINK COMMUNICATIONS
LCC d/b/a LUMEN TECHNOLOGIES
GROUP,**

Respondent.

DOCKET UT-240078

TESTIMONY OF

SHARMILA PRABAKARAN

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Staff Investigation Report Dated March 7, 2024

May 30, 2024



INVESTIGATION REPORT

CenturyLink Communications LLC d/b/a
Lumen Technologies Group

TV-240078

Sharmila Prabakaran
Compliance Investigations

March 07, 2024

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PURPOSE, SCOPE, AND AUTHORITY

Purpose

The purpose of this investigation is to determine whether CenturyLink Communications, LLC d/b/a Lumen Technologies (CenturyLink or Company) is complying with laws and rules enforced by the Washington Utilities and Transportation Commission (Commission) set forth in chapter 80.36 Revised Code of Washington (RCW) and chapter 480-120 Washington Administrative Code (WAC).

Scope

Staff focused on the Company's response time for calls placed to the business office and repair center during regular business hours.

Authority

Staff undertakes this investigation under the authority of RCW 80.01.040, which directs the commission to regulate telecommunications companies in the public interest. In addition, RCW 80.04.070 grants the commission specific authority to conduct such an investigation.

Staff

Sharmila Prabakaran Compliance Investigator
(360) 664-1129
sharmila.prabakaran@utc.wa.gov

EXECUTIVE SUMMARY

Commission staff (staff) opened this investigation as a follow-up to a Jan. 2022 investigation regarding complaints received from CenturyLink customers about excessive call wait times. As a result of the Jan. 2022 investigation, staff provided the Company with technical assistance in an effort to remedy its violations of WAC 480-120-133(2)(c), which requires telecommunication companies to maintain a monthly average wait time of 60 seconds or less from the time a customer selects the appropriate option to speak to a live representative. This investigation is to determine if the Company corrected business practices to comply with WAC 480-120-133(2)(c) and is complying with other provisions of WAC 480-120-133.

Staff reviewed the Company's responses to a data request and follow-up questions, which included monthly average call response times from Sept. 1, 2021, through Aug. 30, 2023. During staff's investigation, the Company repeatedly ignored staff's requests for information for months at a time and failed to provide the requested information.

Staff's review of the Company's responses found that CenturyLink:

- failed to collect data that documents its compliance with WAC 480-120-133(2)(a), requiring the monthly average until the automated system answers a call does not exceed 30 seconds;
- failed to collect data that documents its compliance with WAC 480-120-133(2)(b), requiring the automated system provide a caller an option to speak to a live representative within 60 seconds;
- continued to fail to comply with WAC 480-120-133(2)(c), which requires the monthly average wait time not to exceed 60 seconds from the time a caller selects the appropriate option to speak to a live representative until the live representative answers the call;
- failed to provide required documents, or objections, to the commission within 10 business days after the commission served the request, as required under WAC 480-07-175(2)(b);
- failed to keep all records and reports required by these rules or commission order for three years unless otherwise specified, as required under WAC 480-120-349(1).

Staff Recommendations

The Company did not correct its business practices after staff provided technical assistance regarding the Company's failure to ensure customers reach a live representative within 60 seconds, as required by WAC 480-120-133(2)(c), following an investigation into the same matter in Jan. 2022.

The Company also failed to respond to commission staff's requests for information according to WAC 480-07-175(2)(b), which requires the company to provide the required documents, or objections, to the commission within 10 business days the commission serves the request.

Staff recommends the Commission issue a formal complaint against CenturyLink and assess penalties in the amount of \$243,000 for the following violations:

- \$1,000 for each of the nine violations of WAC 480-120-133(2)(c) for failure to maintain a monthly average response time for its business office once a customer has selected the option to speak with a live representative.
- \$1,000 for each of the 234 violations of WAC 480-07-175(2)(b) for each business day that CenturyLink failed to respond to staff's request for information.

Staff further recommends the Commission order the Company to take immediate action to:

- collect data for calls where an automated answering system is used to ensure the monthly average time until the automated system answers a call does not exceed 30 seconds, in accordance with WAC 480-120-133(2)(a);
- collect data for calls where an automated answering system is used to provide a caller with an option to speak to a live representative within 60 seconds, complying with WAC 480-120-133(2)(b);
- retain and preserve the data for three years unless otherwise specified, complying with WAC 480-120-349(1).

BACKGROUND

CenturyLink is a major incumbent local exchange carrier offering telephone, data, and other services in the state of Washington. For regulated intrastate operations in Washington State, CenturyLink reported a gross annual revenue of \$17,619,947.63 in 2022.

Compliance History

A review of CenturyLink's recent compliance history reveals the Commission has several filed complaints against the Company resulting in penalties. Staff also reviewed a June 2022 compliance investigation that found violations of WAC 480-120-133(2)(c) for failure to maintain a monthly average response time for its business office once a customer has selected the option to speak with a live representative.

Complaint/Docket History

Docket UT-220397 - Penalty assessment of \$226,600 against CenturyLink Companies – Qwest Corporation, CenturyTel of Washington, CenturyTel of Inter Island, CenturyTel of Cowiche, and United Telephone Company of the Northwest for 2,266 violations of Commission Order 04 in Docket UT-130477 with respect to the “Rate Change Notification” requirement.

Docket UT-210902 – Penalty assessment of \$692,250 against CenturyLink Communications, LLC d/b/a Lumen Technologies Group, Qwest Corporation, CenturyTel of Washington, Inc., CenturyTel of Inter Island, Inc., CenturyTel of Cowiche, Inc., and United Telephone Company of the Northwest for 923 violations of WAC 480-120-172(3)(a). The Company disconnected or

suspended telecommunications service to 923 residential customers from March 23, 2020, through Sept. 30, 2021.

Docket UT-181051 – Penalty assessment of \$1,315,000 against CenturyLink Communications, LLC for 13,000 violations of RCW 80.36.080 for failure to provide E911 services, and 15 violations of WAC 480-120-412(2) for failing to promptly notify PSAPs and the Commission of a major outage.

Docket UT-140597 - Penalty assessment of \$2,854,750 against Qwest Corporation d/b/a CenturyLink QC for 5,684 violations of RCW 80.36.080 and WAC 480-120-450(1) for failure to provide E911 services, and 51 violations of WAC 480-120-412(2) for failing to promptly notify PSAPs of a major outage.

Docket UT-132234 - Penalty assessment of \$173,210 with \$123,210 suspended then waived after one year if the CenturyTel of Inter Island, Inc. d/b/a CenturyLink does not violate WAC 480-120-412 or the provisions of the Emergency Communications Plans during that time. This left \$50,000 due and payable for 15,935 violations of WAC 480-120-412, due to San Juan Islands major outages. The Commission later imposed the \$123,210 portion of the assessed penalty that was previously suspended in Order 03 because the Company violated WAC 480-120-412 and the Emergency Communications Plans.

There have also been several penalty assessments issued against the Company for violation of Washington State dig law, RCW 19.122 resulting in penalties ranging from \$5,000 to \$15,000.

Technical Assistance

Consumer Complaint CAS-28573-N5J7D7 - On June 21, 2021, a customer filed an informal complaint with the Commission against CenturyLink. The customer said they have never had a phone call answered by a live representative within the amount of time prescribed by WAC 480-120-133(2)(c), which requires telecommunication companies that use automated answering systems to maintain a monthly average wait time of 60 seconds or less from the time a customer selects the appropriate option to speak to a live representative. This complaint was consumer upheld. Staff cited 12 rule violations, and provided technical assistance to the Company.

Compliance Investigation - In Jan. 2022 staff opened a formal investigation to determine if the Company corrected business practices specific to technical assistance they received from the June 2021 consumer complaint for violations of WAC 480-120-133(2)(c). In this compliance investigation staff found the Company did not correct their business practices, resulting in 22 violations. On May 12, 2022, staff notified the Company of the continued violations and again provided technical assistance rather than recommending that the commission file a complaint with penalties against the Company for violations of WAC 480-120-133(2)(c). Staff informed the Company that any future violations of WAC 480-120-133(2)(c) may result in enforcement action, which could include financial penalties. Staff also informed the Company that they would do a follow-up compliance review on the monthly average call time data in Dec. 2022.

INVESTIGATION

On Dec. 29, 2022, Commission staff initiated this investigation as a follow-up to the Jan. 2022 investigation to determine if the Company corrected business practices to ensure customers reached a live representative within 60 seconds of selecting the option to speak to a live representative pursuant to WAC 480-120-133(2)(c).

Data Request

On Dec. 29, 2022, staff sent the Company a data request letter, signed by Executive Director and Secretary Amanda Maxwell. The letter was sent through U.S. mail to the mailing address on file with the Commission, which was provided by the Company. Staff initially requested the following records and information for the time frame of Sept. 1, 2021, through Nov. 30, 2022.¹ Staff eventually extended this timeframe to include Jan. 1, 2022, through Aug. 31, 2023.²

- 1) Please provide the monthly call data for the average time until the automated system answers calls.
- 2) Please provide the monthly call data for the average time until the automated system provides a caller with an option to speak to a live representative, or transferred the caller to a live representative.
- 3) Please provide 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.
- 4) Please provide a copy of the automated system recorded message that provides guidance for callers.
- 5) For data requested in 1, 2, and 3, provide the lists in Excel spreadsheet format, identify the month and year, and indicate the type of call (repair or business office) from Sept. 1, 2021, through Nov. 30, 2022.
- 6) The name, title, telephone number, and e-mail address of the contact person that our staff can work with directly for questions that may arise concerning any details of the data.

Staff used information provided by the Company to conduct their investigation of the Company's business practices.

Average Monthly Call Times

WAC 480-120-133(1) states that 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. CenturyLink utilizes an automated call answering system for calls to its business office and repair center, so the requirements of WAC 480-120-133 apply.

¹ See Attachment A: Dec. 29, 2022, data request letter mailed to Company.

² See Attachment J: Sept. 19, 2023, staff email regarding unresponsiveness and extending timeframe.

Staff requested 24 months of call data for both the business office line and the repair call center line, from Sept. 1, 2021, through Aug. 30, 2023. Due to the delayed response by the Company in providing data, this report will focus on the timeframe of March 2022, through Aug. 2023, for a total of 18 months.

WAC 480-120-133(2)(a) requires the monthly average until the automated system answers a call to not exceed 30seconds. The Company did not provide any data to show compliance with this rule.

WAC 480-120-133(2)(b) requires the monthly average that the automated system provides a caller an option to speak to a live representative to occur within 60 seconds. The Company did not provide any data to show compliance with this rule.

WAC 480-120-133(2)(c) requires the monthly average wait time not to exceed 60 seconds from the time a caller selects the appropriate option to speak to a live representative until the live representative answers the call. Data provided by the Company shows they did not maintain an average monthly 60 second response time to the business office for nine months, March 2022, through Nov. 2022.

Staff reviewed the monthly average time it took for a live representative to answer calls placed to the repair center from the time the customer selected that option. The company did not provide data for March 2022, stating the Company lost data in Jan. 2022 when CenturyLink migrated platforms. Data provided for the remaining months indicates the Company met the average 60 second response time.

The following table shows data provided by the Company by month and year for the average time in seconds from the time a caller selected the option to speak to a live representative until the call was answered, for both the business office and repair call center.³ Missing information is highlighted in yellow.

Month and Year	Business Office Average Response Time (in seconds)	Repair Call Center Average Response Time (in seconds)
March 2022	142	
April 2022	86	15
May 2022	253	17
June 2022	291	13
July 2022	274	9
August 2022	216	10
September 2022	146	5
October 2022	186	25

³ See Attachment M: Oct. 4, 2023, Company email providing data for March 2022 through Nov. 2022. Also see Attachment P: Feb. 15, 2023, Company email providing data for Dec. 2022 through Aug. 2023.

November 2022	116	11
December 2022	8	5
January 2023	13	7
February 2023	14	7
March 2023	16	9
April 2023	11	14
May 2023	16	9
June 2023	14	14
July 2023	10	35
August 2023	14	31

In a follow-up question to the Company, staff asked what measures and processes were put in place and changes the company made since Sept. 1, 2021, to ensure a live representative answers calls to the repair office and calls to the business office within 60 seconds. The Company responded that the speed of answer has improved based upon system upgrades, including transitioning to a new routing platform and rolling out the ability to segment and prioritize calls. Staff finds it questionable that a system upgrade would contribute to how fast a representative answers a call from the time the customer selected that option. Regardless, staff finds the Company failed to meet the monthly average response time for when a representative answered calls to the business office on nine occasions.

Findings

CenturyLink violated WAC 480-120-133(2)(a), which states calls placed to automated systems must be answered within a monthly average of 30 seconds. The Company does not collect this data and they are unable to demonstrate they are in compliance with the rule.

CenturyLink violated WAC 480-120-133(2)(b), which states that automated systems must provide the caller with an option to speak to a live representative within 60 seconds.

CenturyLink violated WAC 480-120-133(2)(c) on nine occasions by failing to maintain the monthly average time of 60 seconds or less from the time a caller selects the appropriate option to speak to a live representative and when the live representative answers the call for the business office.

Staff Recommendation

Staff recommends a penalty of \$1,000 for each of the nine violations where CenturyLink failed to comply with WAC 480-120-133(2)(c), for a total of \$9,000.

Staff recommends the Company be ordered to take immediate action to collect and retain data for calls where an automated answering system is used to ensure compliance with WAC 480-120-133(2)(a) and WAC 480-120-133(2)(b).

Company's Unresponsiveness

WAC 480-07-175(2)(b) states that the Company must provide the required documents to the Commission within 10 business days of the date the Commission serves the letter or other writing unless the Commission specifies a different deadline.

Staff sent the Company the original data request letter, signed by Executive Director and Secretary Amanda Maxwell, on Dec. 29, 2022, through U.S. mail to the mailing address on file with the Commission, which was provided by the Company. The letter requested CenturyLink to respond no later than Jan. 12, 2023. Staff received no communications from the Company. On Feb. 22, 2023, staff sent the Company an email containing the original data request letter asking about the status of the data response.⁴ The Company responded on Feb. 22, 2023, stating that to the best of their knowledge, they had not received the letter, and the missing correspondence may be a result of CenturyLink employees moving offices around the time the letter was mailed. The Company stated they would respond as quickly as possible.⁵

The Company still did not respond to staff's request for information so on March 16, 2023, staff sent the Company an email containing the original data request letter. Staff told the Company that they still had not received a response and to respond right away to avoid potential enforcement action which could result in penalties.⁶

The Company did not respond until March 30, 2023, and the response was incomplete. The Company provided "WA Wireline Service - Residence and Small Business - Business Office/Care" data for April 1, 2022, through Nov. 30, 2022; however, they did not provide that data for Sept. 1, 2021, through March 30, 2022, as requested. The Company also provided "WA Internet/Broadband - Business Office/Care" data for April 1, 2022, through Nov. 30, 2022; however, they did not provide that data for Sept. 1, 2021, through March 30, 2022. The Company did not provide any data for the repair call center for the timeframe of Sept. 1, 2021, through Nov. 30, 2022, as requested.⁷ The Company stated that the data provided was "that which is readily available."

On May 8, 2023, staff emailed the Company clarifying questions regarding their March 30 response and requested they provide 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.⁸ The Company still did not provide the missing data to staff.

On June 7, 2023, Consumer Protection Director Bridgit Feeser, Assistant Director at the time, emailed the Company asking the Company to provide responses to the May 8 follow-up questions and to explain why the Company has not engaged with staff's May 8 and May 24

⁴ See Attachment B: Feb. 22, 2023, staff email requesting status update.

⁵ See Attachment C: Feb. 22, 2023, Company email stating they did not receive data request letter.

⁶ See Attachment D: March 16, 2023, staff email about unresponsiveness.

⁷ See Attachment E: March 30, 2023, Company email to staff with a partial response.

⁸ See Attachment F: May 8, 2023, staff email with clarifying questions.

requests.⁹ The Company responded that day, stating the previous email messages had been missed and they needed clarification on two of the follow-up questions.¹⁰ Staff called the Company on June 8, 2023, and provided clarification.¹¹

Despite multiple follow-up communications by staff, by Sept. 2023, the Company still had not provided staff with all the data requested on Dec. 29, 2022. The Company had not provided staff with business office monthly data for the period of Sept. 1, 2021, through March 30, 2022, and repair center monthly data for Sept. 1, 2021, through Nov. 30, 2022.

Because the Company continued to fail to provide responses to commission staff's requests for information over an extended period of time, staff felt the need to extend the timeframe for data being requested an additional eight months. On Sept. 19, 2023, staff sent an email to the Company notifying them that due to the lack of complete Company response and the length of time the data request had been open, the timeframe for requested data was extended through Aug. 31, 2023.¹² On Sept. 21, the Company asked for an extension until Oct. 4 in order to assemble the requested information.¹³ Staff responded that same day and granted an extension to Oct. 4 for the eight months of additional data that was requested, but did not grant an extension for data that was requested back on Dec. 29, 2022.¹⁴

On Oct. 4, 2023, the Company provided staff with a response to the data request but, again, it was incomplete.¹⁵ In the response provided by the Company on March 30, 2023, the Company labeled the *business office* data as "WA Wireline Service - Residence and Small Business - Business Office/Care." The Company now reports *business office* data as "WA Wireline Service - Business Office" data, and they provided data for Sept. 1, 2021, through Nov. 30, 2022, which was a complete response for the business office data requested on Dec. 29, 2022. Also in data provided by the Company on March 30, 2023, the Company labeled the *repair center* data as "WA Internet/Broadband - Business Office/Care" data. The Company now reports *repair center* data as "WA Wireline Service – Repair Center" and they provided data for April 1, 2022, through Nov. 30, 2022; however, they still did not provide repair center data for Sept. 1, 2021, through March 30, 2022, as requested in the Dec. 29, 2022, data request.

On Oct. 26, 2023, staff sent the Company another email, requesting the missing information. Staff informed the Company this was our final attempt to obtain responses to the data request provided to the company before proceeding with our investigation.¹⁶ The Company did not respond.

⁹ See Attachment G: June 7, 2023, staff email requesting explanation for unresponsiveness.

¹⁰ See Attachment H: June 7, 2023, Company email explaining unresponsiveness and asking for clarifications about questions.

¹¹ See Attachment I: June 8, 2023, staff phone call notes providing clarification to questions.

¹² See Attachment J: Sept. 19, 2023, staff email extending timeframe.

¹³ See Attachment K: Sept. 19, 2023, Company email requesting extension.

¹⁴ See Attachment L: Sept. 21, 2023, staff email granting partial extension.

¹⁵ See Attachment M: Oct. 4, 2023, Company email providing partial response.

¹⁶ See Attachment N: Oct. 26, 2023, staff email to Company about incomplete responses.

On Feb. 7, 2024, staff contacted their Commission assigned AAG regarding the Company's failure to provide complete responses. AAG Weiland contacted the Company's attorney and provided them with the questions that remained unanswered.¹⁷ The Company provided some of the missing data on Feb. 15, 2024, but still did not provide all data for average call times to the repair center.¹⁸ The Company stated they had explained in previous responses to staff that the reason they were not providing repair center speed data for Sept. 1, 2021, through March 30, 2022, is because that data was lost when CenturyLink migrated platforms utilized in the provision of customer care operations in Jan. 2022. In the staff's multiple attempts to obtain the missing data from the Company, the Company never told staff that the data was lost. Instead, the Company stated the data they presented was the data that was readily available.

Findings

Staff sent the Company the original data request letter, signed by Executive Director and Secretary Amanda Maxwell, on Dec. 29, 2022, through U.S. mail to the mailing address on file with the Commission, which was provided by the Company. The letter requested CenturyLink to respond no later than Jan. 12, 2023. After receiving no communications from the Company, on Feb. 22, 2023, staff sent the Company an email containing the original data request letter asking about the status of the data response. The Company confirmed receipt of the data request on Feb. 22, 2023.

The Company either provided incomplete responses or did not communicate with staff at all between Dec. 29, 2022, through Feb. 15, 2024. The lack of responses was severe enough that staff extended the timeframe for data being requested. On multiple occasions, staff had to ask the Company for status updates and send reminder emails, with no results.

CenturyLink violated WAC 480-07-175(2)(b) on multiple occasions by failing to provide information and data as requested. The 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.

Staff Recommendation

Even though staff sent a data request letter to the Company on Dec. 29, 2022, with responses due Jan. 12, 2023, staff gives the Company the benefit of the doubt that they did not receive the letter until Feb. 22, 2023. The Company confirmed receipt of the Dec. 29, 2022, data request on Feb. 22, 2022. Staff's recommendation is based on the timeframe of March 8, 2023, through Feb. 15, 2024. March 8, 2023, is 10 business days after the Company confirmed receipt of the data request. Feb. 15, 2024, is when the Company finally provided the missing data for calls placed to the business office and stated that the remaining missing data for the repair center was lost.

Staff recommends a penalty of \$1,000 for each of the 234 violations where CenturyLink failed to comply with WAC 480-07-175(2)(b), for a total of \$234,000.

¹⁷ See Attachment O: Feb. 8, 2024, staff's assigned AAG's email about incomplete responses.

¹⁸ See Attachment P: Feb. 15, 2023, Company email with responses.

Retention and Preserving Data

WAC 480-120-349(1) states Companies must keep all records and reports required by these rules or commission order for three years. No records may be destroyed before the expiration of three years, or the time specified.

In the Dec. 29, 2022, data request to the Company, staff asked the Company to provide the following data and as stated earlier in this report, the Company stated they do not collect this information:

- 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.

Staff has serious concerns that the Company is not collecting and retaining data to demonstrate they are complying with WAC 480-120-133. Staff believes the company has violated WAC 480-120-349(1) by not preserving data and retaining that information.

Findings

CenturyLink violated WAC 480-120-349(1) by not keeping all records and reports required by these rules or commission order for three years.

Staff Recommendation

Staff recommends the Company be ordered to take immediate action to collect and retain data for calls where an automated answering system is used, in accordance with WAC 480-120-133. All records and reports required by these rules or commission order should be retained for three years. No records may be destroyed before the expiration of three years, or the time specified.

SUMMARY OF RECOMMENDATIONS

The Commission set out the factors it will consider in determining the level of penalty imposed for a violation in Docket A-12006. Below is staff's analysis of those factors as applied to CenturyLink's violations:

1. **How serious or harmful the violation is to the public.**
The violations are a serious disregard to the public. Customers should be able to reach a live representative in a reasonable amount of time as defined in WAC 480-120-133(2)(c).

Data provided by the company shows that the average monthly wait times during the months for which staff seeks penalties far exceed the 60 second standard contained in WAC 480-120-133(2)(c). For instance, the average wait time for calls to the Company's business office in the month of June 2022 was 291 seconds. The degree of noncompliance here directly exacerbates the public harm.

Staff believes there is also harm to customers because the company appears to operate on assumption, rather than actual data, that calls to the business office and repair center are answered within 30 seconds or less on a monthly average (WAC 480-120-133(2)(a)) and that callers are given the option to speak to a live representative within 60 seconds (WAC 480-120-133(2)(b)).

CenturyLink's unresponsiveness demonstrates further harm to the public. Public service companies' statutory and regulatory duty to timely and completely respond to Commission requests for information is an important piece of the regulatory framework that is in place to protect the public interest. The Company's months-long delays and indifference to staff communications in this case constitute a flagrant disregard to its duties to its customers.

2. **Whether the violation is intentional.**

Staff believes the violations in this report are intentional because staff provided the Company with technical assistance in June 2021 for violating WAC 480-120-133(2)(c) and again in May 2022. According to the Company's data response, the company did not begin to maintain a 60 second or less monthly average response time for calls made to the business office until Dec. 2022. As a result, the Company continued to violate WAC 480-120-133(2)(c) for approximately 18 months after first receiving technical assistance from staff.

The Company continuously violated WAC 480-07-175(2)(b) by failing to provide complete responses to staff, or even respond to staff at all. Staff attempted for over a year to obtain complete responses from the Company. Ultimately staff sought assistance from their assigned AAG who then contacted the Company. The Company provided staff's AAG with a complete response within one week of the AAG contacting them.

Staff also believes the Company is intentionally not collecting and retaining data that demonstrates their compliance with WAC 480-120-133(2)(a) WAC 480-120-133(2)(b). The Company is under the impression that they are not required to collect this data, which is an intentional act, but staff disagrees.

3. **Whether the company self-reported the violation.**

CenturyLink did not self-report these violations.

4. **Whether the company was cooperative and responsive.**

Staff found the Company was not responsive to staff's request for information. Staff sent the first data request for information to the Company on Dec. 29, 2022, for the timeframe of Sept. 1, 2021, through Nov. 30, 2022. Due to the lack of responsiveness from the

Company, on Sept. 21, 2023, staff extended the timeframe for data being requested through Aug. 31, 2023. The Company continued to fail to provide complete responses or even respond to staff at all. Ultimately staff sought the assistance of staff's assigned AAG to attempt to obtain the missing data from the Company. Staff's assigned AAG reached out to the Company on Feb. 8, 2024. The Company provided the remaining data to staff's AAG on Feb. 15, 2024.

5. **Whether the company promptly corrected the violations and remedied the impacts.** The Company did not promptly correct the violations. Staff provided technical assistance to the Company in June 2021 after staff received a consumer complaint about the inability to reach a live representative. Because the inability to reach a live representative was likely a widespread issue, Compliance Investigations staff investigated the matter and found the company continued to violate WAC 480-120-133(2)(c) for failure to maintain a monthly average response time for its business office once a customer has selected the option to speak with a live representative. Staff provided technical assistance on May 12, 2022, in lieu of filing a recommendation that the commission file a complaint with penalties. After receiving technical assistance from staff on two occasions, the Company continued to exceed the 60 second monthly average response time for calls to the business office until Dec. 2022.

6. **The number of violations.** Staff reviewed 18 months of call data for the business office and repair center. Staff found nine violations of WAC 480-120-133(2)(c) where the Company exceeded the 60 second monthly average response time for calls placed to the business office and the caller selected the option to speak to a live representative. This does not include several other violations that occurred before March 2022.

The Company violated WAC 480-07-175(2)(b) a total number of 239 times by being unresponsive and not providing requested data.

Staff believes the Company violated WAC 480-120-133(2)(a) WAC 480-120-133(2)(b) by not collecting data. Staff is not recommending penalties for these violations.

Staff also believes the Company violated WAC 480-120-349(1) for not keeping all records and reports required by these rules or commission order for three years. Staff is not recommending penalties for this violation.

7. **The likelihood of recurrence.** If the data provided by the Company for the monthly average time it takes a representative to answer calls placed to the business office is correct, the Company has met the 60 second average response time since Dec. 2022.

It is concerning that the company would not provide business office data for the months of Jan. 2023 through Aug. 2023 until staff's assigned assistant attorney general intervened. Suddenly, data that staff had been trying to obtain miraculously was available. Moreover, the new data illustrates a dramatic drop in average monthly wait

times between November 2022 (116 seconds) and December 2022 (8 seconds). The Company has provided no explanation for the drop in wait times that occurred in December 2022.

Staff believes the recurrence of violations of 480-07-175(2)(b) is very likely. The company's track record is not good when responding to staff's requests for information.

Staff also believes that unless ordered by the commission, the Company will continue to violate WAC 480-120-349 by not collecting and retaining records that demonstrate compliance with commission rules.

8. **The company's past performance regarding compliance, violations, and penalties.** CenturyLink is the subject of a number of informal consumer complaints that have been filed with the commission in recent years and also has had several formal enforcement actions taken against it by the commission.

Staff investigated the monthly average response time by a live representative for calls placed to the business office and repair center in 2021 as a part of an informal consumer complaint. Staff recorded informal violations and provided the Company with technical assistance.

Compliance Investigations staff also investigated the monthly average response time by a live representative for calls placed to the business office and repair center in Jan. 2022. In lieu of recommending a complaint be filed with penalties, staff instead provided technical assistance. Staff informed the Company that they would do a follow-up review in a year to ensure they corrected business practices.

9. **The company's existing compliance program.** Staff is not aware of any existing compliance program associated with the requirements of WAC 480-120-133 or WAC 480-07-175(2)(b).

10. **The size of the company.** CenturyLink reported gross intra-state annual revenue of \$17,619,947.63 in 2022.

Staff Recommendations

Staff believes customers should be identified and addressed within a reasonable amount of time, as defined by WAC 480-120-133(2)(c). This inaction negatively impacted Washington customers with many experiencing wait times exceeding 60 seconds.

In addition, the Company's lack of responsiveness to staff's requests for information was so egregious that the timeframe for requested data had to be extended. Staff sent the first data request to the company on Dec. 29, 2022, and did not receive a complete response until over a year later. This was after several status update requests and reminders from staff, and eventually intervention by legal counsel.

Staff recommends the commission issue a formal complaint against CenturyLink and assess penalties in the amount of \$243,000 for the following violations:

- \$1,000 for each of the nine violations of WAC 480-120-133(2)(c) for failure to maintain a monthly average response time of 60 seconds for its business office once a customer has selected the option to speak with a live representative.
- \$1,000 for each of the 234 violations of WAC 480-07-175(2)(b) for each day that CenturyLink failed to respond to staff's request for information.

Staff further recommends the Commission order the Company to take immediate action to:

- collect data for calls where an automated answering system is used to ensure the monthly average time until the automated system answers a call does not exceed 30 seconds, in accordance with WAC 480-120-133(2)(a).
- collect data for calls where an automated answering system is used to provide a caller with an option to speak to a live representative within 60 seconds, complying with WAC 480-120-133(2)(b).
- retain and preserve the data for three years unless otherwise specified, complying with WAC 480-120-349(1).