

**Exh. SP-1T  
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's Investigation and Penalty Recommendation*

**May 30, 2024**

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## LIST OF EXHIBITS

Exh. SP-2	Consumer complaint <i>CAS-28573-N5J7D7</i> , dated June 21, 2021
Exh. SP-3	Commission Staff's data request, dated December 29, 2022
Exh. SP-4	Commission Staff's follow-up email, dated February 22, 2023
Exh. SP-5	CenturyLink email, dated February 22, 2023
Exh. SP-6	Commission Staff's follow-up email, dated March 16, 2023
Exh. SP-7	CenturyLink's data request response, dated March 30, 2023
Exh. SP-8	Commission Staff's follow-up email, dated May 8, 2023
Exh. SP-9	Commission Staff's follow-up email, dated September 19, 2023
Exh. SP-10	CenturyLink's data request response, dated October 4, 2023
Exh. SP-11	Commission Staff's follow-up email, dated October 26, 2023
Exh. SP-12	Commission Staff's follow-up email, dated February 8, 2024
Exh. SP-13	CenturyLink's data request response, dated February 15, 2024
Exh. SP-14	Commission Staff's investigation report, dated March 7, 2024

1 I. INTRODUCTION

2

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

4 A. My name is Sharmila Prabakaran and my business address is 621 Woodland Square  
5 Loop SE, Lacey, Washington, 98503. My business mailing address is P.O. Box  
6 47250, Olympia, Washington, 98504-7250. My business email address is  
7 Sharmila.Prabakaran@utc.wa.gov.

8

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

10 A. I am employed by the Washington Utilities and Transportation Commission  
11 (Commission) as an Investigator in the Consumer Protection Division. I have worked  
12 at the Commission since April 2022.

13

14 **Q. Please state your qualifications to provide testimony in this proceeding.**

15 A. I hold a bachelor's degree in English Literature from the University of Madras and  
16 have taken investigator training through the Washington State Learning Center. I  
17 have almost 12 years' experience conducting financial compliance audits and two  
18 years' experience as a Compliance Investigator with the Washington Utilities and  
19 Transportation Commission. As a Compliance Investigator, I have conducted  
20 numerous investigations related to the business practices of regulated utility and  
21 transportation companies to ensure compliance with Washington laws, rules, and  
22 company tariffs.

1 **Q. Have you previously testified before the Commission?**

2 A. No.

3

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

5

6 **Q. What is the purpose and scope of your testimony?**

7 A. I will discuss (1) the circumstances that led to Staff's investigation into  
8 CenturyLink's practices related to its compliance with Commission rules governing  
9 a company's response times to customer calls placed to its business office and repair  
10 center; (2) the results of Staff's investigation; (3) the Company's failure to provide  
11 responses to Staff's data requests sent during its investigation; and (4) the  
12 appropriate penalty for the violations Staff identified.

13

14 **Q. Please summarize your recommendations and conclusions on the issues you**  
15 **address.**

16 A. As a result of my investigation, I found that CenturyLink committed at least nine  
17 violations of WAC 480-120-133(2)(c) by failing to maintain a monthly average time  
18 of 60 seconds or less from the time a caller selects the appropriate option to speak to  
19 a live representative and when the live representative answers the call for the  
20 business office. I recommend the Commission assess a \$1,000 penalty for each of the  
21 nine violations, for a total of \$9,000.

22 I also found that CenturyLink violated WAC 480-07-175(2)(b) on 234  
23 occasions by failing to provide information and data as requested by the Commission.

1 Public service companies must provide the required documents, or any objections to  
2 providing those documents, to the Commission within ten business days of the date the  
3 Commission serves the letter or other writing unless the Commission specifies a  
4 different deadline. The Company simply did not respond to Staff's requests for  
5 information and status updates, and when they did provide a response, the response was  
6 incomplete. I recommend the Commission assess a \$1,000 penalty for each of the  
7 234 violations, for a total of \$234,000.

### 8 9 **III. DISCUSSION**

#### 10 11 **A. Investigation Background**

#### 12 13 **Q. How did you become familiar with the matters in this proceeding?**

14 A. I was assigned this investigation as a follow-up to a January 2022 investigation to  
15 determine if the Company had corrected business practices to ensure it maintained a  
16 monthly average of 60 seconds or less for the time it takes customers to reach a live  
17 representative after of selecting the option to speak to a live representative from the  
18 Company's automated answering system, pursuant to WAC 480-120-133(2)(c). Prior  
19 Staff investigations into consumer complaints had revealed that the Company had  
20 repeatedly failed to meet this regulatory requirement.<sup>1</sup> As a result of the January  
21 2022 compliance investigation, Staff declined to pursue penalties and instead opted  
22 to provide the Company with technical assistance in an attempt to bring it into

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<sup>1</sup> Prabakaran, Exh. SP-2 at 101.

1 compliance with WAC 480-120-133(2)(c) and informed the Company that Staff  
2 would do a follow-up investigation in December 2022, to ensure business practices  
3 were corrected.

4  
5 **Q. What initial steps did you take in conducting Staff's investigation into this**  
6 **matter?**

7 A. I reviewed a consumer complaint filed on June 21, 2021, *CAS-28573-N5J7D7*,<sup>2</sup> that  
8 first brought to Staff's attention the issue of a customer being unable to reach a  
9 company live representative. I also reviewed the January 2022 compliance  
10 investigation case file regarding this same issue and the technical assistance that was  
11 provided to the Company as a result of that investigation. Finally, I aided in drafting  
12 a data request to the Company to determine if it had corrected business practices to  
13 comply with WAC 480-120-133(2)(c).

14  
15 **Q. Please describe the initial data request Staff sent CenturyLink in this matter.**

16 A. On December 29, 2022, Staff mailed the Company a data request letter, signed by  
17 then Executive Director and Secretary Amanda Maxwell.<sup>3</sup> The letter was sent  
18 through U.S. mail to the mailing address on file with the Commission, which was  
19 provided by the Company. Staff requested that the Company provide monthly call  
20 data for the average time until its automated system provides a caller with an option  
21 to speak to a live representative, or transferred the caller to a live representative, and  
22 monthly call data for the average time until a live representative answered a call

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<sup>2</sup> Prabakaran, Exh. SP-2.

<sup>3</sup> Prabakaran, Exh. SP-3.

1 from the time the caller selected the appropriate option to speak to a live  
2 representative. Staff also requested a copy of the automated system recorded  
3 message that provides guidance for callers. Staff requested this data for the time  
4 frame of September 1, 2021 through November 30, 2022 for calls placed to both its  
5 repair center and business office. The letter provided that the requested information  
6 was due to the Commission no later than January 12, 2023.

7  
8 **Q. Was the Company responsive to this data request?**

9 A. No, the Company was not responsive to this data request.

10  
11 **Q. Did Staff inform the Company that its response was late?**

12 A. Yes, Staff informed the Company that its response was late. On February 22, 2023, I  
13 sent the Company an email with the original data request letter attached and asked  
14 about the status of the data response.<sup>4</sup>

15  
16 **Q. Did the Company explain why they did not provide a response?**

17 A. Yes. The Company stated in an email on February 22, 2023 that when the letter was  
18 sent, a number of employees were moving offices and it had not received the data  
19 request letter that was mailed on December 29, 2022, and the Company would work  
20 on a response as quickly as possible.<sup>5</sup>

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<sup>4</sup> Prabakaran, Exh. SP-4.

<sup>5</sup> Prabakaran, Exh. SP-5.



1 **Q. When did Staff receive the Company’s first response to the data request sent on**  
2 **December 29, 2022?**

3 A. Staff received the first response from the Company on March 30, 2023. This was  
4 after I sent the Company a second follow-up email on March 16, 2023, informing it  
5 that Staff still had not received any responses or further communication from the  
6 Company about the data request.<sup>6</sup>

7  
8 **Q. Was the Company’s response a complete response to Staff’s data request?**

9 A. No.

10  
11 **Q. What information was missing from the response?**

12 A. The Company did not provide the monthly call data for the average time until a live  
13 representative answered a call from the time the caller selected the appropriate  
14 option to speak to a live representative for its repair call center for the timeframe of  
15 September 1, 2021, through November 30, 2022, as requested. Also, the Company  
16 did not provide the data for the business office for September 1, 2021, through  
17 March 30, 2022, as requested. The Company stated that the provided data was that  
18 which was “readily available.”<sup>7</sup>

19  
20 **Q. Did Staff inform the Company that its response to the data request was**  
21 **incomplete?**

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<sup>6</sup> Prabakaran, Exh. SP-6.

<sup>7</sup> Prabakaran, Exh. SP-7.

1 A. Yes, I emailed the Company on May 8, 2023, informing them that their  
2 response was incomplete and requesting the missing information.<sup>8</sup>

3

4 **Q. What actions did Staff take to obtain the missing information from the**  
5 **Company?**

6 A. In addition to the May 8, 2023 email informing the company of incomplete  
7 responses, Staff also:

8 • sent the Company an email on May 24, 2023, informing them they had not  
9 responded to the May 8, 2023, email and requested they provide a status  
10 update;

11 • sent the Company an email on June 7, 2023, informing they had not  
12 responded to the May 8 and May 24, 2023, emails and asked the Company to  
13 provide responses;

14 • had a phone conversation with CenturyLink representative Peter Gose on  
15 June 8, 2023, to provide clarification about two questions Mr. Gose emailed  
16 to Staff on June 7, 2023;

17 • sent the Company an email on July 31, 2023, informing them they still had  
18 not yet responded to the Staff's follow-up questions after Staff provided  
19 clarification on June 8, 2023.

20

21 **Q. Did Staff inform the Company that it still had not provided all information**  
22 **requested in its December 29, 2022, data request?**

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<sup>8</sup> Prabakaran, Exh. SP-8.

1 A. Yes. I emailed the Company on September 19, 2023 to again inform them that, to  
2 date, Staff had only received the relevant data for its business office for the period of  
3 September 1, 2021, through November 30, 2022, but had not received the data  
4 requested for the repair center. Staff also informed the Company that due to the  
5 length of time this data request had been open, the timeframe for requested  
6 information was extended to also include January 1, 2022, through August 31, 2023.<sup>9</sup>  
7

8 **Q. Did the Company provide a second supplemental response?**

9 A. Yes.

10

11 **Q. When did Staff receive that response?**

12 A. Staff received an incomplete response on October 4, 2023.

13

14 **Q. What information was missing from the Company's second supplemental  
15 response?**

16 A. The Company's October 4, 2023 response still did not include the monthly data for  
17 the average time until a live representative answered a call from the time the caller  
18 selected the appropriate option to speak to a live representative for its repair call  
19 center for the timeframe of September 1, 2021, through March 30, 2022, and the  
20 extended timeframe from December 1, 2022, through August 30, 2023. The  
21 Company also did not provide the data for the business office for December 1, 2022,

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<sup>9</sup> Prabakaran, Exh. SP-9.

1 through August 30, 2023.<sup>10</sup> Nor did the Company explain why it still had not  
2 provided the missing data.

3  
4 **Q. Did Staff inform the Company that it still had not provided all information  
5 requested in its December 29, 2022, data request?**

6 A. Yes. On October 26, 2023, I again emailed the Company and asked why they had not  
7 provided data for each month for both the repair center and business office  
8 containing the average time until a live representative answered a call from the time  
9 a caller selected the appropriate option to speak to a live representative, as required  
10 in WAC 480-120-133(2)(c).<sup>11</sup> Staff informed the Company they had not provided the  
11 data for the repair center for September 1, 2021, through March 30, 2022, or for  
12 December 1, 2022, through August 30, 2023. The Company also had not provided  
13 the data for the business office for December 1, 2022, through August 30, 2023.

14  
15 **Q. What actions did Staff take to obtain the missing information from the  
16 Company?**

17 A. After not receiving a response to my October 26, 2023 email, on February 7, 2024,  
18 Staff sought the aid of its legal counsel regarding the Company's failure to provide  
19 complete responses, seeking assistance to obtain data that Staff had been attempting  
20 to get dating back to December 29, 2022. Staff's counsel requested the missing  
21 information via email on February 8, 2024.<sup>12</sup>

---

<sup>10</sup> Prabakaran, Exh. SP-10.

<sup>11</sup> Prabakaran, Exh. SP-11 at 2.

<sup>12</sup> Prabakaran, Exh. SP-12.

1 **Q. Did the Company provide a third supplemental response?**

2 A. Yes. The Company provided an incomplete response on February 15, 2024.

3

4 **Q. What information was missing from the Company's supplemental response?**

5 A. The Company's February 15, 2024 response was still missing data for the repair call  
6 center for the timeframe of September 1, 2021, through March 30, 2022. The  
7 Company stated that this data was lost when CenturyLink migrated customer care  
8 operations platforms in January 2022.<sup>13</sup>

9

10 **Q. At any time did the Company request an extension for providing responsive**  
11 **data?**

12 A. The Company only requested one extension throughout the entire investigation on  
13 September 19, 2023. On September 21, 2023, Staff granted a two week extension for  
14 data requested for the timeframe of December 1, 2022, through August 30, 2023.  
15 Staff did not grant an extension for missing data that was originally requested on  
16 December 29, 2022.

17

18 **B. Results of Staff's Investigation**

19

20 **Q. What did the Company's responses to Staff's data requests reveal about its**  
21 **compliance with Commission rules on response times to calls placed to its**  
22 **business office or repair center?**

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<sup>13</sup> Prabakaran, Exh. SP-13.

1 A. Data provided by the Company's responses shows the Company violated WAC 480-  
2 120-133(2)(c) by failing to maintain the monthly average time of 60 seconds or less  
3 from the time a caller selects the appropriate option to speak to a live representative  
4 and when the live representative answers the call for the business office on 15  
5 occasions. The Company did not meet the average monthly response time each  
6 month during the period from September 2021 through November 2022.<sup>14</sup>

7  
8 **Q. How many violations of WAC 480-120-133(2)(c) did Staff record during the**  
9 **course of the investigation?**

10 A. Staff recorded 15 violations of WAC 120-133(2)(c) for each month that CenturyLink  
11 failed to maintain a monthly average response time of 60 seconds or less from the  
12 time a caller selects the appropriate option to speak to a live representative and when  
13 the live representative answers the call.

14  
15 **Q. Did Staff's investigation yield evidence of any other regulatory violations**  
16 **committed by the Company?**

17 A. Yes. Staff found the Company violated WAC 480-07-175(2)(b) by not providing a  
18 timely or complete response to Staff's request for information sent on December 29,  
19 2022.

20  
21 **Q. How many daily violations of WAC 480-07-175(2)(b) did Staff record during the**  
22 **course of the investigation?**

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<sup>14</sup> Prabakaran, Exh. SP-10 at tab "3-30-2023."

1 A. Staff recorded 234 violations of WAC 480-07-175(2)(b). Staff calculated this  
2 number by recording each business day that passed beginning 10 days after the  
3 Company confirmed receipt of Staff’s data request on February 22, 2023 and ending  
4 when Staff received the Company’s final incomplete response on February 15,  
5 2024.<sup>15</sup>

6

7 **Q. Did Staff’s investigation raise any other concerns regarding the Company’s**  
8 **compliance with Commission rules?**

9 A. Yes. WAC 480-120-133(2)(a) states that calls placed to automated systems must be  
10 answered within a monthly average of 30 seconds. In its responses to Staff’s requests  
11 for information, the Company stated that it does not track data related to this rule, but  
12 claims that its automated system is set up so that calls are answered immediately.  
13 WAC 480-120-133(2)(b) states that automated systems must provide the caller with  
14 an option to speak to a live representative within 60 seconds. The Company also  
15 stated that it does not track data related to this rule, but claims that the automated  
16 system is set up so that, if a caller promptly selects the appropriate options, the caller  
17 will be given the option to speak with a live representative within 60 seconds. Staff  
18 was unable to determine if the Company is in compliance with WAC 480-120-  
19 133(2)(a) or (b) due to the fact that the Company does not track the relevant data and  
20 remains concerned about the Company’s failure to do so.

21

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<sup>15</sup> Prabakaran, Exh. SP-14 at 12-13.

1           **C.     Penalty Recommendation**

2

3   **Q.     Are you familiar with the Commission’s policy statement on how it enforces**  
4           **public service laws?**

5   A.     Yes, I am familiar with the policy statement issued in Docket A-120061.

6

7   **Q.     Does the Commission set out a list of the factors it considers when deciding on**  
8           **an appropriate penalty in that policy statement?**

9   A.     Yes. It listed 11 non-exclusive factors in the policy statement.

10

11 **Q.     What are those factors?**

12 A.     They are: (1) how serious or harmful the violation is to the public; (2) whether the  
13 violation is intentional; (3) whether the company self-reported the violation(s); (4)  
14 whether the company was cooperative and responsive; (5) whether the company  
15 promptly corrected the violations and remedied the impacts; (6) the number of  
16 violations; (7) the number of customers affected; (8) the likelihood of recurrence; (9)  
17 the company’s past performance regarding compliance, violations, and penalties;  
18 (10) the company’s existing compliance program; and (11) the size of the company.

19

20 **Q.     How serious or harmful were the violations at issue to the public?**

21 A.     The violations are a serious disregard to the public. Customers should be able to  
22 reach a live representative in a reasonable amount of time as defined in WAC 480-  
23 120-133(2)(c). Data provided by the Company shows that the average monthly wait



1 times during the months for which Staff seeks penalties far exceeded the 60-second  
2 standard contained in WAC 480-120-133(2)(c).

3 Additionally, CenturyLink's unresponsiveness to Staff's requests for  
4 information caused further harm to the public. The Company's lack of participation  
5 in the investigation process impeded Staff's ability to efficiently conduct an  
6 investigation to ensure consumers are treated fairly and consistently according to  
7 Commission laws and rules. Public service companies' statutory and regulatory duty  
8 to timely and completely respond to Commission requests for information is an  
9 important piece of the regulatory framework that is in place to protect the public  
10 interest. The Company's months-long delays and indifference to Staff  
11 communications in this case constitute a flagrant disregard to its duties to its  
12 customers.

13  
14 **Q. Were the violations intentional?**

15 A. Staff believes the violations were intentional. Staff provided the Company with  
16 technical assistance in June 2021 related to these violations and again in May 2022.  
17 According to the Company's February 15, 2024 data response, the Company did not  
18 begin to maintain a 60 second or less monthly average response time for calls made  
19 to the business office until December 2022. As a result, the Company continued to  
20 violate WAC 480-120-133(2)(c) for approximately 18 months after first receiving  
21 technical assistance from Staff.

22 The Company's violations of WAC 480-07-175(2)(b) were also clearly  
23 intentional. Staff attempted for over a year to obtain a complete response to its

1 December 29, 2022 data request. Many of Staff's several follow-ups were  
2 completely ignored by the Company. When the Company did respond to Staff's  
3 inquiries, its responses were months late and incomplete. The Company only  
4 requested a brief extension to one Staff follow-up during this period and otherwise  
5 provided no reasonable explanation to its complete disregard to Staff data requests.

6

7 **Q. Did the Company self-report these violations?**

8 A. The Company did not self-report these violations.

9

10 **Q. Was the Company cooperative and responsive during Staff's investigation?**

11 A. No, as laid out in my testimony regarding the Company's violations of WAC 480-  
12 07-175(2)(b), the Company was not responsive to Staff's requests for information  
13 and not cooperative during the investigation.

14

15 **Q. Did the Company promptly correct the violations and remedy the impacts  
16 created by those violations?**

17 A. No, the Company did not promptly correct the violations. The Company did not  
18 remedy the impacts created by the violations after receiving technical assistance  
19 from Staff on two previous occasions. Moreover, the Company continued to fail to  
20 provide complete and timely responses to Staff's requests for information through  
21 the duration of Staff's investigation.

22

23 **Q. How many violations did the Company commit?**

1 A. The Company committed a total of 249 violations.

2 • 15 violations of WAC 480-120-133(2)(c).

3 • 234 violations of WAC 480-07-175(2)(b).

4

5 **Q. How many customers did those violations affect?**

6 A. Staff does not have a precise number of the affected customers. However, data  
7 provided by the Company shows it is likely that the majority of customers who  
8 called the Company's business office and repair center and selected the option to  
9 speak to live representative between March and November 2022 had to wait longer  
10 than the monthly 60 second average response time, with the longest monthly average  
11 response time being nearly five minutes. The Company did not begin to maintain a  
12 60 second or less monthly average response time for calls made to the business  
13 office until December 2022, which was approximately 18 months after first receiving  
14 technical assistance from Staff regarding their failure to meet the monthly 60 second  
15 average response requirement.

16

17 **Q. Are the violations likely to recur?**

18 A. Data provided in the Company's February 15, 2024 response illustrates a dramatic  
19 drop in average monthly wait times for calls placed to the business office between  
20 November 2022 (116 seconds) and December 2022 (8 seconds). The Company has  
21 provided no reasonable explanation for the drop in wait times that occurred in  
22 December 2022. Although the Company has provided data illustrating its compliance

1 through December 2023, Staff remains wary of the Company's ability to adhere to  
2 its regulatory obligations given its history of noncompliance.

3 Staff believes that recurrence of violations of WAC 480-07-175(2)(b) is very  
4 likely. The Company's failure to provide timely and complete responses to Staff data  
5 requests continued though the duration of this investigation. Staff is not aware of any  
6 corrective actions that have been undertaken by the Company.

7  
8 **Q. Please describe the Company's past performance regarding compliance,  
9 violations, and penalties.**

10 A. CenturyLink is the subject of a number of informal consumer complaints that have  
11 been filed with the Commission in recent years and also has had several formal  
12 enforcement actions taken against it by the Commission. Staff investigated the  
13 monthly average response time by a live representative for calls placed to the  
14 business office and repair center in 2021 as a part of an informal consumer  
15 complaint. Staff recorded informal violations and provided the Company with  
16 technical assistance. Compliance Investigations Staff also investigated the monthly  
17 average response time by a live representative for calls placed to the business office  
18 and repair center in January 2022. In lieu of recommending a complaint be filed with  
19 penalties, Staff instead provided technical assistance. Staff informed the Company  
20 that they would do a follow-up review in a year to ensure they corrected business  
21 practices.

22 In addition, the Commission has filed several complaints against the Company  
23 resulting in penalties. Most notably:

- 1           • *Docket UT-220397* - Penalty assessment of \$226,600 against CenturyLink  
2           Companies – Qwest Corporation, CenturyTel of Washington, CenturyTel of  
3           Inter Island, CenturyTel of Cowiche, and United Telephone Company of the  
4           Northwest for 2,266 violations of Commission Order 04 in Docket  
5           UT-130477 with respect to the “Rate Change Notification” requirement.
- 6           • *Docket UT-210902* – Penalty assessment of \$692,250 against CenturyLink  
7           Communications, LLC d/b/a Lumen Technologies Group, Qwest  
8           Corporation, CenturyTel of Washington, Inc., CenturyTel of Inter Island,  
9           Inc., CenturyTel of Cowiche, Inc., and United Telephone Company of the  
10          Northwest for 923 violations of WAC 480-120-172(3)(a). The Company  
11          disconnected or suspended telecommunications service to 923 residential  
12          customers from March 23, 2020, through Sept. 30, 2021.
- 13          • *Docket UT-181051* – Penalty assessment of \$1,315,000 against CenturyLink  
14          Communications, LLC for 13,000 violations of RCW 80.36.080 for failure to  
15          provide E911 services, and 15 violations of WAC 480-120-412(2) for failing  
16          to promptly notify PSAPs and the Commission of a major outage.
- 17          • *Docket UT-140597* - Penalty assessment of \$2,854,750 against Qwest  
18          Corporation d/b/a CenturyLink QC for 5,684 violations of RCW 80.36.080  
19          and WAC 480-120-450(1) for failure to provide E911 services, and 51  
20          violations of WAC 480-120-412(2) for failing to promptly notify PSAPs of a  
21          major outage.
- 22          • *Docket UT-132234* - Penalty assessment of \$173,210 with \$123,210  
23          suspended then waived after one year if the CenturyTel of Inter Island, Inc.

1 d/b/a CenturyLink does not violate WAC 480-120-412 or the provisions of  
2 the Emergency Communications Plans during that time. This left \$50,000  
3 due and payable for 15,935 violations of WAC 480-120-412, due to San Juan  
4 Islands major outages. The Commission later imposed the \$123,210 portion  
5 of the assessed penalty that was previously suspended in Order 03 because  
6 the Company violated WAC 480-120-412 and the Emergency  
7 Communications Plans.

8  
9 **Q. Does the Company have an existing compliance program?**

10 A. Staff is not aware of any existing compliance program.

11  
12 **Q. Please describe the size of the Company.**

13 A. CenturyLink reported gross intra-state annual revenue of \$17,619,947.63 in 2022.

14  
15 **Q. Given your analysis of the penalty factors, what penalty does Staff recommend  
16 that the Commission impose on the Company for the violations at issue?**

17 A. Staff analyzed the penalty factors and recommends the Commission assess penalties  
18 in the amount of \$243,000 for the following violations:

- 19 • \$1,000 for nine violations of WAC 480-120-133(2)(c)<sup>16</sup> for failure to  
20 maintain a monthly average response time for its business office once a  
21 customer has selected the option to speak with a live representative.

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<sup>16</sup> Although Staff recorded 15 violations covering the months of September 2021 through November 2022, only nine of these fall within the statute of limitations.

- \$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.

**Q. Why does Staff conclude that is the appropriate penalty amount?**

A. Staff weighed the penalty factors from the Commission's enforcement policy statement and determined that at least six factors weighed heavily in favor of a penalty of \$1,000 per violation. Specifically, these are (2) whether the violation is intentional; (3) whether the company self-reported the violation(s); (4) whether the company was cooperative and responsive; (5) whether the company promptly corrected the violations and remedied the impacts; (6) the number of violations; and (7) the likelihood of recurrence. The Company became aware of its noncompliance with WAC 480-120-133(2)(c) in 2021, at the latest, and failed to undertake efforts to comply with Commission rules despite Staff's assistance efforts made in lieu of initially pursuing penalties. When Staff conducted its follow-up investigation to determine if the Company had corrected its violations, the Company ignored Staff's inquiries and follow-up attempts for months at a time and could not provide all of the data Staff requested and needed to determine compliance with WAC 480-120-133. This left Staff with no option but to pursue full penalties for the underlying violations Staff could prove, as well as the Company's failure to timely and completely respond to Staff's data request.

1 Q. Does this conclude your testimony?

2 A. Yes.