

**Exh. MLT-1T
Docket UT-190209
Witness: Michael L. Turcott**

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

**QWEST CORPORATION d/b/a
CENTURYLINK QC,**

Respondent.

DOCKET UT-190209

PRE-FILED DIRECT TESTIMONY OF

Michael L. Turcott

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Staff Recommendation

October 25, 2019

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Exh. MLT-2 Commission Staff Investigation Report – CenturyLink – April 2019

1 **I. INTRODUCTION**

2

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

4 A. My name is Michael L. Turcott, 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 mike.turcott@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 a Transportation Planning Specialist in the Transportation Safety
12 Division. Prior to June 1, 2019, I was employed as a Compliance Investigator in the
13 Safety and Consumer Protection Division.

14

15 **Q. How long have you been employed by the Commission?**

16 A. I have been employed by the Commission since October 1, 2015.

17

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

19 A. I hold a bachelor's degree in Sociology from Pacific Lutheran University. After
20 joining the Commission in 2015, I completed the State of Washington's investigator
21 training series. I have been involved in numerous investigations of regulated
22 companies operating in violation of the laws and rules administered and enforced by
23 the Commission. From 2013 to 2015 I managed the fraud investigation unit at the

1 Department of Licensing. From 1985 to 2013 I was a commissioned officer with the
2 Washington State Patrol and was involved in numerous criminal and traffic
3 investigations.

4

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

6 A. Yes. I have testified in multiple enforcement proceedings before the Commission.

7

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

9

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

11 A. My testimony addresses findings of my investigation of Qwest Corporation d/b/a
12 CenturyLink QC (“CenturyLink” or “Company”) related to failed calls to 911, which
13 occurred on July 12, 2017. The investigation focused on whether CenturyLink
14 complied with the requirement to provide 911 service, as well as the requirement to
15 make timely notifications. My investigation showed that CenturyLink violated laws
16 and rules related to the provision of 911 service and my testimony recommends
17 penalties for those violations.

18

19 **Q. Have you prepared any exhibits in support of your testimony?**

20 A. Yes. I prepared Exhibit MT-2, which is my investigative report regarding this
21 incident, with appendices. This report contains the details of my investigation and
22 my enforcement recommendation.

23

1 **III. DISCUSSION**

2

3 **Q. What happened on July 12, 2017?**

4 A. On July 12, 2017, Washington residents experienced a widespread, partial outage of
5 the state’s 911 system, which severely disrupted emergency and public safety
6 communications. The 911 system partially failed at 5:52 a.m. on July 12, 2017, and
7 was restored nearly three hours later, at 8:39 a.m. The outage resulted in the failure
8 of 222 calls to 911.

9

10 **Q. How did the Commission first learn of this outage?**

11 A. Commission Staff (Staff) received email notification of the outage from the
12 Washington State Military Department (WMD) on Wednesday, July 12, 2017, at
13 4:31 p.m. The email was sent to a large distribution group and stated that a service
14 disruption in the West ECMC in Englewood, Colorado, resulted in as many as 222
15 failed 911 calls.

16

17 **Q. Did CenturyLink also notify Staff of the outage?**

18 A. Yes, but not until two days later. On Friday, July 14, 2017, CenturyLink sent an
19 email notification to Commission Staff as a “courtesy notification of non-major
20 outage.”¹ The email stated that CenturyLink’s contractor West “did a system upgrade

¹ UT-190209 Investigative Report, Appendix C, Page 26: July 14, 2017, email from Phil Grate to Rebecca Beaton.

1 / reboot on Wednesday morning that caused potential issues with more than 200 911
2 calls in the state of Washington.”²

3

4 **Q. What did Staff do next?**

5 A. Staff began an investigation of the outage. On August 25, 2017, Staff sent data
6 requests to CenturyLink requesting information about the outage. Included in the
7 data requests were questions regarding the number of affected customers, customer
8 type, and the CenturyLink services affected (CP1), and a request for a list of every
9 failed 911 call including the full telephone number (CP2).

10

11 **Q. What more did Staff learn about the outage?**

12 A. In its reponse to the data requests, CenturyLink reported that the outage affected 911
13 service to 29 Public Safety Answering Points (PSAPs, or 911 call centers) across
14 western Washington. Between 5:52 a.m. and 8:39 a.m. on July 17, 2017, 222 (16%)
15 of the 1,405 calls attempted to 911 failed. Eight of the failed calls were from unique
16 wireline telephone numbers, and 140 were from unique wireless numbers.

17

18 **Q. What role does CenturyLink play in 911 communications in the state of
19 Washington?**

20 A. At the time of the outage, CenturyLink was the statewide provider of 911 services
21 under a contract with the WMD. This means that CenturyLink was responsible for

² Id.

1 ensuring its network delivered 911 calls placed in Washington to the appropriate
2 Washington PSAP.

3

4 **Q. Was the CenturyLink network responsible for the failure?**

5 A. Yes. CenturyLink contracts with a vendor, West, which routes Washington 911 calls
6 through facilities in Englewood, Colorado. West may have carried out the system
7 change that resulted in the 911 system failure but CenturyLink is responsible for the
8 outage under its contract with WMD.

9

10 **Q. Did Staff recommend enforcement action?**

11 A. Yes. Staff recommended that the Commission issue a formal complaint against
12 CenturyLink for its system failure and failure to deliver enhanced 911 (E911) calls,
13 and assess a penalty of up to \$1,000 per failed call.

14

15 **Q. Why?**

16 A. Staff's recommendation for enforcement action was based on the Commission's
17 enforcement policy, memorialized in Docket A-120061. Staff carefully considered
18 each point of the enforcement policy, particularly the potential harm to the public,
19 number of customers affected, the likelihood of reoccurrence, and the Company's
20 past performance with regard to violations of this type. This is discussed in more
21 detail in Exhibit MLT-2.

22

1 **Q. What type of enforcement action did the Commission take?**

2 A. The Commission issued a complaint for penalties against CenturyLink on April 24,
3 2019. The complaint is on file in this docket.

4

5 **Q. What did the complaint allege?**

6 A. The complaint alleged 222 violations of RCW 80.36.080, which requires
7 CenturyLink to render prompt, expeditious, and efficient service, to keep its
8 facilities, instrumentalities, and equipment in good condition and repair, and to
9 ensure that its appliances, instrumentalities, and services are modern, adequate,
10 sufficient, and efficient. When CenturyLink's 911 system failed to deliver 222 calls
11 to 911 on July 14, 2017, CenturyLink failed on at least 222 occasions to render
12 prompt, expeditious, and efficient service, to keep its facilities, instrumentalities, and
13 equipment in good condition and repair, and/or to ensure that its appliances,
14 instrumentalities, and services were modern, adequate, sufficient, and efficient.

15 In addition, the complaint alleged 222 violations of WAC 480-120-450(1),
16 which requires CenturyLink to provide E911 services. On July 14, 2017, when
17 CenturyLink's 911 system failed to deliver 222 911 calls, including Automatic
18 Location Identification (ALI) and voice traffic, to Washington PSAPs, CenturyLink
19 violated WAC 480-120-450(1) 222 times.

20

21 **Q. What happened next?**

22 A. The Public Counsel Unit of the Washington State Attorney General's Office
23 appeared in the proceeding, and the Commission set a procedural schedule. Pursuant

1 to the procedural schedule, all of the parties participated in a settlement conference.
2 Staff and the Company reached a settlement in principle. Staff and the Company
3 were unable to agree on final settlement terms, however, and subsequently proposed
4 a new litigation schedule. Staff is filing this testimony pursuant to the procedural
5 schedule that the Commission entered on September 25, 2019.

6

7 **Q. What are Staff's recommendations?**

8 A. Staff recommends the Commission assess a penalty of up to \$222,000 for 222
9 violations of RCW 80.36.080, Rates, services, and facilities, and of WAC 480-120-
10 450(1) Enhanced 911 obligations of local exchange companies, based on 222 failed
11 calls to 911.

12

13 **Q. Does this conclude your testimony?**

14 A. Yes.

15