

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYLINK COMMUNICATIONS,  
LLC,

Respondent.

DOCKET UT-181051

COMMISSION STAFF’S MOTION  
TO AMEND COMPLAINT  
PURSUANT TO WAC 480-07-395(5)

**I. INTRODUCTION**

1 Pursuant to WAC 480-07-395(5) and WAC 480-07-375, Staff of the Washington  
Utilities and Transportation Commission (Commission) files this motion to amend the  
complaint filed in this docket on December 22, 2020.

**II. APPLICABLE LAW**

2 WAC 480-07-375, WAC 480-07-395(4), and WAC 480-07-395(5).

**III. RELIEF REQUESTED**

3 Commission Staff (Staff) respectfully requests that the Commission amend the  
complaint filed in this docket to explicitly name certain affiliates of CenturyLink  
Communications, LLC d/b/a Lumen Technologies Group (CLC) as respondents. These  
affiliates consist of Qwest Corporation d/b/a CenturyLink QC (Qwest), CenturyTel of  
Washington, Inc., CenturyTel of Inter Island, Inc., CenturyTel of Cowiche, Inc., and United  
Telephone Company of the Northwest (collectively “Affiliates”).

**IV. STATEMENT OF FACTS**

4 On December 22, 2020, the Commission, through Staff, filed a complaint against

CLC regarding the 911 service outage in the state of Washington that extended from December 27 to December 29, 2018. On December 15, 2021, Staff and Public Counsel filed direct testimony supporting the allegations in the complaint. On March 31, 2022, CLC filed responsive testimony in this docket. In its testimony, CLC states that the Commission’s complaint is specifically directed at CLC to the exclusion of its affiliates, which also provided 911 service in Washington at the time of the 2018 outage.<sup>1</sup>

## V. STATEMENT OF ISSUES

5           Should the Commission amend the complaint to specifically name both CLC and the  
Affiliates as respondents?

## VI. ARGUMENT

6           The Commission’s procedural rule on pleadings supports amending the complaint as  
proposed:

The commission will liberally construe pleadings and motions with a view to effect justice among the parties. The commission will consider pleadings and motions based primarily on the relief they request and will not rely solely on the name of the document. The commission, at every stage of any proceeding, will disregard errors or defects in pleadings, motions, or other documents that do not affect the substantial rights of the parties.

7           WAC 480-07-395(4). The rule further states that the “commission may allow amendments  
to pleadings, motions, or other documents on such terms as promote fair and just results.”  
WAC 480-07-395(5).

8           Although Staff maintains that the Commission could interpret the complaint as filed  
to apply to CLC and its affiliates, the Commission should formally amend the complaint to

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<sup>1</sup> Hartman, Exh. SJH-1TC at 4:9 – 5:18. See also *id.* at 5:4, n.1 (“For example, when the company was still a 911 service provider in Washington, that service was provided by multiple affiliated entities. The transport was provided by CLC, while the last mile connection to the PSAPs was provided by local exchange carriers, including Qwest Corporation.”).

explicitly name the Affiliates as respondents in the interest of clarity. Under the liberal construction afforded by WAC 480-07-395(4), the Commission may consider the allegations against CLC in the complaint as applying to the Affiliates that continued to provide 911 service to PSAPs at the time of the outage. This construction would not substantially impair the Affiliates' rights for two reasons.

9           First, the complaint and Staff's investigation report demonstrate an intent to allege violations against the Affiliates that continued to directly provide 911 service to PSAPs at the time of the outage. The complaint in this docket states that at the time of the outage, "CenturyLink still provided service to 15 of the 62 Washington PSAPs" and alleges 15 violations of WAC 480-120-412(2) based on the failure to notify those PSAPs of the 911 outage.<sup>2</sup> Similarly, Staff's investigation report also determined that "CenturyLink did not notify the 15 PSAPs under its management of the December 2018 major outage," finding 15 violations of WAC 480-120-412(2).<sup>3</sup> Based on the allegations in the complaint and the investigation report's findings, it is apparent that the Commission intended for the reference to CLC in the complaint to include the Affiliates that provided 911 service to PSAPs at the time of the outage. Second, CLC's affiliates had actual knowledge of Staff's complaint, considering that CLC's testimony discusses 911-related functions performed by both CLC and the Affiliates, for example, Qwest, at the time of the 911 outage in December 2018.

10           Notwithstanding the above, given that CLC's testimony asserts that the complaint is limited to CLC, the Commission should amend the complaint to explicitly include both CLC

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<sup>2</sup> Complaint at 2, ¶ 9 and 4, ¶¶ 30–32.

<sup>3</sup> Staff Investigation Report, Docket UT-181051 (Staff Report) at 22. See also *id.* at 2, n.1 (noting that CenturyLink's Commission registered names include "CenturyLink Communications, LLC; CenturyLink, CenturyTel of Washington, Inc.; CenturyTel of Inter Island, Inc.; CenturyTel of Cowiche, Inc.; United Telephone Company of the Northwest; and Qwest Corporation, dba CenturyLink QC.").

and the Affiliates as respondents in the case to remove any ambiguity. Adding the Affiliates as respondents is fair and just under the circumstances presented. As stated above, both the Commission's complaint and Staff's investigation report demonstrate an intent to allege violations against the Affiliates based on their role as 911 service providers to PSAPs at the time of the outage. Moreover, the Commission should not allow CLC to artificially narrow the scope of the Commission's investigation and hearing by interpreting the complaint to apply to activities of only one corporate entity, given that both CLC and its Affiliates performed interrelated 911 functions at the time of the outage.<sup>4</sup> To the extent that the Commission has previously held vendors accountable for service issues, it would be equally appropriate to hold CLC's Affiliates accountable if the Commission determines they failed to comply with the Commission's statutes and rules during the outage.<sup>5</sup> Furthermore, amending the complaint to explicitly include CLC and the Affiliates is fair and just, considering the critical nature of 911 services and the duration of the 2018 outage.<sup>6</sup> Finally, the Commission may revise the procedural schedule in this case in order to provide the Affiliates additional time to provide supplemental testimony if necessary.

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<sup>4</sup> See, e.g., CenturyLink WMD Contract, E09-196, Amendment M (Confidential) at 1 [REDACTED] (Attached as Attachment A (Confidential)). See also, Staff Report at fn. 18 (citing CenturyLink WMD Contract, E09-196, Amendment M).

<sup>5</sup> *Wash. Utils. & Transp. Comm'n v. Qwest Corporation d/b/a CenturyLink QC*, Docket UT-140597, Order 03, 9 ¶ 25 (Feb. 22, 2016) ("What is important for our review is to ensure that CenturyLink has adequate management and oversight systems in place to both reduce the risks of such errors occurring and also to have systems in place to provide awareness of outages and to restore 911 service as rapidly as possible. This applies both to the Company itself and to any contractor or vendor such as Intrado. In other words, we require regulated companies to implement measures that are reasonable under the circumstances to minimize service disruptions and other violations of Commission requirements.").

<sup>6</sup> *Id.* at 4, ¶ 9 ("The citizens of this state reasonably rely on their ability to access emergency services by dialing 911. Their inability to do so for even a brief period of time poses a serious threat to public health, safety, and welfare, not just a violation of statute and Commission rules.").

## VII. CONCLUSION

*11* For the foregoing reasons, Staff requests that the Commission grant its motion to amend the complaint or amend the complaint on the Commission's own motion.

DATED this 6th day of April 2022.

Respectfully submitted,

ROBERT W. FERGUSON  
Attorney General

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**Attachment A to  
Staff's Motion to Amend Complaint  
is Redacted in its Entirety**