BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,

DOCKET UT-181051

Complainant,

v.

DECLARATION OF NINA M. SUETAKE

CENTURYLINK COMMUNICATIONS, LLC

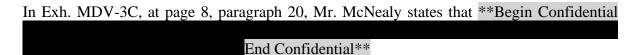
Respondent.

EXHIBIT B

CenturyLink's Responses to Commission Staff Data Requests 44C, 45C, 48C, 49C and Supplemental Response to Commission Staff Data Request 52

REDACTED VERSION

UTC STAFF DATA REQUEST NO. 44:



Please admit that the correspondence and documents included in Exh. MDV-4C do not refer to **Begin Confidential End Confidential** If you do not admit, please identify which specific content in Exh. MDV-4C refers to **Begin Confidential End Confidential** and explain your reasoning. As part of your response, provide all and all other documents, reports, or communications that supports your denial.

RESPONSE:

CLC objects to this data request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. This data request seeks to investigate an outage on CLC's national transport network. The outage did not directly affect CLC's or its affiliates' remaining 911 network in Washington. Instead, it affected CLC's national transport network. More specifically, the outage affected interstate DS-3 circuits purchased by a vendor of Comtech on behalf of Comtech (for the provision of SS7 functionality), the responsible Washington 911 provider for the PSAPs that experienced a 911 outage. The interstate and non-regulated services provided on CLC's national transport network, and the facilities utilized to provide such services, are not regulated by the Commission, and the Commission lacks jurisdiction over them. In Re AT&T Commc'ns of the Pac. Nw., No. 04, 2003 WL 23341214 (Wash. U.T.C. Dec. 1, 2003) ("AT&T's proposed language would encompass facilities-access purchased out of federal tariffs over which the Commission lacks jurisdiction.") (citing 34th Supplemental Order; Order Regarding Owest's Demonstration of Compliance with Commission Orders, Investigation Into U S WEST Communications, Inc.'s Compliance With Section 271 of the Telecommunications Act of 1996; U S WEST Communications, Inc.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996, Dkt. Nos. UT-003022, UT-003040, ¶ 22 (May 2002)); MilleniaNet Corp. v. Pennsylvania Pub. Util. Comm'n, No. 990 C.D. 2008, 2009 WL 9104922 (Pa. Commw. Ct. Apr. 30, 2009) (complaint dismissed because the "the PUC does not have jurisdiction over interstate telecommunications services."). CenturyLink further objects to this data request on the basis that it is overly broad and unduly burdensome. Without waiving its objections, CLC responds as follows.

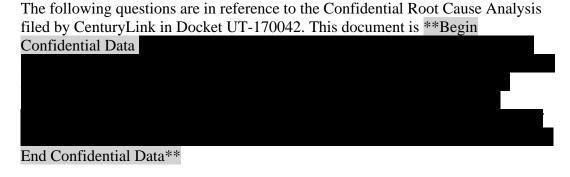
Denied.	Software is created in versions. Mr. McNeally's affidavit (Exhibit MDV-3C) refers
to	. However, as Mr. McNeally explains "

" McNeally Affidavit ¶ 14 (emphasis added).

UTC STAFF DATA REQUEST NO. 45:

Background to UTC Staff Data Request No. 45:

In Staff Data Request 23 to CenturyLink, Staff asked in part:



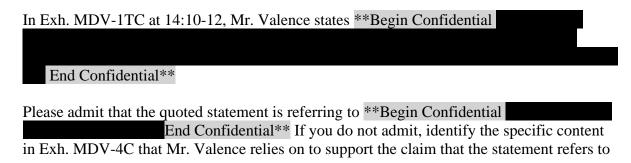
a. Please provide all documents, emails, and other communications generated in the course of **Begin Confidential Data

End Confidential Data**

CenturyLink responded:

Subject to its objections above, see CLC's response to Staff DR, Attachment 3c (Bates Nos. 1470-1495), which catalogs and summarizes Infinera's findings in the immediate aftermath of the December 2018 network event. CLC has also performed a diligent search of its records, and has not found additional correspondence or other documents in its possession beyond those already produced. It is CLC's recollection (acknowledging, of course, that three years have passed) that much of the discussion between Infinera and CLC was verbal and not in writing. Infinera is the manufacturer of the affected equipment and provides maintenance on the Green and Red Infinera networks. Infinera is obviously very familiar with both networks and did not require much, if any, information from CLC to effect that comparative analysis.

UTC Staff Data Request No. 45:

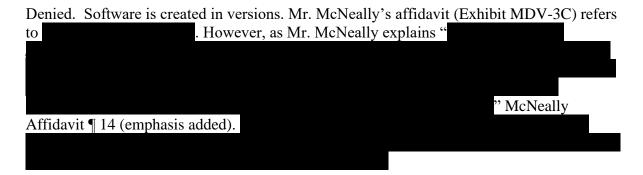


REDACTED

Begin Confidential End Confidential and explain your reasoning. As part of your response, provide all documents, reports, or communications that supports your denial.

RESPONSE:

CLC objects to this data request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. This data request seeks to investigate an outage on CLC's national transport network. The outage did not directly affect CLC's or its affiliates' remaining 911 network in Washington. Instead, it affected CLC's national transport network. More specifically, the outage affected interstate DS-3 circuits purchased by a vendor of Comtech on behalf of Comtech (for the provision of SS7 functionality), the responsible Washington 911 provider for the PSAPs that experienced a 911 outage. The interstate and non-regulated services provided on CLC's national transport network, and the facilities utilized to provide such services, are not regulated by the Commission, and the Commission lacks jurisdiction over them. In Re AT&T Commc'ns of the Pac. Nw., No. 04, 2003 WL 23341214 (Wash. U.T.C. Dec. 1, 2003) ("AT&T's proposed language would encompass facilities-access purchased out of federal tariffs over which the Commission lacks jurisdiction.") (citing 34th Supplemental Order; Order Regarding Qwest's Demonstration of Compliance with Commission Orders, Investigation Into U S WEST Communications, Inc.'s Compliance With Section 271 of the Telecommunications Act of 1996; U S WEST Communications, Inc.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996, Dkt. Nos. UT-003022, UT-003040, ¶ 22 (May 2002)); MilleniaNet Corp. v. Pennsylvania Pub. Util. Comm'n, No. 990 C.D. 2008, 2009 WL 9104922 (Pa. Commw. Ct. Apr. 30, 2009) (complaint dismissed because the "the PUC does not have jurisdiction over interstate telecommunications services."). CenturyLink further objects to this data request on the basis that it is overly broad and unduly burdensome. Without waiving its objections, CLC responds as follows.



See also CLC's response to Staff DR Nos. 41-42, which CLC incorporates by reference. CLC notes that the source code is not in its possession, custody or control.

Respondent(s): CenturyLink Legal

Morgan Pofahl, Principal Network Engineer

UTC STAFF DATA REQUEST NO. 48:

In Exh. MDV-3C at pages 6-7, paragraphs 16-18, Mr. McNealy describes **Begin Confidential

End Confidential**

Please admit that **Begin Confidential

End Confidential** If you

do not admit, please explain your denial and provide all documents, reports, or communications that support your denial.

RESPONSE:

CLC objects to this data request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. This data request seeks to investigate an outage on CLC's national transport network. The outage did not directly affect CLC's or its affiliates' remaining 911 network in Washington. Instead, it affected CLC's national transport network. More specifically, the outage affected interstate DS-3 circuits purchased by a vendor of Comtech on behalf of Comtech (for the provision of SS7 functionality), the responsible Washington 911 provider for the PSAPs that experienced a 911 outage. The interstate and non-regulated services provided on CLC's national transport network, and the facilities utilized to provide such services, are not regulated by the Commission, and the Commission lacks jurisdiction over them. In Re AT&T Commc'ns of the Pac. Nw., No. 04, 2003 WL 23341214 (Wash. U.T.C. Dec. 1, 2003) ("AT&T's proposed language would encompass facilities-access purchased out of federal tariffs over which the Commission lacks jurisdiction.") (citing 34th Supplemental Order; Order Regarding Owest's Demonstration of Compliance with Commission Orders, Investigation Into U S WEST Communications, Inc.'s Compliance With Section 271 of the Telecommunications Act of 1996; U S WEST Communications, Inc.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996, Dkt. Nos. UT-003022, UT-003040, ¶ 22 (May 2002)); MilleniaNet Corp. v. Pennsylvania Pub. Util. Comm'n, No. 990 C.D. 2008, 2009 WL 9104922 (Pa. Commw. Ct. Apr. 30, 2009) (complaint dismissed because the "the PUC does not have jurisdiction over interstate telecommunications services."). CenturyLink further objects to this data request on the basis that it is overly broad and unduly burdensome. Without waiving its objections, CLC responds as follows.

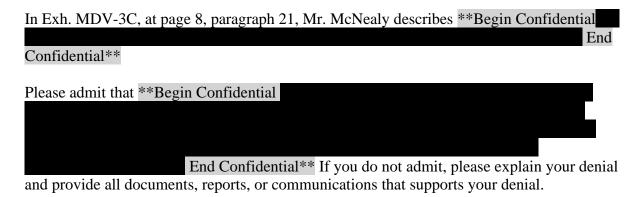
Denied. This question is tautological. As Mr. McNeally described in his affidavit (Exhibit MDV-3C):

REDACTED



McNeally Affidavit \P 17. Thus, it was the unique form of the packet malformation that created the ability for it to be propagated through the network.

UTC STAFF DATA REQUEST NO. 49:



RESPONSE:

CLC objects to this data request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. This data request seeks to investigate an outage on CLC's national transport network. The outage did not directly affect CLC's or its affiliates' remaining 911 network in Washington. Instead, it affected CLC's national transport network. More specifically, the outage affected interstate DS-3 circuits purchased by a vendor of Comtech on behalf of Comtech (for the provision of SS7 functionality), the responsible Washington 911 provider for the PSAPs that experienced a 911 outage. The interstate and non-regulated services provided on CLC's national transport network, and the facilities utilized to provide such services, are not regulated by the Commission, and the Commission lacks jurisdiction over them. In Re AT&T Commc'ns of the Pac. Nw., No. 04, 2003 WL 23341214 (Wash. U.T.C. Dec. 1, 2003) ("AT&T's proposed language would encompass facilities-access purchased out of federal tariffs over which the Commission lacks jurisdiction.") (citing 34th Supplemental Order; Order Regarding Qwest's Demonstration of Compliance with Commission Orders, Investigation Into U S WEST Communications, Inc.'s Compliance With Section 271 of the Telecommunications Act of 1996; U S WEST Communications, Inc.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996, Dkt. Nos. UT-003022, UT-003040, ¶ 22 (May 2002)); MilleniaNet Corp. v. Pennsylvania Pub. Util. Comm'n, No. 990 C.D. 2008, 2009 WL 9104922 (Pa. Commw. Ct. Apr. 30, 2009) (complaint dismissed because the "the PUC does not have jurisdiction over interstate telecommunications services."). CenturyLink further objects to this data request on the basis that it is overly broad and unduly burdensome. Without waiving its objections, CLC responds as follows.

Denied. This question is again tautological. As Mr. McNeally described in his affidavit (Exhibit MDV-3C):



REDACTED
Shaded Information is CONFIDENTIAL Per Protective Order in Docket UT-181051

Docket UT-181051 Exhibit B Page 10 of 12

Docket UT-181051 CenturyLink Responses to UTC Staff Data Request Nos. 37-55 CONFIDENTIAL May 2, 2022 Page 24

Docket UT-181051 Exhibit B Page 11 of 12

Docket UT-181051 CenturyLink Supplemental Responses to UTC Staff Data Request Nos. 37-55 CONFIDENTIAL May 27, 2022 Page 27

UTC STAFF DATA REQUEST NO. 52:

Please provide:

- a. All documents and communications in Mr. McNealy's possession, custody, or control related to docket UT-181051, including any documents and communications that support Mr. McNealy's statements in Exh. MDV-3C.
- b. A copy of Mr. McNealy's resume or curriculum vitae.

RESPONSE:

CLC objects to this data request on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. This data request seeks to investigate an outage on CLC's national transport network. The outage did not directly affect CLC's or its affiliates' remaining 911 network in Washington. Instead, it affected CLC's national transport network. More specifically, the outage affected interstate DS-3 circuits purchased by a vendor of Comtech on behalf of Comtech (for the provision of SS7 functionality), the responsible Washington 911 provider for the PSAPs that experienced a 911 outage. The interstate and non-regulated services provided on CLC's national transport network, and the facilities utilized to provide such services, are not regulated by the Commission, and the Commission lacks jurisdiction over them. In Re AT&T Commc'ns of the Pac. Nw., No. 04, 2003 WL 23341214 (Wash. U.T.C. Dec. 1, 2003) ("AT&T's proposed language would encompass facilities-access purchased out of federal tariffs over which the Commission lacks jurisdiction.") (citing 34th Supplemental Order; Order Regarding Owest's Demonstration of Compliance with Commission Orders, Investigation Into U S WEST Communications, Inc.'s Compliance With Section 271 of the Telecommunications Act of 1996; U S WEST Communications, Inc.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996, Dkt. Nos. UT-003022, UT-003040, ¶ 22 (May 2002)); MilleniaNet Corp. v. Pennsylvania Pub. Util. Comm'n, No. 990 C.D. 2008, 2009 WL 9104922 (Pa. Commw. Ct. Apr. 30, 2009) (complaint dismissed because the "the PUC does not have jurisdiction over interstate telecommunications services."). CenturyLink further objects to this data request on the basis that it is overly broad and unduly burdensome. Without waiving its objections, CLC responds as follows.

CLC has been attempting to coordinate with Infinera to address this data request, and will supplement this response.

Docket UT-181051 Exhibit B Page 12 of 12

Docket UT-181051 CenturyLink Supplemental Responses to UTC Staff Data Request Nos. 37-55 CONFIDENTIAL May 27, 2022 Page 28

SUPPLEMENTAL RESPONSE (05/27/22):

a. CLC is unaware if Mr. McNealy has any documents in his possession, custody, or control related to Docket UT-181051. Mr. McNealy can be reached via Infinera's outside counsel:

Heather Curlee Senior Counsel Wilson Sonsini Goodrich & Rosati, P.C. 701 Fifth Ave, Suite 5100 Seattle, WA 98104 (206) 883-2522

b. Mr. McNealy's resume is attached as Confidential Attachment Staff 52 (Bates Nos. CLC-007123-007125)