

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYLINK COMMUNICATIONS,
LLC d/b/a LUMEN TECHNOLOGIES
GROUP,

Respondent.

DOCKET UT-240078

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 March 13, 2024.

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 (CenturyLink) 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 March 13, 2024, the Commission, through Staff, filed a complaint against CenturyLink regarding the Company’s violations of the Commission’s rules governing company response times to customer calls and company obligations in cooperating with Staff investigations. Staff alleged that CenturyLink had committed multiple violations of WAC 480-120-133(2)(c)’s requirement that telecommunications companies maintain a monthly average live representative response time to customer calls placed to the company’s business or repair center of 60 seconds or less. Staff additionally alleged that CenturyLink committed violations of WAC 480-07-175 for failing to timely respond to Staff’s related requests for information addressed to CenturyLink Communications, LLC. On May 30, 2024, Staff filed direct testimony supporting the allegations in the complaint. On July 8, 2024, Staff became aware that the Affiliates own and operate the customer service centers that Staff alleges did not meet customer call response time standards laid out in Commission rule.

V. STATEMENT OF ISSUES

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

VI. ARGUMENT

6 The Commission’s procedural rule on pleadings supports amending the complaint as proposed. The rule 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). The Commission’s procedural rules also state:

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.

WAC 480-07-395(4).

7 The Commission should amend the complaint as filed to apply to CenturyLink and the Affiliates because doing so promotes fair and just results. Fair and just results require that all entities responsible for the regulatory violations complained of be named in the complaint. The Affiliates own and operate the customer service call centers at the center of some of the regulatory violations contained in the complaint and therefore amendment of the complaint is appropriate.

8 Moreover, amendment of the complaint, as well as the initial omission of the Affiliates from the named respondents, will not and has not affected the substantial rights of the parties. Staff's investigation report and the complaint as filed clearly demonstrate an intent to allege violations against CenturyLink related to the operation of the customer call centers. The first cause of action listed in the complaint alleges that CenturyLink failed to maintain the required monthly live representative response time to calls placed to its customer service centers under WAC 480-120-133(2)(c). Staff's investigation report also contains this allegation and additionally states that "CenturyLink utilizes an automated call answering system for calls to its business office and repair center" and is therefore subject to the requirements of WAC 480-120-133.

9 Staff initiated its investigation into these violations by sending a data request to the government affairs office of CenturyLink Communications, LLC, requesting information related to the operation of its automated customer call answering system at the Company's business office and repair centers. Staff's investigation report and testimony filed in this docket establish that, over the course of multiple years, Staff communicated with

CenturyLink about its automated customer call answering system and CenturyLink provided Staff with information and data concerning its compliance with WAC 480-120-133. At no point during Staff's investigation did the Company object to Staff directing its data requests and allegations towards CenturyLink, nor did it identify the Affiliates as the entities responsible for operating the customer call centers at issue. To the contrary, CenturyLink provided information related to the operation of those call centers in response to Staff's requests. Based on the allegations in the complaint and the investigation report's findings, it is apparent that the Commission intended for the references to CenturyLink to include any affiliate entity operating the Company's call centers and that CenturyLink understood that intent and acted accordingly.

10 Because the Commission clearly communicated its intent to pursue penalties related to the operation of CenturyLink's customer call centers and the Affiliates are the entities that own and operate those centers, the amendment of the complaint to include the Affiliates would promote fair and just results and is therefore proper under the Commission's 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 11th day of July 2024.

Respectfully submitted,

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s/ Liam Weiland

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