

**Exh. SP-22
Docket UT-171082
Witness: Susie Paul**

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

**QWEST CORPORATION D/B/A
CENTURYLINK QC,**

Respondent.

DOCKET UT-171082

**EXHIBIT TO
TESTIMONY OF**

Susie Paul

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Letter from Pat Hazzard to Phil Grate, dated June 9, 2017

April 6, 2018



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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June 9, 2017

Phil Grate
State Regulatory Affairs Director
1600 7th Avenue, Room 1506
Seattle, WA 98191

Re: Review of CenturyLink consumer complaint CAS-20417-Y7K6M8

Dear Mr. Grate:

This letter provides my response to your request for an escalated review of consumer complaint CAS-20417-Y7K6M8. You and I met on May 22, 2017, to discuss this issue and I appreciate you taking the time to explain CenturyLink's position regarding the requirements of Washington Administrative Code (WAC) 480-120-071(3) and 480-120-071(4) as they apply to extension of service.

My review of this case finds that on April 14, 2017, commission staff recorded a violation of WAC 480-120-071(3) and a violation of WAC 480-120-071(4) in consumer complaint CAS-20417-Y7K6M8. In this complaint, a CenturyLink retiree moved into a housing development and requested telephone service from your company. No phone line currently exists at the home; therefore, the customer was told by a CenturyLink representative that he would need to secure services from Comcast. Staff was also informed by the CenturyLink representative that their regulatory counsel stated the line extension rule (WAC 480-120-017) does not apply to developments.

The case was escalated to Bridgit Feeser, Consumer Protection Assistant Director, on April 14. Bridgit responded to you via letter on May 5 and stated that since the customer is asking for service to his home and not to a "development," the line extension rule requires CenturyLink to extend service to the customer. She further stated that the violations recorded for WAC 480-120-071(3) and WAC 480-120-071(4) stand.

In your letter to me dated May 22, 2017, and in our meeting on the same day, you explained that CenturyLink believes a better interpretation of WAC 480-120-071(3) and WAC 480-120-071(4) is that they do not apply to a lot in a development where the Incumbent Local Exchange Carrier (ILEC) has no facilities because the developer of the development declined to enter into a

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Provisioning Agreement for Housing Development with the ILEC and where there is another provider offering wireline voice service.

The commission's adoption order in its 2008 line extension rulemaking,¹ clearly addresses both the one thousand foot line extension allowance and a proposal to add a new subsection to WAC 480-120-071(3) to address general waivers under WAC 480-120-015. The commission found that "the one thousand foot allowance strikes a reasonable balance between the costs that should be borne by the company and those that should be borne by the customer." In addition, the commission rejected a proposed new subsection including language about requesting waivers, stating "The rule as drafted achieves a bright line standard for companies concerning the obligation to construct a line extension."

Your May 22, 2017, letter also explained that "ongoing access line and revenue loss is why it is important to shield CenturyLink from unnecessary line extension costs to lots in developments where other providers stand ready and willing to provide wireline service." Nowhere in the rule is there an exemption of your company's responsibility to provide service based on a development or the actions of a developer. Further, your assertions regarding revenue loss have no bearing on whether rule violations were appropriately recorded for failing to provide the customer an application for extension of service within seven days (WAC 480-120-071(3)) and for failing to allow an extension of service up to 1000 feet at no charge to the customer (WAC 480-120-071(4)).

To the extent that your May 22 letter seeks to persuade staff that market changes affecting CenturyLink render WAC 480-120-071 no longer reasonable, the proper forum for such a discussion is a petition for rule exemption filed under WAC 480-120-015. Absent that, if you seek to deny service to customers you are violating state law every time you do so.

Given my additional analysis, with Ms. Feeser's previous analysis, I find that staff have interpreted WAC 480-120-071(3) and WAC 480-120-071(4) as they were intended, and the violations in consumer complaint CAS-20417-Y7K6M8 stand.

Thank you again for bringing your concerns forward. Please be aware that future violations of these WACs may be subject to enforcement action, including financial penalties.

Sincerely,



Pat Hazzard

Director, Safety and Consumer Protection

¹ Order R-551, Docket UT-073014