

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

CENTURYLINK COMMUNICATIONS  
LCC d/b/a LUMEN TECHNOLOGIES  
GROUP; QWEST CORPORATION;  
CENTURYTEL OF WASHINGTON,  
INC.; CENTURYTEL OF INTER  
ISLAND, INC.; CENTURYTEL OF  
COWICHE, INC.; UNITED  
TELEPHONE COMPANY OF THE  
NORTHWEST,

Respondents.

DOCKET UT-210902

PUBLIC COUNSEL RESPONSE IN  
OPPOSITION TO RESPONDENTS'  
MOTION TO STRIKE

1. Pursuant to WAC 480-070357(4), the Public Counsel Unit of the Washington Attorney General's Office files this response in opposition to CenturyLink Communications LLC d/b/a Lumen Technologies Group; Quest Corporation; CenturyTel of Washington, Inc.; CenturyTel of Inter Island, Inc.; CenturyTel of Coweche, Inc.; and United Telephone Company of the Northwest (collectively "Respondents") Motion to Strike Public Counsel's Response in Support of Staff Motion for Partial Summary Determination.

**I. RELIEF REQUESTED**

2. Public Counsel requests the Commission deny Respondents' Motion to Strike.

## **II. STATEMENT OF FACTS**

3. Public Counsel set forth its Statement of Facts in its Response to Staff's Motion for Partial Summary Determination. Public Counsel does not repeat it here and incorporates it by reference.

## **III. STATEMENT OF ISSUES**

4. Whether the UTC should deny Respondents' Motion to Strike when Public Counsel raises issues in its Response to Staff's Motion for Partial Summary Determination that are present in the docket in order to preserve them.

## **IV. EVIDENCE RELIED UPON**

5. Public Counsel continues to rely upon Staff's Investigation Report, attached to Staff's Motion for Partial Summary Determination dated June 16, 2022, and Respondents' Answer and Affirmative Defenses dated April 26, 2022.

## **V. ARGUMENT**

6. The Respondents argue that violations related to the additional 243 disconnected customers and the unlawful reconnection and late fees imposed on thousands of customers fall outside the scope of this proceeding. However, both are present in Staff's Investigation Report. Because Staff's Motion for Partial Summary Determination seeks to limit the issues in this proceeding, Public Counsel raised both issues to preserve them.
7. With respect to the 243 disconnected customers, Public Counsel fundamentally disagrees with Staff's analysis regarding why they do not result in violations of Governor Inslee's Proclamation 20-23.2, et. seq. Public Counsel continues to believe that Staff's conclusion in its

Investigation Report that these violations be excluded because customers were separated from service before March 23, 2020, is incorrect.<sup>1</sup>

8. As noted in Public Counsel's Response to Staff's Motion for Summary Determination, excluding the 243 customers who were suspended prior to March 23, 2020, and disconnected in July 2020, during the disconnection moratorium, is wholly inconsistent with Proclamation 20-23.2 through 20-23.16. The Proclamation did not provide an exception for disconnections for which the disconnection process began prior to March 23, 2020. Rather, it clearly prohibits all disconnections, whether the process began before March 23, 2020 or after, during the disconnection moratorium.<sup>2</sup>
9. Moreover, Proclamation 20-23.2 required telecommunication companies to reconnect any customers who were disconnected prior to the disconnection moratorium.<sup>3</sup> As a result, Respondents were not only unlawful in disconnecting the 243 customers, but they had an obligation to reconnect those customers and resume service.
10. The issue of whether Respondents are liable for the 243 disconnections is a matter in controversy which should be reserved for hearing.
11. Respondents also argue that Public Counsel should have brought a complaint related to the unlawful disconnection and late fees imposed by Respondents on thousands of customers. These violations appear in Staff's Investigation Report, and it is perplexing why they are not addressed in the Complaint. To preserve the issue, Public Counsel raised them in the Response to

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<sup>1</sup> Public Counsel's Response to Staff's Motion for Partial Summary Determination (filed July 6, 2022); Staff Investigation Report at 8 (filed Apr. 6, 2022 in this docket).

<sup>2</sup> Proclamation 20-23.2 (Apr. 17, 2020) (emphasis added), <https://www.governor.wa.gov/office-governor/official-actions/proclamations> (Proclamation 20-23.2 was extended through September 30, 2021, in Proclamation 20-23.16).

<sup>3</sup> Proclamation 20-23.2.

Staff's Motion for Partial Summary Determination, which seeks to limit the issues in this proceeding to only the penalty associated with 923 disconnection violations. If the Commission believes the issues are within its jurisdiction, Public Counsel will bring a complaint with respect to the fee violations. However, if the Commission chooses not to exercise jurisdiction, the Commission should so state. Under that circumstance, Public Counsel may refer the fee violations to the Consumer Protection Division of the Washington Attorney General's Office. In any event, as it is, it is ambiguous whether the Commission intends to exercise jurisdiction over the fee violations.

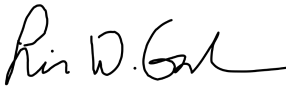
12. Public Counsel continues to advance the arguments presented in its Response to Staff's Motion for Partial Summary Determination and seeks the relief sought therein. To the extent necessary, the arguments and relief sought are incorporated here by reference.

## VI. CONCLUSION

13. The Commission should deny Respondents' Motion to Strike. The Commission should also grant Staff's Motion for Summary Determination and reserve for hearing additional issues of liability and penalties and/or clarify whether the Commission intends to exercise jurisdiction over those additional issue.

DATED this 25th day of July 2022.

ROBERT W. FERGUSON  
Attorney General

/s/ 

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