

Service Date: July 31, 2015

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF CenturyLink QC's) REGULATORY DIVISION
Service Quality and Its Response to Notice of)
Commission Action in Docket N2014.3.38,) DOCKET NO. D2014.11.91
Including Petition for Waiver of Admin. R.)
Mont. 38.5.3371(7)(b))

IN THE MATTER OF the Request of Staff of) DOCKET NO. N2014.4.38
the Montana Public Service Commission for)
CenturyLink Service Quality Information)

RESPONSE TO DATA REQUEST PSC-20 OF THE
MONTANA PUBLIC SERVICE COMMISSION
TO
MISSOURI RIVER RESIDENTS FOR IMPROVED TELECOMMUNICATIONS
SERVICE

PSC-020

Regarding: Public Safety
Witness: Jamruska-Misner

- a. Do the Missouri River Residents believe the condition of the CenturyLink network in their area jeopardizes public safety?

ANSWER: Yes.

- b. Are their specific instances where public safety was compromised? If so please describe those situations.

ANSWER: When the phones are not working in the Canyon area, residents are unable to call 911 for help. Our EMTs, fire departments and law enforcement are not reachable by phone.

Here is one example from June, 2013 from one of the residents, Louise Watson, of the type of disruption the current phone condition causes. Louise's husband, Howard, was in the hospital in Great Falls and she came home (47 Cooper Drive)

for the night (planning to return to the hospital the next morning). She discovered that their phone service was out and the hospital could not contact her. She was told by the technicians working on the phone box for their area that they had to have parts sent to them and they did not know when it would be fixed. Louise returned to the hospital to spend the night in case Howard needed her. This was not only upsetting but she was greatly concerned that Howard might have had another stroke and she could have been unaware the phones were not working. Louise reports that she never dreamed that a public service company would not keep its equipment up-to-date and would try to slide by with equipment in such poor condition.

Another example comes from Jane Wilson, 44 Big Pine Lane, Cooper Drive, who reported that in March 2014 “there was a sudden thaw that washed out our road. It also took out our phone line and everyone else’s on the road. So we had no road and no phone. We were stranded. We don’t get cell service. It was nearly a week before the line was spliced back together and left on the bank on the side of the road exposed for several more weeks.”

On December 3, 2015 another incident involved a grandmother who cares for her grandchild. The girl tried to call her grandmother, Lois Chinadle (406-468-2326, 3 Scenic Valley Lane, Cascade), to see if she should either get on the bus after school, or wait in Cascade. To the girl, the phone seemed to be ringing, but it did not ring at Lois' house. With no answer, the girl decided, on her own, to get on the bus. Unfortunately Lois unknowingly drove to Cascade to pick the girl up from school. There was a panic at the school until Lois figured out what happened and returned home. As a result of no phone service, the girl was home alone until her grandmother returned home.

Also on Dec. 4th, our fire department was called upon to make a "Wellness Check." A resident’s daughter who lives out of state tried to call him (James Korpi, 406-468-2778, 17 Meadowlark Square, Cascade) and was worried because the phone just rang and rang with no answer. The man was found at home and was fine. His phone simply hadn't rung, a condition that is all too common

Ginny and Ellis Misner (4810 Craig Frontage Road, Cascade, 406-468-9245) had a house and dog sitter (Lou Ann Casterline) on June 14, 2015. Lou Ann reported that the Misner’s phone was completely out when she tried to call her husband, who was hospitalized in Great Falls. She tried to call at approximately 5:00 pm. She further reported that she was “out of contact with him for about 4 hours on Sunday.” The phone was out from 5:00 to 9:30p.m. She also stated “that is a problem because if something happens, [she] would not be informed” or be able to be contacted if a decision for treatment was needed from her. She went on to say that this is “very frustrating and got [her] a little anxious with Thom in the hospital and no way for them to contact me if something happened.”

On June 26, 2015, Jill Parker(3854 Rebecca Lane, Cascade, 406-468-2200) reported the following: “Our problem is whenever it rains our phone goes out. In May we were without a phone for several days. We call in a repair but by the time the repair fellow is able to come, the line dries out and we have a phone. If our phone doesn't go completely dead we have so much static on the line, we can't hear or be heard. However my **biggest** concern is my folks. If my phones are out, my parents have no way of reaching me in case of a problem. My father is not well and my mother doesn't drive.”

Lois Chinadle (, 3 Scenic Valley Lane, Cascade, 406-468-2326) is very frustrated with her poor telephone service and call quality. She was trying to make a doctor's appointment on July 3, 2015 and she stated that she had to “call the doctor's office back over and over” Because the call would initially connect and then the conversation was repeatedly disconnected. Finally, she asked the Doctor's Office Staff to call her back and she was able to make the appointment. She further stated that she “is in extremely poor health” and she needs to be able to call her doctors.

Bonnie Andersen ((9 Meadow Ln, Dearborn, 406-468-2608) stated “I believe CenturyLink service in our area jeopardizes public safety. We live along the Missouri River and there have been people that have drowned, vehicle accidents and medical emergencies that necessitated the use of our landline. CenturyLink's service compromises the ability to [report] that.”

Greg Moore (2565 Old US Hwy 91, Cascade, 406-468-2784) stated that people that rely on alarm systems for their homes depend on phone service for notification of break – ins and fires. We are not able to dial 911 for medical issues, fires or accidents, especially in the canyon with no cell service.

In Sandee Cardinal's testimony at the PSC Hearing on May 21, 2015 she reported that she was feeling ill in Great Falls. She tried to call her husband to help her decide if she needed to go to the emergency room but the Cardinal's landline was dead. The Cardinals live at 2750 Seven Mile Road, Wolf Creek, MT 59648, and their phone number is 406-235-9055.

In Dayl Taylor's testimony at the PSC Hearing on May 21, 2015, she reported that her daughter has a seizure disorder and that if there were problems while the girl was at school, the school would be unable to reach her. Ms. Taylor lives at 17 Craig Main Street, Craig,, and her phone number is 406-235-4455.

These examples are a sampling of the information that has been compiled and supplied to the PSC and others on an on-going basis. The list could be much, much longer. The Residents are unaware of any deaths or injuries that are directly attributable to the unavailability of working phone service at a critical time, but, as these examples indicate, the risk of a serious public safety problem is a daily reality.

- c. Is it the Missouri Rivers Residents position that the Public Service Commission should no longer certify CenturyLink QC as an Eligible Telecommunications Carrier (ETC) until such time as CenturyLink has committed to a comprehensive plan to provide safe and reliable telecommunications service in the Cascade and Wolf Creek exchanges?

ANSWER: Yes. The Missouri River Residents believe the Commission has substantial discretion regarding certification, non-certification or conditional certification of CenturyLink as an ETC in its current review process. Our view is explained below.

The 2011 FCC Transformation Order, as quoted at pages 5 and 6 of the PSC staff May 11, 2015 Memorandum on the subject of Price Cap Carrier Frozen High Cost Support quoted at length from that order. ¶ 568 stated, in part, that

We establish a uniform national framework for information that ETCs must report to their respective states and this Commission, **while affirming that states will continue to play a critical role overseeing ETCs that they designate**...(emphasis added)

That “critical role” is spelled out in the PSC’s rules at Admin.R.Mont., §§ 38.5.3201 through 38.5.3218. Under § 38.5.3203 (1), the Applicant ETC (CenturyLink) has the burden of “demonstrating in fact and law that the requirements for designation as an eligible telecommunications carrier” have been met.” A minimum requirement for designation as an ETC as provided in §38.5.3209 (2)(d) is a showing that the applicant is “satisfying applicable consumer protection and service quality standards” Not even CenturyLink has argued that it is meeting the Commission’s standards. Instead, it relies on the weak (and arguable) position that its performance is getting better.

The Commission would be fully justified in refusing to certify CenturyLink. The “public interest” provision of Admin.R.Mont., § 38.5.3210 (1) reinforces this view (“Consideration of the public interest will apply in all eligible telecommunications carrier designation and maintenance of status proceedings.” The staff memo, referenced above, pointed out at page 5 that CenturyLink QC in 2013 and 2014 spent 7.28% of its Federal High Cost Fund receipts in Montana in areas of the State that are underserved with broadband.

The Missouri River Residents understand the “public interest” criterion to mean Montana’s public interest, not that of Colorado, Washington, Arizona or Minnesota, and not the interest of CenturyLinkQC.

If the Commission chooses to pursue a more moderate course, it might provide an explicit condition on the certification. For example, it might state that the MPSC

is certifying CenturyLinkQC to receive federal funds, contingent on CenturyLinkQC's written assurance, executed by a corporate officer with sufficient authority to bind the corporation, that seventy-five percent of the funds will be spent to provide broadband service in underserved areas of the State of Montana.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing were served on July 31, 2015, electronically and by US mail, addressed as follows:

Kate Whitney, Administrator (**hand delivered**)
Utility Division
Montana Public Service Commission
1701 Prospect Avenue, P.O. Box 202601
Helena, MT 59620-2601
kwhitney@mt.gov

Phil Grate, Director Montana
Regulatory and Legislative Affairs
1600 7th Avenue, 15th Floor
Seattle WA 98191
phil.grate@centurylink.com

Monica Tranel, Esq.
Montana Consumer Counsel
PO Box 201703
111 North Last Chance Gulch,
Suite 1B
Helena MT 59620-1703
mtranel@mt.gov

Robert A. Nelson
Montana Consumer Counsel
PO Box 201703
111 North Last Chance Gulch,
Suite 1B
Helena MT 59620-1703
rnelson@mt.gov

Jason Williams, Esq.
Sr. Vice President and G. Counsel
Blackfoot Telephone Cooperative
1221 North Russell Street
Missoula MT 58808
jwilliams@blackfoot.com

Peter Scott
Gough, Shanahan, Johnson & Waterman
33 So. Last Chance Gulch
Helena MT 59601
pgs@gsjw.com

Geoff Feiss, General Manager
Montana Telecomm Association
208 North Montana Avenue, Suite 105
Helena MT 59601
gfeiss@telecomassn.org

James Holbrook
IBEW Local 206
110 N. Warrant St, Ste. 2
Helena, MT 59601
James@ibew.org

Adrienne Kernaghan
2808 Old US Highway 91
Cascade, MT 59421
akernaghan@gmail.com

Dr. Robert Loubé
Rolka, Loubé and Saltzer Assoc.
10601 Cavalier DR
Silver Spring, MD 20901
bobloube@earthlink.net

William C. Ballard
Locationage
413 St. Lawrence Dr.
Silver Spring, MD 20901
Bill.ballard@locationage.com


