

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

IN THE MATTER OF CenturyLink QC's)	REGULATORY
Service Quality and Its Response to Notice of)	
Commission Action in Docket N2014.3.38,)	DIVISION
Including Petition for Waiver of)	
Admin. R. Mont. 38.5.337197)(b))	DOCKETS
IN THE MATTER OF the Request of Staff of)	D2014.11.91 and
the Montana Public Service Commission for)	
CenturyLink Service Quality Information)	N2014.4.38

REQUEST FOR HEARING

1. On November 12, 2014, the Montana Public Service Commission (“PSC” or “Commission”) issued its “Notice of Commission Action and Notice of Filing and Intervention Deadline” (NCA) in this proceeding, and established December 3, 2014, as the deadline for intervention in this proceeding. The purpose of the case was to examine the adequacy of CenturyLink QC’s (“CTL-QC”) service in Montana.
2. On December 3, 2014, Missouri River Residents for Improved Telecommunications Service (“Residents”) filed a Petition to Intervene in this proceeding. Residents reside in the Missouri River canyon area and experience substantial problems with the telecommunications service for which they pay CTL-QC.
3. On December 17, 2014, the Commission staff granted intervention to the Residents, the Montana Consumer Counsel and the Montana Telecommunications Association.
4. Pursuant to Sec. 38.2.2701, ARM, Residents move the Commission to order that a prehearing conference be held at the earliest available date. Residents further request that one purpose of that prehearing conference be to establish a hearing date for the purpose of receiving in evidence information already supplied by CTL-QC in this proceeding. That evidence, Residents submit, provides a sufficient basis to find CTL-QC in violation of the PSC’s service quality rules, and to determine an appropriate monetary penalty for CTL-QC’s provision of inadequate service.

DISCUSSION

5. Sec. 69-3-201, MCA, requires Montana public utilities, such as CTL-QC, to “furnish reasonably adequate service and facilities”.

6. One aspect of the specific “adequate service” requirement for telecommunications providers such as CTL-QC is spelled out in Sec. 38.5.3371, ARM. Among those requirements is subsection (7)(b) of that rule, which provides that

Ninety percent of out of service trouble reports shall be cleared within 24 hours, excluding Sunday (except where access to the customer’s premises is required but not available, or where interruptions are caused by unavoidable causalities and acts of God affecting large groups of customers).

7. Residents have experienced extensive and persistent problems with CTL-QC service. As explained in their Petition to Intervene, those problems include poor sound quality, failure of telephones to ring, and absence of dial tone for extended periods. These conditions are not new, and have been repeatedly reported to the PSC. No discernible remedial actions have been taken by CTL-QC.
8. CTL-QC met with the Commission on October 17, 2014. On information and belief, CTL-QC provided information to the Commission during a “closed” or non-public portion of that meeting that demonstrated the extent to which it is in violation of the “out of service trouble report” rule quoted above. On January 9, 2015, CTL-QC filed a Motion for Protective Order that asks the Commission to find that the information that was withheld from public disclosure at the October 17, 2014, meeting is trade secret in nature.
9. Residents contend that, with the information that CTL-QC has provided, this Commission has in its hands sufficient evidence to find CTL-QC in violation of the Commission’s rules.

PENALTIES

10. Sec. 69-3-209, MCA provides, in pertinent part, that a public utility that “does any act herein prohibited, or fails or refuses to perform and duty enjoined upon it...” is “subject to the penalty prescribed by 69-3-206”. The out of service trouble report rule is a “duty enjoined upon” CTL-QC.
11. Sec. 69-3-206, MCA, provides for fines for not less than \$100 or more than \$1,000, and states that

(2) Such fine shall be recovered in a civil action upon the complaint of the commission in any court of competent jurisdiction. Each day’s refusal or failure on the part of such officer, agent, or person in charge shall be deemed a separate offense and be subject to the penalty herein prescribed.

FURTHER DISCUSSION AND REQUEST FOR RELIEF

12. The November 12, 2014, Notice of Commission Action in this matter recited the following averages for CTL-QC's clearance of out of service trouble reports within 24 hours in the years 2012 and 2013: 57.4% and 57.6%, respectively. The same document cites corresponding figures for January and February of 2014 of 59.4% and 62.4%, respectively.
13. On August 12, 2014, the Commission had ordered CTL-QC to submit monthly reports on its out of service trouble report clearance performance and to file a detailed plan for improving its performance. To Residents' knowledge no plan has been filed, and it appears that CTL-QC has no plan other than to continue providing inadequate service¹.
14. Residents submit that this Commission has the information and the full authority it needs to direct CTL-QC to fulfill its obligations to its customers. Rather than allowing further delays, the Commission is respectfully encouraged to schedule a prehearing conference with the purpose of completing arrangements for a public hearing in this matter. At that hearing, the information already provided by CTL-QC could be received into an evidentiary record. The Commission could then proceed to calculate a fine for CTL-QC's continuing refusal to comply with the service quality rules, and its flagrant disregard of its obligations to its customers. Only this Commission can hold CTL-QC to its obligations and require that company to consistently provide adequate service. The alternative to action is to condone an unacceptable situation in which CTL-QC collects rates from customers for service it provides only intermittently.

Dated: January 21, 2015



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¹ One couple that belongs to the Residents recently received notice that their monthly bill for service from CTL-QC would be increasing by over \$75 per year. When CTL-QC has advanced no plan to improve its service, and has indicated no intention of doing so, a rate increase of this magnitude seems ill-advised.

CERTIFICATE OF SERVICE

The foregoing Petition to Intervene was today served by conventional mail and email on:

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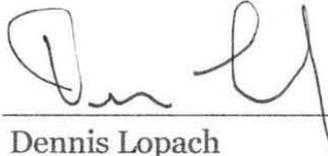
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DATED this 21st day of January, 2015

A handwritten signature in black ink, appearing to read "Dennis Lopach", written over a horizontal line.

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