

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate practices related to network reliability and requirements governing notification for service interruptions.

Application No. C-4272/PI-169

COMMENTS OF UNITED TELEPHONE COMPANY OF THE WEST d/b/a CENTURYLINK AND QWEST CORPORATION

The Nebraska Public Service Commission (“Commission”) opened the above-referenced proceeding on May 12, 2010 to investigate network reliability and standards for the reporting of service outages. The Commission noted two purposes for this proceeding. First, the Commission is seeking assurances that sufficient network diversity and reliability exist to minimize service interruptions. Second, the Commission seeks comments on the adequacy of current outage reporting.¹

The Commission held a technical workshop with industry participants on July 13, 2010. The Commission now requests additional comments on a number of specific issues related to network reliability and service outage reporting. Qwest Corporation and United Telephone Company of the West d/b/a CenturyLink (collectively “CenturyLink”)² respectfully file these comments on this important issue.

¹ See *In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate practices related to network reliability and requirements governing notification for service interruptions*, Application No. C-4272/PI-169, Order Seeking Further Comment, p. 1.

² The merger between CenturyLink Inc. and Qwest Communications International, Inc., the parent companies of United Telephone Company of the West d/b/a CenturyLink and Qwest Corporation, closed on April 1, 2011.

CenturyLink strives to provide the highest quality service to its customers at all times and understands the necessity of a reliable communications network. Not only do CenturyLink's customers depend on the network to stay in contact with others on a daily basis, but schools need a reliable network for distance learning, medical facilities require dependable communications to interact with other facilities and medical providers for the provision of quality care, first responders are dependent on the network to receive emergency calls, and businesses rely on the communications network for day to day transactions. Service interruptions are a significant hardship for everyone in the community and CenturyLink does not take any service outage lightly. CenturyLink has worked hard over the years to build reliable networks and minimize service interruptions. At the same time, CenturyLink balances the need for reliability with other business and service needs. While it may be theoretically possible to build a communications network with all the redundancies needed to ensure each and every customer never experiences an interruption in service, it would be cost prohibitive to do so.

CenturyLink has a dedicated workforce that is devoted to providing high quality telecommunications service. These employees work tirelessly to minimize disruptions within the networks and, on the occasions that there are service interruptions, work to reestablish service as quickly as possible. After a service outage, these employees

review the causes of the service interruption and look for ways to prevent or minimize future outages.

In addition, CenturyLink's operating subsidiaries have processes in place to notify certain parties of a service outage and generally these processes work well. CenturyLink's incumbent local exchange carrier ("ILEC") United Telephone Company of the West did experience a major service outage in 2010, and the reporting process was not strictly adhered to during that outage, but this does not indicate that there is an inherent flaw in the current process or that the company sought to avoid any reporting. Rather, due to the severity of the outage, and in order to isolate the problem and quickly restore service, CenturyLink's primary focus was diagnosing and repairing the problem. CenturyLink recognizes the importance of keeping the Commission, local media, Public Service Answering Points ("PSAPs"), first responders, and the community informed of major service interruptions. Since that service outage CenturyLink has strengthened the process for notifications to enhance future reporting and to keep the Commission, and the public, informed while the critical work to reestablish service progresses.

In this proceeding, the Commission requests information on any infrastructure improvement projects planned and how those projects will enhance network reliability and redundancy. CenturyLink responds that it is constantly investing in its networks and many of those projects serve to enhance the reliability of the networks. As noted,

CenturyLink recognizes the need for reliable networks, has built such networks, and will continue to ensure its networks are reliable in the future.

The Commission also requests information on a number of issues surrounding the notification and reporting of service outages. CenturyLink notes that the Commission's requirements on service outage reporting are outlined in a memorandum issued to carriers in 1995. To CenturyLink's knowledge, no other documentation of these reporting requirements exist. CenturyLink therefore encourages the Commission to incorporate into the Commission's rules any requirements for service outage reporting, and any changes to the 1995 memorandum requirements that may occur as a result of this proceeding. Incorporating these requirements into the Commission's rules will reduce uncertainty.

The Commission requests a definition of "service outage." CenturyLink proposes using the well-established and understood standard articulated by the Federal Communications Commission ("FCC"). The FCC defines an outage as:

[A] significant degradation in the ability of an end user to establish and maintain a channel of communications as a result of failure or degradation in the performance of a communications provider's network.³

Further, the FCC states that:

All wireline communications providers shall submit electronically a Notification to the Commission within 120 minutes of discovering that they have experienced on any facilities that they own, operate, lease, or otherwise utilize, an outage of at least 30 minutes duration that:

³ 47 C.F.R. § 4.5(a)

- (1) Potentially affects at least 900,000 user minutes of either telephony or paging;
- (2) Affects at least 1,350 DS3 minutes;
- (3) Potentially affects any special offices and facilities (in accordance with paragraphs (a) through (d) of Section 4.5); or
- (4) Potentially affects a 911 special facility (as defined in paragraph (e) of Section 4.5), in which case they also shall notify, as soon as possible by telephone or other electronic means, any official who has been designated by the management of the affected 911 facility as the provider's contact person for communications outages at that facility, and the provider shall convey to that person all available information that may be useful to the management of the affected facility in mitigating the effects of the outage on efforts to communicate with that facility...Not later than 72 hours after discovering the outage, the provider shall submit electronically an Initial Communications Outage Report to the Commission. Not later than thirty days after discovering the outage, the provider shall submit electronically a Final Communications Outage Report to the Commission. The Notification and the Initial and Final reports shall comply with all of the requirements of Section 4.11.⁴

If the Commission adopts a definition different from the FCC definition, CenturyLink believes that operational difficulties and confusion will be the likely result. Having different definitions for "service outage" creates an unnecessary burden for carriers as they work to determine what constitutes a service outage for state and federal reporting purposes. On the other hand, a definition consistent with the FCC standard will (a) allow for easier implementation, and (b) will produce more meaningful results that can be compared to nationwide standard data. Moreover, while the FCC's definition addresses disruptions to end user service, CenturyLink believes that outages that

⁴ 47 C.F.R. § 4.9(f)

significantly impact the end user likely will impact other carriers as well; therefore it is not necessary to specifically include other carriers in the definition of service outage.

Furthermore, maintaining consistency with FCC reporting requirements is important because doing so will permit CenturyLink and other similarly situated telecommunications companies to avoid the unnecessary expenditure of both human and financial resources to comply with state commission reporting requirements that are unique and different from the FCC requirements. It is counter-productive and potentially harmful for carriers to have their employees in emergency situations juggle two different regulatory schemes and appropriately report events in the limited amount of time they have to respond. CenturyLink believes that the FCC reporting requirements are sufficient to ensure that significant outages will be reported to the Commission and in an efficient and streamlined manner.

Next, the Commission expresses concern over estimates of access lines impacted in past service outages. The Commission notes that, historically, the actual numbers of lines impacted by a service disruption are higher than the numbers reported. CenturyLink strives to make an accurate estimation of the access lines that may be affected by a disruption in service and communicate that information to the Commission. However, when estimating and reporting the number of access lines impacted by a service disruption, CenturyLink includes only its working end user lines. CenturyLink is aware that customers of other carriers, including wireless carriers, also

may be affected by a service disruption; however CenturyLink has no visibility into the number of customers or access lines of these carriers that may be impacted by a service outage. As ILECs do not have access to this information, they should not be required to estimate and include in their reports the number of access lines on other carriers' networks that may be impacted from a service outage. Instead, CenturyLink recommends that the Commission require that these other carriers file separate service outage reports that would include this information. The combined reports would provide the Commission with an accurate representation of the number of access lines that are impacted by a service outage.

The Commission also seeks comments on whether the reporting requirements should be modified to include additional information on outages affecting 911 services. Generally, CenturyLink is not opposed to providing additional information on service outages affecting critical 911 services. However, the Commission has not indicated the additional information it may be seeking, and CenturyLink cannot provide any substantive comments until the Commission clarifies the nature of the information it is considering.

The Commission requests information on the process carriers use to notify various other parties, such as PSAPs, first responders, the media, and other carriers of service disruptions. For outages that impact 911 facilities, CenturyLink has designated personnel whose responsibility it is to notify the PSAPs using the contact information

that the company keeps on file. For media notifications, CenturyLink will evaluate each service disruption on a case-by-case basis, including the number of access lines impacted and the estimated time to restore, and determine if media notifications are necessary. If it is determined that media notifications are needed, CenturyLink will provide information on the service outage to the appropriate media contacts. CenturyLink may also notify hospitals, city governments, and county governments as needed. Finally, CenturyLink notifies other carriers of major service outages and provides periodic updates as needed.

The Commission also seeks comments on what details of a service outage carriers should report to the Commission. In particular, the Commission asks whether these notifications should include the steps the carrier took to notify PSAPs, media outlets, and the public, or the corrective actions the carrier took to prevent future service disruptions. CenturyLink does not believe that this information would be useful to include in a standardized service outage report to the Commission, as the causes and impacts of every service disruption are unique. For example, in many cases service outages are small and do not merit this type of extensive and detailed reporting and would significantly, and unnecessarily, increase the number of outage reports that the Commission would receive and review. In addition, including this additional information would increase the burden on both the service providers, who must track and report this information, and on the Commission, which must review the additional

information. The additional resources, and additional costs, for this increased reporting burden would ultimately be borne by the ratepayer and would be an unnecessary burden on, and inefficient use of, the Commission's limited resources. However, should the Commission decide to modify the information that carriers provide as part of the service outage reports, CenturyLink recommends the Commission make the Nebraska reporting consistent with the FCC reporting.⁵

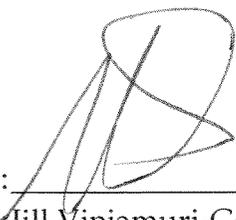
Finally, the Commission asks whether it should change its notice requirements to allow for initial and final notifications via electronic mail. CenturyLink supports the filing of qualifying outage reports through electronic mail because it would be more efficient and timely than through the current means of facsimile or hand delivery. CenturyLink recommends that if telecommunication providers are required to submit these reports, electronic transmission of the information via email will help reduce miscommunication, and ensure that the event is documented for future review (if needed). Moreover, companies like CenturyLink are moving more of their notification systems to automated, electronic processes, which are more efficient and reliable.

In summary, CenturyLink understands and shares the Commission's concerns about service interruptions. CenturyLink works hard to minimize the number of service outages and the negative impacts of those outages. CenturyLink believes that the notification and reporting processes currently in place work as intended and that no

⁵ See 47 C.F.R. Part 4 (http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title47/47cfr4_main_02.tpl).

changes are needed. CenturyLink also encourages the Commission to incorporate its requirements for service outage reporting into its rules. Should the Commission decide a definition of "service outage" is needed, it should adopt the FCC's definition. Moreover, should the Commission decide to make changes to the current service outage reports, CenturyLink recommends that it adopt the FCC's current outage reporting requirements. Last, CenturyLink believes that carriers should be allowed to electronically file initial and final reports of service outages with the Commission.

Dated this 22nd day of April, 2011.

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