

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE COMPLAINT)	FINDINGS OF FACT AND
FILED BY GEORGE W. AND CAROL A.)	CONCLUSIONS OF LAW
FEREBEE, HILL CITY, SOUTH DAKOTA,)	
AGAINST QWEST CORPORATION DBA)	CT14-001
CENTURYLINK QC REGARDING A)	
TELEPHONE SERVICE DISPUTE)	

On October 9, 2014, the Public Utilities Commission (Commission) received a complaint filed by George W. and Carol A. Ferebee, Hill City, South Dakota (Complainants), against Qwest Corporation dba CenturyLink QC (CenturyLink) regarding a telephone service dispute. The Complainants state that their telephone service malfunctions frequently and request that their telephone service be fixed.

On October 30, 2014, CenturyLink filed its answer to the complaint. On November 18, 2014, CenturyLink filed an amended answer. In its amended answer, CenturyLink requested additional time to allow it to implement modifications to its network to address the issues experienced by the Complainants. CenturyLink further suggested that any hearing be "delayed until the customers have the opportunity to determine whether or not these measures are adequate to address their concerns."

On April 8, 2016, the Commission set the hearing for this complaint for May 5, 2016, in Room 414 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota, for 9:00 a.m. The hearing was to be immediately followed by the hearing in Docket CT14-002. The issues at the hearing were whether the Complainants are receiving adequate and reliable telephone service from CenturyLink, and, if not, what relief is appropriate; and whether CenturyLink committed any unlawful or unreasonable acts, practices, or omissions, and, if so, what relief is appropriate.

The hearing was held as scheduled. At the beginning of the hearing for Docket CT14-001, CenturyLink requested that this docket be consolidated with Docket CT14-002 for purposes of the hearing. The Complainants stipulated to consolidating the proceedings. The Commission also granted CenturyLink's request to be allowed to file its Amended Second Amended Answer.

At the end of the hearing, the Commission voted unanimously to leave the docket open for a year and adopt the recommendations of CenturyLink that for a period of one year, CenturyLink will: (1) continue to have a technician assigned to this area to make sure that it has the ability to contact that technician directly; (2) notify the Commission of any outages as soon as it is practical to do so; and (3) provide a report in six months regarding any outages or service issues experienced by the Ferebees.

Based on the evidence of record, the Commission makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Complainants, George and Carol Ferebee of Hill City, South Dakota, receive landline telephone service from CenturyLink. The Complainants live approximately 14 miles from Hill City. CenturyLink Exh. 1, at 3.
2. Carol Ferebee kept track of their service problems, starting in September of 2009 until midsummer of 2015. Tr. at 25. She had pages of telephone service issues and stated that she gave up recording the service issues in 2015 because there were so many service problems. *Id.* George Ferebee stated that for the last six months their service has been “relatively pleasant” after years of service problems. *Id.* at 11. However, he did not think the underlying basic problem has been fixed because the system serving them is an old system that CenturyLink tries to patch. *Id.* at 16, 18.
3. The Complainants are served by a digital carrier system. *Id.* at 80. Complainants live in a forested area that increases in elevation from the central office located in Hill City. *Id.* at 81.
4. Kevin Ancell, CenturyLink’s manager of area operations, provided a summary of trouble reports for the Ferebee’s telephone service from 2013 to present. CenturyLink Exh. 1, at 5-8; Tr. at 82-87. The summary of CenturyLink’s records showed five trouble tickets in 2013, which included one cable repair, two issues related to electronics, and two tickets where no trouble was found. CenturyLink Exh. 1, at 5. For 2014, CenturyLink reported nine trouble tickets, which included two tickets related to a cable issue, one ticket related to a customer issue, three tickets related to lightning, and three tickets where no trouble was found. *Id.* at 6. For 2015, CenturyLink reported eight trouble tickets, which included two issues related to the digital carrier system, three tickets related to cable issues, and two tickets with no problems found. *Id.* at 7. For 2016, CenturyLink reported one trouble ticket related to a blown fuse in a power cabinet during a thunderstorm. *Id.* at 8. CenturyLink’s witness stated that a “no problem found” report could have involved an intermittent problem that resolved itself prior to the arrival of the technician. Tr. at 84.
5. CenturyLink brought in a subject matter expert from Wisconsin and he did an analysis of the systems that provide service to the Ferebees and the Wilsons.¹ The expert found problems with the grounding of the system that could result in not enough grounding to dissipate lightning or other electrical influences. Tr. at 90-91. CenturyLink’s expert believed there were metals and irons in the ground that would influence lightning strikes. *Id.* at 81. Based on the testing, CenturyLink conducted grounding remediation. CenturyLink Exh. 1, at 14-17; Tr. at 91-92. CenturyLink also did central office testing and made improvements as a result of that testing. Tr. at 91. The remediation efforts were done by the end of 2014. *Id.* at 92. Since 2013, CenturyLink spent over \$19,600 on grounding mitigation² and \$15,130 for technician expenses for trouble reports for the Ferebees. CenturyLink Exh. 1 at 17.
6. Kevin Ancell stated that the problems seen in 2015 were not related to lightning but to flash floods or electronics that had gone bad. Tr. at 109. The witness stated that in his opinion the underlying problem where the electrical influences have caused service

¹ Tr. at 89. The Wilsons’ complaint is Docket CT14-002.

² This grounding remediation expense is also included in Docket CT14-002.

interruptions has been fixed. *Id.* at 113.

7. Mr. Ancell stated that the spring and summer is when lightning strikes are more prevalent in this area. *Id.* at 93.
8. Mr. Ancell stated CenturyLink had researched the cost of replacing the equipment and putting in a 50 pair cable. *Id.* at 124-125, 127. The estimated cost was over \$918,000. *Id.* at 125.
9. Mr. Ancell stated that CenturyLink is committed, for a period of one year, to continuing to have a technician assigned to this area to make sure that the Complainants have the ability to contact that technician directly and notifying the Commission of any outages. *Id.* at 96. CenturyLink would also commit to providing a report in six months regarding any outages or service issues experienced by the Complainants. *Id.* at 97.
10. The Commission finds that the record indicated that although CenturyLink has attempted to improve the Complainants' telephone service, additional information is needed to evaluate the current level of service being received by the Complainants. The Commission finds that by keeping the record open for another year, the Commission will have additional information on which to base its decision for this Complaint. In addition, the Commission finds that keeping the record open will allow the Commission to receive information regarding the spring and summer seasons when lightning strikes are more prevalent. This information will allow the Commission to determine whether the grounding remediation performed by CenturyLink has improved the reliability of the Complainants' telephone service.
11. An additional year will also allow the Commission to have a more complete record as to outages and other service issues.
12. At the hearing, Mr. Ancell stated, in response to questions, that he would provide information on: 1) whether the 241 customers on the carrier system have more complaints than other systems; and (2) how many subscribers are currently served by the type of digital carrier systems serving the Complainants. *Id.* at 117, 129.
13. At the conclusion of the hearing, CenturyLink no longer recommended dismissal but instead recommended that the Complaint remain open for the next year. *Id.* at 156

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, and ARSD Chapters 20:10:01 and 20:10:33.
2. CenturyLink is required to "furnish and maintain adequate and reliable plant, equipment, and facilities to provide satisfactory transmission and reception of telecommunications services among users in its service area." ARSD 20:10:33:02. In addition, CenturyLink is required to "keep plant and equipment in a good state of repair consistent with safe and adequate service performance" and "[b]roken, damaged, or deteriorated parts which do not meet acceptable operating conditions shall be repaired

or replaced." ARSD 20:10:33:15.

3. The Commission finds that additional time and information is needed to assess whether CenturyLink is providing adequate and reliable service to the Complainants. Therefore the Commission finds that keeping the record open for an additional year, will allow the Commission to receive that additional information. During this time period, CenturyLink will continue to have a technician assigned to this area to make sure that the Complainants have the ability to contact that technician directly; notify the Commission of any outages; and provide a report in six months regarding any outages or service issues experienced by the Complainants.

It is therefore

ORDERED, that this docket will remain open for an additional year unless otherwise ordered by the Commission; and it is further

ORDERED, that CenturyLink shall (1) continue to have a technician assigned to this area to make sure that the Complainants have the ability to contact that technician directly; (2) notify the Commission of any outages as soon as it is practical to do so; and (3) provide a report in six months regarding any outages or service issues experienced by the Complainants; and it is further

ORDERED, that CenturyLink shall provide the additional information as set forth in Finding of Fact 12.

Dated at Pierre, South Dakota, this 8th day of June, 2016.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.
By: <u>Rolayne West</u>
Date: <u>6-8-16</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Fiegen
KRISTIE FIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner