

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

IN THE MATTER OF THE COMPLAINT)	FINDINGS OF FACT AND
FILED BY JON D. AND BARBARA J.)	CONCLUSIONS OF LAW
WILSON, HILL CITY, SOUTH DAKOTA,)	
AGAINST QWEST CORPORATION DBA)	CT14-002
CENTURYLINK QC REGARDING A)	
TELEPHONE SERVICE DISPUTE)	

On October 10, 2014, the Public Utilities Commission (Commission) received a complaint filed by Jon D. and Barbara J. Wilson, Hill City, South Dakota (Complainants), against Qwest Corporation dba CenturyLink QC (CenturyLink) regarding a telephone service dispute. The Complainants states that they have had multiple outages with their telephone service since 2002. The Complainants request that CenturyLink upgrade its infrastructure to provide the Complainants the same level of service as the rest of the market place.

On October 30, 2014, CenturyLink filed its answer to the complaint. On October 31, 2014, Barbara Wilson filed a response to the answer. On November 18, 2014, CenturyLink filed an amended answer to the complaint. CenturyLink requested that it be allowed to implement modifications to its network to address the issues experienced by the Complainants. CenturyLink requested that any hearing be delayed until the Complainants "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, immediately following the hearing in Docket CT14-001 that was scheduled to begin at 9:00 a.m. 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 CT01-001, CenturyLink requested that this docket and Docket CT01-001 be consolidated 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 Wilsons.

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

FINDINGS OF FACT

1. The Complainants, Jon and Barbara Wilson of Hill City, South Dakota, receive landline telephone service from CenturyLink. The Complainants live approximately 18 miles from Hill City. Tr. at 61. The Complainants purchased their property in 2000 and moved into their home in 2002. *Id.* at 60. Barbara Wilson has kept records documenting their service problems. *Id.* at 63. In 2009, based on her records, she stated that they were out of service for at least 45 days. *Id.*
2. The Complainants also cited to safety concerns that result from their telephone service issues. *Id.* at 48, 62. In addition, Ms. Wilson noted that when their telephone line does not work, their security service also does not work. *Id.* at 66-67.
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 Wilsons' telephone service from 2013 to present. CenturyLink Exh. 2, at 5-8. The summary of CenturyLink's records showed eight trouble tickets in 2013, which included two power outages, two issues related to electronics, three tickets where no trouble was found, and one long distance outage that was statewide. *Id.* at 5. For 2014, CenturyLink reported six trouble tickets, which included one ticket related to a cable cut, one ticket related to lightning, one ticket related to power, and three tickets where no trouble was found. *Id.* at 6. For 2015, CenturyLink reported five trouble tickets with two issues related to replacing digital channel cards, and three tickets with no problems found. *Id.* at 7. For 2016, CenturyLink reported no trouble tickets. *Id.* at 8.
5. CenturyLink brought in a subject matter expert from Wisconsin and he did an analysis of the systems that provide service to the Wilsons and Ferebees.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. 2 at 10; 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 over \$8,882 for technician expenses for trouble reports for the Complainants. CenturyLink Exh. 2 at 10.
6. Ms. Wilson stated that following these remediation efforts, they were without service for nine days in July of 2015, three days in August of 2015, one day in September of 2015, and one day in October of 2015. Tr. at 61-62. In addition, Ms. Wilson stated that their telephone service also went dead once in March of 2016 and twice in April of 2016. *Id.* at 63-64. These outages did not last long and so she did not contact CenturyLink. *Id.* at 63. Mr. Wilson does not think the underlying problem has been fixed because the equipment is antiquated. *Id.* at 55-56.
7. Mr. Ancell stated that the problems seen in 2015 were not related to lightning but to

¹ Tr. at 35. The Ferebees' complaint is Docket CT14-001.

² This grounding remediation expense is also included in Docket CT14-001.

flash floods or electronics that had gone bad. *Id.* at 109. The witness stated that in his opinion the underlying problem where the electrical influences have caused service interruptions has been fixed. *Id.* at 113.

8. Mr. Ancell stated that the spring and summer is when lightning strikes are more prevalent in this area. *Id.* at 93.
9. 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.
10. 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.
11. 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 on 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.
12. An additional year will also allow the Commission to have a more complete record as to outages and other service issues.
13. At the hearing, Mr. Ancell stated, in response to questions, that he would research and provide information on: 1) whether the 241 customers on the carrier system have more complaints than other systems; (2) how many subscribers are currently served by the type of digital carrier systems serving the Complainants; and (3) why CenturyLink's records did not indicate that the Complainants were out of service for nine days in July of 2015. *Id.* at 117, 129, 137.
14. 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 Ferebees. 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 13.

Dated at Pierre, South Dakota, this 5th 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