

BEFORE THE STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of a Petition for a Rulemaking
Regarding Minnesota Rules Chapter 7810.

PUC Docket No.
P-421/M-21-381

COMMENTS OF
COMMUNICATIONS WORKERS OF AMERICA

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I. INTRODUCTION AND SUMMARY

In response to the Notice of Comment Period issued by the Commission on June 11, 2021, the Communications Workers of America - District 7 (“CWA”) submits the following Comments concerning the Petition submitted by QWEST Corporation dba CenturyLink QC (“CenturyLink”), on June 07, 2021.¹

CWA represents over 900 technicians and customer service representatives working for telecommunications providers in Minnesota, including over 700 at CenturyLink, 86 at Frontier Communications, and about 150 at Consolidated Telephone Company, Garden Valley Telephone, and Paul Bunyan Rural Telephone Cooperative, providing telecommunications services to customers in the Twin Cities Metro Area, as well as in rural areas across the state.

In response to this proceeding and as part of its ongoing obligation to its members, CWA conducted an investigation of the conditions of CenturyLink’s plant and equipment. The investigation included reviewing FCC broadband data and a focus group panel with CenturyLink technicians regarding the external condition of the plant in Minnesota, and collection of CenturyLink plant photos that were readily observable from public streets and sidewalks.

CWA’s investigation has revealed that CenturyLink has failed to maintain its physical copper plant and has failed to deploy fiber to 46% percent of its coverage area in Minnesota. Elimination of interruption of service and answering time rules will negatively impact many CenturyLink customers, those who are vulnerable, low-income, elderly, and customers in rural communities that do not have alternative landline providers. Elimination of service quality rules does not magically fix understaffing and lack of investment in what might be less profitable

¹ See Notice of Comment Period, In the Matter of a Petition for a Rulemaking Regarding Minnesota Rules Chapter 7810, Docket No. P-421/M-21-381, 4-5 (issued June 11, 2021).

areas of the state. The Commission should deny CenturyLink's petition and reiterate an unambiguous regulatory signal that it must continue to maintain its copper network on which its customers in most areas of the state still depend for their essential communications services.

II. THE COMMISSION SHOULD DENY CENTURYLINK'S PETITION FOR RULEMAKING

Minnesota Public Utilities Commission ("Commission") should deny CenturyLink's petition for rulemaking to eliminate, amend or modify Minn. Rules 7810.5200 Answering Time and 7810.5800 Interruptions of Service.

a. Importance of Maintaining Interruption of Service Rules

Much of CenturyLink's infrastructure in Minnesota still relies on the same copper cables that were installed in the 1980s. As technology changed, CenturyLink and its predecessors failed to keep up with technological changes and invest in next-generation fiber networks. While CWA welcomes CenturyLink's decision to transition to next-generation fiber networks, the deployment is not being done rapidly or equitably among its residential customers. Competition alone will not ensure that all Minnesota residents and businesses have access to quality basic local exchange services. Many CenturyLink customers do not have reliable and affordable alternatives to CenturyLink's basic local exchange service and continue to rely on CenturyLink for voice service, including 911 emergency service. The Commission should deny CenturyLink the opportunity to abandon those customers that still have to rely on its copper cables without adequate or alternative wireline options.

1. Many Minnesotans rely on CenturyLink as their only choice for wireline service

The universe of customers who continue to rely on CenturyLink's landline services despite the purported availability of alternatives, of course, includes among them precisely the

customers who lack reasonably comparable substitutes, perhaps because they live in the most remote or marginalized neighborhoods of the wire center service area. They continue to subscribe to CenturyLink's basic local exchange service because they have no reasonable alternative and depend on CenturyLink for their connection to the public switched network.

2. CenturyLink has failed to deploy broadband across its footprint in Minnesota

CenturyLink has been reluctant to deploy fiber to areas that are lower income or where customers would not subscribe in sufficient numbers to justify the investment. Since the acquisition of Level 3 Communications in 2017, CenturyLink has prioritized investments in products for large enterprise customers, edge computing, and content delivery over investments in telecommunications and broadband services for residents and small businesses.² While CenturyLink's consumer segment continues to shrink with declines in landline telephone services and DSL subscriptions, the company has consistently grown its subscribers in the limited areas where it has upgraded its network and offers service over 100 Mbps.³

CWA's analysis of CenturyLink's Form 477 data for Minnesota from June 2020, reveals widespread service below the FCC's broadband definition of 25/3 Mbps and CenturyLink's disinterest in building fiber-optic cable that is the standard for broadband networks worldwide. CenturyLink chooses to limit its fiber deployments to more economically privileged customers, leaving lower income and rural customers without adequate access to essential broadband services. Across its Minnesota footprint, 21 percent of households (357,327) only have access to DSL, 25 percent of households (431,756) have VDSL as their fastest technology, and only 54% of households (914,037) have access to fiber-to-the-home (FTTH) internet service, as of June 30,

² Robuck, Mike. "CenturyLink rebrands as Lumen Technologies" *FierceTelecom* (Sep. 14, 2020), <https://www.fiercetelecom.com/telecom/centurylink-rebrands-re-defines-enterprise-sector-as-lumen-technology>.

³ Hardesty, Linda. "CenturyLink scored billions in CAF II funds, eyes the next giveaway: RDOF" *FierceTelecom* (Jan 27, 2020), <https://www.fiercetelecom.com/operators/centurylink-scored-billions-caf-ii-funds-eyes-next-giveaway-rbof>.

2020. These figures may overstate the extent of fiber deployment due to well-documented problems with Form 477 data.⁴ Further, CenturyLink discloses a much lower number of “fiber-enabled” households in its quarterly report to investors, raising questions about the apparent discrepancy with its Form 477 data.⁵

The analysis of CenturyLink’s FCC Form 477 data for Minnesota also reveals that the company is prioritizing network upgrades to wealthier areas, leaving lower income communities with outdated technologies. In CenturyLink’s service areas, the median income for households with fiber available is 29 percent higher than in areas with DSL only. The median income of households with access to fiber is \$75,774, while the median income of households with only access to DSL is \$56,538.

Technology	No. Census Blocks	No. of Households	Percentage by Technology	Median Household Income
DSL	25,941	357,327	20.98%	\$56,538
VDSL	37,569	431,756	25.35%	\$72,321
Fiber	24,574	914,037	53.67%	\$75,774

CenturyLink Service Area Households by Available Internet Technology

While the Minnesota Commission does not currently regulate broadband, the broadband service provided by CenturyLink rides on the same "last mile" facilities as its phone service,

⁴ The figures in this report are from June 2020 Form 477 data reported by Lumen to the FCC. However, it is probable that this data overestimates the buildout and speed of Lumen’s broadband build-out. This is a result of the FCC’s problematic Form 477 broadband deployment measurement method in which, if even one household in a census block has access to broadband service at a particular speed, the FCC considers the entire census block to have access to that speed. For example, FCC data showed 100 percent broadband access in Ferry County, WA. However, Microsoft estimates that same county’s coverage at two percent. See Steve Lohr, New York Times, “The Digital Divide is Wider Than We Think,” Dec. 4, 2018. <https://www.nytimes.com/2018/12/04/technology/digital-divide-us-fcc-microsoft.html> The FCC acknowledged the many problems with its Form 477 data and took early steps to improve its data maps, adopting the Digital Opportunity Data Collection and new processes for data collection. See Federal Communications Commission, Report and Order and Second Further Notice of Proposed Rulemaking, WC Docket No. 19-195, WC Docket No. 11-10 (Rel. Aug. 6, 2019). <https://ecfsapi.fcc.gov/file/080629599705/FCC-19-79A1.pdf> The idea behind the Order was correct -- the FCC’s maps are bad -- but the FCC’s plans in this Order are insufficient, incomplete, and confused.

⁵ See Lumen’s First Quarter 2021 Results, at 7 (May 5, 2021).

which is regulated. If CenturyLink is not required to keep up the copper service universally throughout its service areas, it will be inclined to divert its capital to more profitable urban areas with greater population density and higher incomes, leaving many customers with inadequate service and without adequate alternative choices.

3. CenturyLink has reduced its Minnesota workforce by 52 percent in the last four years.

CenturyLink argues that due to current regulation it has limited technician resources available to respond to broadband repairs and installations.⁶ CenturyLink's concern, even if accurate, is a self-made problem as it continues to eliminate technician positions.

The decline in CenturyLink's Minnesota infrastructure is closely correlated with the decline in the number of trained, career employees in the field. According to CWA's analysis, the number of CWA-bargained workforce at CenturyLink declined by 780 people (52 percent) in four years. Minnesota workforce numbers has decreased from 1506 in December 2016, to 1195 in September 2018, to 717 in January 2021. CWA members report that there is no longer a routine maintenance crew doing preventative work. CWA technicians also report of plans to sharply reduce technician workforces in Rochester and Minneapolis and to eliminate technicians in Sibley, Nicollet, and Le Sueur counties, requiring any maintenance work to be covered by technicians in Northfield.

4. Documentation of CenturyLink's Minnesota Plant




As part of our on-going obligation to our members and communities that they serve, CWA conducted an investigation of CenturyLink's facilities in the 2020 and again in 2021. The investigation focused on the condition of the outside plant which was readily observable from

⁶ See Qwest Corporation DBA Centurylink QC's Petition Requesting that the Commission Modernize Minnesota's Landline Telephone Rules, In the Matter of a Petition for a Rulemaking Regarding Minnesota Rules Chapter 7810, Docket No. P-421/M-21-381, 4-5 (filed June 7, 2021).



public streets and sidewalks. This report includes some photographic documentation of serious problems that cause service outages and connection problems for customers and expose workers and the public to dangerous safety conditions. Damaged cables are not replaced, resulting in repeated technician repair visits. Short-term technician Band-Aid repairs have turned into a permanent solution by CenturyLink.

The persistence of obvious network issues, like those documented here, indicates the need for increased investment in the network, adequate staffing, and continuation of the current interruption of service rules. The following photographs illustrate damaged terminals and pedestals with exposed wires or damaged terminals and pedestals covered with plastic bags that were only meant to be a temporary fix as they will deteriorate with exposure to the elements. Exposed wires can be damaged by weather or animals. Damaged wires often cause service outages and are a public safety concern due to their ease of accessibility from the ground.

Location: 1975 Long Lake Rd, New Brighton, MN 55112

March 2020	October 2020	April 2021
		

Location: 2332 14th St NW, New Brighton, MN 55112

August 2020	April 2021
	

Location: 1241 Theodore Wirth Parkway, Minneapolis

August 2020	April 2021
	

Location: 1200 Co Rd. 42 Burnsville

April 2021



Location: 1355 Long Lake Rd, New Brighton, MN 55112

October 2020

April 2021



Location: 1748 Long Lake Rd, New Brighton, MN 55112

March 2020



April 2021



Location: 966 McKnight Rd S, St Paul, MN 55119

March 2020



S Owasso Blvd & Rice St Roseville, MN 55113	April 2020
	

b. The Commission should preserve timely access to a human representative

While the Commission may eliminate the first sentence of Minn. Rules 7810.5200 related to response times by local manual offices, CWA urges the Commission to reject elimination of call center answering time requirements.⁷ Recent natural disasters and the COVID-19 pandemic have revealed how critical access to telecommunications services are to the nation's health, safety, economy, and education systems. CenturyLink customers need timely access to an experienced live human representative to respond to customer concerns when needed. Online forms and chats, while helpful, do not provide the same level customer service as a live human

⁷ See Minn. Rules 7810.5200 (“Adequate forces shall be provided at local manual offices in order to assure that 95 percent of the calls will be answered within ten seconds. Ninety percent of repair service calls, calls to the business office, and other calls shall be answered within 20 seconds. An ‘answer’ shall mean that the operator or representative is ready to render assistance and/or ready to accept information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an answer.”)

representative. Many customers, particularly senior citizens, are not comfortable using a company chat service to connect with customer service and the failure of other state agencies and organizations to respond to customer service calls in a timely manner is not an excuse for CenturyLink to follow suit. The New Mexico Public Regulations Commission in a 2019 rulemaking rejected CenturyLink's recommendation to eliminate the 35-seconds response time rule at the urging of CWA, New Mexico Attorney General, and the NMPRC Staff.⁸

III. AN ADVISORY TASK FORCE SHOULD BE PART OF ANY RULEMAKING

If the Commission chooses to initiate a rulemaking, it should employ its historic practice that includes forming an advisory task force comprised of stakeholders and chaired by a member of the Commission's staff. The intent would be to facilitate agreement among stakeholders on any changes to the Commission's rules. The downside is that this approach would likely require a substantial time commitment from stakeholders like CWA. However, CWA believes this approach would lead to a better outcome. Prior to beginning such a process, CWA recommends obtaining more information from CenturyLink, including answers to the questions listed below.

IV. THE COMMISSION SHOULD SEEK A DATA REQUEST IF IT CONSIDERS PROCEEDING WITH A RULEMAKING

CWA does not believe that the Commission should proceed with a rulemaking. However, the Commission, as part of its ongoing work to ensure compliance with existing rules, should inquire about the following:

- CenturyLink's completed (for the past five years) and planned capital expenditures for maintenance of its copper plant

⁸ See Order Adopting Quality of Service and Consumer Protection Rules for Large Incumbent Local Exchange Carriers, In The Matter of the Petition of Centurylink QC to Implement Senate Bill 53 and to Adopt Emergency Rules, Docket No. 17-00186-UT at 34 (issued Oct. 30, 2019).

- The amount of money CenturyLink has invested in broadband deployment in the past five years separated by census block
- CenturyLink's internal interruption of service and customer service answering time goals if the rules are modified or eliminated
- Copies of formal, informal, and internal customer complaints for the last five year (or at the very least aggregated summary statistics)
- CenturyLink's plans for resolving internal complaints, especially when these rules are eliminated
- A detailed description of CenturyLink's internal system for clearing trouble reports, including whether or not any trouble report get automatically closed and marked complete before completion of the work is verified by the customer, increasing the company's rate of compliance with the rules.

V. CONCLUSION

Competition alone will not ensure that all Minnesota residents and businesses have access to quality basic local exchange services. Many CenturyLink customers do not have access to alternative wireline providers and the continuation of the current interruption of service and response time rules will ensure that customers in areas that CenturyLink has deemed uneconomical for fiber investments will not be left behind. While the Minnesota Commission does not currently regulate broadband, the broadband service provided by CenturyLink rides on the same "last mile" facilities as its phone service, which is regulated. The Commission should deny CenturyLink's petition and reiterate an unambiguous regulatory signal that it must continue to maintain its copper network on which its customers in most areas of the state still depend for their essential communications services.

Respectfully submitted,



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