

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13I-1147T

IN THE MATTER OF INQUIRY INTO E9-1-1 NETWORK PERFORMANCE DURING
RECENT FLOOD AND FIRE RELATED DISASTERS IN THE STATE OF COLORADO.

DECISION DENYING EXCEPTIONS

Mailed Date: May 12, 2014
Adopted Date: April 30, 2014

I. BY THE COMMISSION

A. Statement

1. The Commission opened this proceeding to gather information regarding 9-1-1 network performance during recent natural disasters in Colorado and referred the matter to Commissioner Pamela Patton as Hearing Commissioner.¹ Following site visits and a workshop to engage 9-1-1 stakeholders, the Hearing Commissioner issued Decision No. R14-0303 on March 20, 2014, which included various recommendations on how to improve processes, the physical network, and communications among the Basic Emergency Service Provider (BESP), Public Safety Answering Points, and first responders (Recommended Decision). Qwest Corporation, doing business as CenturyLink QC (CenturyLink) filed exceptions and requests the Commission decline to adopt recommendations in paragraph no. 9 and ordering paragraph no. 2 of the Recommended Decision, which require CenturyLink to submit reports on the status of constructing and deploying diverse circuits in areas of Colorado. We deny the exceptions filed by CenturyLink.

¹ Decision No. C13-1355, mailed October 28, 2013.

B. Background, Discussion, and Findings

2. The Commission initiated this proceeding to investigate a 97-hour 9-1-1 failure in Estes Park, Colorado, caused by a severed fiber optic cable during the severe floods in 2013. The Hearing Commissioner took this opportunity to include a review of 9-1-1 networks in other areas of Colorado affected by natural disasters in 2012 and 2013 and make recommendations to promote uninterrupted and secure 9-1-1 functionality statewide.

3. Within these recommendations, paragraph no. 9 of the Recommended Decision instructs CenturyLink to provide updates to its geographically diverse connections in areas across the state, stating:

To assist the 9-1-1 Task Force, the PSAPs and CenturyLink, the Hearing Commissioner directs CenturyLink to file semi-annual updates to the information provided in this investigation, including:

(a) the status of CenturyLink's three-year build out plan for deployment of physically diverse facilities which shall indicate start dates, completion dates, and explanations of why any expected completion dates were not met; and

(b) updates to the information supplied in confidential attachments 1-1, 2-1, 3-1, 3-2, and 5-7. These filings shall be made in this proceeding on September 1st and March 1st of each year....²

4. CenturyLink filed exceptions to the Recommended Decision requesting the Commission remove the recommendation in paragraph 9 for ongoing reporting on geographic diversity build-out plans and updates. CenturyLink argues that this requirement is discriminatory and unproductive. Further, CenturyLink notes its role as both a BESP and provider of basic local service and believes the recommendation in paragraph no. 9 focuses on outages at the basic service level. It argues that, because service from other providers also

² Ordering paragraph no. 2 reiterates these requirements.

enable a customer to make 9-1-1 calls, “[r]equiring only one company to provide diversity builds and plans, therefore, only provides the Commission with a fraction of the information required to understand the larger picture, and unfairly singles out one provider as the source of diversity solutions and problems.”³

5. We deny CenturyLink’s exceptions. As a statewide BESP and the largest wireline provider of basic service in Colorado, CenturyLink’s infrastructure is critical to the secure provision of 9-1-1 service throughout the state. The catalyst for this proceeding was the loss of 9-1-1 service due to the severing of CenturyLink’s cable from its switch to the selective router and from the selective router to the public service answering point (PSAP), where CenturyLink did not have diverse circuits. As the BESP, CenturyLink is obligated to provide the network for these functions, and deployment of diverse circuits can prevent 9-1-1 outages.

6. Natural disasters can impair providers’ 9-1-1 capabilities, regardless of technology. Through this proceeding the Hearing Commissioner issued recommendations to address contingency plans and various stakeholder interests to strengthen 9-1-1 capabilities. In addition to other recommendations, updated filings required in paragraph no. 9 will provide the Commission and PSAPs with valuable insight into Colorado’s 9-1-1 infrastructure. The Recommended Decision requires CenturyLink only to submit reports of its progress toward diversification; the Recommended Decision does not require CenturyLink to deploy diverse circuits. This information will be valuable as the Commission and other stakeholders mitigate risk and avoid outages for basic emergency service whenever possible.

7. We acknowledge CenturyLink’s efforts to work with the Commission to ensure resilient 9-1-1 services in Colorado. The Commission may need to gather information of diverse

³ CenturyLink Exceptions, at 3.

circuits from other providers, and such requests can be addressed in a future proceeding. To the extent these reports and updates from CenturyLink are no longer useful or necessary, the Commission may discontinue the requirement.

II. ORDER

A. The Commission Orders That:

1. The exceptions filed by Qwest Corporation, doing business as CenturyLink QC, to Decision No. R14-0303 are denied consistent with the discussion above.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

3. This Decision is effective on its Mailed Date.

B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING April 30, 2014.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners