

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Qwest Corporation dba
CenturyLink QC Petition for Statewide
Exemption from Carrier of Last Resort
Obligations

)
) Docket No. 23-049-01
)
) Surrebuttal Testimony of
) Alyson Anderson
) On behalf of the
) Office of Consumer Services
)

January 24, 2024

1 **Q. WHAT IS YOUR NAME, OCCUPATION AND BUSINESS ADDRESS?**

2 A. My name is Alyson Anderson. I am a utility analyst for the Office of
3 Consumer Services (OCS). My business address is 160 East 300 South,
4 Salt Lake City, Utah.

5

6 **Q. DID YOU PREVIOUSLY FILE TESTIMONY ON BEHALF OF THE OCS
7 IN THIS MATTER?**

8 A. Yes, I filed direct testimony on behalf of the OCS.

9

10 **Q. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY?**

11 A. I am addressing the rebuttal testimony of Qwest Corporation dba
12 CenturyLink QC (CTL) witness Alan Lubeck in CTL's request for statewide
13 exemption from carrier of last resort (COLR) obligations in Utah.

14

15 **Q. IN REBUTTAL TESTIMONY, MR. LUBECK REFERENCED
16 INFORMATION FROM CONFIDENTIAL EXHIBIT 4, UTAH
17 HOUSEHOLD VOICE PERCENTAGE BY WIRE CENTER WITHOUT
18 DESIGNATING IT AS CONFIDENTIAL. IS THE DATA OUTLINED IN
19 EXHIBIT 4 ACTUALLY CONFIDENTIAL?**

20 A. I do not know. The entire exhibit was marked confidential. Consequently,
21 the OCS and other parties treated it as such in discovery and testimony.
22 However, in rebuttal, Mr. Lubeck freely used the exchange names as non-
23 confidential data, and I am now unsure what data is considered

24 confidential by CTL. CTL's lack of consistency has created some
25 confusion in this docket as it has also publicly referenced portions of the
26 Sue Ashdown Declaration (OCS Confidential Exhibit 1.2D) that OCS
27 designated as confidential.

28

29 **Q. MR. LUBECK ASSERTS THAT ALL THE SERVICES IDENTIFIED BY**
30 **CTL AS OFFERING COMPETITION QUALIFY AS FUNCTIONALLY**
31 **EQUIVALENT SERVICES.¹ DO YOU AGREE?**

32 A. OCS has not taken a position on whether each and every option identified
33 by CTL as a competitive offering is also functionally equivalent. However, I
34 am concerned that CTL is cherry picking the parts of the statute that they
35 address. CTL neglects to address the second part of 54-8b-3(5)(b) that
36 says, "and reasonably available at comparable prices, terms, quality, and
37 conditions." I believe this to be the consequential criteria, especially when
38 considering whether customers actually have access to competitive
39 options. In fact, CTL has not provided evidence to suggest that the
40 competitive offerings it cites are "reasonably available at comparable
41 prices, terms, quality, and conditions." Ms. Ashdown's Second
42 Declaration, attached as OCS Confidential Exhibit 1.1 SR, provides
43 evidence that not all so-called competitive options meet these criteria.

44

¹ 23-049-01, CTL Rebuttal Testimony of Alan Lubeck, November 16, 2023, Page 2, Lines 15-17.

45 **Q. IN WHAT REGARD ARE THE COMPETITIVE OPTIONS IDENTIFIED BY**
46 **CTL NOT AVAILABLE AT COMPARABLE PRICES, TERMS, QUALITY,**
47 **AND CONDITIONS?**

48 A. CTL has provided no information about whether the identified competitive
49 providers have comparable prices, terms, quality, and conditions.
50 However, Ms. Ashdown's Second Declaration demonstrates where such
51 comparability is not available. For example, not all providers offer Lifeline
52 services. Other evidence in this proceeding also shows that some
53 providers on that list certainly do not provide services with comparable
54 prices, terms, quality, and conditions. For example, URTA witness
55 Douglas Meredith provided evidence demonstrating that satellite service—
56 service CTL argues is functionally equivalent to landline service—is in no
57 way comparable to landline voice service in prices, terms, quality, and
58 conditions.² It is CTL's burden to prove that comparable prices, terms,
59 quality, and conditions are available if it wants to be awarded relief based
60 upon assertions that functionally equivalent competitive offerings are
61 available.

62

63 **Q. IN RESPONSE TO THE OCS DIRECT TESTIMONY REGARDING A**
64 **CUSTOMER UNABLE TO ACCESS COMPETITIVE SERVICES, MR.**

² 23-049-01, URTA Direct Meredith, October 19, 2023, ln. 312-322; 23-049-01; 23-049-01, CTL Rebuttal Testimony Lubeck, November 16, 2023, pg. 2 ln.15 to pg. 4 ln. 4; pg. 13, ln. 14-15; 23-04-01; OCS Pre-Hearing Brief, January 25, 2023, Page 4.

65 **LUBECK STATED “IT APPEARS THEN THAT ALTERNATIVE**
66 **PROVIDERS WERE AVAILABLE FOR THIS LOCATION, BUT THE**
67 **CUSTOMER DID NOT REVIEW ALL OPTIONS.”³ WHAT IS YOUR**
68 **RESPONSE?**

69 A. First, most customers are unaware of resources that list every potentially
70 available competitive provider. Also, not all competitive providers can or
71 are willing to serve each and every customer within an exchange. In the
72 Second Declaration of CTL customer Sue Ashdown, she explains the
73 barriers to “reviewing all [competitive] options,” that CTL suggests she did
74 not do. She is a Lifeline qualified customer, and it was her understanding
75 that not all competitors offer the lifeline subsidy, an understanding that I
76 can confirm is correct. Some competitive options required deposits to
77 assess whether they could or would serve her location. These companies
78 will eventually refund the deposit when it is determined they cannot serve
79 the location, nevertheless this is another barrier to exhausting all options.
80 As discussed earlier, not all competitive options are “comparable in prices,
81 terms, quality and conditions.” Finally, Ms. Ashdown did contact Xfinity,
82 Verizon, and AT&T as the most likely to be able to provide her service
83 from the competitive providers listed by Mr. Lubeck, and yet none were
84 able to provide her adequate service. It is unreasonable to suggest that
85 the burden is on a customer to find a comprehensive list of providers for

³ 23-049-01, CTL Rebuttal Testimony of Alan Lubeck, November 16, 2023, Page 7, Lines 14-15.

86 their location and also to contact each and every potential provider on that
87 list when the most likely providers are unable to serve the location. Further
88 complicating this unreasonable expectation is that some providers are well
89 known to offer service that is not comparable (in price, quality, and/or
90 other terms and conditions), as also shown in the record of this
91 proceeding.⁴

92

93 **Q. IN REBUTTAL, HOW DID CTL ADDRESS THE OCS'S CONCERN**
94 **REGARDING CUSTOMERS OR POCKETS OF CUSTOMERS WITHIN A**
95 **COMPETITIVE WIRE CENTER THAT DO NOT HAVE ACCESS TO**
96 **COMPETITIVE OPTIONS?**

97 A. Mr. Lubeck stated that modernizing telecommunications and providing
98 those customers with broadband equity through use of the Broadband
99 Equity Access and Deployment (BEAD) program funding is the answer.⁵
100 My concern is that CTL wants relief now from COLR obligations, though
101 the BEAD program is estimated to begin with grant applications in
102 Summer 2024 and the infrastructure and service will not be completed
103 until 2029.⁶

⁴ 23-049-01, URTA Direct Testimony Douglas Meredith, October 19, 2023, Page 13, Lines 312-322.

⁵ 23-049-01, Rebuttal Testimony of Alan Lubeck, November 16, 2023, Page 5, Lines 1-21.

⁶ Connecting Utah Digital Equity Roadmap,
https://www.connectingutah.com/files/ugd/ceee1c_f37a6ddf52324342af743356db80c894.pdf.

104

105 **Q. SHOULD THE PSC GRANT CTL'S PETITION FOR STATEWIDE**
106 **EXEMPTION FROM CARRIER OF LAST RESORT OBLIGATIONS?**

107 A. No, CTL has not addressed the OCS's concerns about customers with no
108 choice other than to indicate that it is not discontinuing service and
109 therefore its request for COLR relief has no impact on "captive
110 customers."⁷ However, I've shown in my testimony that CTL has not met
111 its burden of proof that competitive options exist for all captive customers.⁸
112 Additionally, CTL's answer to the OCS's concern about individuals or
113 pockets of customers within a competitive wire center that cannot access
114 the competitive options is the BEAD program. However, the BEAD
115 program will not fully benefit customers until 2029. Until there is some
116 protection for customers without competitive choice, the PSC should deny
117 CTL's petition.

118

119 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

120 A. Yes.

⁷ 23-049-01, CTL Rebuttal Testimony of Alan Lubeck, November 16, 2023, Page 8, Lines 9-10.

⁸ In addition to the evidence I provide in this testimony, the OCS provides additional legal support for this position in its Pre-Hearing Brief that will be filed January 25, 2024.