

**STATE OF VERMONT
PUBLIC SERVICE BOARD**

Case No. 20-0703-PET

<p>Vermont Legal Aid request for moratorium on utility and telecommunications shutoffs during State of Emergency</p>

**CENTURYLINK/LUMEN RESPONSE TO
MOTIONS TO REINSTATE MORATORIUM**

The CenturyLink operating companies in the State of Vermont (“CenturyLink”)¹ submit these comments to the Order of December 14, 2020 of the Public Utility Commission (“Commission”) regarding the issue of whether to reinstate the temporary moratorium on utility disconnections. Comments are due December 18, 2020.

CenturyLink appreciates the opportunity to submit comments on this important issue.² As addressed below, CenturyLink respectfully objects to reinstatement of a moratorium in Vermont. In the event the Commission reinstates a moratorium, CenturyLink in the alternative suggests that the Commission, as pertinent to telecommunications utilities, expressly limit any such reinstated moratorium to telecommunications utilities subject to rate-of-return regulation in Vermont.

First, there has not been a demonstrated need to reinstate a moratorium relative to all telecommunications companies. CenturyLink is certificated in Vermont to provide various competitive telecommunications services and currently provides such services to business

¹ CenturyLink Communications, LLC (with assumed names of Lumen, Lumen Technologies, and Lumen Technologies Group); Level 3 Communications, LLC; Broadwing Communications, LLC; TelCove Operations, LLC; WilTel Communications, LLC; Global Crossing Telecommunications, Inc.; Global Crossing Local Services, Inc.; and Level 3 Telecom Data Services, LLC (collectively “CenturyLink operating companies”).

² Vermont Legal Aid, Inc., the Vermont Department of Public Service, and others have filed motions to reinstate the moratorium and have offered myriad reasons in support. The lack of a response in CenturyLink’s Comments to a specific point or argument raised in these motions should not be construed as having import to CenturyLink or to its policy positions.

customers in the state. CenturyLink has worked diligently with its customers in Vermont and elsewhere during COVID to ensure that business needs are met relative to both CenturyLink's customers and the company. As noted in CenturyLink's December 15, 2020 filing to the Commission, CenturyLink at present has zero business customer accounts subject to extended payment terms due to alleged impacts of COVID-19.³

Unlike fixed utilities that file base rate cases and are provided with an opportunity to earn a rate of return, the context for opportunities available to a competitive telecommunications company are limited to the competitive marketplace. As a result, CenturyLink must compete to gain and retain customers. The concept of uncollectible accounts to be addressed in the context of a rate case simply does not exist for telecommunications companies that are not rate-of-return regulated. As a result, arrearages and unpaid debt create unnecessary impacts – both long and short term – for both customer and a competitive company. Simply stated, the telecommunications industry is fundamentally different from traditional fixed utilities. There has been no demonstrated need to reinstate a moratorium relative to telecommunications companies which are not subject to rate-of-return regulation.

In this regard, CenturyLink recognizes that the Department of Public Service suggested limiting the moratorium to “traditional landline telephone service.”⁴ While this suggestion is a step in the right direction, what is a so-called “traditional landline telephone service” remains debatable and confusing. The concept would appear to include business services, such as those

³ On December 15, 2020, CenturyLink separately filed responses to the Commission's October 8, 2020 Order requesting information concerning disconnections, payment plans, and the VCAAP program.

⁴ The Vermont Department of Public Service Staff stated: “The Department further recommends that the PUC particularly specify the sectors over which any moratorium order asserts jurisdiction: electric service, natural gas service, traditional landline telephone service. [Footnote omitted.]” Public Service Department Motion at page 2.

provisioned by CenturyLink in Vermont; therefore, the concept is too broad and remain unnecessary, for the reasons set forth herein. To the extent the Commission reinstates a moratorium, the moratorium's reach as to the telecommunications industry should be limited to **telecommunications utilities subject to rate-of-return regulation in Vermont**. In this manner, the Commission would be, as the Department states, undertaking "clear and decisive action." Department Motion at page 2.

During this unprecedented-in-recent-memory pandemic, CenturyLink and others in the telecommunications industry have amply demonstrated their willingness to work with customers and regulators alike, including through CenturyLink's participation in the Keep America Connected pledge at the federal level regarding broadband services. It is patently unfair to assume that all certificated utilities in Vermont should be treated alike and all should be included in any Commission-reinstated moratorium. Telecommunications utilities such as CenturyLink are not subject to rate-of-return regulation in Vermont, are different than fixed utilities, and should be exempt from any reinstated moratorium.

Finally, we as a country have certainly gleaned so much from when COVID hit the shores of the United States 9 months ago. While a moratorium on disconnections may have been wise in March 2020, a broadly applied moratorium at this juncture simply does not have the same demonstrated necessity or sagacity. As of this writing, COVID vaccinations are being undertaken across America.⁵ The country and the globe finally appear to be moving forward relative to this wretched virus. As Franklin D. Roosevelt on April 14, 1938 said: "For to reach a port we must Sail – Sail, not tie at anchor – Sail, not drift." Measured action forward concerning the

⁵ <https://www.sevendaysvt.com/OffMessage/archives/2020/12/14/first-doses-of-covid-19-vaccine-arrive-in-vermont>

telecommunications industry – rather than broadly imposed mandates – is more appropriate now, 9 months into this pandemic.

CenturyLink appreciates this opportunity to submit comments. For the reasons set forth herein, CenturyLink does not support reinstating a moratorium on telecommunications industry disconnections in Vermont. CenturyLink supports measured and intentional actions that move public policy efforts forward to fit the present-day context and the situation at hand. Accordingly, to the extent the Commission reinstates a moratorium, CenturyLink recommends that the Commission’s order as pertinent to the telecommunications industry should be limited to telecommunications utilities subject to rate-of-return regulation in Vermont.

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Respectfully submitted,

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