

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION**

**Qwest Corporation** )  
**PIDs & PAP** ) **Case No. PU-22-20**  
**Cancellation/Application** )

**REBUTTAL TESTIMONY  
OF  
TERESA MILLION  
ON BEHALF OF CENTURYLINK**

April 25, 2022

32 PU-22-20 Filed 06/24/2022 Pages: 14  
Exhibit 2 – Rebuttal testimony of Teresa Million  
Qwest Corporation



23 PU-22-20 Filed 04/25/2022 Pages: 14  
Prefiled Rebuttal Testimony of Teresa Million  
Qwest Corporation  
Paul Sanderson, Attorney

1 Q. Please provide a brief overview of your position with the Company and your  
2 experience with the issues in this proceeding?

3 A. My name is Teresa Million. I am the Director, Government Operations acting on behalf  
4 of Lumen (also known as CenturyLink). I have more than 38 years of experience in the  
5 telecommunications industry with an emphasis in tax and regulatory compliance. I began  
6 my career with Qwest (formerly Northwestern Bell Telephone Company and then U S  
7 WEST, Inc.) in 1983. Between 1983 and 1986, I administered Shared Network Facilities  
8 Agreements between Northwestern Bell and AT&T that emanated from the divestiture of  
9 the Bell System in 1984. I held a variety of positions within the U S WEST, Inc. tax  
10 department over the next ten years, including tax accounting, audit, and state and federal  
11 tax research and planning. In 1997, I assumed a position that had responsibility for affiliate  
12 transactions compliance, specifically compliance with Section 272 of the  
13 Telecommunications Act of 1996 (the “Act”). 47 U.S.C. § 272. In September 1999, I  
14 began an assignment as a cost witness. In that position, I was responsible for managing  
15 cost issues, developing cost methods and representing U S WEST, Inc. (which merged with  
16 Qwest Corporation in 2000) in cost docket proceedings before regulatory commissions in  
17 12 of Qwest’s 14 state region. In November 2008, I accepted a position as Director, Tariffs  
18 & Product Support in the Qwest Legal Department. In that position I was responsible for  
19 the direction of the team made up of Regulatory Support Managers and Tariff Managers  
20 who write and file or post Qwest’s tariffs, catalogs, price lists and rates and services  
21 schedules throughout the United States and its territories. I was also responsible for  
22 providing direction, guidance, and support as a subject matter expert in state and federal  
23 regulatory requirements to Qwest’s marketing, product, process, IT, pricing & offer

1 management and contracting organizations. When Qwest merged with CenturyLink in  
2 April 2011, I joined the Regulatory Operations group in Public Policy as a Regulatory  
3 Operations Director, and later became a Retail Policy Director, again with responsibility  
4 for providing guidance and support as a subject matter expert in regulatory matters to a  
5 variety of business units. In March 2020, I became the Director Government Operations  
6 where I have responsibility for Lumen’s compliance with the FCC’s E-Rate and Rural  
7 Health Care programs, as well as CenturyLink’s Service Quality obligations.

8 **Q. What is the purpose of your testimony?**

9 A. The purpose of my testimony is to explain why Mr. Schock’s analysis and resulting  
10 conclusion that elimination of Qwest Corporation dba CenturyLink QC’s  
11 (“CenturyLink”) Performance Indicator Definitions (PIDs) and Performance Assurance  
12 Plan (PAP) is not in the public interest is incorrect.

13 **Q. Why is CenturyLink advocating the elimination of PIDs and PAPs in North**  
14 **Dakota?**

15 A. CenturyLink’s petition<sup>1</sup> sets forth the reasons it believes eliminating PIDs and PAPs is  
16 appropriate, but fundamentally:

- 17 • The products that must be provided as unbundled network elements (UNEs) have  
18 been dramatically reduced by the FCC to the point that as of February 2023 the  
19 only products that will be covered are local interconnection service trunks and  
20 those are not UNEs nor is there a comparable retail product.
- 21 • The number of products purchased under interconnection plans covered by the  
22 PIDs and PAP has dwindled to the point that in 2021 Competitive Local  
23 Exchange Carriers (CLECs) purchased ten LIS trunks and only one UNE product  
24 that as of that time was covered by the PIDs and the PAP.

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<sup>1</sup> *In the Matter of CenturyLink QC’s Petition for Elimination of the Qwest Performance Assurance Plan and the Performance Indicator Definitions*, Case No. PU-22-20 CenturyLink QC’s Petition for Elimination of the Qwest Performance Assurance Plan and Performance Indicator Definitions (January 6, 2022)(“Petition for Elimination”).

- 1           •     The costs associated with modifying the PIDs and PAP to cover remaining  
2           products would be very significant, in the millions of dollars, particularly in light  
3           of the very small number of products ordered by such customers in North Dakota.
- 4           •     CLECs, the companies who are actually affected by the PIDs and the PAP, have  
5           not intervened or objected to this petition and seem to agree are no longer relevant  
6           or necessary.
- 7           •     Other states that have looked at identical petitions have agreed to eliminate the  
8           PIDs and the PAP.

9     **Q.    Mr. Shock argues that maintaining the PIDs and PAP will ensure CLECs continue**  
10    **to receive quality service. Do you agree?**

11    A.    I do not for several reasons. The number of products offered as UNEs has declined such  
12    that only one UNE was purchased by a single CLEC in 2021, as a result the PAP no  
13    longer covers enough transactions to provide statistically meaningful information  
14    regarding the parity CenturyLink provides to the CLECs. In large part, CLECs now  
15    purchase commercial wholesale and retail products from CenturyLink that contain their  
16    own terms and conditions related to the level of service provided. To the extent concerns  
17    exist regarding the quality of services CenturyLink provides, a variety of remedies exist  
18    and to the extent those services are purchased through an interconnection agreement,  
19    such concerns can be raised through well-established dispute resolution procedures,  
20    including, if necessary, a complaint to this Commission. Finally, contrary to Mr.  
21    Schock's claim in his testimony, the purpose of the PIDs and PAP has always been to  
22    ensure CenturyLink provides nondiscriminatory service between its retail and wholesale  
23    business. It was never designed to provide a specific measurement of the level of any  
24    service quality benchmark achieved, rather it is a measure of the level of parity CLECs  
25    receive against the service quality benchmarks.

26    **Q.    Please describe the purpose of the PIDs/PAP arrangement.**

1 A. The PIDs and PAP are the result of a specific plan that CenturyLink entered into  
2 voluntarily with the CLECs in 2000 as part of its effort to receive approval from the  
3 states and the FCC to operate under Section 271 of the Telecommunications Act of 1996  
4 (“the Telecom Act” or “the Act”), and be allowed to re-enter the long distance business  
5 that the Regional Bell Operating Companies (RBOCs) had been precluded from since  
6 their divestiture from AT&T in 1984. The PIDs/PAP plan negotiated with the CLECs  
7 was not for the purpose of providing specific levels of service to the CLECs, rather it was  
8 intended to assure that CenturyLink would treat CLECs in a non-discriminatory manner  
9 vis a vis CenturyLink’s retail customers.

10 In other words, the PIDs/PAP arrangement is a parity measure designed to ensure that  
11 whatever level of service quality CenturyLink provides to its retail customers, the CLECs  
12 would receive service that was no different than the service CenturyLink provides to its  
13 own customers.

14 **Q. Why was an arrangement such as the PIDs and PAP necessary?**

15 A. Under the Telecom Act, the RBOCs were required to provide CLECs with access to their  
16 Operations Support Systems (OSS) for purposes of ordering and provisioning of  
17 Unbundled Network Elements (UNEs) so that CLECs could use the UNEs to provision  
18 services for their own end user customers. At the time, in the late 1990s, it was a very  
19 complicated process to establish the connections between hundreds of CenturyLink’s  
20 proprietary OSS and the systems the CLECs were developing to enable them to compete  
21 with CenturyLink. The CLECs believed, and CenturyLink agreed, that the PIDs/PAP  
22 arrangement would provide a measure of the success in establishing OSS connections

1 that would allow the CLECs to provide service on a par with the way CenturyLink's own  
2 customer care agents provided service to CenturyLink's retail customers.

3 **Q. Did the PIDs/PAP apply to all CLECs that purchased UNEs from CenturyLink?**

4 A. No. The PIDs/PAP was an arrangement available to CLECs who chose to participate in  
5 it and elected to include Exhibit K, which spells out the terms of the PAP, in their  
6 Interconnection Agreements (ICAs). However, not all CLECs believed it was necessary  
7 to have a PIDs/PAP arrangement with CenturyLink. Of the 100 CLECs who currently  
8 have ICAs with CenturyLink in North Dakota, 88 have opted into the PIDs/PAP  
9 arrangement and 12 have chosen not to participate in the PIDs/PAP. And none of the 88  
10 CLECs who have chosen to participate have received a payment under the PAP in the  
11 past two years or looked at their results since 2018.

12 As explained in paragraph 10 of CenturyLink's Petition for Elimination, all CLECs  
13 operating in North Dakota were notified pursuant to the Change Management Process  
14 (CMP) of CenturyLink's plan and were given 30 days to raise any concerns they had  
15 about the elimination of the PIDs and PAP. In addition, CenturyLink reached out  
16 specifically to the CLECs with the highest volume of orders under the plan during the  
17 past several years and offered to meet with them to address any concerns they might  
18 have. Only one CLEC expressed any interest in meeting with CenturyLink about the  
19 elimination, and after providing them with their own detailed data, they confirmed that  
20 they would have no concerns, nor did any other CLEC object to CenturyLink's plan to  
21 eliminate the PIDs/PAP.

22 **Q. Is the PIDs/PAP necessary in today's competitive marketplace?**

1 A. No. The PIDs/PAP no longer serves the purpose for which it was originally designed.  
2 CenturyLink and the CLECs long ago established the connections between their OSS to  
3 ensure that CLECs achieved parity with CenturyLink in their ability to serve their retail  
4 customers. Because parity has been firmly established and CLEC orders for UNEs are  
5 practically non-existent, there is virtually nothing left to be measured that has any  
6 meaning for the CLECs with respect to non-discrimination. In 2021 only one UNE  
7 product subject to the PIDs/PAP was ordered by a single CLEC in North Dakota.

8 In the meantime, the years since 2000 have seen an explosion in the telecommunications  
9 marketplace of alternative service providers including cable companies, wireless carriers,  
10 wireless internet service providers, satellite companies and VoIP providers. So, although  
11 the CLECs may have played a role in developing the competitive operating environment  
12 for ILECs 20 years ago, it is the myriad of alternative services available from a wide  
13 variety of unregulated competitors that keep prices in check for consumers today and  
14 drive companies to provide quality services to their customers. And it is that competitive  
15 marketplace that has led the FCC to issue its orders in 2019 and 2020, as referenced in  
16 the Petition for Elimination in paragraphs 4 and 5, to forbear from requiring RBOCs to  
17 provide access to UNEs.

18 **Q. Mr. Schock claims that absent the PIDs and PAP Qwest's only motivation to**  
19 **provide adequate service to CLECs is its "corporate morals." Do you agree?**

20 A. No. While CenturyLink believes in providing quality services to its customers, it backs  
21 that belief up with service level agreements (SLAs) that allow customers to obtain billing  
22 credits for missed commitments under both its tariffs and commercial agreements. So,  
23 when the CLECs choose to purchase services from CenturyLink out of its tariffs or

1 through commercial agreements, instead of purchasing UNEs through ICAs, the CLECs  
2 have the recourse to seek bill credits when CenturyLink fails to meet the standards  
3 spelled out in those commitments. Far from relying only on its “corporate morals,”  
4 CenturyLink provides CLEC customers with specific, measurable standards for the  
5 services it sells and compensates customers monetarily if it does not deliver on those  
6 standards.

7 As access to UNEs has become less and less important over time, many of the CLECs  
8 have entered into these commercial agreements or have purchased services out of  
9 CenturyLink tariffs, which may explain why they expressed no interest in talking to  
10 CenturyLink about the elimination of the PIDs and PAP when they were notified of its  
11 intent to file for elimination.

12 **Q. Mr. Schock seems to imply that the elimination of the PIDs and PAP is somehow**  
13 **tied to the number of complaints the North Dakota Public Service Commission**  
14 **receives for CenturyLink and will have a negative impact on service quality. How**  
15 **do you respond?**

16 **A.** While it is unclear what specific complaints he is describing, we are not aware that any of  
17 the complaints Mr. Schock refers to in his testimony have any connection to the  
18 wholesale UNEs CenturyLink provides to the CLECs under their ICAs. But more  
19 importantly, the PIDs and PAP have no impact whatsoever on the level of service quality  
20 that CenturyLink provides to its retail customers. As discussed above, the PIDs and PAP  
21 were established as a mechanism for ensuring that the CLECs were at parity with the  
22 service quality provided to CenturyLink’s retail customers. In other words, the  
23 PIDs/PAP arrangement provided a measure of non-discrimination such that the CLECs

1 would receive service quality no different than the service quality CenturyLink provided  
2 its own customers. Eliminating this measure of non-discrimination will not impact the  
3 level of service quality for CenturyLink's retail customers.

4 **Q. Mr. Schock suggests as a reason for not eliminating the PIDs and PAP at the present**  
5 **time that once eliminated it will be far more time consuming, difficult, and costly to**  
6 **reinstate them. Is this a valid argument?**

7 A. No. As explained above, the PIDs and PAP were entered into voluntarily by  
8 CenturyLink in order to ensure non-discriminatory treatment of the CLECs in relation to  
9 CenturyLink's customers when the CLECs purchased UNEs. Reinstatement of the PIDs  
10 and PAP once they are eliminated would require first that the CLECs still purchase UNEs  
11 to serve their own customers. Because of the FCC's 2019 and 2020 forbearance orders,  
12 there will soon be almost no UNEs remaining for the PIDs and PAP to apply to and given  
13 that only one UNE was ordered by a single CLEC during 2021, it is unlikely that there  
14 will be anything left to measure in a very short time. It would also require the CLECs to  
15 show an interest in renegotiating the PIDs and PAP for whatever measures remain.  
16 However, given the lack of response to CenturyLink's notice of elimination of the  
17 PIDs/PAP arrangements, it is highly unlikely that the CLECs would demand to have  
18 them reinstated. In 2022, the circumstances simply no longer exist that caused the  
19 CLECs to seek the PIDs and PAP in the first place. Absent interest from the CLECs  
20 themselves, the North Dakota Commission would have no reason to impose requirements  
21 on CenturyLink that no longer benefit anyone and that the parties agree are no longer  
22 relevant.

1   **Q.    Mr. Schock states that if the Commission denies CenturyLink’s petition, it will be a**  
2       **simple matter for CenturyLink to change its PIDs and PAP to comply with the**  
3       **FCC’s 2020 Forbearance Order. Is he correct?**

4    **A.    No. As explained in the Petition for Elimination at paragraph 6, modifying the PIDs and**  
5       **PAP would require CenturyLink to completely change the architecture of its automated**  
6       **reporting process from a statewide collection of data to a county-by-county collection of**  
7       **data, for counties deemed non-competitive. To accomplish this, metrics would have to be**  
8       **compiled at a wire center level and then converted to county level data. Because wire**  
9       **centers cross counties and counties cross wire centers it would require complex system**  
10      **programming to capture this data for both CenturyLink’s CLEC and retail customers.**  
11      **This is because the parity calculation requires that the data be reported on the same basis**  
12      **and at the same level for both wholesale and retail metrics to establish a valid**  
13      **comparison. It would be a very costly exercise to capture data at the county level for the**  
14      **operating systems involved in the ordering and provisioning processes that make up the**  
15      **PIDs and PAP, especially when CenturyLink has no other need for data at that level.**  
16      **Today it costs between \$2M and \$5M annually to maintain the PIDs and PAP coding in**  
17      **systems as they change or are updated. It would cost multiple millions of dollars more to**  
18      **completely change the architecture of the reporting process. In addition, CenturyLink**  
19      **and the CLECs would need to renegotiate the Exhibits B (PIDs) and K (PAP) referred to**  
20      **in the ICAs to determine how to implement the new county level detail and its impact on**  
21      **the parity and data aggregation calculations. These negotiations would require agreement**  
22      **by the CLECs as a group to the new terms because due to the nature of the data and the**  
23      **calculation of parity these cannot be individually negotiated exhibits. Given the lack of**

1 response by the CLECs to CenturyLink's notice, they may well view such a re-  
2 negotiation as a burden rather than a benefit. At best, this would be a long and drawn-out  
3 process that would result in re-filings of Exhibit B and Exhibit K with the Commission  
4 that would effectively be moot by the time they were approved.

5 Despite the FCC's objectives for leaving UNEs available in non-competitive counties for  
6 a longer period of time, CLECs do not typically purchase the digital UNEs that are the  
7 subject of the 2020 Forbearance Order in non-competitive areas. Rather, the CLECs  
8 have, in the past, purchased analog UNEs for voice services in non-competitive areas.  
9 However, the FCC eliminated those UNEs nationwide with its 2019 Forbearance Order  
10 and they are already not available for purchase in non-competitive areas. CLECs use  
11 digital UNEs to compete with CenturyLink in urban areas that are deemed competitive  
12 and are or will no longer be available to purchase under an ICA pursuant to the FCC's  
13 order by February 2023. As a result, CenturyLink would be required to set up a costly  
14 reporting and payment structure for areas the CLECs have historically shown no interest  
15 in serving and for which there will soon be virtually nothing left to measure.

16 **Q. Mr. Schock concludes that it is not in the public interest to eliminate the PIDs and**  
17 **PAP. Do you agree?**

18 A. As I stated at the outset, I do not agree. The only "public interest" that should be  
19 considered with respect to the elimination of the PIDs/PAP arrangements is the interest  
20 that the CLECs have in maintaining them. The CLECs were given ample opportunity to  
21 raise concerns before CenturyLink filed its Petition for Elimination and not one of them  
22 responded to the notice, nor did the CLECs CenturyLink reached out to deem it necessary  
23 to file in opposition of the petition.

1 To the contrary, what is not in the public interest is requiring CenturyLink to spend  
2 millions more IT dollars to be able to continue to track system metrics for one or two  
3 orders per year when the CLECs have no interest in them as they move into commercial  
4 agreements and tariffed products. As demonstrated in the petition at paragraph 15, only  
5 one CLEC has even logged in to the QPID application to look at its parity results since  
6 2016 and no CLECs have logged in at all since 2018.

7 To date, every state that has made a decision on CenturyLink's filing for elimination of  
8 the PIDs/PAP has supported its elimination. Essentially, CenturyLink could be  
9 developing a reporting structure for a single state that has seen minimal activity by  
10 CLECs in either ordering UNEs to which the reports apply or viewing the data contained  
11 in the reports. It is a waste of scarce resources, which is not in the public interest, to  
12 require CenturyLink to spend time, effort, and money to continue to support data that is  
13 evidently meaningless to the parties for whom it was developed in the first place. It is  
14 time to eliminate the PIDs and PAP entirely.

15 **Q. Does this conclude your testimony?**

16 **A. Yes, it does.**

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**QWEST Corporation**  
**PIDs & PAP**  
**Cancellation/Application**

**Case No. PU-22-20**

**AFFIDAVIT OF SERVICE**

STATE OF NORTH DAKOTA    )  
  ) ss.  
COUNTY OF BURLEIGH     )

The undersigned, being duly sworn, deposes and says that: I am a United States citizen, over 18 years of age, and on April 25, 2022, I served a copy of the attached:

**Rebuttal Testimony of Teresa Million on Behalf of Centurylink**

by electronically serving a copy addressed to each person named below, at the electronic mailing addresses stated below:

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Dated today, April 25, 2022.

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By: /s/ Paul Sanderson  
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