

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO THE EMERGENCY)	
PROCEDURES USED BY WINDSTREAM)	CASE NO.
KENTUCKY EAST IN RESPONSE TO THE)	2006-00532
SEPTEMBER 23, 2006 OUTAGE)	

ORDER

On December 12, 2006, the Commission initiated this proceeding on its own motion to investigate an outage that occurred in Elizabethtown, Kentucky on September 23, 2006, during severe flooding in the area.¹ The outage affected approximately 45,000 customers of Windstream Kentucky East, Inc. (“Windstream”) for almost 24 hours. Customers in Leitchfield, Campbellsville, Clarkson, and Glasgow, Kentucky were also affected and could not place toll calls for several hours during the incident. Toll isolated customers had to call a local number in place of 911.

On January 12, 2007, at the Commission’s direction, Windstream filed a detailed account of the outage including a discussion of its plan to relocate replacement facilities to an area less susceptible to flooding. An informal conference between Commission Staff and Windstream, along with counsel for T-Mobile USA, Inc, Powertel/Memphis, Inc., and T-Mobile Central LLC (collectively, “T-Mobile”), was conducted on January 16, 2007.² Also on January 16, 2007, T-Mobile filed its motion for full intervention which the

¹ See summary written report filed by Windstream on October 4, 2006. Attachment to Commission’s Order dated December 12, 2006.

² See Informal Conference Memorandum dated January 17, 2007.

Commission granted on January 18, 2007. The Attorney General's Office of Rate Intervention filed a motion for full intervention on January 18, 2007, which was granted by the Commission on February 2, 2007.

As a result of discussions during the January 16, 2007 informal conference, further comments were filed by Windstream and T-Mobile attempting to address concerns regarding appropriate notice procedures by Windstream of its "wholesale" customers during severe outages. On February 26, 2007, the Commission ordered parties of record to file any additional comments within 10 days and requests for a public hearing no later than 20 days from the date of the Order. Absent a request for public hearing, the Commission advised that the matter would be submitted for decision on the record. Additional comments were filed by Windstream and T-Mobile, but no party filed a request for public hearing, and the matter now stands submitted for a decision on the record.

SUMMARY

On the morning of September 23, 2006, the basement portion of Windstream's Elizabethtown, Kentucky central office building became flooded after severe rain storms occurred in the area.³ The basement location contained electrical equipment that was disabled due to the flooding and ultimately resulted in loss of local dial-tone service to around 45,000 access lines and affected toll service for another 38,000 lines in Leitchfield, Campbellsville, Clarkson, and Glasgow. The water was removed with the assistance of the local fire department and replacement equipment then was

³ Windstream reported that local media described the storm and resulting flooding as a "100 year flood." See Windstream comments filed January 12, 2007.

able to be installed. Service was completely restored approximately 18 hours after the incident began.

Upon evaluating the circumstances surrounding the outage, Windstream reported to the Commission that it had decided to install new power equipment in an upper level of the central office building rather than continuing to utilize the basement.⁴ Windstream estimated the total cost of the necessary building modifications and equipment to be \$650,000 with expected completion around the end of April 2007.⁵

During the informal conference held on January 16, 2007, T-Mobile expressed concerns regarding Windstream's notification procedures of affected carriers during major outage situations. T-Mobile explained that its operation is dependent on service provided by Windstream in the Elizabethtown area and that adequate notification of a significant outage is necessary for T-Mobile to address customer inquiries during service interruptions. Windstream advised that it was implementing a notification policy for a major outage to include notice of wholesale customers.

After the informal conference, Windstream filed information more thoroughly describing the implementation of its internal notification policy⁶ and defining a major outage to be when there is complete loss of service at a central office for more than four hours that disrupts a carrier's ability to provide service. Windstream also explained that

⁴ See Windstream comments filed January 12, 2007.

⁵ See Windstream comments filed March 8, 2007, revising estimated completion date of modifications from end of March 2007 to end of April 2007.

⁶ During a major outage, Windstream will initially notify wholesale customers in as timely a manner as practical, given the circumstances of the outage, and direct them to the Commission's Outage Reporting System for regular updates. See Windstream comments filed January 31, 2007.

a wholesale customer was intended to mean those carriers that have purchased collocation services from Windstream.⁷ In response, T-Mobile stated that it was a large wholesale customer of Windstream relying exclusively on Windstream's services for the completion of calls to and from T-Mobile's network and explained that its ability to provide service to customers was severely impacted by the September 23, 2006 outage.⁸ T-Mobile argued that Windstream's notification policy, in particular its unwillingness to expand the scope of notification beyond collocated carriers, was inadequate and unreasonable and would not address any of T-Mobile's concerns should an outage of similar circumstance occur in the future. T-Mobile asserted that requiring Windstream to notify more than just collocated carriers is both reasonable and feasible. According to T-Mobile, Windstream could use its billing records to identify and include special access customers that lease dedicated facilities from Windstream in its notification process during major outages.

Windstream later responded to T-Mobile's allegations and attempted to clarify to the Commission why T-Mobile's suggestion was neither reasonable nor practical. According to Windstream, T-Mobile's assertion that it would receive no notification of an outage under Windstream's notification policy is incorrect. Windstream explained that T-Mobile should continue to rely on notice of outages from alarms in its cell sites rather

⁷ Windstream explains that notification of collocated carriers is necessary because equipment may be in jeopardy or damaged due to the incident and require immediate attention or repair. See Letter from Windstream counsel to T-Mobile counsel filed February 8, 2007.

⁸ T-Mobile advised that 16 cell sites covering some 1,485 square miles were rendered non-functioning resulting in approximately 3,000 subscribers being without wireless service for 17 hours. See T-Mobile comments filed February 9, 2007.

than directly from Windstream.⁹ Windstream further argued that T-Mobile's suggestion of notifying all affected wholesale carriers during a major outage is not feasible nor reasonable. Windstream stressed that it could not even identify, let alone notify, the carriers potentially attempting to utilize Windstream's network during a major outage. Windstream advised that the expanded notification requirements proposed by T-Mobile could not be performed fairly or accurately and relying on billing records was illogical and inappropriate. Windstream explained that billing records do not contain emergency contact information, may not be immediately accessible, and could not assist in identifying those carriers potentially affected.

Finally, T-Mobile filed additional comments on March 12, 2007 claiming that Windstream misunderstood its proposal for additional carrier notifications during major outages. T-Mobile explained that it was not seeking unreasonably broad notification obligations that would include an indeterminate number of carriers who merely terminate calls to Windstream customers as alleged by Windstream. Instead, T-Mobile clarified that its proposal was for Windstream to notify all subtending wireless carriers and directly interconnected local carriers.¹⁰ T-Mobile reiterated that the notification procedures prescribed by Windstream will leave T-Mobile without adequate notification.

⁹ Windstream notes that on September 23, 2006, at 9:36 a.m., a trouble report was called into Windstream's repair center for a Powertel circuit which Windstream claims is evidence of T-Mobile's ability to rely on its own alarm monitoring. See Windstream comments filed February 19, 2007.

¹⁰ According to T-Mobile, such subtended network facilities are "stranded" during a major outage in the central office and directly interconnected facilities of local exchange carriers have similar interests in notification as those with collocated facilities.

DISCUSSION

Upon opening this proceeding, the Commission explained that it intended to fully investigate the outage and specify any actions that might need to be taken by Windstream to avoid further incidents including possible long-term issues concerning facilities placement. Windstream was ordered to supply detailed proposals to address the location of its facilities in Elizabethtown, Kentucky. Windstream responded to the Commission's Order with specific plans that were already in progress and that were intended to ensure that the operation of the Elizabethtown central office would not be subjected to the threat of similar flooding in the future. The Commission finds that Windstream has explained the circumstances surrounding the outage that occurred September 23 and 24, 2006, and it has adequately addressed the Commission's concerns regarding the placement of essential equipment in the Elizabethtown central office.

During this proceeding, T-Mobile raised concerns regarding Windstream's notification procedures for carriers affected by outages like the one that occurred in this case. Windstream advises that its newly-implemented notification procedures will result in carriers with collocated facilities in a central office being directly notified during a major outage. T-Mobile suggests that Windstream revise its policy and expand notification to include carriers with facilities that are directly interconnected with or subtend Windstream's affected central office.

The Commission agrees with Windstream that notification of collocated carriers during a major outage is necessary because the facilities of such carriers may be subject to the same risk and require similar attention as the facilities of Windstream. If

the facilities of Windstream are physically impaired during a major outage, it seems reasonable to expect that equipment of collocated carriers may be similarly affected, and electronic reporting mechanisms associated with the equipment (i.e., alarms) may not be functional. Dissimilarly, facilities subtending or directly interconnected with those of Windstream are not subject to the same physical impact during a major outage; and therefore, such carriers should retain the ability to monitor equipment and receive alarms indicating when there is a disruption in service. In its comments filed February 19, 2007, Windstream identified just such an occurrence during the instant outage where a trouble report regarding a "Powertel circuit" was called in to Windstream's repair center shortly after the incident began. T-Mobile's comments, filed on March 12, 2007, addressed several issues raised by Windstream in its February 19, 2007 filing, but notably did not contest Windstream's evidence and contention that existing alarm notifications were sufficient for T-Mobile to receive notice of major outages.

The Commission finds that Windstream's notification procedures during a major outage appear sufficient by providing direct notice to those collocated carriers whose facilities are at immediate risk or require attention. Other carriers relying on Windstream whose service is disrupted during a major outage should have sufficient reporting mechanisms available to identify the outage situation and take appropriate action including contacting Windstream's repair center for status information.

IT IS THEREFORE ORDERED that this investigation of the service outage impacting Windstream's central office facilities in Elizabethtown, Kentucky, on September 23, 2006, is concluded, based on the findings contained herein, and will be removed from the Commission's docket.

Done at Frankfort, Kentucky, this 20th day of April, 2007.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

Executive Director