

**FILED WITH
Executive Secretary
October 30, 2013
IOWA UTILITIES BOARD
FCU-2012-0019**

OFFICE OF CONSUMER ADVOCATE

DIRECT TESTIMONY

OF

KATHY MILLER

In Re Rehabilitation Center of Allison, Iowa

Docket No. FCU-2012-0019

October 30, 2012

1 **Q: Please state your name.**

2 A: Kathy Miller

3 **Q: Are you the same Kathy Miller who submitted a complaint to the Iowa**
4 **Utilities Board on behalf of the Rehabilitation Center of Allison on September**
5 **24, 2012?**

6 A: Yes.

7 **Q: What is your position with the Rehabilitation Center of Allison?**

8 A: Administrator.

9 **Q: Could you please restate the basis for your complaint?**

10 A: Over a period of about two years preceding the filing of our complaint, we
11 repeatedly did not receive phone calls and faxes that parties wanting to reach us
12 attempted to place. In particular, we repeatedly did not receive phone calls and
13 faxes from the Waverly Health Center in Waverly, Iowa and the Shell Rock Clinic
14 in Shell Rock, Iowa. At times, when the faxes would not go through, we had to
15 drive from Allison to Waverly, about 18 miles, and from Allison to Shell Rock,
16 about 13 miles, in order to pick up the faxes. There were also repeated occasions
17 on which we did not receive phone calls and faxes from parties other than the
18 Waverly Health Center and the Shell Rock Clinic.

19 **Q: Did your facility keep a log of the calls and faxes that failed to complete?**

20 A: No.

21 **Q: How do missed calls and faxes affect the residents at your facility and the**
22 **facility itself?**

1 A: The residents in our facility are highly dependent on the reliability of the telephone
2 system, as is the facility itself. A missed call or fax, potentially from a doctor, can
3 adversely affect the health care provided to our residents. It can potentially involve
4 a life-threatening situation. Missed calls also adversely affect our business
5 interests.

6 **Q: What happened on your end when the calls did not complete?**

7 A: Sometimes our telephone did not ring. Other times it rang but no one was there
8 when we picked up the receiver.

9 **Q: Can you comment on the frequency of the problem?**

10 A: The problem was a frequent one. Call completion was hit and miss. Difficulties
11 would occur in spurts, with a lot of missed calls over the course of a few days or a
12 week, followed by several weeks without a known recurrence, then another spurt of
13 similar difficulties.

14 **Q: Did you have any idea when the difficulties would occur?**

15 A: No.

16 **Q: Did you necessarily know when you had missed a call?**

17 A: No. We would only know if someone told us they had tried unsuccessfully to reach
18 us. I have no idea how many calls we missed.

19 **Q: What effect did the experience have on your confidence in the reliability of the
20 telephone system?**

21 A: We lost confidence in the reliability of the telephone system.

22 **Q: Do you recall some specific instances in which calls or faxes did not complete
23 from places other than the Waverly Health Center and Shell Rock Clinic?**

1 A: On one occasion, one of our liaisons gave my cellphone number to one of the
2 nurses at the Mayo Clinic in Rochester, Minnesota, because they could not get
3 through on our phone lines. There were occasions on which calls from our
4 corporate office ABCM Corporation, in Hampton, Iowa, did not go through.
5 There were occasions on which one of our liaisons could not get through on her
6 cellphone. I am sure there were other occasions.

7 **Q: When did the problem begin?**

8 A: Probably sometime in 2011.

9 **Q: At that time, did you file a complaint with the Iowa Utilities Board?**

10 A: No. At that time, we filed several complaints with the Federal Communications
11 Commission.

12 **Q: Did you keep file copies of the complaints you filed with the FCC?**

13 A: We filed at least one and perhaps all of the complaints online. I do not recall
14 whether we had an option to print. I did not find copies of all of the complaints in
15 our files. We did get a letter back from the FCC on one of the claims but did not
16 hear back on some of the others. The letter pretty much said it was out of their
17 jurisdiction and referred us to the Iowa Utilities Board. I did keep that letter from
18 the FCC, along with several attached pages from the complaints, including the text
19 of one of the complaints.

20 **Q: Can you identify Exhibit KM-1?**

21 A: Exhibit KM-1 is the letter and pages to which I just referred.

22 **Q: What is the date of the letter?**

23 A: September 15, 2011.

1 **Q: Please read the text of the complaint as it appears in Exhibit KM-1?**

2 A: "For quite some time now we have been having trouble with our fax lines being
3 unable to receive faxes. We get several calls from other businesses that they have
4 been trying to fax but all that it does is ring on our end but nothing comes through.
5 The fax number that I am writing in regards to is 319-267-9644. Now we are also
6 having a lot of trouble when people call us on our regular phone lines we can
7 barely hear them and they can't seem to hear us at all. The conversation is very
8 broken up too. If we call them back we can hear them fine."

9 **Q: Are the contents of this complaint true and correct, to the best of your
10 knowledge and belief?**

11 A: Yes.

12 **Q: Is there anything you would like to correct?**

13 A: Not at this time.

14 **Q: Do you know the date of that complaint?**

15 A: No.

16 **Q: Can you identify Exhibit KM-2?**

17 A: Another of the complaints we filed with the FCC.

18 **Q: Did you locate this complaint in your own files?**

19 A: No.

20 **Q: Where did you get it?**

21 A: From the Office of Consumer Advocate, which requested it from the FCC.

22 **Q: Please read the text of the complaint as it appears in the Exhibit KM-2?**

1 A: "This is a long term care center and we rely on the phones and fax lines to be
2 operating as we communicate with numerous physicians in regards to care for the
3 residents that reside here. We have received complaints from area clinics and
4 families that they have been unable to get through on our fax lines or phone lines.
5 Delays in these calls and faxes has compromised the care of our residents and in
6 some way has delayed treatment due to not being able to receive the faxed or
7 telephone orders for care and treatment of our residents. The phone lines affected
8 are 319-267-2791, 319-267-2972 and 319-267-2976. The following fax lines have
9 also been affected 319-267-2688, 319-267-9644, 319-267-2422. Our local carrier
10 has been advised of our ongoing problem and let us know that it is an issue with
11 Qwest lines. This is a serious issue and needs to be resolved as it is affecting
12 peoples' lives."

13 **Q: Are the contents of this complaint true and correct, to the best of your**
14 **knowledge and belief?**

15 A: Yes.

16 **Q: Is there anything you would like to correct?**

17 A: Not at this time.

18 **Q: Do you know the date on that complaint?**

19 A: No.

20 **Q: Can you identify Exhibit KM-3?**

21 A: Another of the complaints we filed with the FCC.

22 **Q: Did you locate this complaint in your own files?**

23 A: No.

1 **Q: Where did you get it?**

2 A: From the Office of Consumer Advocate, which requested it from the FCC.

3 **Q: Please read the text of that complaint as it appears in Exhibit KM-3?**

4 A: “We are having continued problems with our phone and fax lines. This morning at
5 approximately 8:30 I was on the phone with someone who was trying to fax us to
6 our 319.267.2688 number. The fax would not go through. This continues to
7 happen and it seems the problem is getting worse. We are a long term care center
8 and depend on our phone and fax lines for communication with hospitals and
9 clinics. Many of the orders we receive to care for the residents that resided at our
10 facility are sent via fax. With the problems of the fax lines that have occurred,
11 treatment has been delayed. Yesterday, clinic staff had tried numerous times to fax
12 us orders. The faxes never came through. A person had to stop at the clinic this
13 morning to pick up the orders that were not received last night. We have contacted
14 our local provider and have been told that the issue is with the Qwest/CenturyLink
15 lines. This issue needs to be resolved so that we can care for the 46 residents that
16 live here and not delay treatment.”

17 **Q: Are the contents of this complaint true and correct, to the best of your
18 knowledge and belief?**

19 A: Yes.

20 **Q: Is there anything you would like to correct?**

21 A: Not at this time.

22 **Q: Do you know the date on that complaint?**

23 A: No.

1 **Q: Do you have other specifics on the call failures and when they occurred?**

2 A: I have an e-mail exchange between Michael T. Berstler, M.D., of Rohlf Memorial
3 Clinic, Waverly, Iowa, and me which evidences failed attempts on his part to reach
4 our facility in July 2011.

5 **Q: Can you identify Exhibit KM-4?**

6 A: The e-mail exchange between Dr. Berstler and me.

7 **Q: You filed your complaint with the Iowa Utilities Board on September 24,**
8 **2012?**

9 A: Correct.

10 **Q: Do you recall what prompted you to file your complaint with the Iowa Utilities**
11 **Board at that time?**

12 A: We received the letter from the FCC saying they had no jurisdiction and that we
13 needed to contact the Iowa Utilities Board.

14 **Q: The FCC letter, Exhibit KM-1, is dated September 15, 2011, a little more than**
15 **a year before September 24, 2012. Did you wait a year after receiving the**
16 **FCC letter before filing a complaint with the Iowa Utilities Board?**

17 A: I do not think so. To the best of my recollection, we filed the complaint with the
18 Iowa Utilities Board shortly after we received the letter from the FCC advising us
19 that the FCC had no jurisdiction and that we needed to contact the Iowa Utilities
20 Board. We must therefore have received the FCC letter, Exhibit KM-1, shortly
21 before September 24, 2012, and not in 2011.

22 **Q: Has phone service improved since you filed your complaint with the Iowa**
23 **Utilities Board?**

1 A: Yes.

2 **Q: Are you aware of incidents since the filing of your complaint in which outside**
3 **parties have attempted to place calls or faxes to your facility and the calls or**
4 **faxes have failed to complete?**

5 A: Yes, but they are more sporadic, and the problems are being addressed.

6 **Q: Do you think the pendency of the proceedings before the Iowa Utilities Board**
7 **has assisted in securing the improvement?**

8 A: Yes.

9 **Q: Who is the local telephone company for the Rehabilitation Center of Allison?**

10 A: Dumont Telephone Company.

11 **Q: Who is the long distance telephone company for the Rehabilitation Center of**
12 **Allison?**

13 A: CenturyLink.

14 **Q: Is there anything you would like to add?**

15 A: Not at this time.

16 **Q: Does that conclude your testimony?**

17 A: Yes.

STATE OF IOWA)
) ss.
COUNTY OF BUTLER)

I, Kathy Miller, being first duly sworn on oath, depose and state that that I am familiar with the contents of the foregoing testimony and that the foregoing testimony is true and correct to the best of my knowledge and belief.

/s/ Kathy Miller
Kathy Miller

Subscribed and sworn to before me this 22 day of October, 2013.

/s/ Kelly J. Zurcher
Notary Public

My Commission expires: April 27, 2016