

Torry R. Somers
CenturyLink
6700 Via Austi Pkwy.
Las Vegas, NV 89119
Ph: (702) 244-8100
Fax: (702) 244-7775
torry.r.somers@centurylink.com

Attorney for Qwest Corporation d/b/a CenturyLink QC

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Formal Complaint of
Kelly Margetts against Rocky Mountain Power

DOCKET NO. 15-035-19

In the Matter of the Formal Complaint of
Kelly Margetts against CenturyLink

DOCKET NO. 15-049-04

**CENTURYLINK'S RESPONSE TO THE
VARIOUS MOTIONS FILED BY KELLY
MARGETTS ON APRIL 16, 2015**

On April 16, 2015, Kelly Margetts ("Mr. Margetts") filed various motions in this docket. On April 17, 2015 the Utah Public Service Commission ("Commission") issued a Notice of Filing of Motions, providing Rocky Mountain Power and Qwest Corporation d/b/a CenturyLink QC ("CenturyLink") the opportunity to file a response by no later than May 1, 2015.

This is CenturyLink's response to the various motions¹ that Mr. Margetts filed with the Commission on April 16, 2015. CenturyLink respectfully requests that the Commission deny all of Mr. Margetts' new motions that were filed with the exception of his Motion to Strike. Mr. Margetts is filing motions through a trial and error process, and now wishes to strike (cancel) his previous motions after responses were filed by CenturyLink and Rocky Mountain Power. Despite

¹ Kelly Margetts April 16, 2015 filing: Motion to Strike, Motion to Continue, Motion for Commission Order.

placing new titles on these motions, the issues in this docket have not changed. Mr. Margetts continues to raise issues that are unsubstantiated, and not even within the jurisdiction of the Commission.

RESPONSE TO THE MOTION TO CONTINUE

CenturyLink has previously addressed the same issues that Mr. Margetts is now restating in his Motion to Continue. As stated in CenturyLink's previous filings,² the Commission does not have jurisdiction over the use of public streets and public right-of-way by public utilities and does not have jurisdiction to award damages.

Mr. Margetts again is attempting to have the Commission award damages because as he states; *"it is hard to know exactly the costs."*³ Mr. Margetts now asserts that because Grace Court was blocked by the construction activity of a third party contractor, this interfered with his ability to use his utility service.⁴ Apparently he is seeking some kind of compensation for this alleged interference. He has provided no evidence to substantiate his claim that by not being able to access Grace Court, he was completely restricted from using his utility service. He has provided no evidence that his utility service was not working as a result of the construction activity. Mr. Margetts has not even alleged facts that would entitle him to relief from the Commission, and the Complaint should be dismissed.

² See, CenturyLink's April 1, 2015 and April 13, 2015 filings in this proceeding.

³ Mr. Margetts, April 16, 2015, Motion to Continue, he specifically states; *"Petitioner asserts it is hard to know exactly the costs associated in regards to the full spectrum of losses of NOT being able to USE Petitioners Public Utilities and how much they may have, might have, would have, should have or could have been used in regards to remedy of this situation of past, (January 15th to February 3rd 2015), present yet not limited to the future."*

⁴ Mr. Margetts, April 16, 2015, Motion to Continue, he specifically states; *"Petitioner asserts that "the rate" portion of Petitioner's complaint is that "if" Petitioner would have been able to use Petitioner's Public Utilities given, legal, lawful, access to and from Grace Court; then it would have been that rates could have been billed to Petitioner as Petitioner's Public Utilities would have then been able to be used as desired and without restrictions/shut off from".*

Mr. Margetts is not entitled to any relief based on Commission rules or CenturyLink's Price List ⁵ on file with the Commission. Therefore Mr. Margetts is not entitled to any service credits.

CenturyLink respectfully requests that the Commission deny this motion since CenturyLink has not violated any Commission rule or order, and is acting consistent with its Price List.

RESPONSE TO THE MOTION FOR AN ORDER FROM COMMISSION

In his motion, Mr. Margetts states the following; *"Therefore humbly per Petitioners Complaint it would be requested from the Public Service Commission for an Order Requiring RMP and CenturyLink Public Utility Companies to follow correct protocol and procedures to help correct service problems in the future."* As previously stated by CenturyLink the Commission does not have jurisdiction over the use of public streets and public right-of-way by utilities and cannot address Mr. Margetts' request. Even if the Commission did have jurisdiction over this issue, Mr. Margetts' motion is deficient in that it provides no evidence that CenturyLink failed *"to follow correct protocol and procedure."* It is also an undisputed fact that CenturyLink had no construction activity on Grace Court or in the nearby area during the January 15, 2015 to February 3, 2015 time frame that is specified in Mr. Margetts' complaint or the April 16, 2015 motions.

⁵ Had Mr. Margetts reported to CenturyLink that his phone service was interrupted (not working), and it actually proved to be not working, then Mr. Margetts may have been entitled to receive a credit pursuant to CenturyLink's Utah Exchange and Network Service Price List, Section 2.3.4.A.4 (page 40); *"When service is interrupted for a period of at least 24 hours after notice by the customer to the Company, a credit allowance equal to 1/30 of the Price List monthly rate for all services and facilities furnished by the Company rendered useless shall apply for each 24 hours, or major fraction thereof, during which the interruption continues after notice to the Company. Credit allowances in any billing period shall not exceed the total charges for that period for the services and facilities which were rendered useless."*

Mr. Margetts' allegations are mere speculation. The complaint and the motions are essentially requesting that the Commission spend considerable time and resources to address a perceived and potential issue and not an actual complaint. The Commission should deny this motion.

CONCLUSION

The Commission has given Mr. Margetts opportunities to state a claim for which the Commission could grant relief. However, he has failed to do so and the Commission should immediately dismiss his complaint.

RESPECTFULLY SUBMITTED this 30th day of April, 2015

CENTURYLINK



Torry R. Somers

CENTURYLINK

6700 Via Austi Pkwy.

Las Vegas, NV 89119

Ph: (702) 244-8100

Fax: (702) 244-7775

torry.r.somers@centurylink.com

Attorney for CenturyLink