



CARLA M. BUTLER

February 27, 2018

Via Electronic Filing Only

Gary Widerburg
Commission Administrator
Utah Public Service Commission
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84111
psc@utah.gov

Re: Docket No. 18-049-02

Dear Mr. Widerburg:

Attached for filing please find CenturyLink's Response and Motion to Dismiss, along with a Certificate of Service.

If you have any questions, please call me.

Sincerely,

A handwritten signature in black ink that reads "Carla M. Butler".

Carla M. Butler
Paralegal

Enclosures
cc: Service List

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Attorney for Qwest Corporation d/b/a CenturyLink QC

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Formal Complaint of
Ann Seeley against Qwest Corporation d/b/a
CenturyLink QC

DOCKET NO. 18-049-02
**CENTURYLINK'S RESPONSE AND
MOTION TO DISMISS**

On January 24, 2018¹, Ann Seeley filed a formal complaint² against Qwest Corporation d/b/a CenturyLink QC ("CenturyLink"). CenturyLink respectfully provides its Response and Motion to Dismiss this complaint. The Commission should dismiss this complaint based upon the following:

- Ann Seeley has failed to state a claim upon which the Commission can grant relief.³
- CenturyLink in its offerings and pricing has not violated any statute or Commission rule.
- CenturyLink is in compliance with its Exchange and Network Services Price List ("Price List") on file with the PSC.
- Pursuant to statute CenturyLink has pricing flexibility to determine its pricing and service offerings.⁴

Ann Seeley has basic residential service⁵ (basic telecommunications service) and wants CenturyLink to "*Lower the cost & block the solicitation calls.*"⁶ She has also complained that her

¹ On the PSC's website for Docket No. 18-049-02, it shows a date of 01/30/18, even though the Formal Complaint Form shows a date of 01/24/2018.

² PSC website link for Docket No. 18-049-02: <https://psc.utah.gov/2018/01/30/docket-no-18-049-02/>

³ Utah Code Ann. 54-7-20, Reparations – Courts to enforce commission's order – Limitations of action.

⁴ Utah Code Ann. 54-8b-2.3 Pricing Flexibility.

bill has increased. Shown in her December 2017 and January 2018 bills, she had charges for Last Call Return, which is a feature that is activated by the customer and charged on a per activation basis. This is the primary reason that her monthly bill has recently increased since November 2017. Confidential Attachment A provides specific information regarding her service with CenturyLink, a summary of her monthly charges for the November 2017 through January 2018 bills, along with references to the Price List that show the pricing for the service that she has with CenturyLink.

Regarding blocking solicitation calls, CenturyLink has informed Ann Seeley that CenturyLink cannot block solicitation calls.⁷ Also, consistent with CenturyLink's Price List there are service offerings, for a charge, that can be used to help discourage solicitation calls. For example, CenturyLink offers a No Solicitation service⁸ for \$6.95 per line per month. There are other service offerings, such as Caller ID, which may help Ann Seeley screen calls.⁹ In response to the informal complaint, when a CenturyLink representative contacted her and attempted to explain the optional No Solicitation service, she disconnected the call before the CenturyLink representative could finish the explanation.

No Solicitation service, is an optional service separate from CenturyLink's basic residential service (basic telecommunication service). CenturyLink has the flexibility to make a business decision to not include No Solicitation service in its basic residential service (basic telecommunications service) offering. It appears that Ann Seeley believes that CenturyLink should

⁵ Ann Seeley Formal Complaint Form, response to question 4. *Why do you (the Complainant) think these activities are illegal, unjust or improper?* She stated; "I must be paying for high speed internet & not using a computer in my home." She does not have high speed internet (HSI) from CenturyLink and is not being charge for HSI.

⁶ Ann Seeley Formal Complaint Form, in response to question 5. What relief does the Complainant request?

⁷ It is not technically feasible to block all solicitation calls, without blocking all incoming calls, because solicitation calls can be originated from both local, non-local and long-distance telephone numbers and CenturyLink cannot identify the solicitation callers or know the intent or message of the callers.

⁸ The No Solicitation service, *Allows a customer to deter sales and telemarketing calls received by the customer. This is accomplished via a recorded message which informs the caller that the customer does not accept telephone solicitations and asks solicitors to hang up and to place the called party on the solicitors "do-not-call" list.* (Exchange and Network Services Price List, Section 5.4.3.A, page 80 for description. Pricing located in Section 5.4.3.C.5 page 97.)

⁹ Ann Seeley, as stated in the formal complaint, previously subscribed to Caller ID, but had CenturyLink disconnect Caller ID on her account.

be required to make the No Solicitation service as a part of CenturyLink’s basic residential service offering and not be allowed to charge more for the service. In the Commission’s rules, where basic telecommunications service has been defined¹⁰, No Solicitation service is not included in the definition. In the Utah statute where “basic residential service” is defined¹¹, it does not include No Solicitation service as a part of the definition. By not including No Solicitation service in its basic residential service, and charging separately for the No Solicitation service, CenturyLink has not violated any Commission rules or state statute.

On the back of the Formal Complaint Form, filled out by Ann Seeley, the Commission has provided instructions to customers filling out the complaint form. For example, it states the following: *“The State Legislature has granted the Commission limited authority over utilities regarding customer complaints. The Commission may order a utility to: a) correct service problems; and b) refund incorrect billings.”* Ann Seeley has not alleged any service problems and has provided no evidence that CenturyLink has incorrectly billed her. CenturyLink is billing Ann Seeley correctly, consistent with the Price List.¹² Additionally, CenturyLink has pricing flexibility pursuant to the Utah statute¹³ and has the flexibility to set/change its prices and the design of its service offerings.¹⁴ In a very competitive environment, Ann Seeley has other options for voice service, if she is unsatisfied with CenturyLink’s pricing and service offerings. Attachment B is a screen shot of a website page created by the Utah Governor’s Office of Economic Development

¹⁰ Commission UUSF rule, R746-360-2, Definitions, Basic Telecommunications Service: “C. Basic Telecommunications Service -- means a local exchange service consisting of access to the public switched network; touch-tone, or its functional equivalent; local flat-rated, unlimited usage, exclusive of extended area service; single-party service with telephone number listed free in directories that are received free; access to operator services; access to directory assistance, lifeline and telephone relay assistance; access to 911 and E911 emergency services; access to long-distance carriers; access to toll limitation services; and other services as may be determined by the Commission.

¹¹ Utah Statute 54-8b-2(3) website link: https://le.utah.gov/xcode/Title54/Chapter8B/54-8b-S2.html?v=C54-8b-S2_2017050920170701

¹² Confidential Attachment A, in addition to customer specific information also provides references to sections in the Price List for the respective services.

¹³ Utah Code Ann. 54-8b-2.3 Pricing Flexibility.

¹⁴ CenturyLink has pricing flexibility and can set its prices and establish service offerings, as long as it does not violate state and federal law, or Commission rules.

showing a list of providers, including voice providers, providing service in the area where Ann Seeley resides.

In her formal complaint, Ann Seeley has failed to provide any evidence and any information supporting the remedy that she is seeking. In summary, the following provides the reasons why this formal complaint should be dismissed:

- Ann Seeley has failed to state any claim upon which the Commission can grant relief.
- CenturyLink in its offerings and pricing has not violated any statute or Commission rule.
- CenturyLink is in compliance with its Price List on file with the PSC.
- Pursuant to Utah statute CenturyLink has pricing flexibility to determine its pricing and service offerings.

CenturyLink respectfully requests that the Commission dismiss Ann Seeley's formal complaint against CenturyLink in its entirety.

RESPECTFULLY SUBMITTED this 27th day of February 2018.

QWEST CORPORATION d/b/a
CENTURYLINK QC



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Attorney for CenturyLink

ATTACHMENT B
Docket No. 18-049-02
CenturyLink's Response and Motion to Dismiss
February 27, 2018

Website link to Utah Residential Broadband Map which shows other providers including HSI providers and wireless providers who offer voice service:

<https://broadband.utah.gov/map/>

At this website enter the address of 2187 South and 1350 West, along with the Zip Code of 84087 to get the following screen shot:

The screenshot displays the Utah Residential Broadband Map interface. On the left, the 'List Providers At' section shows the search criteria: Street Address '2187 South 1350 West' and Zip or City '84087'. Below this, a 'Map Click' instruction and a 'Provider Results' table are visible. The table lists providers and their maximum speeds:

Provider Name	Max Speeds
Comcast	[Bar chart]
CenturyLink	[Bar chart]
Keystone Solutions	[Bar chart]
AT&T	[Bar chart]
T-Mobile	[Bar chart]
Sprint	[Bar chart]
SonaWave	[Bar chart]
Verizon	[Bar chart]
Utah Broadband	[Bar chart]
Rise Broadband	[Bar chart]
Connex	[Bar chart]

Below the table, there are links for 'Telecom Service Area: CenturyLink', 'Satellite Providers', and 'Resellers'. The main map area shows a topographic view with a red overlay indicating service areas. A red pin is placed on the map at the location of 2187 South 1350 West. On the right, the 'Map Filters' section allows users to filter by 'Maximum Advertised Speeds' (Download and Upload), 'Technology Type' (Wireline, Cable, DSL, Fiber, Fixed Wireless, Mobile Wireless, Satellite), and 'Providers' (Show All Providers, Show Only the Following Provider(s)). At the bottom of the page, there are navigation links: 'Map Help | Report a Problem | About This Map | Other Maps & Resources | Print Map'. The footer of the browser shows the Utah.gov website information and the system tray with the time 2:53 PM.

CERTIFICATE OF SERVICE

Docket No. 18-049-02

I hereby certify that on the 27th day of February, 2018, I caused a true and correct copy of the foregoing CENTURYLINK'S RESPONSE AND MOTION TO DISMISS to be served upon the following persons via electronic mail at the e-mail addresses shown below, and via U.S. Mail to Ms. Seeley.

Public Service Commission:

psc@utah.gov

Ms. Ann Seeley

2187 S 1350 W.

Woods Cross, Utah 84087

Utah Division of Public Utilities:

Justin Jetter – jjetter@utah.gov

Erika Tedder – etedder@utah.gov

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