

September 26, 2019

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. 19-049-09

Dear Mr. Widerburg:

I received a letter dated September 20, 2019 from CenturyLink that included “CenturyLink’s motion to dismiss or in the alternative response to complaint.” Rather than addressing a member of the public’s issues CenturyLink appears to be trying to avoid any responsibility by arguing that the PUC does not have any jurisdiction. CenturyLink mischaracterizes my issue as being solely an easement dispute.

The heart of my complaint is that CenturyLink’s communication lines are too close to my house making them unsafe. I believe the Commission requires CenturyLink to comply with safety codes such as the National Electric Safety Code (NESC). CenturyLink’s communication lines do not comply with the NESC. Safety of the public should be the number one concern for the Commission and CenturyLink.

I spoke to Mr. Twigg, from CenturyLink, on the phone on 9/24/19. He agreed that the communication line needs to be moved 3 feet above my roof line to meet code. CenturyLink has admitted that its communication lines are not in compliance with NESC. However, I was told by CenturyLink that the communication lines would have to be moved at my expense.

CenturyLink has provided me two documents that it claims gives it the right to maintain communication lines across my property. I have attached copies of the documents to this email. As can be seen the right granted is conditional. Among other conditions the “right is granted on the condition that . . . when it becomes necessary to change the poles, wires or fixtures, on account of the erection of new buildings or other property improvements, the same shall be done by [CenturyLink] at its own expense.”

The documents provided by CenturyLink 1) do not prohibit me from building or making improvements on my property, 2) anticipates that I may erect “new buildings or other property

improvements” on my property, and 3) makes clear that “when it becomes necessary to change the poles, wires or fixtures, on account of the erection of new buildings or other property improvements” such changes will be done at CenturyLink’s expense.

The facts as I understand them are that 1) the Commission requires utilities like CenturyLink to comply with safety codes for the protection of the public, 2) CenturyLink’s communication line does not meet safety codes since the clearance to the roof of my house is less than 3 feet, 3) according to CenturyLink’s own documents (rights of way), CenturyLink is required to move its communication lines at its own expense when necessary “on account of the erection of new buildings or other property improvements,” and 4) CenturyLink’s unwillingness to comply with the safety codes and its rights of way are putting the safety of my family and the public at risk.

To remedy this situation, I am asking the Commission to require CenturyLink 1) to comply with the Commission’s regulation to comply with all safety codes, including the NESC, and 2) to move its communication lines away from the roof of my house at CenturyLink’s expense so they are in compliance with the NESC.

I think CenturyLink has acted in bad faith in my case and perhaps in other situations with the public as well. First, CenturyLink did not record its rights of way. I had to work to get a copy of them. It would have saved me a lot of time if CenturyLink would have given me a copy of the rights of way the first time I called CenturyLink. Second, CenturyLink tried to get my complaint dismissed as mischaracterizing my complaint as being solely an easement issue. Third, CenturyLink knew it was legally bound by the condition in the rights of way to move its communication lines as its own expense when necessary “on account of the erection of new buildings or other property improvements.” While CenturyLink has offered to move its communication lines, it has refused to move them unless I pay the expenses. This violates the express conditions of the rights of way. As an additional request, if the Commission has authority to punish CenturyLink for its bad faith and disregard for the public’s safety, I would suggest that the Commission order CenturyLink to move all of its communication lines off my property.

Sincerely,

Anne Francis

Anne Francis

MR. TWIGG'S EMAIL to Anne Francis:

CenturyLink Easement affecting 450 S 400 E

Inbox x



Twiggs, Don <Don.Twiggs@centurylink.com> Tue, Sep 24, 5:16 PM (1 day ago)

to me

Anne,

Thank you for taking the time to discuss your request. Please see the attached easements affecting your property. The document "Lot 11, 12, 9, 10 Blk 2 832062" is the easement that covers the pole and aerial line that attaches the Pole to the north.

Per our conversation, Feel free to contact our Field Engineer Matt Ivester if you would like to have a quote an timeline on having the aerial line raised higher above your roof line. Matt's email is Matt.Ivester@CenturyLink.com.

Thanks,

Don Twiggs

CenturyLink Right of Way

NIS - Network Infrastructure Services

8021 SW Capitol Hill Rd | Portland, OR | 97219

Don.Twiggs@CenturyLink.com

425-770-0257

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2 Attachments

Attachments: Mr. Twiggs sent me two attachments and they are labeled as *Lot 9 Blk 2 832064.pdf* and *Lot 11, 12, 9,10 Blk 2 832062.pdf*. The pdf attachments have been included in Anne Francis' Reply.