

- BEFORE THE UNDERGROUND FACILITIES DAMAGE DISPUTE BOARD -

Request of Shane Farver for Arbitration

DOCKET NO. 22-999-10

NOTICE REGARDING REQUEST
FOR ARBITRATION

ISSUED: May 16, 2022

On May 13, 2022, the Public Service Commission (PSC) received the attached request for arbitration from Shane Farver. Mr. Farver requests arbitration related to damaged lines of CenturyLink. This request for arbitration is governed by Utah Code Ann. § 54-8a-13, which is available at this link: <https://le.utah.gov/xcode/Title54/Chapter8A/54-8a-S13.html>

The PSC provides administrative support to the Underground Facilities Damage Dispute Board (“Board”). Pursuant to that role, any interested party may provide additional information regarding this dispute, including whether the disputing parties agree to arbitration as required by Utah Code Ann. § 54-8a-13(5), to the PSC by **Friday, June 3, 2022** at psc@utah.gov. The PSC will forward that information to the Board and provide administrative support for the next steps pursuant to the governing statute.

This notice is being sent to the email addresses provided by Mr. Farver, the email address the PSC has on file for CenturyLink (tressa.carter@centurylink.com), and the physical mailing address provided on the internet website of Blue Stakes of Utah 811 (148 East 13200 South, Draper, UT 84020).

DATED at Salt Lake City, Utah, May 16, 2022.

/s/ Gary L. Widerburg
PSC Secretary
DW#324012

CERTIFICATE OF SERVICE

I CERTIFY that on May 16, 2022, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By USPS:

Blue Stakes of Utah 811
148 East 13200 South
Draper, UT 84020

By Email:

Shane Farver (shane.farver@gmail.com)
Melissa Dallof (mdallof@gmail.com)

Tressa Carter (tressa.carter@centurylink.com)
CenturyLink

Patricia Schmid (pschmid@agutah.gov)
Assistant Utah Attorney General

Madison Galt (mgalt@utah.gov)
Division of Public Utilities

Administrative Assistant

DOCKET NO. 22-999-10

- 3 -

ATTACHMENT



PublicService Commission <psc@utah.gov>

Request for Arbitration: May 2021 Line Damage Incident at 179 E. 2450 S. Bountiful

1 message

Shane Farver <shane.farver@gmail.com>
To: psc@utah.gov
Cc: DALLOF MELISSA <mdallof@gmail.com>

Fri, May 13, 2022 at 12:50 PM

Good afternoon,

We, the property owners (hereafter referred to as PO) at 179 E. 2450 S. in Bountiful, Utah, are seeking arbitration for damage caused to a CenturyLink utility line on May 4, 2021. In short, PO filed a Blue Stakes ticket which CenturyLink failed to fulfill, PO's landscaping activities caused damage to an unmarked buried cable, PO immediately notified Century Link who incorrectly informed PO that the line was dead and they bore no financial liability. When this was proved incorrect, PO directed and assisted CenturyLink in locating and repairing the damage and was again told by representatives of CenturyLink they bore no financial liability. CenturyLink then issued a bill on April 14, 2022, for \$3,478.22.

In greater detail, PO prepared for a landscaping project by filing Blue Stakes ticket C10850708 with Blue Stakes of Utah. PO then recorded all of the markings with photographs. Photos, aerial video footage, and texts between PO and the landscaper confirm that there were no orange markings indicating telecom cables.

On May 4, 2021, while conducting landscaping work on an area that had been previously indicated as clear by Blue Stakes, PO, working in conjunction with a landscaper, hit a buried cable on the west side of the property. As the cable was unmarked, PO immediately contacted Blue Stakes on May 4, 2021, who then indicated that the cable as described was likely a telecom cable and PO should contact carriers in the area. PO spoke with a representative from [CenturyLink](#), who confirmed that the cable belonged to [CenturyLink](#), but the representative unequivocally stated that the cable was out of service, the damage required no follow-up, and PO could continue the landscaping project.

On July 2, 2021, a [CenturyLink](#) employee came to PO's property and indicated an outage in a line between a junction box located on PO's property and the next junction box to the south. PO explained the situation to the technician, showed him the Blue Stakes ticket, and directed him to the broken line. The CenturyLink technician acknowledged the Blue Stakes ticket and indicated that CenturyLink had no record of sending an employee to complete the Blue Stakes request. The technician further indicated that [CenturyLink](#) regularly failed to fulfill Blue Stakes requests in the area. The technician indicated to PO that there would be no financial liability on the part of PO due to CenturyLink's confirmed failure to mark their lines. PO assisted the technician in removing the already-completed landscaping over the cable. The technician repaired the cable. Backfilling of the hole was completed on July 7.

We do not dispute that the PO did not renew the Blue Stakes ticket in May. Given the circumstances above, however, that failure would not have influenced the line damage to any degree. PO did file the initial Blue Stakes ticket, made a record of all markings, and fully complied with their duty to notify CenturyLink of the damage immediately in good faith.

Due to the fact that [CenturyLink](#) incorrectly asserted that the cable was damaged on [March](#) 17, 2021, when PO can provide documentation that the damage occurred on May 4; the fact that PO can provide documentation of the Blue Stakes filing, photos of the other Blue Stakes markings and photos and video footage of the area of the CenturyLink cable clearly showing the complete lack of orange markings by

CenturyLink; the fact that Century Link first communicated that it was a dead line and digging could continue; and the fact that PO was repeatedly told by employees of [CenturyLink](#) that they bore no liability for the damage, PO hereby asserts that [CenturyLink](#) has levied their invoice A501554 in the amount of \$3,478.22 improperly and without accurate documentation.

We request these charges be withdrawn or reduced based upon CenturyLink's own negligence in the matter.

Shane Farver
Property Owner
801-941-5831
Blue Stakes Ticket: C10850708