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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 AND
MOTION TO DISMISS**

On February 20, 2015, Kelly Margetts (Mr. Margetts) filed a formal complaint against Rocky Mountain Power and Qwest Corporation d/b/a CenturyLink QC ("CenturyLink"). Mr. Margetts alleged that Rocky Mountain Power and CenturyLink interfered with his ability to use a public road between the dates of January 15 and February 3, 2015. In reviewing the complaint, the Utah Public Service Commission ("Commission") discovered that CenturyLink had neither been aware of, nor had the opportunity to respond to the complaint as a part of the Division of Public Utilities' (Division) informal complaint review process. Accordingly, on February 27, 2015 the Commission entered an order staying the deadlines for responsive pleadings until CenturyLink had been informed and provided an opportunity to respond to the complaint as part of the Division's informal complaint review process. Thereafter, CenturyLink was notified and

responded to the complaint. Based on the notification and response from CenturyLink, the Commission issued an order on March 19, 2015, lifting the stay and providing an opportunity for Rocky Mountain Power and CenturyLink to provide a response to the complaint by no later than Monday, April 20, 2015.

A. RESPONSE

CenturyLink has reviewed the complaint filed by Mr. Margetts.¹ CenturyLink has also reviewed the informal response by Rocky Mountain Power. In its response to the informal complaint, Rocky Mountain Power stated; *“In January, Rocky Mountain Power was asked by the city to obtain permitting for a customer who had hired a contractor to bore in a conduit for a new commercial electrical service. We had no involvement with the actual job, except that the city asked us to obtain the permitting for the customer work.”*

CenturyLink respondent, Sharon Bishop, a CenturyLink employee responsible for researching and responding to informal Commission complaints against CenturyLink, stated; *“I reached out to our Construction and Engineering Managers and our permitting folks and they cannot see any jobs or permits during the timeframe provided for CenturyLink.”*

CenturyLink is perplexed why it is included in this formal complaint by Mr. Margetts. In his formal complaint Mr. Margetts does not identify how CenturyLink was involved or

¹ #3 I was denied my God given American right to do so in what ever manner I desired legally and lawfully that which I may, might, want or wish in regards to being able to use my Public Utilities and Personal Property during the dates of Januaty 15'h 2015 until February 3rd 2015.

As without a lawful Transportation Permit issued by the Salt Lake City Department of Transportation, a public road (Grace Court) which grants US Citizens Public Right of Way of which I am lawfully entitled to use unabated unless such documentation exists, was unlawfully and illegally commandeered by Rocky Mountain Power Company and Century Link factually.

#4 No Transportation Permit was issued per the Department of Transportation of the Salt Lake City Corporation granting legal or lawful commandeerment/closure of a public road (Grace Court).

#5 All legal and lawful relief that would need to be recovered due to self as caused by or repercussions of this unlawful illegal circumstance caused from January 15'h 2015 until February 3'd 2015, as well as any future relief or legal and lawful remedy of damages in the future caused by Rocky Mountain Power and Century Link.

responsible with respect to the allegations, other than CenturyLink's name was mentioned in the complaint. Therefore, the complaint fails to state a claim against CenturyLink. The basis for Mr. Margetts' formal complain apparently is centered on the construction activity of a third party contractor that Mr. Margetts alleges disrupted his access to the road. During the specified timeframe of January 15 until February 3, 2015, CenturyLink was not involved in the process of obtaining a city permit for a third party contractor who evidently was doing work for commercial electrical service. As stated in its previous response, CenturyLink has also confirmed with its employees involved with construction, engineering and permitting activities that it had no construction activity in the area during the specified time frame. Because of the lack of sufficient detail in the complaint, CenturyLink has no knowledge as to why it was included in the complaint and therefore denies all allegations against it by Mr. Margetts.

B. MOTION TO DISMISS

On March 2, 2015, the Division of Public Utilities provided a recommendation to the Commission in its Memorandum.² In its recommendation the *“Division recommends that this complaint be dismissed unless Mr. Margetts provides evidence demonstrating that Rocky Mountain Power and CenturyLink's failure to comply with relevant rules, tariffs, or laws.”*

CenturyLink concurs with the Division's recommendation. This complaint must be dismissed because Mr. Margetts has failed to demonstrate that CenturyLink has violated any Commission rule, orders or applicable state law, or that CenturyLink has violated its Price List on

² **March 2, 2015, Division of Public Utilities Review and Recommendation:** It is not apparent that Rocky Mountain Power or CenturyLink has violated any Commission Administrative Rules, Utah Law, court ruling, Commission ruling or the Companies' Tarriffs. In addition, Mr. Margetts has been informed during his numerous phone calls to the Division that his complaint and request for compensation are not regulated. He was also advised to contact the City of Salt Lake. Therefore, the Division recommends that this complaint be dismissed unless Mr. Margetts provides evidence demonstrating Rocky Mountain Power and CenturyLink's failure to comply with relevant rules, tariffs, or laws.

file with the Commission. Mr. Margetts is seeking damages which cannot be awarded by the Commission and Mr. Margetts has failed to state any claim for reparations upon which the Commission can grant relief.³

For the above stated reasons, CenturyLink respectfully requests that the Commission dismiss Mr. Margetts' complaint against CenturyLink in its entirety.

RESPECTFULLY SUBMITTED this 1st day of April, 2015

CENTURYLINK



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