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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 SUPPLEMENTAL
RESPONSE AND REQUEST TO DENY
MR. MARGETTS' VARIOUS MOTIONS**

The purpose for this supplemental response and filing by Qwest Corporation d/b/a CenturyLink QC ("CenturyLink") is to respond to the various motions¹ that Mr. Margetts made with the Commission on March 27, 2015. All of Mr. Margett's motions should be denied in their entirety, and the Complaint should be dismissed. The issues raised by Mr. Margetts are all outside the scope of the Commission's jurisdiction, and the Commission should not spend any additional resources to address the Complaint. When CenturyLink filed its initial Response and Motion to Dismiss on April 1, 2015, it was not aware that Mr. Margetts had made a filing with the

¹ In this filing CenturyLink requests that the Commission deny all of Mr. Margett's motions. However CenturyLink only specifically addresses Mr. Margett's Motion To Potentially Include Per Clarification/Motion to Stay (180 days), Motion to Deny Dismissal and the Motion for Summary Judgment.

Commission, because Mr. Margetts failed to serve CenturyLink.² Had Mr. Margetts served CenturyLink this would have provided CenturyLink the opportunity to address his motions in its initial response and prevented CenturyLink from wasting additional time and resources by having to file a supplemental response.

In his March 27, 2015 filing, Mr. Margetts makes various motions and provides additional information regarding what he believes to be CenturyLink's involvement in this complaint.³ In summary his concern⁴ against CenturyLink is that CenturyLink has facilities in the area and that CenturyLink may be doing work in the future that could possibility interfere with his use of the public roads in the area. One fundamental question the Commission should consider is if it wants to spend any more time and resources addressing a "potential" complaint that may not happen and which is not under the jurisdiction of the Commission?

In his March 27, 2015 filing he stated; "*Petitioner asserts the SLC Corporation Mayors office suggested to call the Public Service Commission of Utah.*" This evidently is the reason that he came to the Commission. If his assertion is correct, the Salt Lake City Mayor's office mistakenly directed Mr. Margetts to contact the Commission to have the Commission address his concerns about public utilities use of the public right-of-way and work on public streets. Based upon this revelation by Mr. Margetts the Commission should immediately dismiss this complaint.

² CenturyLink first became aware that Mr. Margetts had made a March 27, 2015 filing with the PSC on April 7, 2015 when Gary L. Widerburg, Commission Secretary sent out correspondence to the service list. Based upon this correspondence CenturyLink obtained a copy of Mr. Margetts' filing through the Commissions website for Docket No. 15-049-04. (<http://www.psc.utah.gov/utilities/telecom/telecomindx/2015/1504904indx.html>)

³ Mr. Margetts' original informal complaint is at best deficient in providing necessary detail so a party could understand the basis for his alleged complaint against CenturyLink. Had Mr. Margetts fully disclosed the information that he did in his March 27, 2015 filing in his original informal complaint, the Utah Division of Public Utilities and the Utah Public Service Commission could have determined up front that this is a matter that he needs to address with the Salt Lake City Government and not the Utah Public Service Commission.

⁴ Mr. Margetts' concern is stated in his Motion to Potentially Include per Clarification/Motion to Stay (180 days), and Motion for Summary Judgment, filed March 27, 2015 with the Utah Public Service Commission.

This will save all parties, including Mr. Margetts, a lot of wasted time, effort and resources since it is not an issue that the Commission can address.

RESPONSE TO THE MOTION TO POTENTIALLY INCLUDE PER
CLARIFICATION/MOTION TO STAY(180 DAYS):

Mr. Margetts wants the Commission to stay the proceeding so he can apparently seek discovery on CenturyLink to find out highly confidential information about Centurylink's plans for using its "equipment" to provide service to customers.⁵ The Commission should reject this motion and does not need to stay the proceeding further, since the Commission can determine that Mr. Margetts' "potential" complaint against CenturyLink is not under the jurisdiction of the Commission and dismiss the complaint immediately.

RESPONSE TO THE MOTION TO DENY DISMISSAL:

At the time that Mr. Margetts made his filing on March 27, 2015, CenturyLink had not yet made its April 1, 2015 Response and Motion to Dismiss filing with the Commission. Unless Mr. Margetts was anticipating that CenturyLink was going to file a motion to dismiss, CenturyLink does not know which motion to dismiss he is attempting to address with his Motion to Deny Dismissal. Nevertheless, CenturyLink requests that the Commission reject Mr. Margetts' Motion To Deny Dismissal and CenturyLink renews its April 1, 2015 Motion to Dismiss on the basis that the Commission does not have jurisdiction to determine if CenturyLink could "potentially"

⁵ Mr. Margetts, March 27, 2015 filing with the Utah Public Service Commission; *"It would need to be clarified as to if Century Links equipment is to be used or will be used at some in time, to provide service connection to any immediate entity located within connection area via the tube infrastructure, or at any point of the infrastructure of the tube, but not limited to once attached to the service point (where tubes are connected to) located at power line/telephone pole located approximately on the north south direction of the street named Grace Court."*

“inappropriately” utilize the public right-of-way and do work on public streets under the jurisdiction of the Salt Lake City government.

RESPONSE TO MR. MARGETTS’ MOTION FOR SUMMARY JUDGMENT

The Commission should deny Mr. Margetts’ Motion for Summary Judgment because acting upon this motion would imply that the Commission has jurisdiction to make a summary judgment in regards to whether CenturyLink could “potentially” “inappropriately” utilize the public right-of-way and work on public streets, which is under the jurisdiction of the Salt Lake City government. CenturyLink respectfully requests that the Commission dismiss Mr. Margetts’ complaint against CenturyLink in this proceeding. Moreover, Mr. Margett’s has not set forth any basis for a summary judgment.

RESPECTFULLY SUBMITTED this 13th day of April, 2015

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