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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
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

**NOTICE OF NON-OPPOSITION TO
CENTURYLINK'S MOTION TO
DISMISS**

On April 1, 2015, Qwest Corporation d/b/a CenturyLink QC ("CenturyLink") filed a Motion to Dismiss the complaint filed by Kelly Margetts (Complainant) in Docket No. 15-049-04. The Public Service Commission ("Commission") issued a notice on April 1, 2015 (the "Notice") giving Complainant until April 16, 2015 to file a response to CenturyLink's Motion Dismiss. Complainant did not file a response to CenturyLink's Motion to Dismiss, and therefore the Motion to Dismiss should be granted.

Since Complainant did not file a response or reply to CenturyLink's Motion to Dismiss it can be presumed there is no opposition. In accordance with Utah Admin. Code R746-100-4(D), "absent a response or reply, the Commission may presume that there is no opposition." Moreover,

the merits of CenturyLink's Motion to Dismiss warrant the immediate granting of CenturyLink's Motion to Dismiss.

On or about April 16, 2015, Complainant filed numerous motions in this proceeding. The April 16th motions are not responsive to CenturyLink's Motion to Dismiss. In fact, the numerous motions support CenturyLink's position that the Commission does not have jurisdiction to address the issues raised in the complaint. Complainant specifically acknowledges that "Petitioner is aware that the Public Utility Commission (sic) has no jurisprudence in regards to compensation for loss of property use...."¹ The underlying complaint is entirely related to a challenge of a public utility's ability to use rights of way. This is not an issue within the jurisdiction of the Commission. Furthermore, there is no allegation or evidence to suggest that CenturyLink was even working in the right of way at the time in question.

Complainant has filed numerous unsubstantiated motions (in fact has even moved to strike his own motions), causing CenturyLink, staff, and the Commission to spend time on a matter that is not even within the jurisdiction of the Commission. Since Complainant did not file a response or reply to CenturyLink's Motion to Dismiss, the Motion should be immediately granted so CenturyLink and others do not have to spend any additional unnecessary time responding to additional motions in Docket No. 15-049-04.

¹ See, Motion to Strike, Motion to Continue and Motion for Commission Order, p. 3 (April 16, 2015).

RESPECTFULLY SUBMITTED this 24th day of April, 2015

CENTURYLINK

A handwritten signature in cursive script that reads "Torry Somers". The signature is written in black ink and is positioned above a horizontal line.

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