

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of Delmus Hall against Qwest Corporation, d/b/a CenturyLink QC	<u>DOCKET NO. 16-049-02</u> <u>ORDER ON MOTION TO DISMISS</u>
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ISSUED: April 8, 2016

I. Procedural background.

On February 23, 2016, Delmus Hall (Mr. Hall) filed a formal complaint against Qwest Corporation, d/b/a CenturyLink QC (CenturyLink), a public utility. On March 14, 2016, CenturyLink answered the complaint and filed a motion to dismiss it. As of the date of this order, Mr. Hall has not filed a response to the motion to dismiss.¹

II. Findings of fact.

1. At all relevant times, Mr. Hall has purchased bundled services from CenturyLink. Mr. Hall's service package includes local telephone service, including call forwarding and call waiting; unlimited long distance; and Internet service.
2. CenturyLink gives Mr. Hall a discounted price for his Internet service because it is bundled with his telecommunications services.
3. Internet services are not regulated by the Commission.
4. Mr. Hall does not use call forwarding and call waiting.
5. If Mr. Hall were to cancel his bundled service package and purchase his local telephone service, long distance, and Internet service separately, the total charges under

¹ Pursuant to the presiding officer's March 15, 2016 scheduling order on the motion to dismiss, Mr. Hall's response deadline was Wednesday, March 30, 2016.

CenturyLink's pricing would exceed what Mr. Hall currently pays for the bundle of services.

6. Mr. Hall considers that he should be able to cancel the services he does not use. He also considers that, if he cancels one or more services, his total bill should decrease, not increase.
7. Mr. Hall is a senior citizen. As such, he considers that there should be some form of discounted rate available to him.

III. Analysis.

CenturyLink is not a rate-of-return regulated utility. While CenturyLink is required to file a price list with the Commission, we have no statutory authority to change or mandate its prices. Nor do we have statutory authority to require CenturyLink to unbundle its services or to create a senior citizen discount.

Given the foregoing, our jurisdiction in this docket is limited to the question of whether, according to CenturyLink's price list, Mr. Hall is being charged the best possible rate for the services he wishes to receive. Mr. Hall wishes to receive local service, long distance service, and Internet service. CenturyLink has provided substantial evidence to demonstrate that the bundled rate is the best possible rate available to him.

Mr. Hall has not disputed CenturyLink's evidence. Rather, Mr. Hall argues that CenturyLink should be required to give or create a better rate for him. However, Mr. Hall has provided no legal authority that would require CenturyLink to do so. Therefore, he has failed to state a claim upon which relief might be granted. Utah R. Civ. Pro. 12(b)(6).

ORDER

Given the foregoing, CenturyLink's motion to dismiss is **GRANTED**.

DATED at Salt Lake City, Utah, April 8, 2016.

/s/ Jennie T. Jonsson
Administrative Law Judge

Approved and confirmed April 8, 2016 as the Order of the Public Service Commission of
Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#273260

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Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on April 8, 2016, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

Delmus Hall
1350 West 300 North, Mailbox 34
Clearfield, UT 84015

By E-Mail:

Julie Layne (julie.layne@centurylink.com)
Tressa Norris (tressa.norris@centurylink.com)
Torry R. Somers (torry.r.somers@centurylink.com)
Jim Farr (james.farr@centurylink.com)
CenturyLink

Brett N. Anderson (bretta@blackburn-stoll.com)

Vicki Baldwin (vbaldwin@parsonsbehle.com)

Sharon Bertelsen (bertelsens@ballardspahr.com)

Larry Bowman (larry.bowman@charter.com)

Brian W. Burnett (brianburnett@cnmlaw.com)

(cflregulatory@chartercom.com)

Eddie L. Cox (ecox@cut.net)

William J. Evans (bevans@parsonsbehle.com)

Amy Gross (agross@tminc.com)

Alan Haslem (ahaslem@mleainc.com)

Ray Hendershot (ray.hendershot@beehive.net)

William Huber (William.huber@questar.com)

Bill Hunt (williamp.hunt@dish.com)

David R. Irvine (Drirvine@aol.com)

Kristin L. Jacobson (Kristin.l.jacobson@sprint.com)

Brock Johansen (bjohansen@emerytelcom.com)

Dawn Kubota (kubotad@ballardspahr.com)

Jasen Lee (jlee@desnews.com)

Kirk Lee (kirk.lee@ftr.com)

Shirley Malouf (srmalouf@stoel.com)

Jennifer H. Martin (jhmartin@stoel.com)

Steve Mecham (sfmecham@gmail.com)

Roger Moffitt (roger.moffitt@att.com)

Gregory Monson (gbmonson@stoel.com)

Sharon Mullin (smullin@att.com)

Thorvald Nelson (tnelson@hollandhart.com)

Janice Ono (Janice.ono@att.com)

Sheila Page (spage@utah.gov)

Mike Peterson (mpeterson@utahcooperatives.org)

Pam Pittenger (pam.pittenger@ftr.com)

Jenny Prescott (jenny.prescott@allwest.com)

Bruce Rigby (bruce@ucmc-usa.com)

Gary Sackett (gsackett@joneswaldo.com)

Kira Slawson (kiram@blackburn-stoll.com)

Alan L. Smith (alanakaed@aol.com)

Ted D. Smith (tsmithlaw@earthlink.net)

Kendra Thomas (kthomas@kfrservices.com)

Bruce H. Todd (btodd@stratanetworks.com)

Jake Warner (jakew@beehive.net)

James H. Woody (jwoody@union-tel.com)

John Woody (jwoody@union-tel.com)

Union Telephone Company

Patricia Schmid (pschmid@utah.gov)

Justin Jetter (jjetter@utah.gov)

Rex Olsen (rolsen@utah.gov)

Utah Assistant Attorneys General

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, Utah 84114

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84114

Administrative Assistant