

Torry R. Somers
CenturyLink
6700 Via Austi Pkwy.
Las Vegas, NV 89119
Ph: (702) 244-8100
Fax: (702) 244-7775
torry.r.somers@centurylink.com

Attorney for Qwest Corporation d/b/a CenturyLink QC

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Formal Complaint of
Barbara Lewis against CenturyLink

DOCKET NO. 16-049-17

**CENTURYLINK'S MOTION TO
DISMISS OR IN THE ALTERNATIVE
RESPONSE TO COMPLAINT**

On November 1, 2016, Barbara Lewis (Ms. Lewis) filed a formal complaint¹ against Qwest Corporation d/b/a CenturyLink QC (“CenturyLink”). On November 1, 2016, the Commission issued a Notice of Filing and Comment Period (the “Notice”). The Notice provides CenturyLink an opportunity to submit a response by no later than December 1, 2016. On November 15, 2016 the Utah Division of Public Utilities (“DPU”) filed a recommendation for the Commission to dismiss the Complaint based upon lack of subject matter jurisdiction. CenturyLink agrees that the Complaint should be dismissed for lack of subject jurisdiction, but it should also be dismissed based on the following:

- Ms. Lewis has failed to state any claim upon which the Commission can grant relief.
- CenturyLink in its offerings and pricing has not violated any statute or Commission rule.

¹ PSC website link for Docket No. 16-049-17:
<http://www.psc.utah.gov/utilities/telecom/telecomindx/2016/1604917indx.html>

- CenturyLink is in compliance with its price list on file with the Commission.

Ms. Lewis' formal complaint requests "*a reversal of 'late fees.'*" The Complainant has failed to set forth any facts that would demonstrate she is entitled to a reversal of late fees. Nonetheless, as a customer courtesy and in an effort to avoid the Commission spending time on this matter, on November 11, 2016, CenturyLink applied a \$42.00 credit to Ms. Lewis' account. This amount represents the total amount of all of the late payment fees on the account as of November 11, 2016.²

CenturyLink affirmatively states that it has been billing and continues to bill Ms. Lewis correctly, consistent with its price lists on file with the Commission.³ Additionally in its treatment of Ms. Lewis, including assessing late payment fees, CenturyLink has not violated any Commission rule or state statute. Further, Ms. Lewis has not alleged that CenturyLink has violated any Commission rule or state statute.

Ms. Lewis is receiving service on a month to month basis, and is not subject to a termination liability agreement should she decide to discontinue service with CenturyLink.⁴

On February November 15, 2016, the DPU provided a recommendation to dismiss the Complaint based on a lack of subject matter jurisdiction. CenturyLink concurs with the Division's recommendation to dismiss, but also believes the Complaint should be dismissed based on the following:

- Ms. Lewis has failed to state any claim upon which the Commission can grant relief.

² CenturyLink has attempted to explain to Ms. Lewis the charges on her bill. However, Ms. Lewis believes that she was misquoted and that her bill should not be more than \$51. Her billed amount is slightly lower than \$51, before the taxes, fees and surcharges and this has been explained to her multiple times by CenturyLink and DPU. Such charges are consistent with the filed price list.

³ Local phone service is provided by the Qwest Corporation d/b/a CenturyLink QC price list and long distance service is provided by CenturyLink Communications, LLC.

⁴ Ms. Lewis has other options for voice service from other providers if she continues to be unhappy with CenturyLink.

- CenturyLink in its offerings and pricing has not violated any statute or Commission rule.
- CenturyLink is in compliance with its price list on file with the PSC.
- Pursuant to statute CenturyLink has pricing flexibility to determine its pricing and service offerings.
- As a courtesy, CenturyLink has already provided a credit for the late fees at issue in the Complaint.

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

RESPECTFULLY SUBMITTED this 16th day of November, 2016

CENTURYLINK



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