

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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

DOCKET NO. 16-049-17
ORDER DISMISSING COMPLAINT

ISSUED: December 6, 2016

On November 1, 2016, Barbara Lewis (Ms. Lewis) filed a formal complaint against CenturyLink, a public utility. Ms. Lewis alleged that she had been charged more than she was quoted when she signed up for service from CenturyLink. Ms. Lewis also alleged that CenturyLink had assessed late charges to her account, despite the fact that she had disputed her bill. Finally, Ms. Lewis alleged that, when she made outgoing telephone calls, her name did not display on the recipients' caller identification.

On November 15, 2016, the Utah Division of Public Utilities (Division) filed a memorandum in this docket, recommending that the complaint be dismissed. Specifically, the Division stated: "[S]ince the complaint is regarding a question of pricing ... the complaint should be dismissed based on a lack of subject matter jurisdiction."

On November 16, 2016, CenturyLink answered the complaint and filed a motion to dismiss it. In its motion, CenturyLink represented that all charges to Ms. Lewis have complied with CenturyLink's current price list, and noted that Ms. Lewis has never alleged otherwise. Nevertheless, CenturyLink represented that it has credited \$42 to Ms. Lewis's account as a courtesy and in response to her dispute regarding late fees.¹

¹ CenturyLink did not discuss Ms. Lewis's allegation regarding her caller identification. We encourage CenturyLink to ensure that Ms. Lewis's name is properly associated with her telephone number, and that it displays correctly on the caller identification of those to whom she places telephone calls.

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On November 17, 2016, the Public Service Commission of Utah (PSC) issued a briefing schedule on the motion to dismiss, setting December 1, 2016 as Ms. Lewis's response deadline. As of the date of this order, Ms. Lewis has not filed a response.

Where CenturyLink's motion to dismiss is unopposed, it may be granted summarily. However, the PSC also notes the Division's comments, which correctly state that the PSC lacks jurisdiction to modify CenturyLink's pricing. The PSC also notes CenturyLink's argument that there is neither an allegation, nor evidence to demonstrate, that the utility has failed to comply with its price list. Therefore, the PSC concludes that there is no relief it may grant Ms. Lewis in this matter.

ORDER

The November 1, 2016 complaint filed by Barbara Lewis against CenturyLink is dismissed. Dismissal is with prejudice.

DATED at Salt Lake City, Utah, December 6, 2016.

/s/ Jennie T. Jonsson
Administrative Law Judge

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Approved and confirmed December 6, 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#290672

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 December 6, 2016, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

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