

Docket No. 17-049-09

**FORMAL COMPLAINT FORM
PUBLIC SERVICE COMMISSION
Heber M. Wells State Office Building
160 East 300 South, Fourth Floor
P.O. Box 45585
Salt Lake City, Utah 84114**

2017 JUL 10 A 10:35

Name of Complainant: Stephen D. Thomas / Tamara Thomas
Address: 65 West State Street, Farmington, UT 84025
Telephone No.: (801) 419-4376
Utility: CenturyLink
Counsel: Undecided

What did the utility do which you think is illegal, unjust, or improper?

Include exact dates, times, locations and persons involved, as closely as you can.

I have a piece of property located at 41 West State Street, Farmington UT. There are several low hanging phone lines running directly across my property. Not along a fence or property boundary, but directly across the middle of my property. CenturyLink does not have an easement across the property. I have plans to build a home. The home will sit under these lines. On 2/12/2016 I started working with Rob Combs. He then passed the job off to Gary Mailman. Gary was an engineer with CenturyLink for over 70 years. He came out to the property several times taking measurements, looking at lines, and figuring out the best approach. I would call him every 2 weeks and ask him how he was coming. He would tell me to try back as he was still working on it. I felt I was very patient because this process of continually calling him went on for over a year. I could tell he was working on the project because he would give me pieces of information each time so I kept after him. His plan was to place a stop (line ends) behind my house and a stop (line ends) at the Bornemeier's home and completely remove the line across the property. He said there was another project just west of my piece and that they needed to do work on those lines as well and thought he could roll this into that project. He told me that it should not cost me anything. I called one day to find that he was no longer with the company. I was placed in touch with Jason Libert. I told him I had been working with Centurylink for over a year on the project and he said they didn't have any records of what Gary had done. I have since spoken to Gary and he said he left plenty of documentation. Jason informed me that it was unlikely CenturyLink would do this for free. I felt I was not getting anywhere and I called the Division of Public Utilities and spoke with Stefanie Liebert. Stephanie was very help but after little success with CenturyLink, I started the formal request and at that point I received a call from a person who offered me a cost split. I was told the cost would be around \$10,000 to \$11,000 dollars. I was not willing to pay that amount so I opened an informal process with the Public Utilities Commission. I was called by Matt Ivester who offered to split that cost. I accepted that offer. However, that offer would require I give CenturyLink an easement across Brad Bornemeier's property. After speaking with Brad he decided against the easement at the last minute so I had to go back to CenturyLink and revise the plans. Then Brad changed his mind again after showing him the new plans with down guys on the opposite side of his property and we decided to go with the first option again. Once the plans were finalized, Centurylink then said the bill would be \$7,400 which means the changes they made cost them almost 5,000 dollars. This is totally unreasonable. The cost of my house plans from the architect only cost \$1,400 and Centurylink wanted to add another \$5,000 onto the bottom line for a few changes. Then after telling Brad I still needed an easement from the point where the line is buried he said no. He would allow them to bury the line but would not give CenturyLink an easement. Matt said he would not bury the line without an easement. This is their line running across my property and they are having me work with neighbors on this project to have them allow for an easement. I offered Brad \$500 to let me have an easement and Sheridan Prince also offered him \$500 but he said no.

So, my complaint is that I have the right to use my property in a reasonable manor. CenturyLink does not have a written easement. They piggy backed on the power lines and the power lines have been removed. Normally, lines run between property lines but these are infringing directly across my property. I want them to reroute the phone line onto other poles and bypass my property like Gary Mailman had originally planned to do, or get the easements they need from neighbors and bury their lines so I can build my home. I have no control over neighbors and begging them for easements. I have wasted over 2 years not building because they can't move the line. I am not their customer on this thing. They are looking at me as a revenue source. This is their problem and they need to fix it and not treat me as a paying customer they can make money off.

Why do you think these activities are illegal, unjust or improper?

CenturyLink does not have a recorded easement and they are not allowing me to use my property in a reasonable manor. They have a line that does not run along property boundaries but straight down the middle of my property. I want it moved and they are asking me to pay to move their problem.

What relief does the Complainant request?

I need the line removed from my property so that I can start building my home that has been delayed for over 2 years.

Signature of Complainant

Date: 06/26/2017