



PublicService Commission <psc@utah.gov>

RE: Docket No. 17-049-09, Scheduling Order: Motion to Dismiss

1 message

Steve Thomas <sthomas@ic-group.net>

Wed, Aug 23, 2017 at 5:32 PM

To: PublicService Commission <psc@utah.gov>

Cc: Tammy Thomas <tammythomas14@yahoo.com>

8/22/2017

Dear Mr. Widerburg,

I am writing in response to Centurylinks motion to dismiss my formal complaint. I do not believe it should be dismissed for the following reasons:

1. Centurylink's statement on page 2, paragraph 1, line 2 states I asked that Centurylink split the cost. This is inaccurate. After filing my formal complaint in March, I received a call from Centurylink asking *me* if I would be willing to split the cost; not the other way around. I agreed to *their* request. They then asked if I would call the commission and have the complaint dropped. Even though we did not yet have the details worked out as to how Centurylink planned to re-route and move the lines, I took the offer in good faith and had the complaint dismissed as requested. I wrote a letter on June 26, 2017 requesting that the case be reopened after Centurylink told me that my cost had increased nearly 50%, to \$7,400. I was told this increase was to pay for charges incurred by changing the plans because of my neighbors' unwillingness to agree to the plans, and changing his mind several times.

2. Centurylink states that I am unwilling to pay the agreed upon amount. I was willing to pay the \$5,000 I agreed upon, but not the additional \$2,400. I am not willing to pay the increased amount. After re-opening the formal complaint in July, Centurylink called again and offered to go back to the agreed upon \$5000 offer. I am frustrated with the whole process and the time that has been involved. The fact of the matter is, this is now going on 2 years since I have wanted to build, and there is still no agreed upon plan as to how the lines are to be rerouted and moved.

3. After my original complaint in March, new circumstances have been added in the second complaint I filed. I have been unable to reach an agreement with my neighbors as to where the lines should go. I even offered to pay the neighbor \$500 (as well as another neighbor offered an additional \$500, for a total of \$1000) if he would be willing to grant Centurylink an easement but he is unwilling to do so. I should not be the one trying to work out agreements with my neighbors in this matter. I have no control over what they will or will not do. As I have been unable to reach a resolution with my neighbors, I need relief from Centurylink. Part of my frustration is that if Centurylink would honor the proposal that their engineer Gary Mailman had originally proposed, there would be no need for the easement.

4. Although Gary Mailman is no longer employed with Centurylink, he was at the time this process began. Centurylink has completely ignored the fact that a representative from their company had been telling me for over a year that 1) He felt that Centurylink could have something worked out at no cost to me. And 2) The lines could be removed and bypass my property. I was even told that when Gary left Centurylink, he left no documentation about his proposal. I have since talked to Gary and he told me he left all of the detailed information documented with Centurylink in regards to his proposal to reroute the lines.

5. Again, I want to make it very clear, I have the right to use my property in a reasonable manor. These lines are not strategically placed, following property boundary lines, but they cut across the middle of my property, going in two different directions. If the lines followed property boundaries this problem would never have arisen. Additionally, these lines are very low hanging, making it impossible to build with the lines the way they are. This is not the usual case of an easement but of two phone lines infringing upon my rights and ability to use my property.

6. Gary Mailman indicated to me that he had verified that there was no legal easement. Originally, a power company did have an easement, which the phone lines piggy-backed onto, but there are no longer power lines there.

This is the basis of my claim that relief should be granted. As my Complaint on July 10th states, I have the right to use my property in a reasonable manor. Centurylink does not have a written easement. As we have been unable to make arrangements with our neighbors in order to bury the line. I relied on the proposal made by Gary Mailman and as a result of his assurances, I have waited over 18 months to build. My estimate of the

cost of building has gone up by 4 or 5%. This has resulted in an increase of approximately \$16,000 in the cost to build. I am hoping I do not have to take this matter any further. I would like the original proposal as recommended by Gary Mailman to be honored, putting a stop (line ends) behind my house and a stop (line ends) behind Bornemeyer's house: Thus rerouting the lines and bypassing my property.

Thank you for your consideration in this matter.

Sincerely,

Stephen D. and Tamara Thomas

This response will also be sent via USPS

From: mpaschal@utah.gov [mailto:mpaschal@utah.gov] **On Behalf Of** PublicService Commission

Sent: Wednesday, August 09, 2017 9:27 AM

To: Cynthia Dumas; cfl.regulatory@chartercom.com; joelle.steward@pacificorp.com; Jordan White; Peterson, Jeff; news@krcl.org; radioactive@krcl.org; tonyhall2004@hotmail.com; Alan L. Smith; Anderson, Brett; Anderson, Paul; Baldwin, Vicki; Beck, Michele; Benvegnu-springer, Shauna; Bertelsen, Sharon; Bob Davis; Brian W. Burnett; Carl Erhart; Chuck McCown; Coleman, Casey; Cox, Eddie L.; Crabtree, David; Dalton, Jamie; Darren Shepherd; David Irvine; David Rex Clark; Davis, Stacey; Duncan, William; Eric Martinson; Evans, William; Farr, James; francone, kelly; Gary Smith; Gavin Mangelson; Greg Cole; Gross, Amy; Gwen Flores; Harvey, John; Haslem, Alan; Hicken, Paul; Hogle, Yvonne; Hunt, Bill; Jacobson, Kristin; Jake Warner; Janice Ono; Jeff Richards; Jennie Jonsson; Johansen, Brock; John Sisemore; Johnson, Ginger; Joseph Hellewell; Justin Jetter; Kubota, Dawn; Lee, Jasen; Legge, Mike; Long, Mark; Margaret Thomson; Martin, Jennifer; Martinez, Danny; Martinez, Marialie; Mecham, Steve; Melanie Reif; Melissa Robyn Paschal; Michael Hammer; Michael Orton; Montin, Melissa; Murray, Cheryl; Myunghee Tuttle; Natalie Gleave; Nelson, Thorvald; Orton, Eric; Parker, Chris; Patricia Elizabeth Schmid; Peterson, Charles; Phillip Solomon; Pietsch, Paul; Pittenger, Pam; Policy, Tariff; Prescott, Jenny; Ray Hendershot; Reeder, Bob; Reeder, F; Revelt, Carol; Richards, Mark; Rigby, Bruce; Robert Moore; Sackett, Gary; Salter, Brenda; Sheri Bintz; Slawson, Kira; Slusher, Ronald; Stefanie Liebert; Tedder, Erika; Thad Cornell Levar; Thomson, David; Todd, Bruce H.; Widerburg, Gary; Woody, James H.; Woody, John; tressa.norris@centurylink.com; Julie Layne; Steve Thomas; Steven Snarr

Subject: Docket No. 17-049-09, Scheduling Order: Motion to Dismiss

In the Matter of the Formal Complaint of Stephen D. and Tamara Thomas against Qwest Corporation d/b/a CenturyLink QC

To view the Order, please click on the link below, or see the attached:

<https://pscdocs.utah.gov/telecom/17docs/1704909/2958691704909somtd8-9-2017.pdf>

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