

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Formal Complaint of Arroyo de Plata, LLC dba Domino's Pizza against CenturyLink	<u>DOCKET NO. 18-049-12</u>  <u>ORDER LIFTING STAY</u> <u>AND DISMISSING COMPLAINT</u>
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ISSUED: February 7, 2019

Complainant Arroyo de Plata, LLC dba Domino's Pizza ("Domino's") initiated this docket by filing its Formal Complaint ("Complaint") against CenturyLink, alleging that its telephone service had been transferred without authorization from CenturyLink to Comcast. CenturyLink subsequently moved to dismiss the Complaint, asserting it had received a request from Comcast to transfer the service and citing federal regulations providing it is the "submitting carrier's" (*i.e.*, Comcast's) responsibility to verify the customer's authorization for the transfer. CenturyLink further cited governing federal regulations that preclude the "executing carrier" (*i.e.*, CenturyLink) from attempting to independently verify the accuracy of the request with its customer. CenturyLink asserted Domino's has already filed an informal complaint with the Division of Public Utilities ("DPU") against Comcast for the unauthorized transfer. In reply comments, Domino's confirmed it has initiated a complaint against Comcast.

On January 2, 2019, the Public Service Commission ("PSC") issued its Order Staying Docket and Action Request to the DPU, explaining the PSC would stay this docket pending resolution of Domino's complaint against Comcast because an issue of fact existed as to whether CenturyLink received a proper request from Comcast for the change. The PSC concluded it was appropriate to stay this docket to allow the facts to be developed with respect to Domino's complaint against Comcast and requested the DPU file a memorandum to apprise the PSC of the status of the informal complaint Domino's filed against Comcast.

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On February 1, 2019, the DPU filed an Action Request Response (“Response”), recommending the PSC dismiss the complaint in this docket. The DPU attached a letter from Comcast wherein Comcast takes responsibility for the problem, explaining a Comcast agent typed Domino’s telephone number by mistake in taking a request from another customer with a similar telephone number.

Based on the parties’ filings in this docket, the Response, and its attached exhibits, the PSC finds CenturyLink received a request from Comcast to port Domino’s number. The PSC concludes that under governing federal regulations CenturyLink did not have a duty nor the option of confirming the accuracy of that request with Domino’s before complying. *See* 47 C.F.R. § 64.1120(a)(2). Accordingly, no allegation or fact in the record suggests CenturyLink violated any provision of applicable statute, rule, or tariff in connection with the transferring of Domino’s number. In light of these findings and conclusions, the PSC lifts the stay, grants CenturyLink’s motion to dismiss, and dismisses Domino’s complaint.

DATED at Salt Lake City, Utah, February 7, 2019.

/s/ Michael J. Hammer  
Presiding Officer

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Approved and confirmed February 7, 2019 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  
PSC Secretary  
DW#306602

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 written order by filing a request for review or rehearing with the PSC 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 PSC 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 PSC'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 February 7, 2019, a true and correct copy of the foregoing was served upon the following as indicated below:

By USPS:

Arroyo de Plata, LLC dba Domino's Pizza  
PO Box 6484168  
Park City, UT 84068

By Electronic-Mail:

Israel Avelar ([iavelar00@yahoo.com](mailto:iavelar00@yahoo.com))  
Arroyo de Plata, LLC dba Domino's Pizza

James Farr ([james.farr@centurylink.com](mailto:james.farr@centurylink.com))  
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Division of Public Utilities

By Hand-Delivery:

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160 East 300 South, 2nd Floor  
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Administrative Assistant