

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Anne Francis against CenturyLink	<p style="text-align: center;"><u>DOCKET NO. 19-049-09</u></p> <p style="text-align: center;"><u>ORDER DENYING MOTION TO DISMISS AND NOTICE TO COMPLAINANT TO PROVIDE UPDATE</u></p>
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ISSUED: November 19, 2019

On August 26, 2019, Anne Francis (“Complainant”) filed a formal complaint (“Complaint”) with the Public Service Commission (PSC) against CenturyLink. Complainant alleges she was prompted to investigate the legality of utility lines on her property after an electrician advised her that utility lines were too close to her roof, including CenturyLink’s line. Complainant alleges CenturyLink lacks the necessary easement to locate its lines on her property and requests the PSC order CenturyLink to reroute the line and to ensure any lines on her property are in compliance with applicable safety codes and safe practices.

On September 20, 2019, CenturyLink filed a Motion to Dismiss or in the Alternative Response to Complaint (“Response”). CenturyLink alleges it has “a lawful right to retain the utility line in question.” (Response at 2.) Moreover, CenturyLink argues the question of whether it possesses an adequate and lawful easement is not a matter within the PSC’s jurisdiction. On this basis, CenturyLink asks the PSC to dismiss the Complaint.

On September 26, 2019, Complainant filed a Reply, again alleging that CenturyLink’s line on her property fails to comply with applicable safety regulations under the National Electric Safety Code (NESC).

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On October 9, 2019, CenturyLink filed an Administrative Update, explaining it “has conducted work to cure any claimed NESC violations and has lifted its lines off Complainant’s roof and is [now] compliant with the NESC code.”

The PSC concludes the issue of whether CenturyLink has a legally enforceable easement is outside the PSC’s jurisdiction and properly belongs in a court of appropriate jurisdiction. However, the PSC finds an issue of fact clearly exists as to whether CenturyLink violated applicable safety regulations with respect to the proximity of the line to Complainant’s roof. CenturyLink’s motion to dismiss is therefore denied.

Complainant did not file a response to CenturyLink’s Administrative Update, claiming CenturyLink is now in compliance with applicable regulations. The PSC requests Complainant file notice as to the following: (1) whether Complainant agrees all violations with respect to applicable safety regulations have been resolved; (2) to the extent Complainant believes violations continue to exist, to please identify them; and (3) advise as to whether Complainant desires the PSC to set the matter for hearing. If Complainant fails to file such notice by **Friday, November 29, 2019**, the PSC will infer the matter is resolved and take no further action on the Complaint.

DATED at Salt Lake City, Utah, November 19, 2019.

/s/ Michael J. Hammer  
Presiding Officer

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#311172

CERTIFICATE OF SERVICE

I CERTIFY that on November 19, 2019, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

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Office of Consumer Services

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Administrative Assistant