
Formal Complaint of John W. Holt and Karen Holt Bennion against CenturyLink	<u>DOCKET NO. 21-049-09</u> <u>ORDER OF DEFAULT</u>
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ISSUED: November 12, 2021

BACKGROUND

On November 4, 2021, the Public Service Commission (PSC) issued an Order to Show Cause in this docket indicating that, since CenturyLink missed its October 18, 2021 deadline to respond to a complaint (“Complaint”) filed by John W. Holt and Karen Holt Bennion (“Complainants”), the PSC intended to issue a default judgment in favor of Complainants unless CenturyLink filed a response by Wednesday, November 10, 2021, which deadline CenturyLink missed.

Complainants filed the Complaint on September 17, 2021, alleging that CenturyLink has provided “horrendous and unacceptable” telephone service since June 2020.¹ Specifically, Complainants allege that beginning in June 2020 the noise and static on their landline has prevented them from using telephone service, which “[a]t 93 years old” Complainants depend on.² CenturyLink sent a technician to Complainants’ home in August 2020, and installed a new coaxial cable at Complainants’ home in September 2020.³ CenturyLink later “... returned to install a temporary cable from [its] junction box to [the] new entrance NID location[] ... [and] later [] bur[ied] th[e] cable.”⁴ Complainants state that the telephone service was good for a short time once this work was completed. However, Complainants allege that “[b]eginning [in the]

¹ Complaint, at 1.

² *Id.*

³ *Id.*

⁴ *Id.*

spring [of] 2021 the noise and static returned.”⁵ Since then, the telephone service has not improved. Complainants request the following relief: “A detailed correction plan of what CenturyLink has found in this area. [A] schedule to perform [the necessary] work. [A] plan to monitor the work after upgrades and/or repairs have been completed. A personal contact in Salt Lake [City] that is responsible for operations that can keep [Complainants] informed of progress. A refund of [Complainants’] monthly telephone fees for the time [the] telephone line has been unusable.”⁶

ORDER OF DEFAULT

We conclude that CenturyLink’s failure to respond to its deadlines and our Order to Show Cause violates our laws including, without limitation, Utah Code Ann. § 54-3-23. We also find and conclude that CenturyLink has failed to provide and maintain telephone service that promotes the safety, health, and convenience to Complainants, in violation of Utah Code Ann. § 54-3-1. On this basis, the PSC grants Complainants’ request for relief and enters this Order of Default. We order CenturyLink to file with the PSC and provide to Complainants:

1. A detailed correction plan indicating its findings and reasons for the noise and static heard from Complainants’ telephone.
2. A schedule indicating the dates when reasonable and appropriate telephone service will be restored.
3. A plan to ensure that reasonable and appropriate telephone service continues.

⁵ *Id.*

⁶ *Id.* at 2.

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4. The contact information of Salt Lake City employees who are responsible for operations that will keep Complainants informed of the progress made to fix their problems.
5. A refund of 12 months of Complainants' telephone charges including taxes and fees billed from, and including, September 2020 through August 2021.

CenturyLink shall file the foregoing, and pay the refund we have ordered, by **Friday, November 26, 2021**. Any delays in their filing and in paying the refund will subject CenturyLink to penalties under Utah Code Ann. § 54-7-25.

DATED at Salt Lake City, Utah, November 12, 2021.

/s/ Yvonne R. Hogle
Presiding Officer

Approved and Confirmed November 12, 2021, as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#321130

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Notice of Opportunity for Agency Review or Rehearing

Pursuant to §§ 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this written Order by filing a written request with the PSC within 30 days after the issuance of this 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 does not grant a request for review or rehearing within 30 days after the filing of the request, 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 §§ 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on November 12, 2021, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email

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