
DOCKET NO. 25-049-04

December 2, 2025
Utah Public Service Commission
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84111

Dear Commission Members,

As the Complainant, I issue the following response to CenturyLink's request for dismissal with prejudice:

I request that the record reflect the following issues encountered during the complain process:

1: Completion of Requested Work

The Respondent has, thankfully, hired a contractor to perform the requested work, and that work was completed on Monday Nov 24, 2025. The contractors that performed the work were very professional and respectful of my schedule and my property.

That being said, I request that if the Commission opts to dismiss this case, it do so *without prejudice* for the reasons further outlined as follows:

2: Procedural Concerns during the Informal Complaint Process

When contacted by the Division of Public Utilities (DPU), CenturyLink represented that the work had been completed, despite the fact that no work had actually been performed.

Respondent further represented that it had contacted me to confirm completion. No such call was ever received, nor was any other communication attempted. These emails are available for review in the docket provided by the DPU.

These inaccuracies contributed to avoidable delay and cast reasonable doubt on Respondent's assertion that the matter could be handled appropriately.

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3: PSC's Regulatory Authority Over Utility Line Construction, Safety, and Maintenance

Utah law grants the Public Service Commission clear jurisdiction over the construction, maintenance, and operational safety of public utility facilities, including telecommunications infrastructure. See Utah Code §54-4-1, which authorizes the Commission to ensure utilities provide service that is "safe, adequate, and just," and to regulate the "construction and maintenance" of utility equipment when public safety or service quality is implicated.

Additionally, Commission rules in Utah Admin. Code R746-310 require telecommunications corporations to construct and maintain their facilities in accordance with the National Electrical Safety Code (NESC), which the PSC has adopted as the governing technical standard for overhead communication lines.

Under NESC Rule 232, minimum vertical clearances above ground for communication lines in areas accessible to vehicles are substantially higher than the 9.5-foot clearance that was present on my property. Regardless of easement or property classifications, telecommunications utilities operating in Utah must maintain their facilities in compliance with the NESC and PSC rules incorporating it, and had the Respondent not been negligent in their responses during the informal complaint process, they would have obviously noted the failure to operate in a way that falls within the NESC and PSC rules.

Because this complaint concerns an alleged violation of NESC line-height requirements—requirements the PSC expressly enforces—the matter falls squarely within the Commission's regulatory authority, and is not simply a private property matter as the Respondent has claimed.

4: PSC involvement was necessary for any utility response

For several years prior to filing this complaint, I attempted to address this issue directly with CenturyLink. They did not properly respond or take action until the formal PSC complaint was filed. This demonstrates:

- A systemic issue with utility responsiveness regarding legacy easements
- A public-interest concern beyond my individual property
- The need for a regulatory avenue to ensure utilities comply with safety standards

Conclusion

Because CenturyLink stonewalled, misdirected and ignored my issues for years during attempts at private resolution, misrepresented their efforts to the DPU during the informal complaint process, and used their extensive legal resources to try to seek dismissal with prejudice, it seems clear to me that this utility provider is not wholly operating in good faith in the state of Utah, and thereby a dismissal with prejudice would be inappropriate at this time, because it would foreclose the regulatory levers that citizens have in addressing concerns with massive private institutions, especially when there is a question of safety or code compliance.

Sincerely yours,

Parker Cross