

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Parker Cross against CenturyLink	<u>DOCKET NO. 25-049-04</u> <u>ORDER DISMISSING COMPLAINT</u>
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ISSUED: January 21, 2026

BACKGROUND

On October 21, 2025, complainant Parker Cross (“Complainant”) filed a formal complaint (“Complaint”)¹ against Qwest Corporation d/b/a CenturyLink (“CenturyLink”). The Complaint alleges that CenturyLink has failed to respond to requests to relocate its lines, which are lower than 10 feet above grade and run diagonally across Complainant’s property. Complainant seeks the PSC to order CenturyLink to either move its lines, or to remove them altogether.

On November 20, 2025, CenturyLink filed a Motion to Dismiss and Status Update Regarding Voluntary Resolution Efforts (“Motion to Dismiss”). The Motion to Dismiss seeks dismissal with prejudice based on CenturyLink’s characterization of the allegations in the Complaint, but also represents that Complainant’s line relocation request should be completed by CenturyLink’s contractor by November 24, 2025.²

On December 2, 2025, Complainant filed a response to the Motion to Dismiss (“Complainant’s Response”). Complainant’s Response confirms that CenturyLink’s lines

¹ Complainant’s informal complaint, filed with the Division of Public Utilities (DPU), was attached as Exhibit A to the Complaint and consists of various correspondence, and attempted correspondence, between DPU and CenturyLink (“Informal Complaint”).

² See Motion to Dismiss at 3, ¶ 7.

have been relocated, but also offers his characterization of the Motion to Dismiss and requests the Complaint be dismissed without prejudice.³

DISCUSSION

The Informal Complaint memorializes a number of facts concerning this dispute. First, CenturyLink was on notice that the lines at issue were possibly “only nine feet off the ground.”⁴

Second, on July 16, 2025, CenturyLink advised DPU that CenturyLink had “completed [the] repairs[,]” and that it tried to call Complainant to “verify that all was good but did not get a response.”⁵ In response, DPU advised that based on CenturyLink’s representations, it would close the Informal Complaint.⁶

Third, on August 25, 2025, DPU contacted CenturyLink and advised that Complainant had called DPU stating that, contrary to CenturyLink’s earlier representations, the “necessary work has not yet been started or completed.”⁷ DPU requested that CenturyLink provide it with an update on how CenturyLink would proceed with this complaint. There is no record of any response from CenturyLink.

Fourth, on September 24, 2025, DPU contacted CenturyLink to advise that Complainant had again called DPU stating that Complainant “has not yet received any correspondence from CenturyLink, and ... the work has still not been started or

³ See Complainant’s Response at 1.

⁴ Informal Complaint at 1.

⁵ *Id.* at 3.

⁶ *Id.* at 3-4.

⁷ *Id.* at 4.

completed.”⁸ DPU again requested that CenturyLink provide it with an update on how CenturyLink would proceed with this complaint. There is no record of any response from CenturyLink.

Fifth, on October 6, 2025, DPU contacted CenturyLink for a third time and stated it “received another follow up phone call from [Complainant]. Please provide a response on how CenturyLink plans to proceed.”⁹ There is no record of any response from CenturyLink.

Because nothing had been done by CenturyLink to address Complainant’s concerns for almost 3 months, Complainant filed a formal complaint on October 21, 2025.

CenturyLink’s Motion to Dismiss characterizes the Complaint as a “property, easement, trespass, or land-use dispute[],”¹⁰ over which the PSC lacks jurisdiction. CenturyLink also asserts “[t]he Complaint does not allege ... that any regulated utility service is at issue.”¹¹ However, the Motion to Dismiss does not address, or even acknowledge, its multiple failures during the Informal Complaint process; it is silent about the allegation that the lines at issue were lower than 10 feet, it is silent about its representation on July 16, 2025, that it had completed the work, and it is further silent about the multiple times – over a period of almost three months – that it ignored

⁸ *Id.* at 4.

⁹ *Id.* at 5.

¹⁰ Motion to Dismiss at 1, ¶ 4.

¹¹ *Id.* at 1, ¶ 3.

DPU's requests for an update on how CenturyLink was going to proceed with the Informal Complaint.

We find CenturyLink's characterization of the Complaint is far too narrow and is also inaccurate. Read fairly, the Complaint at least concerns the location and the height of CenturyLink's lines, both of which are components of a regulated utility service over which the PSC has jurisdiction. Stated another way, CenturyLink is simply incorrect that the allegations of the Complaint concern only a private property dispute over which the PSC lacks jurisdiction, and its request for dismissal of the Complaint with prejudice on that basis is not well founded.

Complainant's Response recounts CenturyLink's failures during the Informal Complaint process and, for the first time, expressly claims the Complaint concerned a safety issue.¹² In this regard, Complainant introduces new facts concerning minimum vertical clearances above ground for communication lines in areas accessible to vehicles, an allegation nowhere found in the Complaint (or Informal Complaint). However, while the Complaint (and the Informal Complaint) mentions the height of the lines at issue, neither the Complaint (nor the Informal Complaint) make any explicit allegations about safety concerns or considerations. And while CenturyLink, as a regulated Utah public utility, is not excused from knowing its obligations under Utah law, including complying with appropriate line height requirements, the allegations in

¹² See Complainant's Response at 2.

the Complaint failed to alert the PSC (and likely CenturyLink) that this docket involved express safety issues.

Nonetheless, we do not condone CenturyLink's behavior in this docket. We are troubled by CenturyLink's apparent misrepresentation to DPU on July 16, 2025, that "[it] completed [the] repairs" on July 15, 2025, by its failure to respond to DPU's numerous requests for a simple status update, and also troubled that CenturyLink's Motion to Dismiss simply ignored these apparently unattractive facts in the record. We are further troubled by CenturyLink's characterization of this dispute as merely a "property, easement, trespass, or land-use dispute[.]" upon which CenturyLink relies to support its mislaid claim that the PSC lacks jurisdiction over the Complaint.

We greatly appreciate Complainant's apparent patience and diligence in addressing the issues outlined in the Complaint. However, Complainant's attempt to now assert that, in essence, this docket was always about a safety issue is not supported by the Complaint because nowhere in that document (or the Informal Complaint) is the specific issue of safety ever raised.

CONCLUSION

It is undisputed that the underlying issue raised in the Complaint has been resolved. It is for that reason that the Complaint is dismissed with prejudice, and not because the Complaint concerns subject matter over which the PSC lacks jurisdiction. However, and to be clear, our dismissal with prejudice does not foreclose Complainant, or others, from initiating future complaint proceedings against

CenturyLink relating to issues not specifically resolved in this docket. Moreover, we admonish CenturyLink to refrain from similar behavior in the future, and our dismissal here should not be construed as in any way condoning its behavior in this docket or in future dockets.

ORDER

The Complaint is dismissed with prejudice.

DATED at Salt Lake City, Utah, January 21, 2026.

/s/ John E. Delaney
Presiding Officer

Approved and confirmed January 21, 2026 as the Order of the Public Service
Commission of Utah.

/s/ Jerry D. Fenn, Chair

/s/ David R. Clark, Commissioner

/s/ John S. Harvey, Ph.D., Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#343470

CERTIFICATE OF SERVICE

I CERTIFY that on January 21, 2026, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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