

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF A FORMAL) CASE NO. QWE-T-21-14
COMPLAINT BY RICHARD KEAVY)
AGAINST QWEST CORPORATION D/B/A/) NOTICE OF EXTENSION OF
CENTURYLINK) TIME TO RESPOND
)
) **ORDER NO. 35329**
)

On December 2, 2021, Richard Keavy filed a formal complaint against Qwest Corporation d/b/a/ CenturyLink (“Company”). Mr. Keavy was unsatisfied with the outcome of the informal procedures to resolve his complaint and requested that the Commission open a formal complaint against the Company. Mr. Keavy contends that the Company has failed in its contractual obligation to him when he requests a Call Trace (*57)—a service offered by the Company to its customers.

At the December 20, 2021, Decision Meeting, the Commission accepted Mr. Keavy’s Formal Complaint. On January 12, 2022, the Commission mailed a Summons and copy of the Formal Complaint to the Company via certified mail. The Summons directed the Company to respond to Mr. Keavy’s allegations within 21 days—requiring a timely response by February 2, 2022. No response was received. On February 10, 2022, Staff contacted the Company’s counsel to inquire why no response was filed. Staff’s Counsel Correspondence at 1.

On February 14, 2022, the Company requested an extension of time to respond to the Formal Complaint, stating that—due to COVID-19 protocols—the Company’s attorney of record never received the Formal Complaint. Company’s Request for Extension of Time at 2. However, the Company admitted it accepted service of the Formal Complaint and Summons at an office in Hood River, Oregon by and through Alisa Mooney on January 21, 2022.

The Commission now issues this Notice of Extension of Time to Respond, thereby approving the Company’s request.

DISCUSSION AND FINDINGS

The Commission has authority under Rules 41, 51, 53, and 66 to grant a Company’s request for an extension of time so long as the Company complies with Rule 53 of the IPUC Rules of Procedure. *See* IDAPA 31.01.01.41, -51, -53, and -66.

We find that the Company sufficiently stated fully the facts upon which the Petition was based; the Company referred to the controlling legal authority; and properly prayed for appropriate relief. We also find that allowing the extension of time does not affect the substantial rights of Mr. Keavy.

The Commission finds that a misunderstanding may have occurred during process of service by which the wrong representative of the Company was served through no fault of any party. Accordingly, we find the proposed penalty for not timely responding to the summons is not warranted in this case. The Commission finds that no prejudice or substantial harm will likely come to Mr. Keavy because of a delayed response from the Company.

The Commission takes matters like this seriously. It is imperative that regulated entities respond to the Commission in the manner prescribed. The Commission appreciates the Company's diligence to set procedures that will ensure an instance like this will not occur again.

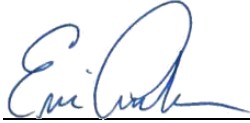
ORDER

IT IS HEREBY ORDERED that the Company's request for an extension of time to respond to Mr. Keavy's Formal Complaint is granted. The Company is required to respond to Mr. Keavy by 5:00 p.m. Mountain Standard Time on February 28, 2022.

THIS IS AN INTERLOCUTORY ORDER, not a final and appealable Order of the Commission. The period of reconsideration will not begin until the final order is issued.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 1st day of March 2022.



ERIC ANDERSON, PRESIDENT

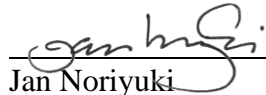


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND, JR., COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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