BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF RICHARD KEAVY'S FORMAL COMPLAINT AGAINST QWEST CORPORATION D/B/A/ CENTURYLINK	))))))	CASE NO. QWE-T-21-14 ORDER NO. 35396

On December 2, 2021, Richard Keavy filed a Formal Complaint against Qwest Corporation d/b/a/ CenturyLink QC ("Company"). Mr. Keavy claimed that the Company failed in its contractual obligations to him when he used the Company's Call Trace[1] (*57) system. Following formal proceedings, on March 22, 2022, the Commission entered its Final Order No. 35351 ("Final Order") dismissing the Complaint for lack of jurisdiction. The Final Order provides:

> The Idaho Public Utilities Commission exercises **limited jurisdiction** and has no authority other than that expressly granted to it by the legislature. *Washington Water Power Co. v. Kootenai*, 99 Idaho 875, 591 P.2d 122 (1979). This Commission has no authority under Idaho law to adjudicate the dispute between Mr. Keavy and the Company. The Company is a telephone corporation as defined in *Idaho Code* § 61-121 but is exempt from the requirements of Title 61 public utilities laws. *See generally Idaho Code* §§ 62-604 and 62-605. For telephone corporations under the jurisdiction of Title 62 Idaho Code § 62-605(b) provides:

>> The commission shall have the continuing authority to determine the noneconomic regulatory requirements relating to basic local exchange service for all telephone corporations providing basic local exchange service including, but not limited to, such matters as service quality standards, provision of access to carriers providing message telecommunication service, filing of price lists, customer notice and customer relation rules, and billing practices and procedures, which requirements shall be technologically and competitively neutral.

> *Idaho Code* § 62-603(1) defines basic local exchange service as:

>> [T]he provision of access lines to residential and small business customers with the associated transmission of two-way interactive switched voice communication within a local exchange calling area.

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[1] Call Trace allows a customer to dial *57 to initiate an automatic trace of the last call received. *See Company Response* at 2.

The Commission finds that "Call Trace" does not constitute a basic local exchange service; therefore, the Commission has no regulatory authority over such service. Accordingly, the Commission declines to adjudicate the dispute between Mr. Keavy and the Company.

Order No. 35351 (footnotes omitted).

Pursuant to *Idaho Code* § 61-626 and Rule 331, IDAPA 31.01.01.331, interested persons were given twenty-one (21) days following entry of the Final Order in which to petition for clarification and/or reconsideration. On April 12, 2022, Mr. Keavy emailed the Commission Secretary and Commission counsel a correspondence titled: "Motion for Reconsideration of 'closed' Case #QWE-T-21-14 on 4/12/2022." The Company was not included as a recipient of the email.

Having reviewed the record, the arguments of the parties, and all submitted materials, the Commission denies Mr. Keavy's "Motion for Reconsideration" ("Petition").

COMMISSION FINDINGS AND DECISION

The Commission finds that Mr. Keavy's Petition does not meet the substantive nor procedural requirements for a petition for reconsideration. Rule 331.01 provides:

Petitions for reconsideration must set forth specifically the ground or grounds why the petitioner contends that the order or any issue decided in the order is *unreasonable, unlawful, erroneous or not in conformity with the law*, and a statement of the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted.

IDAPA 31.01.01.331.01 (emphasis added). In the Petition, Mr. Keavy does not set forth any specific grounds for reconsideration concerning the Commission's jurisdiction, nor does he indicate the nature and quantity of evidence he would offer to show the Commission's Final Order was "unreasonable, unlawful, erroneous[,] or not in conformity with the law." *Id*. Rule 331.03 provides that "the petition . . . must state whether the petitioner . . . requests reconsideration by evidentiary hearing, written briefs, comments, or interrogatories." IDAPA 31.01.01.331.03. The Petition does not contain a request for an evidentiary hearing, written briefing, additional comments, nor a request for interrogatories.

Additionally, the Commission finds that the Petition was not properly served on all parties. Pursuant to Rule 63, "[a]ll [petitions] . . . must be served upon the representatives of every party of record concurrently with filing with the Commission Secretary." IDAPA 31.01.01.063.01. Similarly, Rule 64 provides that "[e]very document that is filed with the Commission and intended to be part of the record for decision must be attached to or

accompanied by proof of service . . ..” IDAPA 31.01.01.064. The Commission finds that Mr. Keavy failed to serve his Petition on all parties or provide the Commission with proof of service.
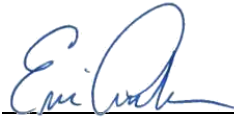
Pursuant to Rule 332, “[g]rounds for reconsideration or issues on reconsideration that are not supported by specific explanation may be dismissed.” IDAPA 31.01.01.332. Further, Rule 65 provides that “[d]efective, insufficient or late pleadings may be returned or dismissed . . ..” IDAPA 31.01.01.065. Based upon the Petition’s lack of specific grounds for reconsideration, supporting argument, and proper service, the Commission denies the Petition.

<p align="center">**ORDER**</p>

IT IS HEREBY ORDERED that the Petition for Reconsideration is denied.

THIS IS A FINAL ORDER DENYING RECONSIDERATION. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this case may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. *See Idaho Code* § 61-627.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 4th day of May 2022.
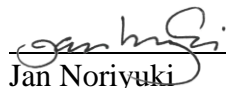
ERIC ANDERSON, PRESIDENT

JOHN CHATBURN, COMMISSIONER

JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:

Jan Noriyuki
Commission Secretary
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