

DECISION MEMORANDUM

TO: COMMISSIONER ANDERSON
COMMISSIONER CHATBURN
COMMISSIONER HAMMOND
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: TAYLOR BROOKS
DEPUTY ATTORNEY GENERAL

DATE: FEBRUARY 16, 2022

RE: IN THE MATTER OF THE FORMAL COMPLAINT AGAINST
CENTURYLINK BY RICHARD KEAVY; CASE NO. QWE-T-21-14

On December 2, 2021, Richard Keavy filed a Formal Complaint against Qwest Corporation d/b/a/ CenturyLink (QWE) (“the 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, 2022 Decision Meeting, the Commission accepted Mr. Keavy’s Formal Complaint. On January 12, 2022, the Commission mailed a Summons and copy of Mr. Keavy’s 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. Staff contacted the Company’s counsel to inquire why no response was filed on February 10, 2022. *See Staff’s Counsel Correspondence.*

On February 14, 2022, the Company requested an extension of time to respond to Mr. Keavy’s formal complaint, stating that—due to COVID-19 protocols—the Company’s attorney of record never received the Formal Complaint. *See 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.


STAFF RECOMMENDATION

Staff recommends the Commission grant the Company’s request for an extension of time to respond to Mr. Keavy’s formal complaint but recommends the Commission fine the

Company for failing to timely respond to the Formal Complaint. Under *Idaho Code* § 61-706, “any public utility which . . . fails to comply with . . . or neglects to obey, observe or comply with any . . . direction, demand or requirement . . . of the commission. . . such public utility is subject to a penalty of not more than \$2,000 for each and every offense.” Accordingly, Staff recommends that the Commission fine the Company \$2,000 for failing to respond timely to a Commission directive.

COMMISSION DECISION

1. Does the Commission wish to accept the Company’s request for an extension of time to respond to Mr. Keavy’s formal Complaint?
2. Does the Commission wish to fine the Company for failing to respond timely in accordance with the Summons?
 - a. If so, does the Commission wish to accept Staff’s recommendation of \$2,000.00 or does the Commission wish to impose a different fine?


Taylor R. Brooks
Deputy Attorney General

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