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IDAHO SUPREME COURT

IDAHO PUBLIC
UTILITIES COMMISSION

RICHARD KEAVY
Appellant

Appellant's Brief

v.

Supreme Court Docket
49844-2022
Public Utilities Commission
QWE-T-21-14

IDAHO PUBLIC UTILITIES COMMISSION
and QWEST CORP, dba CENTURYLINK
COMMUNICATIONS, LLC et al
Respondents.

This is in response to the recent Supreme Court Order to conditionally dismiss the case. This will attempt to outline some of the disorganization and disorder exhibited by participants. The honorable Courts attention to that which has been kept from it may be useful and constructive.

#1 The Idaho Public Utilities Commission (PUC) rejected this case repeatedly for approximately five years. When it finally moved to take the matters seriously, by calling its process 'formal' they conditioned that my call for the information to be designated as Personal and Confidential they declined and asked me to remove that designation so they could go forward. The objective was propositioned to be open and candid...with all information being shared with everybody and anybody. Appellant asked that the case be sealed and that the decision on which names/parties to be included as Respondents be left entirely to the Supreme Court.* Both of those requests were dismissed, by Attorneys General (AG) and PUC staffs, without comment, notice or any Court involvement. *How and why does that work in a context about justice and balance?*

2 - The PUC plainly assumes and exercises all rights and powers of a District Court...while it employs the deputies of the Attorney General to defend the antics of Century Link; a utility that is supposed to be subject to behavior/conduct consistent with honesty, good faith and fair dealing. Neither of the only two named Respondents is upholding those characteristics.

3 - Appellant requested fee waivers for the states' cost to copy and share some reported 500 pages of historic and case related (according to PUC staff) evidence. Court staff, if I presented circumstances adequately, indicated the waiver matter IS a PUC/'District Court' discretion ...while appropriate PUC staff has demonstrated it collectively does not know or understand that responsibility and has summarily denied any consideration or comment...leaving the request fully and resolutely unattended.*

4 - Century Link Counsel wrote that on behalf of its client the case matters would be resolved without litigation...in exchange (perhaps) for PUC/AG staff leniency as to the disposition of a

\$2000 fine imposed against Century Link because its lawyers failed to respond timely to an AG/PUC directive. Century Link counsel received the directive but did not know what to do with it so they effectively put it aside for more than a week while Counsel dealt with more important matters. Conveniently COVID distractions were used to beg for and have granted relief. The fine was withdrawn by the PUC/AG for reason that it would not impose any important burden on the Appellant's case? The AG attorney who proposed the fine was also dismissed. ?

5 - A recent Appellant correspondence sent to Counsel of record was returned by the USPS due to the party addressed being 'unknown' and not deliverable. While there is no other detail it may be part of the latent confusion still going on as noted in item #4 above.

6 - Century Link Counsel wrote with relish a detailed account of Appellant's dishonesty and imaginary importance. False claims were deliberately and purposed by both Counsels of Record to assure the readers (except the Supreme Court?) that the Appellant should be regarded as reckless and untrustworthy with *all* of his accounting. Adding to their drama was their insistence that the Appellant very probably never spoke with the Boise Police Department (BPD) at all. Century Link seemingly approved of that despicable tactic and made no move to counter or strike the indignity when details were put before the PUC and AG staffs. Nothing is known or said to remedy the joint Counsel false claims...except perhaps some PUC/AG celebration about the negativity they may have enjoyed? Like the matter of not knowing or caring about its waiving of fees responsibility...the said staffs are seeming willing to play dumb about Counsels contemptible antics...hoping same will roundly diminish the Appellants case inappropriately?

7 - The BPD perhaps should have (ethically?) forwarded their actual and detailed involvement to City prosecutors for consideration...rather than playing dumb, by looking the other way, so to favor the antics of Respondent Counsel. I had communicated with the BPD on this case for years while they, like the PUC, kept putting the matters of lying and harassment aside. Century Link wrote (at length to PUC management) how the police were significantly in league with Century Link stated interests and expected to accommodate the drift. I had communicated with a police Captain and at length with his Lieutenant. My expectation was that the BPD *would* appropriately correct Century Link Counsels' vulgar testimony as soon as they were implicated in it. The BPD flatly refused to comment tacitly giving credit to Respondent Counsels dishonesty

Dishonesty is a word, by the way, emphasized by the Bar and Judicial Counsel when a complaint is filed against a 'dishonest' lawyer. Lip service is given to the concept of dishonesty while actual taking to task is somewhat predictably resisted. (Ahead is a related matter involving the Bar/Judicial Counsel and General Motors. Deputy Ms Crossland is familiar...and substantially indifferent) While that attorney inspection process may pretend ethical to serve some actual justice and integrity it has a feeling for both grueling and an unlikely undertaking...as has been this 'appeal' 'process.' According to Judicial Counsel process the matter of attorney liability *insurance* is best addressed *before* a complaint is proffered. Both Counselors refused/did not respond to my request for their insurance details.

8 - I asked the Bar for help securing ProBono counsel. An application was provided, completed including a word about the process taking a couple week before a response. That was months ago and not a word has been returned or shared about it. What IS the point of the offer?

9 - Century Link Counsel wrote/questioned the *integrity* and *value* of 500 pages the PUC found pages worthy of consideration for this case. The PUC and AG did not respond. These groups work for each other's mutual interest and causes. Why would one take part in criticizing a committed partners posturing in mid stream?

10 - I accounted that the Idaho Attorney General had joined with a dozen +/- AG's to undertake some kind of attention to harassing calls that had been neglected to date. I called the AG's office last week to learn that the scope of the get together was more about very large scale, national concerns and little to do with the harassing call business that Century Link serves against me, my family and potentially thousands of Idahoans. The person I was transferred to (in the Consumer Affairs section) was congenial, helpful and generally knowledgeable. That person volunteered several times that he/she would not be paying Century Link \$1.25 (to serve its *57 scam, my emphasis) implying gently that it was not money well spent. Here is some background that has generally eluded a disinterested PUC/AG and other needy Respondents:

Attached is an exhibit covering 'activity' on my Century Link phone bill showing some sixty (60) calls that they had 'traced' suspicious calls over the past 75 days. The *57 system is pretended to have something important to DO with "initiate deterrent action." That three word activity is part of roughly 1000 contracts Century Link demanded in its required contract structuring. A PUC manager asked a Century Link manager (of record) to describe what a 'successful trace' consists of. The utility manager declined to answer the PUC question, changed the subject, while providing a document detailing deceptions and false statements. The PUC tacitly looked the other way and did not pursue any line of examination through its AG staff and more importantly with very senior management in the AG's office. Lying to customers, on a daily basis, on recorded lines (details of which I have asked for years that Century Link protect and save) should be beyond some of the scope of what the PUC alleges to regulate. The AG and other state and city governmental bodies should have been more attentive and much involved.

11 - Century Link wrote to the AG/PUC stating that they do not provide ANY caller information to their customers or anybody else except the police. That too is a lie that the PUC/AG had opportunity to learn and DO something about. Instead of challenging Century Link and its lawyers to be honest and accurate the government authorities walk away from things they either don't understand or don't want to know. I volunteered repeatedly to meet with PUC staff and show/explain that which eludes them. They should have shown and owned the responsibility that IS theirs to address and fix the lying or turn it over to the right people in the AG's office. Call data/information routinely given up immediately by Century (which they say they don't do) includes a name, number, date, time of day. It shows up on a caller ID phone and was sent automatically to Direct TV for years. Their claim otherwise, in writing to the PUC, should have had multiple Deputies AG hopping mad and holding lying CenturyLink, along with its lawyers, to account. ...instead of playing dumb and demonstrating indifference. 'Jamaica' has called approximately 125 times from an area code # including 876. Roughly 95% of those calls has been *57 'traced.' My multiple calls to the 800 # asking for that call back each contract detail guarantees, is another lie. That process has not returned a call to me, as promised, after the third call is traced, in probably a year. Nine (9) harassing, DoNotCall violation calls were placed to my phone, and *57 'traced' from 10/24/22 to 11/23/22.

As best as I can determine Century Link did not DO as they contractually promised roughly a thousand (1000) times. They know it. Their lawyers know it. The AG/PUC know it. The Court was not told that and has consequently moved to toss the case without any equity for this injured party whatsoever...let alone a thousand neighbors subject to the same kind of abuse? Excess joint gross negligence and deception involving a half dozen not named agencies (got a free pass to play dumb?) for more than five years. How on earth can something so brazen be treated with such frivolity and contempt? Century Link and their ilk like to imply they cannot do (or flatly refuse to do) anything about many identified (at least in part) harassing calls. In this case history that kind of claim might be more about lying to the 'District' and the Supreme Court. I believe that if a Century Link vice president showed up in their right office, with fist full of identifying paper, that the spouse was sick and tired of the harassment...right Century Link might thrive on doing their thing...to identify and prosecute the relentless, inconsiderate wise guys. The real and current tack Century Link IS using is about deception and indifference. While the denial and tricks Century Link has pulled may be somewhat outside the regular order for the PUC day to day reckoning it should not have been hard work for the AG to find and assess accountability.

12 – Century Link lawyers wrote that they could not move to resolve the case because they were not given any value remedy to work with. I think that duck and dodge language is something of a common and standard way to not deal with liability. The PUC/AG know better but may not have shared a right remedy concept about equity in balance with the Court. I reported long ago that roughly 700 calls had been endured and "traced" and those records have been kept safely by Century Link...for law enforcement to calculate value of the injuries. A federal (FTC?) code is said to allow for a \$1000 penalty/award per incident against those who participate in harassing call and related abuse. That 700 count of documented ('traced') abuse may be closer to 1000 incident events. The code was said to be available in/for any jurisdiction.

It came to my attention some years ago that General Motors (GM) has made moves to steal my pension. No exaggeration or embellishment in those words. I sought advice and assistance from the Idaho Bar and got very letter of either. It seemed odd that such an interstate very grand larceny should be of significant interest to law enforcement related practitioners...including the Idaho Bar and its long list of capable contacts...including the Judicial Counsel as well as the Courts. Some similar distancing is going on again where integrity should have *some* part in the dancing. GM and its lawyers contended a "settlement" had taken place some 17 years earlier. I asked for details, repeatedly and was put off while they stalled in apparent anticipation of a much wanted and accustomed contest. How much \$ was the settlement amount for, I asked. They claimed they did not know but that "cash" was paid to me on a specific Sunday, a 4 day holiday weekend. I asked where the "cash" delivery took place...in Michigan, California or Idaho. They claimed not to know and implied that details did not matter...only their contention mattered and I should not be asking. I got letters from the Social Security Administration that there was no transfer of tax qualified money moved from the GM pension plan to me my for any year. The IRS claimed they did not get any advice from GM about a transfer of tax qualified money from the company to me. Both of those agencies must be advised by GM of any such shenanigans. I was anticipating private, outside counsel GM was posturing to hire AND up against time limits...without legal counsel. The Idaho Bar was absent and indifferent as to *any* strategy or commentary. I was and am still surprised about that. Not that they can or must find counsel help

but that they should WANT to...as a matter of professional acumen. Ms Crossland is familiar with that case too...it included, among other things, a matter of lying to that court as well and I and to this day unsure how something so disorderly can and was dismissed without comment. I wrote up a compliant for the Federal court that a first year law student might regard as mostly tacky. The Federal court in Boise accepted the complaint and set dates. The Federal Bar found a local lawyer (that the Idaho Bar could or would not) who said he would represent me Pro Bono...because it may have been his initial assumption that GM would pay his fees. The Federal Bar understood the initial ProBono condition. After some time of his review and posturing counsel insisted on my paying him from the proceeds of my presumed receipt/recovery of the pension money. I agreed to the change because I had no reasonable alternative. I learned some time later, from the Federal Bar, that counsel didn't tell them about his ProBono switch for me to pay him. Evidently that was something they would usually know about. ? Those details are more about general understanding by Bar and JC types and not fathomable for me. The precarious place I was in then is similar to what is going on today. The system seemingly doesn't give an important hoot about lying, misrepresentation and gloriously making things up that may be about entertainment fun for some contemptible players. I have contended that there has not been on genuine legitimate effort...on part of the AG/PUC, OR the *other* parties that should have been named as Respondents. Truth and timely accuracy has failed miserably.



Richard Keavy 12/19/22

Dated 12-19-22

cc: Counsel of Record (USPS)

PUC Secretary



OCTOBER 2022

Account Number: 00

Page: 4 of 6
Bill Date: Oct. 07, 2022

CenturyLink Local Usage
Local Call Detail

No	Date	Time	Location	Number	Type	Plan	Min	Price
14	OCT 05	1:39P To	CALL TRACE	ID 208	DD	%		1.25
Total for 208-2								17.50
Total of Itemized Calls								17.50
Total CenturyLink Local Usage								17.50

14 "TRACED"

AutoPay

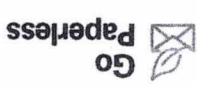
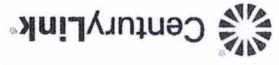
Set it and forget it.

"CALL TRACE" MIGHT BE A FRAUD TERM

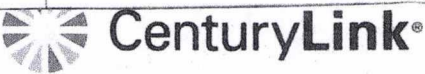
\$17.50

Call Type Codes
DD - Direct Call

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No	Date	Time	Location	Number	Type	Plan	Min	Price
1	SEP 06	8:29A To	CALL TRACE	NY 208	DD	%		1.25
2	SEP 06	10:15A To	CALL TRACE	NY 208	DD	%		1.25
3	SEP 08	1:52P To	CALL TRACE	ID 208	DD	%		1.25
4	SEP 08	4:31P To	CALL TRACE	ID 208	DD	%		1.25
5	SEP 09	4:30P To	CALL TRACE	ID 208	DD	%		1.25
6	SEP 10	2:00P To	CALL TRACE	NY 208	DD	%		1.25
7	SEP 10	6:25P To	CALL TRACE	ID 208	DD	%		1.25
8	SEP 14	9:20A To	CALL TRACE	ID 208	DD	%		1.25
9	SEP 22	8:26A To	CALL TRACE	ID 208	DD	%		1.25
10	SEP 28	11:39A To	CALL TRACE	IL 208	DD	%		1.25
11	SEP 29	11:45A To	CALL TRACE	CO 208	DD	%		1.25
12	SEP 29	1:50P To	CALL TRACE	CO 208	DD	%		1.25
13	SEP 30	2:04P To	CALL TRACE	ID 208	DD	%		1.25



NOVEMBER 2022

Account Number:

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Bill Date: Nov. 07, 2022

CenturyLink Local Usage
Local Call Detail

No	Date	Time	Location	Number	Type	Plan	Min	Price
18	OCT 28	11:55A To	CALL TRACE	ID 208	DD	%		1.25
19	OCT 29	1:48P To	CALL TRACE	NY 208	DD	%		1.25
20	OCT 31	11:29A To	CALL TRACE	IL 208	DD	%		1.25
21	NOV 01	1:52P To	CALL TRACE	JM 208	DD	%		1.25
22	NOV 01	2:03P To	CALL TRACE	GA 208	DD	%		1.25
23	NOV 02	2:10P To	CALL TRACE	NJ 208	DD	%		1.25
24	NOV 03	12:06P To	CALL TRACE	ID 208	DD	%		1.25
Total for 208-2								30.00
Total of Itemized Calls								30.00
Total CenturyLink Local Usage								30.00

24 "TRACED"

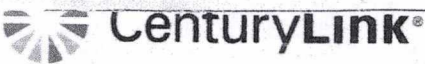
AutoPay

Set it and forget it.

NEW YORK ILLINOIS JAMACA GEORGIA New Jersey + +

\$30.00

Call Type Codes
DD - Direct Call



DECEMBER 2022

Account Number:

Page: 4 of 6
Bill Date: Dec. 07, 2022

CenturyLink Local Usage
Local Call Detail

No	Date	Time	Location	Number	Type	Plan	Min	Price
18	NOV 21	1:34P To	CALL TRACE	ID 208	DD	%		1.25
19	NOV 21	1:58P To	CALL TRACE	ID 208	DD	%		1.25
20	NOV 23	1:57P To	CALL TRACE	JM 208	DD	%		1.25
21	NOV 30	7:38A To	CALL TRACE	NY 208	DD	%		1.25
Total for 208-322-								26.25
Total of Itemized Calls								26.25
Total CenturyLink Local Usage								26.25

21 calls "traced"

AutoPay

Set it and forget it.

CONTRACTS COST RESPECTIVE FEES EACH MONTH

\$26.25

Call Type Codes