

ProSe\*  
Richard Keavy 208-322-1383  
11282 Glen Ellyn Drive  
Boise, ID 83713

RECEIVED

2023 JAN 19 PM 12:46

IDAHO PUBLIC UTILITIES COMMISSION  
IDAHO SUPREME COURT

RICHARD KEAVY  
Appellant

v.

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

Appellant Brief

Supreme Court Docket  
# 49844-2022

Public Utilities Commission  
# QWE-T-21-14

SUP-T-22-01

In answer to Respondent assertions, the Idaho Attorney Generals' defense of Respondent/Counsel' penchant and claim the PUC is disallowed to defend the general public from long standing, condoned corruption - the following is respectfully submitted.

Before Counsel's last event calling for dismissal of the PUC/AG, the complete record (much of which is kept from the Court in accord with PUC/AG volition) does show joint Respondent Counsel fabricated a particularly dishonest, demeaning allegation against the Appellants character and let it rest with intent to adversely influence court process before the Commission staff, Deputies AG, each of the Commissioners and countless public observers. The falsification, demonstrating Respondent ignorance and unjustified hubris, was to overcome and diminish what the Appellant and the Boise PD did together, in fact, in attempts to clarify case history.

After that activity was identified the Respondent class said/did nothing known to remedy their bogus contempt by means of a correction and/or disclosure of their grandiose 'mistake.' The PUC and AG staff kept silent hoping not to be part of discrediting Century Link, and its escapades. The three failed to look into how the BPD activity in this case had been crushed and sidetracked by Respondent Counsel, who decidedly and dishonestly called for joint cooperation to look the other way. The AG/PUC tacitly affirmed by its silence its approval of Counsel/Respondent conduct as settled, viable and desirable ridicule. Government agencies in Idaho that participate in and encourage deception need to be called to account... and not supported in their wrongdoing. Careless, injurious commentary is unnecessary and it is repulsive.

Respondent local Counsel wrote earlier to say his client wanted to resolve the complaint without litigation. After a week I wrote to ask Boise Counsel what he meant by that. He wrote/responded that he was not well informed and referred me to his associate counsel in Oregon who appeared confused, unclear but polite about their stall and apparent confusion.

Shortly after that Boise Counsel seemingly crafted a 180 degree turn and then a motion to sack, the part that was being played by PUC/AG, entirely. A posture being proposed was that the

Office of Attorney General jointly with the PUC function should have no part or place in *any* consideration of how a utility may utilize dishonesty and trickery on the public. The essence said is set that Century Link is virtually free to DO whatever it likes including the breaking of a literal thousand +/- legitimately, deliberately constructed contracts without a 'regulatory' blink.

That unmitigated PUC/AG transition substantially thrived upon Century Link's call to quash the States prerogative against incivility, dishonesty and a remarkable resemblance of fraud. Important information exchanged over time, along with questions asked and unanswered, had been selectively kept from the 'open/public' record a tack the PUC insisted on and required of the Appellant and the Court. The DAG was gone and nobody would say *anything* about what happened to the process. It was not about HR privacy...it was about guts and glory. The original PUC and DAG focus had been turned upside down while their collective energy flipped entirely and singularly toward defending disorder, Century Link, its attorneys and everything that party was about. Some PUC and AG staffers appeared sympathetic. The PUC needs a redo of its alleged 'thinking' and particularly as to who IS potentially the best surveyor on utility commerce

Over a period of 7 +/- years, through and including December 2022 and this month, Century Link did pledge daily it had/has 'traced' each distinctly different and unrelated list of 1000 +/- calls via its \*57 'service.' I tried/asked again and again to sit down with PUC staff and explain to them what they *seemed* not to admit about a reckless set of Century Link side bar shenanigans.

To wit: - A PUC manager wrote to ask a Century Link manager to define a "successful trace" and did not get an answer. Hold on to that! The PUC's move was not to challenge any prerogative of the company...it was to quantify and qualify their activity. The failure to respond to the question was because the answer was/is not known to the company or its field managers... because some of the activity was/is a poorly designed and hardly overseen ruse. Candor and integrity was *not* in play. Instead the Century Link manager provided a one page document that made several *more* inaccurate/dishonest claims, about its operations, which the AG and PUC staff significantly missed again. The DAG and Commissioners should have gone to very senior AG staff and called on the latter get to the bottom of so much satisfying, profitable and blatant deception. The PUC/AG have historical, relevant detail not shared with the Court.

It is unconscionable for the State and its 'regulators' to not act against a patent and daily exercise on misrepresentation of product and purpose. The standing Century Link/and Boise Counsel edict for the day was to order the PUC/AG to sit down and be quiet, which was substantially accommodated. The AG posture changed to respond negatively to every initial PUC purpose and concern and each Appellant call for working together amicably.

I am left to wonder if so much bad form is being encouraged and formatted by the State. Each separate, unrelated, \*57 contract and the fee automatically assessed to initiate same, carries with it a clearly stated, in advance, inevitably broken, daily Century Link promise to 'initiate deterrent action' which was then and later **organized not to take place at all.** Note, please.

The grand, ongoing deception is evidently still unknown or unimportant to the State and some others...such as the BPD, Boise city, Idaho Bar and more. The State did/does not seemingly care or know (?) what Century Link and its related companies DO under the Lumen rubric and TO a victimized and sometimes oblivious general public?

I apologize (and thank the Court staff for having been patient with me) for embarrassingly not conforming properly to better protocol. Also, while some of this recital has been brought before I am compelled to volunteer some detail again for those who arrived late or without access After seven years of these shenanigans Century Link is still misguided and/or roundly

willful about its disguises. Matters of broken promises and purposed defective communication had been in play and regular order long before the Court graced the case.

Five law firms declined\* to represent me. I asked the Bar systems for information about accessing **ProBono** counsel...not that it *has to be* provided... but how does one go about seeking it? The link I was given presents to be a Bar function, called for me to make application, which I did, which was accepted along with a response/mention that it may take a 'couple weeks' for a reply...as in, perhaps, don't pester us too soon? Months have passed without any reply. I made the Bar aware of my earlier request and have heard nothing. Does that mean they are unable or unwilling to seek out competent/willing Counsel; is the Bar system just indifferent to responding or both...or was/is it only missed oversight? It seems inconsistent with good, grown up order that my inquiry should not get the courtesy even of a mechanical reply.

The Court has made its point about the significance of a dismissal 'with prejudice.' I concern that function may jeopardize my information gathering under way and going forward? Court staff graciously informed me the PUC was in charge of consideration on waiving cost of documents gathered by office of the AG/PUC in response to my **FOIA request**. Mr Rush wrote back that his office search uncovered 500+ documents they found/determined pertinent to the joint detail I requested. He wrote later that he could find 'no Code' stating whose responsibility it IS to consider my waiver request and the matter was dropped. The PUC Secretary and others ARE familiar with the history and have all gone silent. No response is, again, a preferred means for avoidance and dismissal of duty and common courtesy.

Respondent Counsel, by the way, concluded in writing in essence that whatever **FOIA detail** (gathered by the State in fact and reported pertinent) IS likely unimportant to this case...which IS a very curious 'finding' to surmise given that they too have not seen (?) those 500+ pages either of documentation, withheld, at direction of Idaho AG and PUC. The status of the FOIA detail requested of Century Link is also undetermined. The like/joint/similar conduct is not right.

The same Respondent Counsel also weighed in to proclaim to the PUC/AG and others\*\* ...that the BPD and I were never actually in any significant discussions and that I made it all up...a conclusion that may again be about their remarkable clairvoyance?...or is it bombast? I cannot imagine is would be reasonable or fair to pretend said identified pertinent records do not exist while failing to determine how the disposition of them will or will not be managed. The PUC granting me waived cost access to those AG classified material records would be very much appreciated while cost to the State would be minimal...and 'not harmful' to anybody. That latter portrayal/concept was utilized in writing by the three Commissioners when they rejected a DAG recommendation to fine Century Link Counsel for failure to deal with a summons it sat on without intention or duty to respond to timely. If it WAS fair to grant the utility that \$2000 grace then maybe similar thinking can be applied to \$500 burden the PUC demands to release said pertinent records to me? In any event a response to the long standing waiver request is very much in order...Respectfully. Worrisome is no word on my FOIA request to Century Link.

The PUC and whole State need to have another and better look at actual facts along with the possible intent of informed law enforcement and the Legislature...by more fitting supervision. No entity known or presumed by me may be more experienced/capable of measuring total conduct of the utilities than the PUC and particularly with benefit of its permanently imbedded office/staff of the Idaho Attorney General. The look and view of this case deserves broader and better balance. Hopefully the Court will concur for good of the State and the people. Please.

I regret too not knowing the right way to frame this request I made to the AG/PUC...which I expect in truth was denied because a denial was more convenient. I asked early on, again and



again, for parties to withhold their prejudice and not preclude who each of the contributors to bad form and bad acts would be called to account... by letting the Court decide who will be named as a Respondent. For example... the Boise PD and I addressed many of these case familiar matters at length and substantially. Details of our exchanges might normally matter to some of the players or to Century Link. However, the lengthy communication that *did* take place was seemingly, deliberately and intentionally framed by Century Link and its Counsel to decidedly show me as lying and exaggerating again. Respondent Counsel blackened the history while the PUC/AG seemingly suborned their dishonesty by doing nothing about the abuse.

Respondent Counsel testified and insisted that the lengthy and historical exchanges between me and BPD+ had not, in any way, taken place so I asked an involved BPD Captain and his Lieutenant to step up and correct how Respondent Counsel deliberately and intentionally sought to mislead the Court and others. BPD perhaps should have referred my legitimate call for clarification to its legal staff and somebody there should have responded to the insults leveled at me and the subsequent suborning of bad acts by the BPD. The AG/PUC could not care less.

My call to the BPD to correct Counsel' ruthless contempt for civility deserved better understanding. Instead, the City of Boise did something similar to what I think the Bar/Judicial Council may have done in the present and the past... lay low, favor Counsel and wish the utility would prevail. Any employed overall indifference to good faith and fair dealing is corrupting and dishonorable. More on a joint resolution between parties is still and again preferred.

Appellant has made two monthly phone payments to USWest/Century Link for most of 40 years. It is outrageous that the same law firm I pay for personal family advice/counsel is the same one now working remarkably against our interests, the interests of thousands of my neighbors, and in favor of a shameless company comporting badly.


The wrongdoing going on continually, year after year, is willful and strange. Century Link has collected more than a thousand dollars (\$1000+) from me, dedicated to fees/costs of their 'call trace' ruse, to encourage as many harassing calls possible which they serve to promulgate.

Legal acumen better than I can muster\* can and should justify and establish that the 'call trace' gimmick IS PART OF THE BASIC LOCAL EXCHANGE SERVICE in fact, by honest description and IN PRACTICE. 'Call trace' IS an admitted product that is poured over all Century Link customers and is owed a place to be measured and regulated as such.

It is past time for the State and PUC to arrest this utility's abuse, deception and generally selfish disregard... If for no better reason than to recognize the desperate need for a PUBLIC POLICY justification that IS very much in order. The said 'call trace' ruse IS a lavish, instituted daily, profit motive undertaking built to fail and bring ridicule on the entire Century Link customer base

No exaggeration or embellishment is intended in this account.

Respectfully,

  
Richard Keavy January 18, 2023

cc: Honorable Court, PUC Clerk, Counsel of Record