

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Duane Farrant,)	
)	
Complainant,)	
v.)	<u>File No. TC-2014-0103</u>
)	
CenturyLink (Embarq Missouri),)	
)	
Respondent)	

STAFF’S STATUS REPORT AND MOTION TO DISMISS

COMES NOW the Staff of the Missouri Public Service Commission and hereby submits this *Status Report* and moves the Commission dismiss the complaint, as follows:

1. On October 21, 2013, Duane Farrant filed a formal complaint against Embarq Missouri, Inc. d/b/a CenturyLink (CenturyLink) seeking reliable telephone service, a written promise that outages will not occur in the future, and monetary damages.
2. During a pre-hearing conference on April 30, 2014, the parties met and discussed the possibility of a settlement to resolve this complaint. Before going off the record, the regulatory law judge asked Staff Counsel to inform him of the progress of settlement discussions.
3. Staff has learned from CenturyLink’s attorney that the company is not able to make a settlement offer that would resolve Mr. Farrant’s complaint.
4. During the pre-hearing conference, the regulatory law judge noted that the Commission cannot grant monetary damages and that a written statement from the

company that service outages will not occur is not a practical solution.¹ The Judge further emphasized that although Missouri statutes require telephone companies to provide adequate service, the statutes do not provide for a remedy.² Staff continues to assert, based on its investigation, that the service Mr. Farrant receives is adequate and free from any detectable defect.³ There being no existing inadequacy or detectable defect in service, the company is in compliance with the statute.

5. Therefore, for the reasons set out in *Staff's Motion to Dismiss Complaint*, incorporated by reference herein as if fully set forth, Staff renews its request that the Commission dismiss the Complaint for failure to state a claim on which relief may be granted, pursuant to 4 CSR 240.070(7).

WHEREFORE, Staff submits this status report and requests that the Commission dismiss the complaint for failure to state a claim on which relief may be granted.

Respectfully submitted,

/s/ Tim Opitz

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¹ Tr. 1:4.

² Tr. 1:4-5.

³ The inspection and tests performed by Staff's experts are detailed in the memorandum attached to *Staff's Motion to Dismiss Complaint* filed on November 20, 2013.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all counsel of record this 9th day of July, 2014.

/s/ Tim Opitz