

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

Duane Farrant,)	
Complainant,)	
)	
v.)	File No. TC-2014-0103
)	
Embarq Missouri, Inc., d/b/a)	
CenturyLink,)	
Respondent)	

**EMBARQ MISSOURI, INC. D/B/A CENTURYLINK'S ANSWER TO THE
COMPLAINT OF DUANE FARRANT AND MOTION TO DISMISS**

Embarq Missouri, Inc., d/b/a CenturyLink ("CenturyLink"), in accordance with Commission Rule 4 CSR 240-2.070 and the Commission's Order *Notice of Complaint and Order Directing Staff Recommendation*, issued in this matter on October 22, 2013, respectfully submits its Answer and Motion to Dismiss to the Complaint filed by Duane Farrant.

ANSWER TO COMPLAINT

On October 21, 2013, Duane Farrant filed a complaint against CenturyLink seeking a written promise from CenturyLink that he would have no more outages as well as monetary compensation for his time. Mr. Farrant's primary complaints involve: (1) interruptions in service over the last decade, (2) static and humming on his telephone line; and (3) lack of dependable service.¹

In response to Mr. Farrant's first allegation, CenturyLink admits that it has recently had general outages in the area that affected a number of CenturyLink customers in addition to Mr. Farrant's service in September and October of 2013. CenturyLink promptly attended to those outages and restored service to its customers in a reasonable period of time. One outage did impact six CenturyLink customers, including Mr. Farrant, for an extended period; however

¹ Because Mr. Farrant did not provide numbered paragraphs in his letter, CenturyLink's Answer similarly is organized in narrative form to respond to his allegations.

CenturyLink promptly remedied this situation as soon as it received actual notice of the problem. As Staff pointed out in its Motion to Dismiss, Mr. Farrant did not contact CenturyLink to advise it of the continued interruption in service despite the fact that Mr. Farrant was given cell phone numbers of CenturyLink employees for just this type of situation.

In response to the second allegation, in reviewing Mr. Farrant's records, CenturyLink admits it has received complaints over the course of Mr. Farrant's service that there was static and humming on his telephone. Each time CenturyLink was allowed adequate access to Mr. Farrant's property², it provided plant replacement and upgrades, even in instances where the line was tested and performed properly and within acceptable ranges. CenturyLink denies any allegations that it has failed to respond adequately or make necessary repairs to the plant serving Mr. Farrant's residence.

In response to the third allegation, CenturyLink denies that it has failed to provide dependable and adequate service to Mr. Farrant's residence.

MOTION TO DISMISS

In accordance with Commission Rule 4 CSR 240-2.070(7), CenturyLink hereby moves that the Commission dismiss the above-captioned matter for failure to state a claim upon which relief may be granted. In support of its motion, CenturyLink respectfully restates and incorporates by reference its Answer as fully set forth above. CenturyLink has, throughout the history of its service to Mr. Farrant, provided safe and adequate service and has promptly addressed any issues it found with the plant serving Mr. Farrant's residence.

Further, Mr. Farrant has requested that CenturyLink provide a written promise that no further outages to his property would occur. It is virtually impossible for any

² In some instances, Mr. Farrant or his mother who resides with him refused to allow CenturyLink adequate access to his property in order for CenturyLink to determine if there was a problem that needed addressing.

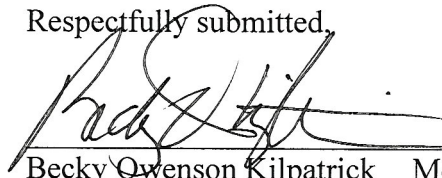
telecommunications company to guarantee such a thing and, as Staff pointed out in its Motion to Dismiss in this matter, it is unreasonable to demand such a promise.

Mr. Farrant also demands that the Commission order CenturyLink to compensate him for his time in having to file this complaint with the Commission. The Commission has no statutory authority to provide this remedy to the complainant. *See Wilshire Construction Company v. Union Electric Corporation*, 463 S.W.2d 903, 905 (Mo. 1971).

Mr. Farrant has failed to request relief that is within the Commission's authority to order. And, as clearly demonstrated in Staff's Motion to Dismiss Complaint following Staff's investigation into this matter, "[t]he service that Mr. Farrant receives is adequate and free from any detectable defects."³ Therefore, CenturyLink respectfully requests that the Commission dismiss Mr. Farrant's complaint for failure to state a claim upon which relief can be granted.

Having fully answered the Complaint, CenturyLink respectfully requests the Commission to enter an Order dismissing the Complaint, and for such other relief as may be appropriate.

Respectfully submitted,



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³ Rather than reiterate the Staff's investigation report in this pleading, CenturyLink incorporates by reference *Staff's Motion to Dismiss Complaint* and attached Memorandum filed in this case on November 20, 2013.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by email or mailed, First Class, postage prepaid to the following parties on this 21st day of November, 2013:

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