

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

COMPLAINT

Griggs County Telephone Company (“Griggs”), by its attorneys, for its complaint against CenturyLink Communications, LLC (“CenturyLink”), alleges and shows the following:

I. Introduction

On March 26, 2025, the Commission recognized Griggs as the incumbent local exchange carrier (“ILEC”) in the Leonard and Kindred exchanges, designated Griggs as an eligible telecommunications carrier (“ETC”), and relinquished both exchanges from CenturyLink’s study area. *Griggs Cnty. Tel. Co. Leonard & Kindred Exchs. Pub. Convenience & Necessity*, Case Nos. PU-24-386 & PU-24-387, Order at 3, 5 (N.D. Pub. Serv. Comm’n Mar. 26, 2025) (*Griggs Order*). At that time, the Commission did not find it necessary to relinquish or transfer CenturyLink’s Certificates of Public Convenience and Necessity. *Id.* at 3.

Since then, circumstances have materially changed. The Commission has twice transferred CenturyLink’s certificates to competitive local exchange carrier (“CLEC”) status on materially identical facts, and CenturyLink has taken affirmative steps to abandon its operations in the Leonard exchange. Griggs respectfully requests that the Commission transfer CenturyLink’s certificates for the Leonard and Kindred exchanges to competitive local exchange service.

II. Background

A. The Commission’s March 2025 Order

On December 23, 2024, Griggs filed applications for a Certificate of Public Convenience and Necessity (“CPCN”) as the ILEC in the Leonard and Kindred exchanges and for designation as an ETC in both exchanges. Application for Certificate of Public Convenience and Necessity and Request for Recognition as an Incumbent Local Exchange Carrier, Case No. PU-24-386 (filed Dec. 23, 2024). CenturyLink filed comments supportive of the application but requesting no findings on its ILEC status. *Griggs Order* at 3. No party requested a hearing. *Id.* at 1–2.

The Commission granted both applications on March 26, 2025. The Commission found that Griggs has completely overbuilt both exchanges with its own fiber optic network through its wholly-owned subsidiary, MLGC, LLC; that Griggs serves approximately 95% of wireline subscribers and 66% of total subscribers; and that Griggs maintains a staffed office in Kindred that also serves Leonard. *Id.* at 3. The Commission further found that Griggs is fit and able to provide

service, that its services are adequate, and that it possesses the requisite technical, financial, and managerial ability. *Id.* On these facts, the Commission concluded that Griggs “occupies a market position comparable to a legacy incumbent LEC,” “has substantially replaced the legacy incumbent LEC,” and that the reclassification “serves the public interest, convenience, and necessity and the purposes of 47 USCA section 251.” *Id.*

The Commission issued Griggs CPCN No. 6007 (Leonard) and CPCN No. 6008 (Kindred), relinquished both exchanges from CenturyLink’s study area, and designated Griggs as an ETC in both exchanges. *Id.* at 5. The Commission did not find it necessary to relinquish or transfer CenturyLink’s certificates. *Id.* at 3.

B. CenturyLink’s Abandonment of the Leonard Exchange

CenturyLink’s abandonment of the Leonard exchange predates even the Commission’s March 2025 order. On November 13, 2024, Cass County recorded a tax deed for the central office for the Leonard exchange—the facility housing the switching equipment for the exchange—after the property owner failed to pay \$84.86 in assessed property taxes. Tax Deed, Cass County Recorder’s Office, Instrument No. 1723819 (recorded Nov. 13, 2024). Following the March 2025 order, CenturyLink took further steps to exit the Leonard exchange entirely.

On August 1, 2025, Qwest Corporation filed an application requesting relinquishment of its ETC designation for Leonard. *Qwest Corp. Designated Eligible Carrier—Partial Relinquish Application*, Case No. PU-25-233, Order on Eligible Telecommunications Carrier Designation at 1 (N.D. Pub. Serv. Comm’n Feb. 18, 2026) (*ETC Relinquishment Order*). The Commission granted that relinquishment on February 18, 2026. *Id.* at 3.

On August 4, 2025, CenturyLink filed an application with the FCC seeking authority to discontinue its legacy voice service in Leonard, targeting an October 6, 2025 cutoff. *Section 63.71 Application of Qwest Corp. d/b/a CenturyLink QC for Authority Pursuant to Section 214 of the Communications Act of 1934, As Amended, to Discontinue a Telecommunications Service*, WC Docket No. 25-242, at 1–2 (filed Aug. 4, 2025) (*Discontinuance Application*). CenturyLink stated that it is “no longer cost-effective to maintain the copper infrastructure for the limited number of customers subscribing” to its service and acknowledged that Griggs’ subsidiary MLGC offers voice service in the area. *Id.* at 1–2 & nn.2–3.

In connection with the discontinuance, CenturyLink sent letters to its remaining 17 subscribers notifying them that their wireline service would be disconnected and directing them to seek service from MLGC or wireless providers. *Id.* at 4, Attachment C. CenturyLink also offered subscribers the option of switching to its Connected Voice with Air-Line product, a wireless-based VoIP offering that does not use CenturyLink’s legacy wireline network. *Id.*, Attachment C.

On April 2, 2026, CenturyLink filed a Public Notice of Copper Retirement under 47 C.F.R. § 51.333, announcing its intent to retire all copper facilities at all locations throughout the Leonard wire center, effective April 17, 2026. Public Notice of Copper Retirement Under Rule 51.333, Network Disclosure No. 1013, at 1 (Apr. 2, 2026) [hereinafter *Copper Retirement Notice*]. CenturyLink stated that “there are currently no working circuits on these facilities” and that it “has not deployed facilities to replace the copper facilities being retired.” *Id.* at 2. CenturyLink indicated only that it “will assess the need for such replacement facilities going forward, as necessary.” *Id.*

The physical condition of CenturyLink’s plant in the Leonard exchange reflects the same pattern of neglect. Photographs of CenturyLink’s facilities in the exchange, attached hereto as Exhibit A, depict infrastructure in a state of disrepair consistent with a carrier that has ceased maintaining its network. *See* Exhibit A. Beyond Leonard, CenturyLink is pursuing the same VoIP migration strategy in additional North Dakota exchanges, confirming that its departure from wireline ILEC service is systematic rather than isolated.

C. The Red River and BEK Proceedings

On October 9, 2025, the Commission approved Red River Rural Telephone Association’s CPCN and ETC applications for the Wahpeton exchange. *Red River Rural Tel. Ass’n Wahpeton Exch. Pub. Convenience & Necessity*, Case Nos. PU-25-185 & PU-25-190, Order at 1, 5 (N.D. Pub. Serv. Comm’n Oct. 9, 2025 (*Red River Order*)). Red River had completed 98.5% of its fiber-to-the-home network and served approximately 424 wireline subscribers, compared to CenturyLink’s 228 voice customers. *Id.* at 3. The Commission made the same findings it had made in the Griggs order—that Red River “occupies a market position comparable to a legacy ILEC” and “has substantially replaced the legacy ILEC”—and concluded that it “does not find it necessary to relinquish, but does find it appropriate to transfer to a competitive local exchange carrier (CLEC) CenturyLink’s certificate of public convenience and necessity for the Wahpeton exchange.” *Id.*

On March 5, 2026, the Commission reached the same result in BEK Communications Cooperative’s applications for the Valley City exchange. *BEK Commc’ns Coop. Valley City Exch. Pub. Convenience & Necessity*, Case Nos. PU-25-285 & PU-25-286, Order at 1, 5 (N.D. Pub. Serv. Comm’n Mar. 5, 2026) (*BEK Order*). BEK had completed 100% of its fiber-to-the-home network and served approximately 858 voice lines to 538 wireline subscribers, compared to CenturyLink’s 276 voice lines and 85 broadband lines. *Id.* at 3. CenturyLink challenged the Commission’s authority to grant ILEC status or transfer its certificate. *Id.* The Commission rejected that challenge, finding authority under N.D. Cent. Code §§ 49-21, 49-03.1 and N.D. Admin. Code § 69-09-05-11, and noting it has exercised this authority for over twenty years. *Id.* at 3–4. The Commission again transferred CenturyLink’s certificate to CLEC status, using language identical to the Red River order. *Id.* at 4.

III. Argument

A. Commission Precedent Compels Transfer.

The Leonard and Kindred exchanges are the only exchanges in which the Commission has declined to transfer CenturyLink's certificate to CLEC status after recognizing a new ILEC. *Griggs Order* at 3. In both subsequent proceedings—Red River and BEK—the Commission ordered transfer on the same pattern of facts. *Red River Order* at 3, 5; *BEK Order* at 4, 5.

No factual distinction justifies this disparity. Griggs' case was, and remains, at least as compelling. Griggs achieved a 100% overbuild, compared to 98.5% in Red River, and captured approximately 95% of wireline subscribers, a higher percentage than either Red River or BEK. *Compare Griggs Order* at 3, *with Red River Order* at 3, *and BEK Order* at 3. And the Commission made identical ultimate findings in all three proceedings. *See supra* Sections II.A, II.C. Consistent application of the Commission's own framework requires transfer here.

To the extent CenturyLink may challenge the Commission's authority to order transfer, that issue is settled. In BEK, CenturyLink asserted the Commission lacked authority to grant ILEC status or transfer CenturyLink's certificate. The Commission squarely rejected that challenge, finding authority under N.D. Cent. Code §§ 49-21, 49-03.1 and rules under N.D. Admin. Code § 69-09-05-11—rules first promulgated in 2001, refined in 2006, and applied for over twenty years. *BEK Order* at 3–4.

B. Changed Circumstances Warrant Transfer.

As detailed in Section II.B above, CenturyLink has relinquished its ETC designation for Leonard, sought FCC authority to discontinue its wireline service entirely, notified its remaining subscribers that their service will be disconnected, and filed to retire all copper facilities in the Leonard wire center with no replacement infrastructure and no remaining working circuits. Indeed, CenturyLink's disengagement from the Leonard exchange began even before the Commission's March 2025 order, when its central office was forfeited to Cass County over \$84.86 in unpaid property taxes. These are not the actions of an incumbent carrier. They are the actions of a carrier that has abandoned the exchange.

CenturyLink's migration to its Connected Voice product underscores the point. Connected Voice is a VoIP offering that bears no resemblance to the legacy wireline service contemplated by an ILEC certificate. CenturyLink is pursuing this same migration in additional North Dakota exchanges, making clear that its withdrawal from wireline ILEC service is a deliberate business strategy, not an anomaly.

The disconnect between CenturyLink's stated direction and its operational conduct is further illustrated by its approach to interconnection with Griggs. Although CenturyLink is migrating its own subscribers to IP-based service, it has refused to use IP interconnection at its meet point with Griggs, insisting on legacy arrangements that it is simultaneously abandoning on

its own network. This contradiction underscores that CenturyLink has no long-term commitment to maintaining operations of any kind in these exchanges.

None of these facts were before the Commission in March 2025.

C. The Maintenance of CenturyLink’s CPCN as an ILEC in the Leonard and Kindred Exchanges Contravenes CenturyLink’s Statutory Duties.

It is clear from the facts set forth above that CenturyLink has abandoned any pretense of its common carrier or carrier of last resort obligations under North Dakota law. This failure, while maintaining ILEC status, negates CenturyLink’s statutory public interest duties. Section 49-21-02 of the North Dakota Century Code spells this duty out, and reads as follows:

Telecommunications Companies Common Carriers – Public Policy

All persons providing telecommunications service within this state *shall be Common Carriers and are hereby declared to be affected with a public interest* and subject to regulation and general supervision by the Commission.

N.D. Cent. Code § 49-21-02 (emphasis supplied).

This section goes on to declare the state’s policy of making available to “all” people of the state modern telecommunications services, at economic and reasonable cost; allowing the development of competitive markets for telecommunication services; maintaining reasonable charges without unreasonable discrimination or unfair or destructive competitive practices; and encouraging the establishment and maintenance of a strong telecommunications industry. *See* N.D. Cent. Code §§ 49-21-02(1)–(3), (4).

It is beyond reasonable debate that CenturyLink is a common carrier under Section 49-21-02. Common carriers are, among other things, required to hold themselves out to the public “indifferently.” *See, e.g., Nat’l Ass’n of Regulatory Util. Comm’rs v. FCC*, 525 F.2d 630, 641 (D.C. Cir. 1976) (implicit in common carrier concept is that carrier “undertakes to carry for all people indifferently”). This obligation to serve indifferently is, in effect, a carrier of last resort requirement.

CenturyLink’s almost studied lack of plant maintenance, including failure to pay relevant taxes on network plant, as described above, is flatly inconsistent with CenturyLink’s statutory common carrier charge. The related statutory requirement “to make available to all people of the state modern and efficient telecommunications services” has also been honored in the breach. N.D. Cent. Code § 49-21-02(1) (emphasis supplied). CenturyLink has now relinquished its ETC designation, obtained FCC authority to discontinue service, and filed to retire all copper in the Leonard wire center—reporting zero remaining working circuits and no replacement facilities.

Copper Retirement Notice at 1–2. CenturyLink is not merely failing to serve; it has affirmatively exited the exchange.

At bottom, CenturyLink fails to meet the bedrock requirement of common carriage in the Leonard and Kindred exchanges in that it is not a carrier of last resort, or perhaps any resort given its abandonment of these exchanges. CenturyLink’s continued maintenance of an ILEC classification, coupled with its lack of service or maintenance for both exchanges, warrants transfer of its certificates to CLEC status.

D. Transfer Serves the Public Interest.

ILEC status carries concrete obligations. Under Section 251(c) of the Communications Act, ILECs must provide interconnection, unbundled network element access, and resale. 47 U.S.C. § 251(c). CenturyLink is not meeting these obligations in the Leonard and Kindred exchanges, and the record of abandonment detailed in Section II.B demonstrates it has no intention of doing so. Griggs, as the recognized ILEC, is subject to and actively fulfilling these requirements.

Allowing CenturyLink to retain nominal ILEC status while dismantling its network and exiting the market creates a regulatory fiction that serves no public purpose. Transfer to CLEC status would align CenturyLink’s designation with reality and complete the reclassification the Commission has already found to be in the public interest. *Griggs Order* at 3.

E. The Kindred Exchange Should Be Treated Consistently with Leonard.

The Commission’s March 2025 order treated the Leonard and Kindred exchanges as a single matter, making identical findings and granting identical relief for both. *Griggs Order* at 3, 5. Griggs holds separate CPCNs for each exchange—No. 6007 for Leonard, No. 6008 for Kindred—and both were relinquished from CenturyLink’s study area in the same order. *Id.* at 5.

The condition of CenturyLink’s plant in the Kindred exchange mirrors that of Leonard. Photographs of CenturyLink’s facilities in both the Leonard and Kindred exchanges, attached hereto as Exhibit A, depict infrastructure in a state of disrepair consistent with a carrier that has ceased maintaining its network. *See* Exhibit A. CenturyLink’s neglect of its physical plant is not confined to a single exchange—it reflects a uniform pattern of disinvestment across both exchanges that the Commission treated as a single matter.

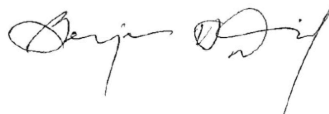
There is no basis for treating the two exchanges differently with respect to transfer. The Commission’s precedent, the public interest in accurate regulatory designation, and the Commission’s own findings apply with equal force to both.

Prayer for Relief

Wherefore, Griggs County Telephone Company respectfully requests that the Commission:

1. Find that CenturyLink's maintenance of ILEC status in the Leonard and Kindred telephone exchanges, while failing to fulfill the common carrier obligations imposed by N.D. Cent. Code § 49-21-02 and the duties attendant to ILEC classification, is contrary to the public interest, convenience, and necessity;
2. Order that CenturyLink Communications, LLC's Certificate of Public Convenience and Necessity for the Leonard, North Dakota telephone exchange be transferred to competitive local exchange carrier status;
3. Order that CenturyLink Communications, LLC's Certificate of Public Convenience and Necessity for the Kindred, North Dakota telephone exchange be transferred to competitive local exchange carrier status; and
4. Grant such other and further relief as the Commission deems just and proper.

Sincerely,



Benjamin H. Dickens, Jr.
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Counsel to Griggs County Telephone Company

Attachment: Exhibit A - CL Plant Photos - Leonard & Kindred.zip