

June 22, 2026

Via Electronic Mail & Hand Delivery

Mr. Brian Johnson
North Dakota Public Service Commission
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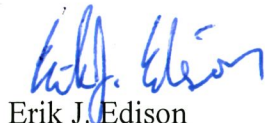
**In re: Griggs County Telephone Company v. CenturyLink
Communications, LLC
Complaint
Case No. PU-26-157**

Dear Mr. Johnson:

Enclosed for filing in the above-referenced matter, please find eight copies of Qwest Corporation dba CenturyLink QC's Response to Complaint.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Erik J. Edison

EJE/lh
Enc.

cc: Benjamin H. Dickens, Jr. (via email & U.S. Certified Mail)
Salvatore Taillefer, Jr. (via email & U.S. Certified Mail)
Victor Schock (via email)
Jason D. Topp (via email)

BEFORE THE STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**Griggs County Telephone Co.
v. CenturyLink Communications LLC
Complaint**

Case No. PU-26-157

Qwest Corporation dba CenturyLink QC's Response to Complaint

Griggs County Telephone Company ("Griggs") has filed a complaint against CenturyLink Communications, LLC ("CCLLC") in this proceeding seeking to have the North Dakota PSC issue an order granting Griggs incumbent local exchange carrier status in the Leonard and Kindred exchanges. Griggs' complaint names the wrong defendant, seeks relief from the North Dakota Commission that only the FCC has the authority to grant and fails to address how it intends to meet a variety of regulatory obligations that come with incumbent status.

This complaint follows on the heels of other filings before this Commission seeking to transfer Incumbent status to an entity that has overbuilt an area. To our knowledge, North Dakota is unique in addressing such requests. We are aware of no other state that has attempted to convert a competitive local exchange carrier to an incumbent local exchange carrier.

To the extent a change in designation is appropriate; the FCC is the appropriate entity to do so under both state and federal law. Consistent with this view, Grigg's is already seeking the relief it seeks here before the FCC. The complaint in this proceeding should be dismissed.

CenturyLink disputes many of the facts alleged in the complaint but believes resolving those disputes need not require a hearing. The appropriate action for the Commission to take in this case is to dismiss the case and allow Griggs to obtain the relief it seeks from the FCC.

Any other approach creates a mess that constitutes a mishmash of inconsistent state and federal designations at a time when the significance of the regulatory distinction between ILEC

and CLEC status is diminishing and may ultimately become irrelevant as the world moves to an interconnection regime based on the exchange of internet protocol traffic, the rules for which are currently pending in federal proceedings.

I. Answer Requirements in NDAC 69-02-02-03

a. Title of Proceeding and Docket Number:

These items are listed in the heading of this Answer

b. Name and address of each answering party

CenturyLink Communications LLC
100 CenturyLink Drive
Monroe, LA 71203-2041

Qwest Corporation dba CenturyLink QC
100 CenturyLink Drive
Monroe, LA 71203-2041

c. Specific Denial of each material allegation which is controverted by the party

Attached as Exhibit A is a document quoting the apparent allegations in the complaint and responding to them. Respondent has attempted to respond to all material allegations set forth in the complaint; however, the Complaint does not clearly set forth the factual allegations in a concise manner. Instead, the Complaint is written like a brief or legal memorandum that contains a mix of allegations and legal argument. To the extent the Commission believes Respondent has not specifically denied or responded to a material allegation, Respondent requests leave to amend its answer to address all material allegations

d. Statement of any new matter which may constitute a defense;

See sections I, II and III below.

Response to Arguments in the Complaint

I. Griggs Filed This Complaint Against the Wrong Entity

Griggs lists CenturyLink Communications, LLC (“CCLLC”) as the entity it brings a complaint against and as the entity it seeks to convert from ILEC to CLEC status. CCLLC is a CLEC in North Dakota and is not an incumbent provider. From the allegations in the complaint, it is clear Griggs is seeking relief against Qwest Corporation dba CenturyLink QC (CenturyLink QC) which is an incumbent provider. CenturyLink QC will respond to the allegations in the complaint based on this obvious error, but the Commission should consider dismissing the complaint on this ground alone.

II. Under North Dakota and Federal Law, the FCC, and not the North Dakota Commission, determine whether a provider is an Incumbent local exchange carrier.

While the Commission has redesignated competitive local exchange carriers as incumbent local exchange carriers in recent proceedings, it should not repeat the mistake here. North Dakota statutes provide that "Incumbent local exchange carrier means a telecommunications company that meets the definition of section 251(h) of the federal act.” NDCC 49-21-01(6).

Under 47 USC 251(h)(1), an incumbent local exchange carrier is defined as:

(h) (1) “Incumbent local exchange carrier” Definition

For purposes of this section, the term “incumbent local exchange carrier” means, with respect to an area, the local exchange carrier that—

- 2 (A) on February 8, 1996, provided telephone exchange service in such area; and
- (B) (i) on February 8, 1996, was deemed to be a member of the exchange carrier association pursuant to section 69.601(b) of the Commission’s regulations (47 C.F.R. 69.601(b)); or (ii) is a person or entity that, on or after February 8, 1996, became a successor or assign of a member described in clause (i).

If a company desires to change the incumbent local exchange carrier, 47 USC 251(h)(2) describes the method for doing so:

2)Treatment of comparable carriers as incumbents: The Commission may, by rule, provide for the treatment of a local exchange carrier (or class or category thereof) as an incumbent local exchange carrier for purposes of this section if— (A) such carrier occupies a position in the market for telephone exchange service within an area that is comparable to the position occupied by a carrier described in paragraph (1); (B)such carrier has substantially replaced an incumbent local exchange carrier described in paragraph (1); and (C)such treatment is consistent with the public interest, convenience, and necessity and the purposes of this section.

The term “Commission” refers to the FCC and not to a state Commission. 47 U.S.C. § 154

(a). Thus, Grigg’s request to the North Dakota PSC is not authorized by state or federal law.

Indeed, Griggs has filed such a request. The FCC is reviewing such an application filed by Griggs County Telephone Company and is seeking an FCC rulemaking procedure related to this precise issue.¹

III. Griggs fails to discuss how it will meet its obligations under 47 USC 251 if it obtains Incumbent status.

The FCC granted a request in 2006 for a competitor to assume ILEC status in a Qwest exchange in Montana. The FCC’s decision demonstrates many complexities associated with redesignating an ILEC in an exchange, none of which are addressed in the complaint.² For example, in the Mid-River case, the FCC ruled:

5. Section 251 of the Act establishes different pro-competitive requirements for telecommunications carriers, LECs, and incumbent LECs with the most rigorous requirements

¹ See Public Notice, Petition of Griggs County Telephone Company for an Order and Rule Pursuant to Section 251(h)(2) of the Communications Act to be Declared an Incumbent Local Exchange Carrier in Leonard and Kindred, North Dakota, RM-12011 (December 5, 2025) available at [DOC-415776A1.pdf](#).

² Petition of Mid-Rivers Telephone Cooperative, Inc. for Order Declaring It to be an Incumbent Local Exchange Carrier in Terry, Montana Pursuant to Section 251(h)(2), FCC 06-132, WC Docket No. 02-78, rel. October 11, 2006 <https://docs.fcc.gov/public/attachments/FCC-06-132A1.pdf>

applying to incumbent LECs. In particular, an incumbent LEC is subject to the requirements of section 251(c) as well as the requirements of sections 251(a) and (b).¹

A. The Petition fails to detail how Griggs will meet its obligation under 47 USC 251 (a) to interconnect.

ILEC status carries concrete obligations. 47 USC 251(a) imposes the obligation to interconnect.³ This interconnection obligation is, at this time, an obligation to interconnect in Time Division Multiplexing protocol (“TDM”).⁴ Griggs needs to address how it will meet this obligation. Its Complaint suggests its preferred approach is to not offer interconnection in TDM.⁵

All industry players recognize the need to convert to internet protocol (“IP”) interconnection⁶, but the FCC has not yet set rules on such an obligation. By forcing this issue now, Griggs is taking on an obligation to interconnect in a TDM format until the FCC changes the rules. Griggs should be required to confirm it will meet its interconnection obligations and explain how it will do so.

B. The Complaint fails to detail how Griggs will meet its obligations under 47 USC 251(b) and (c).

47 USC 251(b) obligations apply to all local exchange carriers. Griggs does not address how such obligations will be applied if its requested relief is granted.

³ 47 USC 251(a) imposes the following duties:

(1) to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers; and
(2) not to install network features, functions, or capabilities that do not comply with the guidelines and standards established pursuant to [section 255 or 256 of this title](#).

⁴ The FCC has noted: “And yet, section 251(c)(2) of the Act has appeared to stymie the continued transition to all-IP networks by forcing incumbent LECs to maintain legacy, circuit-switched infrastructure in order to fulfill their statutory obligation to interconnect with other telecommunications carriers that request interconnection in TDM.” The FCC has opened a proceeding to change these obligations but has not changed them yet.

⁵ The Complaint criticizes CenturyLink because 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.” Griggs does not acknowledge that CenturyLink has an obligation to interconnect in TDM or that CenturyLink does not want to get ahead of FCC rules before it converts its 16-state interconnection network to IP protocols.

⁶ “Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization” (FCC 26-19, Report & Order, released March 27, 2026) available at <https://docs.fcc.gov/public/attachments/FCC-26-19A1.pdf>

(b) Obligations of all local exchange carriers

Each local exchange carrier has the following duties: related to resale, number portability, dialing parity, access to rights of way and reciprocal compensation.⁷ Given that Griggs provides services on an internet protocol basis, it is unclear how these obligations apply and how they will be implemented. Griggs does not address these issues.

47 USC 251(c) imposes obligations on incumbent local exchange carriers including duties to negotiate, interconnect, and provide access to elements of its network, among others. Applying these obligations to a provider that is a rural exchange carrier that might be exempt from portions of these obligations to an exchange that was formerly an exchange of a regional bell operating company can be a complicated process as the Mid River proceeding demonstrated.

C. The issues associated with antiquated ILEC obligations are under Review before the FCC today and this Commission should allow that process to play out before accepting Griggs' invitation to apply a legacy concept of Incumbent local exchange carrier.

The FCC has opened two key proceedings underway that will significantly change how ILECs and CLECs operate. Its Network Modernization Order⁸ is changing the rules of the road related to legacy operations and paves the way for reducing obligations associated with legacy services. IP Interconnection Order⁹ the FCC initiates a fundamental reexamination of the interconnection regime governing voice services, focusing on the transition from legacy time-division multiplexing (TDM) networks to IP-to-IP interconnection. The Commission proposes to forbear from incumbent LEC-specific interconnection obligations under Sections 251(c)(2) and (c)(6)—

⁷ 47 USC 251(b)b

⁸ Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization, Report and Order, FCC 26-19, WC Docket Nos. 25-208, 25-209 (rel. Mar. 27, 2026).

⁹ Advancing IP Interconnection; Accelerating Network Modernization; Call Authentication Trust Anchor, Notice of Proposed Rulemaking, FCC 25-73, WC Docket Nos. 25-304, 25-208, 17-97, 40 FCC Rcd 8566 (rel. Oct. 29, 2025).

potentially eliminating those requirements and their implementing rules by December 31, 2028—on the ground that they impose costly burdens tied to outdated infrastructure. At the same time, the FCC seeks comments on what regulatory framework, if any, should replace the existing regime, including the scope of its statutory authority over IP interconnection and interconnected VoIP.

Here, Griggs seeks to be designated as an ILEC. It seeks to undertake a series of obligations that will likely change significantly. It does so without explaining how it will approach compliance and how changed obligations will affect its operations.

CONCLUSION

Grigg's complaint names the wrong defendant, fails to address basic obligations associated with being an incumbent provider, duplicates an application it already filed with the FCC and raises disputed facts that will require a hearing if the Commission decides to proceed with it. It should be dismissed and Griggs' pending application before the FCC should resolve its request for relief.

CenturyLink Communications, LLC respectfully requests that the Commission issue the following relief:

1. Dismiss the complaint for failure to name the appropriate defendant; and
2. Deny Grigg's requested relief for the reasons stated in this response.

DATED this 22nd day of June, 2026.

Respectfully submitted,

By: /s/ Jason D. Topp
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Response to Material allegations in Compliant

I. Introduction

Allegation: 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.

Response: Deny CenturyLink Communications LLC is an incumbent carrier in North Dakota. Admit Commission Issued orders in the cited cases. Those orders speak for themselves.

Allegation: 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.

Response: Deny circumstances have materially changed. Admit that Qwest Corporation dba CenturyLink QC has taken affirmative steps to discontinue copper based services in the Leonard exchange. Deny that CenturyLink Communications LLC has an incumbent certificate to transfer.

II. Background

A. The Commission’s March 2025 Order

Allegations:

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

Response: Admit

B. CenturyLink’s Abandonment of the Leonard Exchange

Allegation:

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.

Response: Deny CenturyLink has abandoned the Leonard exchange. Admit that a property tax proceeding took place.

Griggs alleges that CenturyLink has abandoned the Leonard Exchange. They go on to describe the customer notice which indicates CenturyLink customers can switch to the CenturyLink Connected Voice with Air-Line product. They cannot have it both ways. The truth is that we have retired the copper facilities which had very few subscribers. Transitioning our customers to a modern VoIP offering and migrating them off of the old copper facilities does not mean we have abandoned the exchange. We have indicated we will continue to serve customers as the ILEC including maintaining ETC obligations, just not over the aging copper. We will remain serving customers in these exchanges via our Connected Voice with Air-Line which the FCC has deemed an acceptable alternative technology to provide basic service.

Allegation:

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.

Response: Deny. We have indicated we will continue to serve customers as the ILEC including maintaining ETC obligations, just not over the aging copper. We will remain

serving customers in these exchanges via our Connected Voice with Air-Line which the FCC has deemed an acceptable alternative technology to provide basic service.

C. The Red River and BEK Proceedings

Allegations:

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.

Response: Admit

Allegations: - Argument Section

Response: These allegations are labeled argument, to which no specific answer is required. To the extent any of the allegations are considered material, they should be considered denied.

BEFORE THE STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

**Griggs County Telephone Company v.
CenturyLink Communications, LLC
Complaint**

Case No. PU-26-157

CERTIFICATE OF SERVICE

[¶1] I hereby certify that on the 22nd day of June, 2026, a true and correct copy of the following document:

1. Qwest Corporation dba CenturyLink QC's Response to Complaint

was filed with the North Dakota Public Service Commission via electronic mail and hand delivery, and were served via electronic mail and U.S. Certified Mail, return receipt requested, upon the following:

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Dated this 22nd day of June, 2026.

By: /s/ Erik J. Edison
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