

**BEFORE THE STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

Griggs County Telephone Company v.
CenturyLink Communications, LLC
Complaint

Case No. PU-26-157

MOTION FOR LEAVE TO AMEND COMPLAINT

Introduction

1. Complainant Griggs County Telephone Company (“Griggs”) respectfully moves the North Dakota Public Service Commission (“Commission”) for leave to amend its Complaint to add Qwest Corporation d/b/a CenturyLink QC (“CenturyLink QC”) as a Respondent alongside CenturyLink Communications, LLC (“CCLLC”). The amendment is authorized by the Commission’s own rules of practice and procedure, N.D. Admin. Code §§ 69-02-02-07 and 69-02-02-02, and is supported by the North Dakota Rules of Civil Procedure to the extent the Commission looks to them as gap-filling authority. The amendment adds no new claims. It conforms the caption to the entity that Respondent itself has identified as the certificate holder and party in interest, and that the Commission’s records confirm holds the incumbent certificates at issue.

Background

2. On April 17, 2026, Griggs filed the above-captioned Complaint, seeking transfer of the incumbent local exchange carrier certificates of public convenience and necessity (“CPCNs”) for the Leonard and Kindred telephone exchanges to competitive local exchange carrier status.

3. The CPCN authority for the Leonard exchange (prefix 645) and the Kindred exchange (prefix 428) was issued by the Commission in Case Nos. PU-00-030/13-235/04-160. Griggs identified those issuing dockets, and the incumbent’s authority thereunder, in its own application

in the underlying proceeding. *See* Application for Certificate of Public Convenience and Necessity and Request for Recognition as an Incumbent Local Exchange Carrier, Case No. PU-24-386, at ¶ 2 (filed Dec. 23, 2024).

4. The certificates of public convenience and necessity for the Leonard and Kindred exchanges are issued to Qwest Corporation—the legal entity that does business as CenturyLink QC. The Commission’s published registry of Incumbent Telecommunications Providers likewise identifies the incumbent holder for these exchanges as “Qwest Corporation (CenturyLink).” And in its August 1, 2025 Petition for Partial Relinquishment of ETC Designation in the Leonard Exchange—filed in the name of Qwest Corporation d/b/a CenturyLink QC—the incumbent represented to the Commission that it “is not seeking to modify its Certificate of Public Convenience and Necessity.” Together these confirm that Qwest Corporation d/b/a CenturyLink QC is the holder of the CPCNs Griggs seeks to have transferred.

5. On June 22, 2026, Erik J. Edison (Crowley Fleck PLLP) and Jason D. Topp (pro hac vice pending) filed a pleading captioned “Qwest Corporation dba CenturyLink QC’s Response to Complaint.” That Response answers the material allegations of the Complaint on the merits, including through Exhibit A, which provides paragraph-by-paragraph admissions and denials. Response, Ex. A.

6. In that Response, CenturyLink QC expressly acknowledges the naming issue and identifies itself as the party in interest: “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.” Response at 2–3.

Legal Standard

7. The Commission's rules of practice and procedure expressly authorize amendment of pleadings. N.D. Admin. Code § 69-02-02-07(1) provides that "[t]he commission may, after notice to the other parties to a proceeding, allow any pleading to be amended and may permit any party affected by the amendment a reasonable time to prepare to meet the changed issues."

8. The Commission's rules further provide that the remedy for a complaint that does not conform to the applicable requirements is leave to amend—not dismissal in the first instance. N.D. Admin. Code § 69-02-02-02(4) directs that where a complaint "does not conform to this article, the commission will notify the complainant and provide the complainant an opportunity to amend within a specified time," and that the complaint "will be dismissed" only "[i]f the complaint is not amended." The rule requiring that a complaint identify "the name of each respondent," N.D. Admin. Code § 69-02-02-02(2), is precisely the requirement the amendment satisfies.

9. To the extent the Commission looks to the North Dakota Rules of Civil Procedure as gap-filling authority, they point the same direction. N.D.R.Civ.P. 15(a)(2) provides that leave to amend "should ... be freely given when justice so requires." N.D.R.Civ.P. 15(c) provides that an amendment changing the party against whom a claim is asserted relates back where the claim arises from the same conduct, transaction, or occurrence; the party to be added received such notice that it will not be prejudiced in defending on the merits; and it knew or should have known the action would have been brought against it but for a mistake concerning the proper party's identity. N.D.R.Civ.P. 21 provides that "[m]isjoinder of parties is not a ground for dismissing an action," and that the tribunal "may at any time, on just terms, add or drop a party."

Argument

10. Section 69-02-02-07(1) authorizes the Commission to allow amendment of any pleading on notice to the other parties. Section 69-02-02-02(4) makes clear that where a complaint does not conform to the naming or other requirements of Article 69-02, the prescribed course is to permit amendment, with dismissal reserved for a complainant that fails to amend when given the opportunity. Griggs is not resisting correction; it affirmatively seeks leave to add the certificate holder. Under the Commission's own procedure, that is the remedy, and CenturyLink QC's request that the Complaint be dismissed for failure to name the correct entity is premature and contrary to the rules.

11. The entity Griggs seeks to add has already appeared and answered the Complaint on the merits, through counsel who simultaneously appear for CCLLC. The Response is captioned in CenturyLink QC's name, and CenturyLink QC acknowledges that Griggs is "seeking relief against Qwest Corporation dba CenturyLink QC." Response at 2–3. Those facts establish notice and the mistaken-identity element under N.D.R.Civ.P. 15(c), and confirm that the amendment causes no prejudice: it adds no new claim, requires no new discovery, and does not disturb the procedural schedule. The affected party is already before the Commission and has already responded to the very allegations at issue.

12. The record reflects that the incumbent has been referred to by more than one name across these proceedings—by the Commission and by the parties alike. The Commission's orders in Griggs (Case Nos. PU-24-386/387), Red River (Case Nos. PU-25-185/190), and BEK (Case Nos. PU-25-285/286) each caption and order relief with respect to "CenturyLink Communications, LLC." Griggs' own application referred to the incumbent as "Lumen Technologies, Inc." No party—CenturyLink QC included—drew the entity distinction it now raises when the Commission

relinquished or transferred these certificates in the prior proceedings. The Response itself reflects the same imprecision: though captioned, argued, and signed in the name of CenturyLink QC, its prayer for relief is submitted in the name of CCLLC. Response at 7. That history confirms the naming issue is an understandable and immaterial misnomer concerning affiliated entities within the same corporate family, not a substantive defect. The Complaint's factual allegations and prayer for relief are directed unmistakably at the incumbent holder of the Leonard and Kindred CPCNs, which the record and CenturyLink QC's own filings establish is CenturyLink QC. Substance controls over the caption, and the appropriate course is amendment.

Relief Requested

13. WHEREFORE, Griggs respectfully requests that the Commission enter an Order:

- a. Granting leave to amend the Complaint to add Qwest Corporation d/b/a CenturyLink QC as a Respondent alongside CenturyLink Communications, LLC;
- b. Deeming Respondent's June 22, 2026 Response to Complaint the answer to the amended Complaint, or, in the alternative, directing the filing of a supplemental answer within a reasonable time set by the Commission;
- c. Leaving the existing procedural schedule intact; and
- d. Granting such other and further relief as the Commission deems just and proper.

Dated: July 7, 2026.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "BHD", written in a cursive, stylized manner.

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of July, 2026, a true and correct copy of the foregoing Motion for Leave to Amend Complaint t was filed with the North Dakota Public Service Commission via electronic mail, and was served via electronic mail and Federal Express, upon the following:

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Dated this 7th day of July, 2026.

A handwritten signature in black ink, appearing to read 'Salvatore Taillefer, Jr.', with a stylized, cursive script.

Salvatore Taillefer, Jr.