

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Griggs County Telephone Company
v. Qwest Corporation dba CenturyLink QC
Complaint**

Case No. PU-26-157

ORDER ON COMPLAINT

September 9, 2026

Preliminary Statement

On April 17, 2026, Griggs County Telephone Company (Griggs) filed a formal complaint (Complaint) requesting the Commission to transfer CenturyLink Communications, LLC's (CenturyLink) Certificates of Public Convenience and Necessity (CPCN) in the Leonard and Kindred telephone exchanges in North Dakota from Incumbent Local Exchange Carrier (ILEC) to Competitive Local Exchange Carrier (CLEC).

On May 14, 2026, the Commission found the Complaint states a prima facie case, and service of the Complaint was initiated on May 15, 2026, and May 29, 2026.

On June 22, 2026, Centurylink filed a response to Griggs' Complaint.

On July 7, 2026, Griggs filed a reply to Centurylink's response and a Motion for Leave to Amend Complaint.

Discussion

Griggs is a North Dakota Corporation with offices located at 301 Dewey Street, Enderlin, North Dakota 58027.

CenturyLink Communications, LLC is a foreign corporation authorized to do business in North Dakota. It has principal offices at 100 CenturyLink Drive, Monroe, Louisiana 71203.

Qwest Corporation dba CenturyLink QC (Qwest) is a foreign corporation authorized to do business in North Dakota. It has principal offices at 100 CenturyLink Drive, Monroe, Louisiana 71203.

Grigg's July 7, 2026, Motion for Leave to Amend Complaint requests that the Complaint be amended to name Qwest rather than CenturyLink as the respondent.

Griggs' April 17, 2026, Complaint alleges Qwest has failed to fulfill its obligations under North Dakota Century Code (NDCC) Section 49-21-02 and should have its CPCNs for the Leonard and Kindred exchanges in North Dakota transferred from ILEC to CLEC status.

Grigg's Complaint asserts that Qwest has functionally abandoned the Leonard exchange by losing its physical central office due to failure to pay property taxes, requesting the Commission to relinquish its Eligible Telecommunications Carrier (ETC) designation in Leonard, requesting authority from the Federal Communications Commission (FCC) to discontinue its legacy voice service in Leonard, and filing a public notice of copper retirement that stated "there are currently no working circuits on these facilities".

Grigg's Complaint further asserts that the condition of Qwest's facilities in the Kindred exchange is substantially similar to that of the Leonard exchange's facilities.

Qwest's response to the Complaint does not provide a rebuttal to Grigg's assertions regarding the condition of its facilities in either the Leonard or Kindred exchanges. However, Qwest does assert that it does not believe the Commission has authority to determine the ILEC versus CLEC status of an ETC.

Qwest's response further asserts that it intends to serve as the ILEC in the Leonard and Kindred exchanges by utilizing its Connected voice with Air-Line (Air-Line) service. Air-Line as Qwest has demonstrated it to the Commission utilizes either another provider's cellular services (commercial mobile radio service or CMRS) or another provider's internet connection to provide service to customers using voice over internet protocol (VOIP). Neither CMRS, VOIP nor internet service is directly regulated by the Commission. While the Federal Communications Commission (FCC) may have authorized the usage of VOIP, the Commission is not bound by the FCC's decisions in matters of service quality or certificates of public convenience and necessity.

The Commission finds that allowing an ILEC to provide service using facilities that are outside the jurisdiction of the Commission is not in the public interest.

The Commission additionally finds that it does have authority under NDCC sections 49-21 and 49-03.1. Additionally, the Commission has established rules under North Dakota Administrative Code (NDAC) section 69-09-05-11, which further specifies the process required to grant ILEC status within a CPCN proceeding. The Commission rules were first promulgated in 2001 and further refined in 2006.

The Commission further finds that Qwest's suggestion for a hearing does not rise to the level of a request for a hearing. Qwest's comments assert that the Commission does not have the authority to take actions that it has taken for over twenty years and that without sufficient evidence the Commission should abandon those actions and procedures or hold a hearing. This manner of request would require the Commission to

make a decision and at the same time make a conflicting decision. This would not be proper application of North Dakota laws and rules and must be rejected.

The Commission finds it in the public interest to transfer to a CLEC Qwest's CPCN's for the Leonard and Kindred exchanges.

Order

The Commission Orders:

1. Qwest Corporation dba CenturyLink QC's Certificate of Public Convenience and Necessity for the area currently known as the Leonard exchange in North Dakota is transferred to competitive local exchange telecommunications service.
2. Qwest Corporation dba CenturyLink QC's Certificate of Public Convenience and Necessity for the area currently known as the Kindred exchange in North Dakota is transferred to competitive local exchange telecommunications service.

PUBLIC SERVICE COMMISSION

		
Sheri Haugen-Hoffart	Randy Christmann	Jill Kringstad
Commissioner	Chair	Commissioner