

Over the last several years, CenturyLink has been telling MHC landlords and tenants that it cannot continue to service, maintain, and repair its landlines in MHCs.

It cites an Arizona Corporation Commission tariff as legal authority for this and says that the same tariff requires park landlords to give it new easements for telephone lines, to agree to be responsible for any trenching work necessary to perform repairs on underground lines, and to grant it releases of liability and indemnification agreements in case anyone gets injured by temporary telephone cables laid on the surface of the park.

What it fails to disclose is that the tariff was written by CenturyLink itself, was simply approved by the Commission as part of its approval process covering rates charged by CenturyLink, and that it is in no way binding on private MHCs.

In recent weeks CenturyLink has been passing letters out to MHC tenants complaining about service problems in the parks. The letters state, in part:

We regret that the mobile home park property in which you live will not comply with CenturyLink's rules of service for repair of buried telephone lines on the property. As CenturyLink has explained to mobile home parks in Arizona, the CenturyLink rules, which are embodied in service tariffs approved by the Arizona Corporation Commission, require that the customer or the property owner perform the excavation necessary to uncover CenturyLink cables on private property that are in need of repair, or to provide the trench or underground conduit needed for replacement of cable. The Arizona Corporation Commission is the state agency which regulates telecommunications corporations. The refusal of the management at your location to do that work leaves it upon you, or face the alternative of temporary cables on the surface.

A decision by the Mobile Home Parks Administrative Law Judge makes it clear that parks have no legal responsibility to subsidize CenturyLink for telephone line maintenance. Nor do they have any obligation to cover CenturyLink's liability if people get injured by cables placed on the surface of parks as temporary repair work. While that ALJ decision is only binding on the parties involved in the case, it is guiding regarding how relevant laws are to be interpreted; and Administrative Law Judges have the function of interpreting the Arizona Mobile Home Parks Residential Landlord and Tenant Act.

Despite what CenturyLink says, the ALJ decision stated the landlord is not responsible for providing telephone service in parks or for subsidizing CenturyLink telephone landline infrastructure maintenance.

Telephone utilities are trying to abandon their old landline systems since they are expensive to maintain, are wearing out, and represent last century's technology. They are more focused on wireless technology as we get into the 21st century. Eventually the old "legacy" landline systems will be completely abandoned. But until then, it makes sense for those companies to try and shift the cost of maintaining the old systems onto others—including MHC landlords—while they continue to collect the revenues from telephone customers until the infrastructures are completely shut down.

The December 19, 2014 ALJ decision also stated:

*This case is governed by the Arizona Mobile Home Parks Residential Landlord and Tenant Act found at Arizona Revised Statutes Title 33, Chapter 11 (A.R.S. §§ 33-1401 through 33-1491). **The furnishing of outlets for telephone lines, and the maintenance thereof, is not a utility that is required by Arizona Mobile Home Parks Residential Landlord and Tenant Act** found at Arizona Revised Statutes Title 33, Chapter 11 (A.R.S. §§ 33-1401 through 33-1491).*

CenturyLink knows this but continues to pressure parks to cover the cost of their

telephone line maintenance while they collect revenue from customers for telephone service.

A.R.S. § 33-1434(A)(3) requires a park landlord to "keep all common areas of the premises in a clean and safe condition." If parks allow CenturyLink to install temporary lines that are unsafe, they could have liability to anyone being injured as a result.

Additionally, if parks take on the duty of trenching for CenturyLink lines, CenturyLink will likely later argue that parks are responsible for unburying those lines when maintenance is needed. CenturyLink may also blame problems with lines on the parks that performed the trenching work.

How to handle this situation is up to each individual park owner. It is clear, however, that mobile home parks are not legally obligated to bury CenturyLink's lines for them.

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