

---

Formal Complaint of Clifford Murray against Strata Networks	<u>DOCKET NO. 18-053-01</u> <u>ORDER GRANTING MOTION TO DISMISS</u>
--	--

---

ISSUED: October 9, 2018

**1. Background**

On July 26, 2018, Clifford Murray filed a formal complaint (“Complaint”) against UBTA-UBET Communications, Inc. d/b/a Strata Networks (“STRATA”). On August 24, 2018, STRATA filed a Response and Motion to Dismiss (“Motion to Dismiss”). On September 11, 2018, Mr. Murray filed a response to STRATA’s Motion, which he supplemented with an additional filing on September 12, 2018 (collectively, “Response”).

Mr. Murray complains STRATA has transferred an outstanding balance owing from an account in the name of his wife, Cathy Murray, to an account she jointly holds with Mr. Murray. (*See* Response at 1 and Complaint.) Mr. Murray asserts this transfer was unlawful and complains he is being billed, in his capacity as a joint account holder, for services to which he did not agree. (*Id.*)

STRATA maintains “the practice of transferring outstanding debts from one account to another account for a similar class of service (such as residential to residential) is a legal and common practice for utility entities operating under the jurisdiction of the [PSC].” (Motion to Dismiss at 2.) STRATA cites Utah Admin. Code R746-200-4(G)(1), which applies to electric, gas, water and sewer companies (but not expressly to telecommunications companies), to support its proposition. The rule provides those utilities may transfer unpaid bills from inactive or past accounts to active or current customer accounts, provided the classes of service are similar (e.g.,

residential to residential, not commercial to residential) and certain other enumerated conditions are met.

## **2. Findings, Conclusions, and Order**

First, while no rule expressly addresses the transfer of a telecommunications customer's delinquent account balance from an individual account to a joint account, the rules support an inference that such a transfer is appropriate under the circumstances described here. For example, the administrative rules governing telecommunications corporations provide "cohabitation of a current account holder with one who is a delinquent account holder who was previously terminated for non-payment" is insufficient as grounds for termination "unless the current and delinquent account holders also cohabited during the time the delinquent account holder received the telecommunications corporation's service." Utah Admin. Code R746-240-6(B)(2). The rule further provides that "delinquency in payment for service by a previous occupant at the premises to be served *other than a member of the same family or household*" is insufficient grounds for termination. (*Id.* Emphasis added.) Finally, the rule provides "a delinquent account, accrued prior to the commencement of a divorce or separate maintenance action in the courts, in the name of a former spouse" is insufficient grounds for termination of telecommunications service. (*Id.*)

These rules apply to termination of service, which is not presently at issue in this docket, and the record before the PSC is not clear as to the living arrangement between Mr. Murray and his wife, Cathy Murray. However, Mr. Murray premises his Complaint on his assertion that the transfer of an outstanding balance from a customer's terminated individual account to a jointly

DOCKET NO. 18-053-01

- 3 -

held account is, on its face, unlawful. Mr. Murray has cited no law or regulation to support his contention, which we conclude is difficult to reconcile with the rules governing termination of service in the context of cohabitation and marriage. Indeed, the rules governing termination support an inference that, in transferring the outstanding balance from Cathy Murray's individual account to her jointly held account, STRATA did not act in a manner inconsistent with our administrative rules.

Having reviewed the Complaint and Mr. Murray's Response, the PSC concludes Mr. Murray has not alleged STRATA to have violated any governing statute, administrative rule, STRATA's bylaws, or its customer agreements. Additionally, the PSC is not independently aware of any applicable law, regulation, or agreement that STRATA's transferring of the outstanding balance violates.

The Motion to Dismiss is granted.

DATED at Salt Lake City, Utah, October 9, 2018.

/s/ Michael J. Hammer  
Administrative Law Judge

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#304879

DOCKET NO. 18-053-01

- 4 -

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this written order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on October 9, 2018, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Clifford Murray ([4crystaludball@gmail.com](mailto:4crystaludball@gmail.com))

Lana Berrett ([lberrett@stratanetworks.com](mailto:lberrett@stratanetworks.com))

Beau Hancock ([bhancock@stratanetworks.com](mailto:bhancock@stratanetworks.com))

Strata Networks

Patricia Schmid ([pschmid@agutah.gov](mailto:pschmid@agutah.gov))

Justin Jetter ([jjetter@agutah.gov](mailto:jjetter@agutah.gov))

Robert Moore ([rmoore@agutah.gov](mailto:rmoore@agutah.gov))

Steven Snarr ([stevensnarr@agutah.gov](mailto:stevensnarr@agutah.gov))

Assistant Utah Attorneys General

Erika Tedder ([etedder@utah.gov](mailto:etedder@utah.gov))

Division of Public Utilities

By Hand-Delivery:

Office of Consumer Services  
160 East 300 South, 2nd Floor  
Salt Lake City, UT 84111

---

Administrative Assistant