

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Investigation of the)
Customer Complaints Against AT&T)
COMMUNICATIONS,)
Respondent)

DOCKET NO. 00-087-01

REPORT AND ORDER

ISSUED: March 22, 2000

SYNOPSIS

The Commission found that in all instances on which the instant Petition for Order to Show Cause was based, the Commission either lacked jurisdiction, or no violation of Commission rule was properly alleged. Accordingly the Commission denied the Petition.

Appearances:

Laurie Noda, Assistant Attorney General	For	Division of Public Utilities, Utah Department of Commerce, Petitioner
Richard S. Wolters	"	AT&T Communications, Respondent

By the Commission:

PROCEDURAL HISTORY

This matter was initiated by a Petition for Order to Show Cause dated January 20, 2000. The Petition alleged AT&T Communication's ("Respondent") ongoing series of violations of Commission rules governing informal customer complaints. The kernel of the alleged violations was Respondent's failure to respond and/or resolve the informal customer complaints within five days of notification of the same from The Division of Public Utilities, Utah Department of Commerce (Petitioner). Respondent filed its answer with a motion to dismiss February 1, 2000.

In reviewing the Petition, the answer, and the applicable rule, it is patent the Petition must be denied. Almost all the complaints are based on Federal tariffs, outside the Commission's jurisdiction. As for those arguably within the Commission's jurisdiction, Petitioner has misconstrued the rule in question. The five-day reporting rule is imposed on the Petitioner, not Respondent. And the rule only comes into play after an attempt to mediate the complaint. To impose such a short time on Respondent to resolve and/or respond would be unreasonable.

In fact, all the complaints on which the Petition was based were resolved within 30 days. We find such a record not a basis for sanctions, but, on the contrary, highly commendable. Accordingly, we enter the following

ORDER

WHEREFORE, IT IS HEREBY ORDERED that:

The Petition for Order to Show Cause be, and it is, denied.

Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure so to do will forfeit the right to appeal to the Utah Supreme Court.

DATED at Salt Lake City, Utah, this 22nd day of March, 2000.

/s/ A. Robert Thurman, Administrative Law Judge

Approved and Confirmed this 22nd day of March, 2000, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard, Commission Secretary