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Department of
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**Division of
Public Utilities**

CONSTANCE B. WHITES
Director



MEMORANDUM

DATE: November 17, 2005

TO: **Public Service Commission**

FROM: **Division of Public Utilities**
Constance White, Director
Kent Evans, Manager Customer Service
Rea Petersen, Administrative Assistant

RE: Edgemont Auto Service vs McLeodUSA
Docket No. 05-2249-01

Recommendation: Schedule a hearing

Complaint Analysis: Paul Ashton filed an informal complaint with the Division of Public Utilities on August 9, 2005. Mr. Ashton stated he was very specific with the type of services he needed for his business when talking to Jennifer, a salesperson with McLeod. Mr. Ashton wanted all service with one company - a package deal including DSL, which was a requirement of the State for his type of business. Mr. Ashton claims he had several conversations with Jennifer, each time questioning her about the DSL service. Each time she assured him McLeod could provide DSL service. Mr. Ashton claims the DSL service never worked. At the end of July a tech from McLeod advised him they could not provide DSL service. At that point Mr. Ashton contacted another company for service.

McLeod billed Mr. Ashton an early termination fee which McLeod claims is the early termination for the local lines since they worked fine. Mr. Ashton contends he signed up for a package deal so just because one service worked he could not operate his business without all services working, therefore he had no choice but to go to another company that could provide all services. Mr. Ashton contends he was very specific of his need since his business has specific requirements for service but McCloud was not truthful or up front about the service they could provide. Since DSL did not work, the phone lines aren't any good to him.

The Division is recommending a hearing be set in the matter.

